

ATTACHMENT A: PROPOSED TEXT FOR THE NEW CENTRAL BUSINESS ZONES CHAPTER

Note: Entire Chapter 17.58 is composed of new text and therefore not redlined, except changes made at or since the 4/15/09 Planning Commission meeting. Additions are underlined; deletions are in ~~strikeout~~. (See Attachment E for narrative explanation of the changes)

Chapter 17.58 CENTRAL BUSINESS DISTRICT ZONES REGULATIONS

SECTIONS:

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17.58.010 Title, Purpose, and Applicability

- A. Intent.** The provisions of this Chapter shall be known as the Central Business District (CBD) regulations. The intent of the CBD regulations is to:
1. Encourage, support, and enhance the Central Business District as a high density, mixed use urban center of regional importance and a primary hub for business, communications, office, government, urban residential activities, technology, retail, entertainment, and transportation.
 2. Encourage, support, and enhance a mix of large-scale offices, commercial, urban high-rise residential, institutional, open space, cultural, educational, arts, entertainment, services, community facilities, and visitor uses.
 3. Enhance the skyline and encourage well-designed, visually interesting, and varied buildings.
 4. Encourage and enhance a pedestrian-oriented streetscape.
 5. Encourage vital retail nodes that provide services, restaurants, and shopping opportunities for employees, residents, and visitors.
 6. Preserve and enhance distinct neighborhoods in the Central Business District.
- B. Description of zones.** This Chapter establishes land use regulations for the following four zones:
1. **CBD-R Central Business District Residential Zone.** The intent of the CBD-R zone is to create, maintain, and enhance areas of the Central Business District appropriate for residential development with small-scaled compatible ground-level commercial uses.
 2. **CBD-P Central Business District Pedestrian Retail Commercial Zone.** The intent of the CBD-P zone is to create, maintain, and enhance areas of the Central Business

District for ground-level, pedestrian-oriented, active storefront uses. Upper story spaces are intended to be available for a wide range of office and residential activities.

3. **CBD-C Central Business District General Commercial Zone.** The intent of the CBD-C zone is to create, maintain, and enhance areas of the Central Business District appropriate for a wide range of ground-floor office and other commercial activities. Upper-story spaces are intended to be available for a wide range of residential and office or other commercial activities.
4. **CBD-X Central Business District Mixed Commercial Zone.** The intent of the CBD-X zone is to designate areas of the Central Business District appropriate for a wide range of upper story and ground level residential, commercial, and compatible light industrial activity.

17.58.020 Required Design Review Process

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

17.58.030 Conditional Use Permit for Large Projects

No development that involves more than one hundred thousand (100,000) square feet of new floor area, or a new building or portion thereof of more than one hundred twenty (120) feet in height, shall be permitted except upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). This requirement shall not apply to developments that have been approved according to the planned unit development procedure (See 17.140 for the PUD procedure).

17.58.040 Permitted and Conditionally Permitted Activities

Table 17.58.01 lists the permitted, conditionally permitted, and prohibited activities in the CBD-R, CBD-P, CBD-C and CBD-X zones. The descriptions of these activities are contained in Chapter 17.10.

- “P” designates permitted activities in the corresponding zone.
- “C” designates activities that are permitted only upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure) in the corresponding zone.
- “L” designates activities subject to certain limitations or notes listed at the bottom of the Table.
- “--” designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.

Table 17.58.01: Permitted and Conditionally Permitted Activities					
Activities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Residential Activities					
Permanent	P	P(L1)	P(L1)	P	
Residential Care	P(L2)	P(L1)(L2)	P(L1)(L2)	P	17.102.212

Table 17.58.01: Permitted and Conditionally Permitted Activities					
Activities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Service-Enriched Permanent Housing	C(L2)	C(L1)(L2)	C(L1)(L2)	C	17.102.212
Transitional Housing	C(L2)	C(L1)(L2)	C(L1)(L2)	C	17.102.212
Emergency Shelter	C(L2)	C(L2)	C(L2)	C	17.102.212
Semi-Transient	C	C(L1)	C(L1)	C	
Bed and Breakfast	P	P	P	P	
Civic Activities					
Essential Service	P	P	P	P	
Limited Child-Care Activities	P(L3)	P(L5)	P	P	
Community Assembly	C	C(L6)	C	C	
Recreational Assembly	P(L3)(L4)	P(L5)	P	P	
Community Education	P(L3)(L4)	P(L5)	P	P	
Nonassembly Cultural	P(L3)(L4)	P(L4)	P	P	
Administrative	P(L4)(L7)	P(L5)	P	P	
Health Care	P(L3)(L4)	P(L4)(L5)	P	P	
Special Health Care	--	C(L6)	C	C	17.102.410
Utility and Vehicular	C	C	C	C	
Extensive Impact	C	C	C	C	
Commercial Activities					
General Food Sales	P(L4)(L7)	P(L4)	P	P	
Full Service Restaurants	P(L4)(L7)	P	P	P	
Limited Service Restaurant and Café	P(L4)(L7)	P	P	P	
Convenience Market	C(L7)	C	C	C	17.102.210
Fast-Food Restaurant	--	C	C	C	17.102.210 and 8.09
Alcoholic Beverage Sales	C(L7)	C	C	C	17.102.210 and 17.102.040
Mechanical or Electronic Games	--	C	C	C	
Medical Service	P(L4)(L7)	P(L5)	P	P	
General Retail Sales	P(L4)(L7)	P	P	P	
Large-Scale Combined Retail and Grocery Sales	--	--	--	--	
Consumer Service	P(L4)(L7)	P(L4)	P	P	
Consultative and Financial Service	P(L4)(L7)	P(L5)	P	P	
Check Cashier and Check Cashing	--	C	C	C	17.102.430
Consumer Laundry and Repair Service	P(L4)(L7)	P(L5)	P	P	
Group Assembly	C(L7)	P(L4)	P	P	
Personal Instruction and Improvement Services	P(L4)(L7)	P(L5)	P	P	
Administrative	P(L4)(L7)	P(L5)	P	P	
Business, Communication, and Media	P(L4)(L7)	P(L5)	P	P	

Table 17.58.01: Permitted and Conditionally Permitted Activities					
Activities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Services					
Broadcasting and Recording Services Commercial Activities	--	P(L5)	P	P(L4)	
Research Service	P(L4)(L7)	P(L5)	P	P	
General Wholesale Sales	--	--	--	C	
Transient Habitation	C(L8)	C(L6)	P	C	17.102.370
Wholesale and Professional Building Material Sales	--	--	--	--	
Automobile and Other Light Vehicle Sales and Rental	--	--	--	C	
Automobile and Other Light Vehicle Gas Station and Servicing	--	--	C(L9)	C(L9)	
Automobile and Other Light Vehicle Repair and Cleaning	--	--	--	--	
Taxi and Light Fleet-Based Services	--	--	C(L9)	C(L9)	
Automotive Fee Parking	C(L10)	C(L10)	C(L10)	C(L10)	
<u>Animal Boarding</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	
Animal Care	--	C(L6) (L4)	C (L4)	C (L4)	
Undertaking Service	--	--	C	C	
Industrial Activities					
Custom Manufacturing	-- (L11)	-- (L11)	-- (L11)	C(L9)	17.102.040
Light Manufacturing	-- (L11)	-- (L11)	-- (L11)	C(L9)	17.102.040
General Manufacturing	-- (L11)	-- (L11)	-- (L11)	-- (L11)	17.102.040
Heavy/High Impact	--	--	--	--	
Research and Development	--	--	C(L9)	C(L9)	
Construction Operations	--	--	--	--	
Warehousing, Storage, and Distribution					
A. General Warehousing, Storage and Distribution	--	--	--	C(L9)	
B. General Outdoor Storage	--	--	--	--	
C. Self- or Mini Storage	--	--	--	--	
D. Container Storage	--	--	--	--	
E. Salvage/Junk Yards	--	--	--	--	
Regional Freight Transportation	--	--	--	--	
Trucking and Truck-Related	--	--	--	--	
Recycling and Waste-Related					
A. Satellite Recycling Collection Centers	--	--	C	C	17.10.040
B. Primary Recycling Collection	--	--	--	--	

Table 17.58.01: Permitted and Conditionally Permitted Activities					
Activities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Centers					
C. Intermediate Recycling Processing Facility	--	--	--	--	
Hazardous Materials Production, Storage, and Waste Management	--	--	--	--	
Agriculture and Extractive Activities					
Crop and animal raising	--	--	--	--	
Plant nursery	--	--	--	--	
Mining and Quarrying	--	--	--	--	
Accessory off-street parking serving prohibited activities	C	C	C	C	17.102.100
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.	C	C	C	C	17.102.110

Limitations:

- L1. These activities may not be located within thirty (30) feet of the front lot line on the ground floor of the principal building with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building.
- L2. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility.
- L3. These activities may only be located above the ground floor of a building upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).
- L4. With the exception of parcels facing Broadway, [Telegraph Avenue, and 14th Street](#), the total floor area devoted to these activities [on the ground floor](#) by any single establishment may only exceed seven thousand-five hundred (7,500) square feet upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).
- L5. If located both on the ground floor of a building and within thirty (30) feet from any street-abutting property line, these activities are only permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this conditional use permit requirement. In addition to the criteria contained in 17.134.050, these conditionally permitted ground floor proposals must also meet each of the following criteria:
 - a. The proposal will not impair a generally continuous wall of building facades;
 - b. 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
 - c. The proposal will not interfere with the movement of people along an important pedestrian street.
- L6. These activities are only permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in 17.134.050, when these activities are located within thirty (30) feet of the front of the ground floor of the

principal building (with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building) the proposed activities must also meet the criteria contained in note L5, above.

- L7. These activities may only be located on or below the ground floor of a building with the following exceptions:
- a) ~~unless if both~~ the floor area devoted to the activity is ~~less than~~ 2,000 square feet or less and the activity takes place in a Local Register property. ~~In this case, then~~ the activity is permitted above the ground floor upon the granting of a Conditional Use Permit (see 17.134 for the CUP process).
 - b) An activity located on the ground floor may extend to the second floor of a building if each: 1) the floor area devoted to nonresidential activities in the building is less than the floor area devoted to residential activities; 2) the activity on the second floor is the same as, or accessory to, the ground floor activity and part of the same business or establishment; and 3) there is a direct internal connection between the ground floor and the second story activities.
- L8. The total floor area devoted to these activities by any single establishment shall not exceed three thousand (3,000) square feet.
- L9. These activities, including accessory activities, are only allowed to be performed indoors. This requirement includes, but is not limited to: vehicles stored before and after servicing, general storage, vehicle and other repair, and automotive cleaning. This requirement excludes parking for customers currently at the business and automotive fueling.
- L10. Auto fee parking is permitted upon the granting of conditional use permit (see Chapter 17.134 for the CUP procedure) if it is located in either a parking structure that is at least three stories high or in a below grade parking lot. Auto fee parking is otherwise prohibited.
- ~~L11. Kennels are not permitted.~~
- L112. These activities are not allowed as a principal activity but are permitted as an accessory activity subject to the regulations contained in 17.10.040F.

17.58.050 Permitted and Conditionally Permitted Facilities

Table 17.58.02 lists the permitted, conditionally permitted, and prohibited facilities in the CBD-R, CBD-P, CBD-C, and CBD-X 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 (see Chapter 17.134 for the CUP procedure) in the corresponding zone.
- “L” designates facilities subject to certain limitations listed at the bottom of the Table.
- “--” designates facilities that are prohibited

Table 17.58.02: Permitted and Conditionally Permitted Facilities					
Facilities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Residential Facilities					
One-Family Dwellings	P(L1)	--	--	--	
One-Family Dwelling with Secondary	P	--	--	--	17.102.360

Table 17.58.02: Permitted and Conditionally Permitted Facilities					
Facilities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Unit					
Two-Family Dwelling	P	--	--	--	
Multifamily Dwelling	P	P	P	P	
Rooming House	P	P	P	P	
Mobile Home	--	--	--	--	
Nonresidential Facilities					
Enclosed Nonresidential	P	P	P	P	
Open Nonresidential	C	C	C	C	
Sidewalk Café	P	P	P	P	17.102.335
Drive-In Nonresidential	--	--	--	C	
Drive-Through Nonresidential	--	--	--	C	
Telecommunications Facilities					
Micro Telecommunications	P	P	P	P	17.128
Mini Telecommunications	P	P	P	P	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

Limitation:

L1. New construction of a One-Family Dwelling is not permitted.

17.58.060 Property Development Standards

A. **Zone Specific Standards.** Table 17.58.03 below prescribes development standards specific to individual zones. The number designations in the right-hand column refer to the additional regulations listed at the end of the Table.

Table 17.58.03: Property Development Standards					
Development Standards	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Minimum Lot Dimensions					

Table 17.58.03: Property Development Standards					
Development Standards	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Width	25 ft	25 ft	50 ft	50 ft	1
Frontage	25 ft	25 ft	50 ft	50 ft	1
Lot area	4,000 sf	4,000 sf	7,500 sf	7,500 sf	1
Minimum/Maximum Setbacks					
Minimum front	0 ft	0 ft	0 ft	0 ft	2
Maximum front and street side for the first story	None	5 ft	5 ft	10 ft	3
Maximum front and street side for the second and third stories or 35 ft, whatever is lower	None	5 ft	5 ft	None	3
Minimum interior side	0 ft	0 ft	0 ft	0 ft	4
Minimum corner side	0 ft	0 ft	0 ft	0 ft	5
Rear	10 ft	0 ft	0 ft	0 ft	6
Design Regulations					
Ground floor commercial façade transparency	50%	70%	60%	50%	7
Minimum height of the ground floor	12-15 ft	14-15 ft	14-15 ft	14-15 ft	8
Minimum separation between the grade and ground floor living space	2.5 ft	Not Applicable	Not Applicable	2.5 ft	9

Additional Regulations:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width and street frontage regulations.
2. See Section 17.108.040 for the minimum front yard setback when fifty (50) percent or more of the frontage on the same block and side of the street is in a residential zone.
3. The following notes apply to the maximum yard requirements:
 - a. The requirements only apply to the construction of new principal buildings and to no more than two property lines. One of these property lines shall abut the principal street.
 - 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. In the CBD-P, CBD-C, and CBD-X zones, these maximum yards apply to seventy-five (75) percent of the street frontage on the principal street and fifty (50) percent on other streets, if any. All percentages, however, may be reduced to fifty (50) percent upon the granting of regular design review approval (see Chapter 17.136 for the design review procedure). In addition to the criteria contained in 17.136.035, the proposal must also meet each of the following criteria:
 - i. The additional yard area abutting the principal street is designed to accommodate publicly accessible sidewalk cafes and restaurants;
 - ii. The proposal will not impair a generally continuous wall of building facades;

B. Design Standards Applying to All Zones. The following regulations apply to all of the zones:

1. **Entrance.** Newly constructed principal buildings shall have at least one prominent pedestrian entrance facing the principal street. Entrances at building corners facing the principal street may be used to satisfy this requirement. Building entrances include doors to one or more shops, businesses, lobbies, or living units. Entrances shall be made prominent through some combination of projecting or recessing the door area, change in material, an awning above a door, additional detailing, stairs leading to the door, and/or other features. The entrance for nonresidential facilities shall be at grade.
2. **Ground Floor Treatment.** All ground-floor building materials shall be durable, of high quality, and display a sense of permanence. Such materials include, but are not limited to stone, tile, brick, metal panel systems, glass, and/or other similar materials. Further, the ground level of a newly constructed building shall be designed to enhance the visual experience for pedestrians and distinguish it from upper stories. This is achieved by designing a building base that is distinct from the rest of the building through the use of some combination of change of material, enhanced detailing, lighting fixtures, cornices, awnings, canopies, and/or other elements. For buildings with nonresidential ground floor space, visual interest shall also be achieved through modulating the ground floor into a regular cadence of storefront sized windows and entrances.
3. **Active Space Requirement.** For newly-constructed principal buildings, 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. Driveways, garage entrances, or other access to parking and loading facilities may be located on the ground floor of this area as regulated by subsection (E4).
4. **Parking and Loading Location.** For newly constructed principal buildings, 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. Open parking areas shall not be located between the sidewalk and a principal building.
5. **Massing.** The mass of newly-constructed principal buildings shall be broken up into smaller forms to reduce the scale and enhance the visual interest of the streetscape. The massing requirements contained in this note shall be applied on all visible facades and achieved through some coordinated combination of changes in plane, building articulation, varied materials, contrasting window patterns and treatments, varying roof heights, separating upper-story floor area into two or more towers, contrasting colors, a distinct base, middle, and top, or other methods.
6. **Upper Story Windows.** An ample placement of windows above the ground floor is required at all street-fronting facades. To create visual interest, the placement and style of windows shall contribute to a coherent and appealing composition on the façade. Less window space is only permitted in exceptional cases if it contributes to a specific objective of the visual style and aesthetic effect of the building. Whenever possible, windows should be on all sides of a tower.
7. **Building Terminus.** The top of each newly-constructed principal building shall include an element that provides a distinct visual terminus. The visual terminus shall be integrated into the design concept of the building. Examples include, but are not limited to, curvilinear or stepped forms that soften the truncated tops of buildings, cornices, and

other architectural forms. These rooftop elements shall be sized, shaped, and sited to screen all rooftop mechanical equipment from view.

- 8. Utility Storage.** For newly-constructed buildings, areas housing trash, storage, or other utility services shall be located in the garage or be otherwise completely concealed from view of the public right-of-way. Backflow prevention devices shall be located in a building alcove, landscaped area, or utility room within the building, outside of the public right-of-way, and completely screened from view from the public right-of-way unless required otherwise by a department of the City.
- C. Height, Bulk, and Intensity.** Table 17.58.04 below prescribes height, bulk, and intensity standards associated with the height/bulk/intensity areas described in Map 17.58A (see Section 17.58.080). The numbers in the right-hand column refer to the additional regulations listed at the end of the Table.

Table 17.58.04 Height, Density, Bulk, and Tower Regulations								
Regulation	Height/Bulk/Intensity Area							Notes
	1	2	33	34	45	56	67	
Maximum Density (Square Feet of Lot Area Required Per Unit)								
Dwelling unit	300	200	90	90	90	90	90	1,2
Rooming unit	150	100	45	45	45	45	45	1,2
Maximum Floor Area Ratio	4.5	6.0	8.0	14.0	17.0	20.0	20.0	2
Maximum Height								
Building base	55 ft	85 ft	55 ft	85 ft	85 ft	85 ft	120 ft	3
Total	No tower permitted	No tower permitted	170 ft	275 ft	400 ft	No height limit	No height limit	3
Minimum Height								
New principal buildings	None	None	None	45 ft	45 ft	45 ft	45 ft	4
Maximum Lot Coverage								
Building base (for each story)	Not applicable	Not applicable	100% of site area	100% of site area	100% of site area	100% of site area	100% of site area	
Average per story lot coverage above the base	Not applicable	Not applicable	50% of site area or 7,500 sf, whichever is greater	75% of site area or 10,000 sf, whichever is greater	75% of site area or 10,000 sf, whichever is greater	75% of site area or 10,000 sf, whichever is greater	85% of site area or 10,000 sf, whichever is greater	5
Tower Regulations								
Maximum average area of floor plates	Not applicable	Not applicable	10,000 sf	15,000 sf	20,000 sf	25,000 sf	No maximum	6
Maximum building length	Not applicable	Not applicable	115 ft	150 ft	175 ft	195 ft	No maximum	7
Maximum diagonal length	Not applicable	Not applicable	145 ft	180 ft	210 ft	235 ft	No maximum	
Minimum distance between towers on the same lot	Not Applicable	Not applicable	40 ft	40 ft	40 ft	40 ft	No Minimum	

Notes:

1. See Chapter 17.107 for affordable and senior housing density incentives.
2. No portion of lot area used to meet the density requirements for a Residential Facility shall be used as a basis for computing, through the maximum floor area ratio, the maximum amount of floor area for any nonresidential facility on the same lot, and visa versa.
3. In Height Areas 34, 54, and 65, lots having frontage on Broadway, San Pablo Avenue, or Telegraph Avenue where the width of the right of way is greater than eighty-five (85) feet shall have a maximum base height equal to the width of that right of way. Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
4. This minimum height excludes the height of the allowed projections into the height limit contained in 17.108.030.
5. The average floor area of the stories above the base cannot exceed this percentage of lot area, with the following qualifications:

- a. When a project contains more than one tower above the base, the floor area of a story is calculated by adding the square footages of the equivalent story in each tower. For example, if there are two towers above the base and the 5th story of one tower is 15,000 square feet and the 5th story of the other tower is 20,000 square feet, then the total floor area of the 5th story is 35,000 square feet.
 - b. To allow a variety of articulation in a building, the floor area of an individual story can be as much as fifteen (15) percent greater than the maximum average per story floor area above base.
 - c. A story that is more than fifteen (15) percent less than the maximum average floor area is not included in the average per story floor area above the base.
6. The average floor plate of an individual tower cannot exceed this area, with the following qualifications:
- a. The floor area of an individual tower floor plate cannot be more than fifteen (15) percent greater than the maximum average tower floor plate.
 - b. An individual tower floor plate that is more than fifteen (15) percent less than the maximum average tower floor plate is not included in the maximum average tower floor plate area calculation.
7. The following regulation applies to lots that both 1) are designated as Special Area A on Map 17.58; and 2) have either a west or east side property line that is more than ninety (90) feet in length: the cumulative building length of the east or west elevation of all towers on such a lot shall be no more than two-thirds (2/3) the length of any east or west side property line.

17.58.070 Usable open space standards

- A. **General.** This section contains the usable open space standards and requirements for residential development in the CBD zones. These requirements shall supercede those in Chapter 17.126.
- B. **Definitions of CBD usable open space types.** The following includes a list of available usable open space types eligible to fulfill the usable space requirements of this Chapter and the definitions of these types of open space:
1. “Private Usable Open Space”. Private usable open space is accessible from a single unit and may be provided in a combination of recessed and projecting exterior spaces.
 2. “Public Ground-Floor Plaza”. Public ground-floor plazas (plazas) are group usable open space (see Section 17.127.030) located at street-level and adjacent to the building frontage. Plazas are publicly accessible during daylight hours and are maintained by the property owner. Plazas shall be landscaped and include pedestrian and other amenities, such as benches, fountains and special paving.
 3. “Rooftop Open Space”. Rooftop open space, a type of group usable open space, includes gardens, decks, swimming pools, spas and landscaping located on the rooftop and accessible to all tenants.
 4. “Courtyard”. A courtyard is a type of group usable open space that can be located anywhere within the subject property.
- C. **Standards.** All required usable open space shall be permanently maintained and shall conform to the following standards:
1. **Area.** On each lot containing residential facilities with a total of two or more living units, usable open space shall be provided for such facilities at a rate of seventy-five (75) square feet per dwelling unit and thirty-eight (38) square feet per rooming unit.
 2. **Size and Shape.** An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than the dimensions shown in the following table:

Type of Usable Open Space	Minimum Dimension	Notes
Private	10 ft for space on the ground floor, no dimensional requirement elsewhere.	
Public Ground-Floor Plaza	10 ft	
Rooftop	15 ft	1
Courtyard	15 ft	

Note:

1. Areas occupied by vents or other structures which do not enhance usability of the space shall not be counted toward the above dimension.
 3. **Openness.** There shall be no obstructions above the space except for devices to enhance its usability, such as pergola or awning structures. There shall be no obstructions over ground-level private usable open space except that not more than fifty (50) percent of the space may be covered by a private balcony projecting from a higher story. Above-ground-level private usable open space shall have at least one exterior side open and unobstructed, except for incidental railings or balustrades, for eight feet above its floor level.
 4. **Location.** Required usable open space may be located anywhere on the lot except that not more than fifty (50) percent of the required area may be located on the uppermost roof of any building. There is no limitation on rooftop open space on rooftop podiums that are not the uppermost roof of a building.
 5. **Usability.** A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt or other serviceable, dustfree surfacing. Slope shall not exceed ten percent. Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected whenever necessary for space on a roof, but shall not be more than four feet high.
 6. **Accessibility.** Usable open space, other than private usable open space, shall be accessible to all the living units on the lot. It shall be served by any stairway or other accessway qualifying under the Oakland Building Code as an egress facility from a habitable room. Private usable open space may be located anywhere on the lot except that ground-level space shall not be located in a required minimum front yard and except that above-ground-level space shall not be located within five feet of an interior side lot line. Above-ground-level space may be counted even though it projects beyond a street line. All private usable open space shall be adjacent to, and not more than four feet above or below the floor level of, the living unit served. Private usable open space shall be accessible to only one living unit by a doorway to a habitable room or hallway.
- D. **Landscaping requirements.** At least fifty (50) percent of rooftop or courtyard usable open space area shall include landscaping enhancements. At least thirty (30) percent of public ground floor plaza shall include landscaping enhancements. Landscaping enhancements shall consist of permanent features, such as trees, shrubbery, decorative planting containers, fountains, boulders or artwork (sculptures, etc). The remainder of the space shall include user amenities such as seating, decorative paving, sidewalk cafes, or playground structures.