

17.102.190 Joint living and work quarters

- A. General Definitions. Joint Living and Working Quarters: An integrated working space and residential space occupied ~~and utilized by a single household in a structure~~, either in single unit or multi-unit structure, that has been designed or structurally modified to accommodate joint residential occupancy and work activity and which:
1. Is regularly used for such purpose by one or more persons residing in the unit;
 2. Includes complete kitchen space and sanitary facilities in compliance with the Building Code;
 3. Allows employees with associated required amenities as consistent with the Building Code; and
 4. Includes working space reserved and regularly used by one or more occupants of the unit.

“Category I Live/Work Unit.” A unit specifically created to accommodate both residential and nonresidential activities but that emphasizes accommodating the residential activity. Any percentage of floor area in a Category I Live/Work Unit can be devoted to residential activities. A Category I Live/Work Unit is considered a residential facility.

“Category II Work/Live Unit.” A unit specifically created to be used for both nonresidential and residential activities but that emphasizes accommodating the nonresidential activity. This type of unit only contains incidental residential accommodations, has no less than two-thirds of floor area devoted to work activities, and contains an active business. A Category II Live/Work Unit is considered a nonresidential facility.

“Conversion.” The rehabilitation of an existing nonresidential structure, including commercial and civic buildings, to a Live/Work or Work/Live facility, consistent with all other regulations for Category I and II.

“Joint Living and Working Quarters.” Facilities specifically created to accommodate both residential and nonresidential activities.

B. General Provisions. Joint living and working quarters are permitted according to the following:

1. Category I Live/Work Units, including New Construction and Converted facilities, are permitted in all high-density residential, mixed-use and commercial zones where Residential Activities are either permitted or conditionally permitted. Converted facilities will be considered as consistent with the Building Code classification for Section 17.102.095 (“Residentially-Oriented Joint Living and Working Quarters”).

2. Category II Work/Live Units, including New Construction and Converted facilities, are permitted in the following zones upon the granting of a conditional use

permit pursuant to the conditional use permit procedure in Chapter 17.134 and subject to the Conditional Use Permit Criteria listed in Section 17.102.190E:

- a. All commercial and mixed use zones;
- b. All light industrial zones
- c. All general industrial zones only within an existing building envelope above the first floor in a building classified under the Oakland Cultural Heritage Survey as A or B rated. Design Review shall be required. This exception shall not limit the addition of floor area within the building's envelope.

C. Permitted and Conditionally Permitted Activities. The permitted and conditionally permitted nonresidential activities in joint living and working quarters are restricted to those listed in the underlying zoning district except that permitted activities also include those allowed as Home Occupations described in Sections 17.112.030 and 17.112.040 of the Home Occupation regulations.

D. Use Permit Criteria. A conditional use permit required under Sections 17.102.190C and 17.102.190D may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to the following criteria:

1. Workers and residents will neither interfere with nor impair the purposes of the particular zone;
2. Onsite parking spaces for sites outside light industrial zones are screened from the street;
3. The site plan minimizes conflicts between pedestrians and vehicles;
4. The proposal will not impair the retention or creation of custom manufacturing or small scale light industrial facilities;
5. The proposal is designed to minimize the impacts of nonresidential activities on residential activities in terms of noise, lights, glare, vibrations, dust, vapors, smoke, odors, electrical disturbances, or other factors;
6. The proposal incorporates sound attenuation and similar protective measures to protect residents from noise outside and within the development;
7. The location and design of the proposed development is adequately buffered, visually and spatially, from adjacent general industrial uses, if any, through appropriate on-site landscaping, screening and other buffering devices; and
8. Residents of the project will not be exposed to toxic and/or hazardous materials that exceed local, state, and/or federal standards.

E. Development and Parking Standards for Joint Working Living Quarters

1. Development Standards for new construction will include all those listed in the underlying zoning district for multi-unit development and that apply to the Building Code occupancy type..
2. Parking standards for new construction Work Live Work Category I facilities and Work Live Category II facilities shall be 1.2 parking spaces per unit.

F. Required Disclosures to New Tenants or Owners. The owner of joint living and working quarters shall provide a Statement of Disclosure to prospective owners or tenants before a unit or property is leased or sold. The Statement of Disclosure shall also be contained on the lease or title of the facility and shall contain the following acknowledgements:

1. The facility is in an area that allows commercial and/or light industrial activities that may generate odors, truck traffic, vibrations, noise and other impacts at levels and during hours that residents may find disturbing;

2. Contamination may exist on the site due to its location in an area that allows commercial and/or industrial activities;

3. The permitted and conditionally permitted nonresidential activities at the site are restricted to those listed in the underlying zoning district and those described in Sections 17.112.030 and 17.112.040 of the home occupation regulations.

4. At least one tenant of each Category II Work/Live unit must possess an active City of Oakland Business Tax Certificate for the operation of a business at the project address.