

<b>Location:</b>	Citywide
<b>Proposal:</b>	Amend the Planning Code related to Accessory Dwelling Units (ADUs) – currently termed Secondary Units in the Planning Code – to bring the local legislation into compliance with recent State legislation. The major proposed amendments include: 1) new standards for the processing, number, size, height, parking, location, landscaping, and setbacks for the construction of various types of new ADU structures and ADUs within existing accessory structures, single-family homes, and two-family and multi-family buildings; 2) establishment of regulations for Junior Accessory Dwelling Units (JADUs) within single family homes; 3) introduction of objective design standards to streamline approval of certain ADUs; 4) objective standards for the design and location of ADUs; 5) regulations for ADUs in mini-lot developments; and 6) amnesty and enforcement relief program for un-permitted existing ADUs. The proposal also includes regulatory options for the development of ADUs and JADUs within the Very High Fire Hazard Severity Zone (VHFHSZ), as defined by the State of California and the S-9 Fire Safety Protection Combining Zone, or an alternative overlay zone based on public safety and traffic flow.
<b>Applicant:</b>	City of Oakland
<b>Case File Number:</b>	ZA21006
<b>General Plan:</b>	Citywide
<b>Zoning:</b>	Citywide
<b>Environmental Determination:</b>	The proposed amendments to the Planning Code rely on the previously certified Final Environmental Impact Reports for the Coliseum Area Specific Plan (2105); Broadway Valdez Specific Plan (2014); West Oakland Specific Plan (2014); Central Estuary Area Plan EIR (2013); Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan (1998); the West Oakland, Central City East, Coliseum, and Oakland Army Base Redevelopment Areas; the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (2010); and various Redevelopment Plan Final EIRs (collectively, “EIRs”). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, as a separate and independent basis, this proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment).
<b>City Council District:</b>	All districts
<b>Status:</b>	The item was previously presented to the Planning Commission on June 2, 2021. The Planning Commission directed staff to revise the proposal in response to public comments and return for further discussion at a future meeting.
<b>Staff Recommendation:</b>	Receive public comments, discuss, and make a recommendation to City Council to adopt the proposal as set forth in the staff report.
<b>Finality of Decision</b>	Recommendation to City Council. Final decision by City Council.
<b>For Further Information:</b>	Contact case planner <b>Ruslan Filipau</b> at <b>510-238-3491</b> or <b>rfilipau@oaklandca.gov</b>

**SUMMARY**

On January 1, 2020, and January 1, 2021, several new California State laws and amendments went into effect to encourage the construction of Accessory Dwelling Units (ADUs), which are currently termed “Secondary Units” in the City of Oakland Planning and Municipal Codes. Pursuant to Government Code Section 65852.2(a)(4), until the City adopts an ordinance that complies with State law, the City’s existing ADU regulations in the Planning Code are null and void and only State standards may be enforced. This report describes proposed amendments to align the City’s ADU regulations with State law and introduce other changes that clarify the ADU regulations. The proposed Planning Code amendments encourage ADUs by reducing regulatory barriers through the adoption of objective development standards and streamlined approval processes consistent with State law.

**BACKGROUND**

On February 16, 2016, the City Council adopted Ordinance No. 13357 C.M.S., which revised the City’s Secondary Unit regulations that were in effect at that time. The purpose of the changes was to encourage construction of more Secondary Units to address the City’s housing shortages and escalating housing costs.

On January 1, 2017, California Senate Bill (SB) 1069 and Assembly Bill (AB) 2299 went into effect with a similar intent as the City’s February 16, 2016 changes - to streamline housing production and encourage the construction of more Secondary Units. In response to the new legislation, the City Council adopted Ordinance No. 13435 C.M.S on May 2, 2017, which again revised the City’s Secondary Unit Regulations primarily with respect to types and sizes of ADUs, parking requirements in transit-accessible and historic areas, approval processes and timelines, and establishing a new Zoning Overlay Zone (S-9 Fire Safety Protection Combining Zone) that identified areas with road widths less than 20 feet in width along with long dead end roads within the “Very High Fire Hazard Severity Zone” (VHFHSZ) where Category 2 ADUs are not permitted. These amendments brought the City’s Secondary Unit Ordinance into compliance with the State laws that were in effect at the time.

On January 1, 2020, and January 1, 2021, several amendments to Government Code §65852.2 and §65852.22, went into effect to encourage Statewide production of ADUs even further by developing a ministerial approval process for certain types of ADUs. California Assembly Bills (AB) 3182 (2020), AB 68, AB 881, AB 578, AB 670, AB 671, and California State Bill (SB) 13 (collectively passed in 2019) introduced several important changes and limitations regarding how local governments can regulate ADUs. As before, if a municipality does not update its ordinance to be consistent with the newly adopted State requirements, the local ordinance is superseded by State standards. In the meantime, the City is currently implementing State law through administrative guidance documents and handouts that include a checklist of what is allowed by State law.

Below is a summary of recent changes in State ADU laws relevant to the proposed Planning Code amendments.

*Table 1: 2020 State Law Amendments Summary*

State Laws	Code Sections	Summary	Status
AB 3182	Combined into Sections:	Introduced significant changes to ADU permit processing (60-day ministerial approval process), number of ADUs for lots with single-family and multi-family structures, size, height, setbacks, location, parking, impacts on historic resources, owner occupancy, and certain other design, development and use standards.	Amendments will be incorporated into the language of various Title 17 Code Sections.
AB 881	§65852.2 and §65852.22 Accessory Dwelling Units		
AB 68	§4740 and §4741 Civil Code		
SB 13	§17980.12 Health and Safety		

In response to the inconsistency between the City’s existing Secondary Unit Ordinance and State law, staff has prepared proposed amendments to the Oakland Planning Code related to “Secondary Units” (to be renamed “Accessory Dwelling Units” or “ADUs” throughout the Planning Code). These proposed amendments are attached hereto at **Attachment A**.

On April 15, 2021, the Zoning Update Committee reviewed and discussed the proposal during a public meeting. After taking questions and comments from the public, the Committee members directed staff to address a few issues. One issue of high importance were comments from the public that the S-9 Fire Safety Protection Combining Zone Map Overlay should include the entire Very High Fire Hazard Severity Zone (VHFHSZ) because of concerns that additional density would produce additional vehicles in the hills that would create emergency evacuation bottlenecks during wildfires. VHFHSZs have been designated by CAL FIRE in areas throughout the State because they have especially high probability of severe wildfires (see **Attachment B** for a discussion of how the VHFHSZ maps were developed and a map of the VHFHSZ in Oakland.)

Due to public safety concerns, Committee members tasked staff to study broadening the S-9 Zone to cover a larger area within the VHFHSZ as designated by the California Department of Forestry and Fire Protection. After consultation and further analysis with Oakland Fire Department, staff proposed revisions to the Planning Code amendments and S-9 Zone Map to cover all of the VHFHSZ and to prohibit ADUs within the entire VHFHSZ, and presented the proposal at the June 2, 2021 meeting of the Planning Commission (see the map of VHFHSZ in **Attachment C**). After presentations by Planning and OFD staff and approximately 50 public comments and questions, the Planning Commission recommended to continue the ADU proposal to a date uncertain and for staff to refine the proposal based on received comments, including the development of a more “surgical” approach to the S-9 Fire Safety Protection Combining Zone Map Overlay of where ADUs should be limited. A detailed discussion of the revised proposal is in **Key Issues and Impacts** section of the report. The Planning Commission also requested that staff engage in further discussions with the California Department of Housing and Community Development (HCD) regarding the proposal on other items that were brought up by public comments and the Commission. HCD is directed in the legislation to implement and interpret the State ADU requirements.

\* **Note** about current drafts of S-9/VHFHSZ Maps in *Attachments C and D* below, and any interactive S-9 and VHFHSZ maps that have been shared with the public prior to this meeting:

Current maps are for **illustrative purposes only** and are a subject to change by the City of Oakland Planning Bureau. Upon close examination, the staff identified several issues and mapping ambiguities with the current VHFHSZ layer issued by the State and imposed over City's base maps. The mapping ambiguities include: a) VHFHSZ boundary alignment issues with some lot lines, road centerlines, zoning boundaries and the City boundary; and b) issues stemming from the inherent low resolution of the VHFHSZ layer. The staff is working on finalizing the maps by resolving any ambiguities. Staff is also working on improving the accuracy of the proposed S-9 Zone Overlay Maps. Updated maps will be presented to the City Council and will be available with the Agenda Report prior to the City Council meeting.

## CHANGES SINCE THE JUNE 2, 2021 PLANNING COMMISSION MEETING

The following are changes proposed since the June 2, 2021 Planning Commission meeting in response to public comments at the Planning Commission meeting along with email comments from the public, as well as conversations with HCD as directed by the Planning Commission. All changes to the proposed Planning Code language introduced after that meeting are highlighted in **teal color** in *Attachment A*. A full summary of the proposal is contained in the June 2, 2021 staff report in *Attachment B*.

a) Category-3 ADU on Two-Family and Multifamily Lots

In response to a public comment following coordination with HCD, and to comply with State law, staff added a sub-category of an attached ADU that may combine both converted space within an existing envelope of a multifamily building and a newly built addition to a building footprint. Consistent with State law, creation of this type of ADU precludes creation for any other types of ADUs on the multifamily lot.

b) Maximum ADU Size

Following conversations with HCD and from public comment, the maximum size of Category-1 interior conversion ADUs is increased from 850 square feet for one bedroom and 1,000 square feet for more than one bedroom to 1,200 square feet as required by State law.

c) Maximum ADU Height

In response to public comments and to allow two-story ADUs with smaller footprints to preserve rear yard open space, staff increased the maximum height from the minimum 16 feet required by State law to 18 feet if an ADU complies with the minimum four-foot side and rear setbacks required for detached ADUs. This extra height allowance beyond the State Code minimum standard is only available for ADUs proposed to the rear of the primary structure and excludes ADUs in VHFHSZ for public safety reasons.

This is in addition to the allowance for even higher than 18-foot ADUs if the proposal meets all setback requirements of the underlying zone. In this case, the height of ADUs is controlled by the underlying zoning district regulations for primary structures.

d) Objective Design Standards

In response to public comment, objective design standards have been changed to apply only to structures rated "A," "B," or "C" by the Oakland Cultural Heritage Survey. The previous proposal applied these standards to all residential properties.

Staff recommends several straightforward and objective design requirements for ministerial review along with an option for an alternative path through Small Project Design Review for ADU applications varying from the objective standards. The objective design standards are applicable to ADUs that are visible from the public right-of-way and require building elements like roof pitch, exterior wall materials, predominant door and window trim, sill, recess, and style to visually match those elements of the primary structure.

e) ADUs in Front Setback

In response to public comment, the requirement to regulate ADUs outside of the zone's regularly required front setback has been clarified to allow one ADU of a minimum size to be exempt from this zoning requirement if the lot's configuration precludes creation of the ADU anywhere else on the lot.

f) Definition of "Existing"

Removed "January 1, 2020" time limitation from a definition of "existing" as it applies to structures throughout the Code amendments, per HCD's guidance and public comment.

g) Mini-Lot Planned Unit Developments (PUDs)

To avoid redundancy, regulations for ADUs in Mini-Lots have been removed from the ADU Section of the code and replaced with references to regulations in Chapter 17.142 for Mini-Lots and Section 17.103.080 for ADUs. The City requires that if any shared interest element like Shared Access Facilities of a Mini-Lot PUD is impacted by ADU construction, the proposal is reviewed according to regular Mini-Lot PUD provisions of Chapter 17.142 and in this example, the Shared Access Facilities requirements.

h) Planning Code Amnesty Program and Enforcement Delay of Building Code for Existing Unpermitted ADUs

A Planning Code amnesty and Building Code enforcement delay program is proposed to provide property owners with qualifying unpermitted Accessory Dwelling Units an opportunity to request: (1) the waiver of any provision of the underlying zoning or applicable development standards that would preclude the preservation of an unpermitted Accessory Dwelling Unit that can be verified to have been established and occupied prior to January 1, 2021; and (2) the delay in enforcement of the Building Code, and local amendments thereof, as adopted under O.M.C. Title 15 if the unpermitted Accessory Dwelling Unit was built prior to the effective date of these new regulations.

This proposed new program will also be implementing State law mandates that local governments grant a five (5) year enforcement delay of noncompliant or unregistered ADUs built: (1) prior to January 1, 2020 or (2) on or after January 1, 2020 during the time the City had a noncompliant ordinance so long as the City adopts a compliant ordinance. Under this program, the City has the right to grant the five (5) year enforcement delay until January 1, 2030. This delay in enforcement does not apply for structures that pose immediate risks to public health and safety. The proposed code amendments include an allowance to bring qualifying existing unpermitted ADUs into compliance with current building code standards without incurring any penalties or fines for up to five (5) years from the date of the granting of the enforcement delay. Since an enforcement delay cannot be granted on or after January 1, 2030, the latest the five (5) year enforcement delay can be in effect for a specific ADU is December 31, 2034. Accordingly, State law authorizing this program will sunset on January 1, 2035.

i) Emergency Access Requirements

Previously, the proposal prohibited ADUs in all areas of the City that are on lots accessed from streets with a pavement width of less than 20 feet or accessed by a dead-end street that is longer than 600 feet. Staff removed this prohibition because the Fire Department requires all construction on these streets to mitigate potential fire hazards. Staff continues to recommend further limits for ADUs in the VHFHSZ because, according to the Fire Department, sprinklers and new hydrants will not be sufficient to protect homes during a firestorm.

j) Very High Fire Hazard Severity Zone and S-9 Overlay Zone ADU Regulations

Responding to direction from the Planning Commission for a more “surgical” approach to restricting ADUs within the VHFHSZ, Planning staff has worked with the Oakland Fire Department (OFD), the Oakland Department of Transportation (OakDOT), and the City Administrator’s Office to develop two options for narrowly tailoring regulation of ADUs in fire-prone areas for the Planning Commission to consider for recommendation to the City Council. A discussion of these options is in the **Key Issues and Impacts** section of the report.

**ENVIRONMENTAL DETERMINATION**

The proposed amendments to the Planning Code will rely on the previous set of applicable CEQA documents including: the 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); 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); and various Redevelopment Plan Final EIRs (collectively, “Previous CEQA Documents”). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, each as a separate and independent basis, this proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment).

The proposed amendments to the Oakland Planning Code 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. As a result, 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 or 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). In addition, each as a separate and independent basis, this action is exempt from CEQA pursuant to Public Resources Code section 21080.17 and CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (no significant effect on the environment).

**KEY ISSUES AND IMPACTS**Very High Fire Hazard Severity Zone (VHFHSZ) and S-9 Overlay Zone ADU Regulations

State law allows for cities to enact laws to protect health, safety, and welfare of their residents. Further, the new State ADU laws permit local agencies to regulate ADUs based on “the adequacy of water and sewer service, and the impacts of traffic flow and public safety.” (Gov. Code §65852.2 subd. (a)(1)(A)).

Recognizing the risk to public health, safety, and welfare in areas susceptible to wildfires, the City Council adopted the S-9 Fire Safety Protection Combining Zone Map Overlay (“Overlay Zone”) in 2017. The S-9 Overlay Zone was created to identify areas where the street pavement width is less than 20 feet and/or a cul-de-sac length is over 600 feet; and where the area is located, in whole or part, in a VHFHSZ. The S-9 Overlay Zone was mapped according to the following criteria:

- Areas accessed by streets with a pavement width of less than 20 feet. Oakland Fire Code (OMC Chapter 15.12) states that: “Fire apparatus access roads shall be all weather roads with a minimum width of 20 feet...”
- Areas accessed by cul-de-sacs (blind streets) with a length over 600 feet. OMC Section 16.16.025(D) states: “Blind streets shall not be over 600 feet in length unless it includes means of a secondary access...;” and
- Areas designated by CAL FIRE as a VHFHSZ.

The purpose of adopting this Fire Safety Protection Overlay Zone was to help protect the public health, safety, and welfare of Oakland residents by limiting ADUs in areas that are susceptible to wildfires and have limited accessibility. And as each season passes, California’s fire risk appears to grow due to rising temperature and extended droughts attributed to overall climate change. Based on evolving data from recent wildfires such as the Camp Fire in 2018 in Paradise, CA and the recent Dixie and Caldor Fires, the recently completed *Oakland Local Hazard Mitigation Plan, Vegetation Management Plan, and Zonehaven* scenario software analysis for evacuation routes being developed with the expertise of the Oakland Fire Department (OFD), the City Administrator’s office, and the Oakland Department of Transportation (OAKDOT), staff originally recommended that the City prohibit all new ADUs and JADUs in the entire VHFHSZ as designated by the State of California and shown in **Attachment C\***.

*\*See a note regarding the maps in Attachment C in the Background section of this report.*

As discussed, this recommendation was presented to the Planning Commission on June 2, 2021, and the issue was highlighted during an open public forum with approximately 50 speakers. After the hearing and discussion, the Planning Commission recommended to continue the ADU proposal to a date uncertain and for staff to refine the proposal based on received comments, including the development of a more “surgical” approach to the S-9 Fire Safety Protection Combining Zone Map Overlay of where ADUs should be limited.

Since then, the inter-departmental working group has been working on revising the proposal. OFD continues to recommend that no new ADUs be permitted in the entire VHFHSZ due to the reasons described in this and the June 2, 2021 staff reports. This proposal would maximize public safety, but reduce the potential number of ADUs in the City.

In addition to the information in the staff reports, note that in a study published just before the June 2nd meeting, UC Berkeley researchers re-created a hypothetical wildfire model in the Berkeley Hills. The study estimated that if each household took only one vehicle to evacuate, then the estimated evacuation time would be about two hours, and 245 vehicles would be exposed to immediate fire danger. However, if the baseline for the area was that each household took 1.7 vehicles to evacuate, that would increase

evacuation time to three hours and expose 782 vehicles to fire. The report has concluded that the most impactful measure in reducing the time for evacuations was reducing the number of household vehicles<sup>1</sup>.

While the issue of traffic choke points is the most significant public safety concern, City Departments have been working on a variety of other fire prevention programs. The interdepartmental wildfire prevention working group outlined several preventative programs and efforts such as preparation of the Vegetation Management Plan, vegetation inspections and abatements on City-owned and private properties, clearings of hazardous vegetation along main egress routes, installing “No Parking Anytime” signs and designating no-parking streets within VHFHSZ, increasing enforcement of these rules, the ADU ordinance update, and other efforts as described in detail in a memo from the Wildfire Prevention Planning Group in *Attachment D*.

Letters of support from OFD and the Office of City Administrator are below in *Attachments E and F*.

Because of the need to balance the competing priorities of providing more ADUs in the City, protecting public safety, and following State law, two options for addressing ADUs in the VHFHSZ have been developed. The inter-departmental working group has met with experts from HCD, Cal Fire, and neighboring local governments to inform the development of the options for the Planning Commission to consider. The options are listed below with a discussion of both following afterward:

Option 1: Prohibit all ADUs and JADUs within an expanded S-9 Overlay Zone that is applied to all areas designated as a VHFHSZ and where street pavement width is less than 26 feet. This option covers more area than the original S-9 Overlay Zone that included streets of less than 20 feet, but does not cover the entire VHFHSZ as proposed in the last Planning Commission meeting (an overall map of this S-9 Overlay Zone expansion from the original S-9 Overlay Zone is in *Attachment G\** and a more detailed S-9 map is in *Attachment H\**). A street would need to be at least 26 feet wide until it intersects with another 26-foot-wide street to allow for ADUs.

*\*See a note regarding the maps in Attachment D in the Background section of this report.*

Option 2: Only allow one internal ADU or JADU within an expanded S-9 Overlay Zone that is applied to all areas designated as a VHFHSZ and where street pavement width is less than 26 feet; and that the following fire safety requirement is also applied:

- A fire sprinkler system is installed throughout the main residence and the newly created internal ADU or JADU if the primary structure is also newly created or significant remodeling work is required to the existing primary structure. A significant remodeling is a project that has a total construction cost of \$100,000 or more, or as required by Section 15.12.030, Chapter 4909.17.2: “when modifications are over 500 square feet or when modifications are made that increase the gross floor area greater than 50% or when the modification exceeds 3,600 square feet.”

### *Discussion of Option One*

The current Oakland Municipal Code standard for streets in Hillside zones is a minimum of 26 feet in width, as discussed below. Therefore, under Option One, ADUs and JADUs would not be allowed in areas of the VHFHSZ that have street widths that do not meet the Municipal Code standard of at least 26

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<sup>1</sup> Zhao, Bingyu, PhD Wong, Stephen D, PhD “Developing Transportation Response Strategies for Wildfire Evacuations via an Empirically Supported Traffic Simulation of Berkeley, California” 2021: <https://escholarship.org/uc/item/70p6k4rf>

feet in width. This option would provide an allowance for creating ADUs and JADUs for lots where fronting streets are widened to 26 feet wide continuously to intersect with another street of at least 26 feet wide for the streets to be brought up to Municipal Code standards and leaves an opportunity for ADU approvals as the infrastructure is gradually improved to meet the required standards.

City infrastructure surveys show that many streets in the VHFHSZ are narrow and vulnerable to being choke points for residents trying to escape in their cars, and to limiting access for public safety vehicles during an emergency evacuation. Even though street parking is prohibited along many streets, the street signs are often disregarded, resulting in even more limited space for cars to escape quickly and for emergency vehicles to pass. Many homes within the VHFHSZ are built on steep slopes and do not have off-street parking or have nowhere to build additional off-street parking on the lot.

A recent inventory of streets in Oakland's VHFHSZ identified multiple choke points where it is difficult for a fire engine to pass because of the narrow dimensions of a street. OFD, OAKDOT, and the City Administrator's Office have all identified accessibility and egress issues that will be exacerbated by increased units in the VHFHSZ, because new residents will likely own cars that will result in more parking on the street. This is a reasonably foreseeable outcome, as off-street parking is not required for ADUs within a one-half mile from public transit, and replacement off-street parking for primary dwelling units is not required for ADU conversions pursuant to the recently passed State law. Any additional cars parked on the narrow streets in the VHFHSZ would impede both traffic trying to escape quickly in the event of a wildfire and other emergency vehicles trying to respond to emergencies at existing residences.

Oakland Municipal Code (OMC) Section 16.16.025(C)(1), mandates a minimum of 26 feet width for streets in hillside zones with lot frontages on both sides. This standard was approved to enable safe access for multiple modes of transportation, including emergency vehicles. This is a minimum acceptable standard for fire apparatus access during emergencies that takes into consideration a likely partial street blockage for a fire truck or emergency vehicle to access a home or during mass evacuations. This option would also reduce the total number of vehicles, lowering the chances of traffic bottlenecks during mass evaluations.

OMC Section 15.12.030 outlines the following minimum street width standards:

- 20 feet minimum clear street width no street parking.
- 28 feet minimum clear width with parking on one side (assuming 8 feet wide parking lane); and
- 36 feet minimum with parking on both sides, assuming that each street parking lane is 8 feet leaving 20 feet clear road width.

The current S-9 Overlay Zone is based on the minimum allowed clear street width of 20 feet. Section 503 of the California Fire Code states that "Fire apparatus access roads shall have an unobstructed width of not less than 20 feet." This standard is adopted into OMC 15.12.030, Chapter 49 for Wildland-Urban Interface Areas Section 4907.5 Fire Apparatus Access Roads: "Fire apparatus access roads shall be all weather roads with a minimum width of 20 feet..." OMC Section 10.28.80.A. also states: "The Traffic Engineer is authorized to place signs or markings indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet..."

However, people often park illegally on streets within the VHFHSZ even in places with "No Parking" signs and red curbs. Street parking is an important piece of the fire safety efforts in VHFHSZ, but enforcement continues to be a challenge even where no-parking rules are in place. Considering the realities of street infrastructure in the VHFHSZ, 20 feet wide street is not wide enough because it is easily blocked in both directions, causing potentially deadly choke points as was observed during the Oakland Tunnel Fire of 1991 and the most recent fires around the State. As mentioned above, 26 feet street width is a requirement in OMC Section 16.16.025(C)(1) to build new streets in the Hills. Therefore, the 26 feet dimension in the VHFHSZ is minimally necessary to accommodate escaping cars and providing access for emergency vehicles. In order for ADUs to be allowed under Option One, access to the ADU will need

to show 26-foot-wide pavement clearance to safely permit ingress and egress and emergency access, with the understanding that cars will likely be parked or staged on the street during any given time.

*Discussion of Option 2*

This option allows the creation of one Category One internal conversion ADU or one JADU in the newly expanded S-9 Overlay Zone mapped by the same criteria as Option 1, above (areas with less than 26-foot wide road widths within the VHFHSZ), if a compliant fire sprinkler system is installed throughout the main residence and the newly created internal ADU or JADU if the primary structure is also newly created or significant remodeling work is required to the existing primary structure. A significant remodeling is a project that has a total construction cost of \$100,000 or more; or: a) when modifications are over 500 square feet, b) when modifications are made that increase the gross floor area greater than 50% or c) when the modification exceeds 3,600 square feet as required by Section 15.12.030, Chapter 4909.17.2.

While fire sprinklers alone are unable to withstand a fast-moving wildfire, they add a layer of protection for people and existing structures by potentially removing additional “fuel” from a spreading fire as well as allowing additional time for a resident to escape their home if it is on fire while assisting fire fighters that may need more time to respond to a fire on these long and narrow streets. This is one example of “home hardening” measures OFD recommends to all residents in the VHFHSZ.

**RECOMMENDATION**

Staff requests that the Planning Commission review the entire proposal, including two options for ADU regulation in the S-9 Zone, select one of the options, and recommend the selected option along with the rest of the proposed code amendments to the City Council.

**ACTION REQUESTED OF THE PLANNING COMMISSION**

Staff requests that the Planning Commission:

1. Affirm staff's environmental determination; and
2. Recommend that the City Council approve the proposed Planning Code amendments, including a preferred option for regulating ADUs in the S-9 Zone, and Zoning Map amendments related to Accessory Dwelling Units.

Prepared by:



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Ruslan Filipau, Planner III

Reviewed by:



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Laura Kaminski (Aug 27, 2021 08:38 PDT)

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Laura Kaminski, Acting Strategic Planning Manager

Approved for forwarding to the  
City Planning Commission by:



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Edward Manasse (Aug 27, 2021 09:24 PDT)

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Ed Manasse, Deputy Director of Planning

**ATTACHMENTS:**

- A. Proposed Planning Code Amendments.
- B. June 2, 2021 Meeting of the Planning Commission Staff Report.
- C. Map of VHFHSZ as Designated by the State of California.
- D. Wildfire Prevention Planning Report Memo from September 14, 2020.
- E. Letter from Fire Chief.
- F. Letter from Director of Interdepartmental Operations, Office of the City Administrator.
- G. Overall Map of Proposed Expanded S-9 Overlay Zone.
- H. Detailed Map of Proposed Expanded S-9 Overlay Zone.

# ATTACHMENT A: Proposed Amendments to the Oakland Planning Code

## PROPOSED PLANNING CODE AMENDMENTS

The following are the Planning Code amendments proposed by staff. Deletions are in ~~strike out~~ and additions are underlined. Text highlighted in teal indicates changes made since the Planning Commission hearing on June 2, 2021.

### Chapter 17.09 DEFINITIONS

#### Sections:

#### 17.09.040 Definitions.

**"Mini-lot Planned Unit Development" or "Mini-Lot PUD"** means a comprehensively designed development approved pursuant to Planning Code Chapter 17.142 and containing a subdivision of lots which do not meet the minimum size or other requirements applying to individual lots in the zone where it is located.

**"Secondary Accessory Dwelling Unit" or "ADU"** means an interior, attached or detached accessory dwelling unit that is accessory to a proposed or existing primary Residential Facility located on the same lot as a One-Family Dwelling facility; provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation; meets the standards and criteria of Section 17.103.080 and Chapter 17.88; and conforms to one or more of the following permitted ADU types:

- A. "Junior Accessory Dwelling Unit" or "JADU"** means an Accessory Dwelling Unit that is contained entirely within the building envelope of an existing or proposed One-Family Residential Facility. It may include separate sanitation facilities or may share sanitation facilities with the primary Residential Facility, but must contain an efficiency kitchen. A JADU is not allowed as a conversion of detached or attached accessory structures. No expansion of building envelope is allowed except for an expansion of up to one hundred fifty (150) square feet for the exclusive purpose of ingress and egress to the JADU. Owner occupancy is required in either the JADU or the primary Residential Facility. The owner of the JADU is required to record a deed restriction setting forth this requirement.
- B. "One-Family Category One ADU"** means an Accessory Dwelling Unit that is a conversion of space within an existing One-Family Residential Facility or an associated legally existing accessory structure, legally existing as of January 1, 2020, or an existing associated accessory structure that is rebuilt pursuant to the requirements set forth in Table 17.103.01. in the same location and to the same dimension as an accessory structure, legally as of January 1, 2020. No expansion of building envelope except for an expansion of up to one hundred fifty (150) square feet is permitted for the exclusive purpose of ingress and egress to the ADU.
- C. "One-Family Category Two ADU"** means a newly constructed attached or detached Accessory Dwelling Unit on a lot with an existing or proposed One-Family Dwelling Residential Facility. A One-Family Category Two ADU may include an exterior addition to an existing primary One-Family Residential Facility for the purposes of accommodating the ADU.

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**D. “Multifamily Category One ADU”** means an Accessory Dwelling Unit that is a conversion of a legally existing, non-habitable space, such as storage rooms, boiler rooms, passageways, attics, basements, or garages located within legally existing portions of Two-Family or Multifamily Dwelling Facilities. ~~legally existing as of January 1, 2020.~~ Non-habitable space does not include detached accessory structures, existing residential units, commercial space, community rooms, gyms, laundry rooms or any finished spaces that are meant to be occupied by people and used communally.

**E. “Multifamily Category Two ADU”** means a newly constructed detached Accessory Dwelling Unit, or a conversion of a legally existing detached accessory structure, on a lot with existing Two-Family or Multifamily Dwelling Facilities ~~legally as of January 1, 2020.~~ A converted detached Category Two ADU(s) is either: (a) within the building envelope of an existing detached accessory structure and involves no expansion of existing building envelope; or (b) within a rebuilt detached accessory structure built in the same location and to the same exterior dimension as the existing detached accessory structure(s).

**F. “Multifamily Category Three ADU”** means a newly constructed ADU that is interior or attached to a primary structure, or a conversion of a legally existing attached accessory structure that is rebuilt pursuant to the requirements set forth in Table 17.103.02, or a combination of both new construction and conversion for the purposes of creating only one ADU on the lot.

**~~“Junior Accessory Dwelling Unit”~~**, see Accessory Dwelling Unit.

**~~“Regular Dwelling Unit”~~** means any dwelling unit other than an ~~e~~Efficiency ~~d~~Dwelling ~~u~~nit, Rooming Unit, or an ~~a~~Secondary Accessory Dwelling Unit.

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## Chapter 17.10 USE CLASSIFICATIONS

### Sections:

#### Article I - General Classification Rules

#### Article II - Activity Types

Part 1 - Residential Activity Types

#### Article III - Facility Types

Part 1 - Residential Facility Types

#### Article I General Classification Rules

17.10.060 Listing of facility classifications.

#### 17.10.060 Listing of facility classifications.

All facilities are classified into the following facility types, which are described in ~~Section~~ Article III of this Chapter. (See Section 17.10.080 for classification of combinations of facilities resembling different types.) The names of these facility types start with capital letters throughout the zoning regulations.

A. Residential Facilities:

One-Family Dwelling

~~One-Family Dwelling with Secondary Unit~~

#### Article II Activity Types

#### Part 1 Residential Activity Types

17.10.125 Bed and Breakfast Residential Activities.

#### 17.10.125 Bed and Breakfast Residential Activities.

- A. The activity occupies a One-Family Dwelling Residential Facility, ~~One-Family Dwelling with Secondary Unit Residential Facility,~~ or a Two-Family Dwelling Residential Facility;

#### Article III Facility Types

#### Part 1 Residential Facility Types

17.10.640 One-Family Dwelling Residential Facilities.

~~17.10.650 One-Family Dwelling with Secondary Unit Residential Facilities.~~

17.10.670 Two-Family Dwelling Residential Facilities.

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17.10.680 Multifamily Dwelling Residential Facilities.

17.10.690 Rooming House Residential Facilities.

### **17.10.640 One-Family Dwelling Residential Facilities.**

One-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 one Regular Dwelling Unit on a parcel, along with any Accessory Dwelling Units that may be permitted as set forth in Section 17.103.080 and Chapter 17.88. They also include certain facilities accessory to the above, as specified in Section 17.10.070.

### ~~**17.10.650 One-Family Dwelling with Secondary Unit Residential Facilities.**~~

~~One-Family Dwelling with Secondary Unit Residential Facilities include permanently fixed buildings, or those portions thereof, which accommodate or are intended to accommodate Residential Activities, which contains one primary dwelling unit and one Secondary Unit. They also include certain facilities accessory to the above, as specified in Section 17.10.070.~~

### **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) Regular Dwelling Units or Efficiency Dwelling Units on a parcel, along with any Accessory Dwelling Units that may be permitted as set forth in Section 17.103.080 and Chapter 17.88. ; ~~but excludethe 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.

### **17.10.680 Multifamily Dwelling Residential Facilities.**

Multifamily 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 three (3) or more Regular Dwelling Units or Efficiency Dwelling Units on a parcel, along with any Accessory Dwelling Units that may be permitted as set forth in Section 17.103.080 and Chapter 17.88. They also include certain facilities accessory to the above, as specified in Section 17.10.070.

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## Chapter 17.13 RH HILLSIDE RESIDENTIAL ZONES REGULATIONS

### Sections:

17.13.040 Permitted and conditionally permitted facilities.

17.13.050 Property development standards.

### 17.13.040 Permitted and conditionally permitted facilities.

**Table 17.13.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
<b>Residential Facilities</b>					
One-Family Dwelling	P	P(L1)	P(L1)	P(L1)	<u>17.103.080</u>
<del>One-Family Dwelling with Secondary Unit</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>17.103.080</del>
Two-Family Dwelling	<del>(L1)</del>	<del>(L1)</del>	<del>(L1)</del>	<del>(L1)</del>	<u>17.103.080</u>
Multifamily Dwelling	<del>(L1)</del>	<del>(L1)</del>	<del>(L1)</del>	<del>(L1)</del>	<u>17.103.080</u>
<b>Telecommunications Facilities</b>					
Monopole Telecommunications	C(L24)	C(L24)	C(L24)	C(L24)	17.128

### Limitations on Table 17.13.02:

L1. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

L2,L4. Monopole Telecommunications Facilities are 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, the proposal must meet the following use permit criterion:

a4. There is no existing structure that can accommodate the proposed antenna.

To meet this criterion, the applicant must provide a site alternative plan that demonstrates that there is no existing structure that can accommodate the antenna.

### 17.13.050 Property development standards.

A. **Zone Specific Standards.** Table 17.13.03 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. "—" indicates that a standard is not required in the specified zone.

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**Table 17.13.03: Property Development Standards**

Development Standards	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
<b>Minimum Lot Dimensions</b>					
<b>Maximum Density</b>	1 primary dwelling unit per lot				4
<b>Minimum Setbacks</b>					
Minimum front ( $\leq 20\%$ street-to-setback gradient)	25 ft.	25 ft.	20 ft.	20 ft.	<u>4</u> , 5, 6
Minimum front ( $> 20\%$ street-to-setback gradient)	5 ft.	5 ft.	5 ft.	5 ft.	<u>4</u> , 5, 6, 7
Minimum interior side $\leq 20\%$ footprint slope	6 ft./15%	6 ft./15%	6 ft./10%	5 ft.	<u>4</u> , 8, 9
Minimum interior side $> 20\%$ footprint slope	6 ft./15%	6 ft./15%	6 ft./10%	5 ft./10%	<u>4</u> , 8, 9
Minimum street side	6 ft.	6 ft.	6 ft.	5 ft.	<u>4</u> , 5, 10
Rear	35 ft.	35 ft.	25 ft.	20 ft.	<u>4</u> , 7, 10, 11
<b>Maximum Lot Coverage and Floor Area Ratio (FAR)</b>	See Table 17.13.04				
<b>Height Regulations for All Lots with a Footprint Slope of <math>\leq 20\%</math></b>					
Maximum wall height primary building	25 ft.	25 ft.	25 ft.	25 ft.	<u>4</u> , 13, 14
Maximum pitched roof height primary building	30 ft.	30 ft.	30 ft.	30 ft.	<u>4</u> , 13, 14
Maximum height for accessory structures	15 ft.	15 ft.	15 ft.	15 ft.	<u>4</u> , 13, 14
<b>Height Regulations for all Lots with a Footprint Slope of <math>&gt; 20\%</math></b>	See Table 17.13.05 for Height regulations for all lots with a footprint slope of $> 20\%$				<u>4</u>
<b>Maximum Wall Length Before Articulation Required</b>	40 ft.	40 ft.	40 ft.	40 ft.	<u>4</u> , 15

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Development Standards	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Minimum Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements				<del>4, 16, 17</del>

### Additional Regulations for Table 17.13.03:

~~4. See Section 17.103.080 and Chapter 17.88 for development standards applicable to permitted Accessory Dwelling Units. 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.~~

~~17. 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 parking regulations that apply to Secondary Units are provided in Section 17.103.080.~~

### 17.13.060 Special regulations for Planned Unit Developments.

**Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development (PUD) 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 RH 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.

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## Chapter 17.15 RD DETACHED UNIT RESIDENTIAL ZONES REGULATIONS

### Sections:

17.15.040 Permitted and conditionally permitted facilities.

17.15.050 Property development standards.

17.15.060 Special regulations for ~~Mini-Lot~~ and Planned Unit Developments.

### 17.15.040 Permitted and conditionally permitted facilities.

**Table 17.15.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones		Additional Regulations
	RD-1	RD-2	
<b>Residential Facilities</b>			
One-Family Dwelling	P(L1)	P(L1)	<u>17.103.080</u>
<del>One-Family Dwelling with Secondary Unit</del>	<del>P</del>	<del>P</del>	<del>17.103.080</del>
Two-Family Dwelling	<del>(L1)</del>	C(L1)	<u>17.103.080</u>
Multifamily Dwelling	<del>(L1)</del>	<del>(L1)</del>	<u>17.103.080</u>

### Limitations on Table 17.15.02:

**L1.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. Also, see Table 17.15.03, Property Development Standards, for additional regulations on the this conditionally permitted density in the RD-2 Zone.

### 17.15.050 Property development standards.

#### A. Zone Specific Standards.

**Table 17.15.03: Property Development Standards**

Development Standards	Zones		Additional Regulations
	RD-1	RD-2	
<b>Maximum Density</b>			
Permitted density	1 primary dwelling unit per lot	1 primary dwelling unit per lot	3, 4
Conditionally permitted density	N/A	2 units on lots 6,000 sf_ or greater	3, 5
<b>Minimum Setbacks</b>			

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Development Standards	Zones		Additional Regulations
	RD-1	RD-2	
Minimum front (<20% street-to-setback gradient)	20 ft.	20 ft.	6
Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	6, 7, 8
Minimum interior side <20% footprint slope	5 ft.	5 ft.	9, 10
Minimum interior side >20% footprint slope	5 ft./10%	5 ft.	9, 10, 11
Minimum street side	5 ft.	5 ft.	8, 9, 12
Rear	20 ft.	15 ft.	9, 13, 14
<b>Reduced Setbacks for Smaller Lots</b>	See Table 17.15.04 for reduced setbacks for smaller lots		
<b>Floor Area Ratio (FAR) and Lot Coverage</b>	See Table 17.15.05		
<b>Height Regulations for All Lots with a Footprint Slope of &lt;20%</b>			
Maximum wall height primary building	25 ft.	25 ft.	14, 16
Maximum pitched roof height primary building	30 ft.	30 ft.	14, 16
Maximum height for accessory structures	15 ft.	15 ft.	14, 16
<b>Height Regulations for all Lots with a Footprint Slope of &gt;20%</b>	See Table 17.15.06 for Height regulations for all lots with a footprint slope of >20%		

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Development Standards	Zones		Additional Regulations
	RD-1	RD-2	
<b>Maximum Wall Length Before Articulation Required</b>	40 ft.	40 ft.	17
<b>Minimum Parking</b>	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements		<u>3, 18, 19</u>
<b>Minimum Open Space</b>			
Group open space per Primary Unit	N/A	300 sf	<u>2019</u>
Group open space per Primary Unit when private open space substituted	N/A	100 sf	<u>2019</u>

### Additional Regulations for Table 17.15.03:

3. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a primary dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.
4. See Section 17.103.080 and Chapter 17.88 for development standards applicable to permitted Accessory Dwelling Units. ~~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.~~
- ~~19. 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 parking regulations that apply to Secondary Units are provided in Section 17.103.080.~~
- ~~20-19.~~ 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 of one hundred (100) square feet per dwelling unit. All usable open space shall meet the standards contained in Chapter 17.126.

### 17.15.060 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain regulations that otherwise apply to individual lots in the RD\_4-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 (PUD) 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 RD 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

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permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

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## Chapter 17.17 RM MIXED HOUSING TYPE RESIDENTIAL ZONES REGULATIONS

### Sections:

17.17.040 Permitted and conditionally permitted facilities.

17.17.050 Property development standards.

17.17.060 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.

### 17.17.040 Permitted and conditionally permitted facilities.

**Table 17.17.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones					Additional Regulations
	RM-1	RM-2	RM-3	RM-4	C*	
<b>Residential Facilities</b>						
One-Family Dwelling	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	<u>17.103.080</u>
<del>One-Family Dwelling with Secondary Unit</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>17.103.080</del>
Two-Family Dwelling	C(L1)	P(L1)	P(L1)	P(L1)	Same as underlying zone	<u>17.103.080</u>
Multifamily Dwelling	<del>(L1)</del>	C(L1)	C(L1)	P(L1)	Same as underlying zone	<u>17.103.080</u>

#### Limitations on Table 17.17.02:

\* If a base zone (RM-1, RM-2, RM-3, or RM-4) also has the C Combining Zone, the C regulations supersede the base zone.

**L1.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. Also, see Table 17.17.03, Property Development Standards, for additional regulations on this density.

### 17.17.050 Property development standards.

#### A. Zone Specific Standards.

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**Table 17.17.03: Property Development Standards**

Development Standards	Zones				Additional Regulations
	RM-1	RM-2	RM-3	RM-4	
<b>Minimum Setbacks for Lots Equal to or Greater than <del>Four Thousand (4,000)</del> Square Feet</b>					
Minimum front (≤20% street-to-setback gradient)	20 ft.	20 ft.	15 ft.	15 ft.	4, 5, 7
Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	5 ft.	5 ft.	4, 5, 6, 7
<b>Floor Area Ratio (FAR) and Lot Coverage for 1 or 2 Units</b>	See Table 17.17.05 for <del>FAR and</del> maximum FAR and lot coverage for <u>one</u> <sup>1</sup> or <u>two</u> <sup>2</sup> dwelling units, <u>excluding any permitted Accessory Dwelling Units</u>				<u>19, 20</u>
<b>Maximum Lot Coverage for 3 or More Units</b>	N/A	40%	50%	N/A	<u>19, 20</u>
<b>Height Regulations for All Lots with a Footprint Slope of &lt;20%</b>					
Maximum wall height primary building	25 ft.	25 ft.	30 ft.	35 ft.	12, 13, <del>14</del>
Maximum pitched roof height primary building	30 ft.	30 ft.	30 ft.	35 ft.	12, 13, <del>14</del>
<u>Minimum height of ground floor Nonresidential Facilities</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>21</u>
<b>Height Regulations for all Lots</b>	See Table 17.17.06 for Height regulations for all lots with a footprint slope of >20%				

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Development Standards	Zones				Additional Regulations
	RM-1	RM-2	RM-3	RM-4	
<b>with a Footprint Slope of &gt; 20%</b>					
<b>Maximum Wall Length Before Articulation Required for all Lots with a Footprint Slope of &gt; 20%</b>	40 ft.	40 ft.	40 ft.	40 ft.	<u>1415</u>
<b>Minimum Parking</b>	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements				<u>15, 16, 17</u>
<b>Minimum Open Space</b>					
Group open space per <u>R</u> regular <u>U</u> nit	300 sf.	300 sf.	200 sf.	175 sf.	<u>1849</u>
Group open space per <u>R</u> regular <u>U</u> nit when private open space substituted	100 sf.	100 sf.	85 sf.	70 sf.	<u>1849</u>

### Additional Regulations for Table 17.17.03:

**2.** See Chapter 17.107 for affordable and senior housing incentives; and Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. 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 primary dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.

~~**17.** In the RM-2 Zone, when the lot is less than four thousand (4,000) square feet in size or forty-five (45) feet in width, only one (1) parking space is required per unit. For the RM-2 Zone in the West Oakland District only (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north), the minimum parking requirement shall be only one (1) space per unit regardless of lot size or width.~~

~~**17.18.** 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. See~~

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Section 17.103.080 for Additional parking regulations that apply to Secondary Accessory Dwelling Units, are provided in Section 17.103.080.

**18.19.** Usable open space is only required on lots with two (2) or more dwelling units, excluding any permitted Accessory Dwelling Units. 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, excluding any permitted Accessory Dwelling Units. All usable open space shall meet the standards contained in Chapter 17.126.

**19.** This regulation does not apply in the C Combining Zone.

**20.** Lots less than five thousand (5,000) square feet may have a lot coverage of up to two thousand (2,000) square feet regardless of lot coverage percentage (%) listed.

**21.** This height is only required for new principal buildings that include ground floor Nonresidential Facilities, and is measured from the sidewalk grade to the second story floor. If the Nonresidential Facility is to be located to the front of a Potentially Designated Historic Property (PDHP) or Designated Historic Property (DHP), this height shall also be the maximum allowed for a Nonresidential Facility in the area between the front property line and the front building elevation of the existing historic structure.

### C. **Floor Area Ratio (FAR) and Lot Coverage for One- and Two-Family Dwelling Units Only.**

Table 17.17.05 below prescribes FAR and lot coverage standards for one or two dwelling units associated with the lot sizes listed, excluding any permitted Accessory Dwelling Units. The numbers in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

**Table 17.17.05 Floor Area Ratio (FAR) and Lot Coverage Regulations for One- and Two-Family Dwelling Units Only**

#### **Additional Regulations for Table 17.17.05:**

1. Maximum Floor Area Ratio (FAR) only applies to lots that have a footprint slope of greater than twenty percent (20%). Lots less than five thousand (5,000) square feet may have a dwelling with a minimum of two thousand (2,000) square feet of floor area, regardless of FAR listed.

#### **17.17.060 Special regulations for Mini-Lot and Planned Unit Developments.**

A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-lot PUDs), certain regulations that otherwise apply to individual lots in the RM 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 (PUD) 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 RM 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.

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## Chapter 17.19 RU URBAN RESIDENTIAL ZONES REGULATIONS

### Sections:

17.19.030 Permitted and conditionally permitted activities.

17.19.040 Permitted and conditionally permitted facilities.

17.19.050 Property development standards.

17.19.060 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.

### 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	
<b>Residential Facilities</b>						
One-Family Dwelling	P(L1)	P(L1)	P(L1)	—(L1)	—(L1)	<u>17.103.080</u>
<del>One-Family Dwelling with Secondary Unit</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>17.103.080</del>
Two-Family Dwelling	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	<u>17.103.080</u>
Multifamily Dwelling	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	<u>17.103.080</u>

### Limitations on Table 17.19.02:

**L1.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. Also applicable are the provisions of See-Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities, provided, however, that ~~in the RU-4 and RU-5 Zones, Accessory Dwelling Units are 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 and Chapter 17.88.~~

### 17.19.050 Property development standards.

#### A. Zone Specific Standards.

**Table 17.19.03: Property Development Standards**

Development Standards	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
<b>Maximum <u>Residential</u> Density</b>						

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Development Standards	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Permitted density for <u>R</u> egular <u>D</u> welling <u>U</u> nits	1 unit per 1,100 sf. of lot area	1 unit per 800 sf. of lot area	1 unit per 450 sf. of lot area	See Table 17.19.04	See Table 17.19.04	2
Permitted density for <u>R</u> ooming <u>U</u> nits	N/A	<u>1 unit per 800 sf. of lot area</u>	<u>1 unit per 450 sf. of lot area</u>	<u>See Table 17.19.04</u>	<u>See Table 17.19.04</u>	
<b>Height Regulations</b>						
Minimum height of ground floor Nonresidential Facilities	N/A	N/A	N/A	<u>15 ft. 12 ft.</u>	<u>15 ft. 12 ft.</u>	12

### Additional Regulations for Table 17.19.03:

2. See Chapter 17.107 for affordable and senior housing incentives. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. 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.

17. 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. See Section 17.103.080 for aAdditional parking regulations that apply to SecondaryAccessory Dwelling Units. are provided in Section 17.103.080.

19. Usable open space is only required on lots with two (2) or more dwelling units, excluding any permitted Accessory Dwelling Units. 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, excluding any permitted Accessory Dwelling Units. All usable open space shall meet the standards contained in Chapter 17.126.

### B. Height, Floor Area Ratio (FAR), Density, and Open Space for the RU-4 and RU-5 Zones Only.

**Table 17.19.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations for the RU-4 and RU-5 Zones Only**

Regulation	Height Area						Additional Regulations
	35	45	60	75	90	120	
<b>Maximum Height</b>	35 ft.	45 ft.	60 ft.	75 ft.	90 ft.	120 ft.	1, 2

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Regulation	Height Area						Additional Regulations
	35	45	60	75	90	120	
<b>Height Minimum</b>							
<b><u>Maximum Residential Density (square feet of lot area required per dwelling unit)</u></b>							
<u>Regular Dwelling Units</u> Maximum Residential Density (square feet of lot area required per unit)	550 sf.	450 sf.	375 sf.	275 sf.	225 sf.	225 sf.	4, 5
<u>Rooming Units</u>	<u>550 sf.</u>	<u>450 sf.</u>	<u>375 sf.</u>	<u>275 sf.</u>	<u>225 sf.</u>	<u>225 sf.</u>	<u>4, 5</u>
<b>Maximum Nonresidential FAR</b>	2.0	2.5	3.0	4.0	4.0	4.0	4, 5
<b>Minimum Usable Open Space</b>							
Group usable open space per <u>R</u> regular <u>U</u> nit	150 sf.	150 sf.	150 sf.	150 sf.	100 sf.	100 sf.	6
Group usable open space per <u>R</u> regular <u>U</u> nit when private open space substituted	30 sf.	30 sf.	30 sf.	30 sf.	20 sf.	20 sf.	6
Group usable open space per <u>R</u> ooming <u>U</u> nit	75 sf.	75 sf.	75 sf.	75 sf.	50 sf.	50 sf.	6
Group usable open space per <u>R</u> ooming <u>U</u> nit when private open space is substituted	15 sf.	15 sf.	15 sf.	15 sf.	10 sf.	10 sf.	6

**Additional Regulations for Table 17.19.04:**

4. See Chapter 17.107 for affordable and senior housing incentives. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. ~~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 primary dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.

6. Usable open space is only required on lots with two (2) or more dwelling units, excluding any permitted Accessory Dwelling Units. 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, excluding any permitted Accessory Dwelling Units. All usable open space shall meet the standards contained in Chapter 17.126.

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### 17.19.060 Special regulations for ~~Mini-Lot~~ and Planned Unit Developments.

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-lot PUDs), certain regulations that apply to individual lots in the RU 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 (PUD) 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 RU 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.

# ATTACHMENT A: Proposed Amendments to the Oakland Planning Code

## Chapter 17.30 R-80 HIGH-RISE APARTMENT RESIDENTIAL ZONE REGULATIONS

### Sections:

17.30.070 Permitted facilities.

17.30.090 Special regulations applying to certain Commercial Activities.

17.30.100 Performance standards for Commercial Activities.

17.30.110 Use permit criteria for Commercial Activities.

17.30.140 Maximum residential density.

17.30.180 Minimum usable open space.

17.30.200 Special regulations for Mini-Lot Developments, Planned Unit Developments, and Large-Scale Developments.

### 17.30.070 Permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, are permitted. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units:

#### A. Residential Facilities:

One-Family Dwelling

~~One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.103.080~~

Two-Family Dwelling

Multifamily Dwelling

### 17.30.140 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a primary dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms. No Residential Facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270 and a Category One Accessory Dwelling Unit or Junior Accessory Dwelling Unit (JADU) within the existing primary residential structure. No Residential Facility shall be permitted to have both an additional kitchen as provided for in Subsection 17.102.270.B and an Accessory Dwelling Secondary Unit.

#### A. Permitted Density.

1. Regular Dwelling Units. One (1) Regular Dwelling Unit is permitted for each three hundred (300) square feet of lot area, provided that one (1) extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

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3. **Rooming Units.** One (1) ~~R~~rooming ~~U~~unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet.
  4. Combination of different types of living units. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units permitted heretofore may be exceeded by ten percent (10%) on any corner lot, and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.
  5. One-Family Dwelling. ~~A One-Family Dwelling or a One-Family Dwelling with Secondary Unit~~ is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.
- B. **Conditionally Permitted Density.** The number of living units permitted by Subsection A. of this Section may be increased by not to exceed fifty percent (50%) upon the granting of a ~~C~~conditional ~~U~~use ~~P~~permit pursuant to the ~~C~~conditional ~~U~~use ~~P~~permit procedure in Chapter 17.134, in each of the following situations:
1. In the case of a Residential Facility with more than four (4) stories containing living units, subject to the provisions of Section 17.106.040;
  2. Upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

The number of living units may also be increased, as prescribed in Section 17.106.060, in certain special housing.

### **17.30.180 Minimum usable open space.**

On each lot containing Residential Facilities with a total of two (2) or more dwelling living units, excluding any permitted Accessory Dwelling Units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per ~~R~~regular ~~D~~dwelling ~~U~~unit plus one hundred (100) square feet per ~~E~~efficiency ~~D~~dwelling ~~U~~unit plus seventy-five (75) square feet per ~~R~~rooming ~~U~~unit or Efficiency Dwelling Unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.

### **17.30.200 Special regulations for ~~Mini-Lot Developments~~, Planned Unit Developments, and Large-Sscale Ddevelopments.**

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain of the regulations otherwise applying to individual lots in the R-80 Zone 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 (PUD) 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 R-80 Zone, and certain

## ATTACHMENT A: Proposed Amendments to the Oakland Planning Code

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.

- C. **Large-Scale Developments.** No development which 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 pursuant to the Conditional Use Permit procedure in Chapter 17.134. This requirement shall not apply to developments where a valid Planned Unit Development permit is in effect.

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## Chapter 17.33 CN NEIGHBORHOOD CENTER COMMERCIAL ZONES REGULATIONS

### Sections:

17.33.040 Permitted and conditionally permitted facilities.

17.33.050 Property development standards.

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

### 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	
<b>Residential Facilities</b>					
One-Family Dwelling	—(L1)	—(L1)	—(L1)	—(L1)	<u>17.103.080</u>
<del>One-Family Dwelling with Secondary Unit</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>17.103.080</del>
Two-Family Dwelling	P(L1)(L2)	P(L1)(L2)	P(L1)(L3)	P(L1)	<u>17.103.080</u>
Multifamily Dwelling	P(L1)(L2)	P(L1)(L2)	P(L1)(L3)	P(L1)	<u>17.103.080</u>

### Limitations on Table 17.33.02:

**L1.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. Also applicable are the provisions of ~~See Chapter 17.114 — Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities, provided, however, that:~~ Accessory Dwelling Units are permitted when there is an existing One-Family Dwelling on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88. ~~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.~~

### 17.33.050 Property development standards.

**Table 17.33.03: Property Development Standards**

Development Standards	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
<b>Design Regulations</b>					
<del>Minimum ground floor nonresidential facade transparency for ground floor</del> <u>Nonresidential Facilities</u>	65%	65%	65%	N/A	9

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Development Standards	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Minimum height of ground floor Nonresidential Facilities	<u>15 ft. 42 ft.</u>	<u>15 ft. 42 ft.</u>	<u>15 ft. 42 ft.</u>	<u>15 ft. 42 ft.</u>	10
<b>Minimum required parking</b>	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking <u>requirements</u>				14

### Additional Regulations for Table 17.33.03:

**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 activity 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 Additional Regulation 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.

**10.** This height is only required for new principal buildings that include ground floor Nonresidential Facilities, and is measured from the sidewalk grade to the second story floor, ground floor ceiling.

**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 of 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 Additional Regulation 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. See Section 17.103.080 for aAdditional parking regulations that apply to SecondaryAccessory Dwelling Units, are provided in Section 17.103.080.

## B. Height, Floor Area Ratio (FAR), Density, and Open Space.

**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	
<b>Maximum Residential Density (square feet of lot area required per dwelling unit)</b>							
Regular <u>Units</u>	550	Same density regulations as	450	375	275	225	4, 5, 6

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Regulation	Height Area						Additional Regulations
	35	35*	45	60	75	90	
		abutting RH, RD, or RM Zone					
Rooming Units	275	Same density regulations as abutting RH, RD, or RM Zone	225	185	135	110	4, 5, 6
<b>Usable Open Space (square feet per residential unit)</b>							
Group usable open space per Rregular Unit	150	Same <u>open space density</u> regulations as abutting RH, RD, or RM Zone	150	150	150	100	6, 7
Group usable open space per Rregular Unit when private open space substituted	30	Same <u>open space density</u> regulations as abutting RH, RD, or RM Zone	30	30	30	20	6, 7
Group usable open space per Rooming Unit	75	Same <u>open space density</u> regulations as abutting RH, RD, or RM Zone	75	75	75	50	6, 7
Group usable open space per Rrooming Unit when private open space is substituted	15	Same <u>open space density</u> regulations as abutting RH, RD, or RM Zone	15	15	15	10	6, 7

### Additional Regulations for Table 17.33.04:

4. See Chapter 17.107 for affordable and senior housing incentives. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. ~~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.

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, except that One-Family Dwellings, along with one or more Accessory Dwelling Units as specified in Section 17.103.080, are permitted in the 35\* height area regardless of the residential density regulations in the adjacent Zone (see also Table 17.33.02). When there is more than one of these abutting zones, then the regulations of the zone allowing the greatest density shall apply.

7. Usable open space is only required on lots with two (2) or more dwelling units, excluding any permitted Accessory Dwelling Units. 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, excluding

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any permitted Accessory Dwelling Units. All usable open space shall meet the standards contained in Chapter 17.126.

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

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), 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 (PUD) 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.

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## Chapter 17.35 CC COMMUNITY COMMERCIAL ZONES REGULATIONS

### Sections:

17.35.040 Permitted and conditionally permitted facilities.

17.35.050 Property development standards.

17.35.060 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.

### 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	
<b>Residential Facilities</b>				
One-Family Dwelling	—(L1)	—(L1)	— (L1)(L7)	<u>17.103.080</u>
<del>One-Family Dwelling with Secondary Unit</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>— (L1)(L7)</del>	<del>17.103.080</del>
Two-Family Dwelling	P(L2)(L8)	P(L3)(L8)	— (L1)(L7)	<u>17.103.080</u>
Multifamily Dwelling	P(L2)(L8)	P(L3)(L8)	— (L1)(L7)	<u>17.103.080</u>

#### Limitations on Table 17.35.02:

**L1.** See Chapter 17.114 — Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities, ~~provided, however, that Accessory Dwelling Units are permitted in the CC-1 and CC-2 Zones when there is an existing applicable Residential Facility on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88. 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 only permitted if part of a development that has a majority of the ground floor area is devoted to Commercial Activities.

**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 approved in conjunction with serving a permitted or conditionally permitted Emergency Shelter Activity, as indicated in Table 17.35.01.~~

**L8.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

### 17.35.050 Property development standards.

#### A. Zone Specific Standards.

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**Table 17.35.03: Property Development Standards**

Development Standards	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
<b>Design Regulations</b>				
<del>Minimum ground floor nonresidential facade transparency of ground floor Nonresidential Facilities</del>	N/A	55%	N/A	9
Minimum height of ground floor Nonresidential Facilities	<u>15 ft.</u> N/A	<u>15 ft.</u> 12 ft.	<u>15 ft.</u> N/A	10

**Additional Regulations for Table 17.35.03:**

**9.** This percentage of transparency is only required for principal buildings that include ground floor Nonresidential Facilities, and only applies to facades 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, non-reflective windows that allow views out of indoor activity commercial space, residential space, or lobbies (see Illustration for Table 17.35.03 [Additional Regulation 9], below). Areas required for garage doors shall not be included in the calculation of facade area (see Additional Regulation 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.

**10.** This height is only required for new principal buildings with ground floor Nonresidential Facilities located within twenty (20) feet of the principal street; and is measured from the sidewalk grade to the second story floor. ~~frontage and is measured from the sidewalk grade to the ground floor ceiling.~~

**12.** For the construction of new principal buildings in the CC-2 Zone, ground level parking spaces, locker areas, mechanical rooms, and other non-active spaces shall not be located within thirty (30) feet of the principal street frontage, except for incidental entrances to such activities elsewhere in the building. Exceptions to this regulation may be permitted by the Planning Director for non-active spaces 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 Additional Regulation Note-11, above.

**13.** ~~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. See Section 17.103.080 for a~~Additional parking regulations that apply to Secondary Accessory Dwelling Units, are provided in Section 17.103.080.

**C. Height, Floor Area Ratio (FAR), Density, and Open Space.**

**Table 17.35.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations**

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Regulation	Height Area								Additional Regulations
	35	45	55	60	75	90	120	160	
<b>Maximum Height</b>	35 ft.	45 ft.	<u>55</u> ft.	60 ft.	75 ft.	90 ft.	120 ft.	160 ft.	1, 2
<b>Height Minimum</b>									
Permitted height minimum	N/A	N/A	<u>35</u> ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	3
Conditionally permitted height minimum	N/A	N/A	<u>25</u> ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	3
<b>Maximum Residential Density (square feet of lot area required per dwelling unit)</b>									
Regular <u>U</u> units	550	450	<u>375</u>	375	275	225	225	225	4, 5
Rooming <u>U</u> units	275	225	<u>185</u>	185	135	110	110	110	4, 5
<b>Maximum Nonresidential FAR</b>	2.0	2.5	<u>3.0</u>	3.0	4.0	4.5	5.0	5.0	4, 5
<b>Maximum number of stories (not including underground construction)</b>	3	4	<u>5</u>	5	7	8	11	15	
<b>Minimum Usable Open Space</b>									
Group usable open space per <u>R</u> regular <u>U</u> unit	150	150	<u>150</u>	150	150	100	100	100	6
Group usable open space per <u>R</u> regular <u>U</u> unit when private open space substituted	30	30	<u>30</u>	30	30	20	20	20	6
Group usable open space per <u>R</u> rooming <u>U</u> unit	75	75	<u>75</u>	75	75	50	50	50	6
Group usable open space per <u>R</u> rooming <u>U</u> unit when private open space is substituted	15	15	<u>15</u>	15	15	10	10	10	6

### Additional Regulations for Table 17.35.04:

4. See Chapter 17.107 for affordable and senior housing incentives. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. ~~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.

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6. Usable open space is only required on lots with two (2) or more dwelling units, excluding any permitted Accessory Dwelling Units. 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, excluding any permitted Accessory Dwelling Units. All usable open space shall meet the standards contained in Chapter 17.126.

### **17.35.060 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.**

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain regulations that apply to individual lots in the CC 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 (PUD) 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 CC 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.

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## Chapter 17.37 CR REGIONAL COMMERCIAL ZONES REGULATIONS

### Sections:

17.37.030 Permitted and conditionally permitted activities.

17.37.040 Permitted and conditionally permitted facilities.

17.37.050 Property development standards.

17.37.060 Special regulations for ~~Mini-Lot~~ and Planned Unit Developments.

### 17.37.030 Permitted and conditionally permitted activities.

**Table 17.37.01: Permitted and Conditionally Permitted Activities**

Activities	Zone	Additional Regulations
	CR-1	
<b>Residential Activities</b>		
Residential Care	—	
Emergency Shelter	C(L1)	17.103.010
Semi-Transient	<del>C(L1)</del>	

#### Limitations on Table 17.37.01:

**L1.** No ~~Residential Care or Emergency Shelter Residential Activity~~ shall be located closer than three hundred (300) feet from any Residential Care Residential Activity or other such ~~Emergency Shelter Residential Activity~~ or Facility. See Section 17.103.010 for other regulations regarding these Activities.

### 17.37.040 Permitted and conditionally permitted facilities.

**Table 17.37.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zone	Additional Regulations
	CR-1	
<b>Residential Facilities</b>		
One-Family Dwelling	<del>—(L1)(L3)</del>	<u>17.103.080</u>
<del>One-Family Dwelling with Secondary Unit</del>	<del>—(L1)</del>	
Two-Family Dwelling	<del>—(L1)(L3)</del>	<u>17.103.080</u>
Multifamily Dwelling	<del>—(L1)(L3)</del>	<u>17.103.080</u>
Rooming House	<del>—(L1)(L3)</del>	

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### **Limitations ~~on~~ for Table 17.37.02:**

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

**L3.** All new Residential Facilities are prohibited in the CR-1 Zone, except for those facilities approved in conjunction with a conditionally permitted Emergency Shelter or Semi-Transient Residential Activity, as indicated in Table 17.37.01.

### **17.37.060 Special regulations for ~~Mini-Lot~~ and Planned Unit Developments.**

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain regulations that apply to individual lots in the CR 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 (PUD) 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 CR 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)

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## Chapter 17.54 C-40 COMMUNITY THOROUGHFARE COMMERCIAL ZONE REGULATIONS Sections:

17.54.070 Permitted facilities.

17.54.130 Maximum residential density.

17.54.170 Minimum usable open space.

17.54.190 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.

### 17.54.070 Permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, are permitted. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units:

#### A. Residential Facilities:

One-Family Dwelling

~~One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.103.080~~

Two-Family Dwelling

Multifamily Dwelling

### 17.54.130 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. 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. No Residential Facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270 and a Category One Accessory Dwelling Unit or Junior Accessory Dwelling Unit (JADU) within the existing primary residential structure. No Residential Facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270.B and an Accessory Dwelling Secondary Unit.

#### A. Permitted Basic-Density.

1. Regular Dwelling Units. One (1) ~~R~~regular ~~D~~dwelling ~~U~~unit is permitted for each four hundred fifty (450) square feet of lot area, provided that one extra such unit is permitted if a remainder of three hundred (300) square feet or more is obtained after division of the lot area by four hundred fifty (450) square feet. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

3. Rooming Units. One (1) Rooming Unit is permitted ~~The maximum number of rooming units shall be one~~ for each two hundred twenty-five (225) square feet of lot area, plus one extra such unit if a remainder of one hundred fifty (150) square feet or more is obtained after division of the lot area by two hundred twenty-five (225) square feet.

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4. Combination of different types of living units. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units allowed heretofore may be exceeded by ten percent (10%) on any corner lot, and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.

5. One-Family Dwelling. A One-Family Dwelling ~~or a One-Family Dwelling with Secondary Unit~~ is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

B. Conditionally Permitted Density. Bonuses.—The number of living units allowed by Subsection A. of this Section may be increased by not to exceed fifty percent (50%) upon the granting of a Conditional Use Permit pursuant to the Conditional Use Permit procedure in Chapter 17.134, in each of the following situations:

1. In the case of a Residential Facility with more than four (4) stories containing living units, subject to the provisions of Section 17.106.040;
2. Upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

The number of living units may also be increased, as prescribed in Section 17.106.060, in certain special housing.

### 17.54.170 Minimum usable open space.

On each lot containing Residential Facilities with a total of two or more dwelling living units, excluding any permitted Accessory Dwelling Units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per Regular Dwelling Unit, ~~plus one hundred (100) square feet per Efficiency Dwelling Unit~~, plus seventy-five (75) square feet per Rooming Unit or Efficiency Dwelling Unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020, except that actual group space shall be provided in the minimum amount of thirty (30) square feet per Regular Dwelling Unit, ~~plus twenty (20) square feet per Efficiency Dwelling Unit~~, plus fifteen (15) square feet per Rooming Unit or Efficiency Dwelling Unit. All required space shall conform to the standards for required usable open space in Chapter 17.126.

### 17.54.190 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.

A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain of the regulations otherwise applying to individual lots in the C-40 Zone 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 (PUD) 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 C-40 Zone, 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

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permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

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## Chapter 17.56 C-45 COMMUNITY SHOPPING COMMERCIAL ZONE REGULATIONS

### Sections:

17.56.070 Permitted facilities.

17.56.140 Maximum residential density.

17.56.180 Minimum usable open space.

17.56.200 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.

### 17.56.070 Permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, are permitted. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units:

#### A. Residential Facilities:

One-Family Dwelling

~~One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.103.080~~

Two-Family Dwelling

Multifamily Dwelling

### 17.56.140 Maximum residential density.

#### A. Permitted Density.

1. Regular Dwelling Units. One (1) ~~R~~regular ~~D~~dwelling ~~U~~unit is permitted for each three hundred (300) square feet of lot area, provided that one (1) extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

3. Rooming Units. One (1) ~~R~~rooming ~~U~~unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet.

4. Combination of different types of living units. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units permitted heretofore may be exceeded by ten percent (10%) on any corner lot, and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.

5. One-Family Dwelling. A One-Family Dwelling ~~or a One-Family Dwelling with Secondary Unit~~ is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

B. Conditionally Permitted Density. The number of living units permitted by Subsection A. of this Section may be increased by not to exceed fifty percent (50%) upon the granting of

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a Ceonditional Use Permit pursuant to the Ceonditional Use Permit procedure in Chapter 17.134, in each of the following situations:

1. In the case of a Residential Facility with more than four (4) stories containing living units, subject to the provisions of Section 17.106.040;
2. Upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

The number of living units may also be increased, as prescribed in Section 17.106.060, in certain special housing.

### **17.56.180 Minimum usable open space.**

On each lot containing Residential Facilities with a total of two or more dwelling living units, excluding any permitted Accessory Dwelling Units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per Regular Dwelling Unit, plus one hundred (100) square feet per Efficiency Dwelling Unit, plus seventy-five (75) square feet per Rooming Unit or Efficiency Dwelling Unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.

### **17.56.200 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.**

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain of the regulations otherwise applying to individual lots in the C-45 Zone may be waived or modified when and as prescribed in Section 17.102.320.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development (PUD) 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 C-45 Zone, 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.

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## Chapter 17.58 CBD CENTRAL BUSINESS DISTRICT ZONES REGULATIONS

### Sections:

17.58.050 Permitted and conditionally permitted facilities.

17.58.070 Usable open space standards.

### 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	
<b>Residential Facilities</b>					
One-Family Dwelling	—(L1)	—(L1)	—(L1)	—(L1)	<u>17.103.080</u>
<del>One-Family Dwelling with Secondary Unit</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>17.103.080</del>
Two-Family Dwelling	<u>P(L1)</u>	<del>—(L1)</del>	<del>—(L1)</del>	<del>—(L1)</del>	<u>17.103.080</u>
Multifamily Dwelling	<u>P(L1)</u>	<u>P(L1)</u>	<u>P(L1)</u>	<u>P(L1)</u>	<u>17.103.080</u>

### Limitations on Table 17.58.02:

~~L1. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. See also Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities, provided, however, that Accessory Dwelling Units are permitted when there is an existing applicable Residential Facility on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88. 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.~~

### 17.58.060 Property development standards.

#### A. Zone Specific Standards.

**Table 17.58.03: Property Development Standards**

Development Standards	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
<b>Design Regulations</b>					
<u>Minimum Ground floor commercial facade transparency of ground floor Nonresidential Facilities</u>	55%	65%	55%	55%	6

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Development Standards	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Minimum height of ground floor Nonresidential Facilities	15 ft.	15 ft.	15 ft.	15 ft.	7

### **Additional Regulations for Table 17.58.03:**

7. This height is required for new principal buildings that include ground floor Nonresidential Facilities, and is measured from the sidewalk grade to the second story floor.

### **17.58.070 Usable open space standards.**

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 dwelling living units, excluding any permitted Accessory Dwelling Units, usable open space shall be provided for such facilities at a rate of seventy-five (75) square feet per Regular 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:

**Table 17.58.05: Required Dimensions of Usable Open Space**

### **Notes for Table 17.58.05:**

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## Chapter 17.65 HBX HOUSING AND BUSINESS MIX COMMERCIAL ZONES REGULATIONS

### Sections:

- 17.65.030 Permitted, conditionally permitted, and prohibited activities.
- 17.65.040 Permitted and conditionally permitted facilities.
- 17.65.070 Maximum density.
- 17.65.120 Minimum usable open space.
- 17.65.130 Landscaping, paving, and buffering.
- 17.65.170 Special regulations for ~~Mini-Lot~~ and Planned Unit Developments.

### 17.65.030 Permitted, conditionally permitted, and prohibited activities.

The following table lists the permitted, conditionally permitted, and prohibited activities in the HBX Zones. The descriptions of these activities are contained in Chapter 17.10. A legally constructed facility shall be allowed to contain or be converted to contain any activities listed as permitted in the table below if they meet all applicable regulations.

**Table 17.65.01: Permitted, Conditionally Permitted, and Prohibited Activities**

Activity	Regulations				Additional Regulations
	HBX-1	HBX-2	HBX-3	HBX-4	

### Limitations on Table 17.65.01:

### 17.65.040 Permitted and conditionally permitted facilities.

**Table 17.65.02: Permitted and Conditionally Permitted Facilities**

Facility Types	Zones				Additional Regulations
	HBX-1	HBX-2	HBX-3	HBX-4	
<b>Residential Facilities</b>					
One-Family Dwellings	P(L4)	P(L3)(L4)	P(L3)(L4)	C(L3)(L4)	<u>17.103.080</u>
<del>One-Family Dwelling with Secondary Unit</del>	P	P	P	C	<del>17.103.080</del>
Two-Family Dwelling	P(L4)	P(L4)	P(L4)	C(L4)	<u>17.103.080</u>
Multifamily Dwelling	P(L4)	P(L4)	P(L4)	C(L4)	<u>17.103.080</u>

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## **Limitation on Table 17.65.02:**

**L3.** In the HBX-2, HBX-3, and HBX-4 Zones, new construction on a vacant lot that is greater than five thousand (5,000) square feet shall only result in a total of one (1) unit on the lot upon the granting of a Ceonditional Uuse Ppermit (see Chapter 17.134 for the CUP procedure). However, tThis requirement does shall not apply to the expansion of the floor area or other alteration of an existing Single One-Family Dwelling.

**L4.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

## **17.65.070 Maximum density.**

The following table contains the maximum number of living units allowed per lot for the zones in this Chapter.

Living Unit Type	Zone			
	HBX-1	HBX-2	HBX-3	HBX-4

### **Notes:**

1. See ~~(1)~~ Section 17.103.080 for regulations regarding permitted Secondary Accessory Dwelling Units; ~~(2)~~ Chapter 17.107 for affordable housing density incentives; and ~~(3)~~ Section 17.106.060 for increased density for senior housing.

## **17.65.120 Minimum usable open space.**

The following table contains the minimum usable open space requirements per dwelling unit for the zones in this Chapter.

Zone			
HBX-1	HBX-2	HBX-3	HBX-4

### **Notes:**

Usable open space is only required on lots with two (2) or more dwelling units, excluding and not required for a One-Family Dwelling with Secondary any permitted Accessory Dwelling Units. Each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement. All usable open space shall meet the standards contained in Chapter 17.126, except that group usable open space may be located anywhere on the lot.

## **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 any permitted Accessory Dwelling Units, and for additions to existing building facilities of over five hundred (500) square feet.

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### 17.65.170 Special regulations for ~~Mini-Lot~~ and Planned Unit Developments.

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain regulations otherwise applying to individual lots in the HBX Zones may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments in the HBX Zones shall be subject to the Planned Unit Development (PUD) 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 HBX Zones, and certain of the other regulations applying in said zones 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.

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## Chapter 17.72 M-20, M-30, AND M-40 INDUSTRIAL ZONES REGULATIONS

### Sections:

17.72.040 Permitted and conditionally permitted facilities.

17.72.060 Special Regulations for ~~Mini-Lot and~~ Planned Unit Developments.

### 17.72.040 Permitted and conditionally permitted facilities.

**Table 17.72.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones			Additional Regulations
	M-20	M-30	M-40	
<b>Residential Facilities</b>				
One-Family Dwelling	—	—(L4)	—	17.103.015
<del>One-Family Dwelling with Secondary Unit</del>	—	—(L4)	—	<del>17.103.080</del>
Two-Family Dwelling	—	—(L4)	—	17.103.015
Multifamily Dwelling	—	—(L4)	—	17.103.015

### 17.72.060 Special Regulations for ~~Mini-Lot and~~ Planned Unit Developments.

- A. **Mini-lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain regulations that apply to individual lots in the M-20, M-30, and M-40 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 (PUD) 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 M-20, M-30, and M-40 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.

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## Chapter 17.74 S-1 MEDICAL CENTER COMMERCIAL ZONE REGULATIONS

### Sections:

17.74.050 Permitted facilities.

17.74.120 Maximum residential density.

17.74.160 Minimum usable open space.

17.74.180 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.

### 17.74.050 Permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, are permitted. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units:

#### A. Residential Facilities:

One-Family Dwelling

~~One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.103.080~~

Two-Family Dwelling

Multifamily Dwelling

### 17.74.120 Maximum residential density.

#### A. Permitted Density.

1. Regular Dwelling Units. One (1) ~~R~~regular ~~D~~dwelling ~~U~~unit is permitted for each three hundred (300) square feet of lot area, provided that one extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.
3. Rooming Units. One (1) ~~R~~rooming ~~U~~unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet.
4. Combination of different types of living units. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units permitted heretofore may be exceeded by ten percent (10%) on any corner lot, and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.
5. One-Family Dwelling. ~~A One-Family Dwelling or a One-Family Dwelling with Secondary Unit~~ is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

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### 17.74.160 Minimum usable open space.

On each lot containing Residential Facilities with a total of two or more dwelling living units, excluding any permitted Accessory Dwelling Units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per Rregular Dwelling Unit, plus one hundred (100) square feet per Efficiency Dwelling Unit, plus seventy-five (75) square feet per Rrooming Unit or Efficiency Dwelling Unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.

### 17.74.180 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain of the regulations otherwise applying to individual lots in the S-1 Zone 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 (PUD) 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 S-1 Zone, 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.

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## Chapter 17.76 S-2 CIVIC CENTER COMMERCIAL ZONE REGULATIONS

### Sections:

17.76.070 Permitted facilities.

17.76.140 Maximum residential density.

17.76.180 Minimum usable open space.

### 17.76.070 Permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, are permitted. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units:

#### A. Residential Facilities:

One-Family Dwelling

~~One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.103.080~~

Two-Family Dwelling

Multifamily Dwelling

### 17.76.140 Maximum residential density.

#### A. Permitted Density.

1. Regular Dwelling Units. One (1) Regular Dwelling Unit is permitted for each three hundred (300) square feet of lot area, provided that one extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet. See Section 17.103.080 and Chapter 17.88 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.
3. Rooming Units. One (1) Rooming Unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet.
4. Combination of different types of living units. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each.
5. One-Family Dwelling. ~~A One-Family Dwelling or a One-Family Dwelling with Secondary Unit~~ is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

### 17.76.180 Minimum usable open space.

On each lot containing Residential Facilities with a total of two (2) or more dwelling living units, excluding any permitted Accessory Dwelling Units, group usable open space shall be

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provided for such facilities in the minimum amount of one hundred fifty (150) square feet per Regular Dwelling Unit, ~~plus one hundred (100) square feet per Efficiency Dwelling Unit~~, plus seventy-five (75) square feet per Rooming Unit or Efficiency Dwelling Unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.

### **17.76.200 Special regulations for ~~Mini-Lot Developments~~, Planned Unit Developments, and large-scale developments.**

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain of the regulations otherwise applying to individual lots in the S-2 Zone 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 (PUD) 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 S-2 Zone, 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.
- C. **Large-Scale Developments.** No development which 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 pursuant to the conditional use permit procedure in Chapter 17.134. This requirement shall not apply to development where a valid Planned Unit Development permit is in effect.

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

### Sections:

17.88.010 Title, Purpose and Applicability.

17.88.040 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 and facilities that are located, in whole or part, within Very High Fire Hazard Severity Zones (VHFHSZs) as designated by the California Department of Forestry and Fire Protection (CAL FIRE), 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.

**Please see the options outlined in the Staff Report. Staff will adopt/insert the preferred recommendation of the Planning Commission.**

### 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~~The following Accessory Dwelling Units and JADUs, as defined in Sections 17.09.040 and 17.103.080.

**Please see the options outlined in the Staff Report. Staff will adopt/insert the preferred recommendation of the Planning Commission.**

# ATTACHMENT A: Proposed Amendments to the Oakland Planning Code

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

### Sections:

17.92.060 Limitations on residential density.

### 17.92.060 Limitations on residential density.

- A. Overall Density. The maximum overall number of dwelling units within any development shall be whichever of the following is applicable and lowest:
1. The number of dwelling units implied by the applicable basic zone's minimum lot area requirement, and defined in the same manner as prescribed in Subsection A. of Section 17.142.110 and the first three sentences of Subsection B. of Section 17.142.110.
  2. In the case of those properties for which the Site Development Map of the North Oakland Hill Area Specific Plan depicts siting of dwelling units, the number of dwelling units indicated by that map.
  3. In the case of those properties where dwelling units are not shown on the Site Development Map of the North Oakland Hill Area Specific Plan, the lowest number of dwelling units derived from:
    - a. Dividing the street frontage of the property by the minimum lot width mean requirement in the respective Residential Zone; and
    - b. Counting the number of legally platted lots within the proposed development area; and
    - c. Analyzing the project under the Regular Design Revision process to affirm or lower the maximum theoretical density pursuant to Sections 17.92.030 and 17.92.050.

One through three above shall not be deemed to preclude such additional ~~Secondary~~ Accessory Dwelling Units in the S-11 Zone as may be approved in accordance with the standards, criteria and conditions in Section 17.103.080 and Chapter 17.88.

# ATTACHMENT A: Proposed Amendments to the Oakland Planning Code

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

### Sections:

17.97.050 Permitted and conditionally permitted facilities.

17.97.070 Height, floor area ratio (FAR), density, and open space.

### 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	
<b>Residential Facilities</b>			
One-Family Dwelling	<del>—(L2)C</del>	—(L2)	<u>17.103.080</u>
<del>One-Family Dwelling with Secondary Unit</del>	<del>—(L3)</del>	<del>—(L3)</del>	<del>17.103.080</del>
Two-Family Dwelling	C(L3)	C(L3)	<u>17.103.080</u>
Multifamily Dwelling	P(L3)	P(L3)	<u>17.103.080</u>

### Limitations on Table 17.97.02:

**L1.** No Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate Civic Activities, Limited Agriculture, seasonal sales, or special events.

**L2.** See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities, provided, however, that Accessory Dwelling Units are permitted when there is an existing primary Residential Facility on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88.

**L3.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. A Secondary Unit that meets all requirements set forth in Section 17.103.080 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.

### 17.97.070 Height, floor area ratio (FAR), density, and open space.

Table ~~17.97.04~~ 17.97.04 below prescribes height, FAR, density, and open space standards associated with the S-15 and S-15W Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table. "N/A" designates the regulation is not applicable to the specified Height Area.

**Table 17.97.04 ~~17.97.04~~ Height, Floor Area Ratio (FAR), Density, and Open Space Regulations**

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Regulation	Height Area										Additional Regulations
	35	45	55	60	75	90	100	120	140	160	
<b>Minimum Usable Open Space</b>											
Group usable open space per <u>R</u> regular <u>U</u> nit	150	150	150	150	100	100	75	75	75	75	6
Group usable open space per <u>R</u> regular <u>U</u> nit when private open space substituted	30	30	30	30	20	20	15	15	15	15	6
Group usable open space per <u>R</u> ooming <u>U</u> nit	75	75	75	75	50	50	38	38	38	38	6
Group usable open space per <u>R</u> ooming <u>U</u> nit when private open space is substituted	15	15	15	15	10	10	8	8	8	8	6

**Additional Regulations for Table ~~17.97.0417.97.04~~:**

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 ~~17.97.0417.97.04~~ [Additional Regulation 1], below).

Illustration for Table ~~17.97.04 17.97.04~~ [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 ~~17.97.04 17.35.04~~ [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 Table ~~17.97.04 17.35.04~~ [Additional Regulation 2]  
\*for illustration purposes only

4. See Chapter 17.107 for affordable and senior housing incentives, ~~and~~ Section 17.103.080 for regulations regarding permitted Accessory Dwelling Units. 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 primary dwelling unit, and the provisions of ~~Section 17.102.300~~ with respect to dwelling units with five (5) or more bedrooms.

6. Usable open space is only required on lots with two (2) or more dwelling units, excluding any permitted Accessory Dwelling Units. Each one (1) square foot of private usable open space

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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, excluding any permitted Accessory Dwelling Units. All usable open space shall meet the standards contained in Chapter 17.126.

### **17.97.090 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.**

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain regulations that apply to individual lots in the S-15 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 (PUD) 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 S-15 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.

# ATTACHMENT A: Proposed Amendments to the Oakland Planning Code

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

### Sections:

17.99.050 Usable open space standards for residential development.

### **17.99.050 Usable open space standards for residential development.**

All required usable open space shall be permanently maintained and shall conform to the following standards:

- A. **Area.** On each lot containing Residential Facilities with a total of two (2) or more dwelling living units, excluding any permitted Accessory Dwelling Units, usable open space shall be provided for such facilities at a rate of seventy-five (75) square feet per Regular Dwelling Unit, standard unit, fifty (50) square feet per Efficiency Dwelling Unit, and thirty-eight (38) square feet per Rooming Unit.

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## Chapter 17.101C D-BV BROADWAY VALDEZ DISTRICT COMMERCIAL ZONES REGULATIONS

### Sections:

17.101C.050 - Property development standards.

### 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	
<b>Residential Facilities</b>						
One-Family Dwelling	—(L1)	—(L1)	—(L1)	—(L1)	—(L1)	<u>17.103.080</u>
<del>One-Family Dwelling with Secondary Unit</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>17.103.080</del>
Two-Family Dwelling	—(L1)	—(L1)	—(L1)	P(L3)(L11)	—(L1)	<u>17.103.080</u>
Multifamily Dwelling	C(L2)(L11)	P(L3)(L11)	P(L4)(L11)	P(L11)	P(L5)(L11)	<u>17.103.080</u>

### Limitations on Table 17.101C.02:

**L1.** See Chapter 17.114 — Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities, provided, however, that Accessory Dwelling Units are permitted when there is an existing primary Residential Facility on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88. ~~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.~~

**L11.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

### 17.101C.050 - Property development standards.

#### A. Zone Specific Standards.

**Table 17.101C.03: Property Development Standards**

## ATTACHMENT A: Proposed Amendments to the Oakland Planning Code

Development Standards	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N	
<b>Design Regulations</b>						
Minimum height of ground floor Nonresidential Facilities	15 ft.	11				

### Additional Regulations for Table 17.101C.03:

11. This height is required for new principal buildings that include ground floor Nonresidential Facilities, and is measured from the sidewalk grade to the second story floor.

### B. Height, Floor Area Ratio (FAR), Density, and Open Space.

**Table 17.101C.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations**

Regulation	Height Area								Additional Regulations
	45	45*	65	85	85/135	135	135/200	250	
<b>Maximum Residential Density (square feet of lot area required per dwelling unit)</b>									
Regular Units	450	N/A	375	275	275/200	200	200/150	90	3, 5, 6
Rooming Units	225	N/A	185	135	135/100	100	100/75	45	3, 5, 6

### Additional Regulations for Table 17.101C.04:

5. See Chapter 17.107 for affordable and senior housing incentives. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. ~~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 primary dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.

13. For the new construction of principal buildings in the D-BV-1, D-BV-2, D-BV-3 Zone, and N Combining Zone, ground level parking spaces, locker areas, mechanical rooms, and other non-active spaces shall not be located within thirty (30) feet ~~of 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 Additional Regulation Note-12, above.

**D. Retail Priority Sites: Height, Floor Area Ratio (FAR), Residential Bonus, and Open Space.** Table 17.101C.06 below prescribes height, FAR, residential bonus, and open space, standards associated with the minimum retail area required in the Retail Priority Sites described in Table 17.101C.05 above. The number designations in the "Additional Regulations" column refer to regulations below the table. "N/A" designates the regulation is not applicable to the specified retail percentage category.

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<b>Table 17.101C.06: Retail Priority Sites: Height, Floor Area Ratio (FAR), Residential Bonus, and Open Space</b>
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### **Additional Regulations for Table 17.101C.06:**

3. See Chapter 17.107 for affordable and senior housing incentives. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. A Secondary Unit may be permitted when there is no more than one (1) Primary Unit on a lot, subject to the provisions of. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a primary dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.

### **17.101C.060 - Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.**

- A. Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain regulations that apply to individual lots in the D-BV Zones may be waived or modified when and as prescribed in Section 17.142.
- B. Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development (PUD) 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 D-BV 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.

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## Chapter 17.101D D-KP KAISER PERMANENTE OAKLAND MEDICAL CENTER DISTRICT ZONES REGULATIONS

### Sections:

17.101D.040 Permitted and conditionally permitted facilities.

### 17.101D.040 Permitted and conditionally permitted facilities.

**Table 17.101D.02 Permitted and Conditionally Permitted Facilities**

Facility Types	Zones			Additional Regulations
	D-KP-1	D-KP-2	D-KP-3	
<b>Residential Facilities</b>				
One-Family Dwelling	<u>P(L3)</u>	<u>P(L3)</u>	<u>P(L3)</u>	<u>17.103.080</u>
<del>One-Family Dwelling with Secondary Unit</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>17.103.080</del>
Two-Family Dwelling	<u>P(L3)</u>	<u>P(L3)</u>	<u>P(L3)</u>	<u>17.103.080</u>
Multifamily Dwelling	<u>P(L3)</u>	<u>P(L3)</u>	<u>P(L3)</u>	<u>17.103.080</u>

### **Limitations on Table 17.101D.02:**

**L1.** 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.

**L2.** No Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate Civic Activities, seasonal sales, or special events.

**L3.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

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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	
<b>Residential Facilities</b>							
One-Family Dwelling	—(L1)	—(L1)	P(L5)	—(L1)	—(L1)	—(L1)	<u>17.103.080</u>
<del>One-Family Dwelling with Secondary Unit</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>P</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>17.103.080</del>
Two-Family Dwelling	—(L1)	—(L1)	P(L5)	—(L1)	—(L1)	—(L1)	<u>17.103.080</u>
Multifamily Dwelling	—(L1)	—(L1)	P(L5)	P(L5)	—(L1)	—(L1)	<u>17.103.080</u>

#### Limitations on Table 17.101E.02:

**L1.** See Chapter 17.114 - Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities, provided, however, that Accessory Dwelling Units are permitted in the D-CE-4 Zone when there is an existing primary Residential Facility on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88. 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.

**L5.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

### 17.101E.050 Property development standards.

#### A. Zone Specific Standards.

**Table 17.101E.03 Property Development Standards**

Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	

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## Additional Regulations for Table 17.101E.03:

3. In the D-CE-3 and D-CE-4 Zones, see Section 17.108.080 for the required interior side and rear yard setbacks on a lot containing two (2) or more dwelling living units, excluding any permitted Accessory Dwelling Units, and opposite a legally required living room window. Wherever a rear lot line abuts an alley, one-half (½) 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.

9. In the D-CE-3 and D-CE-4 Zones, see Chapter 17.107 and Section 17.106.060 for affordable and senior housing incentives. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. 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 primary dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms. In the D-CE-3 Zone, new construction on a vacant lot that is greater than five thousand (5,000) square feet shall only result in a total of one (1) unit on the lot upon the granting of a Conditional Use Permit (see Chapter 17.134 for the Conditional Use Permit process). This requirement does not apply to the expansion of the floor area or other alteration of an existing Single Family Dwelling.

11. In the D-CE-3 and D-CE-4 Zones, usable open space is not required for Work/Live, and is only required on lots with two (2) or more Residential or Live/Work units, excluding any permitted Accessory Dwelling Units. ~~or more, and not required for a One-Family Dwelling with Secondary Unit.~~ Each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement. All usable open space shall meet the standards contained in Chapter 17.126, except that group usable open space may be located anywhere on the lot, provided the Frontage Type design guidelines are followed (see Section 4.1 of the "Design Guidelines for the Central Estuary").

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 any permitted Accessory Dwelling Secondary Units. The landscaping and buffering plan shall contain the following:

19. ~~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. See Section 17.103.080 for a~~ Additional parking regulations that apply to Secondary Accessory Dwelling Units, are provided in Section 17.103.080.

## 17.101E.090 Special Regulations for ~~Mini-Lot and~~ Planned Unit Developments.

A. **Mini-lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain regulations that apply to individual lots in the D-CE-3 and D-CE-4 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 (PUD) 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 D-CE-3 and D-CE-4 Zones, and certain of the other regulations applying in said zone may be waived or modified.

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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.

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## Chapter 17.101F D-GI GATEWAY DISTRICT INDUSTRIAL ZONE REGULATIONS

### Sections:

17.101F.040 Permitted and conditionally permitted facilities.

**17.101F.040 Permitted and conditionally permitted facilities.**

**Table 17.101F.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zone	Additional Regulations
	<b>D-GI</b>	
<b>Residential Facilities</b>		
One-Family Dwelling	—	
<del>One-Family Dwelling with Secondary Unit</del>	—	
Two-Family Dwelling	—	
Multifamily Dwelling	—	

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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.050 Property development standards.

### 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	
<b>Residential Facilities</b>						
One-Family Dwellings	—(L1)	—(L1)	—(L1)	—(L1)	—(L1)	<u>17.103.080</u>
One-Family Dwelling with Secondary Unit	—(L5)	—(L5)	—(L5)	—(L5)	—(L5)	17.103.080
Two-Family Dwelling	P(L6)	P(L5)(L6)	P(L5)(L6)	P(L5)(L6)	P(L5)(L6)	<u>17.103.080</u>
Multifamily Dwelling	P(L6)	P(L6)	P(L6)	P(L6)	P(L6)	<u>17.103.080</u>

#### **Limitations on Table 17.101G.02:**

**L1.** See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities, provided, however, that Accessory Dwelling Units are permitted when there is an existing One-Family Dwelling on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88.

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

**L6.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

### 17.101G.050 Property development standards.

#### A. Zone Specific Standards.

**Table 17.101G.03: Property Development Standards**

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Development Standards	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
<b>Design Regulations</b>						
<u>Minimum Ground floor commercial facade transparency of ground floor Nonresidential Facilities</u>	55%	65%	55%	55%	55%	5
Minimum height of ground floor Nonresidential Facilities	15 ft.	6				

### **Additional Regulations for Table 17.101G.03:**

5. 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. On all other street facing facades, the requirement is one-half (½) the standard for the facade facing the principal street. The area of required transparency is between two (2) feet and nine (9) feet in height of the ground floor and must be comprised of clear, non-reflective windows that allow views out of indoor ~~activity commercial~~ space or lobbies. 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.

6. This height is required for new principal buildings that include ground floor Nonresidential Facilities, and is measured from the sidewalk grade to the second story floor.

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## Chapter 17.101H D-CO COLISEUM AREA DISTRICT ZONES REGULATIONS

### Sections:

17.101H.040 Permitted and conditionally permitted facilities.

**17.101H.040 Permitted and conditionally permitted facilities.**

**Table 17.101H.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
<b>Residential Facilities</b>							
One-Family Dwelling	— (L4)	— (L4)	—	—	—	—	<u>17.103.080</u>
<del>One-Family Dwelling with Secondary Unit</del>	—	—	—	—	—	—	<del>17.103.080</del>
Two-Family Dwelling	P(L5)	P(L5)	—	C(L5)	—	—	<u>17.103.080</u>
Multifamily Dwelling	P(L5)	P(L5)	—	C(L5)	—	—	<u>17.103.080</u>

### Limitations on Table 17.101H.02:

**L4.** See Chapter 17.114 — Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities, provided, however, that Accessory Dwelling Units are permitted when there is an existing applicable Residential Facility on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88.

**L5.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units Dwellings.

### 17.101H.090 Special regulations for ~~Mini-lot and~~ Planned Unit Developments.

- A. **Mini-lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain regulations that apply to individual lots in the D-CO 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 (PUD) 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 D-CO Zones, and certain of the other regulations applying in said zones 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.

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## Chapter 17.101J - D-OK OAK KNOLL DISTRICT ZONES REGULATIONS

### Sections:

17.101J.040 - Permitted and conditionally permitted facilities.

17.101J.050 - Property development standards.

### 17.101J.040 – Permitted and conditionally permitted facilities.

**Table 17.101J.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones							Additional Regulations
	D-OK-1	D-OK-2	D-OK-3	D-OK-4	D-OK-5	D-OK-6	D-OK-7	
<b>Residential Facilities</b>								
One-Family Dwelling	P(L5)	P(L5)	C(L5)	—	—	—	—	<u>17.103.080</u>
<del>One-Family Dwelling with Secondary Unit</del>	<del>P</del>	<del>P</del>	<del>C</del>	—	—	—	—	<del>17.103.080</del>
Two-Family Dwelling	—	—	P(L5)	—	—	—	—	<u>17.103.080</u>
Multifamily Dwelling	—	—	P(L5)	—	—	—	—	

### Limitations on Table 17.101J.02:

L5. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

### 17.101J.050 – Property development standards.

A. **Zone Specific Standards.** Table 17.101J.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. "—" indicates that a standard is not required in the specified zone.

**Table 17.101J.03: Property Development Standards**

### **Additional Regulations for Table 17.101J.03:**

~~11. Section 17.103.080 for regulations regarding permitted Accessory Dwelling Units. Where a Secondary Unit is permitted in the D-OK Zones (i.e., on a residential lot with only one (1) single family dwelling unit), the requirements in Section 17.103.080 shall apply.~~

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## Chapter 17.102 REGULATIONS APPLICABLE TO CERTAIN ACTIVITIES AND FACILITIES

### Sections:

17.102.270 An additional kitchen for a single dwelling unit.

### **17.102.270 An additional kitchen for a single dwelling unit.**

No Residential Facility shall be permitted to have both an additional kitchen as provided for in this section and a Category One Accessory Dwelling Unit or Junior Accessory Dwelling Unit (JADU) within the existing primary residential structure. An additional kitchen for a single primary dwelling unit in any Residential Facility may be permitted, without thereby creating an additional dwelling unit, upon the granting of a Ceonditional Uuse Ppermit pursuant to the Ceonditional Uuse Ppermit procedure in Chapter 17.134, and upon determination that all of the following conditions set forth below exist:

- A. That the additional kitchen will be located within the same residential structure as the existing kitchen and solely constitute an additional service facility for the resident household, family or its temporary guests,
- B. That the additional kitchen will not serve as a basis for permanent habitation of an extra household or family on the premises, or the creation of an additional dwelling unit on the premises.
- C. That the additional kitchen is necessary to render habitable a living area occupied by one or more persons related by blood, marriage, or adoption to the resident family or collective household occupying the main portion of the dwelling unit.
- D. There is no Category One Accessory Dwelling Unit or Junior Accessory Dwelling Unit (JADU) within the existing primary residential structure along with the proposed additional kitchen.

However, a Ceonditional Uuse Ppermit under this Subsection shall not be granted in the RH Zones or the RD-1 Zone if the lot contains two (2) or more dwelling units.

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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 Accessory Dwelling Units in conjunction with One-Family, Two-Family, and Multifamily Dwelling with Secondary Unit-Residential Facilities.

### **17.103.080 Accessory Dwelling Units in conjunction with One-Family, Two-Family, and Multifamily Dwelling with Secondary Unit-Residential Facilities.**

The following regulations shall apply to the construction, establishment, or alteration of Secondary Accessory Dwelling Units (ADUs), as those dwelling unit types are defined in Chapter 17.09; wherever permitted, as specified in each individual zone:

#### **A. Regulations Applying to All Secondary Accessory Dwelling Units.**

**1. Ministerial Approval.** An application for an Accessory Dwelling Unit (ADU) 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) and in Planning Code Chapter 17.88, unless the application is part of a proposal that separately requires discretionary review; in which case, the review time for the ADU application can be extended to coincide with the review time of the associated discretionary permit.

**2. Occupancy Requirement No Short-Term Rental of ADUs.** Occupancy Rental of an ADU Secondary Unit shall only be for a terms of longer than thirty (30) consecutive days, or longer basis only.

**3. Sale of Unit.** An Secondary Accessory Dwelling Unit shall not be sold separately from the existing primary Residential One-Family Dwelling Facility on the same lot.

**4. Replacement Parking Configuration.** If a covered parking space structure is removed demolished to construct an Secondary Accessory Dwelling Unit, no replacement parking is required. any required replacement parking may be located in any configuration (including covered, uncovered, tandem or mechanical lift). For this section to apply, the applicable covered parking structure must have a solid roof, supported with columns; and must be legally existing as of January 1, 2020. Uncovered parking spaces that are required for the primary Residential Facility in the underlying zone must be maintained or replaced, subject to the location and paving restrictions set forth in the Oakland Planning Code. Required replacement parking spaces may be tandem, as set forth in Section 17.116.240.A.

**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.

**5. Compliance with all Code and Permit Requirements Imposed by other Applicable City Departments. Building and Fire Codes.** Unless specified otherwise in local code or State law, an Accessory Dwelling Secondary Unit shall comply with all code and permit requirements imposed by other applicable affected city departments, including but not limited to the requirement for a building permit.

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**6. Permitted Locations for ADUs.** Subject to restrictions set forth in Chapter 17.88 and Section 17.103.080(A)(8) of this Chapter, ADUs are permitted on lots in zoning districts that permit Permanent Residential Activities, and in conjunction with an existing or proposed primary Residential Facility.

**7. Restriction of ADUs in Certain Locations Based on Traffic Flow and Public Safety.** See Chapter 17.88 for limitations for limitations on ADUs in the S-9 Fire Safety Protection Combining Zone.

New ADUs and Junior Accessory Dwelling Units (JADUs) are prohibited in locations that do not meet the following minimum emergency access standards related to traffic flow and public safety:

**Please see the options outlined in the Staff Report. Staff will adopt and insert the preferred recommendation of the Planning Commission.**

~~b. Emergency Access—Multiple Vehicular Outlets. New Accessory Dwelling Units and JADUs shall only be permitted 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) feet from the nearest intersection. 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 shared access facility/private access easement is connected to said dead-end street. Furthermore, if a dead-end street has a total length of more than one hundred fifty (150) feet, there must be an approved turnaround.~~

~~c. Emergency Access—Minimum Pavement Width. New ADUs and JADUs shall only be permitted 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 continuous pavement width of at least twenty (20) feet.~~

**8. Kitchens.** Each ADU and JADU shall have ~~has~~ a kitchen that is independent from the primary Residential Facility, and includes all of the following: a sink, cooking facility with appliances, a food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the dwelling unit. A JADU is required to contain at least an efficiency kitchen, which shall include a cooking facility with appliances, and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.

**9. Entrance for ADU and JADU.** A separate exterior entrance that is independent from the primary Residential Facility is required for each ADU and JADU. An exterior stairway proposed to serve an ADU or JADU on a second story or higher shall not be visible from the front public right-of-way.

**10. Objective Design Standards for Structures Rated “A”, “B” or “C” by the Oakland Cultural Heritage Survey.:**

a. Attached and detached Category Two and/or converted Category One ADUs located at the front or side of a main building and visible from the front public right-of-way shall incorporate the same roof pitch, visually matching exterior wall material, and predominant door and window trim, sill, recess, and style as the primary dwelling

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structure, with an option of approving different finishes or styles through the Small Project Design Review process as set forth in Section 17.136.030. ADUs of these types that are located to the rear of a main building are not subject to this design standard or alternative review process.

b. Attached or detached garages located to the front or side of a main building and converted to ADUs shall replace the garage doors with visually similar exterior wall materials, building color(s), and door and window trim as the primary Residential Facility, with an option of approving different finishes or styles through the Small Project Design Review process as set forth in Section 17.136.030. Attached or detached garages located to the rear of a main building and converted to ADUs are not subject to this design standard or alternative review process.

**11. Balconies and Decks.** Category Two ADUs and Category One ADU conversions that include expansion of existing building envelope shall not contain upper story balconies, decks, or rooftop terraces if the proposed elements do not meet the established requirements of the underlying zone.

**12. Landscaping Standards.** One (1) new tree of fifteen (15) gallon or larger root ball size shall be planted anywhere on the lot or within the right-of-way in front of the site for Category Two ADUs with floor area size between five hundred (500) square feet and nine hundred ninety-nine (999) square feet. Two (2) new trees of fifteen (15) gallon or larger root ball size each shall be planted anywhere on the lot or within the right-of-way in front of the site for Category Two ADUs with floor area size between one thousand (1,000) square feet and twelve hundred (1,200) square feet. For trees outside the right-of-way, the tree must be a drought tolerant species. Trees within the right of way must be approved by the Department of Public Works and must conform with the [Tree Division's requirements](#).

**13. National, California, or Local Register Properties and Districts.** For ADUs proposed for a Local, California and National Register Property as defined in Section 17.09.040, the following shall apply:

a. Placement of an ADU in front of a main building on a Local, California and National Register Property is only allowed if the lot conditions or requirements preclude an ADU of a minimum allowed size (established by Tables 17.103.01 and 17.103.02) anywhere else on the lot.

b. Any new attached or detached ADU on a Local, California, and National Register Property shall be located in the following order of preference:

- i. First, behind the main structure;
- ii. Next, to the side of the main structure;
- iii. Last, in front of the main building.

c. A consultation with Historic Preservation Staff is required for Category One and/or Category Two ADUs on a Local, California and National Register Property visible from the public right-of-way. Such consultation shall not preclude the need for ministerial approval of an ADU that meets the standards of Government Code section 65852.2(e). The [Planning Director](#) or his or her designee is authorized to develop objective design standards for the development of ADUs in historic districts or on a Local, California and National Register Property to ensure preservation of historic resources.

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**14. Mini-Lot Planned Unit Developments (Mini-Lot PUDs).** ADUs proposed on Mini-Lot Planned Unit Developments (Mini-Lot PUDs) must comply with requirements of Chapter 17.142 and Section 17.103.080.

**B. Property Development Standards applying to One-Family ADUs.**

a. All Category Two ADUs in Mini-Lot must meet the normally required four (4) foot side and rear setbacks along the perimeter of the project adjacent to neighboring parcels that are not part of the Mini-Lot Development. ADUs are not allowed on parcels with Two-Family Dwelling Residential Facilities or Multifamily Dwelling Residential Facilities built January 1, 2020 or later.

For existing Mini-Lot that were entitled prior to the effective date of this Section, ADUs are only allowed upon the revision of the existing Conditional Use Permit that entitled the Mini-Lot PUD and, if necessary, revisions to the Tentative Parcel Map. The Mini-Lot PUD must meet all building, fire, and safety codes/regulations. Elements of the original Mini-Lot PUD, and Tentative Parcel Map if applicable, that may require revision, include but are not limited to:

Private Access Easements (Chapter 16.32);

Shared Access Facilities (Section 17.102.090)

iii. Shared open space;

Shared parking spaces;

Other shared amenities; and

Separation between structures within the Mini-Lot PUD;

Applications for revision to a Mini-Lot PUD and Tentative Parcel Map, if applicable, that involve any of the shared interest elements above must include written consent of. New Mini-Lot that are entitled after the effective date of this Section newly created parcels that contain new or existing One-Family Dwelling Residential Facilities on each parcel. The Mini-Lot PUD must meet all building, fire, and safety codes/regulations.:

Private Access Easements (Chapter 16.32);

Shared Access Facilities (Section 17.102.090)

pen space;

Parking spaces for the non-ADUs; and

Separation between structures within the Mini-Lot PUD.

Any revisions to add additional ADUs after the Mini-Lot PUD has been will require the revision of the original Conditional Use Permit and must follow the provisions of Section 17.103.080A1b.

**15. Planning Code Amnesty and Enforcement Delay of Building Code for ADUs that Do Not Have Prior Planning or Building Approval.**

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a. Accessory Dwelling Units built and occupied without prior Planning or Building approval shall be referred to in this section as “unpermitted Accessory Dwelling Units.”

b. The owner of an unpermitted Accessory Dwelling Unit has the right to request: (1) the waiver of any provision of the underlying zoning or applicable development standards that would preclude the preservation of the unpermitted Accessory Dwelling Unit if it can be verified to have been established and occupied prior to January 1, 2021; and (2) the delay in enforcement of the Building Code, and local amendments thereof, as adopted under O.M.C. Title 15 if the unpermitted Accessory Dwelling Unit was built prior to the effective date of this Section.

c. The Planning Code amnesty and enforcement delay programs provided in this Section are available to any property owner whose unpermitted Accessory Dwelling Unit meets the program requirements provided within this Section.

d. Until January 1, 2030, any notice to correct a violation of any provision of the Planning or Building Code building standards pursuant to Oakland Municipal Code (O.M.C.) Titles 15 or 17 that is issued to an owner of an unpermitted Accessory Dwelling Unit built before the effective date of this Section shall contain a statement that the owner of the Accessory Dwelling Unit has a right to request: (1) an amnesty from any violation of a zoning standard under the Planning Code that would preclude the preservation of an unpermitted Accessory Dwelling Unit that was established and occupied prior to January 1, 2021; and (2) and delay in enforcement of the Building Code, and local amendments thereof, as adopted under O.M.C. Title 15 if the Accessory Dwelling Unit was built prior to the effective date of this Section. Said notice shall also inform the owner that any penalties arising out of any zoning or building violations shall be waived leading up to the zoning amnesty and during the term of the Building Code enforcement delay. The applicant shall bear the burden of proof in establishing the date when the unpermitted Accessory Dwelling Unit was established and occupied for the Planning Code amnesty program, or when the building was built for the Building Code enforcement delay.

e. The owner of an unpermitted Accessory Dwelling Unit that can provide suitable proof that said unit was established and occupied prior to January 1, 2021 may, in the form and manner prescribed by the Planning and Building Director or his or her designee, submit an application to the Planning and Building Director or his or her designee requesting that the unpermitted Accessory Dwelling Unit obtain amnesty from any violation of the City's zoning standards that would preclude the preservation of the unpermitted Accessory Dwelling Unit. In addition, the owner of said unit may also request delay in enforcement of a Building Code violation if the unpermitted Accessory Dwelling Unit was built prior to the effective date of this Section. The Building Code enforcement delay shall be for a period of no more than five (5) years on the basis that correcting the violation is not necessary to protect health and safety.

f. The applicant's amnesty request to resolve violations of zoning standards shall be processed as specified in Planning Code Chapter 17.136, but shall not be available to unpermitted Accessory Dwelling Units: (1) that are located in the City's S-9 Zone; or (2) where the owner cannot establish that the unpermitted Accessory Dwelling Unit was established and occupied prior to January 1, 2021.

g. The Planning and Building Director or his or her designee shall grant the owner's Building Code enforcement delay request if the Planning and Building Director or his or

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her designee determines that correcting the Building Code violation is not necessary to protect health and safety. In making this determination, the Planning and Building Director or his or her designee shall consult with the entity responsible for enforcement of building standards and other regulations of the State Fire Marshal pursuant to Government Code Section 13146.

h. The Planning and Building Director or his or her designee shall not approve any applications for the Planning Code amnesty request or Building Code enforcement delay on or after January 1, 2030. However, any Building Code enforcement delay that was approved by the Planning and Building Director or his or her designee before January 1, 2030 shall be valid for the full term of the delay that was approved at the time of the initial approval of the application.

i. Any Building Code enforcement delay shall remain in effect no later than January 1, 2035, and as of that date is repealed.

### **B. Property Development Standards applying to One-Family ADUs**

Table 17.103.01 below describes the property development standards which apply to the specified types of One-Family ADUs. The different types of ADUs are defined in Chapter 17.09. The number designations in the "Notes" column refer to the regulations listed at the end of the Table. "N/A" designates the standard is not applicable to the specified ADU type.

#### **Table 17.103.01: Property Development Standards applying to One-Family ADUs.**

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<b>Development Standards</b>	<b>Types of One-Family ADUs</b>			<b>Notes</b>
	<b>Junior ADU</b>	<b>One-Family ADU Category 1</b>	<b>One-Family ADU Category 2</b>	
<b>Maximum Number</b>	<u>1 per lot</u>	<u>1 per lot</u>		<u>1</u>
<b>Minimum Size (in square feet [sf.] Floor Area)</b>	<u>Must meet, at a minimum, Efficiency Unit Building Code Standards</u>	<u>Must meet, at a minimum, Efficiency Unit Building Code Standards</u>	<u>Must meet, at a minimum, Efficiency Unit Building Code Standards</u>	<u>2</u>
<b>Maximum Size</b>	<u>500 sf.</u>	<u>Conversion of Attached Structures: 50% of floor area of primary residence or 850 sf., whichever is greater, but shall not exceed 1,200 sf.</u>	<u>For detached: 850 sf. for studio or 1-bedroom. 1,000 sf. for 2-bedroom or more</u>	<u>3</u>
		<u>Interior Conversion: size is limited by the existing building envelope, but shall not exceed 1,200sf.</u>	<u>For attached: Whichever is greater: (A) 850 sf. for studio or 1-bedroom, and 1,000 sf. for 2-bedroom or more; or (B) 50% of floor area of primary residence, but shall not exceed 1,200 sf.</u>	
<b>Expansion for Egress and Ingress</b>	<u>N/A</u>	<u>Maximum allowed = 150 sf.</u>	<u>N/A</u>	<u>4</u>
<b>Expansion for Small Lots</b>	<u>N/A</u>	<u>The minimum area necessary to accommodate one (1) ADU with footprint of up to 800 sf. and up to 16 feet high. See note.</u>	<u>N/A</u>	<u>5</u>

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<u>Development Standards</u>	<u>Types of One-Family ADUs</u>			<u>Notes</u>
	<u>Junior ADU</u>	<u>One-Family ADU Category 1</u>	<u>One-Family ADU Category 2</u>	
<u>Maximum Height</u>	N/A	Established by the development standards of the underlying zoning district	The height shall not exceed 18 feet unless the ADU meets the setback requirements of the underlying zone. In this case, the maximum height is controlled by the underlying zoning district regulations, but in no case shall the maximum height be less than 16 feet.	6, 7, 8
<u>Side and Rear Setbacks</u>	N/A	N/A	4 feet or the regularly required setback, whichever is less, but in no case shall the setback be less than 3 feet from the side or rear lot line;	7, 8
<u>Front Setback</u>	Established by the development standards of the underlying zoning district, except when lot conditions preclude creating one ADU of no more than 800 sf. and no more than 16 feet in height anywhere else on the lot			7, 8
<u>Lot Coverage, Rear Setback Coverage, Floor Area Ratio (FAR)</u>	New ADUs must be consistent with the regulations contained in the underlying zone, except the following shall be permitted regardless of these requirements:  (A) One JADU; and (B) One ADU of no more than 800 sf. that is no more than 16 feet in height with at least 4 foot side and rear yard setbacks			7, 8
<u>Open Space</u>	No new open space required.			7, 8
<u>Parking for ADU</u>	None Required	None required if located: a) within ½-mile walking distance of public transit; b) on any lot within a City of Oakland Area of Primary Importance (API) or Secondary Importance (ASI), as defined in the General Plan’s Historic Preservation Element; c) in areas where parking permits are required but not offered to occupants of ADUs; or d) where there is a carshare vehicle within one block of the ADU.  Otherwise: One (1) space per ADU, which can be tandem		8, 9

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<u>Development Standards</u>	<u>Types of One-Family ADUs</u>			<u>Notes</u>
	<u>Junior ADU</u>	<u>One-Family ADU Category 1</u>	<u>One-Family ADU Category 2</u>	
<u>Owner Occupancy</u>	<u>Owner must occupy the JADU or the primary residence</u>	<u>N/A</u>	<u>N/A</u>	
<u>Bathroom</u>	<u>May have private bathroom; or bathroom facilities may be shared with the primary Residential Facility.</u>	<u>Must contain their own private bathroom facilities.</u>		<u>10</u>

### **Notes for Table 17.103.01:**

1. A Category One or Category Two ADU may be combined on the lot with one JADU. However, a lot may not contain both a Category Two ADU and a Category One ADU. A lot with a One-Family Facility may only contain two ADUs if one is a JADU.
2. At least a minimum square-footage that permits an Efficiency Dwelling Unit as defined in the California Building Code.
3. The maximum size is inclusive of any allowed expansion of existing building envelope of up to one hundred and fifty (150) square feet for the purpose of ingress and egress.
4. If the ADU requires an expansion of up to one hundred and fifty (150) square feet for the exclusive purpose of accommodating ingress and egress to the ADU, such expansion may not: (a) encroach on front setbacks established by the underlying zone; (b) encroach within four-foot side and rear setbacks, except in certain circumstances, as described in Note #7 for Table 17.103.01; and (c) exceed a height of sixteen (16) feet, except the underlying zone permits, as described in Note #6 and #7 for Table 17.103.01.
5. An existing accessory structure can be expanded or replaced beyond one hundred and fifty (150) square feet of its existing footprint for the purpose of creating a Category One ADU with the following requirements: 1) the accessory structure was legally existing; 2) the ADU is no greater than eight-hundred (800) square feet; 3) the proposal is on a lot that is either no greater than three thousand (3,000) square feet in size or no greater than thirty-five (35) feet in lot width mean; and 4) the addition has a height of no more than sixteen (16) feet. The expansion beyond the existing accessory structure footprint is not limited to one hundred fifty (150) square feet and does not need to be for the exclusive purpose of ingress or egress.
6. This allowance is only for ADUs located behind the primary building. If Category Two ADU is proposed in front of or on the side of a primary structure, the maximum height is sixteen (16) feet. Notwithstanding, In the S-9 Zone, maximum ADU height is capped at sixteen (16) feet.
7. For an ADU/JADU expansion for ingress and egress, such expansion shall comply with the existing zoning district setback and height requirements unless the ADU is a Category 2 ADU that: a) meets the required side and rear setbacks of four feet or the regularly required setback, whichever is less, but in no case shall be less than three feet from the side or rear lot line, b) has a height of not more than sixteen (16) feet, and c) has a floor area not more than eight hundred (800) square feet.
8. One-Family Category One ADUs and JADUs are allowed even if the existing facility to be converted or rebuilt does not meet the underlying zone's current development standards, such as height limits, floor area ratios, lot coverage or setbacks.

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9. For replacement parking regulations, see 17.103.080(A)(4).

10. If JADU shares bathroom with the primary Residential Facility, an internal connection must be provided.

## C. Property Development Standards applying to ADUs for Two-Family and Multifamily Facilities

Table 17.103.02 below, describes the property development standards, which apply to the types of ADUs permitted with Two-Family and Multifamily Facilities. The different types of ADUs are defined in Chapter 17.09. The number designations in the "Notes" column refer to the regulations listed at the end of the Table. "N/A" designates the standard is not applicable to the specified ADU type.

**Table 17.103.02: Property Development Standards applying to Two-Family and Multifamily ADUs**

<u>Development Standards</u>	<u>Types of Two-Family and Multifamily ADUs</u>			<u>Notes</u>
	<u>Two-Family and Multifamily ADU Category 1</u>	<u>Two-Family and Multifamily ADU Category 2</u>	<u>Two-Family and Multifamily ADU Category 3</u>	
<u>Maximum Number</u>	1 or up to 25% of existing units per lot, whichever is greater	At least 1 per lot, but no more than 2 per lot	Only 1 per lot. Precludes creation of any other ADU	1, 2
<u>Minimum Size (Floor Area)</u>	Must meet, at a minimum, Efficiency Unit Building Code Standards			3
<u>Maximum Size</u>	For Interior Conversion: size is limited by the existing building envelope, but shall not exceed 1,200 sf.	850 sf. for studio or one-bedroom; 1,000 sf. for 2-bedrooms or more	850 sf. for studio or one-bedroom; 1,000 sf. for 2-bedrooms or more	4
<u>Maximum Height</u>	Established by base zone	The height shall not exceed 18 feet unless the ADU meets the setback requirements of the underlying zone. In this case, the maximum height is controlled by the underlying zoning district regulations, but in no case the maximum height shall be lower than 16 feet.	Established by the development standards of the underlying zoning district	5

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	<b>Types of Two-Family and Multifamily ADUs</b>		<b>Notes</b>
<b>Side and Rear Setbacks</b>	<u>4 feet, or the regularly required setback, whichever is less, but in no case shall be less than 3 feet from the side or rear lot line.</u>  For Internal: N/A		5
<b>Lot Coverage, Rear Setback Coverage</b>	N/A	<u>New ADUs must be consistent with the regulations contained in the underlying zone, except up to two ADUs are permitted if they do not exceed 800 sf each shall be permitted regardless of these requirements.</u>	N/A
<b>Front Setback</b>	<u>Established by the development standards of the underlying zoning district, exempt if lot conditions preclude creating two ADUs of no more than 800 sf. and no more than 16 feet in height anywhere else on the lot</u>		<u>Established by the development standards of the underlying zoning district, exempt to create one ADU of no more than 850 sf.</u>
<b>Floor Area Ratio (FAR)</b>	N/A	<u>New ADUs must be consistent with the regulations contained in the underlying zoning district, except to establish one or two Category Two ADUs of no more than 800 sf.</u>	<u>Must be consistent with the regulations contained in the underlying zoning district, except to establish one ADU of no more than 850 sf.</u>

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	<b>Types of Two-Family and Multifamily ADUs</b>		<b>Notes</b>
<b>Open Space</b>	N/A	No new open space required. However, required open space for existing units, as established by the underlying zoning district, must be maintained, <b>except to establish one or two ADUs of no more than 800 sf. each.</b>	<b>No new open space required. However, required open space for existing units, as established by the underlying zoning district, must be maintained, except to establish one ADU of no more than 850 sf. in total footprint.</b>
<b>Parking for ADU</b>	One (1) space; OR none if located: a) within ½-mile walking distance of public transit; b) on any lot within a City of Oakland Area of Primary Importance (API) or Secondary Importance (ASI), as defined in the General Plan’s Historic Preservation Element; c) in areas where parking permits are required but not offered to occupants of ADUs; or d) where there is a carshare vehicle within one block of the ADU.		6
<b>Owner Occupancy</b>	Not required		
<b>Bathroom</b>	Each unit must have a private bathroom.		

**Notes for Table 17.103.02:**

1. All calculations that result in a fractional number shall be rounded up to the nearest whole number. A lot may contain both Category One and Category Two ADUs. If a Category Three ADU is created by **converting any portion of existing habitable space and/or creating an addition to create an ADU of no more than 850 square feet, no other ADU types shall be allowed anywhere on the lot.**
2. Non-habitable or non-livable space does not include detached accessory structures, existing residential units, commercial space, community rooms, gyms, laundry rooms or any other finished spaces that are meant to be occupied by people and used communally.
3. At least a minimum square footage that permits an Efficiency Dwelling Unit as defined in the California Building Code.
4. ~~The “No Parking for ADUs” area includes all lots within ½ mile walking distance of public transit; any lot within a City of Oakland Area of Primary or Secondary Importance, as defined in the General Plan’s Historic Preservation Element; locations where parking permits are required but not offered to occupants of ADUs; or locations where there is a carshare vehicle within one block of the ADU.~~
4. Category Two ADUs must meet lot coverage and open space requirements set forth in this table.
5. Two-Family and Multifamily Category One ADUs are allowed even if the existing space to be converted or rebuilt does not meet the underlying zone’s current development standards, such as height limits, floor area ratios, lot coverage or setbacks. **This allowance is only for ADUs located behind the**

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primary building in its rear yard. If Category Two ADU is proposed in front or side of a primary structure the maximum height is sixteen (16) feet. Notwithstanding, in the S-9 Zone, maximum ADU height is capped at sixteen (16) feet.

6. For replacement parking regulations, see 17.103.080(A)(4).

## **~~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 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.~~
- ~~2. **Maximum Permitted Floor Area.** The floor area of a Category Two Secondary Unit shall not exceed eight hundred (800) square feet or seventy five percent (75%) of the floor area of the primary dwelling unit, whichever is less.~~
- ~~3. **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 Transit Stop; (ii) an Area of Primary Importance (API) or Area of Secondary Importance (ASI), as~~

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defined in the Historic Preservation Element of the General Plan; (iii) an area where on-street parking permits are required but not offered to the occupant of a Secondary Unit; or (iv) one (1) block of a dedicated car share parking spaces shall have no additional parking requirement.

4. ~~**Setbacks.** Except as specified in Subsections a. and b. below, the minimum setback requirements for a Category Two Secondary Unit shall be as prescribed in the applicable individual zone regulations:~~
  - a. ~~A detached Category Two Secondary Unit that conforms to the provisions 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 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.~~
5. ~~**Emergency Access—Multiple Vehicular Outlets.** A Category Two Secondary Unit shall only be permitted 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) 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.~~
6. ~~**Emergency Access—Minimum Pavement Width.** A Category Two Secondary Unit shall only be permitted 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 (20) feet.~~
7. ~~**Architectural Compatibility.** 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.~~
8. ~~**Review Procedure.** An application for a Category Two Secondary Unit shall be granted ministerial approval within one hundred twenty (120) days of receipt upon confirmation of compliance with all applicable zoning regulations, including but not limited to, all provisions in this Section.~~
9. ~~**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.~~

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## Chapter 17.108 GENERAL HEIGHT, YARD, AND COURT REGULATIONS

### Sections:

#### **17.108.080 Minimum side yard opposite living room windows.**

On each lot containing Residential Facilities with a total of two (2) or more dwelling living units, excluding any permitted Accessory Dwelling Units, except in the case of a One-Family Dwelling with Secondary Unit, a side yard with the minimum width prescribed hereinafter shall be provided opposite any legally required window of a living room in a Residential Facility wherever such window faces any interior side lot line of such lot, other than a lot line abutting an alley, path, or public park. The side yard prescribed by this Section is not required on other lots or in other situations. Such yard shall have a minimum width of eight (8) feet, plus two (2) feet for each story at or above the level of the aforesaid window; provided, however, that such side yard width shall not be required to exceed ten percent (10%) of the lot width in the RU-3, RU-4, RU-5, R-80, CN, CC, C-40, C-45, CBD, D-LM, D-CO, S-1, S-2, S-15, and D-KP Zones and fifteen percent (15%) of the lot width in all other Zones, except that in no case shall such side yard width be less than five (5) feet. The side yard required by this Section shall be provided opposite the legally required window and opposite that portion of the wall containing such window, or of any extension of such wall on the same lot, for a distance of not less than eight (8) feet in both directions from the centerline of such legally required window, and at and above finished grade or the floor level of the lowest story containing such a window, whichever level is higher. Such yard shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130.

#### **17.108.120 Minimum court between opposite walls on same lot.**

On each lot containing Residential Facilities with a total of two (2) or more dwelling living units, excluding any permitted Accessory Dwelling Units, except in the case of a One-Family Dwelling with Secondary Unit, courts with the minimum depths prescribed below shall be provided in the cases specified hereinafter between opposite exterior walls, or portions thereof, of the same or separate buildings on such lot. Courts are not required on other lots or in other situations. The aforesaid walls shall be considered to be opposite one another if a line drawn in a horizontal plane perpendicularly from any portion of any of the legally required windows referred to hereinafter, or from any point along the wall containing such window, or any extension of such wall on the same lot, on the same story as and within eight (8) feet in either direction from the centerline of said legally required window, intersects the other wall. The courts required by this Section shall be provided opposite each of the legally required windows referred to hereinafter and along the wall containing such window, and along any extension of such wall on the same lot, for not less than eight (8) feet in both directions from the center line of such legally required window, and at and above finished grade or the floor level of the lowest story containing such a window, whichever level is higher. Such courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130.

#### **17.108.130 Exceptions to required openness of minimum yards and courts.**

Every part of each required minimum yard and court shall be open and unobstructed from finished grade, or where applicable from such other specified level at which the yard or court is required, to the sky except for the facilities allowed in the yard or court by the following table. Furthermore, in no case shall more than fifty percent (50%) of the horizontal area of any required minimum rear yard be covered by any facilities, other than trees and Accessory Dwelling Units in

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conformance with all requirements in Section 17.103.080, which extend more than six (6) feet above the level at which the rear yard is required. Wherever a yard is required only for a particular facility, it may be provided at the level of the lowest story containing such facility; provided that where such facility is a Residential Facility, such level shall be that of the lowest story, or portion thereof, containing any living unit. Where the height of facilities within minimum yards or courts is not specifically further limited by the following table, the facilities shall conform to the regular height restrictions, if any, applicable to facilities where they are located. Facilities within minimum yards and courts shall also be subject to any applicable exceptions allowed for Nonconforming Uses in Chapter 17.114, Secondary Accessory Dwelling Units in Section 17.103.080, and screening requirements or other controls prescribed by the buffering regulations in Chapter 17.110; or by the pertinent development control maps or individual zone regulations, which in some zones require that minimum front yards, or side yards on the street side of a corner lot, be landscaped.

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 <u>Secondary Units Category Two Accessory Dwelling Units</u> .	<p>Anywhere in above yards <u>that meet the criteria of Section 17.103.080, and if newly constructed, the facility is located at least six (6) feet from the primary dwelling unit on the lot. This requirement shall not apply if it precludes ADUs of a minimum size per Section 17.103.080. , provided that the facility was legally in existence prior to January 1, 2017; or in other cases if:</u></p> <ol style="list-style-type: none"> <li>1. <del>†The facility is located at least six (6) feet from the primary dwelling unit on the lot, and is not located closer than four (4) feet from the side or rear lot line; and</del></li> <li>2. <del>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 but within a required yard, 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, with any shed roof sloping down toward the lot line facing the longest façade; and</del></li> <li>3. <del>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.</del></li> </ol>				

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## Chapter 17.110 BUFFERING REGULATIONS

### Sections:

17.110.020 General buffering requirements—Residential and S-1, S-2, S-3, S-15, D-CO-1, and OS Zones.

### **17.110.020 General buffering requirements—Residential and S-1, S-2, S-3, S-15, D-CO-1, and OS Zones.**

The following regulations shall apply in all Residential Zones and in the S-1, S-2, S-3, S-15, D-CO-1, and OS Zones, and are in addition to the provisions set forth in Section 17.110.040:

- A. Screening and Setback of Open Parking and Loading Areas. The following requirements shall apply in said zones to all open off-street parking areas located on any lot containing three (3) or more independent parking spaces, except in the case of a One-Family Dwelling with Accessory Dwelling ~~Secondary~~ Units, and to all open off-street loading areas on any lot:
  
- C. Control on Artificial Illumination of Parking and Loading Areas. Artificial illumination of all off-street parking areas located on any lot containing three (3) or more parking spaces and all off-street parking areas, and of driveways related thereto, except in the case of a One-Family Dwelling with Accessory Dwelling ~~Secondary~~ Units, shall be directed away from all abutting lots and from any on-site residential living units so as to eliminate objectionable glare.

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## Chapter 17.114 NONCONFORMING USES

### Sections:

### Article III Nonconforming Facilities

#### 17.114.110 Nonconforming Facility—Allowed alterations.

- A. When Occupied by Conforming Activity. Except as otherwise provided in Section 17.114.120, or in Section 17.103.080 for Accessory Dwelling Units in conjunction with an existing One-Family, Two-Family, or Multifamily Dwelling, a nonconforming facility which accommodates or serves a conforming activity may be altered or otherwise changed, and the lot lines of the lot containing it may be changed, in any way which does not create any new nonconformity or increase the degree of any existing nonconforming with respect to any requirement applying to facilities. Any new, relocated, or wholly reconstructed part of a facility shall itself conform to all applicable such requirements. Nonconforming Residential Facilities containing a total of more than one primary dwelling living-unit on a lot, when located in a zone where only one primary dwelling living-unit is permitted on a lot, shall be subject to the requirements generally applying in the RU-2 Zone with respect to side yards opposite living room windows; courts; and usable open space. Nonconforming Nonresidential Facilities which are not themselves permitted facility types in the zone where they are located shall not be increased in floor area or overall outside dimensions<sub>;</sub> ~~relocated,~~ except when permitted to remove a nonconformity<sub>;</sub> or to be wholly reconstructed with the same floor area and outside dimensions.

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## Chapter 17.116 OFF-STREET PARKING AND LOADING REQUIREMENTS

### Sections:

Article I - General Provisions

Article II - Off-Street Parking Requirements

Article III – Reductions in Required Parking

Article IV - Off-Street Loading Requirements

### Article I General Provisions

#### 17.116.020 Effect on new and existing uses.

- C. **New Parking and Loading Provided for New Dwelling Units in Existing Facilities.** Except as provided for Accessory Dwelling Units in Section 17.103.080, the conversion of historic facilities in Section 17.116.110(F), additions to historic facilities in Section 17.116.110(G), and ~~for the conversion of a building into Residentially Oriented Joint Living and Working Quarters,~~ as specified in Section 17.102.195, the parking and loading requirements of this Chapter apply to newly established dwelling units. However, additional parking only needs to be provided to the extent that the existing parking does not meet the new total parking requirement.

### Article II Off-Street Parking Requirements

#### 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.	RH Zones, except when combined with the S-12 Zone.	Two (2) spaces for each dwelling unit; however, when combined with the S-11 Zone, the requirement is one (1) space per bedroom with a minimum of two (2) spaces per dwelling unit and a maximum requirement of four (4) spaces per dwelling unit.
	CBD, S-2, and D-LM Zones, except when combined with the S-12 Zone.	No spaces required.

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Residential Facility Type	Zone	Total Required Parking
	S-15 and D-CO Zones, except when combined with the S-12 Zone.	One-half (½)-space for dwelling unit.
	Any other zone, except when combined with the S-12 Zone.	One (1) space for each dwelling unit.
	Any zone combined with the S-12 Zone.	See Section 17.94.040.
One-Family Dwelling with Secondary Unit.	<del>CBD, S-2, and D-LM Zones, except when combined with the S-12 Zone.</del>	<del>No additional space required for the Secondary Unit.</del>
	<del>Any other zone, except when combined with the S-11 or S-12 Zone.</del>	<del>One (1) space for the Secondary Unit, except that no parking shall be required if located as specified in Section 17.103.080.</del>
	<del>Any zone combined with the S-11 Zone.</del>	<del>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.</del>
	<del>Any zone combined with the S-12 Zone.</del>	<del>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.</del>
Accessory Dwelling Unit (in conjunction with One-Family, Two-Family, or Multifamily Dwelling).	<u>CBD, S-2, S-15, and D-LM Zones, except when combined with the S-11 or S-12 Zone.</u>	<u>No additional spaces required for the Accessory Dwelling Unit.</u>
	<u>Any other zone (including any zone combined with the S-11 or S-12 Zone).</u>	<u>One (1) space for each Accessory Dwelling Unit, except that no additional parking shall be required if located as specified in Section 17.103.080.</u>

- 2. Maximum Parking for Permanent and Semi-Transient Residential Activities.** No more than the following amounts of off-street parking are permitted for all Permanent and Semi-Transient Residential Activities when located in the indicated zones and occupying the specified facilities:

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Residential Facility Type	Zone	Maximum Number of Parking Spaces
One-Family Dwelling. <del>One-Family Dwelling with Secondary Unit.</del>	CBD, S-15, D-LM, and D-CO Zones.	One and one-quarter (1¼) parking spaces per dwelling unit.
Two-Family Dwelling. Multifamily Dwelling. Mobile Home.	All other zones.	No maximum parking requirement.

### 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, 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.

- J. **Secondary Accessory Dwelling Units**. No additional parking shall be required for an Accessory Dwelling ~~Secondary Unit~~ if located as specified in Section 17.103.080.

### Article IV Off-Street Loading Requirements

#### 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 or Two-Family Dwelling Facility with Accessory Dwelling Units, ~~Secondary Unit Residential Facility~~, unless the City finds that tandem parking is not feasible due to specific topographical conditions.

#### 17.116.300 Parking accommodation requirements for One-Family and Two-Family Residential Facilities.

The provisions of this Section apply to lots containing One-Family Dwelling or, One-Family Dwelling with Secondary Unit, and Two-Family Dwelling Residential Facilities. Exceptions to the provisions of this Section may be approved pursuant to the ~~Regular Design Review~~ procedure in Chapter 17.136.

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## Chapter 17.117 BICYCLE PARKING REQUIREMENTS

### Sections:

### Article III. Minimum Number of Required Bicycle Parking Spaces

17.117.090 Required bicycle parking—Residential Activities.

17.117.090 Required bicycle parking—Residential Activities.

Type of Activity	Long-term Bicycle Parking Requirement	Short-term Bicycle Parking Requirement
<b>Permanent and Semi-Transient Residential Activities occupying the specified facilities:</b>		
1) One-Family Dwelling.	No spaces required.	No spaces required.
<del>2) One-Family Dwelling with Secondary Unit.</del>	<del>No spaces required.</del>	<del>No spaces required.</del>

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## **Chapter 17.124 LANDSCAPING AND SCREENING STANDARDS**

### **Sections:**

17.124.020 Required landscape plan for new residential units and certain additions to Residential Facilities.

### **17.124.020 Required landscape plan for new residential units and certain additions to Residential Facilities.**

Submittal and approval of a landscape plan for the entire site is required for the establishment of a new residential unit, excluding ~~Secondary permitted Accessory Dwelling Units, of five hundred (500) square feet or less,~~ and for additions to Residential Facilities of over five hundred (500) square feet. The landscape plan and the plant materials installed pursuant to the plan shall conform with all provisions of this Chapter, Title 12 Street, Sidewalks and Public Spaces, and the following:

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## Chapter 17.136 DESIGN REVIEW PROCEDURE

### Sections:

17.136.025 Exemptions from design review.

17.136.040 Regular design review.

### 17.136.025 Exemptions from design review.

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. Except as specified in Section 17.136.030, Accessory Dwelling Secondary Units that conform, pursuant to all regulations in Section 17.103.080 and Chapter 17.88;

### 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.

e. Accessory Dwelling Units that: 1) do not conform with objective design standards established by the Planning Director or his or her designee pursuant to Section 17.103.080.A.11 proposed in front or on a side of the primary structure; or 2) were established and occupied without Planning or Building approval prior to January 1, 2021, and request a waiver of any provision of the underlying zoning or applicable development standards that would preclude the preservation of said unit, pursuant to Section 17.103.080.A.15.

### 17.136.040 Regular design review.

A. Applicability. "Regular design review" shall apply to proposals that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but do not qualify for a design review exemption as set forth in Section 17.136.025, Small project design review as set forth in Section 17.136.030, or Special project design review as set forth in Section 17.136.038. Except as otherwise specified in Section 17.136.038 for Nonresidential Facilities in the D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones, projects requiring Regular design review include, but are not limited to, the following types of work:

3. New construction of one (1) or two (2) dwelling units, excluding other than any permitted Accessory Dwelling Units; a Secondary Unit;

4. New construction of three (3) or more dwelling units, or adding units to a property for a total of three (3) or more dwelling units on site, excluding any permitted Accessory Dwelling Units;

8. Exceptions to the parking accommodation requirements for One- and Two-Family Residential Facilities in Section 17.116.300; 17.116.075;

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## Title 17 PLANNING

### Chapter 17.140 - PLANNED UNIT DEVELOPMENT PROCEDURE

### Chapter 17.142 ~~MINI-LOT AND~~ PLANNED UNIT DEVELOPMENT REGULATIONS

#### Sections:

Article I - Title, Purposes and Applicability

Article II - Mini-Lot Planned Unit Developments

Article III - Planned Unit Developments

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#### Article I Title, Purposes and Applicability

17.142.002 Title and purposes.

17.142.004 Applicability.

#### 17.142.002 Title and purposes.

The provisions of this Chapter shall be known as the ~~Mini-Lot and~~ Planned Unit Development Regulations. The purposes of these regulations are to:

- A. Encourage the comprehensive planning of tracts of land;
- B. Provide flexibility in the application of certain regulations in a manner consistent with the general purposes of the zoning regulations; and
- C. Promote a harmonious variety of uses, the economy of shared services and facilities, compatibility with surrounding areas, and the creation of attractive, healthful, efficient, and stable environments for living, shopping, or working.

#### 17.142.004 Applicability.

These regulations shall apply to all:

- A. Mini-Lot Planned Unit Developments (Mini-Lot PUDs) located on a single tract of land of less than sixty thousand (60,000) square feet, and containing lots which do not meet the minimum size or other requirements applying to individual lots in the zone where it is located; and
- B. Planned Unit Developments (PUDs) located on a single tract of land of sixty thousand (60,000) square feet or more, or on two (2) or more tracts of land equaling sixty thousand (60,000) square feet or more in total which may be separated only by a street or other right-of-way.

#### Article II Mini-Lot Planned Unit Developments

17.142.010 Definition of Mini-Lot Planned Unit Development.

17.142.012 Basic provisions for Mini-Lot Planned Unit Developments.

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17.142.014 Zones in which requirements may be waived for a Mini-Lot Planned Unit Development.

17.142.016 Maximum size for which requirements may be waived for a Mini-Lot Planned Unit Development.

### 17.142.010 Definition of Mini-Lot Planned Unit Development.

A Mini-Lot Planned Unit Development (Mini-Lot PUD) is a comprehensively designed development containing lots that do not meet the minimum size or other requirements applying to individual lots of less than sixty thousand (60,000) square feet in the zone where it is located.

### 17.142.012 Basic provisions for Mini-Lot Planned Unit Developments.

See Section 17.103.080.A.14 for requirements for ADUs within Mini-Lot Planned Unit Developments (Mini-lot PUDs). Subject to the provisions of this article, the maximum height and minimum yard, lot area, width, and frontage requirements otherwise applying to individual lots may be waived or modified within a Mini-Lot Development PUD, and floor area, parking, and other facilities may be located within said development without reference to lot lines, upon the granting of a Ceonditional Uuse Ppermit pursuant to the Ceonditional Uuse Ppermit procedure in Chapter 17.134 and upon determination:

1. That there is adequate provision for maintenance of the open space and other facilities within the development; and
2. That except as specified below, the total development meets all the requirements that would apply to it if it were a single lot.
  - a. ADUs are allowed on individual Mini-Lots that permit Permanent Residential Activities, and in conjunction with an existing or proposed primary Residential Facility. If, however, any shared interest element of a previously approved Mini-Lot development would be modified or impacted by the ADU's construction, the application shall be considered through a revision of the Mini-Lot PUD permit; in which case, the review time for the ADU application shall be extended to coincide with the review time of the revision.
  - b. For the RM-2 Zone in the West Oakland District only (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north), the minimum setback requirements for the total development shall be the same as those in Table 17.17.04 for a single lot less than four thousand (4,000) square feet in size. Also for the RM-2 Zone in the West Oakland District only, the minimum setback requirements for the total development may be further reduced to be the same as those in Table 17.17.04 for a single lot less than three thousand (3,000) square feet in size upon the following additional determination:
    - i. Excluding the subject parcel, the prevalent size of existing lots in the surrounding block is three thousand (3,000) square feet or less, and the prevalent frontage width along the same block face is thirty-five (35) feet or less.

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~~3. That, in exchange for the flexibility of development standards resulting from the Mini-Lot PUD, the applicant voluntarily agrees to be subject to Section 17.103.080 requirements relating to ADUs in Mini-Lot PUDs.~~

### **17.142.014 Zones in which requirements may be waived for a Mini-Lot Planned Unit Development.**

A Conditional Use Permit pursuant to Section 17.142.012 may only be granted in the S-1 or S-2 Zone, or in any Residential or Commercial Zone other than RH or RD Zones.

### **17.142.016 Maximum size for which requirements may be waived for a Mini-Lot Planned Unit Development.**

Maximum Size for Which Requirements May Be Waived. A Conditional Use Permit pursuant to Section 17.142.012 of this Chapter may be granted only if the total land area of the Mini-Lot Planned Unit Development is less than sixty thousand (60,000) square feet.

# ATTACHMENT A: Proposed Amendments to the Oakland Planning Code

## Article III Planned Unit Developments

### 17.142.100 Bonuses.

#### 17.142.100 Bonuses.

For Planned Unit Developments qualifying under Sections 17.142.080 and 17.142.090, the following exceptions to otherwise applicable regulations may be permitted upon the granting of a Planned Unit Development permit pursuant to the Planned Unit Development procedure in Chapter 17.140:

- C. Additional Permitted Facilities in RH-4 and RD-1 Zones. In the RH-4 and RD-1 Zones, the following facilities, as described in the use classifications, may be permitted in addition to the facilities otherwise permitted in said zone, provided that at least fifty percent (50%) of the dwelling units in the total development shall be One-Family Dwellings:
  - 1. Residential Facilities:
    - ~~One-Family Dwelling with Secondary Unit~~
    - Two-Family Dwelling
    - Multifamily Dwelling
- D. Additional Permitted Facilities in Other Zones. Except in the RH, and RD-1 Zones, the following facilities, as described in the use classifications, may be permitted in addition to the facilities otherwise permitted in the zone in which the development is located:
  - 1. Residential Facilities:
    - One-Family Dwelling
    - ~~One-Family Dwelling with Secondary Unit~~
    - Two-Family Dwelling
    - Multifamily Dwelling
    - Rooming House
  - 2. Nonresidential Facilities:
    - Open
    - Drive-In
  - 3. Signs:
    - Residential
    - Business
- E. Increase in Overall Density or Floor-Area Ratio.
  - 1. Except in the RH<sub>7</sub> and RD-1 Zones and except in a development incorporating the bonuses specified in Subsection B. of this Section, the maximum overall number of living units in Residential Facilities and the maximum overall Floor-Area Ratio, if any, otherwise permitted or conditionally permitted in the zone in which the development is located may be increased by up to thirty-three percent (33%) if the development contains a combination of two (2) or more of the following dwelling types and if not more than two-thirds (2/3) of the total number of living units are included in any one of such types:
    - a. Detached buildings each containing only one living unit;

## ATTACHMENT A: Proposed Amendments to the Oakland Planning Code

- b. Town house or similar One-Family semi-detached or attached buildings each containing only one (1) living unit;
  - c. Buildings each containing two (2) living units;
  - d. Buildings each containing more than two (2) living units.
2. Except in the RH<sub>2</sub> and RD-1 Zones and except in a development incorporating the bonuses specified in Subsection B. of this Section, the maximum overall number of living units in Residential Facilities and the maximum overall Floor-Area Ratio, if any, otherwise permitted or conditionally permitted in the zone in which the development is located may be increased by up to twenty-five percent (25%) in a development other than one described in Subsection E.1. of this Section.

# ATTACHMENT A: Proposed Amendments to the Oakland Planning Code

## Chapter 17.148 VARIANCE PROCEDURE

### Sections:

17.148.020 Definition of Major and Minor Variances.

### 17.148.020 Definition of Major and Minor Variances.

A. **Major Variance.** A "Major Variance" is a variance which involves any of the following provisions:

4. Maximum Floor-Area Ratio (FAR), except for One-Family Dwellings, ~~One-Family Dwellings with Secondary Unit,~~ and Two-Family Dwellings;

***City Planning Commission***

**STAFF REPORT**

Case File Number ZA21006

June 2, 2021

<b>Location:</b>	Citywide
<b>Proposal:</b>	Amend the Planning Code for Accessory Dwelling Units (ADUs) – currently termed Secondary Units in the Planning Code – to bring the local ordinance into compliance with recent State legislation. The major proposed amendments include: 1) new standards for the processing, number, size, height, parking, location, landscaping, and setbacks for the construction of new ADU structures and ADUs within existing accessory buildings, single-family homes, and two-family and multi-family buildings; 2) establishment of regulations for Junior Accessory Dwelling Units (JADUs) within single family homes; 3) introduction of objective standards to streamline approval of ADUs; 4) objective standards for the design and location of ADUs; 5) regulations for ADUs in mini-lot developments; and 6) the prohibition of all ADUs and JADUs within the “Very High Fire Hazard Severity Zone,” as designated by the State of California; and amendment of the S-9 Zone Map boundary to align with the “Very High Fire Hazard Severity Zone.”
<b>Applicant:</b>	City of Oakland
<b>Case File Number:</b>	ZA21006
<b>General Plan:</b>	Citywide
<b>Zoning:</b>	Citywide
<b>Environmental Determination:</b>	The proposed amendments to the Planning Code rely on the previously certified Final Environmental Impact Reports for the Coliseum Area Specific Plan (2105); Broadway Valdez Specific Plan (2014); West Oakland Specific Plan (2014); Central Estuary Area Plan EIR (2013); Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan (1998); the West Oakland, Central City East, Coliseum, and Oakland Army Base Redevelopment Areas; the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (2010); and various Redevelopment Plan Final EIRs (collectively, “EIRs”). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, as a separate and independent basis, this proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment).
<b>City Council District:</b>	All districts
<b>Staff Recommendation:</b>	Planning Commission will receive public comment, discuss, and make recommendation to City Council to adopt legislation as set forth in the Staff Report.
<b>Finality of Decision:</b>	Recommendation to City Council; Final decision by City Council
<b>For Further Information:</b>	Contact case planner <b>Ruslan Filipau</b> at <b>510-238-3491</b> or <b>rfilipau@oaklandca.gov</b>

## **SUMMARY**

On January 1, 2020, and January 1, 2021, several new California State laws and amendments went into effect to encourage the construction of Accessory Dwelling Units (ADUs), which are currently termed “Secondary Units” in the City of Oakland Planning and Municipal Codes. Pursuant to Government Code Section 65852.2(a)(4), until the City adopts an ordinance that complies with State law, the City’s existing ADU regulations in the Planning Code are null and void and only State standards may be enforced. This report describes proposed amendments to align the City’s ADU regulations with State law and introduce other changes that clarify the ADU regulations. The proposed Planning Code amendments encourage ADUs by reducing regulatory barriers by introducing objective development standards and streamlined approval processes consistent with State law.

## **BACKGROUND**

On February 16, 2016, the City Council adopted Ordinance No. 13357 C.M.S., which revised the City’s Secondary Unit regulations. The purpose of the changes was to encourage construction of more Secondary Units to address the City’s housing shortages and escalating housing costs (“City Secondary Unit Ordinance”).

On January 1, 2017, California Senate Bill (SB) 1069 and Assembly Bill (AB) 2299 went into effect with a similar intent as the City’s February 16, 2016, changes - to streamline housing production and encourage the construction of more Secondary Units. In response to the new legislation, the City Council adopted Ordinance No. 13435 C.M.S on May 2, 2017, which again revised the City’s Secondary Unit Regulations primarily with respect to types and sizes of ADUs, parking requirements in transit-accessible and historic areas, approval processes and timelines, and establishing a new Zoning Overlay Zone (S-9 Fire Safety Protection Combining Zone Map Overlay) that identified areas within the “Very High Fire Hazard Severity Zone” where Category 2 ADUs are not permitted. These amendments brought the City’s Secondary Unit Ordinance into compliance with the State laws that were in effect at the time.

On January 1, 2020, and January 1, 2021, a number of amendments to Government Code §65852.2 and §65852.22, went into effect to encourage Statewide production of ADUs even further by developing a ministerial approval process for certain types of ADUs. California Assembly Bills (AB) 3182 (2020), AB 68, AB 881, AB 578, AB 670, AB 671, and California State Bill (SB) 13 (collectively passed in 2019) introduced several important changes and limitations regarding how local governments can regulate ADUs. As before, if a municipality does not update its ordinance to be consistent with the newly adopted State requirements, the local ordinance is superseded by State standards. In the meantime, the City is currently implementing State law through administrative guidance documents and handouts that include a checklist of what is allowed by State law.

Below is a summary of recent changes in State ADU laws relevant to the proposed Planning Code amendments.

*Table 1: 2020 State Law Amendments Summary*

State Laws	Code Sections	Summary	Status
AB 3182 AB 881 AB 68 SB 13	Combined into Sections: §65852.2 and §65852.22 Accessory Dwelling Units §4740 and §4741 Civil Code §17980.12 Health and Safety	Introduced significant changes to ADU permit processing (60-day ministerial approval process), number of ADUs for lots with single-family and multi-family structures, size, height, setbacks, location, parking, impacts on historic resources, owner occupancy, and certain other design, development and use standards.	Amendments will be incorporated into the language of various Title 17 Sections.

In response to this inconsistency between the City’s Secondary Unit Ordinance and State law, Staff has prepared proposed amendments to the Oakland Planning Code regulations related to “Secondary Units” (to be renamed “Accessory Dwelling Units” or “ADUs” throughout the Code). These proposed amendments are attached hereto at **Attachment A**.

On April 15, 2021, the Zoning Update Committee reviewed and discussed the proposal during a public meeting. After taking questions and comments from the public, the Committee members directed the planning Staff to address a few issues. One issue of high importance was a comment from the public that the S-9 Fire Safety Protection Combining Zone Map Overlay should include the whole Very High Fire Hazard Severity Zone because of concerns of evacuation bottlenecks. In order to protect public safety Planning Staff made revisions to the Planning Code amendments and S-9 Zone Map discussed in “**Key Issues and Impacts**” section of this report.

Other changes to the Planning Code include clarifications to: a) maximum allowed existing accessory structure building envelope expansion for conversion to Category One ADU in small lots; b) the minimum ADU size; c) objective design standards; and d) landscaping standards for new Category Two ADUs. All newly introduced changes to the proposed Planning Code language after public comments and suggestions received at the Zoning Update Committee (ZUC) are highlighted in yellow in the **Attachment A**. Some of these topics are discussed in more detail below in **Changes Introduced Since the Zoning Update Committee (ZUC) Meeting**.

After the Planning Commission reviews and makes recommendations to City Council, the proposed Planning Code amendments will be considered by the City Council at a public hearing and second reading for final legislative review and adoption.

**PROJECT DESCRIPTION**

The following section summarizes the proposed changes to the Oakland Planning Code. As stated above, **Attachment A** contains the proposed Citywide text amendments to the Planning Code.

Before the summary of the proposed changes, below are definitions of the different types of ADUs allowed:

**Junior Accessory Dwelling Unit** or “**JADU**” means an Accessory Dwelling Unit that is contained entirely within the building envelope of an existing or proposed One-Family Residential Facility. It may include separate sanitation facilities or may share sanitation facilities with the primary Residential Facility, but must contain an efficiency kitchen. A JADU is not allowed as a conversion of detached or attached accessory structures. No expansion of building envelope is allowed except for an expansion of up to one hundred fifty (150) square feet for the exclusive purpose of ingress and egress to the JADU. Owner occupancy is required in the JADU or the primary Residential Facility. The owner of the JADU is required to record a deed restriction setting forth these requirements.

“**One-Family Category One ADU**” means an Accessory Dwelling Unit that is a conversion of space within a One-Family Residential Facility or an associated accessory structure, legally existing as of January 1, 2020, or an associated accessory structure that is rebuilt pursuant to the requirements set forth in Table 17.103.01 of Section 17.103.080.

**Multifamily Category One ADU** means an Accessory Dwelling Unit that is a conversion of existing, non-habitable space, such as storage rooms, boiler rooms, passageways, attics, basements or garages located within portions of Two-Family or Multifamily Dwelling Facilities legally existing as of January 1, 2020. Non-habitable space does not include detached accessory structures, existing residential units, commercial space, community rooms, gyms, laundry rooms or any finished spaces that are meant to be occupied by people and used communally.

**One-Family Category Two ADU** means a newly constructed attached or detached Accessory Dwelling Unit on a lot with an existing or proposed One-Family Dwelling Residential Facility. A One-Family Category Two ADU may include an exterior addition to an existing primary One-Family Residential Facility for the purposes of accommodating the ADU.

**Multifamily Category Two ADU** means a newly constructed detached Accessory Dwelling Unit, or a conversion of an existing detached accessory structure, on a lot with existing Two-Family or Multifamily Dwelling Facilities legally existing as of January 1, 2020. The converted detached Category Two ADU(s) is either: (a) within the building envelope of an existing detached accessory structure and involves no expansion of existing building envelope; or (b) within a rebuilt detached accessory structure built in the same location and to the same exterior dimension as the existing detached accessory structure(s).

The new State legislation mandates that local governments comply with a number of new ADU regulations. The most important new regulations and changes to Planning Code are:

- Required ministerial approval for one interior, attached or detached ADU, and one Junior ADU or JADU<sup>1</sup> per one single-family lot. If a detached, Category 2 ADU is proposed, the City must ministerially approve an ADU that is up to 800 sf, 16-ft in height, and maintains 4-ft rear and side setbacks.

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<sup>1</sup> JADUs are a type of ADU that are no more than 500 square feet and are typically bedrooms in a single-family home that have an entrance into the unit from the main home and a separate entrance to the JADU from the outside. The JADU must have an efficiency kitchen, including a sink, but is not required to have a private bathroom.

- Required ministerial approval of at least one interior ADU on multifamily lots, up to a number equal to 25% of the existing units, that involve conversion of non-habitable space within the existing structure.
- Allowance for no more than two detached ADUs on two-family and multifamily lots.
- Allowance for conversion of existing accessory buildings such as carports and garages into ADUs with no parking replacement requirement if the parcel is within ½-mile walking distance of public transit.
- New standards for the processing, size, height, location, landscaping, and setbacks for the construction of new ADU structures and ADUs within existing accessory buildings, single-family homes, two-family and multi-family buildings.
- Prohibiting ADUs in State defined “Very High Fire Hazard Severity Zones” due to impacts on traffic flow and public safety during emergencies. This topic is discussed thoroughly in “*Key Issues and Impacts*” section of this report.

Once the proposed amendments are adopted, the Oakland Planning Code will be in compliance with State law. Please refer to Section 17.103.080, Tables 17.103.01 and 17.103.02 in *Attachment A* for summaries of the proposed development standards for developing and processing ADUs.

## ANALYSIS

### **Changes introduced since the Zoning Update Committee (ZUC) meeting**

The following changes were made to the Planning Code Amendments after the ZUC meeting that was held on April 15, 2021:

#### a) Building Envelope Expansion for Category One ADU Conversion on Small Lots

The State law allows an expansion of up to 150 square feet for the purpose of ingress and egress when converting or replacing an existing accessory structure to a Category One detached ADU. This Planning Code proposal is fully compliant with the State mandate. To allow more flexibility in creating livable ADUs, the Staff recommends allowing envelope expansion as part of the conversion or replacement of existing accessory structures on Small Lots for the purpose of creating one (1) Category One ADU with a total resulting structure footprint no greater than 800 square feet, and height of the proposed addition no more than 16 feet. This would allow converting an existing structure that might be too small and undesirable to inhabit into a livable conversion ADU, while preserving at least 50% of the yard as open space. Since conversion of an existing structure is a less expensive way of creating an ADU, this allowance makes creation of ADUs more equitable. A small lot is defined for the purpose of this regulation as a lot no greater than 3,000 square feet in size or no greater than 35 feet in lot width mean.

#### b) Minimum ADU and JADU Size Allowance

Aligning the minimum ADU and JADU size requirement with the minimum size of an Efficiency Dwelling Unit as defined in the California Building Code Section 1208.4.

#### c) Objective Design Standards

A minor adjustment has been made to the exterior wall material standard for attached and detached ADUs located at the front or side of a main building and visible from the front public right-of-way. The proposed requirement is for the exterior material to “visually match” the existing exterior material of a primary structure.

d) Landscaping Standards for New Category Two ADUs

A clarification has been added to the requirement to plant one new tree per every 500 square feet of detached ADU floor area. When required, any new tree within the public right-of-way planted to meet this requirement is to be approved by the Department of Public Works and conform with the City's current Tree Division list.

"Very High Fire Hazard Severity Zone" (VHFHSZ) ADU Regulations

Planning Staff - together with Oakland Fire Department (OFD), Oakland Department of Transportation (OAKDOT), and the City Administrator's Office - are highly concerned about public safety within the State designated VHFHSZ. Staff urges the Planning Commission to consider recommendations to prohibit ADUs and JADUs in this highly prone to wildfires zone of the City where the existing infrastructure cannot support the increase in population density without significantly compromising public safety because of "bottleneck" issues in traffic flow from vehicles and evacuation choke points. Please see the full proposal in the *Key Issues and Impacts* Section of the report.

**Proposed Code amendments that remain largely unchanged since Zoning Update Committee (ZUC) meeting**

Regulations for Two-Family and Multi-Family Residential Facilities

State law allows at least one interior ADU or up to 25% of the existing number of units, whichever is greater, within a two-family or multi-family facility by converting portions of non-habitable space such as boiler rooms, attics, basements or garages. In addition, State law allows no more than two detached ADUs per two-family or multifamily lot. One of these detached ADUs is allowed regardless of its impact on lot coverage or usable open space. Allowing both ADUs to reduce the usable open space to below that required by the Planning Code would take away a portion or all available open space from existing two-family or multi-family facility tenants. Therefore, staff recommends allowing one or two detached ADUs per two-family or multifamily lot regardless of its impact on usable open space or lot coverage as long as the total ADU footprint does not exceed 800 square feet. Together with a proposed allowance for ADUs to exceed the minimum 16 feet height mandated by the State if the regularly required height and setbacks of the zone are met, this proposal would allow for creation of two-story ADUs and preservation of usable open space. However, in the case where the two ADUs do not reduce the open space that is required, the detached ADUs would be permitted if they meet the size standards outlined in Table 17.103.02 in *Attachment A*.

Mini-Lot Planned Unit Developments (Mini-Lot PUDs) ADU Regulations

Section 17.142.010 of the Planning Code defines a Mini-Lot Planned Unit Development as "a comprehensively designed development containing lots that do not meet the minimum size or other requirements applying to individual lots of less than sixty thousand (60,000) square feet in the zone where it is located." In other words, Mini-Lot PUDs allow a developer to subdivide a parcel into lots smaller than normally permitted so long as the resulting overall development meets all open space, setback, density, parking and other development standards for a single lot. Mini-Lot PUDs are only allowed after the granting of a Conditional Use Permit and Regular Design Review approval.

The State ADU laws do not provide specific regulations for Mini-Lot PUDs because they are a type of development that is unique to Oakland. Therefore, regulation of ADUs proposed for Mini-Lot PUDs require a local approach, especially since they create what would otherwise be substandard lots and were

meant to facilitate efficient development of infill parcels. Planning staff recommends the following amendments to the Planning Code for ADUs on Mini-Lot PUDs:

- a. ADUs in existing Mini-Lot PUDs (entitled before approval and adoption of this ordinance amendment):
  - The addition of an ADU to an existing Mini-Lot PUD would require the revision of the existing Conditional Use Permit (CUP), and possibly revisions to the Tentative Parcel Map if a Final Map has not been obtained.
  - The development will need to meet the access, setback, usable open space, and parking standards required for Mini-Lot PUDs.
  
- b. ADUs in proposed Mini-Lot PUDs after the effective date of these Planning Code amendments:
  - Require the project site plan to show the location for all proposed ADUs.
  - The development will need to meet the access, setback, usable open space, and parking standards required for Mini-Lot PUDs.
  - After the Mini-Lot PUD has been entitled, any proposed additional ADUs shall require a revision of the original Conditional Use Permit.

#### Historic Resources

Preservation of historic resources has been a priority for the City. The Oakland Planning Code includes special regulations for properties on National, California, and Local Historic Registers, as well as properties located in designated historic districts through the Design Review process (Code Section 17.136). The new ADU legislation continues the established protections for historic resources. State ADU law allows local agencies to impose objective standards and regulations that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources (Gov. Code §65852.2).

While in most cases ADUs are placed behind main structures and away from public view, sometimes ADUs are proposed in front of a primary structure if the primary structure is set back significantly from the street, or on the side of a primary structure on a corner lot, in which case an ADU might be highly visible from the public right-of-way. These examples of ADU placements may cover, obscure or modify, to various degrees, prominent features of protected historic resources.

Therefore, City Staff recommends the following two requirements: a) allowing placement of an ADU in front of a primary historic structure only if the lot conditions or requirements preclude an ADU of a minimum required size anywhere else on the lot, and b) requiring a consultation with Historic Preservation Staff for ADU applications involving construction of a new structure, or an addition to the footprint or building envelope of an existing structure for properties in the National, California, and Local Historic Registers. This review is in compliance with the *Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* to ensure the ADU proposal would not cause a substantial adverse effect to the significance of the resource. Such consultation would need to occur within the 60-day ministerial approval timeline for ADU approvals subject to Government Code Section 65852.2(e).

#### Objective Design Standards

The State law allows local governments to establish a limited set of objective design requirements that can be reviewed and approved ministerially. City Staff recommends a number of straightforward and objective design requirements for ministerial review along with the option for an alternative path through Small Project Design Review for ADU applications varying from the objective standards. The objective design standards are applicable to ADUs that are visible from the public right-of-way and require building

elements like roof pitch, exterior wall materials, predominant door and window trim, sill, recess and style to visually match those elements of a primary structure.

Similarly, State law allows municipalities to establish objective controls for ADU elements like balconies, rooftop decks, exterior staircases, as well as allowing to set standards for landscaping. The staff proposes to regulate any exterior building elements listed above normally per existing underlying zone requirements. As a result of increased construction of detached ADUs, City Staff recognizes the inevitable loss of permeable surface and potential loss of vegetation. Therefore, the Planning Code amendments require at least one tree per every 500 square feet of new ADU floor area.

## **ENVIRONMENTAL DETERMINATION**

The proposed amendments to the Planning Code will rely on the previous set of applicable CEQA documents including: the 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); 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); and various Redevelopment Plan Final EIRs (collectively, “Previous CEQA Documents”). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, each as a separate and independent basis, this proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment).

The proposed amendments to the Oakland Planning Code 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. As a result, 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 or 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). In addition, each as a separate and independent basis, this action is exempt from CEQA pursuant to Public Resources Code section 21080.17 and CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (no significant effect on the environment).

## KEY ISSUES AND IMPACTS

### “Very High Fire Hazard Severity Zone” (VHFHSZ) ADU Regulations

State law allows for cities to enact laws in order to protect health, safety, and welfare of their residents. Further, the new State ADU laws permit local agencies to regulate ADUs based on “the adequacy of water and sewer service, and the impacts of traffic flow and public safety.” (Gov. Code §65852.2 subd. (a)(1)(A)).

Recognizing this concern, the City Council in 2017 adopted the S-9 Fire Safety Protection Combining Zone Map Overlay (“Overlay Zone”) within which new Category Two ADUs are prohibited. The S-9 Overlay Zone was created to identify areas where the street pavement width is less than 20 feet and/or a cul-de-sac length is over 600 feet; and where the area is located, in whole or part, in a “Very High Fire Hazard Severity Zone,” as designated by the California Department of Forestry and Fire Protection (CAL FIRE)<sup>2</sup>. The Overlay Zone was mapped according to the following criteria:

- Areas accessed by streets with a pavement width of less than 20 feet. Oakland Fire Code (OMC Chapter 15.12) states that: “Fire apparatus access roads shall be all weather roads with a minimum width of 20 feet...”
- Areas accessed by cul-de-sacs (blind streets) with a length over 600 feet. OMC Section 16.16.025(D) states: “Blind streets shall not be over 600 feet in length unless it includes means of a secondary access...;” and
- Areas designated by CAL FIRE as a “Very High Fire Hazard Severity Zone”.

The purpose of this Fire Safety Protection Overlay Zone was to protect the public health, safety and welfare of Oakland residents by limiting ADUs in areas susceptible to fires and limited accessibility. However, as each season passes, California’s fire risk appears to grow, especially as a result of climate change with higher temperatures and an increase in drought conditions. Based on evolving data from recent wildfires (such as the Camp Fire in Paradise, CA), the recently completed *Oakland Local Hazard Mitigation Plan, Vegetation Management Plan, and Zonehaven* scenario software analysis for evacuation routes being developed with the expertise of the Oakland Fire Department (OFD) and Oakland Department of Transportation (OAKDOT), Staff recommends that the City prohibit all new ADUs and JADUs in the entire VHFHSZ, as designated by the State of California. This can be achieved through expanding the mapped area of the S-9 Overlay Zone to include the entire VHFHSZ, consistent with the base proposal described in this staff report; or alternatively, through the replacement of the S-9 Overlay with references in the Planning Code to the boundary of the VHFHSZ as may be amended by CAL FIRE over time. The pros and cons of each approach are discussed below.

VHFHSZs have been designated by CAL FIRE in areas throughout the State with especially high probability of severe wildfires and of a very high concern to public safety. CAL FIRE uses scientific computer models to analyze wildfire probability and expected wildfire behavior based on parameters such as weather patterns, available vegetation, terrain and other factors to map fire severity zones across the State.<sup>3</sup> Portions of Oakland that are within the VHFHSZ include areas of Oakland Hills that suffered from the devastating Oakland firestorm in 1991. The proposed map of the S-9 Fire Safety Protection Zone has been amended to match the CAL FIRE designated VHFHSZ in *Attachment B*. \* Please note that the CAL FIRE-issued VHFHSZs are subject to change by the State periodically based on their complex computer modeling. If the VHFHSZ map is modified by the State, the S-9 zone boundary would need to be updated as well to match the state designated area. The currently proposed changes to the Planning Code state the S-9 zone would automatically change to match the boundaries of the VHFHSZ.

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<sup>2</sup> <https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>. Also see *Attachment B* for detailed maps of the VHFHSZ.

<sup>3</sup> 2021-2026 City of Oakland Hazard Mitigation Plan. April 2021. Pages 15/1 – 15/18.

Current draft of the maps in **Attachment B** is provided for illustrative purposes. (Please also see a note about the current draft of S-9/VHFHSZ maps at the end of this section.)

Staff is aware that the proposal for automatic updates to the boundary of the S-9 Zone is not the typical pathway for a zoning map change, which would normally go back to the Planning Commission and City Council before becoming effective. Therefore, with this potential for concern in mind, an alternative approach could also be considered to keeping the proposed boundary of ADU prohibition consistent with the boundary of VHFHSZ – replace the S-9 Overlay entirely with references in the Planning Code to the boundary of the VHFHSZ, as may be amended by CAL FIRE over time. Regulating by reference to a mapped area separate from the zoning map is also not typical and could present challenges to keeping the public fully informed of all relevant regulations applicable to their property, but staff feels that this can be managed through the creation of enhanced handouts and website content.

With assistance of available new software and mapping tools (*Zonehaven*) that show existing number of people, cars, structures, and available escape routes in VHFHSZs, the OFD and OAKDOT are already seeing that the current road and intersection capacity is not adequate for the existing population in the events of mass emergency evacuations, let alone if the number of units and therefore vehicles within the VHFHSZ were to increase. Using available data, *Zonehaven* allows for the ability to visualize scenarios of mass emergencies similar to the Oakland firestorm of 1991. An annotated screenshot from *Zonehaven* showing an approximate simulation of the Oakland Firestorm of 1991 attached hereto at **Attachment C**.

The results show that there is not enough time to clear intersections for people to evacuate and for emergency vehicles to access affected areas because of “choke points” that are likely to develop at key intersections during evacuations, thereby blocking the free flow of traffic throughout the VHFHSZ. Such “bottlenecks” during mass evacuations during raging wildfires are deadly. These choke points are shown to occur within Very High Fire Hazard Severity Zones on both sides of Interstate I-580 as well as Highway 13. Because the VHFHSZ is not in a very transit accessible area, any new ADUs will likely add additional vehicles to this area making the choke points even worse.

Using Paradise, CA as an example where the streets are wide and suburban in nature, new software and mapping tools show there was still a problem with traffic bottlenecks and vehicles not being able to escape in time. In the Camp Fire people perished in their vehicles as they were trying to evacuate. Examples such as these show that street widths are not the only problem with evacuation. If there are bottlenecks that cause traffic to slow down and back up in heavily wooded areas, street width will not matter.

In addition to the bottleneck issues, city infrastructure surveys show that many streets are very narrow and often have long dead ends that only allow for one route of escape in the event of an emergency such as a wildfire. Also, even though street parking is prohibited along many streets, the street signs are often disregarded, resulting in even more limited space for cars to escape quickly if the street is partially blocked. If cars are parked on a narrow street, they can also block access for emergency vehicles to access homes in emergencies such as a fire, natural disaster, or a health crisis, where it can mean the difference between life and death if the emergency vehicle cannot arrive in time. Many homes within the VHFHSZ are built on steep slopes and do not have off-street parking or have nowhere to build additional off-street parking on the lot.

Recent inventory of existing streets in the city’s “Very High Fire Hazard Severity Zone” identified multiple “choke points”: where it is difficult for a fire engine to get through because of the dimensions of a street. The Oakland Fire Department (OFD), Oakland Department of Transportation (OAKDOT), and the City Administrator’s Office have all identified accessibility/egress issues that will be exacerbated by increased units in the VHFHSZ, because new residents will likely own cars and likely park on the street. This is a foreseeable outcome, as off-street parking is not required for ADUs within a ½ mile from public transit, and replacement off-street parking for primary dwelling units is not required for ADU conversions pursuant to the recently passed State law. Any additional cars parked on the street would cause extra

blocking of narrow streets, and further slowing/blocking of both a) traffic trying to escape quickly in the event of a wildfire or other emergency, and b) emergency vehicles trying to respond to health emergencies.

With an increase in living units of any type in the VHFHSZ, Fire Department operations are impacted because additional units mean an increase in the number of people that may need assistance in the event of an emergency, the number of people susceptible to risk and accident, and an increase in the number of vehicles trying to evacuate via narrow and winding roads, creating “choke points” and stalling the free flow of cars through intersections during wildfires.

Areas of Oakland Hills that VHFHSZ covers is also referred to as a Wildland-Urban Interface (WUI) area in the *Oakland Local Hazard Mitigation Plan* (OLHMP). The WUI area is where “combustible vegetation meets combustible structures.”<sup>4</sup> These are the areas of upmost concern for the OFD. California’s SB 1241 (adopted in 2012) and AB 2140 requires local governments to update the safety elements in their general plans to recognize wildfire risks in VHFHSZ.<sup>5</sup> A draft of OLHMP has been recently reviewed by this Planning Commission and referred for approval to the City Council. This limited ADU prohibition proposal is consistent with the OLHMP and the recent State mandates to protect the public from the threat of wildfires. A brief staff analysis with more excerpts from the *Oakland Local Hazard Mitigation Plan* and *Vegetation Management Plan* are attached hereto at **Attachments D and E**. Although the VHFHSZ appears to cover a large area within Oakland, a large portion of the area covers parks and open space where no housing is allowed to be built. A map of VHFHSZ and major open spaces attached hereto at **Attachment F\***. (All maps are subject to change and are intended for illustrative purposes. Please see a note below.)

In light of the devastating historic and recent fires across California cities, including the Oakland Hills Fire in 1991, and recent PG&E Public Safety Power Shutoff events, Planning Staff and the Oakland Wildfire Prevention Group that includes staff from the Fire Department, Department of Transportation, and City Administrator’s Office, strongly recommend expanding the S-9 Overlay Zone boundaries to match the entire VHFHSZ zone, and to prohibit all new ADUs and JADUs in the VHFHSZ.

Also, for the similar purposes of emergency access discussed above, the Staff recommends prohibiting any new ADUs and JADUs on lots that are accessed by streets with less than 20 feet of continuous pavement width Citywide. For more details, please refer to Section 17.103.080A7c.

Letters of support from the Fire Chief, and the Director of Interdepartmental Operations, Office of the City Administrator are attached hereto at **Attachments G and H**.

In addition to the above findings from City Staff, the California Attorney General Xavier Becerra filed motions to intervene in recent lawsuits over a development that was approved in a Very High Fire Severity Zone in San Diego County. According to Attorney General Becerra, “[o]n the heels of another dry winter, Californians are looking toward wildfire season with a familiar pit of dread in their stomachs. Devastating wildfires have become the norm in recent years, with dozens of deaths and whole towns forced to evacuate. That’s why local governments must address the wildfire risks associated with new developments at the front end. It is imperative for public safety – and required by the law.”<sup>6</sup>

City Staff understands the need for and importance of adding more housing units to the City, but given the evidence, the addition of housing units should not be at the risk of public health and safety. There are appropriate areas for new growth and ministerial residential project approvals, and most of the City of Oakland falls within those areas. However, the VHFHSZ, with its severe high fire, access, and evacuation risks, is not an appropriate area for increased density that it cannot serve with its limited infrastructure and

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<sup>4</sup> 2021-2026 City of Oakland Hazard Mitigation Plan. April 2021. §15.1.3  
[https://cao-94612.s3.amazonaws.com/documents/2021-04-30\\_OaklandHMP\\_AgencySubmittalDraft\\_2021-05-13-231111\\_rlny.pdf](https://cao-94612.s3.amazonaws.com/documents/2021-04-30_OaklandHMP_AgencySubmittalDraft_2021-05-13-231111_rlny.pdf)

<sup>5</sup> 2021-2026 City of Oakland Hazard Mitigation Plan. April 2021. Pages 15/4

<sup>6</sup> <https://oag.ca.gov/news/press-releases/attorney-general-becerra-seeks-intervene-litigation-over-wildfire-risk-san-diego>

fire risk. Building new units that would risk not only the lives of existing residents, but new residents alike does not make for good planning practice. Also, a wildfire in the VHFHSZ will result in further displacement and housing shortage.

\* **Additional note** about current drafts of S-9/VHFHSZ Maps in **Attachments B, F**, and any interactive VHFHSZ maps that have been shared with the public prior to this meeting:

Current maps are for illustrative purposes only and are a subject to change by the State following coordination with the City of Oakland Planning Bureau. Upon close examination, the Staff identified a number of issues and mapping ambiguities with the current VHFHSZ layer issued by the State and imposed over City's base maps. The mapping ambiguities include a) VHFHSZ boundary alignment issues with some lot lines, road centerlines, zoning boundaries and the City boundary; and b) issues stemming from the inherent low resolution of the VHFHSZ layer. The staff is working on finalizing the maps by resolving any ambiguities. Updated maps will be presented to the City Council and will be available with the Staff Report prior to the City Council meeting.

**ACTION REQUESTED OF THE PLANNING COMMISSION**

Staff requests that the Planning Commission

1. Affirm Staff's environmental determination; and
2. Recommend that the City Council approve the proposed Planning Code Amendment and Zoning Map amendments related to Secondary Units, now referred to as Accessory Dwelling Units.

Prepared by:



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Ruslan Filipau, Planner III

Reviewed by:



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Laura Kaminski, Acting Strategic Planning Manager

Approved for forwarding to the  
City Planning Commission by:



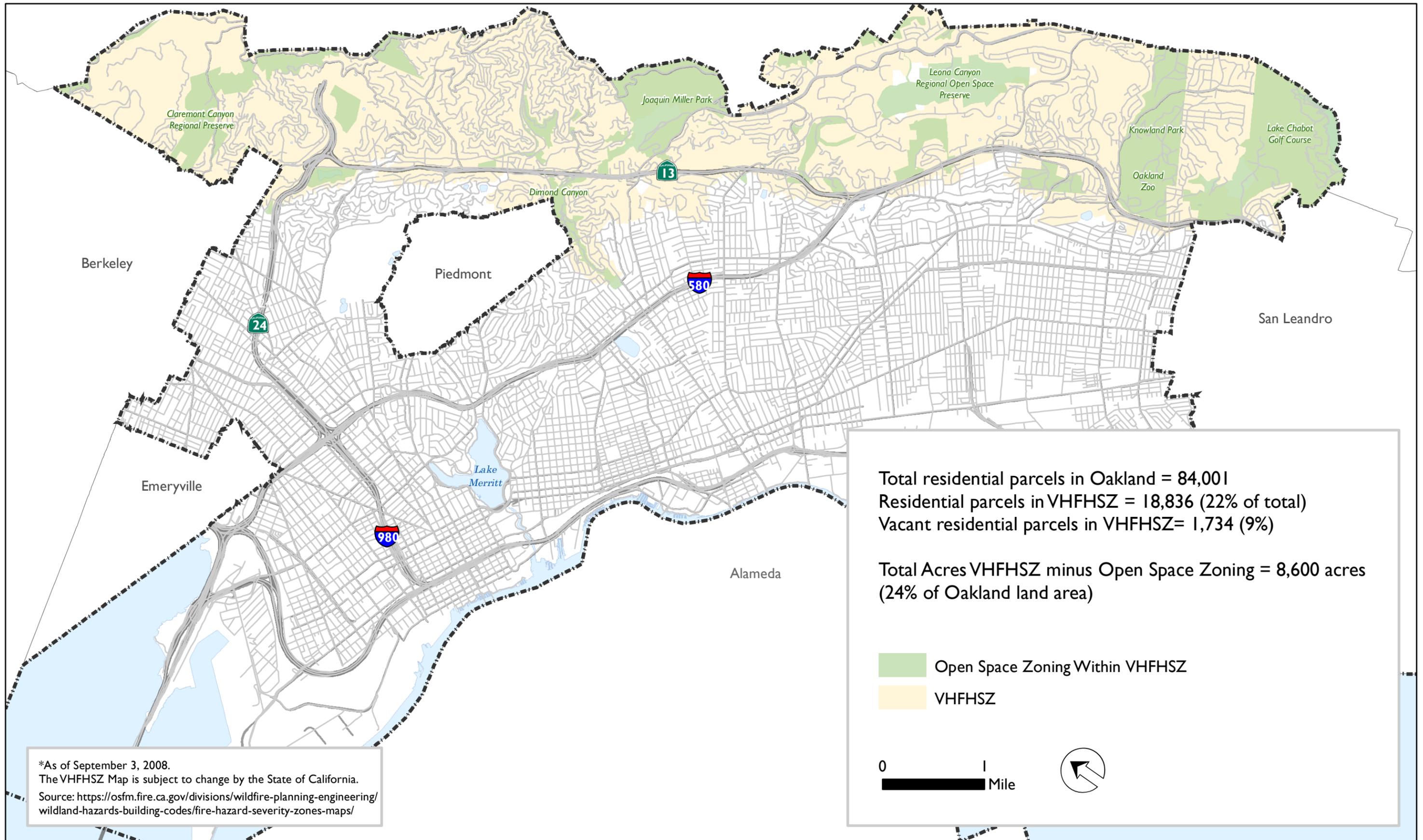
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Edward Manasse (May 27, 2021 20:50 PDT)

Ed Manasse, Deputy Director of Planning

**ATTACHMENTS:**

- A. Proposed Planning Code Amendments.
- B. Map of Proposed Amendment of S-9 Safety Protection Combining Zone to match the California Department of Forestry and Fire Protection "Very High Fire Hazard Safety Zone."
- C. Annotated screenshot of *Zonehaven* software model.
- D. Excerpts from Oakland Local Hazard Mitigation Plan.
- E. Brief Staff Analysis and Excerpts from Vegetation Management Plan.
- F. Map of Open Space Areas within the VHFHSZ.
- G. Letter from Fire Chief.
- H. Letter from Director of Interdepartmental Operations, Office of the City Administrator.



Total residential parcels in Oakland = 84,001  
 Residential parcels in VHFHSZ = 18,836 (22% of total)  
 Vacant residential parcels in VHFHSZ = 1,734 (9%)

Total Acres VHFHSZ minus Open Space Zoning = 8,600 acres  
 (24% of Oakland land area)

\*As of September 3, 2008.  
 The VHFHSZ Map is subject to change by the State of California.  
 Source: <https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>



**California State (CalFIRE) Designated Very High Fire Hazard Severity Zone (VHFHSZ),  
 Local & State Responsibility Areas\***



DISTRIBUTION DATE: \_\_\_\_\_

## *MEMORANDUM*

**TO:** HONORABLE MAYOR &  
CITY COUNCIL

**FROM:** Joe DeVries  
Director, Interdepartmental  
Operations

**SUBJECT:** Wildfire Prevention Planning

**DATE:** September 14, 2020

City Administrator  
Approval

Date:

### **INFORMATION**

On November 19, 2019, the City Council adopted Resolution No. 87940 C.M.S., declaring Wildfire Prevention a top priority for the City of Oakland and requesting the City Administrator to present a comprehensive report to the Public Safety Committee (PSC) that addresses Oakland's Wildfire Prevention Strategies within 180 days. The specific guidance in the resolution was as follow:

Submit a Report That Addresses: 1) How City Departments Will Address Wildfire Prevention In Their Planning, Programs And Projects For Oakland's Wildland Urban Interface (WUI), Including The Extent To Which The Strategies Will Involve Multi-Disciplinary And Multi-Agency Teams In The Development Of Pre-Fire Plans, 2) What Wildfire Prevention Plans Will Include Such As Home Hardening, Evacuation And Other Wildfire Prevention Strategies For Both Private And Public Properties, And Public Communication Strategies, Before, During And After A Wildfire Event, And 3) The Extent To Which Wildfire Prevention Will Be Addressed In The Next Updates To The City's General Plan, Safety, Open Space, Hazard Mitigation Plans And Other Similar Plans.

### **BACKGROUND / LEGISLATIVE HISTORY**

Wildfires are a natural part of California's landscape and the potential risk of wildfires impacting communities in, and adjacent to, forested areas is at an all-time high. In the last few years, California has experienced the deadliest and most destructive wildfires in its history. Oakland's history of wildfires is no secret in California, the Oakland firestorm of 1991 was one of the largest urban wildfires. The fire started on the border of Oakland and spread throughout the Oakland and Berkeley hills. Ultimately 25 lives were lost, 150 people were injured, over fifteen hundred acres of land were burned, and thousands of homes were destroyed. The high winds, steep terrain, and heavy fuel load made fighting this historic blaze a major challenge. The economic loss from the fire was estimated at \$1.5 billion.

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The City Council adopted Resolution No. 87940 C.M.S. in response to the increased concerns of the past few fire seasons. As a response to this concern, the City established a Wildfire Prevention Working Group that meets regularly to both address short term needs and to continue the various long-term strategy planning and implementation. The Wildfire Prevention Working Group consists of the following Departments: Oakland Fire Department (OFD), Oakland Public Works (OPW), Department of Transportation (OakDOT), Bureau of Planning and Building (P&B), Oakland Police Department (OPD), and the City Administrator's Office as convener. Additionally, City Council staff serving constituents in the High Fire Hazard Zones in the hill areas were invited to attend.

This report is organized to be responsive to the three subject areas posed in the resolution and stated above. It also highlights some short-term actions that have been taken recently to reduce the risk of wildfire in Oakland. These include traffic control and parking restrictions in high fire danger areas, vegetation removal efforts, and coordination with outside agencies and jurisdictions.

**1) How City Departments Will Address Wildfire Prevention In Their Planning, Programs And Projects For Oakland's Wildland Urban Interface (WUI), Including The Extent To Which The Strategies Will Involve Multi-Disciplinary And Multi-Agency Teams In The Development Of Pre-Fire Plans**

**Oakland's Vegetation Management Plan**

The most critical piece to the City's planning efforts at reducing the risk of wildfire is the Oakland Vegetation Management Plan (the Plan). The Plan is complete and OFD is preparing the Environmental Impact Report (EIR) on it to comply with the California Environmental Quality Act (CEQA). The Plan outlines a framework for managing fuel loads and vegetation on City-owned properties and along roadways in the City's wildland urban interface (WUI) areas to reduce the likelihood of a catastrophic wildfire, such as the 1991 Oakland Hills Fire, and to reduce the likelihood and scope of injury and property damage if such a fire occurs.

The Planning Area encompasses approximately 1,925 acres, and 308 miles along roadsides, including City surface and arterial streets, State Routes 13 and 24, and Interstate 580. Staff provided an update to the Oakland City Council Public Safety Committee on December 3, 2019 and to the full Council on December 10, 2020 on the Plan.

Below is a link to the Agenda Report:

<https://oakland.legistar.com/LegislationDetail.aspx?ID=4249996&GUID=62C57E61-1BD7-4D2D-A104-4BC20395DD2E&Options=&Search=>.

The timeline for the Plan is as follows:

- Horizon/Dudek provided the Administrative Draft Environmental Impact Report (EIR) to City (August 2020);
- City reviewing Administrative EIR draft (Fall 2020);
- City publishes the Public Draft EIR (Fall 2020);

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- Forty-five-day Comment period on Draft EIR commences (Fall 2020);
- City presents the Draft EIR to Planning Commission and receives public comment (Fall 2020);
- Horizon/Dudek prepares final EIR including responses to comments received (Fall/Winter 2020);
- City revises Draft EIR and Revised Draft Plan (Fall/Winter 2020);
- City presents the Plan and EIR to the Planning Commission (Winter 2020);
- Certification of Plan and EIR by the City's Planning Commission (Spring 2021);
- City Council Committee meetings (Public Safety and Public Works) (Spring 2021);
- City Council Hearings (expected Spring 2021);
- Adoption of the Plan by the City Council (Spring 2021); and
- File Notice of Determination filed with Alameda County Clerk Recorders Office and the California Environmental Quality Act (CEQA) State Clearinghouse (Spring 2021; must be posted for 30 days).

**Financing of Plan Implementation [Source: Council Informational Memo, December 10, 2019, <https://oakland.legistar.com/LegislationDetail.aspx?ID=4249996&GUID=62C57E61-1BD7-4D2D-A104-4BC20395DD2E&Options=&Search=>]**

Members of the public have expressed interest in how the implementation of the Plan will be financed. The Plan itself does not provide any recommendations regarding sources of funding to implement the Plan. Those decisions are made by the City Council during the City's Biennial Budget and Mid-Cycle Budget processes. However, the Plan does include preliminary estimates for the costs of actions contained in the Plan. Please refer to Section 12.5, Implementation Costs, on page 236 of the Plan and Appendix H of the Plan for more information. It should be noted that these costs will fluctuate over time, based upon a number of different factors; however, these estimates will provide baseline information that can help inform the City's budget discussions and any planning for any future assessment.

Until 2017, OFD was able to use proceeds from the Wildfire Prevention Assessment District (WPAD) to pay for vegetation management activities. In order to provide funding for vegetation management and mitigation programs/services specific to the WPAD, a ten (10) year parcel assessment on properties located within the designated WPAD was approved by voters in 2004. The assessment resulted in an annual WPAD budget with expenditure line items recommended and approved by the WPAD Citizen Advisory Board in conjunction with the OFD, to be used for vegetation management and mitigation programs/services. The WPAD provided the City with an average of one million seven hundred thousand dollars (\$1,700,000) in revenues that could be used for wildfire hazard reduction services in the Oakland Hills. These services were described in the 2013-14 Engineer's Report for the Assessment District as: Goat Grazing; Property Owner Chipping Program; Vegetation Management Program; Roving Fire Patrol Program; Support Services for Inspection Programs; and Public Outreach.

In November 2013, a ballot measure to continue the property tax assessment and activities supported by the WPAD was forward to voters; however, the WPAD failed to earn the

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affirmative vote of more than 2/3 of the electorate in the District. As a result, the parcel tax expired in 2014 and the remaining fund balance was completely expended by June 30, 2017. OFD Vegetation Management currently relies on funding appropriated from the General Purpose Fund (Fund 1010) by City Council in the City's Adopted Policy Budget for Fiscal Year (FY) 2019-2021. For FY 2019-20 and 2020-21, OFD Vegetation Management was appropriated two million nine hundred and twenty-six thousand, five hundred and thirty dollars (\$2,926,530) and two million forty-six thousand, two hundred and twelve dollars (\$2,046,212), respectively. These amounts include for each FY one-time funding of one hundred thousand (\$100,000) for the Plan and one million one hundred thousand dollars (\$1,100,000) in lieu of a renewed Wildfire Prevention District. An additional nine hundred thousand dollars (\$900,000) in one-time funding was also provided in FY 2019-20 (Year 1 of the biennial budget) with the intention of accelerating vegetation management operations to prepare for FY 2020-21 (Year 2) wildfire season.

**The Creation of a Multi-Disciplinary and Multi-Agency Approach to Wildfire Prevention**

Until the launch of the Wildfire Prevention Working Group, City departments were not entirely coordinated on the topic of wildfire prevention or large-scale emergency preparedness. The simple act of launching the Working Group focused on this single topic expanded the lens of City departments to see how each of their respective functions play an important role in how the City prevents, prepares for, and responds to wildfires.

During regular meetings, which occur twice monthly, working group members representing several departments have an opportunity to explore and learn about the range of strategies the City of Oakland uses to proactively mitigate wildfire risk, like the Fire Prevention Bureau's vegetation management program. It also provides a chance for staff to ask and respond to questions from other City staff, elected officials, community organizations and residents on issues such as how we approach parking restrictions in the hills, best practices for home hardening, evacuation planning, and coordination with outside agencies such as PG&E or jurisdictions like East Bay Regional Park system.

The following sections of this report will break down the Multi-Disciplinary and Multi-Agency Strategies the City is applying in order to ensure it is strategic in its efforts to prevent the ignition, spread, growth and intensity of a wildfire in our city.

**The Fire Prevention Bureau: Vegetation Management and Annual Inspections**

The Fire Prevention Bureau's Vegetation Management Unit, a division of the Oakland Fire Department, has made outstanding progress in 2020 with regards to Wildfire Planning and Prevention. Beginning in March of 2020, the Vegetation Management Unit initiated the release of abatement contracts for roadside clearances and clearing of City owned parcels throughout Oakland's designated Very High Fire Severity Zone. To date, 33 contracts have been released for competitive bid, and 19 of those abatement contracts have been completed, 4 are in progress and 10 are awaiting the encumbrment of funding to begin. The Vegetation Management Unit anticipates releasing another 10 contracts before the end of the fiscal year. For the first time since

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2014, the Vegetation Management Unit has been fully funded (an additional \$1,000,000.00 was added into the Vegetation Management Unit 19/20 fiscal budget in October of 2019) with regards to its abatement account.

Major egress route roadways within the Oakland Hills were cut and cleared of hazardous roadside vegetation prior to the July 4<sup>th</sup> holiday, increasing the community's safety and decreasing the fire threat. Additionally, through the contracted goat grazing program with Ecosystems' Concepts Inc., goats were deployed in April 2020 to the Grizzly Peak Open Space, North Oakland Sports Field & Tunnel Road City Parcels and in June to the Kings Estates Open Space and Joaquin Miller Park with Knowland Park and Sheffield Village completed in July 2020.

The Vegetation Management Unit is on track to abate over two thirds of the City owned undeveloped parcels and parklands prior peak fire weather conditions of late August, September and October of 2020. The Acting Vegetation Management Supervisor and his team of Fire Inspectors are actively inspecting privately owned vacant lot parcels for fire code compliance and guiding the annual Residential Inspections conducted by the Engine Company Firefighters at 11 Oakland Hills Fire Stations that began in June 2020. While facing increased fire probability due to the weather patterns of the spring of 2020, the OFD as a team has made significant progress in wildfire mitigation this fire season.

**Fire Prevention Inspections**

In addition to the City's current efforts to manage wildfire risk on its property, the City also adopts amendments to the California Fire Codes which requires owners of both public and private properties in the High and Very High Fire Hazard Severity Zones (H/VHFHSZ) to take additional safety measures to reduce the likelihood of wildfires and to prevent their spread. Examples of these safety measures includes installing sprinklers on new structures or those undergoing a major remodel; and maintaining defensible space around a building. Defensible space is defined as an area around a building where vegetation, trash and debris, and other types of flammable fuels have been treated, cleared, or reduced to slow the spread of fire both to and from the building. Low-cost measures like maintaining defensible space or screening attic vents can help protect Oakland's housing stock and increase fire safety community-wide.

The Oakland Fire Code not only establishes building and property maintenance standards, but also provides for their enforcement. The Vegetation Management Unit coordinates the City's vegetation inspection efforts. Each year, property owners in the Oakland hills receive an annual inspection by OFD. Although properties are inspected once a year, they are expected to maintain defensible space around their property year-round.

**Recent Inspection System Upgrade**

OFD transitioned to a new inspection and permitting database called Accela which has been used by the Planning and Building Department for several years. This transition involved moving from paper/pen documentation to compiling inspection data with electronic devices (iPads and

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iPhones). An essential piece of this conversion includes the documentation of inspections with photo images collected with electronic devices. By capturing images of the property/site at the time of inspection, OFD can document Compliance or Non-Compliance, ensure inspections are completed in accordance to inspection requirements, respond to complaints, use photos for inspection training and provide transparent inspection data to registered property owners and their authorized agents.

Digital images of the inspection site and status at the time of the inspection allows OFD to compile an accurate account of the inspection details. This information can then be reviewed to ensure quality inspection and training; and give a transparent account of the inspection. In combination with the use of the citizen facing portal called ACA (Accela Citizen Access), a registered user can access the record details in the Accela database. This project is a complete renovation of the former manual inspection system to the use of new software and hardware to document inspection details with real time data.

The technology provides clearer documentation of the inspections completed. It also allows inspection documentation to take place much more quickly and be linked to other vital information about the property through the Accela system.

OFD began using the technology in May of 2018 to process vegetation inspections in the Wildfire Protection areas of Oakland. These inspections are completed by firefighters and vegetation inspectors on an annual basis. The technology was deployed out of the Fire Marshal's office with joint staff from the Fire Prevention Bureau and OFD command staff. The technology is used daily by the engine company staff and inspectors from the Fire Prevention Bureau to document scheduled inspections and complaints.

OFD is in the process of converting all of its fire inspections to the Accela system which will mean that any code, commercial, or other type of inspection will be tracked and stored in this system. This will create efficiencies that will improve fire safety citywide by allowing for more inspections to occur on an annual basis and will help identify problem properties where an elevated fire hazard may exist.

**Additional Interdepartmental Coordination****Oakland Public Works***OPW – Keep Oakland Clean and Beautiful*

Keep Oakland Clean and Beautiful (KOCB), a unit in OPW, clears public right of ways and hardscape medians below I-580. KOCB has a seven-person crew for this purpose. While the OFD is primarily responsible for vegetation management in the former Wildfire Prevention Assessment District areas, there are some instances where OPW provides service. For example, if there is vegetation in the right-of-way that is obstructing the view of a regulatory sign or traffic, OPW will attempt to resolve those issues. Previously, KOCB was also able to partner with non-profit organizations such as the Center for Employment Opportunities and the Alameda County Sheriff's Work Alternative Program to assist with roadside clearance.

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**OPW – Parks and Tree Services Division**

The Parks and Tree Services Division of OPW oversees tree removal activities for the City as well as landscaping on improved City of Oakland properties, such as Woodminster Amphitheater, Joaquin Miller Park, Leona Lodge, Sequoia Lodge, Montclair Golf Course, etc. On improved parcels, brush is cleared a distance of at least fifteen (15) feet from buildings and structures. The Division also maintains landscaped medians throughout the City. Although the work was not done specifically as a wildfire prevention project, OPW did contract for the removal of ninety-five (95) dead and hazardous trees along Skyline Boulevard in 2019-20. As a result of budget reductions that occurred, OPW does not maintain City owned open space, nor does it prune or maintain trees for the purpose of wildfire prevention.

**The Planning and Building Department**

The Strategic Planning Division within the Planning and Building Department is addressing wildfire prevention strategies in several different areas in coordination with multiple departments and outside agencies. The department participates in the Working Group and their contribution to those efforts are covered below in section 3.

**Department of Transportation***Fire Safe Streets Program (2015- Present)*

Traffic Engineering Staff partners with OFD to determine ways to reduce the time it takes for OFD to arrive to the scene of emergencies. Every minute of a medical call, fire or other emergency, is critical to preserve lives and property. Cities and counties often use emergency response time as an evaluation measure. Further, responders require physical space in order to deploy their equipment at the scene, space which may be constrained by street design.

Poorly designed or inadequate infrastructure can hamper fire-suppression efforts and put residents and firefighters at risk. Reducing the risk of wildfire damage and destruction may require the City to implement measures beyond those involving an individual building or parcel. It is also essential to enhance mitigation measures at the neighborhood and community levels, which will effectively expand the zone of protection beyond an individual parcel or building.

In 2015, the team began evaluating traffic and life safety issues regarding emergency vehicle access and evacuation routes in the Oakland hills and what is commonly referred to as the Very High Fire Severity Zone.

The conversations stemmed from incidents where there was a delayed emergency response, and ongoing questions and concerns that were raised by residents about evacuation routes in the hills due to parked cars blocking the roadway.

The pilot program was launched, whereby twenty-one (21) streets were successfully surveyed and designated as “no parking.” The program allowed the City to proactively restrict parking on narrow streets to test effectiveness and public reception. The target area for the pilot was

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neighborhoods north of Highway 13 between the Contra Costa/Berkeley border (to the west) and Keller Avenue (to the east). Community feedback about the program was very positive overall.

In 2019, the program transitioned from a pilot program to full implementation with the aim of providing safe passages throughout the designated Very High Fire Hazard Severity Zone (a state designated fire hazard zone) in Oakland.

The street segments below were identified by the OFD as locations where on-street parking has consistently obstructed emergency-vehicle access. For that reason, “No Parking Anytime” signs and, in some cases, red paint has been installed/refreshed on some or all of these roads:

Alvarado Road, Bristol Drive, Brunell Drive, Chelsea Drive, Dwight Way, Dwight Place, Gravatt Drive, Stonewall Road, Vicente Road, Vicente Place, Westview Drive, Florence Terrace, Westover Drive, Charring Cross Road, Capricorn Avenue, Norfolk Road, Ocean View Drive, and Heather Ridge.

Hazardous street conditions are brought to the attention of the City in the following ways:

- Correspondence from resident to City staff or Council member.
- Social media posts or comments.
- Community meetings.
- News Inquiries (typically initiated by community interest).
- Letters from community organizations.
- Reports from OFD crews following incidents.
- Calls to Oak311 and Parking Enforcement Dispatch

Streets are then surveyed, and some are identified as a roadway with limited emergency vehicle access. Streets are evaluated for sufficient width and space to allow safe passage and room to deploy equipment and personnel. Streets with limited access create significant challenges in providing emergency response for fire apparatus and ambulances year-round. Additionally, these streets may be the only option for escape during an escalating wildfire event or large-scale disaster. Unfortunately, OFD experienced this reality of vehicles not being able to navigate a road safely while evacuating and delaying emergency responders during the 1991 Firestorm, and other communities throughout California have experienced this more recently. Therefore, the following criteria are used in evaluating streets, and the determination of whether parking restrictions are necessary are specific to each road:

- Roads should be wide enough to allow evacuation and emergency vehicles simultaneous access. As a rule, the minimum width is 20 feet.
- However, street width is not the only determining factor used as most streets in the hills do not have consistent widths.
- Horizontal curves also require a wider clearance for vehicular passage and shoulder conditions, such as the presence of vegetation, walls, and other structures that affect how much a parked car would encroach onto the street, also contribute to the decision.

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- Firefighters need room to deploy equipment and personnel. They also need to keep firefighters and equipment out of the collapse zone of structures. When working at the scene of an incident, fire departments usually need to accomplish some or all the following tasks:
  - Open cab doors so that firefighters can exit the apparatus
  - Retrieve equipment from compartments on the side of vehicles
  - Retrieve ground ladders from the vehicle
  - Connect fire hoses to pumps on the fire engine
  - Move equipment and vehicles around or beside the first fire vehicle to arrive at the scene
  - Keep firefighters and equipment at a safe distance from a structure or landscape collapse zone, if possible
  - When using an aerial ladder, OFD deploys stabilizers (a.k.a. outriggers) to prevent the ladder truck from tipping over when the ladder is extended to the side of the vehicle.
- The space that emergency responders need to be able to accomplish these tasks can vary considerably, depending on the kind of fire apparatus and other emergency response equipment chosen by a department, the type of incident, and the design of the neighborhood's streets, building design and street network.

*Heather Ridge Way Example*

Between 2018-19, residents on Heather Ridge Way continuously expressed concerns about emergency services being able to access their homes and if needed their ability to escape during a wildfire.

In 2019, Heather Ridge was evaluated several times by both OakDOT and OFD, and it was determined that the entire street met the requirements for restricted parking/emergency access. This evaluation consisted of measuring the entire street at different locations to determine where it fit into the Oakland Municipal Code (OMC).

The OFD and OakDOT staff met on site in May 2019 and drove a fire engine down the street (after measuring) to see if any areas could be used for "on street" parking and it was determined that was not practical and/or safe. All parties who worked on the project were dedicated to trying to accommodate the needs of the entire Heather Ridge community while also finding solutions to address the restricted ingress and egress issues.

Fire and OakDOT staff met in person multiple times with residents on the Heather Ridge. A community meeting was convened by Councilmember Sheng Thao's office with neighbors and staff. OFD sent three letters to the neighbors to residents impacted by the issue and participated in several local media interviews highlighting the importance of creating safe access routes.

Ultimately, it was determined that a large portion of the street had to be designated "No Parking" in accordance with the OMC and to ensure preservation of life and property.

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*Enforcement*

OakDOT's Parking Enforcement Unit has supported these efforts the past several years in many ways, including attending staff and community meetings, promoting its dispatch service (available Monday through Friday, 8:30am to 5:00pm by calling 311 or 510.238.3099), and conducting special enforcement campaigns along the network of streets in Phase 1, 2 and 3. In addition to regular patrols, the Parking Enforcement unit now deploys technicians to the hills whenever there is a red flag warning. This standard procedure was implemented in mid-August with the City's first red flag warning of the year, resulting in the issuance of two citations along the approximately 35 street segments targeted. A second red flag warning campaign produced similar results, indicating fairly good compliance with the new parking regulations.

**Recent Efforts to address immediate hazards on Grizzly Peak**

When the Wildfire Prevention Working Group first came together in the spring, an immediate concern about Grizzly Peak Blvd was brought to the forefront. Large gatherings in the evenings, especially on weekends, were creating many hazards, especially with increased numbers of illegal fireworks being discharged leading up to the 4<sup>th</sup> of July Holiday. OFD tracked 6 wildfires on Grizzly Peak in a short 6-week period, the majority of which were caused by fireworks. Additionally, as people gather late into the evening and consume alcohol, traffic accidents are especially dangerous along this winding stretch of roadway and there have been incidents of violence/shootings occurring at the turn-outs. The majority of this problematic behavior is occurring in the evening. There are nine separate turn-outs where this activity occurs and those locations are all accessed by the City of Oakland roadway but the underlying turn-outs are under the jurisdiction of UC Berkeley, the City of Berkeley, and East Bay Regional Park District.

The Wildfire Prevention Working Group evaluated different measures to mitigate these issues in the short and long term. On July 4<sup>th</sup>, the City closed Grizzly Peak Blvd. to all through traffic (except pedestrians and bicyclists) and successfully avoided any fires that day. This plan was supported with freeway signage by Caltrans and all the adjacent jurisdictions supported the effort as well.

The group evaluated three options as a long-term approach:

1. Closing these turn-outs 24/7 during the fire season using some form of traffic barriers that could be removed when the fire season ends. This could entail using K-rails in the short term and then engineering removable barriers in future years. OakDOT provided cost estimates to use barriers to close all the turn-outs during this fire season and the cost is very prohibitive, ranging from \$300,000 to \$500,000. There is the potential that people would still stop to observe the panoramic views of the Bay Area and block a travel lane which would create an additional hazard. Also, the loss of those scenic locations for people to enjoy the views during the day was a consideration that many neighbors have cited as a reason to keep them open.
2. Closing Grizzly Peak completely in the evenings to through traffic during the fire season. A daily closure at the main entry points would require a smaller investment in physical barriers but would require staffing to close the gates each night, patrol the entire stretch to

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allow people to leave (so they are not locked in), and then reopening in the morning. This poses too many logistical issues and a potential new safety issue for some neighborhoods that might use Grizzly Peak as an evacuation route (it is an identified evacuation route for the El Toyonal neighborhood of Orinda).

3. Prohibiting Stopping at all turnouts between 9pm and 6am and making them tow away zones on Red Flag Days.

The Wildfire Prevention Working Group selected option 3, and signs were installed on the week of August 29<sup>th</sup>. This measured approach gives law enforcement the proper signage to enforce the restriction through warnings and citations. The other jurisdictions that share responsibility can also issue citations, and the Wildfire Prevention Working Group can track the effectiveness this year and evaluate if more permanent barriers need to be installed or if this is sufficient. Also, this option allows for responsible persons to enjoy the view up until sundown while keeping the area off limits when the greatest potential hazards can occur.

The group is also evaluating locations on Skyline Blvd. in Council Districts 4 and 7 for a similar intervention due to large gatherings where fire hazards are high. Because the Wildfire Prevention Working Group meets on a regular basis with staff from all key departments, it has the ability to respond to emerging concerns quickly. The recent work on Grizzly Peak and recent efforts on Red Flag days are an example of that coordination.

### **Oakland Police Department**

OPD has fully embraced the importance of Wildfire Safety and its impact on the Oakland Community. As a participant in the Wildfire Prevention Working Group, OPD will employ the following strategies to deter dangerous activity linked to wildfires:

- Police Area 2's Community Resource Officers opened a community policing project with community organizers, stakeholders, and City partners to address short-term and long-term improvements to Grizzly Peak public safety fire dangers.
- The OPD Public Information Officer (in conjunction with City and OFD media teams) will assist with public outreach and education regarding the importance of fire safety and the dangers of firework and unlawful activity related to fire danger in the City of Oakland.
- OPD will maintain the ability to monitor a Fireworks Tip—Line for use during high-risk seasons or dates; the line will have the ability to accept anonymous information regarding fireworks.
- Community Resource Officers will run educational/enforcement operations to address illegal activity in the "Very High Fire Severity Zone(s)" such as Grizzly Peak
- OPD will be the lead agency regarding the multi-jurisdictional annual shut down of the Grizzly Peak area during the July 4<sup>th</sup> (Independence Day) holiday.
- Neighborhood Services Coordinators will continue to work closely with community groups to identify evacuation routes, problematic locations and other resources available

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- When resources, personnel and priorities permit, high fire danger areas will be patrolled by patrol officers and community resource officers to mitigate fire danger and other public safety issues that potentially aggravate public safety fire danger.

**Outside Agencies/Partnerships**

The City's partners in Wildfire Fire Prevention include the East Bay Regional Parks District, Moraga – Orinda Fire Department, East Bay Municipal Utilities District (EBMUD), CALTRANS, Lawrence Berkeley National Laboratory, U.C. Berkeley and PG&E. Through cooperative communication, our partners have completed numerous vegetation management projects throughout their respective lands within or adjacent to the City of Oakland that benefit our residents through the reduction of roadside fuels, thinning of invasive eucalyptus trees and goat grazing.

The East Bay Regional Parks District Fuels Management Crew has already completed brush removal in Tilden Park along Grizzly Peak and in Redwood Regional Park along Skyline Blvd. The Moraga – Orinda Fire Department recently completed controlled burns (June 2020) in both Moraga and Orinda (just 2.5 miles east of Oakland residential homes).

EBMUD conducted an invasive tree thinning project on watershed lands east of Grizzly Peak Blvd and south of Tilden Park that reduces canopy fire transfer along the wind-swept ridgeline to the northeast of Claremont Canyon area homes.

CALTRANS continues to abate the highway roadside vegetation along Highway 13 and Highway 580 with guidance from the OFD's Vegetation Management Unit.

Lawrence Berkeley National Laboratory has deployed goats which are actively grazing on their parcels below the Panoramic Way homes of Oakland.

U.C. Berkeley has completed extensive fuels reduction north of Claremont Canyon including invasive tree removal on its properties below Grizzly Peak Blvd and along Claremont Avenue.

PG&E created a fuel break from Highway 13 at Highway 24 east adjacent to Pali Court and through the canyon and ridgeline south of the North Oakland Sports Field to Broadway Terrace at Skyline Blvd. to protect its high voltage transmission lines and provide a buffer to the homes of upper Broadway Terrace.

This work by PG&E was completed with input from Oakland's Fire Prevention Bureau and its Vegetation Management Unit through monthly meetings provided by the Hills Emergency Forum, Diablo Fire Safe Council of Alameda and Contra Costa Counties and the OPW/ CALTRANS bi-monthly meeting.

The City's efforts continue to mitigate hazardous vegetation wherever present within the Oakland Hills. The City is fortunate to have built proactive relationships with our partnering agencies who recognize that these actions are necessary to protect the City's infrastructure,

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preserve life and property and enable the City to prosper without catastrophic loss due to wildfire.

Overall, the City's initiatives in this regard are working. The declared fire season of 2019 lasted 203 days in Oakland from May 13, 2019 to December 2, 2019. During that time, Oakland Fire responded to 11 wildland fire events in the Oakland Hills. No structures or lives were lost. That's a 94.58 % fire free success rate due to the fuels abatement project's work, reducing the probability of ignitions and most importantly, providing Firefighters time to respond and arrive on scene BEFORE an ignition event increases in size. Additionally, regular meetings with adjacent municipal Fire Departments, CALFIRE and other stake holder agencies provides familiarity with their Command Staff that transfers into efficient Fire Suppression Operations when fire events occur.

2) **What Wildfire Prevention Plans Will Include Such As Home Hardening, Evacuation And Other Wildfire Prevention Strategies For Both Private And Public Properties, And Public Communication Strategies, Before, During And After A Wildfire Event**

### **Home Hardening**

In regard to Home Hardening, much of the work is captured in the inspections that are conducted on an annual basis and discussed above. Additionally, the Vegetation Management Plan covers this topic but most importantly is public education and that is covered below under the communications strategy section.

### **Evacuation Planning**

The City of Oakland Emergency Management Services Division, OFD, OPD, along with other public safety agencies throughout Alameda County have identified the need to create a countywide evacuation plan. During the Summer of 2018, OFD, the Alameda County Fire Department, Berkeley Fire Department, Hayward Fire Department, CalFire, and the Alameda County Sheriff Office created the Alameda County Evacuation Task Force (XALETf). The core mission for the XALETf is to develop a countywide evacuation plan that will allow for the facilitation of an organized and integrated wildfire evacuation that isn't restricted to city or county boundaries.

In the fall of 2019, the multi-agency group initiated discussions with Zonehaven, a company that was creating technology to address the evacuation concerns of San Mateo County, Moraga/Orinda, and El Cerrito/Kensington. In early 2020, the XALETf agreed that the Alameda County Sheriff Office of Emergency Services would be the lead agency for coordinating the required funding utilizing grant allocations, facilitate sole sourcing, and negotiate a contractual agreement. The sole source process was completed early 2020, along with identifying a funding source to secure a five-year agreement with Zonehaven.

Unfortunately, in March 2020 progress on securing a contract was paused due to COVID 19. Nonetheless, as County Counsel and Zonehaven work to finalize the contract, Zonehaven is

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moving forward in creating the county evacuation zones and is working with the XALETF to develop a review and implementation plan. The XALETF anticipates having a preliminary platform in service by December 2020 assuming a contract can be executed in a timely manner and no additional unforeseen situations impede progress.

**The Evacuation Management Platform**

The Zonehaven Evacuation Management Platform is a zone-based application that makes it easy for OFD, law enforcement and the County Office of Emergency Services to collaborate, build, and maintain evacuation plans, train using evacuation simulations and scenarios, and notify agencies and the community in the event of a live emergency. The need for this cutting-edge technology has been demonstrated throughout California due to recent wildfires and in Oakland during the 1991 Tunnel Fire.

This evacuation platform will provide access to technology that will allow for the OFD, OPD, and Emergency Management Services Division to better understand community risk and assist with planning a safe and effective evacuation plan. Zonehaven is being developed as a regional evacuation application that will hopefully be utilized in all nine Bay Area counties eventually.

Zonehaven will be providing Oakland with a standardized evacuation plan that works on a common operating platform to facilitate essential cross boundary coordination. It will provide Oakland residents and first responders immediate evacuation warnings and orders when the situation dictates. The platform will empower OFD and OPD to make decisions on when to evacuate, which zones to evacuate, allow for monitoring critical evacuation traffic information in real-time, assist with creating pre-established traffic control points, pre-identify temporary refuge areas, and provides an interface to facilitate real-time wildfire modeling by Incident Commanders at the scene. Once operational, the vision is that a Zonehaven interface will be established that allows for connectivity with AC Alert, the Alameda County mass notification system that the City of Oakland utilizes (acalert.org). This concept of inter-connectivity is still in development between the two vendors. If successful, it will allow for evacuation information to be accelerated when needed. The Zone Haven Evacuation Management Platform will be used for all risk disaster mitigation that may include flooding, hazardous material leaks/spills, tsunamis, and wildfires.

For more information about Zonehaven, go to the following links:

<https://info.zonehaven.com/resources>

<https://www.youtube.com/watch?v=P3pXJ9NKEfc&feature=youtu.be>

**Communications Strategies Pre/During/Post Events****Timely, Accurate and Reliable information on the City website**

With the onset of fire season and a range of current events happening concurrently, including the Covid-19 global pandemic, the City of Oakland's citywide public information team made up of

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staff from several departments is working aggressively to create a single location on the City website where residents and other interested parties can locate and learn about the best ways to prepare and respond to emergencies before, during and after they occur. The current webpage addressing wildfires can be found here: <https://www.oaklandca.gov/resources/wildfire-event>

Residents deserve to have access to a single reliable and accurate source where they can stay informed, and in the event of a major wildfire can get access to information at the following points:

- Before a fire: to prepare their household in advance
- When fire threatens: to stay ready in case they need to evacuate
- During a fire: for information on how and when to evacuate
- After a fire: for information on when they can return and what they're returning to.

The homepage on the City website will have a banner year round to direct people to guidance regarding emergencies, especially for wildfires preparedness and red flag warning days which are often triggered by anticipated stretches of extreme heat, high winds and low humidity.

**Helping Residents Stay Informed in the Moment**

Another public education initiative that has been underway for the last year is an effort to increase the number of Oakland residents subscribed to AC Alert. Oakland residents need to be ready to evacuate in a wildfire with or without notice from public safety officials. Signing up to receive [AC Alert emergency notifications](#) via phone, text and email, is the most effective tool available to ensure we can reach community members if an evacuation is ordered.

Meanwhile, as the City promotes the benefits of AC Alert to its residents, it continues to seek out ways to enhance its own use of the tool and is working internally and with its county partners to formalize the type and scale of event that would prompt an AC Alert notification, and the most effective messaging to use during such events. The intent is to have the AC Alert notification from the City link back to a specific emergency page on the site, thus providing not just a notification but educational resources as well.

**Emergency Preparedness Starts at Home**

OFD's Emergency Management Division is in the midst of a major moment of growth, in terms of adding talented staffing capacity while seeking out opportunities for enhanced community partnerships. The City is looking forward to reinstating a community preparedness program similar to Citizens of Oakland Responding to Emergencies (CORE) that would build relationships between the city and its residents, and creating neighbor-to-neighbor communication channels. Over the last year, the City has cultivated partnerships with organizations focused on fire safety and community preparedness. Among those groups is the Oakland Community Preparedness and Response, which is linked to the Oakland Firesafe Council, which is funded through grants from CAL Fire and the California Fire Foundation. Their website provides residents with awareness, educational workshops, detailed guides and

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“support to residents of the city of Oakland to help increase the overall community preparedness level and to improve disaster response capabilities. The City has the expressed approval of the Firesafe Council to promote their materials on our website and social media channels.

**Socializing Fire Safety Tips and Information**

In addition to the pages in development on the website, the City uses a range of public information tools to provide timely accurate information regarding emergency incidents and events. Unfortunately, sometimes the volume of options where people can gather information can have a negative impact as people may get confused or overwhelmed by the varying styles or volume of information available depending on the platform.

Currently, the City’s public information team utilizes the following tools to reach Oakland’s diverse constituencies:

- Facebook
- Twitter
- Instagram
- Nixel, used by OPD primarily to share crime prevention tips and traffic alerts
- KTOP (public access Television)
- Press Release to the City’s media list
- NextDoor
- Active Campaign, an opt-in subscriber-based application used disseminate messages and newsletter style content from the City Administration.

In 2019, during the Public Safety Power Shutoff events, the public information team relied heavily on elected officials’ ability to share timely information with their constituents via their newsletters and social media regarding power outages, timelines and projected impacts to city services. In turn, the City benefitted from hearing back from those elected officials and community partners about what information residents needed in real time, as opposed to after the fact.

Staff recognizes that there is no greater tool to support communication efforts than neighbors speaking with neighbors and trusted community organizations sharing well-crafted and accessible informational materials with their members, clients and supporters.

In addition to evaluating its communications tools, the City is consistently considering what the most appropriate sequence is for notifying the public of emergency events or issues in the community.

In Oakland, the City Administration has benefitted immensely from the dedicated groups, many of which are based in the high fire hazard severity zone and have made it their mission to promote and educate people on the very real threat that wildfire poses in based on Oakland’s topography and its proximity to other threat zones. Over many years and to this day, these groups have been on the front lines promoting the annual inspection program, community preparedness

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and emergency response training, while providing critical guidance to City leaders and departments about the need for greater departmental alignment and focus in the area of wildfire prevention.

**3) The Extent To Which Wildfire Prevention Will Be Addressed In The Next Updates To The City's General Plan, Safety, Open Space, Hazard Mitigation Plans And Other Similar Plans.**

As mentioned above, the Strategic Planning Division within the Planning and Building Department is an active participant in the Working Group and, by definition, its efforts are primarily focused on planning efforts including the General Plan and its various elements as detailed below.

*ADU Ordinance*

A planning effort that is currently underway, is writing the new ordinance to conform to the recently passed State Laws for accessory dwelling units (ADUs) and incorporating regulations restricting ADUs in the Very High Fire Hazard Severity Zone, which are included in the S-9 Fire Safety Protection Combining Zone. As part of writing the ADU ordinance, planning staff is coordinating with both OFD and OakDOT.

*Local Hazard Mitigation Plan*

The City's Local Hazard Mitigation Plan will be updated by July of 2021 and the City will be reviewing and revising as necessary its wildfire prevention strategies. The plan will be led by the Emergency Management Services Division with the Strategic Planning Division assisting and coordinated with the Wildfire Prevention Working Group as well as the Department of Race and Equity along with outside agencies of Metropolitan Transportation Commission (MTC)/Association of Bay Area Governments (ABAG), East Bay Municipal Utilities District, East Bay Regional Parks District, and San Francisco Bay Conservation and Development Commission.

*Housing Element and Safety Element*

The City will be updating its' Housing Element and Safety Element as well as adopting a new Environmental Justice Element that are all due in December of 2022. As part of the update of these elements, the City will be reviewing and revising, where appropriate, its wildfire prevention strategies. Updating and creating these elements will involve the City Administrator's Office and a number of departments, including Planning and Building, Fire, Housing and Community Development, Human Services, Race and Equity, Public Works as well as outside agencies of MTC/ABAG, East Bay Municipal Utilities District, East Bay Regional Parks District, and San Francisco Bay Conservation and Development Commission.

*Land Use and Transportation Element*

The City will be updating the Land Use and Transportation Element (LUTE) as well as the Open Space, Conservation, and Recreation Element. Densities and subdivisions within the Very High Fire Hazard Severity Zone and S-9 Fire Safety Protection Combining Zone will continue to be

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limited, and updates for wildfire prevention strategies will be analyzed as well. There will also be multiple departments involved in this effort including Planning and Building; Transportation; Public Works; Economic and Workforce Development; Parks, Recreation, and Youth Development; Race and Equity, Human Services, and Public Library along with outside agencies of MTC/ABAG, East Bay Regional Parks District, Alameda County Transportation Commission, and AC Transit.

**PUBLIC OUTREACH / INTEREST**

The work of wildfire prevention requires everyone to be involved, especially the public, as their actions are the most important to preventing wildfire. The Hill Area Neighborhood Councils regularly discuss wildfire prevention and the Neighborhood Services Coordinator for those beats is a member of the Wildfire Prevention Working Group. Also, the Fire Safe Council of concerned neighbors meets regularly and has a strong ongoing relationship with City staff. On August 31, a Joint District 1 and 4 Town Hall meeting was conducted during which the main components of this report were shared.

Because wildfire prevention is an ongoing task, this report is a living document and receiving public input helps shape more effective decisions by the team.

Respectfully submitted,



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Joe DeVries, Director, Interdepartmental  
Operations, Office of the City Administrator

For questions, please contact Joe DeVries, Director, Interdepartmental Operations, at (510) 238-3083.

## CITY OF OAKLAND



LIONEL J. WILSON BUILDING • 150 FRANK H. OGAWA PLAZA, SUITE 3354 • OAKLAND, CA 94612

Office of the Fire Chief  
Reginald D. Freeman

(510) 238-4084

To: William A. Gilchrist, Director, Planning and Building Department  
Re: Accessory Dwelling Unit (ADU) Planning Code Amendments and Restrictions in the High Fire Severity Zone

Date: August 20, 2021

Director Gilchrist,

I am offering this letter of support for the revised staff proposal regarding the ADU Planning Code Amendments and the restrictions that are included on parcels located in the Very High Fire Hazard Severity Zone (VHFHSZ).

Oakland's history of wildfires is no secret in California, the Oakland firestorm of 1991 was one of the largest urban wildfires in history. The fire started on the border of Oakland and spread throughout the Berkeley hills. Ultimately 25 lives were lost, 150 people were injured, 1,520 acres of land was burned, and thousands of homes were destroyed. The high winds, steep terrain, and heavy fuel load made fighting this historic blaze a major challenge. The economic loss from the fire was estimated at \$1.5 billion.

Nearly 30 years later, with the clear intent to align City departments in the interest of safety and preparedness, City Council adopted Resolution 87940 C.M.S. in 2019 declaring Wildfire Prevention as a top priority for the city and this led to the creation of the Wildfire Prevention Working Group. The strategic working group entrusts several departments to ensure Oakland is taking a coordinated approach to prevention. That has elevated the importance of the Planning Department's contribution to prevention through appropriate zoning restrictions. The working group meetings cover a range of issues related to immediate fire safety challenges, ongoing hazard mitigation, with a strong emphasis on coordination between departments and nearby jurisdictions, and community stakeholders.

Now more than ever, Oakland residents and communities throughout the region are looking for their government to take proactive steps to increase and promote public safety and reduce wildfire risk. A surge in ADUs in the VHFHSZ project put new and existing residents at risk during mass evacuations during wildfires. .

It remains the belief of the working group that adding ADUs and creating a higher level of density, fuel load, and congestion in the fire prone Oakland hills will be hazardous to everyone in the high fire risk communities, including the very people the new ADUs are designed to serve.

It is important to note that the Fire Department is not making this recommendation in vacuum. The Fire Department conducts a range of actions on an annual basis that have played a critical role in preventing Oakland from experiencing the types of wildfire events that we continue to see in cities across California and in neighboring states. Those actions include:

- Proactive annual inspections of over 25,000 privately, city-owned and vacant parcels.

- Deploying one of the largest goat herds in the state. Each year goats prove to be a valuable and cost-effective fire prevention tool. In 2021, goats have cleared approximately 900 acres of hazardous and hard to reach dry vegetation.
- Contracting with vendors each year to mitigate hazardous vegetation on city owned property, clearing 60 miles of vegetation along roadways in addition to hundreds of acres of vegetation on public parcels.
- For the last two years, over July 4<sup>th</sup> weekend in partnership with neighboring jurisdictions, Oakland Fire and Oakland Police have proactively closed stretches of roadways and scenic lookouts along both Grizzly Peak and Skyline boulevards to prevent large gatherings and hazard activity and stop illegal parking that might cause delays in emergency responses along that hillside corridor.
- Closing parks, upstaffing fire crews, doing roving patrols, and pushing out extensive public messaging during Red Flag Warning and extreme weather events.
- Establishing the Fire Safe Streets Program with the city's Department of Transportation whereby the two departments have conducted an inventory of streets in the High Fire Severity Zone and identified multiple "choke points" where it is very difficult for a fire engine to get through. Once identified, the departments begin the lengthy process of conducting outreach to residents about proposed changes to parking restrictions, signage, and enforcement.
- Launching the Know Your Zone campaign in partnership with Zonehaven. Now every Oakland resident lives in an evacuation zone identified by a number so they can stay informed in the event that their community is being evacuated.

Planning Staff, in partnership with the Fire Department brought forward a proposal this summer to restrict ADUs in the Very High Fire Severity Zone, and heard the concerns raised by the Planning Commission that the restrictions went too far. The staff went back to work with the requested approach that the restrictions be refined and made more precise.

Following an extensive evaluation process, the Fire Department holds firm that prohibiting the development of ADU's in the CAL Fire designated VHFHSZ is the best approach to preventing loss of life and property to wildfire. However, I believe that staff have been thoughtful and diligent in their efforts to identify two options that balance the need to responsibly address California's housing crisis and protect Oaklanders from the very real threat of wildfire.

I wish to recognize the dedicated staff for their responsiveness and the Planning Commission for your consideration of this important issue.

Thank you for your consideration,



Reginald D. Freeman  
Fire Chief, Oakland Fire Department



**CITY OF OAKLAND**  
**Office of the City Administrator**

1 Frank H. Ogawa Plaza, 11<sup>th</sup> Floor • Oakland, CA 94612

Joe DeVries, Director, Interdepartmental Operations  
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Phone: 510-238-3083  
 Fax: 510-238-7084

To: William A. Gilchrist, Director, Planning and Building Department  
 Re: Accessory Dwelling Unit (ADU) Planning Code Amendments and Restrictions in the High Fire Severity Zone  
 Date: August 20, 2021

Director Gilchrist,

I am offering this letter of support for the revised staff proposal regarding the ADU Planning Code Amendments and the restrictions that are included on parcels located in the High Fire Severity Zone. As you know, the City Council adopted Resolution 87940 C.M.S. in 2019 declaring Wildfire Prevention as a top priority for the city and this led to the creation of the Wildfire Prevention Working Group. The Working Group includes several departments to ensure we take a comprehensive approach to prevention and that has elevated the importance of the Planning Department's contribution to prevention through appropriate zoning restrictions.

In recent years, the Fire Department and Department of Transportation conducted an inventory of streets in the High Fire Severity Zone and identified multiple "choke points" where it is very difficult for a fire engine to get through.

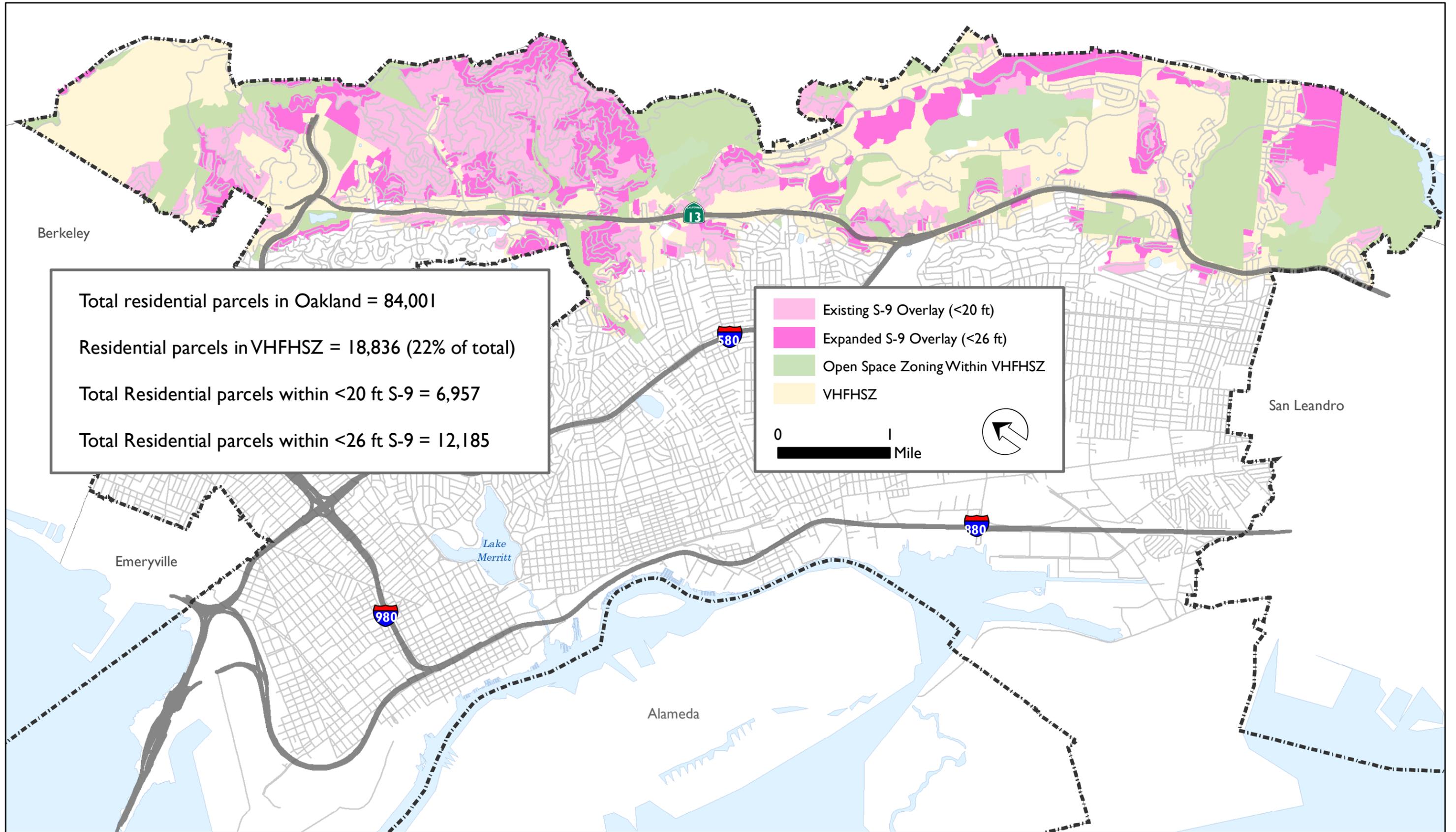
However, in the wake of the tragic Camp Fire that swept through Paradise, CA, fire departments everywhere are seeing that evacuation routes quickly become overwhelmed in a fast-moving fire. Adding ADUs and creating a higher level of density would be dangerous to everyone in those communities, including the very people the new ADUs are designed to serve.

Planning Staff, in partnership with the Fire Department brought forward a proposal this summer to restrict ADUs in the Very High Fire Severity Zone and heard the concerns raised by the Planning Commission that the restrictions went too far. The staff went back to work with the requested approach that the restrictions be refined and made more precise. I believe they have revised the proposal with that precision in mind and are presenting a new option that balances the need to responsibly address California's housing crisis and protect Oaklanders from the very real threat of wildfire.

I want to praise the staff for their responsiveness and the Planning Commission for suggesting we strike a better balance. I believe the new proposed option captures that balance and is a thoughtful path forward.

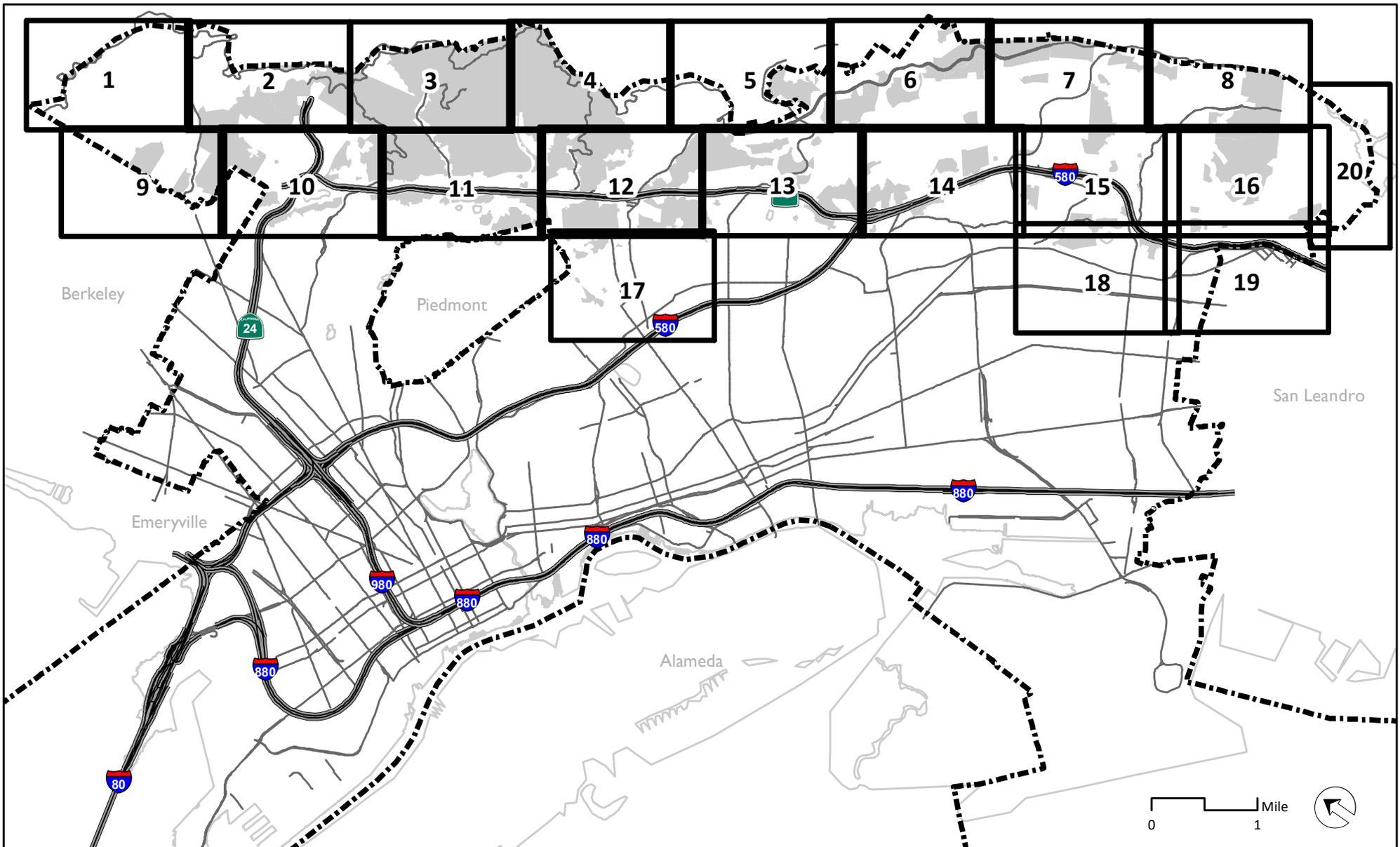
In partnership,

Joe DeVries, Director, Interdepartmental Operations  
 Office of the City Administrator



# Proposed S-9 Expansion to Streets <26 feet Wide in VHFHSZ

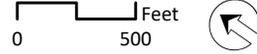
Planning & Building Department  
September 1, 2021



  
 CITY OF OAKLAND  
 Planning & Building  
 Department  
 September 1, 2021

**Proposed Amendment to Expand S-9 Safety Protection Combining Zone  
 to Streets <26 feet in Clear Width, Within California Department of Forestry and Fire Protection  
 Very High Fire Hazard Severity Zone (VHFHSZ), State and Local Responsibility Areas**

-  Current Zoning
-  Proposed Expanded S-9 Overlay
-  VHFHSZ
-  City of Oakland



**Proposed Amendment to Expand S-9 Safety Protection Combining Zone to Streets <26 feet in Clear Width, Within California Department of Forestry and Fire Protection Very High Fire Hazard Severity Zone (VHFHSZ), State and Local Responsibility Areas**

Planning & Building Department  
September 1, 2021

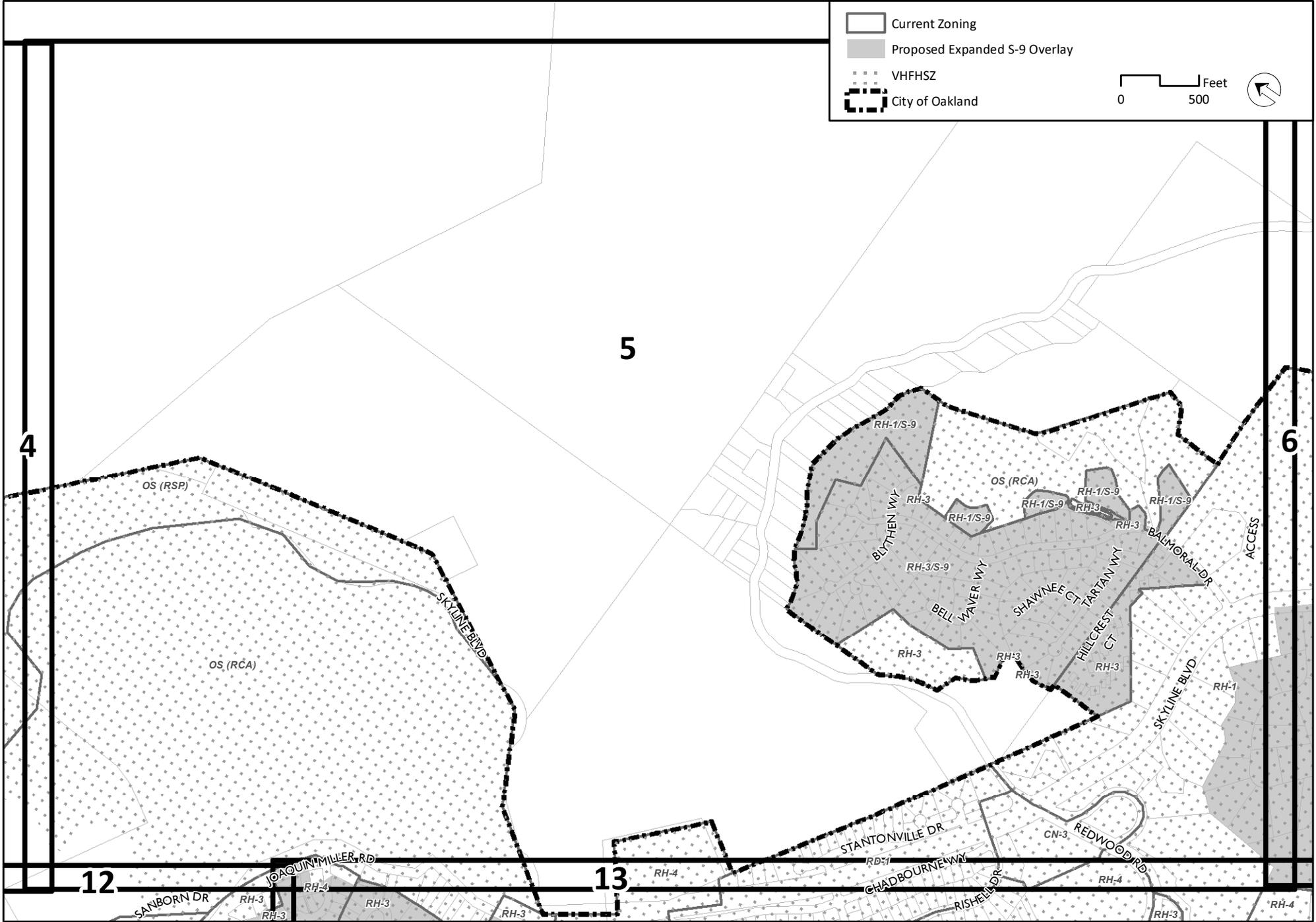






 Current Zoning  
 Proposed Expanded S-9 Overlay  
 VHFHSZ  
 City of Oakland

 Feet  
 0 500  

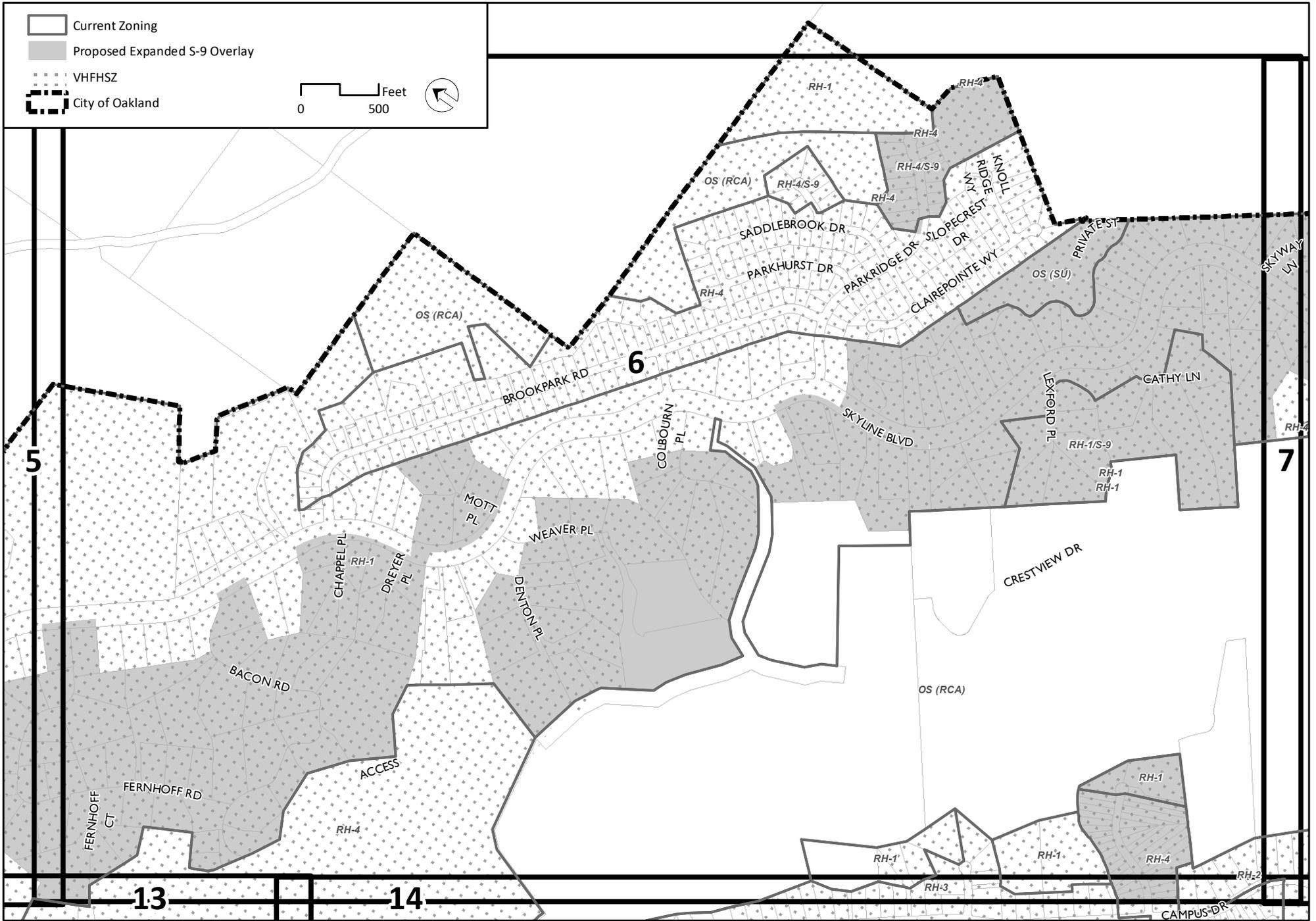



**Proposed Amendment to Expand S-9 Safety Protection Combining Zone**  
**to Streets <26 feet in Clear Width, Within California Department of Forestry and Fire Protection**  
**Very High Fire Hazard Severity Zone (VHFHSZ), State and Local Responsibility Areas**

Planning & Building Department  
 September 1, 2021

**Map 5**

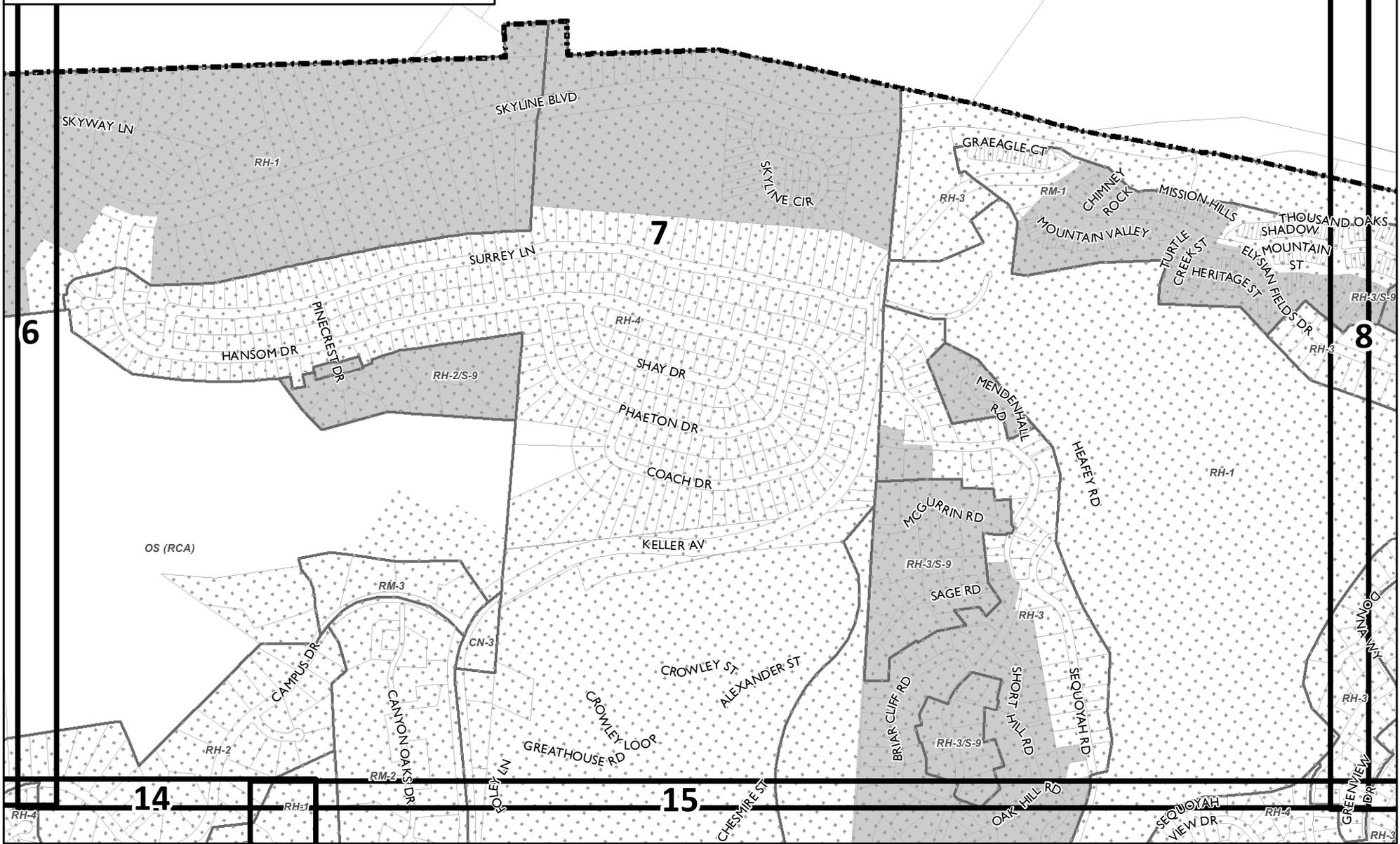
-  Current Zoning
-  Proposed Expanded S-9 Overlay
-  VHFHSZ
-  City of Oakland



**Proposed Amendment to Expand S-9 Safety Protection Combining Zone to Streets <26 feet in Clear Width, Within California Department of Forestry and Fire Protection Very High Fire Hazard Severity Zone (VHFHSZ), State and Local Responsibility Areas**

Planning & Building Department  
September 1, 2021

-  Current Zoning
-  Proposed Expanded S-9 Overlay
-  VHFHSZ
-  City of Oakland



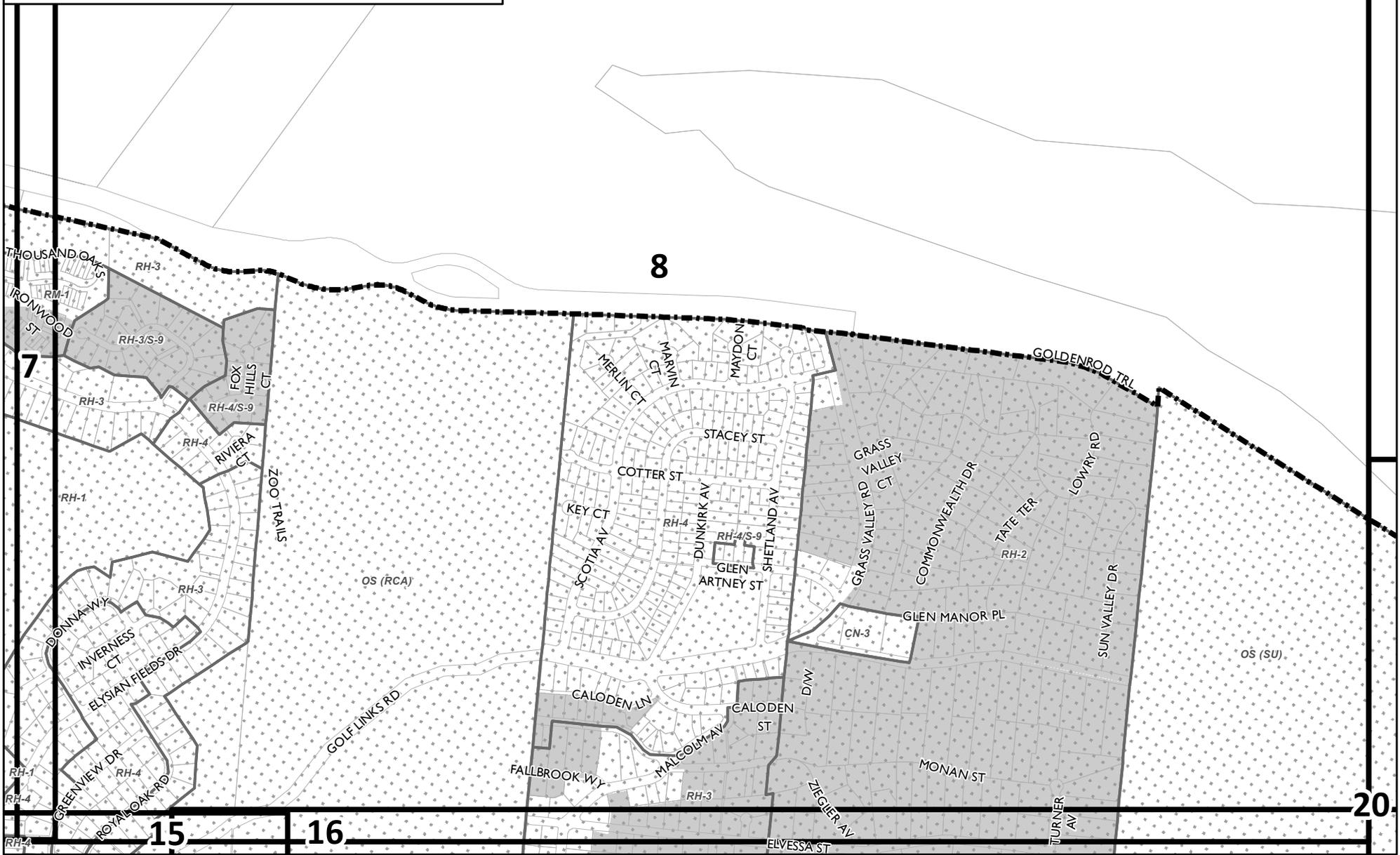
**Proposed Amendment to Expand S-9 Safety Protection Combining Zone to Streets <26 feet in Clear Width, Within California Department of Forestry and Fire Protection Very High Fire Hazard Severity Zone (VHFHSZ), State and Local Responsibility Areas**

Planning & Building Department  
September 1, 2021

**Map 7**

-  Current Zoning
-  Proposed Expanded S-9 Overlay
-  VHFHSZ
-  City of Oakland

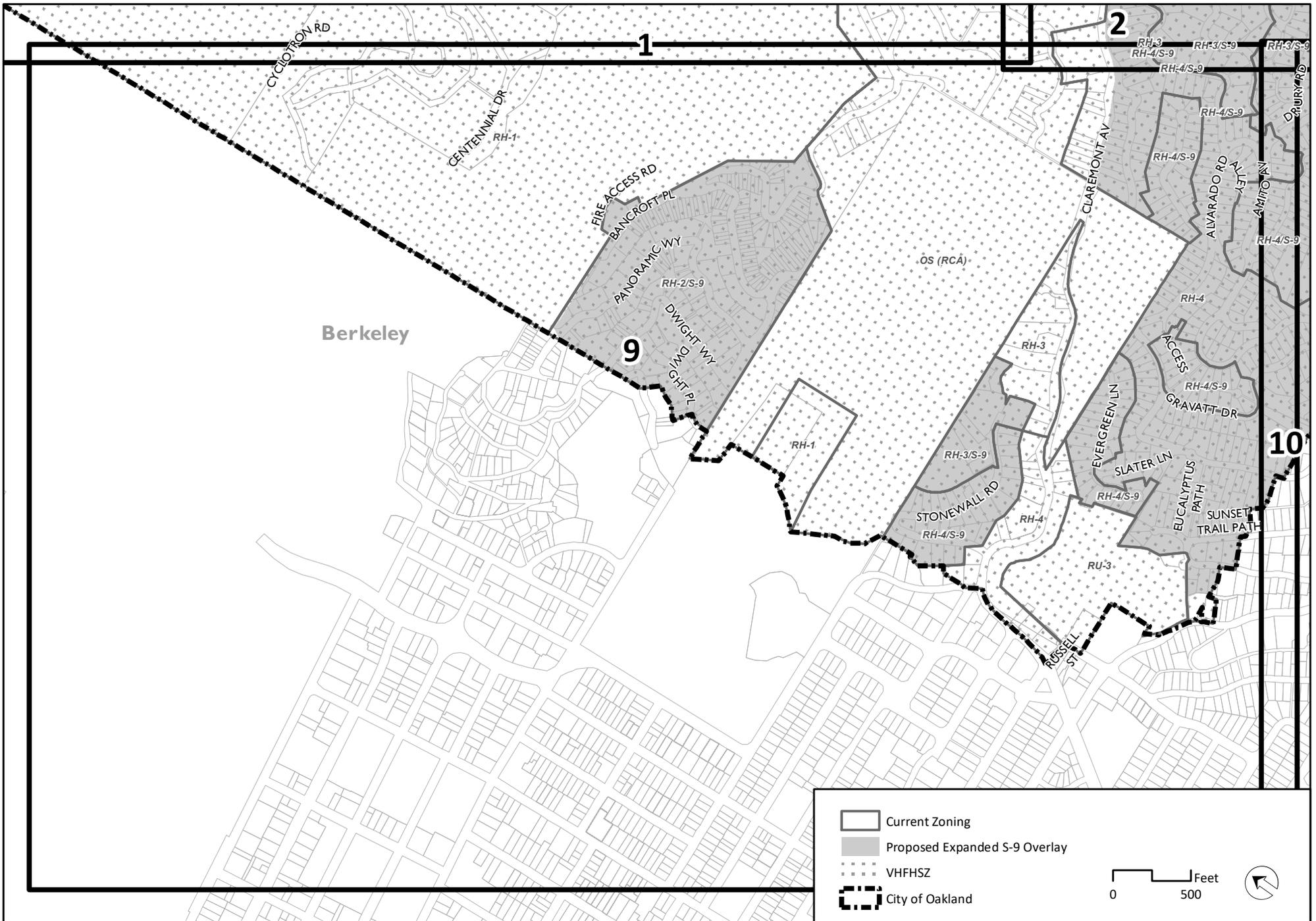
0 500 Feet



**Proposed Amendment to Expand S-9 Safety Protection Combining Zone  
to Streets <26 feet in Clear Width, Within California Department of Forestry and Fire Protection  
Very High Fire Hazard Severity Zone (VHFHSZ), State and Local Responsibility Areas**

Planning & Building Department  
September 1, 2021

**Map 8**

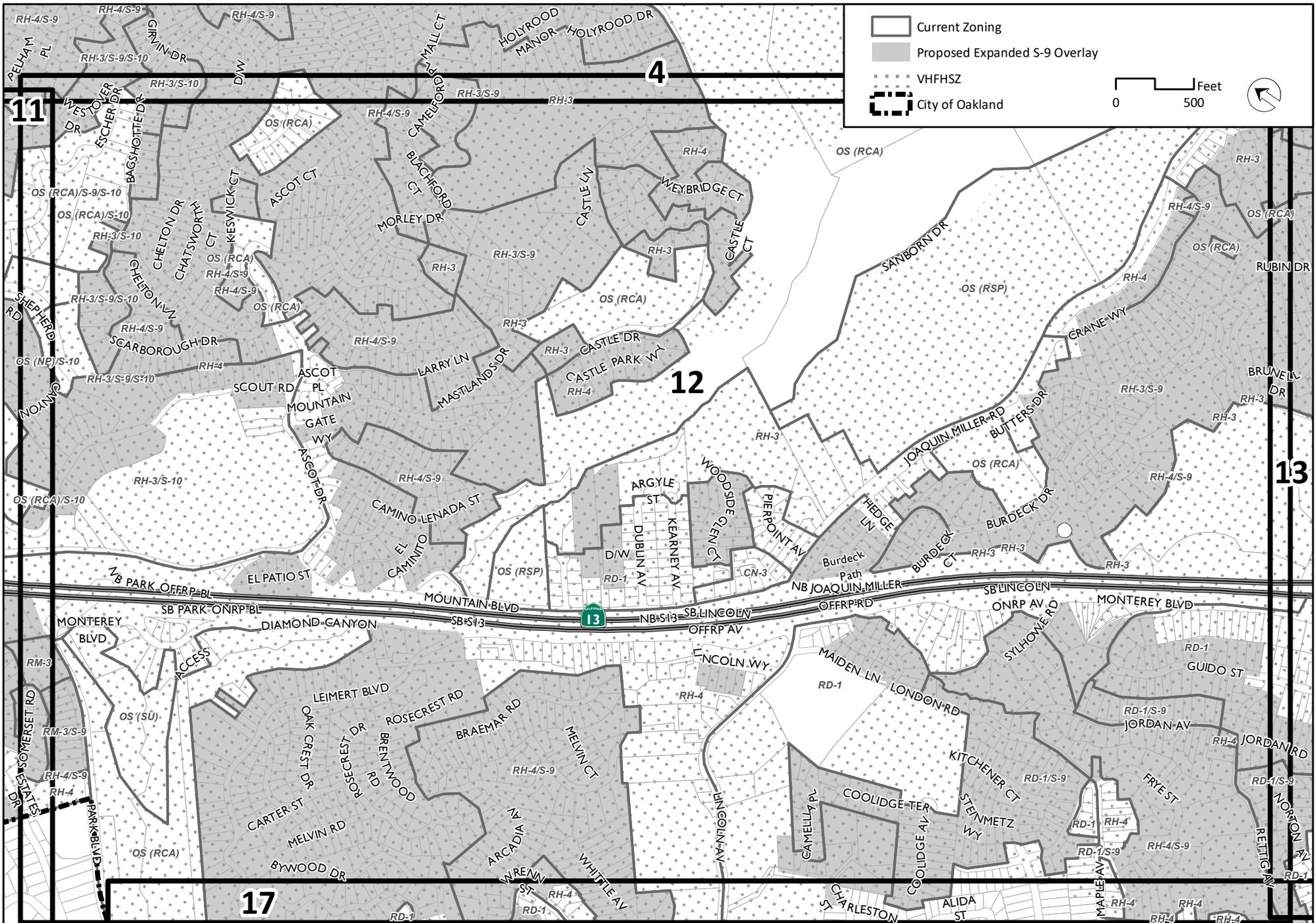


**Proposed Amendment to Expand S-9 Safety Protection Combining Zone to Streets <26 feet in Clear Width, Within California Department of Forestry and Fire Protection Very High Fire Hazard Severity Zone (VHFHSZ), State and Local Responsibility Areas**

Planning & Building Department  
September 1, 2021



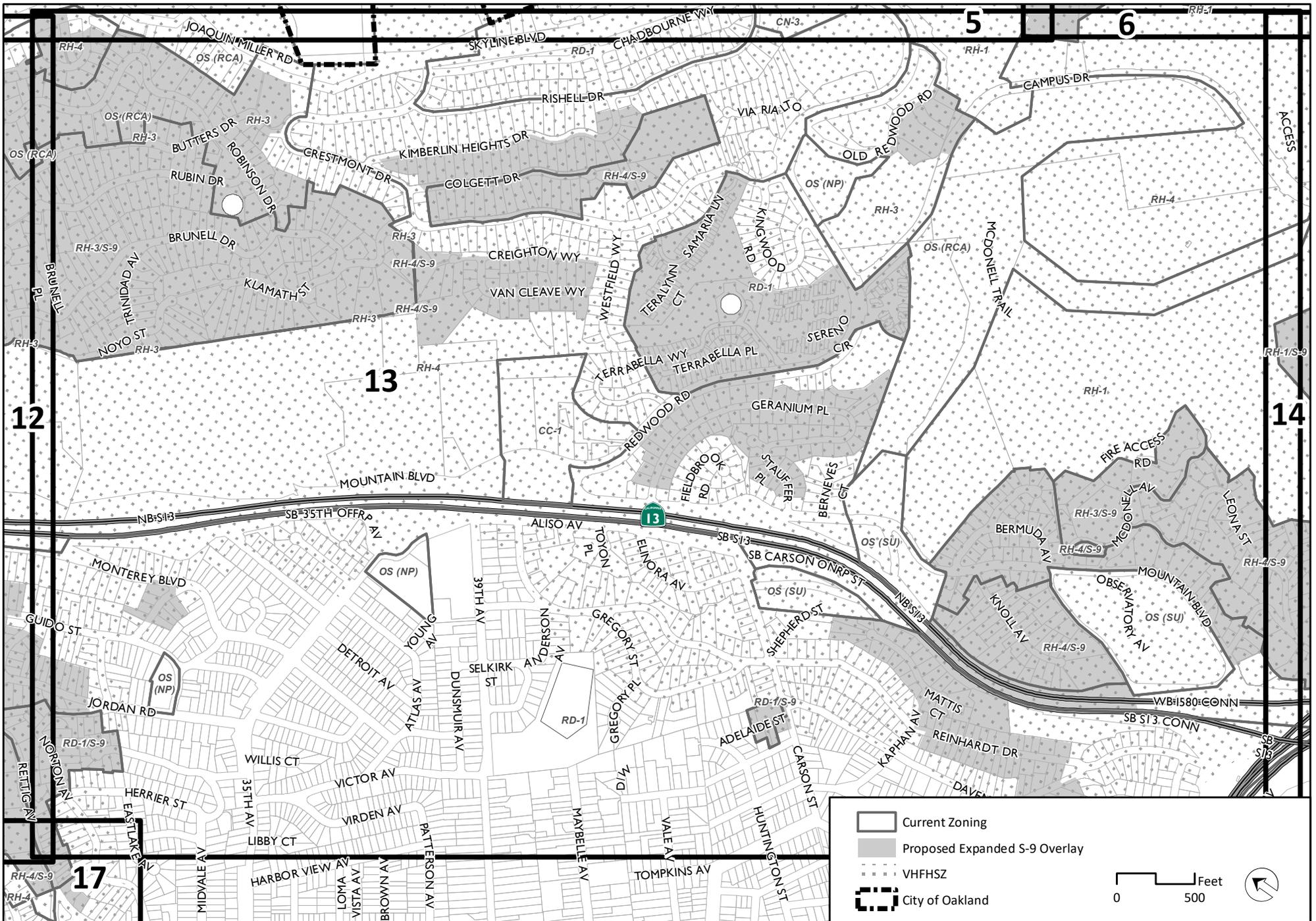




**Proposed Amendment to Expand S-9 Safety Protection Combining Zone to Streets <26 feet in Clear Width, Within California Department of Forestry and Fire Protection Very High Fire Hazard Severity Zone (VHFHSZ), State and Local Responsibility Areas**

Planning & Building Department  
September 1, 2021

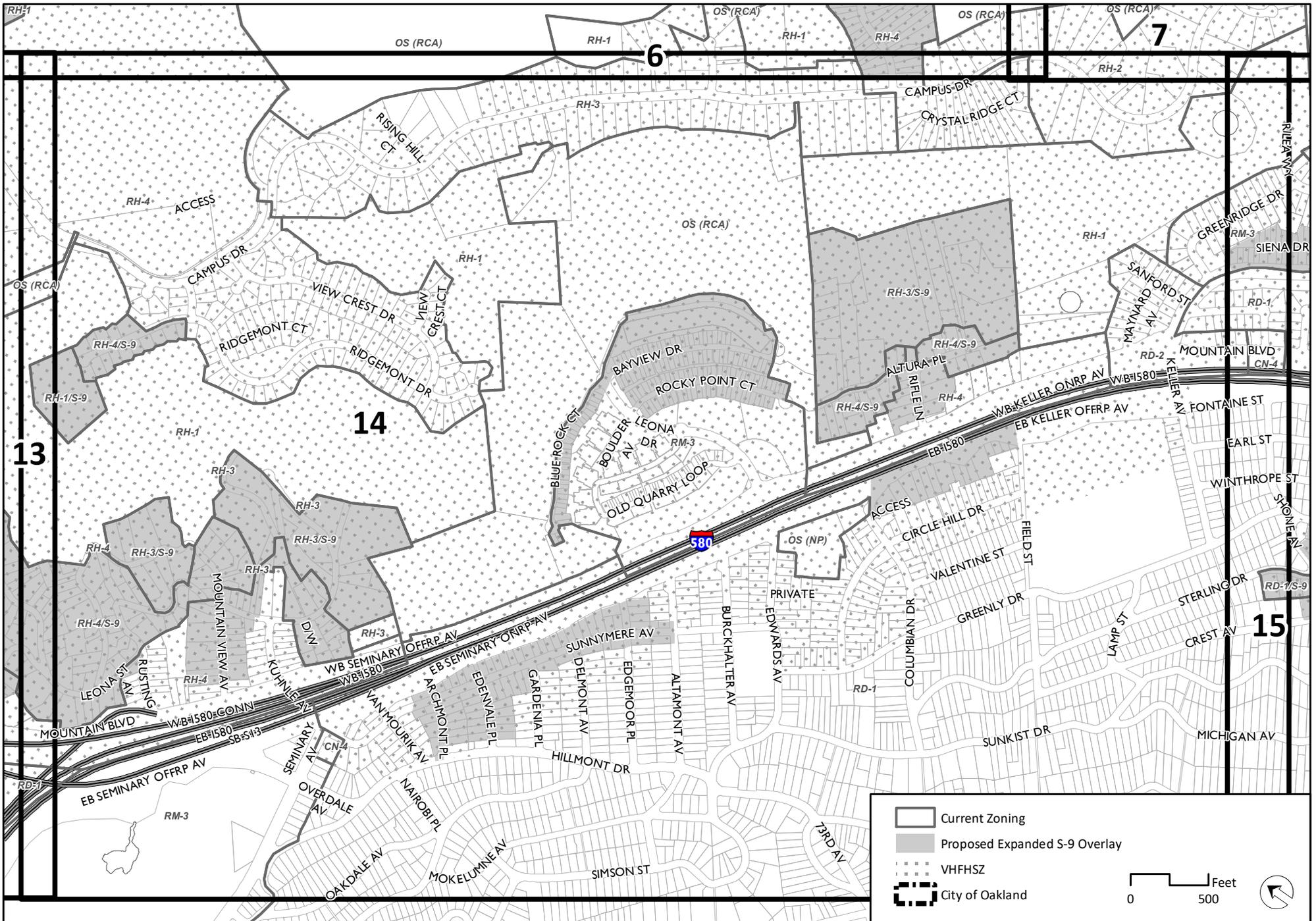
**Map 12**



**Proposed Amendment to Expand S-9 Safety Protection Combining Zone to Streets <26 feet in Clear Width, Within California Department of Forestry and Fire Protection Very High Fire Hazard Severity Zone (VHFHSZ), State and Local Responsibility Areas**

Planning & Building Department  
September 1, 2021

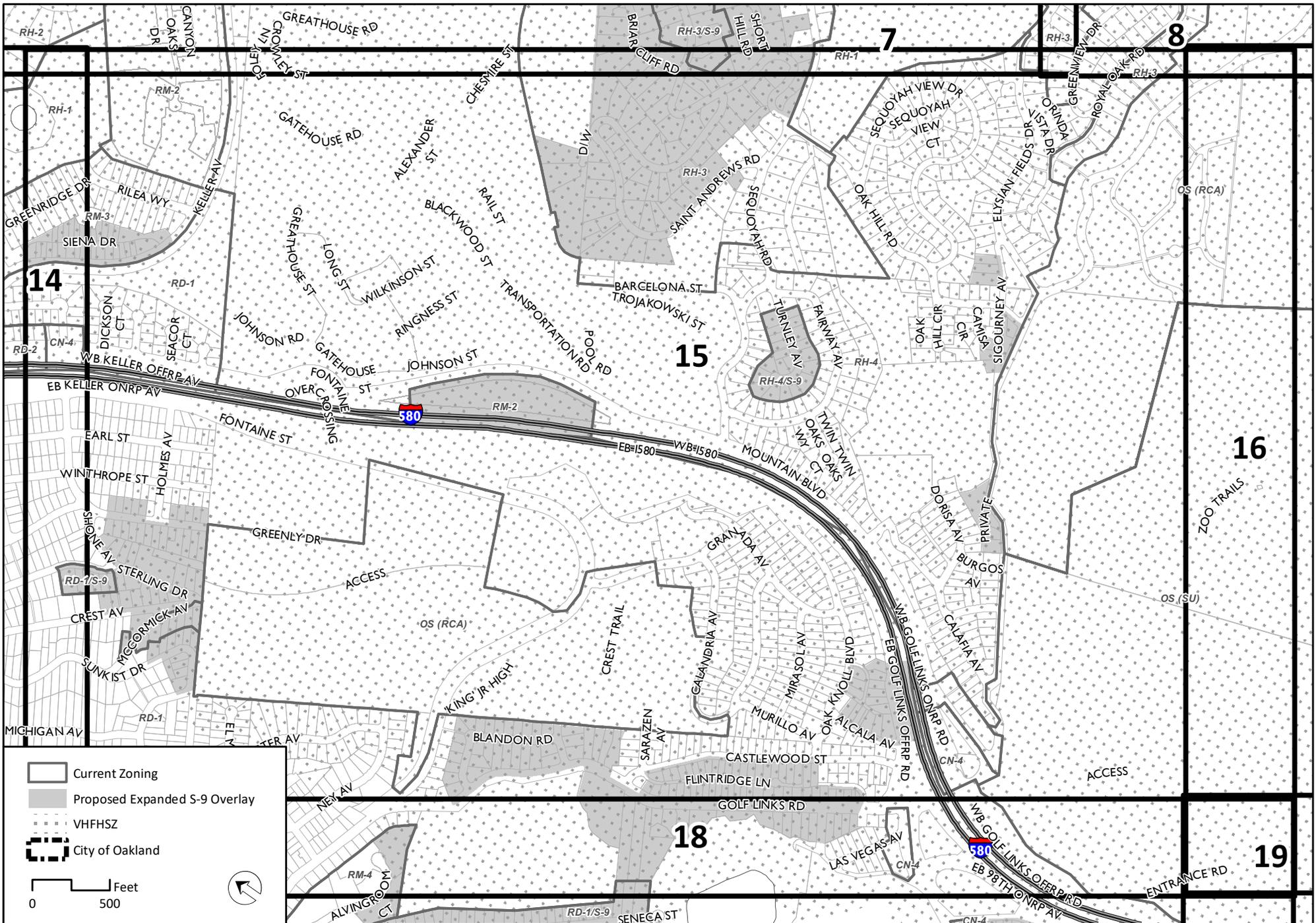
**Map 13**



**Proposed Amendment to Expand S-9 Safety Protection Combining Zone to Streets <26 feet in Clear Width, Within California Department of Forestry and Fire Protection Very High Fire Hazard Severity Zone (VHFHSZ), State and Local Responsibility Areas**

Planning & Building Department  
September 1, 2021

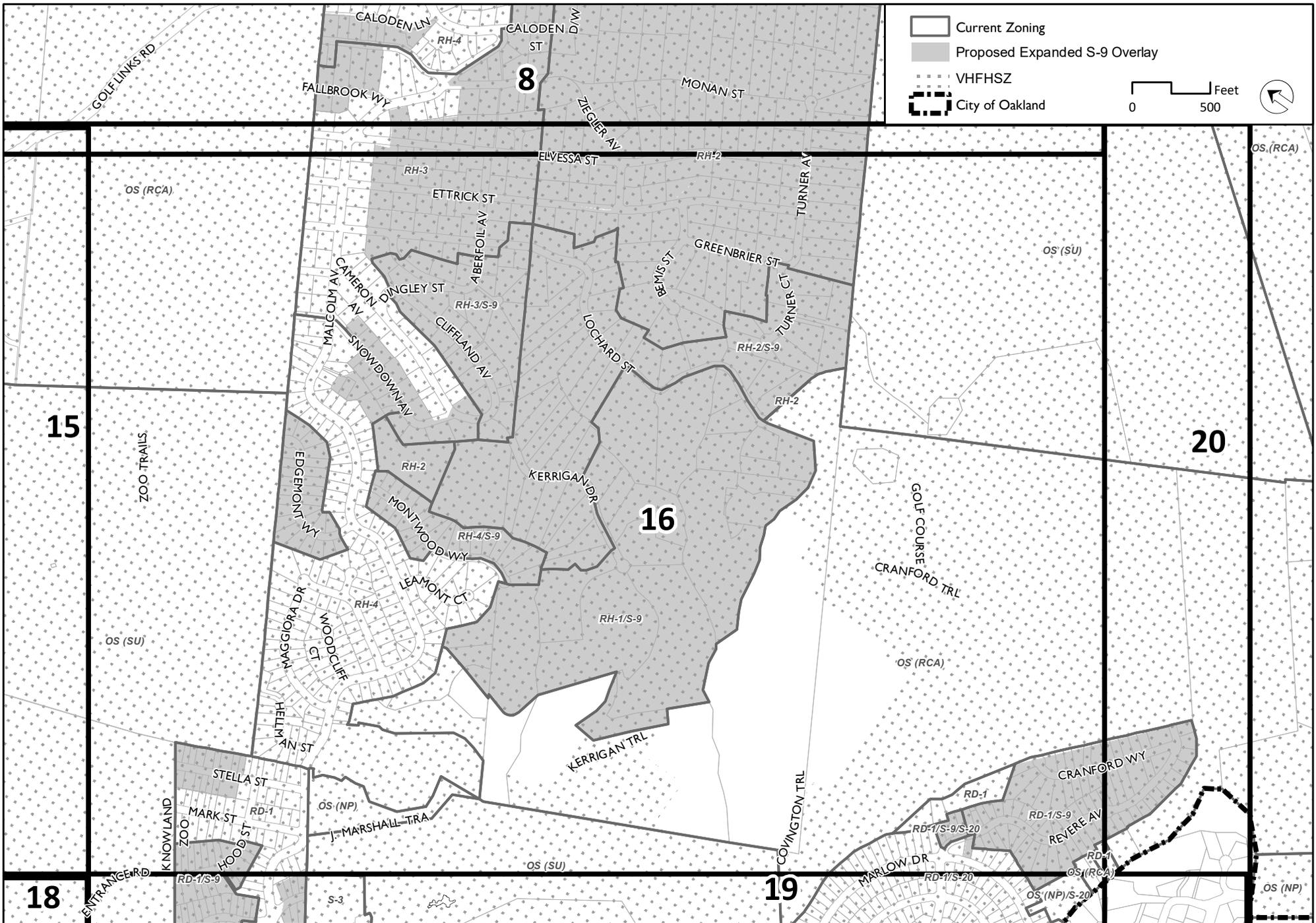
**Map 14**



**Proposed Amendment to Expand S-9 Safety Protection Combining Zone to Streets <26 feet in Clear Width, Within California Department of Forestry and Fire Protection Very High Fire Hazard Severity Zone (VHFHSZ), State and Local Responsibility Areas**

Planning & Building Department  
September 1, 2021

**Map 15**



**Proposed Amendment to Expand S-9 Safety Protection Combining Zone to Streets <26 feet in Clear Width, Within California Department of Forestry and Fire Protection Very High Fire Hazard Severity Zone (VHFHSZ), State and Local Responsibility Areas**

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September 1, 2021

**Map 16**



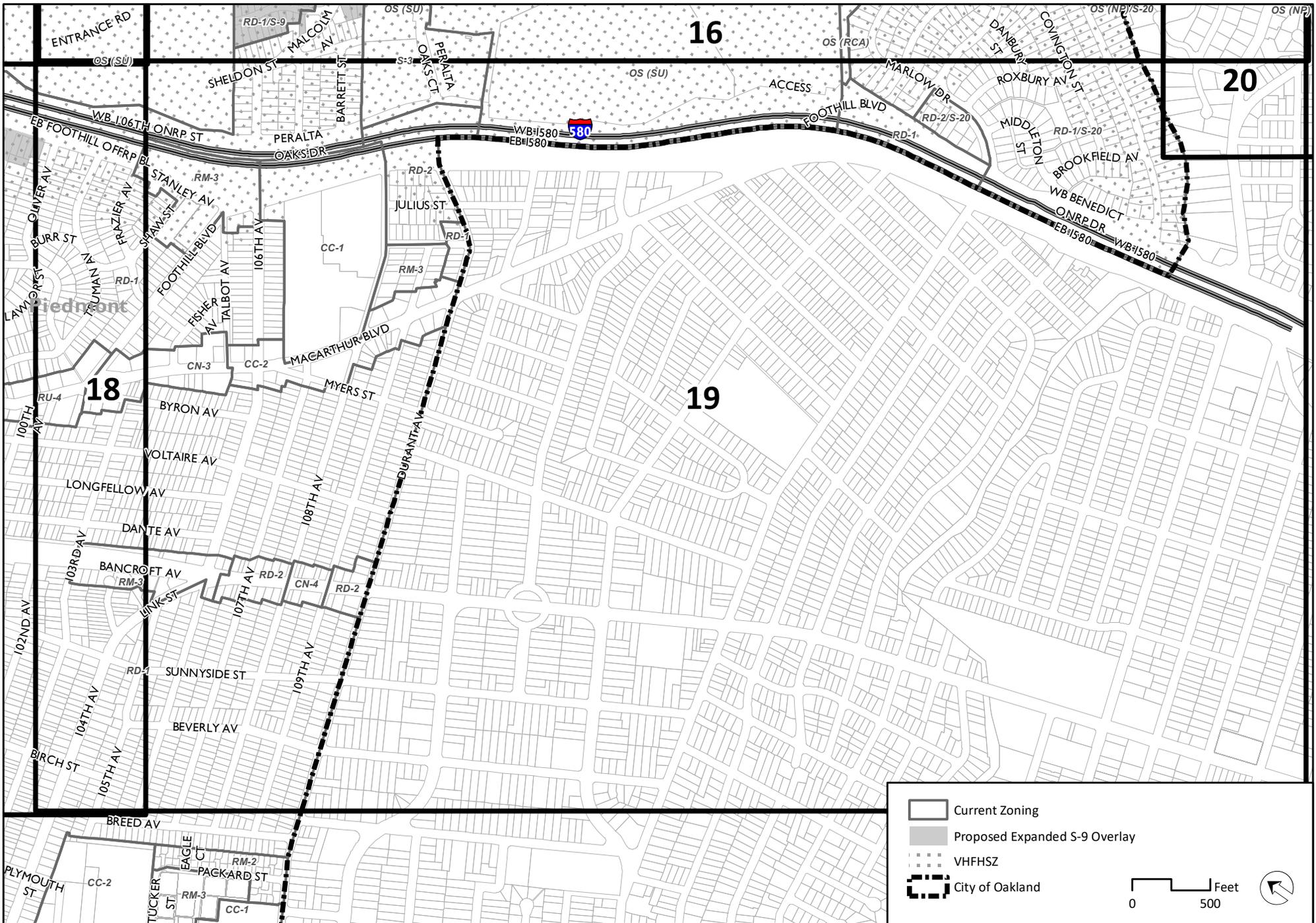
**Proposed Amendment to Expand S-9 Safety Protection Combining Zone to Streets <26 feet in Clear Width, Within California Department of Forestry and Fire Protection Very High Fire Hazard Severity Zone (VHFHSZ), State and Local Responsibility Areas**

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September 1, 2021

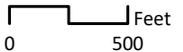


**Proposed Amendment to Expand S-9 Safety Protection Combining Zone to Streets <26 feet in Clear Width, Within California Department of Forestry and Fire Protection Very High Fire Hazard Severity Zone (VHFHSZ), State and Local Responsibility Areas**

Planning & Building Department  
September 1, 2021



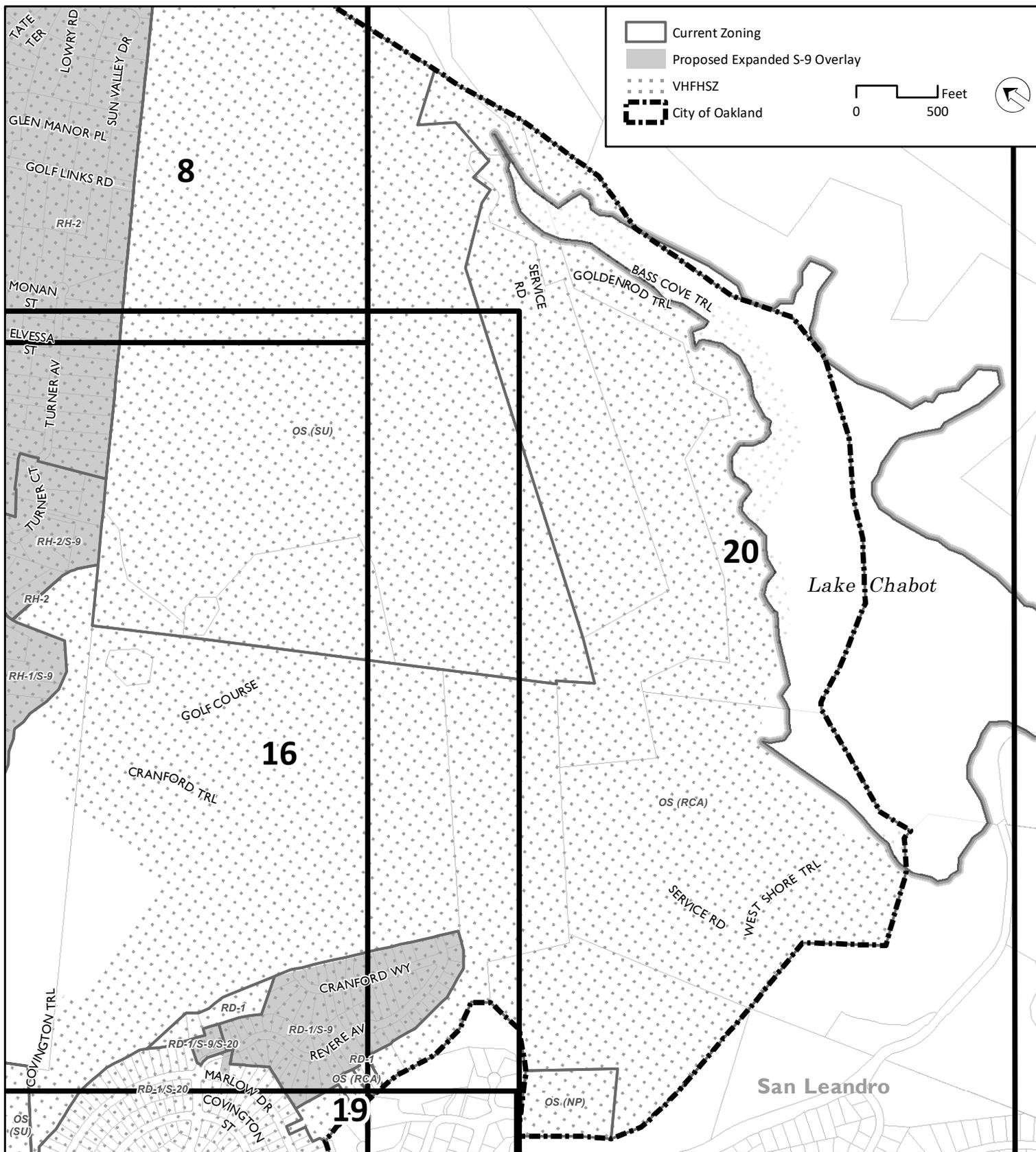
-  Current Zoning
-  Proposed Expanded S-9 Overlay
-  VHFHSZ
-  City of Oakland

 Feet  
 0 500  




**Proposed Amendment to Expand S-9 Safety Protection Combining Zone to Streets <26 feet in Clear Width, Within California Department of Forestry and Fire Protection Very High Fire Hazard Severity Zone (VHFHSZ), State and Local Responsibility Areas**

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September 1, 2021



**Proposed Amendment to Expand S-9 Safety Protection Combining Zone  
to Streets <26 feet in Clear Width, Within California Department of Forestry and Fire Protection  
Very High Fire Hazard Severity Zone (VHFHSZ), State and Local Responsibility Areas**

**Map 20**

# 010921\_CPC\_Staff\_Report

Final Audit Report

2021-08-27

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By:	Ruslan Filipau (rfilipau@oaklandca.gov)
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