

## EXHIBIT B:

### PROPOSED PLANNING CODE AMENDMENTS RELATED TO ADUS

The Oakland Planning Code (Title 17 of the Oakland Municipal Code) is proposed to be amended as follows. Additions are shown in underline and deletions are shown in ~~striketrough~~. Note that only the relevant code subsections being amended are included and unamended portions are omitted.

#### **Chapter 17.09 DEFINITIONS**

##### **Sections:**

17.09.040 Definitions.

##### **17.09.040 Definitions.**

**"Accessory Dwelling Unit" or "ADU"** means an interior, attached or detached dwelling unit that is accessory to a proposed or existing primary Residential Facility located on the same lot; 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. A JADU may include conversion of enclosed uses within the residence, such as an attached garage. 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. 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, or an existing associated accessory structure that is rebuilt pursuant to the requirements set forth in Table 17.103.01.
- 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.

## **Chapter 17.30 R-80 HIGH-RISE APARTMENT RESIDENTIAL ZONE REGULATIONS <sup>[13]</sup>**

### **Sections:**

17.30.140 Maximum residential density.

#### **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.~~

## **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 Conditional Use Permit pursuant to the Conditional Use Permit 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 in addition to the proposed additional kitchen.

However, a Conditional Use Permit 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.

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

### **Sections:**

Article VI - Residential Facilities

17.103.080 Accessory Dwelling Units in conjunction with One-Family, Two- to Four-Family, and Multifamily Dwelling Residential Facilities.

### **Article VI Residential Facilities**

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

The following regulations shall apply to the construction, establishment, or alteration of Accessory Dwelling Units (ADUs), as those dwelling unit types are defined in Chapter 17.09:

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

1. **Ministerial Approval.** An application for an Accessory Dwelling Unit (ADU) 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. **No Short-Term Rental of ADUs.** Rental of an ADU shall only be for a term of longer than thirty (30) consecutive days.
3. **Sale of Unit.** An Accessory Dwelling Unit shall not be sold separately from the primary Residential Facility on the same lot unless otherwise permitted under State law, and except for under the provisions outlined in Government Code section 65852.26.
4. **Replacement Parking Configuration.** If a covered parking space is removed to construct an Accessory Dwelling Unit, no replacement parking is required. For this section to apply, the applicable covered parking structure must have a solid roof, supported with columns; and must be legally existing. 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. **Compliance with all Code and Permit Requirements Imposed by other Applicable City Departments.** Unless specified otherwise in local code or State law, an Accessory Dwelling Unit shall comply with all code and permit requirements imposed by other applicable City departments, including but not limited to the requirement for a building permit.
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 on ADUs in the S-9 Fire Safety Protection Combining

Zone.

Development of ADUs is restricted with certain exceptions specified in Chapter 17.88 to one (1) interior conversion Category One ADU within the existing envelope of a primary structure or one (1) Junior Accessory Dwelling Unit (Junior ADU or JADU) per One-Family, Two- to Four-Family, or Multifamily lot. See the S-9 Fire Safety Protection Combining Zone Map Overlay ("Overlay Zone") Map to determine if the lot where the ADU is proposed is within the S-9 Zone.

8. **Kitchens.** Each ADU and JADU shall have 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. When feasible, an ~~An~~ exterior stairway proposed to serve an ADU or JADU on a second story or higher shall should not be visible from the front public right-of-way.
10. **Objective Design Standards for Properties Listed in the California Register of Historic Resources. 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 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.~~

12. **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.
13. **Planned Unit Developments (PUDs).** ADUs proposed on Planned Unit Developments (PUDs) must comply with requirements of Chapter 17.142 and Section 17.103.080.
14. **Planning Code Amnesty and Enforcement Delay of Building Code for ADUs that Do Not Have Prior Planning or Building Approval.**
  - a. Existing 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 a right to request: (1) amnesty from any violation of a zoning standard under the Planning Code if the Unpermitted Accessory Dwelling Unit was established and occupied prior to January 1, 2021; and (2) 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. The City shall not deny a permit for an unpermitted ADU that was constructed prior to January 1, 2021 due to either of the following: (1) the ADU is in violation of the building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code, or (2) the ADU does not comply with Section 65852.2 or any local ordinance regulating ADUs. However, a local agency may deny a permit for an Accessory Dwelling Unit if the local agency makes a finding that correcting the violation is necessary to protect the health and safety of the public or occupants of the structure.

- 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 Unpermitted Accessory Dwelling Unit has a right to request: (1) 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) 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. 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 the public 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 her designee determines that correcting the Building Code violation is not necessary to protect the public 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.~~
- hi. 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.**

Development Standards	Types of One-Family ADUs			Notes
	Junior ADU	One-Family ADU Category 1	One-Family ADU Category 2	
Maximum Number	1 per lot		1 per lot	4
<u>Maximum Number</u>	<u>1 per lot.</u>	<u>1 per lot.</u>	<u>1 per lot.</u>	<u>1</u>
<b>Minimum Size (in square feet [sf.] Floor Area)</b>	Must meet, at a minimum, Efficiency Unit Building Code Standards.	Must meet, at a minimum, Efficiency Unit Building Code Standards.	Must meet, at a minimum, Efficiency Unit Building Code Standards.	2
<b>Maximum Size</b>	500 sf.	<p><u>N/A.</u>  <u>Size is limited by existing building envelope plus 150 sf. for ingress and egress.</u>  <del>Conversion of Attached Structures: 50% of floor area of primary residence or 850 sf., whichever is greater, but shall not exceed 1,200 sf.</del></p> <p>Interior Conversion: size is limited by the existing building envelope, but shall not exceed 1,200sf.</p>	<p>For detached:            850 sf. for studio or 1-bedroom.            1,000 sf. for 2-bedroom or more.</p> <p>For attached:            Whichever is greater:            850 sf. for studio or 1-bedroom, and 1,000 sf.            For a 2-bedroom or more;            or            50% of floor area of primary residence, but shall not exceed 1,200 sf.</p>	3, 4



	Types of One-Family ADUs			Notes
Development Standards	Junior ADU	One-Family ADU Category 1	One-Family ADU Category 2	
<b>Expansion for Egress and Ingress</b>	N/A.	Maximum allowed = 150 sf.	N/A.	4, <u>5</u>
<b>Expansion for Small Lots</b>	N/A	The minimum area necessary to accommodate one (1) ADU with footprint of up to 800 sf. and up to 16 feet high. See note.	N/A	<u>5</u>
<b>Maximum Height</b>	N/A.	Established by the development standards of the underlying zoning district.	The height shall not exceed 20 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.	<u>5, 6, 7, 8</u>
<b>Side and Rear Setbacks</b>	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.	<u>5, 6, 7, 8</u>
<b>Front Setback</b>	Established by the development standards of the underlying zoning district, except when lot conditions preclude creating one ADU of no more than <del>850</del> 800 sf. and no more than <del>46</del> 18 feet in height anywhere else on the lot.			<u>5, 6, 7, 8</u>
<b>Lot Coverage, Rear Setback Coverage, Floor Area Ratio (FAR)</b>	New ADUs must be consistent with the regulations contained in the underlying zone, except the following shall be permitted regardless of these requirements: One JADU; and One ADU of no more than <del>850</del> 800 sf. that is no more than <del>46</del> 18 feet in height with at least 4 foot side and rear yard setbacks.			<u>5, 6, 7, 8</u>
<b>Open Space</b>	No new open space required.			<u>5, 6, 7, 8</u>

<b>Parking for ADUs</b>	None Required	None required if located: a) within ½-mile walking distance of a <del>public transit stop</del> <del>major transit stop</del> or high-quality transit corridor, as defined in Section 21.155 of the Public Resources Code; 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, or e) when the ADU is part of the proposed or existing primary residence or an accessory structure.  Otherwise: One (1) space per ADU, which can be tandem.	<u>6, 7, 8, 9</u>
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<b>Types of One-Family ADUs</b>				<b>Notes</b>
<b>Development Standards</b>	<b>Junior ADU</b>	<b>One-Family ADU Category 1</b>	<b>One-Family ADU Category 2</b>	
<b>Owner Occupancy</b>	Owner must occupy the JADU or the primary residence.	N/A.	N/A.	<u>8</u>
<b>Bathroom</b>	May have private bathroom; or bathroom facilities may be shared with the primary Residential Facility.	Must contain their own private bathroom facilities.		<u>10, 9</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. A homeowner may create one (1) Category One ADU, one (1) Category Two ADU, and one (1) JADU, in any order, totaling up to three (3) units.~~
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. For a Category 1 ADU, expansion of an existing structure that is greater than one hundred and fifty (150) sf., the maximum total size, inclusive of the addition is eight hundred and fifty (850) sf. for a studio or one-bedroom or one thousand (1,000) sf. for two-bedroom or more and the expansion must meet the setbacks.
4. For demolition of an existing accessory structure that is reconstructed in the same location and to the same dimensions, there is an allowed addition for ingress and egress of up to one hundred and fifty (150) sf. For demolitions of an existing accessory structure that is reconstructed in the same location and expanded beyond one hundred and fifty (150) sf., the entire structure must be built in compliance with setbacks for Category Two ADU.
5. 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) eighteen (18) feet, except if 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 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 (4) 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) eighteen (18) feet, and c) has a floor area not more than eight hundred (800) square feet.~~
6. 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.
7. For replacement parking regulations, see 17.103.080(A)(4).
8. Owner occupancy is not required if the owner is another governmental agency, land trust, or nonprofit housing organization.
9. If JADU shares bathroom with the primary Residential Facility, an internal connection must be provided.

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

Table 17.103.02 below, describes the property development standards, which apply to the types of ADUs permitted with Two- to Four-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- to Four-Family and Multifamily ADUs**

	Types of Two- to Four-Family and Multifamily ADUs			Notes
<b>Development Standards</b>	<del>Two- to Four-Family and Multifamily ADU Category 1 ADU for Existing Two-to Four-Family and Multifamily Buildings</del>	<del>Two- to Four-Family and Multifamily ADU Category 2 ADU for Existing and Proposed Two-to-Four-Family and Multifamily Buildings</del>	<del>Two- to Four-Family and Multifamily ADU Category 3 ADU for Existing and Proposed Two-to-Four-Family and Multifamily Buildings</del>	
<b>Maximum Number</b>	1 or up to 25% of existing units, whichever is greater, per Two- to Four-Family or Multifamily Facility. For the purposes of the 25% limitation, a unit is considered existing if it has received its certificate of occupancy or passed its final building inspection on its building permit.	No more than 2 per lot.	Only 1 per lot. Precludes creation of any other ADU	1, 2
<b>Minimum Size (Floor Area)</b>	Must meet, at a minimum, Efficiency Unit Building Code Standards.			3
<b>Maximum Size</b>	<del>For Interior Conversion: size is limited by the existing building envelope. but shall not exceed 1,200 sf.</del>	<del>850 sf. for studio or one-bedroom; 1,000 sf. for 2-bedrooms or more N/A.</del>	850 sf. for studio or one-bedroom; 1,000 sf. for 2-bedrooms or more.	4
<b>Maximum Height</b>	Established by the 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 established by the base zone.	Established by the base zone. development standards of the underlying zoning district.	5

	Types of Two- to Four-Family and Multifamily ADUs			Notes
		the underlying zoning district regulations, but in no case the maximum height shall be lower than 16 feet.		
<b>Side and Rear Setbacks</b>	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.  For Internal: N/A.			5
<b>Lot Coverage, Rear Setback Coverage</b>	N/A.	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 to establish no more than two ADUs.	N/A.	5
<b>Front Setback</b>	<del>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.</del>  N/A.	Established by the <u>base zone development standards of the underlying zoning district</u> , exempt if lot conditions preclude creating <u>two ADUs of no more than 800 sf. no more than two ADUs and no more than 18 feet 16 feet</u> in height anywhere else on the lot.	Established by the <u>base zone development standards of the underlying zoning district, exempt except</u> to create one ADU of no more than 850 sf for <u>studio or one-bedroom; 1,000 sf. for 2-bedrooms or more.</u>	
<b>Floor Area Ratio (FAR)</b>	N/A.	New ADUs must be consistent with the regulations contained in the underlying zoning district, except to establish <u>one or two Category Two ADUs of no more than 800 sf. no more than two ADUs.</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>for studio or one-bedroom; 1,000 sf. for 2-bedrooms or more.</u>	5

Open Space	N/A..	No new open space required. However, required open space for existing units, as established by the <u>base zone underlying zoning district</u> , must be maintained, except to establish <del>one or two ADUs of no more than 800 sf. each.</del> <u>no more than two ADUs.</u>	No new open space required. However, required open space for existing units, as established by the <u>base zone underlying zoning district</u> , must be maintained, except to establish one ADU of no more than 850 sf. in total footprint for <u>studio or one-bedroom; 1,000 sf. for 2-bedrooms or more.</u>
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	Types of Two- to Four-Family and Multifamily ADUs	Notes
Parking for ADUs	One (1) space; OR none if located: a) within ½-mile walking distance of <del>public transit stop or high-quality transit corridor, as defined in Section 21155 of the Public Resources Code;</del> 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; <del>or</del> d) where there is a carshare vehicle within one block of the ADU., <u>or e) when the ADU is part of the proposed or existing primary residence or an accessory structure.</u>	6
Owner Occupancy	Not required.	
Bathroom	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 Chapter 17.09 and in the California Building Code.
4. Category Two ADUs must meet lot coverage and open space requirements set forth in this table.
5. Two- to Four-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 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).