

Location:	Citywide
Assessor's Parcel Number(s):	Citywide
Proposal:	<p>Amend the Planning Code related to Accessory Dwelling Units (ADUs) to bring the local legislation into compliance with new changes in state law. The new changes, outlined in Senate Bill 1211 (SB 1211), build on previous state efforts to streamline ministerial approval of ADUs and further encourage ADU construction on multifamily properties. Broadly, the changes do the following:</p> <ol style="list-style-type: none"> 1) Limit application of local development and design standards pertaining to ADUs. 2) Increase the number of ADUs allowed on a multifamily building. 3) Prohibit local governments from requiring replacement of uncovered parking spaces removed to construct ADUs. 4) Clarifies definition of livable space. <p>These State changes took effect January 1, 2025.</p> <p>Amend the Planning Code so that references to the Very High Fire Hazard Severity Zone (VHFHSZ) as designated by the California Department of Forestry and Fire Protection (CAL FIRE) to now reference the VHFHSZ as designated by the City of Oakland.</p>
Applicant:	City of Oakland
Contact Person/ Phone Number:	Khalilha Haynes / 510-238-6551
Owner:	N/A
Case File Number:	ZA25001
Planning Permits Required:	N/A
General Plan:	Citywide
Zoning:	Citywide
Proposed Environmental Determination:	<p>The proposed amendments to the Planning Code rely on the previously certified Final Environmental Impact Reports for: the Oakland 2045 General Plan Update - Phase 1 (2023); the Coliseum Area Specific Plan (2105); Broadway Valdez Specific Plan (2014); West Oakland Specific Plan (2014); Central Estuary Area Plan (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; and various Redevelopment Plan Final EIRs (collectively, "EIRs"). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163.</p> <p>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).</p>
Historic Status:	N/A
City Council District:	All districts

Finality of Decision:	Receive public comments, engage in public discussion, and make a recommendation to City Council to adopt the proposal as set forth in the staff report.
For Further Information:	Contact Case Planner Khalilha Haynes at 510-238-6551 or by email at khaynes@oaklandca.gov .

SUMMARY

This package of Planning Code amendments responds to new changes in state law, related to Accessory Dwelling Units and the Fire Hazard Severity Zones.

Accessory Dwelling Units (ADUs)

In September 2024, the California legislature adopted Senate Bill 1211 (SB 1211) which builds on previous state efforts to streamline ministerial approval of Accessory Dwelling Units (ADUs) and encourage ADU construction on multifamily properties. Broadly, the changes outlined in SB 1211 do the following:

- 1) Limit application of local development and design standards pertaining to ADUs.
- 2) Increase the number of ADUs allowed on a lot with an existing multifamily building.
- 3) Prohibit local governments from requiring replacement of uncovered parking spaces removed to construct ADUs.
- 4) Clarifies definition of livable space.

SB 1211 took effect January 1, 2025, and the proposed amendments to the Planning Code 17.103.080 Accessory Dwelling Units in conjunction with One-Family, Two- to Four-Family, and Multifamily Dwelling Residential Facilities addresses these changes.

Very High Fire Hazard Severity Zone (VHFHSZ)

In February 2025, the California Department of Forestry and Fire Protection (CAL FIRE) released revised maps for local jurisdictions, which impacts Oakland communities that are vulnerable to wildfires.

As part of the map update process, the State has given local jurisdictions the ability to adopt upgraded maps that include additional hazard areas. The Oakland Fire Department opted to adopt a revised map so that Oakland’s Fire Hazard Severity Map reflects the map before the state’s 2025 revision. City staff is expected to present Oakland’s Fire Hazard Severity Map to City Council this Spring 2025 for adoption. The amendments to the Planning Code replace references to the Very High Fire Hazard Severity Zones (VHFHSZs) as designated by CAL FIRE to the VHFHSZ as designated by both CALFIRE and the City of Oakland. Previously, the City’s adopted VHFHSZ was the same as the state-designated VHFHSZ. Therefore, this update will ensure that the Planning Code matches what the City of Oakland has adopted as its VHFHSZ.

BACKGROUND

Accessory Dwelling Units (ADUs)

Over the last five years, the State of California has regularly updated its regulations related to ADUs to make ADUs easier to build, as a strategy for addressing the statewide housing crisis. SB 1211, introduced by Nancy Skinner in September 2024, includes a handful of regulatory changes that expand the opportunities to build ADUs in California, especially for multifamily property owners. Most notably, it increases the number of ADUs that can be built on a lot with an existing multifamily building from 2 to 8, as long as the number of ADUs does not exceed the number of units in the primary structure. Additionally, it prevents local jurisdictions from requiring replacement of off-street parking that was removed to create an ADU.

Staff previously came to the Planning Commission in [June](#) and [September](#) of 2021, and again in [April 2024](#) to implement Planning Code changes that aligned our regulations with new changes in State law. new changes in State law.

Very High Fire Hazard Severity Zone (VHFHSZ)

In February 2025, the California Department of Forestry and Fire Protection (CAL FIRE) released revised maps for local jurisdictions, which impacts Oakland communities that are vulnerable to wildfires. As part of the map update process, the State has given local jurisdictions the ability to adopt upgraded maps that include additional fire hazard areas. The Oakland Fire Department opted to adopt a revised map so that Oakland’s Fire Hazard Severity Map reflects the map before the state’s 2025 revision.

PROJECT DESCRIPTION

Accessory Dwelling Units (ADUs)

The proposed ADU-related Planning Code amendments consist of the following changes within Section **17.103.080 Accessory Dwelling Units in conjunction with One-Family, Two- to Four-Family, and Multifamily Dwelling Residential Facilities.**

1. Amend the “Replacement Parking” regulation in Section 17.103.080.A.4 to note that applicants do not need to replace an uncovered parking space that is removed to construct an ADU. Existing ADU law prohibits local agencies from requiring the replacement of covered off-street parking spaces, such as garages and carports. SB 1211 prohibits local agencies from requiring the replacement of both covered and uncovered off-street parking spaces.
2. Amend the “Objective Design Standards for Properties Listed in the California Register of Historic Resources” regulation in Section 17.103.080.A.10 to note that the standards do not apply to ADUs built pursuant to CA Government Code Section 66323. Existing ADU Law requires local agencies to ministerially adopt ADUs. SB 1211 prohibits local agencies from requiring objective design or development standards for historic properties that are not authorized under Government Code Section 66323. For example, the State’s ADU handbook identifies objective standards as “numeric and fixed standards such as heights or setbacks, or design standards such as specified colors or materials.”¹ This change protects manufacturers of prefabricated ADUs, affording them the ability to manufacture a uniform product without worrying about locally disparate design and development standards.
3. Amend “Table 17.103.02: Property Development Standards applying to Two- to Four-Family and Multifamily ADUs” to show that the maximum number of Category 2 Two-to-Four-Family and Multifamily Buildings (detached ADUs) is no more than eight per lot, on lots with existing multifamily dwellings. Existing ADU Law permits only two Category 2 ADUs on lots with existing or proposed multifamily dwellings. SB 1211 expands the number of detached ADUs from two to eight for lots with existing multifamily dwellings.
4. Amend “Notes for Table 17.103.02” to clarify that for Category 2 ADUs, the number of detached ADUs cannot be more than the number of units in the main building.

¹ California Department of Housing and Community Development, “Accessory Dwelling Unit Handbook,” January 2025, <https://www.hcd.ca.gov/sites/default/files/docs/policy-and-research/adu-handbook-update.pdf>.

5. Amend “Notes for Table 17.103.02” to clarify that community rooms and gyms are not included in the examples of non-livable space. SB 1211 clarifies the definition of livable space to mean “space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation².” The updated State ADU Handbook provides examples of non-livable space as “structures that are not used as livable space include, but are not limited to: storage rooms, boiler rooms, passageways, attics, basements, or garages.”³

These changes, in and line with previous ADU regulations by the California legislature are intended to make it easier and more worthwhile for property owners, in particular multifamily property owners, to invest in ADUs.

Very High Fire Hazard Severity Zone (VHFHSZ)

The proposed VHFHSZ-related amendments consist of changes to Chapter 17.88 S-9 Fire Safety Protection Combining Zone Regulations.

1. Amend Section 17.88.010 Title, Purpose and Applicability to reference the Very High Fire Hazard Severity Zone, as defined in Section 17.88.030(A).
2. Amend Section 17.88.030 Definitions to define the Very High Fire Hazard Severity Zone to be those areas identified by 1) CALFIRE and 2) by the City of Oakland, as authorized by Government Code Section 51179.

These changes ensure that the Planning Code will match what the City of Oakland has adopted as its VHFHSZ.

GENERAL PLAN ANALYSIS

In 2023, the City of Oakland adopted updated Housing and Safety Elements, and created a new Environmental Justice Element, as part of Phase 1 of the General Plan Update. The guiding principle of the General Plan Update is to further the City’s mission to “integrate, on a Citywide basis, the principle of ‘fair and just’ in all the City does in order to achieve equitable opportunities for all people and communities.” In service of that mission, each of the new and updated General Plan Elements was supported by a thorough racial equity impact analysis to guide its development. Both the Safety and Environmental Justice Elements prioritize policies to reduce the risks and harmful impacts faced by the city’s most vulnerable and frontline communities, whether the risks are from daily exposure to pollution or from structural disasters. The Housing Element includes racially equitable housing policies that protect tenants, address patterns of segregation by fostering inclusive neighborhoods, and provides housing options for Oaklanders of all incomes, prioritizing preservation and production for those with the greatest need.

The proposed ADU-related Planning Code amendments would support the following actions in the Housing Element: Action 3.2.5 Reduce constraints to the development of ADUs and Action 3.4.9: Implement new ADU standards that streamline approvals and address unpermitted units. The shared objective of both actions is to help address the housing need by significantly increasing production of ADUs.

The proposed VHFHSZ-related Planning Code amendments broadly support the Safety Element’s policy “SAF-2.3 Development in the Very High Fire Hazard Severity Zone (VHFHSZ)” which prioritizes development in areas with existing adequate road networks, evacuation routes, and water infrastructure. It

² Ibid.

³ Ibid.

also requires new developments in the VHFHSZ to create a Fire Protection Plan that minimizes risk using a number of strategies, such as assessing siting, using fire-resistant building materials, disallowing new residential development in areas with less than two evacuation routes, and complying with established standards and specifications regarding for defensible space and egress. The proposed amendments keep the VHFHSZ intact, as referenced, in our recently adopted Safety Element.

ENVIRONMENTAL DETERMINATION

The proposed amendments to the Planning Code rely on the previously certified Final Environmental Impact Reports for: the Oakland 2045 General Plan Update - Phase 1 (2023); the Coliseum Area Specific Plan (2105); Broadway Valdez Specific Plan (2014); West Oakland Specific Plan (2014); Central Estuary Area Plan (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; 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).

KEY ISSUES AND IMPACTS

ADUs are one of many strategies to address the statewide housing crisis. They help add additional units to the housing supply that are relatively inexpensive and quick to construct (compared to other types of housing). They also diversify the housing stock and may facilitate multigenerational households while promoting infill development. However, they cannot have an affordability requirement like affordable housing units.

In 2019, the City Council adopted Resolution No. 87940 C.M.S., declaring Wildfire Prevention a top priority for the City of Oakland. The proposed amendments to Chapter 17.88 S-9 Fire Safety Protection Combining Zone regulations support wildfire prevention in the city by ensuring that the City maintains a comprehensive map of areas where wildfire poses a risk to public safety. The City Administrator's [2020 Wildfire Prevention Planning Report](#) determined that housing density would need to be limited in the S-9 Overlay Zone and a comprehensive evacuation plan would need to be developed for those already living in these areas due to substandard road infrastructure and lack of access to escape routes in the event of a fire. The Safety Element analyzed evacuation scenarios to determine the roadways that would be impacted in an emergency. It also includes policy "SAF-8.5 Cohesive Evacuation Routes Network" which focuses on maintaining an interconnected evacuation routes network with adequate capacity for evacuation for multiple threats.

RECOMMENDATIONS:

Staff requests that the Planning Commission:

1. Recommend that the City Council approve the proposed Planning Code amendments related to Accessory Dwelling Units and the Very High Fire Hazard Severity Zone.

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ATTACHMENTS:

- A. ADU-Related Planning Code Amendments
- B. VHFHSZ-Related Planning Code Amendments