

Accessory Dwelling Unit (ADU) Code Update

Presentation to the Planning
Commission

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Khalilha Haynes, Laura Kaminski
Planning and Building Department



CITY OF
OAKLAND



Agenda

- Proposed ADU Code Amendments
- Proposed Very High Fire Hazard Severity Zone (VHFHSZ) Amendments
- Recommendation and Next Steps

Previous ADU Work

- **June and September 2021** – Staff brought ADU code changes to Planning Commission
- **January 18, 2022** – Oakland adopted Accessory Dwelling Unit (ADU) Ordinance No. 13367
- **April 2024** – Staff brought ADU code changes to Planning Commission to bring Ordinance in compliance with new changes in State Law

Senate Bill 1211 (SB 1211)

- Adopted September 2024
- Increases number of ADUS allowed on an existing multifamily building from 2 to 8
 - Number of ADUs cannot exceed number of units in primary structure
- Prevents cities from requiring replacement of off-street parking that was removed to create an ADU
- Clarifies definition of livable space
- Limits local application of subjective design standards for ADUs

Summary of Changes Made to ADU Chapter (17.103.080)

Affected Code Section	Proposed Change
Section 17.103.080.A.4	Amend the “Replacement Parking” paragraph to say that applicants do not need to replace an uncovered parking space that is removed to construct an ADU
Section 17.103.080.A.10	Amend the “Objective Design Standards for Properties Listed in the California Register of Historic Resources” paragraph to note that no objective design standards apply to ADUs built consistent with the requirements of Government Code § 66323
Table 17.103.02: Property Development Standards applying to Two- to Four-Family and Multifamily ADUs	Amend table to show that the maximum number of Category 2 (new, detached) ADUs is no more than eight per lot and note that the number of ADUs does not exceed number of units in primary structure
Table 17.103.02, Notes	Add note to clarify that community rooms and gyms are not included in the examples of non-livable space

Proposed Very High Fire Hazard Severity Zone (VHFHSZ) Code Amendments

Very High Fire Hazard Severity Zone (VHFHSZ)

- February 2025 - California Department of Forestry and Fire Protection (CAL FIRE) released revised maps for local jurisdictions
- Revised maps impact Oakland communities vulnerable to wildfires
- Oakland Fire Department opted to adopt a revised map that reflects the map before the state's 2025 revision and that is consistent with our Safety Element
 - Will go to City Council this Spring 2025 for adoption
- This update ensures that the Planning Code matches what the city of Oakland adopts

Summary of Changes Made to S-9 Fire Safety Protection Combining Zone Regulations

Affected Code Section	Proposed Change
Section 17.88.010	Amend applicability paragraph to reference the Very High Fire Hazard Severity Zone definition in Section 17.88.030(A)
Section 17.88.030(A)	Amend the definition paragraph to define the Very High Fire Hazard Severity Zone as the areas identified by CALFIRE and City of Oakland

Recommendation and Next Steps

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

Tentative Dates of Council Meetings

- **June 24, 2025** – Community Economic Development (CED) Meeting
- **July 1, 2025** – City Council (First Reading)
- **July 15, 2025** – City Council (Second Reading)