

Location:	Citywide
Proposal:	<p>Amend the development standard requirements of the Planning Code in: Oakland Municipal Code (O.M.C.) Title 17 for residential and commercial zones to allow for no minimum interior side setback for developments involving the creation of new units on two or more adjoining parcels under the same ownership, and for the applicable exceptions to lot development standards allowed by State law, SB 684.</p> <p>Amend O.M.C. Chapter 17.106 of the Planning Code to allow for applicable exceptions to the standard lot development standard requirements for subdivisions that meet the requirements of State law, SB 684.</p> <p>Amend the definition of Essential Service Civic Activities in O.M.C. Section 17.10.140 to allow for more activities than just the currently specified “seasonal retail sales” for limited durations under valid license or lease on property owned or leased by the City.</p> <p>Amend O.M.C. Chapter 17.11 of the Planning Code to allow fences, walls, gates, and general lighting in certain park types by right in order that the city may better respond to public safety needs.</p>
Applicant:	City of Oakland
Case File Number:	ZA24005
General Plan:	Citywide
Zoning:	Citywide
Environmental Determination:	The proposed amendments to the Planning Code rely on the following California Environmental Quality Act (CEQA) findings: (1) a determination that no further environmental review is required following the certified Oakland 2045 General Plan Update - Phase 1 Environmental Impact Report pursuant to Public Resources Code section 21166 and CEQA Guidelines Section 15162 or 15163; (2) this proposal is exempt pursuant to CEQA Guidelines section 15183 (projects consistent with General Plan and zoning); and (3) this proposal is exempt pursuant to CEQA Guidelines Sections 15061(b)(3) (general rule, no significant effect on the environment). Each of these findings provide a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance. In addition, the proposed changes related to SB 684 is exempt pursuant to CEQA Guidelines Section 65852.28(e) and 66499.41, which allow for the adoption of an ordinance to implement requirements of State law, in this case SB 684.
City Council District:	All districts
Finality of Decision	Planning Commission will receive public comment, discuss, and make recommendations to the City Council. Final decision by City Council.
For Further Information:	Contact case planner Laura Kaminski at 510-238-6809 or strategicplanning@oaklandca.gov

SUMMARY

Senate Bill No. 684 (SB 684) – Land use: streamlined approval processes: development projects of 10 or fewer residential units on urban lots under 5 acres – will go into effect on July 1, 2024. SB 684 is intended to incentivize and facilitate more types of ownership housing in part through the streamlined creation of smaller residential parcels. It requires that cities ministerially approve, on lots of 5 acres or less,

subdivisions of 10 or fewer residential lots with a minimum lot size of 600 square feet for home ownership units. In addition, the intention of SB 684 is to streamline the approval process of such subdivisions, and require a city to approve or deny the subdivision within 60 days from the date the city receives a complete application. If the city does not approve or deny the subdivision within 60 days, the subdivision would be deemed approved.

Amendments are proposed to the Oakland Planning Code (Title 17) to allow for applicable exceptions to the standard lot development standard requirements for subdivisions that meet the requirements of State law, SB 684. Amendments are also proposed to the development standard requirements of the Planning Code in Residential and Commercial Zones that permit residential to allow for no minimum interior side setback for developments involving the creation of new units on two or more adjoining parcels under the same ownership, which would aid in the creation of townhouse-style development, and for the applicable exceptions to lot development standards allowed by SB 684.

In addition, staff are proposing a couple of miscellaneous Planning Code amendments to allow for more temporary uses on City-owned lands, as well as to build fences or general lighting on park land if needed for public safety reasons.

Changes will also be brought to the City Council to amend the Subdivision Code (Title 16) to clarify that subdivisions requiring approval of tentative and final maps of 10 lots or less that meet SB 684 requirements are to be processed ministerially, as per State law requirements.

BACKGROUND

Senate Bill 684 (SB 684), which becomes effective on July 1, 2024, is intended to incentivize and facilitate more types of ownership housing. It requires that cities ministerially approve on lots of 5 acres or less subdivisions of 10 or fewer residential lots with a minimum lot size of 600 square feet for home ownership units. In addition, the intention of SB 684 is to streamline the approval process by requiring a city to approve or deny a qualifying subdivision within 60 days from the date the city receives a complete application. If the city does not approve or deny the subdivision within 60 days, the subdivision would be deemed approved.

The City of Oakland is required to implement SB 684 through the receipt and approval of qualifying applications. The law additionally provides that the City may adopt an ordinance to implement the provisions of SB 684. Planning staff have identified provisions of the Planning Code that necessitate revision to provide clarity to applicants seeking to utilize SB 684 and have additionally identified changes that would encourage townhouse-style development.

PROPOSED AMENDMENTS TO THE OAKLAND PLANNING CODE

The following sections summarize the proposed amendments to the Planning Code (Title 17) of the Oakland Municipal Code (OMC).

1. SB 684-Related Planning Code Amendments (Title 17)

The proposed amendments related to SB 684 include:

- 1) Chapter 17.15 Detached Unit Residential Zone Regulations, Section 17.15.050 Property development standards.
- 2) Chapter 17.17 Mixed Housing Type Residential Zone Regulations, Section 17.17.050 Property development standards.

- 3) Chapter 17.19 Urban Residential Zone Regulations, Section 17.19.050 Property development standards.
- 4) Chapter 17.106 General Lot, Density, and Area Regulations, Section 17.106.010 Lot area and width exceptions.

These amendments have been proposed to the development standard requirements of the Planning Code in Residential and Commercial Zones to allow for no minimum interior side setback for developments involving the creation of new units on two or more adjoining parcels under the same ownership and for the applicable exceptions to lot development standards allowed by State Law, SB 684. The revision to interior side setbacks on parcels under the same ownership would create more opportunities for townhouse-style developments through the design review process. Amendments have also been proposed to Chapter 17.106 of the Planning Code to allow for applicable exceptions to the standard lot development standard requirements for subdivisions that meet the requirements of SB 684, such as a minimum lot size of 600 square feet, 4-foot rear setback, and side setbacks from adjacent lots that are not part of the SB 684 subdivision of 4 feet or the setback of the underlying zone, whichever is less. (see *Attachment A*)

2. Proposed Miscellaneous Planning Code Amendments (Title 17)

The proposed miscellaneous amendments include:

- 1) Chapter 17.10 Use Classifications, Section 17.10.140 Essential Service Civic Activities.
- 2) Chapter 17.11 OS Open Space Zoning Regulations, Sections 17.11.060 Special provisions for permitted and conditionally permitted activities in the OS Zone.

The definition of Essential Service Civic Activities in Section 17.10.140 is amended to allow for more temporary activities than just the currently specified “seasonal retail sales” for limited durations under valid license or lease on property owned or leased by the City. As stated, such proposed uses would still require a valid license or lease from the City prior to its commencement. Section 17.11.060 of the Open Space Zoning Regulations is amended to allow fences, walls, gates, and general lighting in certain park types by right in order for the city to better respond to public safety needs (see *Attachment A*).

KEY ISSUES AND IMPACTS

Social Equity: The Planning Code amendments intended to implement SB 684 regulations may facilitate the construction of more home ownership units throughout all areas of the City where residential development is allowed. This new opportunity to create small-lot home ownership units may be less expensive than homes on larger lots and faster to construct, thereby helping to diversify the current housing stock and provide more opportunities for people to purchase a home. Project sites proposed to be used under SB 684 must meet a list of qualifying criteria designed to avoid demolition of existing housing.

ENVIRONMENTAL DETERMINATION

The proposed amendments to the Planning Code rely on the following California Environmental Quality Act (CEQA) findings: (1) a determination that no further environmental review is required following the certified Oakland 2045 General Plan Update - Phase 1 Environmental Impact Report pursuant to Public Resources Code section 21166 and CEQA Guidelines Section 15162 or 15163; (2) this proposal is exempt pursuant to CEQA Guidelines section 15183 (projects consistent with General Plan and zoning); and (3) this proposal is exempt pursuant to CEQA Guidelines Sections 15061(b)(3) (general rule, no significant effect on the environment). Each of these findings provide a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance. In addition, the

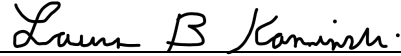
proposed changes related to SB 684 is exempt pursuant to CEQA Guidelines Section 65852.28(e) and 66499.41, which allow for the adoption of an ordinance to implement requirements of SB 684.

ACTION REQUESTED OF THE PLANNING COMMISSION

Staff requests that the Planning Commission:

1. Affirm staff's environmental determination.
2. Recommend that the City Council approve the proposed Planning Code amendments related to SB 684 and miscellaneous Planning Code amendments.

Prepared by:



Laura Kaminski, Strategic Planning Manager,
Bureau of Planning

Approved for forwarding to the Planning Commission:



Edward Manasse, Deputy Director,
Bureau of Planning

ATTACHMENTS:

- 1) Attachment A: Proposed Oakland Planning Code Amendments (Title 17)

ATTACHMENT A

Proposed Oakland Planning Code Amendments (Title 17)

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 ~~strike through~~. Note that only the relevant code subsections being amended are included and unamended portions of tables are omitted.

Universal Change Throughout the Planning Code

The following text amendment should be made throughout Title 17 in each instance where the following language is included as an additional regulation footnote to Planning Code tables:

See Sections 17.106.010 and 17.106.020 for exceptions to lot development standard area, ~~lot width mean and street frontage~~ regulations.

Chapter 17.10 USE CLASSIFICATIONS

Article II - Activity Types

Part 2 Civic Activity Types

17.10.140 Essential Service Civic Activities.

Essential Service Civic Activities include the maintenance and operation of the following installations:

- A. Electric, gas, and telephone distribution lines and poles, and water, storm drainage, and sewer lines, with incidental appurtenances thereto, but excluding electric transmission lines;
- B. Community gardens. For the purpose of this classification, Community Gardens are defined as land that is used individually or collectively for the cultivation of fruits, vegetables, plants, flowers, herbs, and/or ornamental plants for personal consumption and/or donation. Typically in community gardens, the land is divided into individual plots, and each individual participant is responsible for their own plot and the yielding or the production of which belongs to the individual, but can also include land that is not divided and the participant group cultivates the subject land together. This classification does not include any cannabis activities; livestock production or the cultivation of animals and/or animal products by agricultural methods, except for bee keeping involving no more than three (3) hives; the use of heavy mechanized farming equipment; or commercial sales on or off the premises, except for limited seasonal sales;
- C. Botanical gardens;
- D. Private streets;
- E. Public polling places;
- F. Freeways, rapid transit routes, streets, alleys, and paths, but excluding activities on, under, or over such ways which activities are not customarily appurtenant thereto;
- G. ~~Seasonal retail sales~~ Activities that do not involve the construction of a permanent fixed foundation building (only temporary structures are allowed) conducted for a limited duration under valid license or lease on property owned or leased by the City;
- H. Police and Fire stations;
- I. Post offices, but excluding major mail processing centers;
- J. Telecommunications activities including the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received;
- K. Electrical Vehicle Charging Stations and similar infrastructure;
- L. All activities not classified elsewhere in the use regulations that are conducted on City and regional parklands and which are specifically referenced in master plans which are adopted by the Oakland City Council.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

Chapter 17.11 OS OPEN SPACE ZONING REGULATIONS

17.11.060 Special provisions for permitted and conditionally permitted activities in the OS Zone.

The following table shall apply to those activities that are permitted and conditionally permitted within the OS Zone. The specified activities shall only be permitted or conditionally permitted in the types of parks indicated in the table. Permitted activities are noted with the letter "P." Uses requiring a Minor Conditional Use Permit are indicated with a star. Uses requiring a Major Conditional Use Permit are indicated with a solid diamond. In the event that no letter or symbol appears in the matrix cell, the use is not permitted.

USE/PARK TYPE	RSP	CP	NP	AMP	PMP	LP	SU	RCA	AF
<p><i>Legend:</i></p> <p>◆ = Major Conditional Use Permit Required</p> <p>* = Minor Conditional Use Permit Required</p> <p>P = Permitted</p> <p><u>L = Limitations or notes listed at the bottom of the table that activities are subject to</u></p> <p>No symbol=Not Permitted</p> <p><i>RSP (Region-Seeing Park); CP (Community Park); NP (Neighborhood Park); Active Mini-Park (AMP); Passive Mini-Park (PMP); Linear Park (LP); Special Use Park (SU); Resource Conservation Area (RCA); Athletic Field Park (AF)</i></p>									
PERMANENT RESIDENTIAL ACTIVITIES									
ACTIVITY TYPES									
ACCESSORY ACTIVITIES									
Accessory Buildings	*	*	*	*		*	*		*
Benches and street furniture, the sum of which is more than 100 square feet	*	*	*	*	*	*	*	*	*
Benches and street furniture, the sum of which is less than 100 square feet	P	P	P	P	P	P	P	*	P
Fences, walls, or gates	* <u>(L1)</u>	* <u>(L1)</u>	* <u>(L1)</u>	* <u>(L1)</u>	* <u>(L1)</u>	* <u>(L1)</u>	*	*	*
Irrigation Systems	P	P	P	P	P	P	P	*	P
Kiosks/Map Boards	*	*	*	*	*	*	*	*	*
Landscaping, including hedges	P	P	P	P	P	P	P	*	P
Lighting (Athletic Field)	◆	◆					◆		◆

Lighting (General)	p*	p*	p*	p*	p*	p*	*		*
Maintenance Sheds	*	*	*			*	*	◆	*
Parking for use within park	*	*	*			*	*	*	*
Public Art	*	*	*	*	*	*	*	◆	*
Pullouts and Scenic Overlooks	P	P				P	P	P	
Rest Room Building	*	*	*	*	*	*	*	◆	*
Commercial Kitchen Use in Recreation Center buildings	P	P	P				P		

Limitations on Table Above in Section 17.11.060:

L1. Exception. Fences, walls, and gates in the designated park types may be exempted from this Conditional Use Permit requirement if the City Administrator, or their designee, determines that it will increase safety and security, or could prevent a public safety hazard. The City Administrator, or their designee, is hereby authorized to institute standards consistent with this subsection to guide implementation of this exception.

Chapter 17.15 RD DETACHED UNIT RESIDENTIAL ZONE REGULATIONS

Sections:

17.15.050 Property development standards.

- A. Zone Specific Standards. Table 17.15.03 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. "N/A" indicates that a standard is not applicable in the specified zone.

Table 17.15.03: Property Development Standards

Development Standards	Zone	Additional Regulations
	RD	
Minimum Lot Dimensions		
Lot Width mean	20 ft.	1
Frontage	20 ft.	1
Lot area	2,000 sf.	1, 2
Maximum Permitted Residential Density	1-2 units on any legal lot; 3 units on minimum 3,000 sf. lots; 4 units on minimum 4,000 sf. lots	3, 4, 5
Minimum Setbacks for lots Equal to or Greater than 3,000 Square Feet in Size		
Minimum front ($\leq 20\%$ street-to-setback gradient)	15 ft.	6, 18, 20
Minimum front ($> 20\%$ street-to-setback gradient)	5 ft.	6, 7, 8, 18, 20
Minimum interior side	4 ft.	<u>1</u> , 9, 10, 18, <u>20</u> , <u>21</u>
Minimum street side	4 ft.	<u>1</u> , 8, 9, 11, 18, 20
Rear	10 ft.	<u>1</u> , 9, 12, 13, 18
Reduced Setbacks for Smaller Lots	See Table 17.15.04 for reduced setbacks for lots less than 3,000 square feet in size	<u>1</u> , 20

Maximum Floor Area Ratio (FAR) and Lot Coverage for 1 and 2 Units	See Table 17.15.05 for maximum FAR and lot coverage for 1 and 2 dwelling units, excluding any permitted Accessory Dwelling Units	<u>1, 19</u>
Maximum Lot Coverage for 3 or More Units	N/A	19

Additional Regulations for Table 17.15.03:

1. See Sections 17.106.010 and 17.106.020 for exceptions to lot development standard area, lot width mean and street frontage regulations.

21. For developments involving the creation of new units on two or more adjoining parcels under the same ownership, there is no minimum interior side setback required between those new units.

- B. **Reduced Setbacks for Smaller Lots.** Table 17.15.04 below prescribes reduced setback standards for lots less than three thousand (3,000) square feet in size. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.15.04 Reduced Setbacks for Lots Less than 3,000 Square Feet

Regulation	Lot Size	Additional Regulations
	< 3,000 sf	
Minimum Setbacks		
Minimum interior side	3 ft.	<u>1, 2, 3, 4</u>
Minimum street side	3 ft.	<u>1, 2</u>
Rear	10 ft.	<u>1, 2, 3</u>

Additional Regulations for Table 17.15.04:

1. See Section 17.108.130 for allowed projections into setbacks.

2. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.

3. See Section 17.106.010 for exceptions to lot development standard regulations.

4. For developments involving the creation of new units on two or more adjoining parcels under the same ownership, there is no minimum interior side setback required between those new units.

Chapter 17.17 RM MIXED HOUSING TYPE RESIDENTIAL ZONES REGULATIONS

Sections:

17.17.050 Property development standards.

- A. **Zone Specific Standards.** Table 17.17.03 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. "N/A" designates the standard is not applicable to the specified zone.

Table 17.17.03: Property Development Standards

Development Standards	Zones				Additional Regulations
	RM-1	RM-2	RM-3	RM-4	
Minimum Lot Dimensions					
Lot Width mean	20 ft.	20 ft.	20 ft.	20 ft.	1
Frontage	20 ft.	20 ft.	20 ft.	20 ft.	1
Lot area	2,000 sf.	2,000 sf.	2,000 sf.	2,000 sf.	1
Maximum Residential Density					
Permitted density	1-2 units on any legal lot;	1-2 units on any legal lot;	1-2 units on any legal lot;	1-2 units on any legal lot;	2
	3 units on minimum 3,000 sf. lots;	3 units on minimum 3,000 sf. lots;	3 units on minimum 3,000 sf. lots;	3 units on minimum 3,000 sf. lots;	
	4 units on minimum 4,000 sf. lots;	4 units on minimum 4,000 sf. lots;	4 units on minimum 4,000 sf. lots;	4 units on minimum 4,000 sf. lots;	
	For 5 or more units – 1 unit per 1,750 sf. of lot area	For 5 or more units – 1 unit per 1,500 sf. of lot area	For 5 or more units – 1 unit per 1,250 sf. of lot area	For 5 or more units – 1 unit per 1,000 sf. of lot area	
Minimum Setbacks for Lots Equal to or Greater than 3,000 Square Feet					
Minimum front (≤20% street-to-setback gradient)	15 ft.	15 ft.	15 ft.	15 ft.	4, 5, 7, 18
Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	5 ft.	5 ft.	4, 5, 6, 7, 18
Minimum interior side	4 ft.	4 ft.	4 ft.	4 ft.	1, 7, 8, 9, 18, <u>21</u>

Minimum street side	4 ft.	4 ft.	4 ft.	4 ft.	1, 4, 7, 8, 10, 18
Rear	10 ft.	10 ft.	10 ft.	10 ft.	<u>1</u> , 11, 18
Reduced Setbacks for Smaller Lots	See Table 17.17.04 for reduced setbacks for lots less than 3,000 square feet in size				<u>1</u> , 20
Maximum Floor Area Ratio (FAR) and Lot Coverage for 1 and 2 Units	See Table 17.17.05 for maximum FAR and lot coverage for one and two dwelling units, excluding any permitted Accessory Dwelling Units				<u>1</u> , 17, 19
Maximum Lot Coverage for 3 or More Units	N/A	N/A	N/A	N/A	17,19

Additional Regulations for Table 17.17.03:

1. See Sections 17.106.010 and 17.106.020 for exceptions to lot development standard area, lot width mean and street frontage regulations.

21. For developments involving the creation of new units on two or more adjoining parcels under the same ownership, there is no minimum interior side setback required between those new units.

B. **Reduced Setbacks for Smaller Lots.** Table 17.17.04 below prescribes reduced setback standards for lots less than three thousand (3,000) square feet. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.17.04 Reduced Setbacks for Lots Less than Three Thousand (3,000) Square Feet

Regulation	Lot Size	Additional Regulations
	< 3,000 sf.	
Minimum Setbacks		
Minimum front ($\leq 20\%$ street-to-setback gradient)	15 ft.	1, 2
Minimum front ($> 20\%$ street-to-setback gradient)	5 ft.	1, 2
Minimum interior side	3 ft.	1, 2, <u>3, 4</u>
Minimum street side	3 ft.	1, 2
Rear	10 ft.	1, 2, <u>3</u>

Additional Regulations for Table 17.17.04:

1. Except as stated below in this limitation, no front or side setbacks are required for the following facilities in the C Combining Zone:

- a. New principal buildings that include ground floor Nonresidential Facilities; and
- b. New Nonresidential Commercial Facilities associated with a Potential Designated Historic Property (PDHP) or Designated Historic Property (DHP), but only if there is an existing context within the adjoining block face of no front and/or side yard setback. For the purposes of this limitation, an “existing context” of no front or side yard setback means that at least sixty percent (60%) of the existing buildings from street corner to street corner on the same side of the street have no front or side yard setback. If the Commercial Facility is to be located to the front of a PDHP or DHP, the maximum height allowed for the portion of the Commercial Facility between the sidewalk and the existing structure shall be fifteen (15) feet.

A side yard of the normally required minimum width in Table 17.17.04 shall be required for new construction or addition along any side lot line abutting an interior side lot line of any lot that is not located in a C Combining Zone or Commercial Zone. (Where it abuts a rear lot line, no yard is required). Section 17.108.080 still applies. Also, see Section 17.106.010 for exceptions to lot development standard regulations and Section 17.108.130 for allowed projections into setbacks.

- 2. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.
- 3. See Section 17.106.010 for exceptions to lot development standard regulations.
- 4. For developments involving the creation of new units on two or more adjoining parcels under the same ownership, there is no minimum interior side setback required between those new units.

C. **Maximum Floor Area Ratio (FAR) and Lot Coverage for One and Two Dwelling Units Only.** Table 17.17.05 below prescribes FAR and lot coverage standards for one and 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 Maximum Floor Area Ratio (FAR) and Lot Coverage Regulations for One and Two Dwelling Units Only

Regulation	Lot Size in Square Feet					Additional Regulations
	<6,000	≥6,000 and <12,000	≥12,000 and <25,000	≥25,000 and <43,560	≥43,560	
Maximum FAR for Lots with a Footprint Slope >20%	0.55	0.50	0.45	0.30	0.20	1, 2, 4
Maximum Lot Coverage (%)	55%	45%	30%	20%	15%	2, 3

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 four thousand (4,000) square feet may have a minimum of two thousand (2,000) square feet of floor area, regardless of FAR listed.
2. Regulation does not apply in the C Combining Zone.
3. Lots less than four thousand (4,000) square feet may have a lot coverage of up to two thousand (2,000) square feet regardless of lot coverage percentage (%) listed.
4. See Section 17.106.010 for exceptions to lot development standard regulations.

Chapter 17.19 RU URBAN RESIDENTIAL ZONES REGULATIONS

Sections:

17.19.050 Property development standards.

- A. **Zone Specific Standards.** Table 17.19.03 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. "N/A" designates a standard is not applicable to the specified zone.

Table 17.19.03: Property Development Standards

Development Standards	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Minimum Lot Dimensions						
Lot Width mean	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	1
Frontage	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	1
Lot area	2,500 sf.	2,500 sf.	4,000 sf.	4,000 sf.	4,000 sf.	1
Maximum Residential Density						
Permitted density for Regular Dwelling Units	1 unit per 1,000 sf. of lot area	1 unit per 750 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 Rooming Units	1 unit per 500 sf. of lot area	1 unit per 375 sf. of lot area	1 unit per 225 sf. of lot area	See Table 17.19.04	See Table 17.19.04	
Permitted density for Efficiency Dwelling Units	1 unit per 500 sf. of lot area	1 unit per 375 sf. of lot area	1 unit per 225 sf. of lot area	See Table 17.19.04	See Table 17.19.04	
Minimum Setbacks for Lots Equal to or Greater than 3,000 Square Feet						
Minimum front ($\leq 20\%$ street-to-setback gradient) for Residential Facilities	15 ft.	10 ft.	10 ft.	5 ft.	0 ft.	3, 4, 5, 6, 20
Minimum front ($> 20\%$ street-to-setback gradient) for Residential Facilities	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	3, 4, 5, 6, 20
Minimum front for Commercial Facilities	10 ft.	10 ft.	5 ft.	0 ft.	0 ft.	3, 20
Minimum interior side	4 ft.	4 ft.	3 ft.	0 ft.	0 ft.	<u>1</u> , 3, 7, 8, 20, <u>21</u>

Minimum street side	4 ft.	4 ft.	3 ft.	0 ft.	0 ft.	3, 4, 7, 9, 20
Rear (Residential Facilities)	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	<u>1</u> , 3, 7, 10, 11, 20
Rear (Nonresidential Facilities)	10 ft.	10 ft.	10 ft.	0/10 ft.	0/10 ft.	<u>1</u> , 3, 10, 11
Reduced Setbacks for Smaller Lots (Less than 3,000 Square Feet)						
Minimum interior side	3 ft.	3 ft.	0 ft.	N/A	N/A	<u>1</u> , 3, 8, 20, <u>21</u>
Minimum street side	3 ft.	3 ft.	N/A	N/A	N/A	3, 4, 8, 20

Additional Regulations for Table 17.19.03:

1. See Sections 17.106.010 and 17.106.020 for exceptions to lot development standard area, lot width mean and street frontage regulations.

21. For developments involving the creation of new units on two or more adjoining parcels under the same ownership, there is no minimum interior side setback required between those new units.

Chapter 17.106 GENERAL LOT, DENSITY, AND AREA REGULATIONS

Sections:

17.106.010 Lot development standards ~~area and width exceptions.~~

The minimum lot ~~development standards~~ ~~area and lot width requirements~~ prescribed in the applicable individual zone regulations shall be subject to the following exceptions:

- A. **Existing Substandard Parcel.** Any existing substandard parcel of contiguous land may be developed as a lot if such parcel existed lawfully under the previous zoning controls.
- B. **Division of Parcel with Existing Buildings.** Where a parcel contains two (2) or more existing principal buildings which were lawfully established, said parcel may be divided into two (2) or more lots which do not have the minimum lot area, minimum lot width, and minimum frontage, yards, open space, and parking requirements otherwise applying to the divided lots may be waived or modified upon the granting of a Conditional Use Permit pursuant to the Conditional Use Permit procedure in Chapter 17.134. Each resulting lot shall accommodate at least one existing principal building and each lot shall have frontage on a street. A Conditional Use Permit may be granted only upon determination that the proposal conforms to the general use permit criteria in Chapter 17.134 and to the following special criteria:
 - 1. That all principal structures existed lawfully under the previous zoning controls, and are habitable or in sound condition;
 - 2. That the proposal will not result in a lot which is so small, so shaped, or so situated that it would be impractical for subsequent permitted uses;
 - 3. That the proposal will maintain the existing amount of usable open space and off-street parking spaces for any Residential Facilities involved. If there are more parking spaces or usable open space on the lot than required, then the number of parking spaces and/or amount of open space can be reduced to the minimum required.
- C. **Division of Parcel under State Law SB 684.** Where a project is subject to State law SB 684, as codified under California Government Code Sections 65852.28 and 66499.41, and said parcel is no larger than five (5) acres and shall be subdivided into ten (10) or fewer lots for a for-sale housing units development project, the minimum lot development standards prescribed in the applicable individual zone regulations shall be subject to the following exceptions:
 - 1. The resulting parcels of an SB 684 subdivision shall have a minimum lot size of six hundred (600) square feet, and the minimum lot width and minimum lot frontage dimensional requirements otherwise prescribed shall not apply.
 - 2. Interior side setbacks are not required between units of an SB 684 subdivision.
 - 3. A minimum side yard setback of four (4) feet or the setback for the underlying zone, whichever is less, is required between SB 684 lots and adjacent lots not part of the SB 684 subdivision.
 - 4. A minimum rear setback of four (4) feet is required for each SB 684 lot; and a minimum street side setback of four (4) feet or the setback for the underlying zone, whichever is less, is required between SB 684 lots and adjacent streets.

5. For SB 684 subdivisions creating three (3) to seven (7) units, the maximum floor area ratio (FAR) allowed shall be no less than 1.0; and for SB 684 subdivisions creating eight (8) to ten (10) units, the maximum FAR allowed shall be no less than 1.25. This subparagraph shall only apply where the Oakland Planning Code otherwise imposes a residential floor area ratio and shall not be interpreted as establishing a residential floor area ratio requirement where none exists.