



CITY OF OAKLAND

# AGENDA REPORT

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** William A. Gilchrist  
Director, Planning &  
Building Department

**SUBJECT:** SUPPLEMENTAL - Amendments to  
Oakland's Accessory Dwelling Unit  
Regulations

**DATE:** January 3, 2022

City Administrator Approval

Date: Jan 4, 2022

## RECOMMENDATION

**Staff Recommends That The City Council Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance, As Recommended By The City Planning Commission, Amending The Oakland Planning Code To:**

- 1) Revise Regulations For Accessory Dwelling Units (ADUs) And Junior Accessory Dwelling Units (JADUs) To Comply With State Law;**
- 2) Amend The S-9 Zoning Overlay Zone That Identifies Areas In The City Where ADUs Are Restricted To One Internal Conversion ADU Or JADU Per Residential Lot;**
- 3) Provide An Exception Mechanism For Allowing Attached And Detached ADUs In The S-9 Zoning Overlay Zone;**
- 4) Provide Additional Wildfire Building Protections In S-9 Zoning Overlay Zone;**
- 5) Make Conforming Changes In Various Sections Of The Oakland Planning Code Related To ADUs; And**
- 6) Make Appropriate California Environmental Quality Act (CEQA) Findings.**

## REASON FOR SUPPLEMENTAL

After considering and discussing the Accessory Dwelling Unit (ADU) proposal submitted by Planning & Building Department staff for the December 21, 2021 meeting, the City Council unanimously approved an amendment to the legislation and Table 17.103.01 in Attachment A to increase the maximum ADU height from 18 feet to 20 feet. Staff made the change per City Council's direction in the revised **Supplemental Attachment A** and **Supplemental Exhibit A**.

In addition, staff made a minor conforming and non-substantive Planning Code text change after discovering a typo on page 71 of the **Supplemental Attachment A**. The typo was made in error, resulting in an inadvertent strike-out of the following sub-paragraph heading: "~~B. Property Development Standards applying to One-Family ADUs.~~" Staff has removed the strike-out so that

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the heading appears as new Planning Code text in the **Supplemental Attachment A** and **Supplemental Exhibit A**.

### **ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance, As Recommended By The City Planning Commission, Amending The Oakland Planning Code To: 1) Revise Regulations For Accessory Dwelling Units (ADUs) And Junior Accessory Dwelling Units (JADUs) To Comply With State Law; 2) Amend The S-9 Zoning Overlay Map That Identifies Areas In The City Where ADUs Are Restricted To One Internal Conversion ADU Or JADU Per Residential Lot; 3) Provide An Exception Mechanism For Allowing Attached And Detached ADUs In The S-9 Zoning Overlay Zone; 4) Consider Additional Wildfire Building Protections In S-9 Zoning Overlay Zone; 5) Make Conforming Changes In Various Sections Of The Oakland Planning Code Related To ADUs; And 6) Make Appropriate California Environmental Quality Act (CEQA) Findings.

Such decision by City Council is based on the entire record, including this staff report and all attachments hereto, including the Planning Commission staff report of September 15, 2021 and the Community and Economic Development Committee staff report of November 30, 2021.

For questions regarding this report, please contact Ruslan Filipau, Planner III at (510) 238-3491.

Respectfully submitted,



WILLIAM A. GILCHRIST  
Director, Planning and Building Department

Reviewed by:

Laura Kaminski, Strategic Planning Manager

Prepared by:

Ruslan Filipau, Planner III  
Planning and Building Department

Attachment (1):

A: Supplemental Attachment A - Proposed Amendments to the Oakland Planning Code