



CITY ATTORNEY'S OFFICE

# OAKLAND CITY COUNCIL

ORDINANCE NO. \_\_\_\_\_ C.M.S.

---

**AN ORDINANCE:**

**1) AMENDING THE OAKLAND PLANNING CODE (TITLE 17) OF THE OAKLAND MUNICIPAL CODE (OMC), AS RECOMMENDED BY THE CITY PLANNING COMMISSION, TO: (A) AMEND THE DEVELOPMENT STANDARD REQUIREMENTS FOR RESIDENTIAL AND COMMERCIAL ZONES TO ALLOW FOR NO SIDE YARD SETBACK BETWEEN LOTS UNDER THE SAME OWNERSHIP AND FOR APPLICABLE EXCEPTIONS TO LOT DEVELOPMENT STANDARDS REQUIRED BY STATE LAW, SENATE BILL (SB) 684; (B) AMEND OMC CHAPTER 17.106 TO ALLOW FOR APPLICABLE EXCEPTIONS TO THE STANDARD LOT DEVELOPMENT STANDARD REQUIREMENTS FOR SUBDIVISIONS THAT MEET THE REQUIREMENTS OF STATE LAW SB 684; AND (C) AMEND MISCELLANEOUS CODE CHANGES INCLUDING THE DEFINITION OF ESSENTIAL SERVICE CIVIC ACTIVITIES IN OMC SECTION 17.10.140 TO ALLOW FOR MORE TEMPORARY ACTIVITIES THAN THE CURRENT SEASONAL RETAIL SALES ON CITY OWNED LAND AND AMEND OMC CHAPTER 17.11 TO ALLOW FENCES AND GENERAL LIGHTING IN CERTAIN TYPES OF PARKS BY RIGHT; AND**

**2) AMENDING THE OAKLAND SUBDIVISION CODE (TITLE 16) OF THE OMC TO ALLOW FOR MINISTERIAL APPROVAL OF SUBDIVISION MAPS THAT MEET THE REQUIREMENTS OF STATE LAW, SB 684; AND**

**3) MAKING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS.**

**WHEREAS**, on July 1, 2024, Senate Bill 684 (SB 684) – Land use: streamlined approval processes: development projects of 10 or fewer residential units on urban lots under 5 acres – took effect with the stated legislative goal to incentivize and facilitate more types of ownership housing by simplifying the regulatory process and allowing for smaller lots; and

**WHEREAS**, SB 684, as codified under California Government Code Sections 65852.28, 65913.4.5, and 66499.41, authorizes but does not require cities and counties to adopt an ordinance to implement the requirements of SB 684; and

**WHEREAS**, cities and counties are required to implement SB 684 regardless of whether a local ordinance is adopted; and

**WHEREAS**, Staff has provided amendments to the Planning Code (Title 17) and Subdivision Code (Title 16) that serve to clarify as needed how eligible applications will be processed in compliance with SB 684; and

**WHEREAS**, Staff has provided amendments to the Planning Code (Title 17) to allow for a wider range of temporary uses on City-owned lands; and

**WHEREAS**, Staff has provided amendments to the Planning Code (Title 17) to allow for fences or general lighting to be built by right on certain types of park land if needed for safety reasons; and

**WHEREAS**, the City adopted an extensive package of Planning Code amendments in October 2023 that implemented actions in the recently adopted Housing, Environmental Justice, and Safety Elements; and

**WHEREAS**, the proposed amendments to the Planning Code rely on previously certified Final Environmental Impact Reports (FEIRs) and no further environmental review is required under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21166 and Guidelines Section 15162 and 15164; and

**WHEREAS**, 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); and

**WHEREAS**, the proposed changes related to SB 684 are exempt from CEQA review pursuant to California Government Code Sections 65852.28(e) and 66499.41(i); and

**WHEREAS**, On June 5, 2024, at a duly noticed public hearing, the Oakland Planning Commission recommended approval of the proposed amendments related to SB 684, temporary uses on City owned land, and fences and general lighting in certain types of parks in various Chapters of the Planning Code; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** The City Council finds and determines the foregoing recitals to be true and correct and an integral part of the City Council's decision, and hereby adopts such recitals as findings.

**SECTION 2. Amendment to Oakland Planning Code.** The Oakland Planning Code (Title 17 of the Oakland Municipal Code) is hereby amended pursuant to *Exhibit A* attached hereto and incorporated by reference herein. Additions to Title 17 of the Oakland Municipal Code are shown as underline and omissions are shown as ~~striketrough~~.

**SECTION 3. Further Amendment to Oakland Planning Code.** The Oakland Planning Code (Title 17 of the Oakland Municipal Code) is further amended with the following text amendment (deletions shown in ~~striketrough~~ and additions shown in underline) to replace all instances where the following sentence appears:

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

**SECTION 4. Amendment to Oakland Subdivision Code.** The Oakland Subdivision Code (Title 16 of the Oakland Municipal Code) is hereby amended pursuant to *Exhibit B* attached hereto and incorporated by reference herein. Additions to Title 16 of the Oakland Municipal Code are shown as underline and omissions are shown as ~~striketrough~~.

**SECTION 5. California Environmental Quality Act.** The City Council finds and determines the adoption of this Ordinance complies with the following 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 are statutorily exempt from CEQA review pursuant to California Government Code Sections 65852.28(e) and 66499.41(i).

**SECTION 6. Filing of Notice of Exemption/Notice of Determination.** The Environmental Review Officer, or designee, is directed to file a Notice of Exemption/Notice of Determination, and an Environmental Declaration under the California Fish and Game Code (Section 711.4) with the County of Alameda.

**SECTION 7. No Conflict with Federal or State Law.** Nothing in this Ordinance shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any Federal or State law.

**SECTION 8. Necessary to Serve Public Interest.** This Ordinance serves the public interest and is necessary to protect the health, safety and/or general welfare of the citizens of Oakland and is enacted pursuant to the City of Oakland's general police powers, Section 106 of the Charter of the City of Oakland, Government Code Section 65852.2, and Article XI, Sections 5 and 7 of the California Constitution.

**SECTION 9. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

**SECTION 10. Effective Date.** This Ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise, it shall become effective upon the seventh day after final adoption, but shall not apply to (a) building/construction related permits already issued and not yet expired; (b) zoning applications approved by the City and not yet expired, or (c) zoning applications deemed complete by the City as of the date of final passage. However, zoning applications deemed complete by the City prior to the date of final passage of this Ordinance may be processed under provisions of these Planning Code amendments if the applicant chooses to do so.

**SECTION 11. Authorization to Make Technical Conforming Changes.** The City Council hereby authorizes the City Administrator to make non-substantive, technical conforming changes (essentially correction of typographical and clerical errors), prior to formal publication of the amendments in the Oakland Planning and Subdivision Codes.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND  
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California

Date of Attestation: \_\_\_\_\_

3355644v1/mcb

## NOTICE AND DIGEST

### AN ORDINANCE:

**1) AMENDING THE OAKLAND PLANNING CODE (TITLE 17) OF THE OAKLAND MUNICIPAL CODE (OMC), AS RECOMMENDED BY THE CITY PLANNING COMMISSION, TO (A) AMEND THE DEVELOPMENT STANDARD REQUIREMENTS FOR RESIDENTIAL AND COMMERCIAL ZONES TO ALLOW FOR NO SIDE YARD SETBACK BETWEEN LOTS UNDER THE SAME OWNERSHIP AND FOR APPLICABLE EXCEPTIONS TO LOT DEVELOPMENT STANDARDS REQUIRED BY STATE LAW, SENATE BILL (SB) 684; (B) AMEND OMC CHAPTER 17.106 TO ALLOW FOR APPLICABLE EXCEPTIONS TO THE STANDARD LOT DEVELOPMENT STANDARD REQUIREMENTS FOR SUBDIVISIONS THAT MEET THE REQUIREMENTS OF STATE LAW SB 684; AND (C) AMEND MISCELLANEOUS CODE CHANGES INCLUDING THE DEFINITION OF ESSENTIAL SERVICE CIVIC ACTIVITIES IN OMC SECTION 17.10.140 TO ALLOW FOR MORE TEMPORARY ACTIVITIES THAN THE CURRENT SEASONAL RETAIL SALES ON CITY OWNED LAND AND AMEND OMC CHAPTER 17.11 TO ALLOW FENCES AND GENERAL LIGHTING IN CERTAIN TYPES OF PARKS BY RIGHT; AND**

**2) AMENDING THE OAKLAND SUBDIVISION CODE (TITLE 16) OF THE OMC TO ALLOW FOR MINISTERIAL APPROVAL OF SUBDIVISION MAPS THAT MEET THE REQUIREMENTS OF STATE LAW, SB 684; AND**

**3) MAKING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS.**

This Ordinance amends the Oakland Planning Code (Title 17) to: (a) amend the development standard requirements for residential and commercial zones to allow for no side yard setback between lots under the same ownership and for applicable exceptions to lot development standards required by State Law, SB 684 (b) amend OMC Chapter 17.106 to allow for applicable exceptions to the standard lot development standard requirements for subdivisions that meet the requirements of State Law 684, and (c) amend miscellaneous code changes including the definition of essential service civic activities in OMC Section 17.10.140 to allow for more temporary activities than the current seasonal retail sales on city owned land and amend OMC Chapter 17.11 to allow fences in certain types of parks and general lighting by right; and (2) This Ordinance also amends the Oakland Subdivision Code (Title 16) to allow for ministerial approval of subdivision maps that meet the requirements of State Law SB 684.

## EXHIBIT A

### 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.

---

#### 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>									
<b>PERMANENT RESIDENTIAL ACTIVITIES</b>									
<b>ACTIVITY TYPES</b>									
<b>ACCESSORY ACTIVITIES</b>									



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	*(L1)	*(L1)	*(L1)	*(L1)	*(L1)	*(L1)	*	*	*
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
-----------------------	------	------------

	RD	Regulations
<b>Minimum Lot Dimensions</b>		
Lot Width mean	20 ft.	1
Frontage	20 ft.	1
Lot area	2,000 sf.	1, 2
<b>Maximum Permitted Residential Density</b>	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
<b>Minimum Setbacks for lots Equal to or Greater than 3,000 Square Feet in Size</b>		
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
<b>Reduced Setbacks for Smaller Lots</b>	See Table 17.15.04 for reduced setbacks for lots less than 3,000 square feet in size	<u>1</u> , 20
<b>Maximum Floor Area Ratio (FAR) and Lot Coverage for 1 and 2 Units</b>	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</u> , 19
<b>Maximum Lot Coverage for 3 or More Units</b>	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	
<b>Minimum Setbacks</b>		
Minimum interior side	3 ft.	1, 2, <u>3</u> , 4
Minimum street side	3 ft.	1, 2
Rear	10 ft.	1, 2, <u>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	
<b>Minimum Lot Dimensions</b>					
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
<b>Maximum Residential Density</b>					

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	
<b>Minimum Setbacks for Lots Equal to or Greater than 3,000 Square Feet</b>					
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, 21
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.	1, 11, 18
<b>Reduced Setbacks for Smaller Lots</b>	See Table 17.17.04 for reduced setbacks for lots less than 3,000 square feet in size				1, 20
<b>Maximum Floor Area Ratio (FAR) and Lot Coverage for 1 and 2 Units</b>	See Table 17.17.05 for maximum FAR and lot coverage for one and two dwelling units, excluding any permitted Accessory Dwelling Units				1, 17, 19
<b>Maximum Lot Coverage for 3 or More Units</b>	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.	
<b>Minimum Setbacks</b>		
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, 3, 4
Minimum street side	3 ft.	1, 2
Rear	10 ft.	1, 2, 3

**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	
<b>Maximum FAR for Lots with a Footprint Slope &gt;20%</b>	0.55	0.50	0.45	0.30	0.20	1, 2, 4
<b>Maximum Lot Coverage (%)</b>	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	
<b>Minimum Lot Dimensions</b>						
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
<b>Maximum Residential Density</b>						
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	
<b>Minimum Setbacks for Lots Equal to or Greater than 3,000 Square Feet</b>						
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
<b>Reduced Setbacks for Smaller Lots (Less than 3,000 Square Feet)</b>						
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:**

- See Sections 17.106.010 and 17.106.020 for exceptions to lot development standard area, ~~lot width~~ ~~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 standard 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:

- 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.
- 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:
  - That all principal structures existed lawfully under the previous zoning controls, and are habitable or in sound condition;
  - 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 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.
4. 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.
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.

**EXHIBIT B:**  
**PROPOSED SUBDIVISION CODE AMENDMENTS**

The Oakland Subdivision Code (Title 16 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 are omitted.

**Title 16 SUBDIVISIONS**

**Chapter 16.04 - GENERAL PROVISIONS AND ADMINISTRATION**

**16.04.050 - Delegation of authority to advisory agency.**

The Planning Commission of the city is designated as the "Advisory Agency" for the city and is charged with the duty of making investigations and reports on the design and improvement of proposed subdivisions requiring approval of tentative and final maps under the Subdivision Map Act. Notwithstanding any provision in this Title 16, any map required by State law to be processed pursuant to State law SB 684, as codified under California Government Code Sections 65852.28 and 66499.41, shall be ministerially processed and approved by the Planning and Building Department and/or the Department of Transportation with no right of appeal.

**Chapter 16.12 - FINAL MAPS**

**16.12.060 - Information on final maps.**

B. In addition to other matters required in this title, the information on the final map shall show the following (except numbers 15 and 16 do not apply to maps processed through SB 684, as codified under California Government Code Sections 65852.28 and 66499.41):

15. A certificate for execution by the City Clerk stating that City Council approved the final map and accepted or rejected the offers of dedication;

16. A certificate by Secretary of the City Planning Commission stating that the tentative map was approved by the City Planning Commission by resolution.

**Chapter 16.24 - PARCEL MAPS**

**16.24.030 – Director of City Planning is Advisory Agency.**

The Director of City Planning is designated as the Advisory Agency for the purpose of this chapter and Section 16.04.100. Notwithstanding any provision in this Title 16, any map required by State law to be processed pursuant to State law SB 684, as codified under California Government Code Sections 65852.28 and 66499.41, shall be ministerially processed and

approved by the Planning and Building Department and/or the Department of Transportation  
with no right of appeal.