



CITY OF OAKLAND

AGENDA REPORT

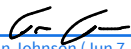
TO: Jestin D. Johnson
City Administrator

FROM: William A. Gilchrist
Planning and Building
Director

SUBJECT: SB 684 & Miscellaneous Planning
Code (Title 17) and Subdivision Code
(Title 16) Amendments

DATE: May 28, 2024

City Administrator Approval


Jestin Johnson (Jun 7, 2024 14:46 PDT)

Date: Jun 7, 2024

RECOMMENDATION

Staff Recommends That The City Council Conduct A Public Hearing And, Upon Conclusion, Adopt 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.

EXECUTIVE 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 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 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. 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 safety reasons.

Changes also are proposed to the Subdivision Code to allow subdivisions requiring approval of tentative and final maps of 10 lots or less that meet SB 684 requirements to be processed ministerially, as per State law requirements.

BACKGROUND / LEGISLATIVE HISTORY

Proposal to Adopt Planning and Subdivision Code Revisions to Comply with Senate Bill SB 684.

Effective on July 1, 2024, SB 684 – Land use: streamlined approval processes: development projects of 10 or fewer residential units on urban lots under 5 acres – 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 of subdivisions and requires 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.

The City of Oakland (City) 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.

Staff went to the Planning Commission on June 5, 2024 for Planning Code changes related to SB 684 and miscellaneous code amendments. The Planning Commission unanimously recommended that the City Council approve the proposed Planning Code amendments.

ANALYSIS AND POLICY ALTERNATIVES

The proposed amendments to the Planning Code and Subdivision Code will help to advance the following citywide priorities:

Holistic Community Safety: By allowing for fences walls, gates, and general lighting in certain types of parks for safety reasons in Open Space Zoning Regulations will allow the City to better respond to public safety needs in a timely manner.

Housing, Economic, and Cultural Security: Updating the City's regulations to comply with State Law and further aligning the Planning and Subdivision Codes to streamline the development review process for SB 684 projects will improve the City's ability to improve more complex projects, such as housing and ensure that housing units are effectively and efficiently delivered, helping to address our housing crisis. This additional supply of housing that may be less expensive than homes on larger lots and faster to construct will diversify the current housing stock and provide more opportunities for people to purchase a home.

Responsive, Trustworthy Government: Updating the City's regulations to align with recent changes in State Law ensures effective and efficient delivery of SB 684 projects.

Municipal Code Amendments

The following sections summarize the proposed amendments to the Planning Code (Title 17) and Subdivision Code (Title 16) of the Oakland Municipal Code (OMC).

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

The proposed Planning Code 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 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 of 4 feet or setback of the underlying zone, whichever is less, when adjacent lots are not part of the SB 684 subdivision(see **Exhibit A** to the Ordinance).

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 **Exhibit A** to the Ordinance).

3. SB 684-Related Subdivision Code Amendments (Title 16)

The proposed Subdivision Code amendments include the following:

- 1) Chapter 16.04 General Provisions and Administration, Section 16.04.050 Delegation of authority to advisory agency
- 2) Chapter 16.12 Final Maps, Section 16.12.060 Information on final maps
- 3) Chapter 16.24 Parcel Maps, Section 16.24.030 Director of City Planning is Advisory Agency

These changes have been proposed to three sections of the Oakland Subdivision Code (Title 16) to facilitate ministerial approval of subdivisions processed through SB 684 of 10 or fewer lots on 5 acres of land or less. Therefore, these SB 684-enabled Tentative and Final subdivision maps would no longer go to the Planning Commission and/or City Council for approval per State law requirements in order to approve the maps in 60 days or less (see **Exhibit B** to the proposed Ordinance).

FISCAL IMPACT

If adopted by City Council, there will be no impact on costs to the City. Implementation of these changes will be a component of ministerial project review and approval administered by the Department of Planning and Building as well as the Oakland Department of Transportation for subdivisions of land, which collects fees for such review and approvals as established in the Master Fee Schedule. Staff will inform the public of the new regulations as part of all applicable inquiries and apply the new regulations as part of all applicable planning and building permit applications. Staff will also develop any application materials including summaries and guides using internal resources and staff’s time.

PUBLIC OUTREACH / INTEREST

The proposed Municipal Code changes are in response to changes in State Law and the City is required to bring our Code into compliance with State Law, therefore the public engagement conducted was presenting proposed amendments at a public meeting of the Planning Commission on June 5, 2024. The meeting was noticed in the *Oakland Tribune* on May 17, 2024 for the Planning Commission meeting and on June 14 for City Council.

COORDINATION

This report and legislation have been reviewed by the Office of the City Attorney and Budget Bureau. Staff coordinated with the City Administrator's Office in the development of the Ordinance.

SUSTAINABLE OPPORTUNITIES

Economic: The amendments for SB 684 regulations are intended to encourage the construction of housing that can provide more home ownership opportunities, and thereby help address the City's housing shortage and escalating costs of purchasing a home.

Environmental: The amendments for SB 684 will allow for smaller parcels within established neighborhoods, this type of development can contribute to the City's desire to foster more dense and walkable neighborhoods with greater use of bicycling and transit. Project sites proposed to be used under SB 684 must meet a list of qualifying criteria designed to avoid environmentally sensitive areas.

Race & Equity: The amendments for SB 684 may help with adding more units of housing throughout all areas of the City where residential development is allowed. This additional supply of housing that may be less expensive than homes on larger lots and faster to construct will 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.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The proposed amendments 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 CITY COUNCIL

Staff Recommends That The City Council Conduct A Public Hearing And, Upon Conclusion, Adopt 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 Related California Environmental Quality Act Findings.

Such decision by City Council is based on the entire record, including this Staff Report and all attachments, the proposed Ordinance and Exhibits thereto, and all Staff and public testimony.

For questions regarding this report, please contact LAURA KAMINSKI, STRATEGIC PLANNING MANAGER, at 510-238-6809.

Respectfully submitted,



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