

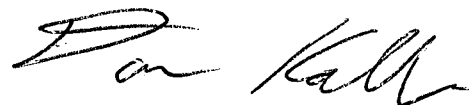
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SUPPLEMENTAL AGENDA REPORT

MEMORANDUM TO:

Members of the Oakland City Council
Sabrina Landreth, City Administrator
Rachel Flynn, Director of Planning & Building
Mayor Libby Schaaf

FROM: Councilmember Dan Kalb



SUBJECT: Proposed Amendments to
Secondary Unit Regulations

DATE: December 23, 2015

The Mayor, Planning Department, and our Planning Commission have proposed modifications to our Planning Code regulations relating to Secondary Units—also known as Accessory Dwelling Units or In-Law Units. While the proposed changes citywide are relatively modest and positive, a few of the changes in the transit areas have the potential to be more impactful. The most significant of these modifications is the relaxation of the off-street parking requirement for units that are located on a property within a ½-mile of any designated transit areas as proposed to be identified in our Planning Code.

The proposal presented to the Planning Commission limited the designated transit areas to a half-mile radius of BART stations and future Bus Rapid Transit (BRT) stops, as well as other major transit stops (as defined by state law). It did not include any AC Transit Rapid Bus lines, such as the 72R along San Pablo Avenue. After reviewing the proposal and related materials, and talking with residents in the Golden Gate neighborhood, I proposed at the Planning Commission to include the 72R along the San Pablo corridor as one of the transit areas identified in the new regulations. When the Planning Commission passed along their recommendations they effectively included *both* the major Rapid Bus lines in Oakland—the 72R and the 1R (along Telegraph Avenue).

Additionally, after staff and I met with a large contingent of residents in the Rockridge neighborhood, additional concerns were brought to light. A number of people attending this community meeting were generally supportive of the proposed modifications relating to Secondary Units, while others expressed varying levels of concerns. The most prevalent concern identified related to parking challenges.

The feeling was that in a neighborhood that is already substantially impacted with parking challenges, inviting additional cars into the neighborhood could be problematic. Since neighborhoods near a BART station that are already parking-challenged are designated as Residential Parking Permit (RPP) zones, we looked for a way to enable these secondary units while limiting substantial new impacts that would be caused by the influx of additional cars in the given neighborhood.

My proposal, which has been discussed with community members and city Planning staff, is to adopt the regulations as proposed with the additional restriction that residents of any new

or newly legalized Secondary Unit would not be eligible to receive a Residential Parking Permit, unless the owner of the property authorizes them to use one of the RPPs that are associated with the primary address. This is reflected in the newly proposed sub-section A.5.a. below.

I am also asking for consideration of the transit areas to include all those as proposed by staff and recommended by Planning Commission, with the possible amendment that the radius of the 1R Rapid Bus line along Telegraph Avenue would be designated at one-quarter mile. This map is attached to this supplemental memorandum.

Changes proposed to current proposal reviewed by CED Committee on Dec. 1, 2015
(shown in underline or ~~strike-through~~)

CHANGES RELATED TO RPP ZONES NEAR TRANSIT

17.103.080 One-Family Dwelling with Secondary Unit Residential Facilities.

A. **Development Standards.** The following regulations shall apply to the construction, establishment, or alteration of Secondary Units wherever permitted or conditionally permitted, as specified in each individual zone:

5. **Required Parking.** Except as specified in Subsection a. below for Secondary Units that are located on sites within one-half (½) mile of a Bay Area Rapid Transit (BART) Station, Bus Rapid Transit (BRT) Station, Rapid Transit line, or Major Transit Stop, the minimum parking requirements for a Secondary Unit shall be as prescribed in the applicable individual zone regulations and in Chapter 17.116. Tandem parking may be permitted according to the regulations in Section 17.116.240.
 - a. Secondary Units that are located on sites within one-half (½) mile of a BART Station, BRT Station, Rapid Transit line, or Major Transit Stop, shall have no additional parking requirement. For the purposes of this Chapter, a "Major Transit Stop" is defined consistent with California Public Resources Code Section 21064.3, as may be amended; and means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two (2) or more major bus routes with a frequency of service interval of fifteen (15) minutes or less during the morning and afternoon peak commute periods.
 - b. For new or newly legalized Secondary Units established after the effective date of this Subsection and located within a residential parking permit area, a residential parking permit shall not be issued to the occupant(s) of the Secondary Unit except that the verified occupant(s) of the Secondary Unit may be issued no more than one (1) of the permits associated with the primary dwelling unit. This Subsection only applies to Secondary Units located on sites near transit as defined in Subsection a. above.**

CHANGES RELATED TO TELEGRAPH AVE – ¼ mile instead of ½ mile

17.103.080 One-Family Dwelling with Secondary Unit Residential Facilities.

A. **Development Standards.** The following regulations shall apply to the construction, establishment, or alteration of Secondary Units wherever permitted or conditionally permitted, as specified in each individual zone:

5. **Required Parking.** Except as specified in Subsection a. below for Secondary Units that are located on sites within one-half (½) mile of a Bay Area Rapid Transit (BART) Station, Bus Rapid Transit (BRT) Station, Rapid Transit line, or Major Transit Stop, the minimum parking requirements for a Secondary Unit shall be as prescribed in the applicable individual zone regulations and in Chapter 17.116. Tandem parking may be permitted according to the regulations in Section 17.116.240.

a. Secondary Units that are located on sites **(i) within one-half (½) mile of a BART Station, BRT Station, Rapid Transit line, or Major Transit Stop, (ii) within one-half (½) mile of a designated rapid bus line not located on Telegraph Avenue, or (iii) within one-quarter (¼) mile of a designated rapid bus line on Telegraph Avenue** shall have no additional parking requirement. For the purposes of this Chapter, a “Major Transit Stop” is defined consistent with California Public Resources Code Section 21064.3, as may be amended; and means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two (2) or more major bus routes with a frequency of service interval of fifteen (15) minutes or less during the morning and afternoon peak commute periods.

b. For new or legalized Secondary Units established after the effective date of this Subsection and located within a residential parking permit area, a residential parking permit shall not be issued to the occupant(s) of the Secondary Unit except that the verified occupant(s) of the Secondary Unit may be issued no more than one (1) of the permits associated with the primary dwelling unit. This Subsection only applies to Secondary Units located on sites near transit as defined in Subsection a. above.

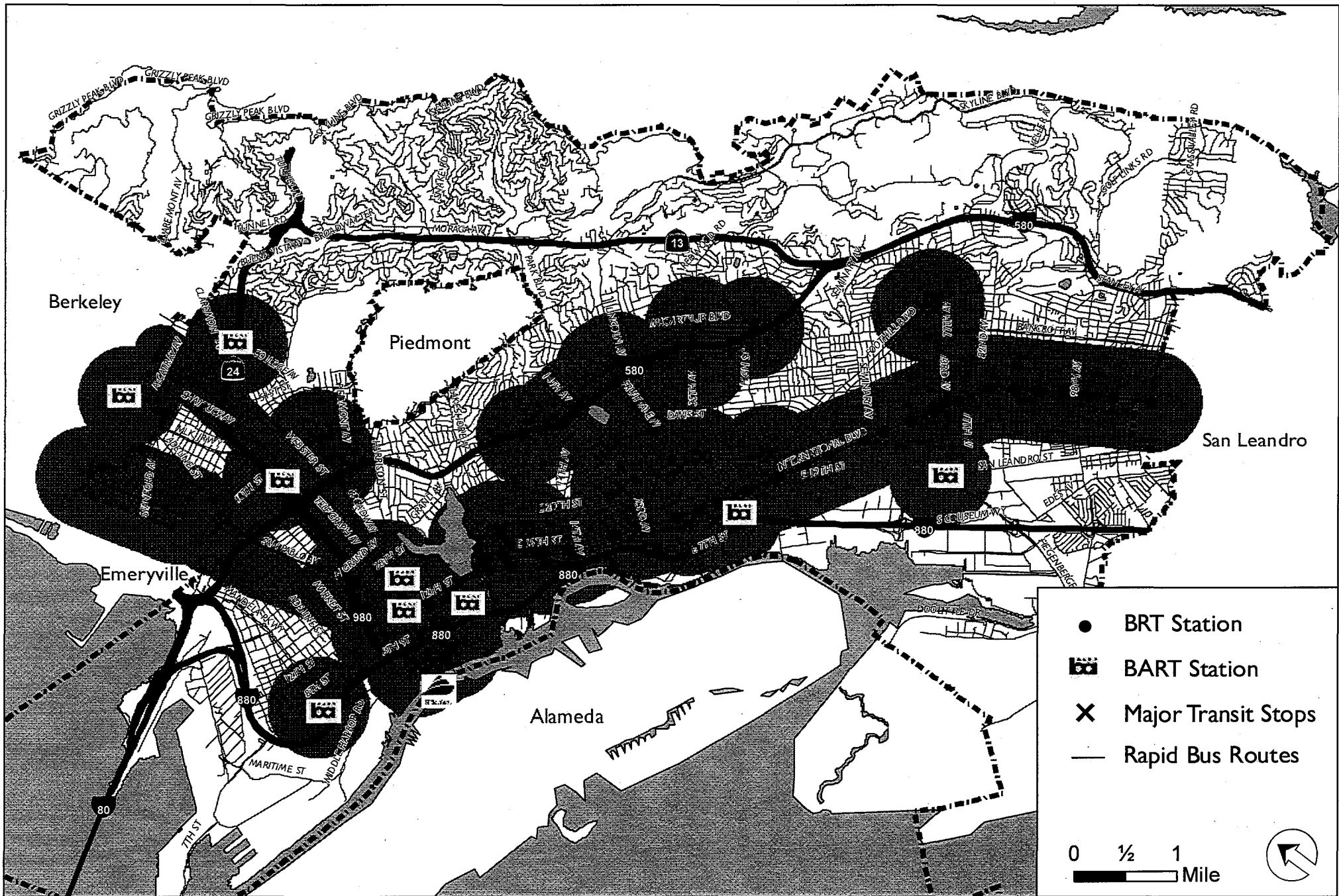
17.116.060 Off-street parking—Residential Activities.

A. **Permanent and Semi-Transient Residential Activities.** Except as otherwise provided in Section 17.44.200, Chapter 17.94, Sections 17.102.300, 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for all Permanent and Semi-Transient Residential Activities when located in the indicated zones and occupying the specified facilities and shall be developed and maintained pursuant to the provisions of Article IV of this Chapter:

Residential Facility Type	Zone	Requirement
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Residential Facility Type	Zone	Requirement
One-Family Dwelling with Secondary Unit.	RH, RD, RM-1, and RM-2 Zones, except when combined with the S-12 Zone.	One (1) space for the Secondary Unit unless the lot is located within one-half (½) mile of a Bay Area Rapid Transit (BART) Station, Bus Rapid Transit (BRT) station, Rapid Transit line, or Major Transit Stop, or already contains a total of at least three (3) spaces or is located near transit pursuant to Section 17.103.080 ; however, when combined with the S-11 Zone, the requirement shall be one (1) space for each bedroom in any Secondary Unit, up to a maximum requirement of two (2) spaces per Secondary Unit. See Section 17.103.080.
	D-LM Zones, except when combined with the S-12 Zone.	No additional space required for the Secondary Unit.
	All other zones, except when combined with the S-12 Zone.	One (1) space for the Secondary Unit unless the lot is located within one-half (½) mile of a BART Station, BRT Station, Rapid Transit line, or Major Transit Stop, or already contains a total of at least two (2) spaces or is located near transit pursuant to Section 17.103.080 ; however, when combined with the S-11 Zone, the requirement shall be one (1) space for each bedroom in any Secondary Unit, up to a maximum requirement of two (2) spaces per Secondary Unit. See Section 17.103.080.
	Any zone, except when combined with the S-11 or S-12 Zone, if located within one-half (½) mile of a BART Station, BRT Station, Rapid Transit line, or Major Transit Stop.	No additional space required for the Secondary Unit.
	Any zone combined with the S-12 Zone.	See Section 17.94.040.

Overall, I am supportive of the proposed changes to encourage the creation of additional units—some of which would be affordable for more moderate income residents. My proposed changes at the Planning Commission increased the areas that would be subject to the new transit-oriented regulations. I ask my colleagues to consider the changes I am proposing in this memorandum, which are consistent with the goals of this overall proposal.



Planning and Building Department
December 9, 2015



Areas 1/2 Mile* from BART, BRT, Rapid Bus Routes and Major Transit Stops

*IR on Telegraph Av buffered to 1/4 mi