

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

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

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**AN ORDINANCE:**

**1) AMENDING THE OAKLAND PLANNING CODE (TITLE 17) SECTION 17.103.080, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, TO UPDATE REGULATIONS FOR ACCESSORY DWELLING UNITS (ADUS) TO COMPLY WITH STATE LAW AND UPDATE THE DEFINITION OF THE VERY HIGH FIRE HAZARD SEVERITY ZONES IN THE OAKLAND PLANNING CODE (TITLE 17) CHAPTER 17.88 TO ALIGN WITH THE VERY HIGH FIRE HAZARD SEVERITY ZONES MAP ADOPTED BY CITY COUNCIL; AND**

**2) MAKING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS.**

**WHEREAS**, the City of Oakland (City) adopted its Accessory Dwelling Unit (ADU) Ordinance No. 13667 C.M.S on January 18, 2022; and

**WHEREAS**, the City adopted Ordinance No. 13800 C.M.S. on June 18, 2024, that updated the Planning Code to align with changes in State law that occurred since the adoption of the City's ADU Ordinance in 2022 and to address written comments from the California Department of Housing and Community Development (HCD) regarding the City's compliance with state ADU regulations; and

**WHEREAS**, changes to State ADU law became effective in January 2025 and, as a result, additional Planning Code updates need to be made; and

**WHEREAS**, Staff has prepared amendments to the Oakland Planning Code (Title 17) to bring the City's ADU regulations into compliance state law; and

**WHEREAS**, City staff maintains that a data-driven policy direction focused on mitigating development in the S-9 Fire Protection Overlay Zone ("S-9 Overlay Zone") is an essential strategy to fostering public safety as it pertains to emergency response and evacuation; and

**WHEREAS**, the state California Department of Forestry and Fire Protection (Cal Fire) released revised Very High Fire Hazard Severity Zones maps for local jurisdictions, which impacts the City’s communities that are vulnerable to wildfires; and

**WHEREAS**, the state has given local jurisdictions the ability to adopt upgraded maps that include additional Very High Fire Hazard Severity Zones; and

**WHEREAS**, the City is planning to adopt a local Very High Fire Hazard Severity Zones map; and

**WHEREAS**, Staff has prepared amendments to the S-9 Chapter of the Oakland Planning code to reference the locally adopted Very High Fire Hazard Severity Zones map; and

**WHEREAS**, the proposed amendments to the Planning Code rely on previously certified Final Environmental Impact Reports (FEIRs) that have been certified pursuant to community plans; as such, no further environmental review is required under the California Environmental Quality Act (“CEQA”) pursuant to Public Resources Code Section 21166 and Guidelines Sections 15162, 15164, and 15183; and

**WHEREAS**, as a separate and independent basis, this proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3) (general rule, no significant effect on the environment), 15301 (existing facilities), 15302 (replacement and reconstruction), and 15303 (small structures); and

**WHEREAS**, On May 7, 2025, at a duly noticed public hearing, the Oakland Planning Commission recommended approval of the proposed changes to ADU regulations and Very High Fire Hazard Severity Zone definition in various Chapters of the City’s Planning Code; and

**WHEREAS**, after a duly noticed public meeting on June 24, 2025, the Community and Economic Development (“CED”) Committee voted to recommend the proposal to the City Council; and

**WHEREAS**, the City Council held a duly noticed public hearing on July 1, 2025 to consider the proposal, and all interested parties were provided ample opportunity to participate in said hearing and express their views.

**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.** The City Council respectfully asserts that the ADU Ordinance fully complies with state law, namely regarding changes that went into effect from the adoption of Senate Bill 1211 in September 2024. These topics areas include (1) application of local development and

design standards pertaining to ADUs; (2) the number of ADUs allowed on a lot with an existing multifamily building; (3) replacement parking for ADUs; and (4) the definition of livable space for interior ADUs in multi-family buildings.

**SECTION 3.** The Oakland Planning Code (Title 17) is hereby amended pursuant to *Exhibits A and B* attached hereto and incorporated by reference herein. Additions to Title 17 of the Oakland Planning Code are shown as underline and omissions are shown as ~~striketrough~~.

**SECTION 4. California Environmental Quality Act.** The City Council finds and determines the adoption of this Ordinance complies with CEQA in reliance on previous CEQA documents certified in support of community plans pursuant to Public Resources Code Section 21166 and CEQA Guidelines Sections 15162, 15164, and 15183. Additionally, the Ordinance is exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3) (general rule, no significant effect on the environment), 15302 (replacement and reconstruction), and 15303 (small structures). Each of these reasons provide a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance.

**SECTION 5.** 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 6.** 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 7.** 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 8. 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 9. Effective Date.** This Ordinance shall become effective immediately upon final adoption if it receives six or more affirmative votes; otherwise, it shall become effective upon the seventh day after final adoption.

**SECTION 10.** The City Council hereby authorizes the City Administrator or designee 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.

**SECTION 11.** The City Clerk of the City of Oakland is hereby directed to transmit this Ordinance with Exhibits to the California Department of Housing and Community Development within sixty (60) days of adoption pursuant to Government Code Section 65852.2(h)(1).

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – BROWN, FIFE, HOUSTON, WANG, RAMACHANDRAN, UNGER, GALLO AND  
COUNCIL PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

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

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

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

## **NOTICE AND DIGEST**

### **AN ORDINANCE:**

- 1) AMENDING THE OAKLAND PLANNING CODE (TITLE 17) SECTION 17.103.080, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, TO UPDATE REGULATIONS FOR ACCESSORY DWELLING UNITS (ADUS) TO COMPLY WITH STATE LAW AND UPDATE THE DEFINITION OF THE VERY HIGH FIRE HAZARD SEVERITY ZONES IN THE OAKLAND PLANNING CODE (TITLE 17) CHAPTER 17.88 TO ALIGN WITH THE VERY HIGH FIRE HAZARD SEVERITY ZONES MAP ADOPTED BY CITY COUNCIL; AND**
- 2) MAKING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS.**

This Ordinance amends the Oakland Planning Code (Title 17) to: (a) bring the City's ADU regulations into full compliance with state law and (b) updates the definition of the Very High Fire Hazard Severity Zone.

**EXHIBIT A:**  
**ADU-RELATED PLANNING CODE AMENDMENTS**

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.

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Chapter 17.103 SPECIAL REGULATIONS AND FINDINGS FOR CERTAIN USE CLASSIFICATIONS

Article VI - Residential Facilities

Sections:

17.103.080 Accessory Dwelling Units in conjunction with One-Family, Two- to Four-Family, and Multifamily Dwelling Residential Facilities.

**17.103.080 Accessory Dwelling Units in conjunction with One-Family, Two- to Four-Family, and Multifamily Dwelling Residential Facilities.**

The following regulations shall apply to the construction, establishment, or alteration of Accessory Dwelling Units (ADUs), as those dwelling unit types are defined in Chapter 17.09:

**A. Regulations Applying to All Accessory Dwelling Units.**

1. **Ministerial Approval.** An application for an Accessory Dwelling Unit (ADU) shall be granted ministerial approval when it complies with all applicable zoning regulations, including but not limited to all provisions in this Section (17.103.080) and in Planning Code Chapter 17.88, unless the application is part of a proposal that separately requires discretionary review; in which case, the review time for the ADU application can be extended to coincide with the review time of the associated discretionary permit.
2. **No Short-Term Rental of ADUs.** Rental of an ADU shall only be for a term of longer than thirty (30) consecutive days.
3. **Sale of Unit.** An Accessory Dwelling Unit shall not be sold separately from the primary Residential Facility on the same lot unless otherwise permitted under State law, and except for under the provisions outlined in Government Code section 65852.26.
4. **Replacement Parking Configuration.** If a covered or uncovered parking space is removed to construct an Accessory Dwelling Unit, no replacement parking is required. ~~For this section to apply, the applicable covered parking structure must have a solid roof, supported with columns; and must be legally existing. Uncovered parking spaces that are required for the primary~~

~~Residential Facility in the underlying zone must be maintained or replaced, subject to the location and paving restrictions set forth in the Oakland Planning Code. Required replacement parking spaces may be tandem, as set forth in Section 17.116.240.A.~~

5. **Compliance with all Code and Permit Requirements Imposed by other Applicable City Departments.** Unless specified otherwise in local code or State law, an Accessory Dwelling Unit shall comply with all code and permit requirements imposed by other applicable City departments, including but not limited to the requirement for a building permit.
6. **Permitted Locations for ADUs.** Subject to restrictions set forth in Chapter 17.88 and Section 17.103.080(A)(8) of this Chapter, ADUs are permitted on lots in zoning districts that permit Permanent Residential Activities, and in conjunction with an existing or proposed primary Residential Facility.
7. **Restriction of ADUs in Certain Locations Based on Traffic Flow and Public Safety.**

See Chapter 17.88 for limitations on ADUs in the S-9 Fire Safety Protection Combining Zone.

Development of ADUs is restricted with certain exceptions specified in Chapter 17.88 to one (1) interior conversion Category One ADU within the existing envelope of a primary structure or one (1) Junior Accessory Dwelling Unit (Junior ADU or JADU) per One-Family, Two- to Four-Family, or Multifamily lot. See the S-9 Fire Safety Protection Combining Zone Map Overlay ("Overlay Zone") Map to determine if the lot where the ADU is proposed is within the S-9 Zone.

8. **Kitchens.** Each ADU and JADU shall have a kitchen that is independent from the primary Residential Facility, and includes all of the following: a sink, cooking facility with appliances, a food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the dwelling unit. A JADU is required to contain at least an efficiency kitchen, which shall include a cooking facility with appliances, and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
9. **Entrance for ADU and JADU.** A separate exterior entrance that is independent from the primary Residential Facility is required for each ADU and JADU. An exterior stairway proposed to serve an ADU or JADU on a second story or higher shall not be visible from the front public right-of-way.
10. **Objective Design Standards for Properties Listed in the California Register of Historic Resources.**
  - a. Attached and detached Category Two and/or converted Category One ADUs located at the front or side of a main building and visible from the front public right-of-way shall incorporate the same roof pitch, visually matching exterior wall material, and predominant door and window trim, sill, recess, and style as the primary dwelling structure, with an option of approving different finishes or styles through the Small Project Design Review process as set forth in Section 17.136.030. ADUs of these types that are located to the rear of a main building are not subject

to this design standard or alternative review process.

- b. Attached or detached garages located to the front or side of a main building and converted to ADUs shall replace the garage doors with visually similar exterior wall materials and door and window trim as the primary Residential Facility, with an option of approving different finishes or styles through the Small Project Design Review process as set forth in Section 17.136.030. Attached or detached garages located to the rear of a main building and converted to ADUs are not subject to this design standard or alternative review process.
  - c. This subsection 10 (ten) does not apply to ADUs built pursuant to CA Government Code § 66323.
11. **Balconies and Decks.** Category Two ADUs and Category One ADU conversions that include expansion of existing building envelope shall not contain upper story balconies, decks, or rooftop terraces if the proposed elements do not meet the established requirements of the underlying zone.
12. **California Register Properties.** For ADUs proposed for a California Register Property, the following shall apply:
- a. Placement of an ADU in front of a main building on a California Register Property is only allowed if the lot conditions or requirements preclude an ADU of a minimum allowed size (established by Tables 17.103.01 and 17.103.02) anywhere else on the lot.
  - b. Any new attached or detached ADU on a California Register Property shall be located in the following order of preference:
    - i. First, behind the main structure;
    - ii. Next, to the side of the main structure;
    - iii. Last, in front of the main building.
  - c. A consultation with Historic Preservation Staff is required for Category One and/or Category Two ADUs on a California Register Property visible from the public right-of-way. Such consultation shall not preclude the need for ministerial approval of an ADU that meets the standards of Government Code section 65852.2(e). The Planning Director or his or her designee is authorized to develop objective design standards for the development of ADUs in historic districts or on California Register Property to ensure preservation of historic resources.
  - d. This subsection 10 (ten) does not apply to ADUs built pursuant to CA Government Code § 66323.
13. **Planned Unit Developments (PUDs).** ADUs proposed on Planned Unit Developments (PUDs) must comply with requirements of Chapter 17.142 and Section 17.103.080.
14. **Planning Code Amnesty and Enforcement Delay of Building Code for ADUs that Do Not Have Prior Planning or Building Approval.**
- a. Existing Accessory Dwelling Units built and occupied without prior



Planning or Building approval shall be referred to in this section as "Unpermitted Accessory Dwelling Units."

- b. The owner of an Unpermitted Accessory Dwelling Unit has a right to request: (1) amnesty from any violation of a zoning standard under the Planning Code if the Unpermitted Accessory Dwelling Unit was established and occupied prior to January 1, 2021; and (2) delay in enforcement of the Building Code, and local amendments thereof, as adopted under O.M.C. Title 15 if the Unpermitted Accessory Dwelling Unit was built prior to the effective date of this Section.
- c. The Planning Code amnesty and enforcement delay programs provided in this Section are available to any property owner whose Unpermitted Accessory Dwelling Unit meets the program requirements provided within this Section. The City shall not deny a permit for an unpermitted ADU that was constructed prior to January 1, 2021 due to either of the following: (1) the ADU is in violation of the building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code, or (2) the ADU does not comply with Section 65852.2 or any local ordinance regulating ADUs. However, a local agency may deny a permit for an Accessory Dwelling Unit if the local agency makes a finding that correcting the violation is necessary to protect the health and safety of the public or occupants of the structure.
- d. Until January 1, 2030, any notice to correct a violation of any provision of the Planning or Building Code building standards pursuant to Oakland Municipal Code (O.M.C.) Titles 15 or 17 that is issued to an owner of an Unpermitted Accessory Dwelling Unit built before the effective date of this Section shall contain a statement that the owner of the Unpermitted Accessory Dwelling Unit has a right to request: (1) amnesty from any violation of a zoning standard under the Planning Code that would preclude the preservation of an Unpermitted Accessory Dwelling Unit that was established and occupied prior to January 1, 2021; and (2) delay in enforcement of the Building Code, and local amendments thereof, as adopted under O.M.C. Title 15 if the Unpermitted Accessory Dwelling Unit was built prior to the effective date of this Section. Said notice shall also inform the owner that any penalties arising out of any zoning or building violations shall be waived leading up to the zoning amnesty and during the term of the Building Code enforcement delay. The applicant shall bear the burden of proof in establishing the date when the Unpermitted Accessory Dwelling Unit was established and occupied for the Planning Code amnesty program, or when the building was built for the Building Code enforcement delay.
- e. The owner of an Unpermitted Accessory Dwelling Unit that can provide suitable proof that said unit was established and occupied prior to January 1, 2021 may, in the form and manner prescribed by the Planning and Building Director or his or her designee, submit an application to the Planning and Building Director or his or her designee requesting that the Unpermitted Accessory Dwelling Unit obtain amnesty from any violation of the City's zoning standards that would preclude the preservation of the Unpermitted Accessory Dwelling Unit.

In addition, the owner of said unit may also request delay in enforcement of a Building Code violation if the Unpermitted Accessory Dwelling Unit was built prior to the effective date of this Section. The Building Code enforcement delay shall be for a period of no more than five (5) years on the basis that correcting the violation is not necessary to protect the public health and safety.

- f. The applicant's amnesty request to resolve violations of zoning standards shall be processed as specified in Planning Code Chapter 17.136, but shall not be available to Unpermitted Accessory Dwelling Units: (1) that are located in the City's S-9 Zone; or (2) where the owner cannot establish that the Unpermitted Accessory Dwelling Unit was established and occupied prior to January 1, 2021.
- g. The Planning and Building Director or his or her designee shall grant the owner's Building Code enforcement delay request if the Planning and Building Director or his or her designee determines that correcting the Building Code violation is not necessary to protect the public health and safety. In making this determination, the Planning and Building Director or his or her designee shall consult with the entity responsible for enforcement of building standards and other regulations of the State Fire Marshal pursuant to Government Code Section 13146.
- h. Any Building Code enforcement delay shall remain in effect no later than January 1, 2035, and as of that date is repealed.

**Table 17.103.02: Property Development Standards applying to Two- to Four-Family and Multifamily ADUs**

Development Standards	Types of Two- to Four-Family and Multifamily ADUs			Notes
	Category 1 ADU for Existing Two- to Four-Family and Multifamily Buildings	Category 2 ADU for Existing and Proposed Two- to Four-Family and Multifamily Buildings	Category 3 ADU for Existing and Proposed Two- to Four-Family and Multifamily Buildings	
<b>Maximum Number</b>	1 or up to 25% of existing units, whichever is greater, per Two- to Four-Family or Multifamily Facility. For the purposes of the 25% limitation, a unit is considered existing if it has received its certificate of occupancy.	<u>Existing Two- to Four-Family or Multifamily Facility: No more than 2</u> <del>8</del> per lot.  <u>Proposed Two- to Four-Family or Multifamily Facility: No more than 2</u> per lot.	Only 1 per lot.	1, 2, 3
<b>Minimum Size (Floor Area)</b>	Must meet, at a minimum, Efficiency Unit Building Code Standards.			<del>3-4</del>

<b>Maximum Size</b>	For Interior Conversion: size is limited by the existing building envelope.	N/A.	850 sf. for studio or one-bedroom; 1,000 sf. for 2-bedrooms or more	4 <u>5</u>
<b>Maximum Height</b>	Established by the base zone.	The height shall not exceed 18 feet unless the ADU meets the setback requirements of the underlying zone. In this case, the maximum height is established by the base zone. <u>An additional two (2) feet in height is allowed to align roof pitch of ADU with the roof pitch of the primary dwelling.</u>	Established by the base zone.	5 <u>6</u>
<b>Side and Rear Setbacks</b>	4 feet, or the regularly required setback, whichever is less, but in no case shall be less than 3 feet from the side or rear lot line.  For Internal: N/A.			5 <u>6</u>

Development Standards	Types of Two- to Four-Family and Multifamily ADUs			Notes
	Category 1 ADU for Existing Two- to Four-Family and Multifamily Buildings	Category 2 ADU for Existing and Proposed Two- to-Four-Family and Multifamily Buildings	Category 3 ADU for Existing and Proposed Two- to-Four-Family and Multifamily Buildings	
Lot Coverage, Rear Setback Coverage	N/A.	<del>N/A. New ADUs must be consistent with the regulations contained in the underlying zone, except up to two ADUs are permitted if they do not exceed 800 sf each shall be permitted regardless of these requirements.</del>	N/A.	<del>5</del> 6
Front Setback	N/A.	<del>Established by the base zone, except if lot conditions preclude creating no more than the number of ADUs allowed, as stated above. two ADUs and no more than 18 feet in height anywhere else on the lot.</del>	Established by the base zone, except to create one ADU of no more than 850 sf. for studio or one-bedroom; 1,000 sf. for 2-bedrooms or more.	
Floor Area Ratio (FAR)	N/A.	<del>Established by the base zone, except if lot conditions preclude creating no more than the number of ADUs allowed, as stated above.  New ADUs must be consistent with the regulations contained in the underlying zoning district, except to establish no more than two ADUs.</del>	Must be consistent with the regulations contained in the underlying zoning district, except to establish one ADU of no more than 850 sf. for studio or one-bedroom; 1,000 sf. for 2-bedrooms or more.	<del>5</del> 6

Development Standards	Types of Two- to Four-Family and Multifamily ADUs			Notes
	Category 1 ADU for Existing Two- to Four-Family and Multifamily Buildings	Category 2 ADU for Existing and Proposed Two- to-Four-Family and Multifamily Buildings	Category 3 ADU for Existing and Proposed Two- to-Four-Family and Multifamily Buildings	
Open Space	N/A.	<u>Established by the base zone, except if lot conditions preclude creating no more than the number of ADUs allowed, as stated above.</u> <del>No new open space required. However, required open space for existing units, as established by base zone, must be maintained, except to establish no more than two ADUs.</del>	No new open space required. However, required open space for existing units, as established by the base zone must be maintained, except to establish one ADU of no more than 850 sf. in total footprint for studio or one-bedroom; 1,000 sf. for 2-bedrooms or more.	
Parking for ADUs	One (1) space; OR none if located: a) within ½-mile walking distance of public transit stop; b) on any lot within a City of Oakland Area of Primary Importance (API) or Secondary Importance (ASI), as defined in the General Plan's Historic Preservation Element; c) in areas where parking permits are required but not offered to occupants of ADUs; d) where there is a carshare vehicle within one block of the ADU; or e) when the ADU is part of the proposed or existing primary residence or an accessory structure.			67
Owner Occupancy	Not required.			
Bathroom	Each unit must have a private bathroom.			

**Notes for Table 17.103.02:**

1. On a lot with an existing multifamily dwelling, the total number of ADUs is not more than eight (8), but ADUs must not outnumber the number of units in the main building.
2. 4. All calculations that result in a fractional number shall be rounded up to the nearest whole number. A lot may contain both Category One and Category Two ADUs.
3. 2. For Category 1 ADUs, Non-habitable or non-livable space does not include detached accessory structures, existing residential units, commercial space, community rooms, gyms, laundry rooms or any other finished spaces that are meant

to be occupied by people and used communally.

4. ~~3.~~ At least a minimum square footage that permits an Efficiency Dwelling Unit as defined in Chapter 17.09 and in the California Building Code.
5. ~~4.~~ Category Two ADUs must meet lot coverage and open space requirements set forth in this table.
6. ~~5.~~ Two- to Four-Family and Multifamily Category One ADUs are allowed even if the existing space to be converted or rebuilt does not meet the underlying zone's current development standards, such as height limits, floor area ratios, lot coverage or setbacks. This allowance is only for ADUs located behind the primary building in its rear yard. If Category Two ADU is proposed in front or side of a primary structure the maximum height is sixteen (16) feet. Notwithstanding, in the S-9 Zone, maximum ADU height is capped at sixteen (16) feet.
7. ~~6.~~ For replacement parking regulations, see 17.103.080(A)(4).

**EXHIBIT B:**  
**VHFHSZ-RELATED PLANNING CODE AMENDMENTS**

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

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**Chapter 17.88 S-9 FIRE SAFETY PROTECTION COMBINING ZONE REGULATIONS**  
**Sections:**

17.88.010 Title, Purpose and Applicability.

17.88.030 Definitions.

**17.88.010 Title, Purpose and Applicability.**

The intent of the S-9 Fire Safety Protection Combining Zone is to promote the public health, safety and welfare by ensuring that activities and facilities that are located, in whole or part, within or adjacent to Very High Fire Hazard Severity Zones (VHFHSZs) as defined in Section 17.88.030(A) ~~designated by the California Department of Forestry and Fire Protection (CAL FIRE)~~, and accessed from streets that are less than twenty-six (26) feet in width at any point or cul-de-sacs that do not meet emergency access standards, develop in such a manner as not to be a serious threat to public health or safety.

S-9 Fire Safety Protection Combining Zone is mapped using the following criteria:

- A. Lots located, in whole or part, within or adjacent to VHFHSZs and one of the following criteria is met:
- B. The lot is accessed by streets connecting the lot to the nearest arterial street (as designated by the City of Oakland General Plan Land Use and Transportation Element) with a pavement width of less than twenty-six (26) feet at any point; or
- C. Where a lot is located on a dead-end street that has a total length of six hundred (600) feet or longer from the nearest intersection. For the purposes of this Subsection, the total length of a dead-end street shall be the distance from the intersection with the nearest through street to the farthest opposite end of the street right-of-way, or private access easement (as defined by Section 16.32.010 of the Oakland Municipal Code) if the shared access facility/private access easement is connected to said dead-end street.

**17.88.030 Definitions.**

For the purposes of this regulation, the following definitions apply:

- A. **Very High Fire Hazard Severity Zones.** Very High Fire Hazard Severity Zones are those areas identified by: 1) California Department of Forestry and Fire Protection (CAL FIRE) within Local Responsibility Areas (LRA),

including the City of Oakland; and 2) City of Oakland, as authorized by Government Code Section 51179. Mapping of Very High Fire Hazard Severity Zones (VHFHSZ) is based on data and models of potential fuels over a given time horizon and their associated expected fire behavior and burn probabilities to quantify the likelihood of vegetation fire exposure to buildings.