

City Council Hearing

Proposed Changes to Oakland Planning Code For Accessory Dwelling Units (ADUs)

December 21, 2021

Summary and Background

- 2016 Oakland City Council adopted ordinance to encourage construction of ADUs
- 2017 in response to State Legislation, the City Council adopted a new ordinance:
 - Established ADU types and sizes
 - Eliminated parking requirements for new ADUs in areas that are near transit
 - Prohibited Category 2 (detached) ADUs in areas within the S-9 Fire Safety Protection Combining Zone
- 2020 and 2021 new State legislation made significant changes to ADU regulation:
- 2021 to bring Oakland Planning Code in conformance with the new State ADU legislation the Planning Staff initiated this code amendment process.

December 21, 2021

Summary of ADU Regulations for Single-Family Lots:

- Allows one Junior Accessory Dwelling Unit (JADU) per lot, a smaller ADU within the existing house that may have a shared bathroom, and
- One interior or existing accessory structure conversion (Category One) ADU or
- One newly built detached or attached (Category Two) ADU per lot

December 21, 2021

Summary of ADU Regulations for Multi-Family Lots:

- Allows up to 25% of existing dwelling units, but at least one Category One ADU (interior of existing building) and
- One or two detached (Category Two) ADUs per multifamily building or
- One Category Three ADU per multifamily building (may combine conversion of existing and new attached space)
- Allows for converting of non-habitable space such as garages, basements, boiler rooms, attics, etc. to create Category One conversion ADU(s).

December 21, 2021

Summary of ADU Regulations:

- Allowing for conversion of existing accessory buildings such as carports and garages into ADUs with no parking replacement requirement if the parcel is within ½-mile walking distance of transit
- Allowing for up to 1,200 square feet for Category One interior conversion ADUs
- Allowing up to 18' Maximum ADU Height (above the 16' in State law)
- Allowing additional building expansion for Category One ADU conversions on "Small Lots"
- Introducing Objective Design Standards for Historic structures
- Adding Landscaping Standards for New Category Two ADUs

December 21, 2021

Summary of ADU Regulations:

- Introducing ADU Amnesty Program and Enforcement Delay:
 - Amnesty from violations of zoning standards (such as setbacks, height, etc.) of the Planning Code
 - Delay in enforcement of the Building Code
 - Zoning relief applies to ADUs established and occupied prior to January 1, 2021
 - Per State ADU law the program will be accepting applications until January 1, 2030
- Including Restrictions on new detached and attached ADUs in S-9 Fire Safety Protection Overlay Zone
- Amending the existing S-9 Overlay Zoning Map to include streets < 26 feet in width

December 21, 2021

Summary and Background of Proposal for ADU Restrictions in the Very High Fire Hazard Severity Zone (VHFHSZ)

April 15, 2021, Zoning Update Committee Meeting:

- Staff proposed prohibiting ADUs within the existing S-9 Fire Safety Protection Overlay Zone
 - streets that are less than 20 feet in width and within VHFHSZ
- Public comments for expansion of the existing S-9 Fire Safety Protection Overlay Zone to cover all VHFHSZ
- Directed by the Zoning Update Committee to study and expand the original S-9 Zone as being insufficient for public safety

June 2, 2021, Planning Commission Hearing:

- Oakland Fire Department and Planning Staff worked together to propose the policy approach to prohibit all ADUs within the VHFHSZ to not increase the number of vehicles at choke points
- Directed by the Commissioners to take a more "surgical" approach of where to restrict ADUs within the VHFHSZ area

December 21, 2021

Summary and Background of Proposal for ADU Restrictions in the VHFHSZ

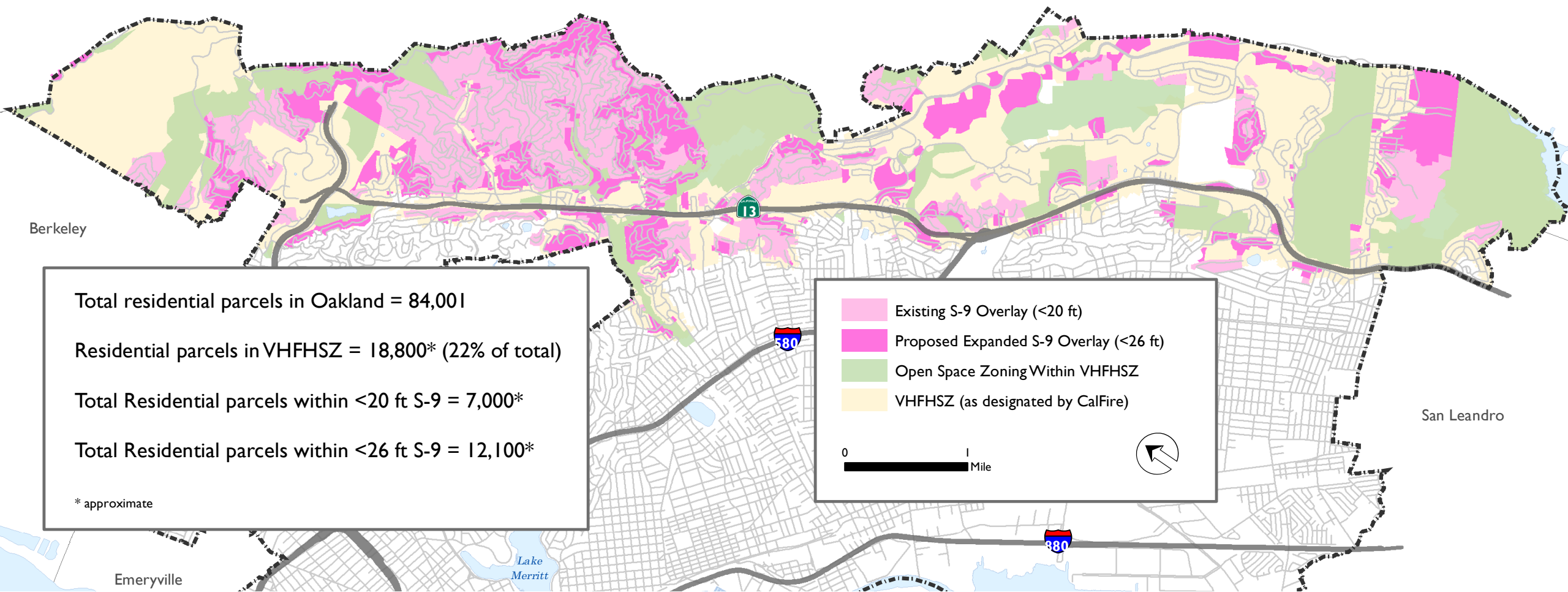
September 15, 2021, Planning Commission Hearing:

- Oakland Fire Department and Planning Staff maintained best approach to maximize public safety is to prohibit all ADUs within the VHFHSZ, but understand the need to balance the competing priority of ADUs
- Current Municipal Code require new roads within Hillside Zones to be 26 feet in width
- New proposal expanded the existing S-9 Fire Protection Combining Zone to include:
 - All streets less than 26 feet in width, and
 - Within the VHFHSZ (see the map on the next slide)
- This is an expansion of the original S-9 Zone that was presented to the Zoning Update Committee, but not covering all the Very High Fire Hazard Severity Zone as proposed at the June 2, 2021 Planning Commission

December 21, 2021

Proposed S-9 Zone expansion in VHFHSZ where streets are less than 26' in width

ATTACHMENT B



Total residential parcels in Oakland = 84,001
 Residential parcels in VHFHSZ = 18,800* (22% of total)
 Total Residential parcels within <20 ft S-9 = 7,000*
 Total Residential parcels within <26 ft S-9 = 12,100*
 * approximate

- Existing S-9 Overlay (<20 ft)
- Proposed Expanded S-9 Overlay (<26 ft)
- Open Space Zoning Within VHFHSZ
- VHFHSZ (as designated by CalFire)

0 1 Mile

December 21, 2021

Summary and Background of Proposal for ADU Restrictions in the VHFHSZ

September 15, 2021 Planning Commission Hearing continued:

- Staff developed two options for the Planning Commission to consider for recommendation to the City Council:

Option One: Prohibit all ADUs and JADUs within an expanded S-9 Overlay Zone that is applied to all areas designated as a VHFHSZ and where street pavement width is less than 26 feet (see Map)

- A street expanded to at least 26 feet wide until it intersects with another 26-foot-wide street would qualify for ADUs.

December 21, 2021

Summary and Background of Proposal for ADU Restrictions in the VHFHSZ

September 15, 2021 Planning Commission Hearing continued:

Option Two: Allow one internal ADU or JADU within an expanded S-9 Overlay Zone that is applied to all areas designated as a VHFHSZ and where street pavement width is less than 26 feet; and that the following fire safety requirement is also applied:

- A fire sprinkler system is installed throughout the main residence and the newly created internal ADU or JADU if the primary structure is also newly created or significant remodeling work is required to the existing primary structure. A significant remodeling is a project that has a total construction cost of \$100,000 or more, or when modifications are over 500 square feet or when modifications are made that increase the gross floor area greater than 50% or when the modification exceeds 3,600 square feet.

December 21, 2021

Summary and Background of Proposal for ADU Restrictions in the VHFHSZ

September 15, 2021 Planning Commission Hearing continued:

The City Planning Commission selected the regulatory Option Two with caveats:

- That the option does not include a requirement for fire sprinklers;
- City Council to consider potential equity outcomes related to implementation of this ordinance;
- City Council to consider additional fire protections such as fire-resistant building materials;
 - (staff found there already are requirements for fire-resistant building materials in the VHFHSZ)
- City Council to consider a mechanism for an exception process based on:
 - Documentation of adequate egress;
 - Documentation of adequate parking; or
 - Medical/accessibility issues

December 21, 2021

Proposal for ADU Restrictions in the VHFHSZ

Allow one internal ADU or JADU within an expanded S-9 Fire Protection Overlay Zone that is applied to all areas designated as a VHFHSZ and where street pavement width is less than 26 feet.

- An exception is allowed to instead build one ADU that is not internal, but detached or a conversion of space outside the existing primary structure if:
 - One additional off-street parking space is created on the lot for the ADU, and any lost parking spaces be replaced on the lot; or
 - For a medical/accessible reason through a Reasonable Accommodation Request pursuant to Chapter 17.131 if the internal ADU would not be accessible or to accommodate a live-in caregiver for a person with disability. No additional ADU parking required, but lost parking must be replaced on the lot.

December 21, 2021

Oakland Fire Department: Emergency Services Manager, Jessica Feil

- Climate Change has increased the frequency and severity of wildfires in California significantly. The "New Norm" has become the "New Extreme."
- Increasing temperatures, droughts, and high winds in Oakland have led to a large increase in the number of Red Flag Warning days, "weather events which may result in extreme fire behavior that will occur within 24 hours."
- Zonehaven analysis show that most roads within VHFHSZ feed into a limited number of intersections that cars must use to evacuate onto adjacent highways and the Interstate. These intersections will become clogged during evacuations and cause choke points, the additional cars that will come from ADUs will exacerbate these existing choke points.
- Recent tragic fires in California show that even wide suburban roads do not provide a safe escape, because of these clogged intersections. In addition to other challenges associated with downed trees, powerlines down, routes blocked by fire activity, and/or disabled vehicles.
- Choke points also block the emergency vehicles from accessing and fighting the fires as well as rescuing people.
- Not increasing the number of vehicles is key to protect public safety.

December 21, 2021