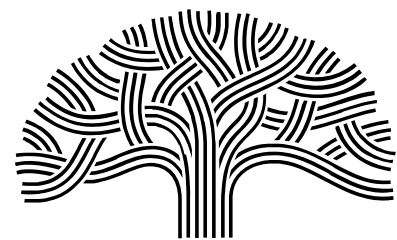


Planning Code Amendments

June 09, 2026

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CITY OF
OAKLAND



Agenda

- ADU-Related Code Amendments
- Other Code Amendments
- Key Conforming and Clerical Revisions
- Recommendation and Next Steps

ADU Ordinance Background

- **January 2022:** City adopted Accessory Dwelling Unit Ordinance No. 13367
- **June 2024:** City adopted Ordinance No. 13800 that updated the Planning Code to align with changes in State law
- **July 2025:** City adopted Ordinance No. 13856 that updated the Planning Code to align with additional changes in State law
- **December 10, 2025:** the City received from State HCD a review of the ADU Ordinance and Written Findings Letter
- **January 8, 2026:** the City provided State HCD with a timely written Response Letter outlining changes City will take to remain in compliance

Changes Made to ADU Chapter (17.103.080)

Affected Code Section	Proposed Change
17.103.080	Update statute numbering to reflect current statute (66310 – 66324)
17.103.080 A.9 and A.12.c	Remove subjective “visibility” criteria and eliminate the staff consultation requirement
17.103.080 A.10.a and b	Remove subjective term “predominant” and replace “visually similar” with “visually matching”

HCD Findings Addressed Without Code Changes

1) State HCD claims that ADU regulations in S-9 Zone are inconsistent with State law and gives the City two options: (1) amend the Ordinance to comply with State law, or (2) adopt the Ordinance with findings supporting the City's determination that the regulations comply with State law.

Recommendation: The City has already satisfied the second option by adopting findings supporting its ADU regulations in the S-9 Combining Zone. The findings were adopted with ADU Ordinance No. 13677 C.M.S. in January 2022, and reaffirmed in Ordinance No. 13800 C.M.S., adopted in June 2024. **The City has complied with State law.**

HCD Findings Addressed Without Code Changes

2) State HCD claims that creating a preference for ADU location other than the front setback first, as specified in Section 17.103.080 A.12, conflicts with Government Code section 66321(b)(3) because it precludes an ADU of at least 800 square feet.

Recommendation: In a meeting with HCD on April 20, 2026 Planning staff clarified and State HCD acknowledged that while Ordinance establishes preferred ADU locations, it **does not prohibit front-yard ADUs** when no other feasible location exists. The City is making **findings** in the proposed Ordinance to establish that ADUs are not prohibited in the front setback. **The City's ADU Ordinance remains compliant with State law.**

Other Code Amendments

Affected Section	Proposed Substantive Change
17.114.050.C.	Revise discontinuance standards for nonconforming activities. Eliminate ambiguous “purposeful abandonment” standard; and establish a 60-day timeframe for cessation of operations
17.90.050 (S-10 Zone)	Clarify that only objective standards apply to Ministerial Design Review. Discretionary criteria to apply to Regular Design Review
17.101A.020 (Wood Street)	Allow Recreational Assembly Activities, (e.g. plazas, community gardens) in D-WS-9 Zone without a Conditional Use Permit
17.101H.03 (Coliseum)	Provide a consistent 10-foot front setback along Hegenberger Rd.
17.138.030	Remove review deadline for Development Agreements that does not align with the DA approval process
17.124.045	Enforce screening and undergrounding of electrical transformers

Examples of Conforming & Clerical Code Changes

Affected Section	Proposed Change
Table 17.101K.05 (Downtown)	Revise maximum residential density in D-DT Height Areas 5 and 6; Update the maximum height in D-DT Height Area 9
Table 17.97.04 (S-15)	In height limit zone 250' revise the number of stories from 24 to 25 to coordinate with existing height limit (typ. 10 feet/story)
17.101A.02 (Wood St)	Revise lot area requirements for Rooming Units to be 1/2 those required for Regular Dwelling Units, consistent with other zones

Examples of Conforming & Clerical Code Changes

Affected Section	Proposed Change
17.107.020	Reintroduce “economically feasible” definition to maintain an existing cross-reference with (OMC) Title15
17.138.100	Clarify that subdivisions are not approved through Development Agreement process
Various	Replace “Dwelling Unit” with “Living Unit” in some instances because the term is broader and more inclusive

Recommendations

Staff recommends that the City Council adopt an Ordinance, as recommended by the Planning Commission, amending Title 17 of the Oakland Municipal Code:

(1) updating Accessory Dwelling Unit regulations for consistency with state law and provide written findings pursuant to Government Code 66326(b); (2) revising discontinuance standards for nonconforming activities; (3) removing applicability of S-10 Scenic Route Combining Zone discretionary standards to Ministerial Design Review; (4) permitting Recreational Assembly Activities in the Wood Street D-WS-9 Zone; (5) revising minimum front setback in the D-C0-2 Zone; (6) removing a review deadline from Development Agreement Procedure in Section 17.138.030; (7) revising utility screening standards in Section 17.124.045; (8) incorporating various conforming and clerical revisions; and (9) affirming staff's environmental determination.

Dates of Council Meetings

- **June 16, 2026** – City Council (First Reading)
- **June 30, 2026** – City Council (Second Reading)