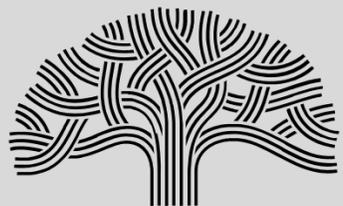


Senate Bill (SB) 79 Planning Code Implementation Ordinance

**Community & Economic
Development Committee**

February 24, 2026

Planning and Building Department



**CITY OF
OAKLAND**



Background

- State law Senate Bill (SB) 79 (the Abundant and Affordable Homes Near Transit Act) was signed by the governor on October 10, 2025, and goes into effect on July 1, 2026.
- Areas within ½ mile of each of Oakland's designated transit stops will be designated as a transit-oriented development (TOD) zone and any parcels within the designated TOD zones could vest for development using higher density standards for housing.
- Oakland has 8 BART stations, and 38 Bus Rapid Transit (BRT) stops along the AC Transit Tempo line along International Boulevard that qualify as SB 79 TOD zones.
- There is 1 additional BART station, and 1 additional BRT stop that are not within Oakland but the ½ mile boundary extends into Oakland, this brings a total of 48 TOD zones within the Oakland boundaries.

SB 79 Density Standards

Transit stops are categorized as Tier 1 (BART) or Tier 2 (BRT Tempo)

SB 79 Range	Height Limit	Max Density	Floor Area Ratio
Tier 1 - Adjacent (200')	95 feet	160 du/ac	4.5
Tier 1 - Quarter mile	75 feet	120 du/ac	3.5
Tier 1 – Half Mile	65 feet	100 du/ac	3
Tier 2 - Adjacent (200')	85 feet	140 du/ac	4
Tier 2 - Quarter mile	65 feet	100 du/ac	3
Tier 2 – Half Mile	55 feet	80 du/ac	2.5

Exclusions and Alternative Plan

- SB79 allows cities to exclude some parcels from the SB 79 requirements or allows development of an Alternative Plan.
- An exclusion would suspend implementation of SB79 and allow substitution of existing Oakland zoning until an Alternative Plan is developed.
 - Exclusions will expire in 2032 and SB 79 densities will take effect if no Alternative Plan has been adopted.
- The Alternative Plan would need to accommodate the overall required density of SB 79 within the TOD zone but could:
 - Replace default density and height increases and allow a more tailored density and height based on local land use conditions, such as historic districts and lower density neighborhoods.

Rationale for Adopting Exclusions

- There is insufficient time for the City to prepare and review an Alternative Plan prior to the SB 79 effective date of July 1, 2026.
- Exclusions may be adopted prior to the SB 79 effective date as an interim step to allow time for a City to develop an Alternative Plan.
 - The City is already engaged in the General Plan Update (GPU) phase 2, that includes the update of the Land Use and Transportation Element with adoption anticipated in late Spring of 2027.
 - City Staff want to develop its Alternative Plan in a comprehensive manner as part of the GPU process and not as a separate stand-alone process.
 - Exclusions would give the City time during the GPU to analyze which areas within the TOD Zones have potential for more density and which areas do not as well as receive community input.

Rationale continued

- Environmental Justice Element Policy EJ-8.1 Meaningful, Relevant Engagement. Design and implement public engagement processes and events that emphasize participation from low-income communities and communities of color; that are driven by resident priorities, that are easily accessible and understandable and that provide meaningful opportunities for participants to influence outcomes.
- Almost all of Oakland's TOD zones are in low resource areas
- An Alternative Plan would allow a fine grain analysis and community involvement resulting in aggregate density equivalent to SB79 requirements.
- Existing zoning density exceeds SB79 standards in many of the designated TODs as a result of prior upzoning.
 - The 2023 Housing Element upzoned many areas of the City.
 - The Downtown Oakland Specific Plan, adopted in 2024, upzoned core areas.
 - Additional Specific Plans, such as the Central Estuary Plan, Broadway Valdez District Specific Plan, West Oakland Specific Plan, Coliseum Area Specific Plan, and the Lake Merritt Station Area Plan all increased density around the Tier 1 and Tier 2 TOD Zones.
- SB79 standards are a blanket increase in density that could override prior planning and input from the community.

Allowed Exclusions

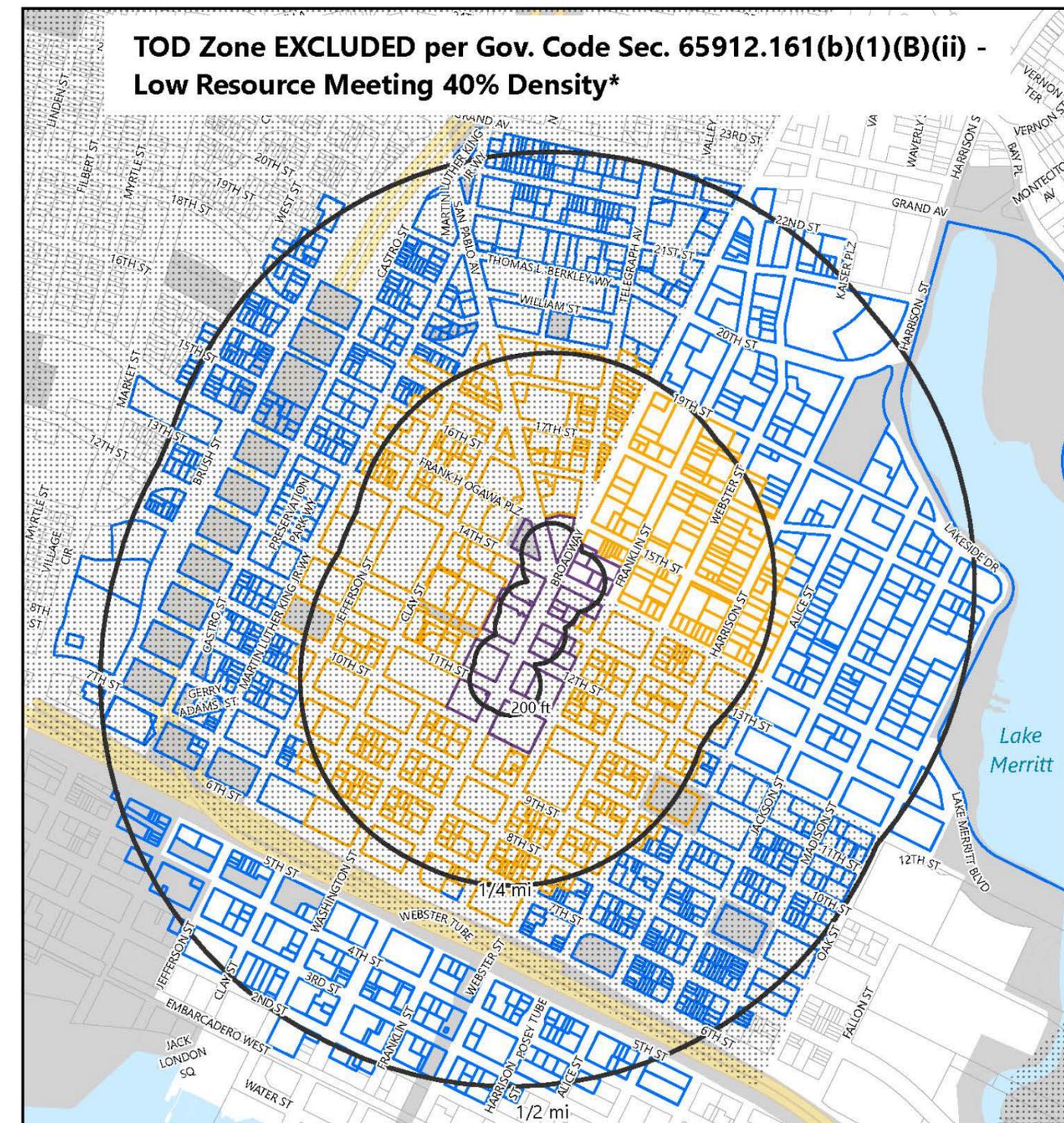
- Exclusion 1. Allows exclusion of sites when existing zoning allows density and residential floor area ratios at no less than **50 percent** of the standards specified in SB 79 (Gov. Code Sec. 65912.161(b)(1)(A)).
- Exclusion 2. Allows exclusion of sites in a TOD Zone that is primarily a low-resource area and has aggregate Oakland zoning densities that allow for at least **40 percent** of the aggregate density allowed for TOD zone as specified in SB 79. (Gov. Code Sec. 65912.161(b)(1)(B)(ii)).
- Exclusion 3. Allows exclusion of sites in a TOD zone when the parcel includes a **historic resource** designated as of January 1, 2025, on a local register. (Gov. Code Sec. 65912.161(b)(1)(F)).

Exclusion 2: Primarily Low Resource Zones that have zoning density that allows at least 40% of the aggregate SB 79 density

- All Oakland TODs in Low Resource Areas meet this standard and qualify for Exclusion 2 per (Gov. Code Sec. 65912.161(b)(1)(B)(ii)).
- Qualification allows exclusion of all parcels within the entire TOD Zone.

Example: Tier 1 TOD Zone Map for area meeting Exclusion 2

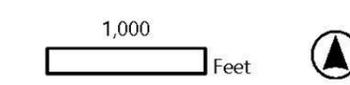
- 12th St BART TOD
- It provides 307% of SB 79 aggregate density
- All parcels within the TOD zone are excluded
- See Ordinance Exhibit B for all maps



SB 79 Eligibility & Exclusion Analysis

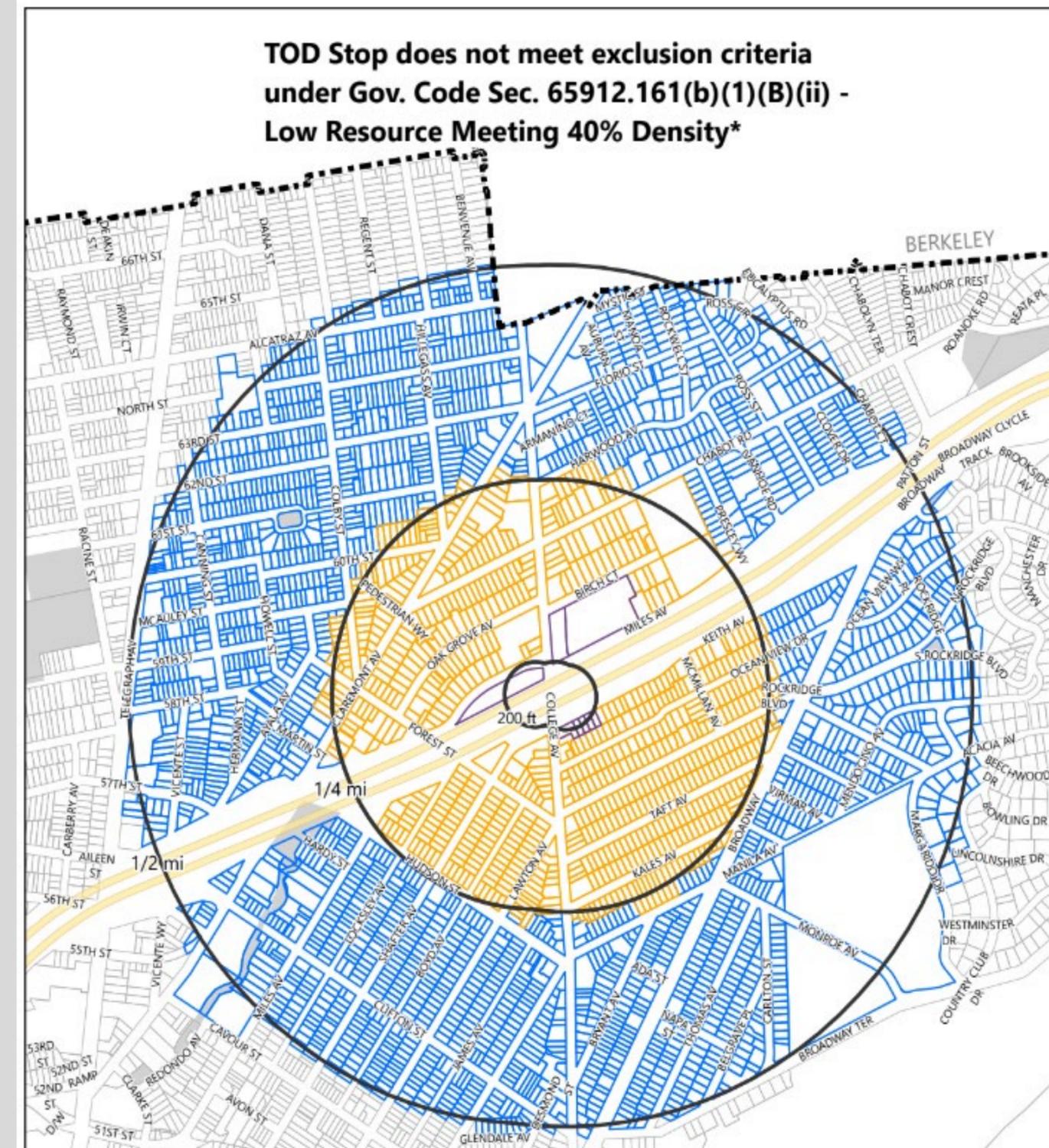
- Parcel distance from transit stop entrance
- within 200 ft
 - 200 ft to 1/4 mi
 - 1/4 mi to 1/2 mi
 - Ineligible - not zoned for residential, mixed-use or commercial; right of way; or water
- Low Resource

* Parcels located within overlapping TOD zones are excluded from SB 79 if any of the TOD zones are excluded. Parcels may also be excluded based on additional SB 79 exclusion criteria.

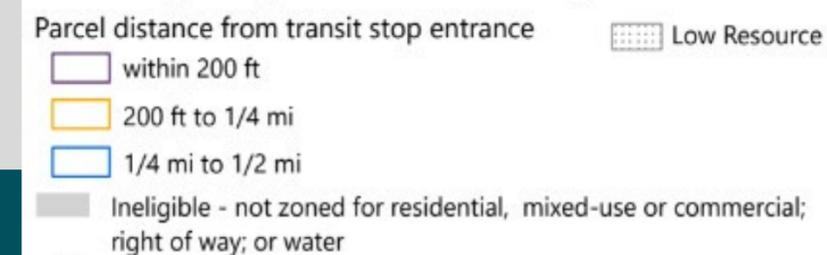


Example: Tier 1 TOD Zone Map for area not meeting Exclusion 2

- Rockridge, MacArther and Ashby TOD Zones are not qualified for Exclusion 2 because they are high resource areas.
- These TOD Zones include some parcels that qualify for Exclusion 1 and Exclusion 3.
- See Ordinance Exhibit B for all maps.



SB 79 Eligibility & Exclusion Analysis



* Parcels located within overlapping TOD zones are excluded from SB 79 if any of the TOD zones are excluded. Parcels may also be excluded based on additional SB 79 exclusion criteria.



Summary Tier 1 TODs in Low Resource Area

Tier 1 BART Stations	Qualifying Percentage	Aggregate Capacity in Dwelling Units	SB 79 Aggregate Capacity in Dwelling Units
19 th Street BART	287%	115,921	40,450
12 th Street BART	307%	118,425	38,629
West Oakland BART	70%	15,913	22,876
Lake Merritt BART	254%	79,675	31,415
Fruitvale BART	72%	28,554	39,529
Coliseum BART	190%	68,128	35,784

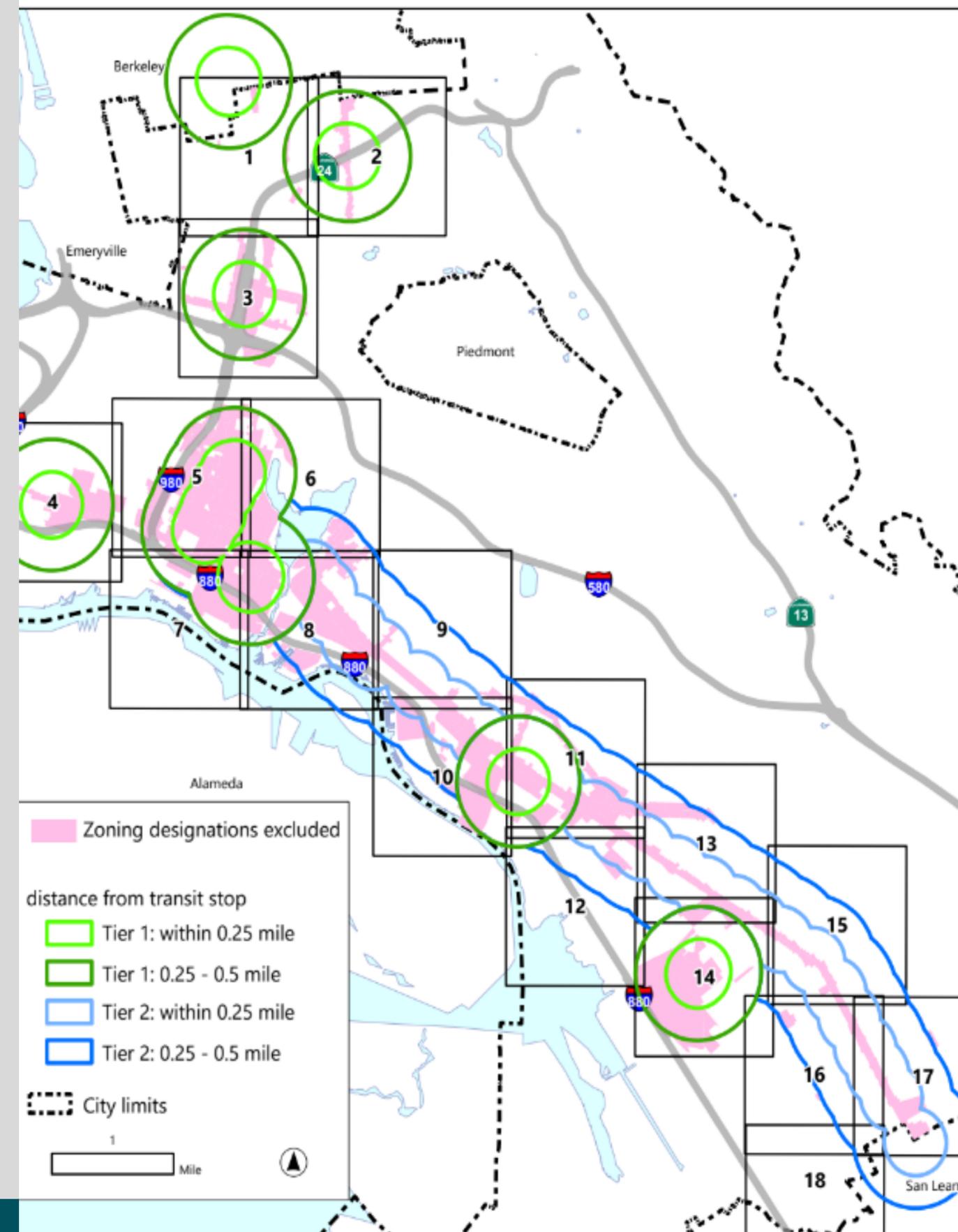
Summary Tier 2 TODs in Low Resource Areas

Oakland Tier 2 TOD Zone (AC Transit Tempo Stops)	Criteria for Exclusion1) Low Resource Area 2) Aggregate Capacity is Greater than 40% of the SB 79 Capacity		Oakland Capacity in Dwelling Units	SB 79 Capacity in Dwelling Units
	Low Resource	Qualifying Capacity		
Map 10 Uptown Oakland SB	Yes	380.15%	99,812	26,256
Map 11 Uptown Oakland NB	Yes	410.91%	102,925	25,048
Map 12 14 th St. NB	Yes	416.55%	110,614	26,555
Map 13 14 th St. SB	Yes	406.70%	102,037	25,089
Map 14 City Center NB	Yes	400.18%	100,460	25,104
Map 15 City Center SB	Yes	376.51%	94,787	25,175
Map 16 Harrison St NB	Yes	414.13%	105,612	25,502
Map 17 Harrison St SB	Yes	397.25%	101,223	25,481
Map 18 Madison St NB	Yes	394.12%	86,658	21,988
Map 19 Madison St. SB	Yes	380.61%	89,098	23,409
Map 20 2 nd Ave NB	Yes	195.66%	42,075	21,504
Map 21 2 nd Ave SB	Yes	216.23%	45,336	20,967
Map 22 5 th Ave NB	Yes	160.02%	37,658	23,533
Map 23 5 th Ave SB	Yes	142.25%	33,297	23,408
Map 24 10 th Ave NB	Yes	92.00%	20,412	22,186
Map 25 10 th Ave SB	Yes	95.38%	17,846	18,710
Map 26 14 th Ave. SB	Yes	62.97%	10,541	16,739
Map 27 14 th Ave NB	Yes	61.20%	11,343	18,533
Map 28 20 th Ave	Yes	92.74%	17,119	18,459
Map 29 24 th Ave	Yes	75.52%	22,787	30,174
Map 30 28 th Ave	Yes	83.56%	27,519	32,934
Map 31 31 st Ave	Yes	88.53%	29,712	33,563
Map 32 Fruitvale	Yes	91.70%	30,515	33,278
Map 33 39 th Ave	Yes	91.47%	28,457	31,112
Map 34 High	Yes	69.52%	18,182	26,153
Map 35 48 th Ave	Yes	91.89%	20,118	21,893
Map 36 54 th Ave	Yes	72.47%	17,225	23,776

Oakland Tier 2 TOD Zone (AC Transit Tempo Stops)	Criteria for Exclusion1) Low Resource Area 2) Aggregate Capacity is Greater than 40% of the SB 79 Capacity		Oakland Capacity in Dwelling Units	SB 79 Capacity in Dwelling Units
	Low Resource	Qualifying Capacity		
Map 37 Seminary	Yes	62.42%	17,444	27,945
Map 38 63 rd Ave	Yes	68.82%	23,304	33,864
Map 39 67 th Ave	Yes	53.00%	17,385	32,804
Map 40 73 rd Ave	Yes	63.71%	22,204	34,850
Map 41 77 th Ave	Yes	50.02%	15,958	31,901
Map 42 82 nd Ave	Yes	47.79%	15,198	31,801
Map 43 86 th Ave	Yes	46.45%	15,783	33,980
Map 44 90 th Ave	Yes	47.38%	15,822	33,395
Map 45 95 th Ave	Yes	46.69%	15,936	34,135
Map 46 98 th Ave	Yes	61.42%	20,567	33,484
Map 47 103 rd Ave	Yes	64.21%	18,335	28,554
Map 48 Durant Ave parcels in Oakland	Yes	66.54%	9,976	14,993

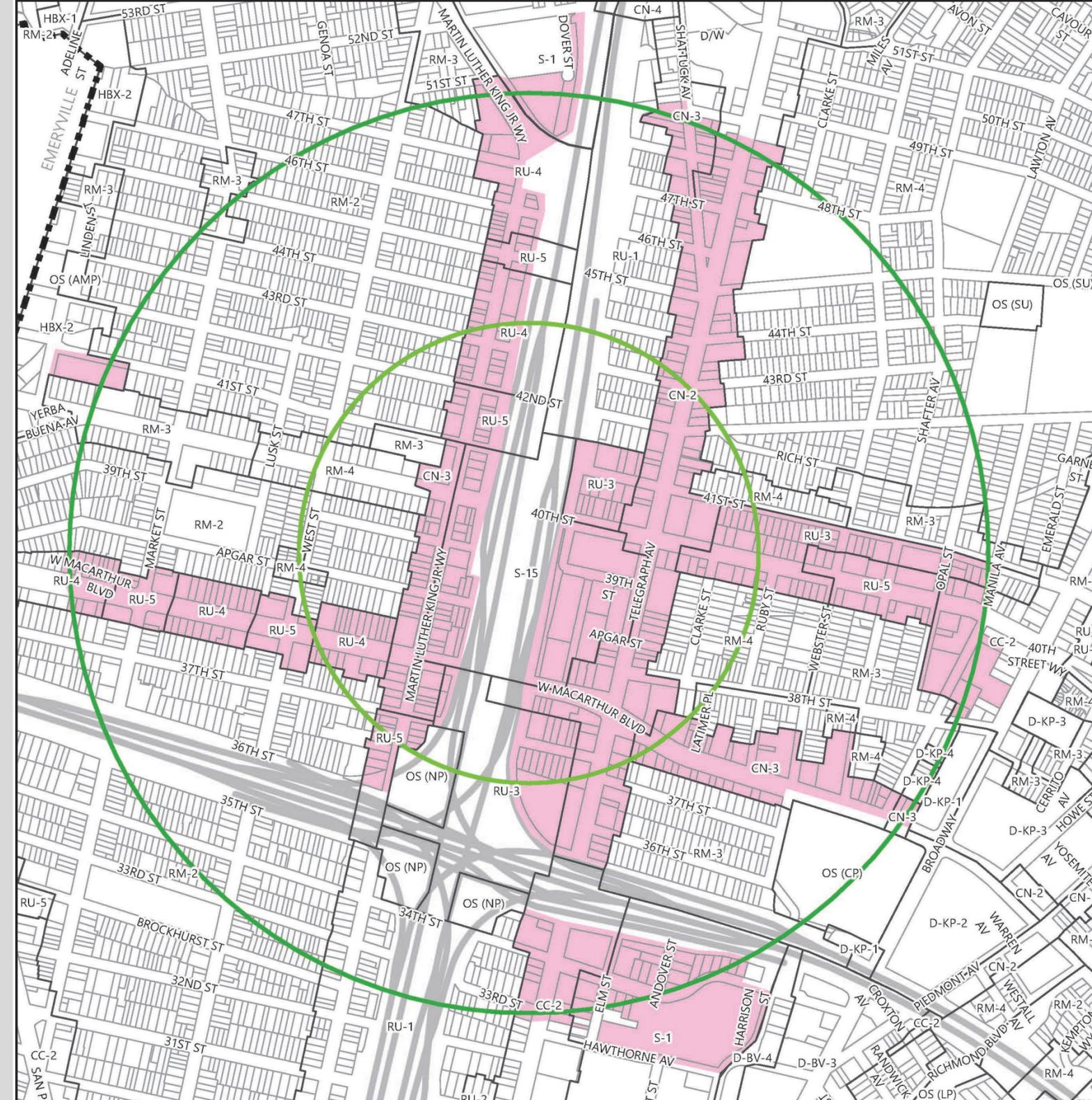
Exclusion 1: 50% of Zoned Density and FAR

- This exclusion applies to parcels in both high resource and low resource TOD Zones.
- Parcels must have existing zoning that allows at least 50% of SB 79 standards for density and Floor Area Ratio (FAR) per (Gov. Code Sec. 65912.161(b)(1)(A)).
- All TOD zones have some parcels that qualify for this exclusion.
- See Ordinance Exhibit C for all maps.



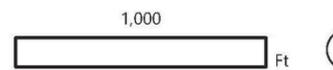
Exclusion 1

- Parcels in Oakland with zoning that exceeds 50% of SB79 density and FAR are shown for the Ashby TOD parcels in Oakland, Rockridge TOD, and MacArthur TOD.
- These are the only parcels qualified for exclusion in these Tier 1 TODs that are not within a low resource area along with any parcels that are Local Register Historic properties shown in Exclusion 3.



MacArthur TOD

**SB 79 Site Exclusion Analysis -
Sites Excluded Based on Zoning Under Gov. Code § 65912.161(b)(1)(A)
(50 percent density and residential FAR)**



TOD Zones

 Zoning designations excluded

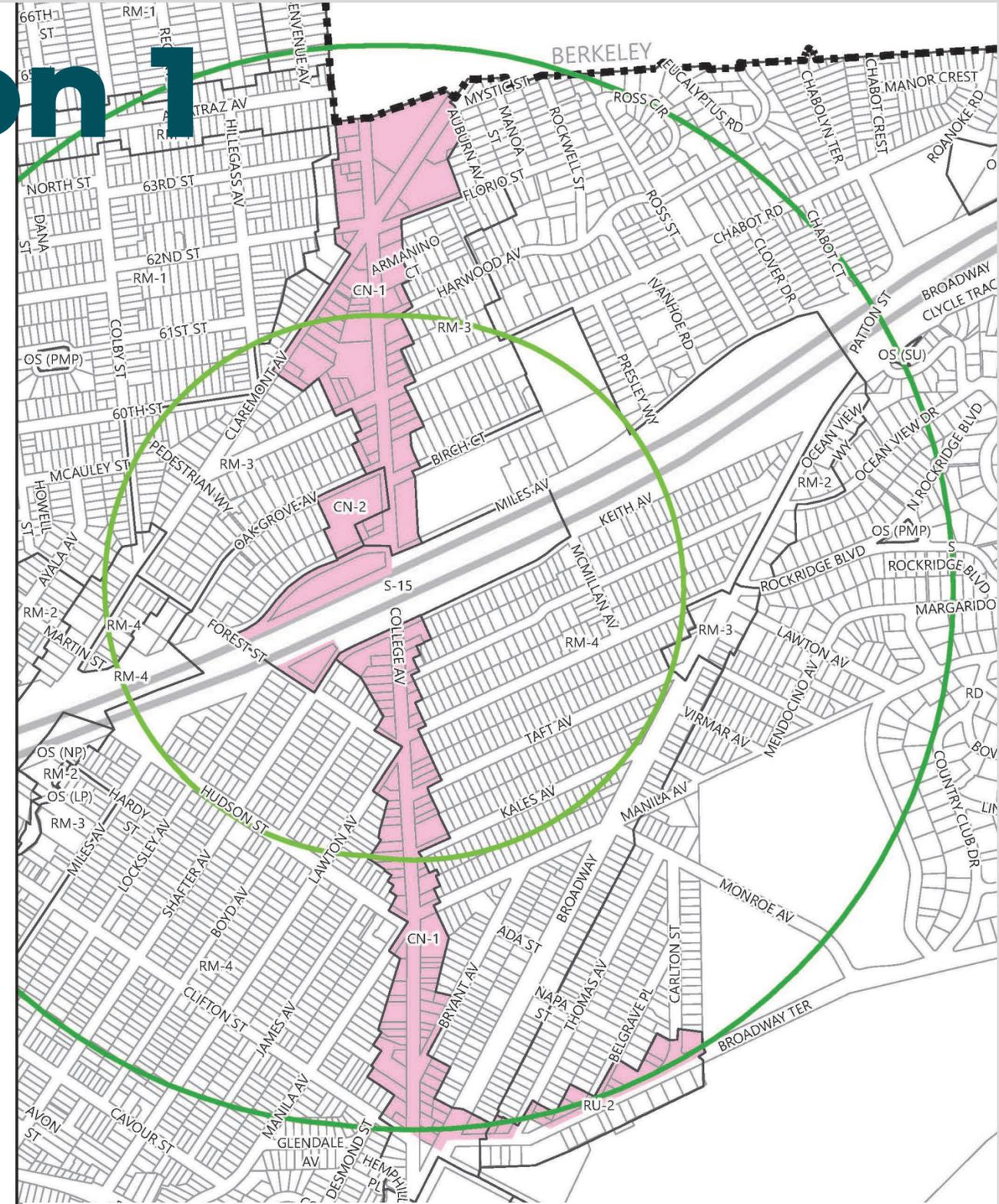
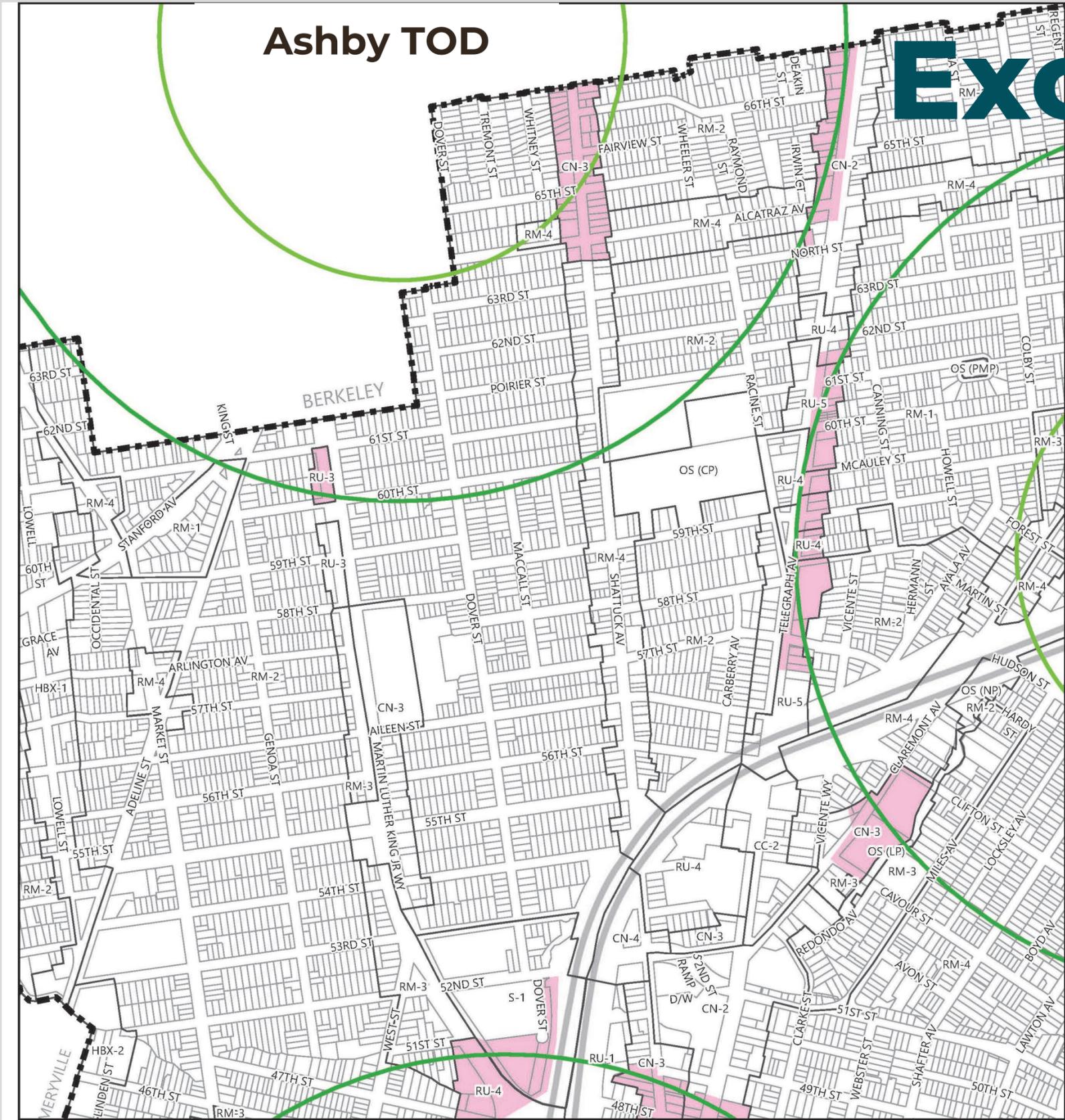
Planning & Building Department



February 4, 2026

Ashby TOD

Exclusion 1



Rockridge TOD

SB 79 Site Exclusion Analysis - Sites Excluded Based on Zoning Under Gov. Code § 65912.161(b)(1)(A) (50 percent density and residential FAR)

SB 79 Site Exclusion Analysis - Sites Excluded Based on Zoning Under Gov. Code § 65912.161(b)(1)(A) (50 percent density and residential FAR)

TOD Zones Zoning designations excluded

Planning & Building Department



TOD Zones

Zoning designations excluded

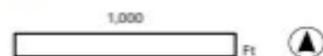
Exclusion 1 Examples for other areas

West Oakland BART TOD and 12th St/19th St overlapping TODs show examples of maps for Exclusion 1 in TODs that also qualify for Exclusion 2 and some parcels for Exclusion 3.

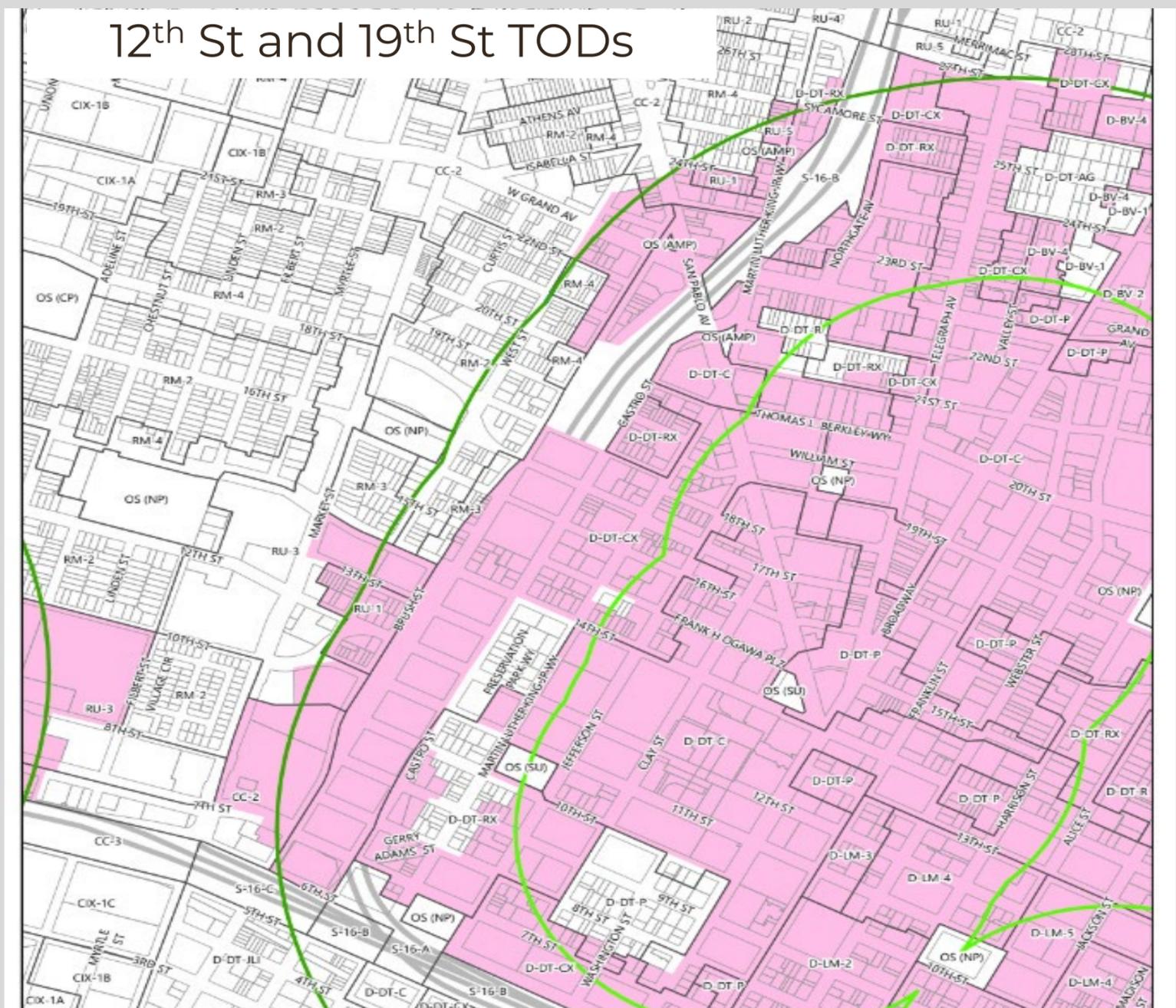


West Oakland TOD

SB 79 Site Exclusion Analysis -
 Sites Excluded Based on Zoning Under Gov. Code § 65912.161(b)(1)(A)
 (50 percent density and residential FAR)

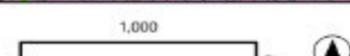


TOD Zones
 Tier 1: within 1/4 mi
 Zoning designations excluded



12th St and 19th St TODs

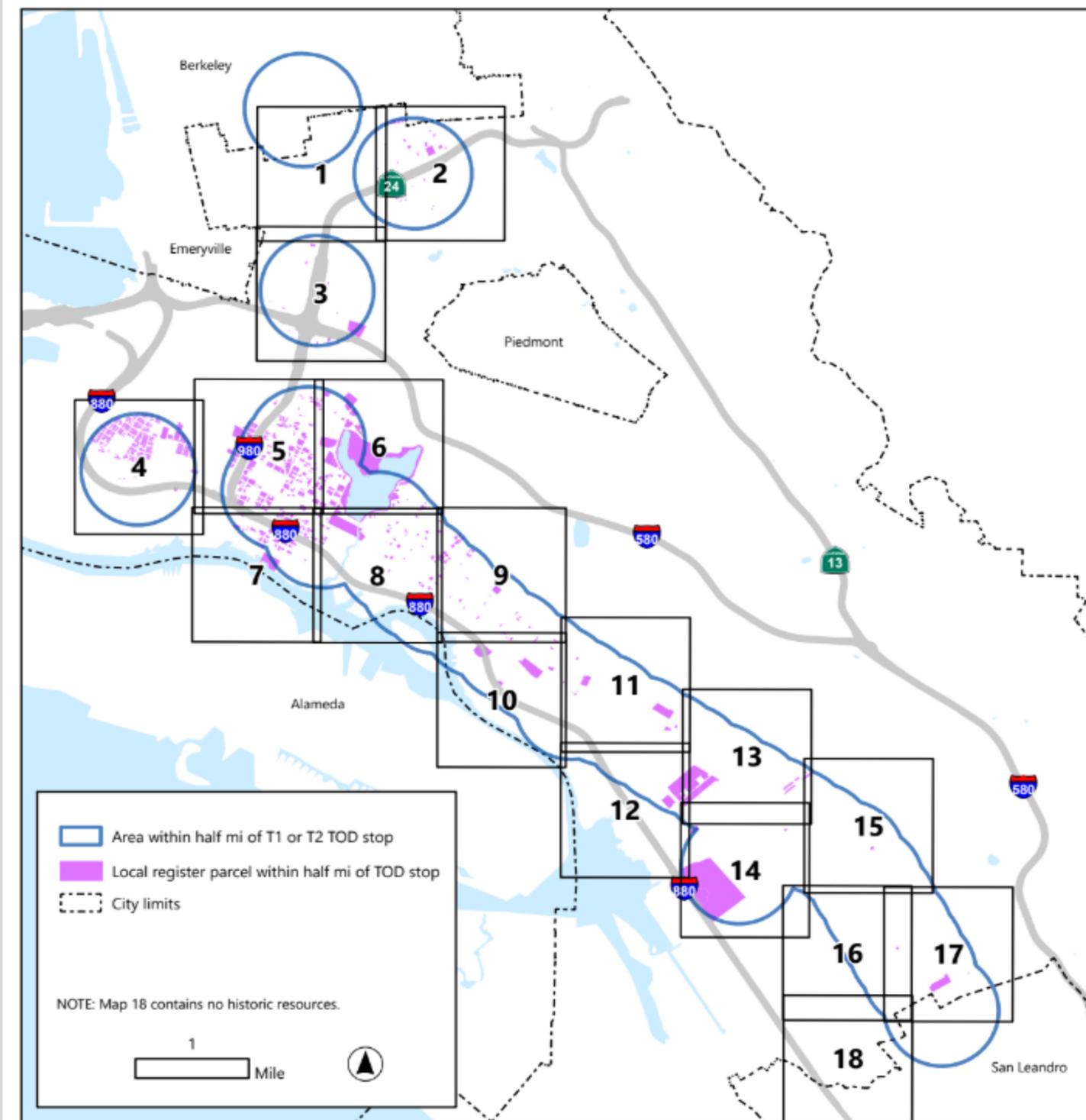
SB 79 Site Exclusion Analysis -
 Sites Excluded Based on Zoning Under Gov. Code § 65912.161(b)(1)(A)
 (50 percent density and residential FAR)



TOD Zones
 Tier 1: within 1/4 mi
 Zoning designations excluded

Exclusion 3: Historic Resources

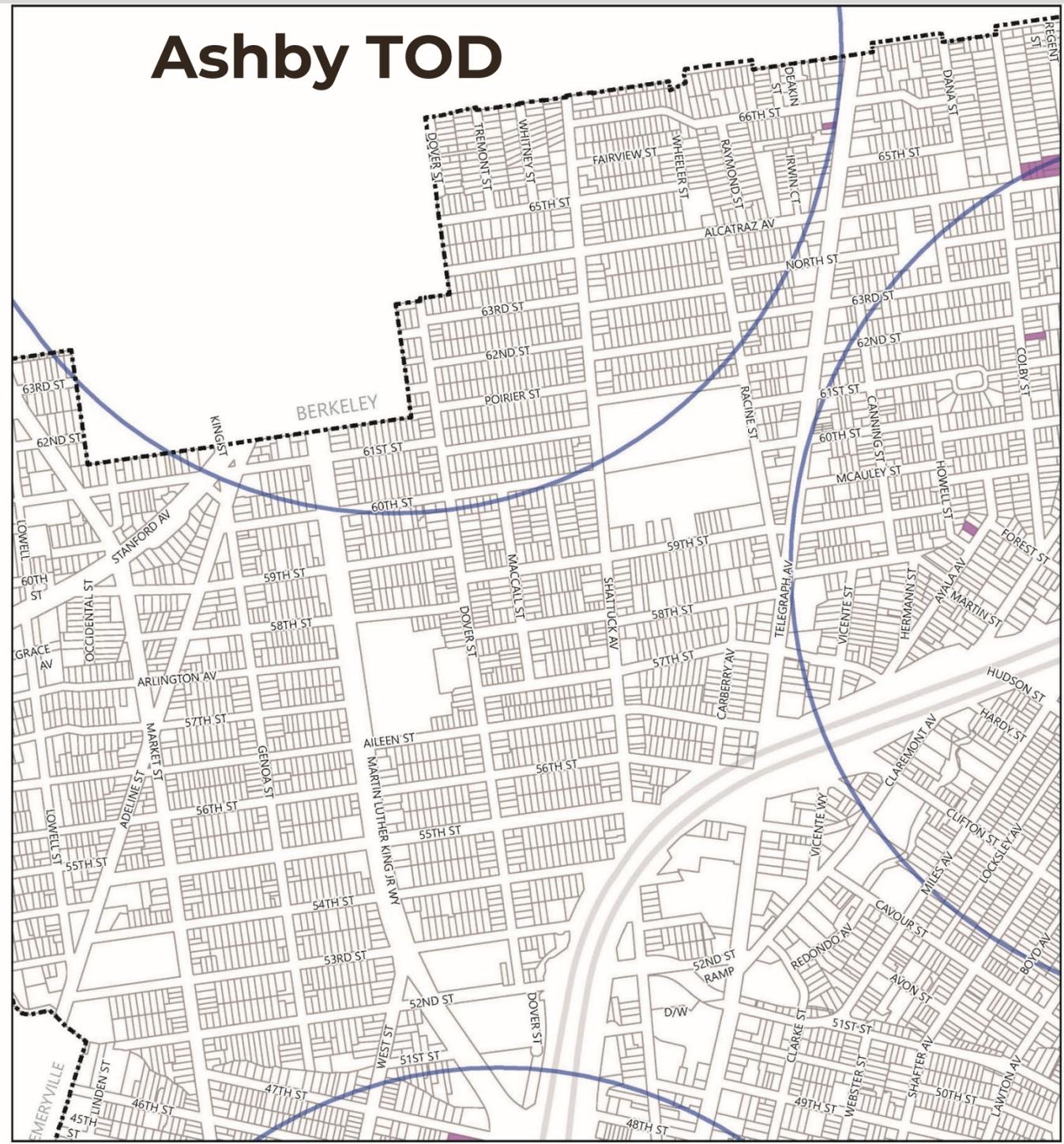
- Exclusion 3 applies to all Local Register properties designated by January 1, 2025 and located in any TOD Zone per (Gov. Code Sec. 65912.161(b)(1)(F)).
- See Ordinance Exhibit D for all maps.



**SB 79 Site Exclusion Analysis of Historic Resources -
Sites Excluded Under Gov. Code § 65912.161(b)(1)(F) (local register of historic resources)**

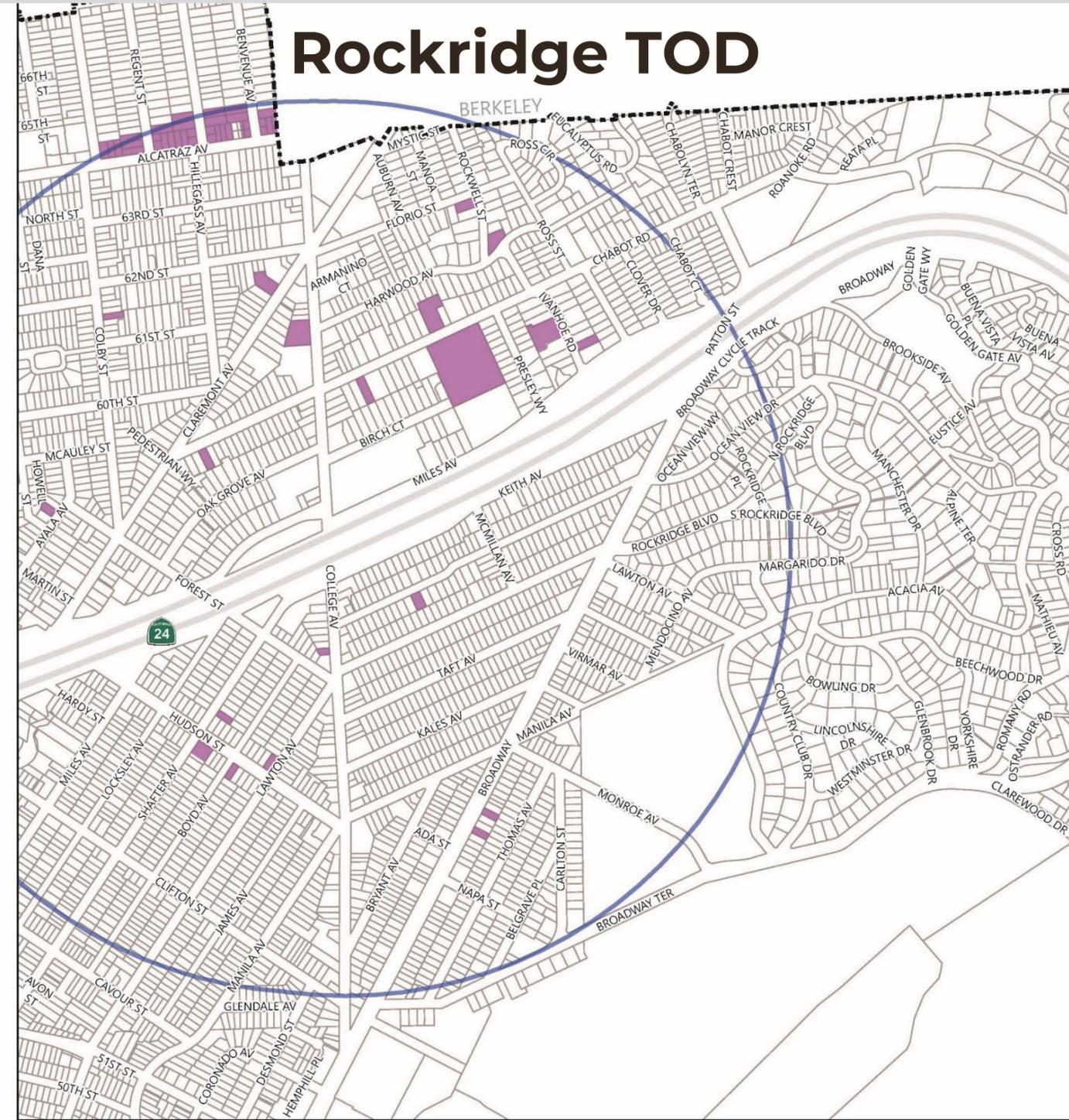
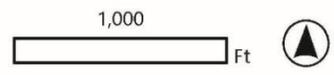


Exclusion 3: Local Register properties in TOD zones not eligible for Exclusion 2



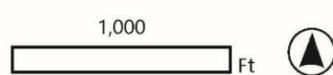
SB 79 Site Exclusion Analysis of Historic Resources - Sites Excluded Under Gov. Code § 65912.161(b)(1)(F) (local register of historic resources)

- Half mile radius from TOD stop entrance
- Local Register parcel within half mi of TOD stop entrance
- City Limits

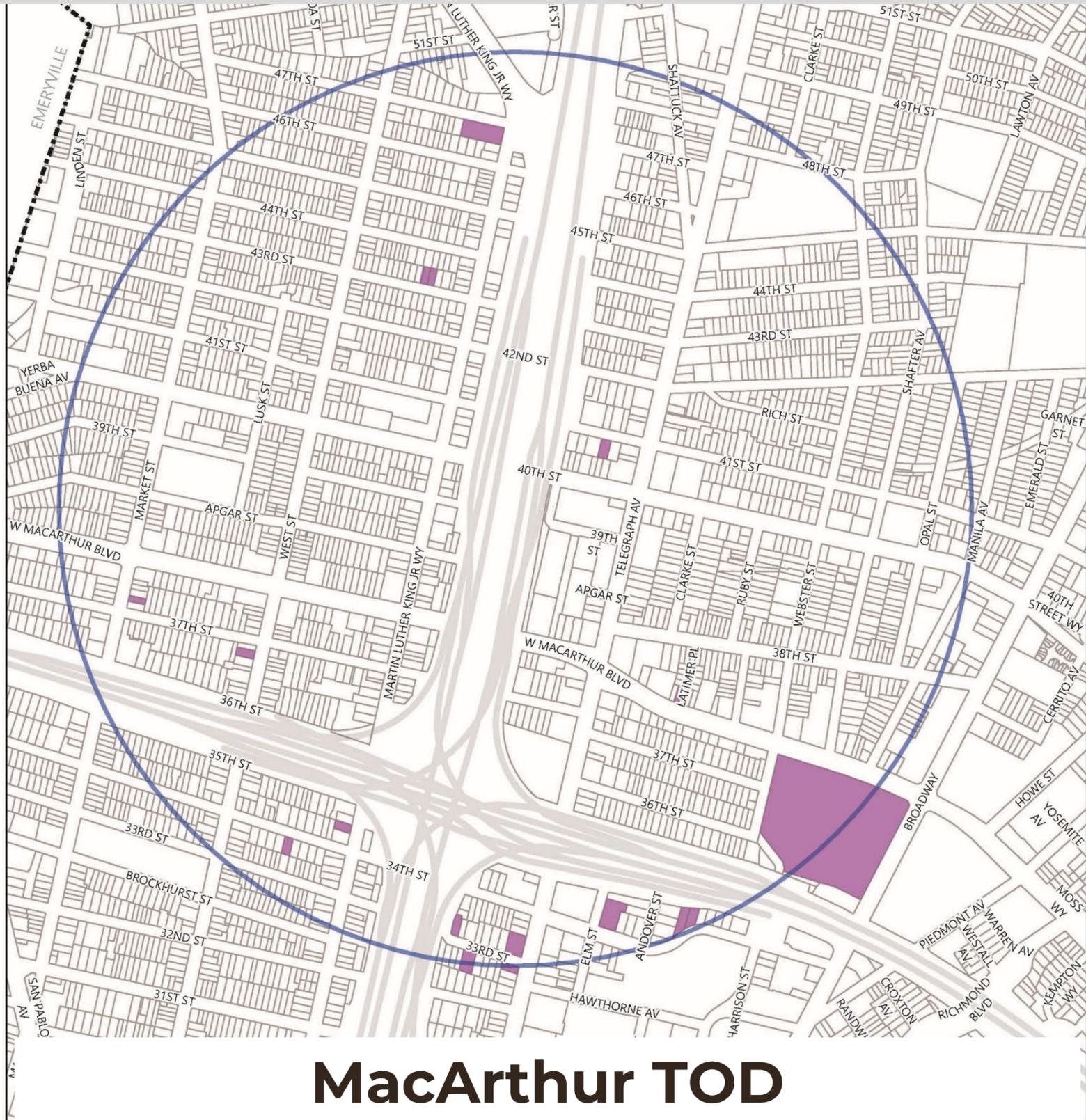


SB 79 Site Exclusion Analysis of Historic Resources - Sites Excluded Under Gov. Code § 65912.161(b)(1)(F) (local register of historic resources)

- Half mile radius from TOD stop entrance
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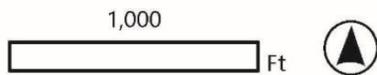
Exclusion 3: Local Register properties in TOD zones not eligible for Exclusion 2



MacArthur TOD

SB 79 Site Exclusion Analysis of Historic Resources - Sites Excluded Under Gov. Code § 65912.161(b)(1)(F) (local register of historic resources)

- Half mile radius from TOD stop entrance
- Local Register parcel within half mi of TOD stop entrance
- City Limits



Proposed S-8 Combining Zone

- Defines Eligible Site under SB 79 as a site zoned for residential, mixed, or commercial development.
- Defines Ineligible Site as a site that does not meet the above criteria, such as sites zoned for industrial or open space activity, or is within the right-of-way.
- Defines Covered Site as a site eligible under SB 79 but not excluded.
- Applies exclusions to certain sites that would otherwise be eligible for SB 79 but qualify for an exclusion.
- Amends the zoning map to show which sites are eligible and ineligible for SB79 regulations and which sites are excluded or covered
- Clarifies that excluded parcels are regulated by the underlying zoning.
- The exclusions shall be applied comprehensively; a site shall be mapped as excluded if it is designated as excluded under any of the exclusions, i.e. Exclusion 1, 2, or 3.

Planning Commission Recommendation

Planning Commission recommended approval with the following recommendations (for changes in the Planning Code, additions are shown in underline and deletions in ~~strikeout~~):

- a. Revise proposed Section 17.86.010, paragraph 2 as follows: “~~These~~ The exclusions included in Section 17.86.060 are valid until January 31, 2032, or one year following the adoption of the seventh revision of the City of Oakland Housing Element, or adoption of a local transit-oriented development alternative plan, whichever occurs first.”
- b. Remove Maps 1-3 from Attachment D [Exclusion 1] and revise Section 17.86.060.A to include "Not including sites within 1/2 mile of Ashby, MacArthur, and Rockridge BART stations." (for clarity, these maps are contained in Exhibit C of the Ordinance and the maps recommended to be removed are maps 1 – 3 in Exhibit C)
- c. Recommend that the City Council direct the City Administrator to present a local alternative plan to the City Council within one year of adoption of a comprehensive amendment to the City of Oakland Land Use and Transportation Element.

Planning Commission Recommendation

- Staff concurs with the Planning Commission recommendations a and c addressing the timeline for exclusions and the development of a local alternative plan but disagrees with recommendation b of removing maps from Exclusion 1.
- Staff recommends that the City Council retain Exclusion 1 for sites within 1/2 mile of Ashby, MacArthur, and Rockridge BART stations for the following reasons, and has proposed this in the Ordinance.
 - The exclusions provided in SB79 give cities additional time to develop alternative local plans. They are not permanent “exclusions.”
 - The proposed exclusion for the Ashby, MacArthur, and Rockridge TODs includes a small portion of parcels that are already zoned for density that achieves at least 50% and sometimes the same as SB79 requirements.
 - The General Plan Update (GPU) work program is underway with a target adoption date of Spring 2027 and is considering upzoning in these areas.
 - An alternative plan is being developed as part of the GPU with implementation of the alternative plan to follow soon after GPU adoption.
 - The exclusions option for these areas gives the City time to engage all communities in the alternative plan process and to consider where higher and lower densities can be applied to achieve the aggregate density required under SB 79 and still address local issues.

Staff Recommendation

Staff requests that the City Council conduct a public hearing and, upon conclusion, adopt an ordinance recommended by the Planning Commission:

- 1) Amending Title 17 Of The Oakland Municipal Code (The Planning Code) To Add Chapter 17.86 S-8 Abundant and Affordable Homes Near Transit (Senate Bill 79) Combining Zone Regulations Identifying Sites Eligible And Ineligible Or Excluded From The Senate Bill 79 Property Development Standards;
- 2) Making Related Oakland Zoning Map Amendments to Designate Parcels Within The S-8 Combining Zone And To Identify Whether Such Designated Parcels Are Eligible For Or Excluded From The Senate Bill 79 Property Development Standards; And
- 3) Making Appropriate California Environmental Quality Act Findings.