



CITY OF OAKLAND
Abundant and Affordable Homes Near Transit Act
Senate Bill 79 Supplemental Application

250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612-2031
Zoning Information: 510-238-3911
<https://www.oaklandca.gov/SB79>

This form is supplemental to the [City of Oakland Basic Application for Development Review](#). The supplemental application form shall be submitted for housing development projects that propose to take advantage of statewide standards for height, density, and residential floor area ratios as provided in Senate Bill 79 (SB 79) and implementing legislation adopted by Oakland City Council. On the Basic Application for Development Review, in Section 1, applicants must also check the box under “Other Applications” and write in “SB 79”. Please, complete all sections below.

APPLICABILITY

To implement California Government Code Sections 65912.155-65912.162.1, the City of Oakland has enacted the S-8 Abundant and Affordable Homes Near Transit Combining Zone Regulations (Planning Code Chapter 17.86) to (1) identify all parcels of land that are within one-half mile of Tier 1 and Tier 2 Transit-Oriented Development Zones; (2) evaluate whether the parcel is eligible under the provision of SB 79; and (3) exclude certain sites that would otherwise be eligible for SB 79 but qualify for an identified exclusion as described in Government Code Section 65912.161 and adopted by the City Council.

Please review the [City of Oakland S-8 GIS map](#) to identify whether the parcel proposed for your development is covered by SB 79 in Oakland. If a parcel is eligible for SB 79 and not excluded as described in Chapter 17.86, then the parcel is classified as “covered” and may be able to take advantage of SB 79’s supplementary development standards. If a parcel is ineligible or is eligible but excluded, then it remains subject to the development standards of the underlying zone.

California Government Code §§ 65912.155 to 65912.162.1:
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202520260SB79

Oakland Planning Code (OPC), Chapter 17.86 S-8 Abundant and Affordable Homes Near Transit (Senate Bill 79) Combining Zone Regulations:
<https://www.oaklandca.gov/Planning-Building/Planning-Zoning/Planning-Codes/Planning-Code-Title-17>

1. GENERAL INFORMATION

PROPERTY ADDRESS: _____

ASSESSOR'S PARCEL NUMBER(S): _____

TOTAL PARCEL SIZE (ACRES): _____

EXISTING ON-SITE USES(S): _____

[] Unit Inventory Supplemental Form provided consistent with Basic Application Section 12.

PROPOSED USE: [] Multifamily [] Mixed-Use (Residential and Commercial)

Owner:

Owner Mailing Address:

City/State:

Zip:

Phone No.:

E-mail:

To be completed only if Applicant is not the Property Owner:

I authorize the applicant below to submit the application on my behalf. _____

Signature of Property Owner

Applicant (Authorized Agent), if different from Owner:

Applicant Mailing Address:

City/State:

Zip:

Phone No.:

E-mail:

2. ELIGIBILITY

Please review the [City of Oakland GIS map](#) to identify whether the parcel proposed for your development is covered by SB 79 in Oakland.

Applicable Zoning Designation: _____

Is the project located on a site identified as covered by SB 79? <i>(covered refers to sites that are both eligible to utilize the SB 79 standards and not temporarily excluded by City ordinance)</i>	YES	NO
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Project Density Requirements Gov. Code §65912.157(a)

Does the project ...

include at least five dwelling units?	YES	NO	
meet a minimum density of at least 30 dwelling units per acre?	YES	NO	
meet the minimum density required under Section 17.96.050? <i>(applicable if parcel is in the S-14 Housing Sites Combining Zone)</i>	YES	NO	N/A

Realistic Capacity: _____

Average total area of floor space must be no more than 1,750 net habitable square feet

[] Attachment Provided with Unit Square Feet calculations

Average total area per unit: _____ square feet

3. ADDITIONAL REQUIREMENTS

Prohibited Demolition

The proposal shall not be located on a site containing more than two units where the development would require the demolition of housing that is subject to any form or rent or price control that has been occupied by tenants within the past seven years; nor on a site previously used for more than two units of housing that were demolished within seven years before the development proponent submits this application and any of the units were subject to any form or rent or price control. (Gov. Code § 65912.157(h))

The proposal must comply with replacement unit requirements under California Government Code Section 66300.6 and local demolition and anti-displacement standards.

Affordable Housing

Gov. Code § 65912.157(i)

Total units (before density bonus): _____

Total affordable units (before density bonus): _____

The project must comply with one of the following (select one):

- ☐ At least 7 percent of the total units dedicated to Extremely Low Income Households.
- ☐ At least 10 percent of the total units dedicated to Very Low Income Households.
- ☐ At least 13 percent of the total units dedicated to Lower Income Households.
- ☐ The project is 10 units or fewer.

Independent of the above, the proposal must comply with the City of Oakland Affordable Housing Impact Fee program under Oakland Municipal Code Chapter 15.72 through fee payment or the provision of affordable housing units. The provision of units under SB 79 count toward City of Oakland program requirements but may require supplemental payment or additional provision of affordable housing units. (Gov. Code §65912.157(i)(2))

Transportation and Capital Improvement Impact Fees

The proposal shall comply with the City of Oakland Transportation and Capital Improvement Impact Fee program under Oakland Municipal Code Chapter 15.74 through fee payment.

Airport Land Use Compatibility Plan and Fire Safety Standards

A development proposed pursuant to this chapter shall be consistent with the height, noise, and safety standards of an adopted airport land use compatibility plan and of otherwise applicable objective fire safety standards established pursuant to the California Building Code, the California Fire Code, the California, Wildland-Urban Interface Code, the Health and Safety Code, the Public Resources Code, or Chapter 6.8 of Part 1 of Division 1 of Title 5 of the Government Code.

Labor Standards

Any transit-oriented housing development pursuant to this section shall meet the labor standards of subparagraphs (A), (B), (C), (D), (F), and (G) of paragraph (8) of subdivision (a) of Section 65913.4 for any building over 85 feet in height, which shall be applicable to the building.

I verify I have read the above requirements and confirm that the project will comply with conditions required under Gov. Code Section 65912.157.

Applicant Signature: _____

Date: _____

4. DEVELOPMENT STANDARDS

Allowed Height, Density, and Residential Floor Area Ratio (Select which SB 79 development standards are applicable to the project):

Note: City may still enforce standards that do not, alone or in concern, prevent achieving the applicable development standards provided by SB 79. (Gov. Code § 65912.157(c))

Tier 1 TOD Stops (BART Stations)

☐ Within 200 feet of BART Station: Height limit of 95 feet, maximum density of 160 du/acre, and residential floor area of 4.5.

☐ Within ¼ mile of BART Station: Height limit of 75 feet, maximum density of 120 du/acre, and residential floor area ratio of 3.5. (additional density bonus concessions if 90 du/acre or more)

☐ Within ½ mile of BART Station: Height limit of 65 feet, maximum density of 100 du/acre, and residential floor area ratio of 3.0. (additional density bonus concessions if 75 du/acre or more)

Tier 2 TOD Stops (AC Transit TEMPO Stops)

☐ Within 200 feet of AC Transit TEMPO Stop: Height limit of 85 feet, maximum density of 140 du/acre, and residential floor area ratio of 4.0.

☐ Within ¼ mile of AC Transit TEMPO Stop: Height limit of 65 feet, maximum density of 100 du/acre, and residential floor area ratio of 3.0. (additional concession if 75 du/acre or more)

☐ Within ½ mile of Tier 2 TOD Stop (AC TEMPO): Height limit of 55 feet, maximum density of 80 du/acre, and residential floor area ratio of 2.5. [65912.157(a)(6)] (additional concession if 60 du/acre or more)

Density Bonus Concessions

☐ The project is also applying for a density bonus under State Density Bonus Law and I will additionally submit the City of Oakland Density Bonus Supplemental Form.

Additional Concessions: A development utilizing both SB 79 and State Density Bonus Law shall be eligible for the following additional concessions, if it meets the applicable density threshold specified for its location:

- (1) For a development providing housing for extremely low income households, three additional concessions.
- (2) For a development providing housing for very low income households, two additional concessions.
- (3) For a development providing housing for low-income households, one additional concession.