

Attachment A:

S-8 Abundant and Affordable Homes Near Transit (Senate Bill 79) Combining Zone

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 ~~striethrough~~.

Chapter 17.86 S-8 Abundant and Affordable Homes Near Transit (Senate Bill 79) **Combining Zone Regulations**

Sections:

17.86.010 - Title, purpose, and applicability.

17.86.020 - Definitions.

17.86.030 – Tier 1 and Tier 2 Transit Oriented Development Stops.

17.86.040 - Zones with which the S-8 Zone may be combined.

17.86.050 – Eligibility.

17.86.060 – Exclusions.

17.86.070 – Property Development Standards.

17.86.080 – Additional Requirements.

17.86.010 - Title, purpose, and applicability.

The provisions of this Chapter shall be known as the S-8 Abundant and Affordable Homes Near Transit (Senate Bill 79) Combining Zone Regulations. This S-8 Zone is intended to implement the provisions codified in California Government Code Title 7, Division 1, Chapter 4.1.5 (commencing with Section 65912.155), enacted by Senate Bill 79 (2025-2026), as may be amended.

The S-8 Zone includes all parcels of land that are within one-half mile of Tier 1 and Tier 2 Transit-Oriented Development Zones, regardless of their zoning designation. This Chapter further evaluates whether a parcel is eligible under the provisions of Senate Bill 79 as a site zoned for residential, mixed, or commercial development. Finally, this Chapter applies exclusions to certain sites that would otherwise be eligible for Senate Bill 79 but qualify for an identified exclusion as described in California Government Code Section 65912.161. These exclusions are valid until January 31, 2032, or one year following the adoption of the seventh revision of the City of Oakland Housing Element, whichever occurs first.

These regulations shall apply in the S-8 Zone and are supplementary to the regulations applying in the base zones with which the S-8 Zone is combined. If a parcel is eligible for SB 79 and not excluded as described in this Chapter, then it may take advantage of SB 79's supplementary development standards (See Section 17.86.070). If a parcel is ineligible or is eligible but excluded, then it remains subject to the development standards of the underlying zone.

17.86.020 - Definitions.

The following definitions included in Government Code Section 65912.156 are incorporated herein by reference and shall be applied to this Chapter only (refer to Section 65912.156 for the definitions, as they may be amended):

- Housing Development Project;
- Low-Resource Area;
- Residential Floor Area Ratio;
- Tier 1 Transit-Oriented Development Stop;
- Tier 2 Transit-Oriented Development Stop;
- Transit-Oriented Development Zone;
- Transit-Oriented Development Stop;

Additional definitions provided in California Government Code Section 65912.156 are not directly incorporated in this Chapter but may be referenced as applicable to this Chapter only.

The following additional definitions, which do not appear in California Government Code Section 65912.156, also apply to this Chapter only:

Covered. Covered is a term used in California Government Code Section 65912.161 to refer to sites that are both eligible to utilize the standards specified under California Government Code Section 65912.157(a) and not excluded by the City utilizing the provisions in California Government Code Section 65912.161(b)(1).

Eligible Project. Eligible Project means a Housing Development Project proposed on an Eligible Site that additionally meets all requirements for the development under California Government Code Section 65912.157.

Eligible Site. Eligible Site means a site within the S-8 Zone (within one-half mile of a TOD Stop as identified under Section 17.86.030) that is zoned for residential, mixed, or commercial development, as further identified under Section 17.86.050.

Ineligible Site. Ineligible Site means a site within the S-8 zone (within one-half mile of a TOD Stop) that is not zoned for residential, mixed, or commercial development, as further identified under Section 17.86.050.

SB 79 or Senate Bill 79. Senate Bill 79 refers to the California legislation approved by the California Governor on October 10, 2025, that added Chapter 4.1.5 to Division 1 of Title 7 of the California Government Code. Senate Bill 79 is also referred to as the Abundant and Affordable Homes Near Transit Act.

TOD. TOD is an abbreviation of Transit-Oriented Development and is used in reference to Transit-Oriented Development Stops and Transit-Oriented Development Zones.

17.86.030 - Tier 1 and Tier 2 Transit Oriented Development Stops

The following Tier 1 TOD stops are located within the City of Oakland:

- Rockridge BART Station
- MacArthur BART Station
- 19th Street BART Station
- 12th Street BART Station
- West Oakland BART Station
- Lake Merritt BART Station
- Fruitvale BART Station
- Coliseum BART Station

The following Tier 1 TOD stop is located outside of the City of Oakland but within one-half mile of the city boundary such that certain Oakland parcels are within the TOD zone surrounding the stop:

- Ashby BART Station

The following Tier 2 TOD stops are located within the City of Oakland:

- AC Transit TEMPO Uptown Oakland Southbound Stop
- AC Transit TEMPO Uptown Oakland Northbound Stop
- AC Transit TEMPO 14th Street Northbound Stop
- AC Transit TEMPO 14th Street Southbound Stop
- AC Transit TEMPO City Center Northbound Stop
- AC Transit TEMPO City Center Southbound Stop
- AC Transit TEMPO Harrison Street Northbound Stop
- AC Transit TEMPO Harrison Street Southbound Stop

- AC Transit TEMPO Madison Street Northbound Stop
- AC Transit TEMPO Madison Street Southbound Stop
- AC Transit TEMPO 2nd Ave Northbound Stop
- AC Transit TEMPO 2nd Avenue Southbound Stop
- AC Transit TEMPO 5th Avenue Northbound Stop
- AC Transit TEMPO 5th Avenue Southbound Stop
- AC Transit TEMPO 10th Avenue Northbound Stop
- AC Transit TEMPO 10th Avenue Southbound Stop
- AC Transit TEMPO 14th Avenue Northbound Stop
- AC Transit TEMPO 14th Avenue Southbound Stop
- AC Transit TEMPO 20th Avenue Stop
- AC Transit TEMPO 24th Avenue Stop
- AC Transit TEMPO 28th Avenue Stop
- AC Transit TEMPO 31st Avenue Stop
- AC Transit TEMPO Fruitvale Stop
- AC Transit TEMPO 39th Avenue Stop
- AC Transit TEMPO High Street Stop
- AC Transit TEMPO 48th Avenue Stop
- AC Transit TEMPO 54th Avenue Stop
- AC Transit TEMPO Seminary Stop
- AC Transit TEMPO 63rd Avenue Stop
- AC Transit TEMPO 67th Avenue Stop
- AC Transit TEMPO 73rd Avenue Stop
- AC Transit TEMPO 77th Avenue Stop
- AC Transit TEMPO 82nd Avenue Stop
- AC Transit TEMPO 86th Avenue Stop
- AC Transit TEMPO 90th Avenue Stop
- AC Transit TEMPO 95th Avenue Stop
- AC Transit TEMPO 98th Avenue Stop
- AC Transit TEMPO 103rd Avenue Stop

The following Tier 2 TOD stop is located outside of the City of Oakland but within one-half mile of the city boundary such that certain Oakland parcels are within the TOD zone surrounding the stop:

- AC Transit TEMPO Durant Avenue Stop

17.86.040 - Zones with which the S-8 Zone may be combined; Mapping.

The S-8 Zone may be combined with any zone that is located within one-half mile of a Tier 1 or Tier 2 TOD stop.

The City shall indicate on its public zoning map all properties included within the S-8 Combining Zone. For each parcel in the S-8 Combining Zone, the City shall indicate whether the property is Ineligible as described in Section 17.86.050, Eligible but excluded as described in Section 17.86.060, or Eligible and not excluded, i.e. Covered. The exclusions shall be applied comprehensively; a site shall be mapped as excluded if it is designated as excluded under any of the exclusions described in paragraphs A, B, or C of Section 17.86.060. The ordinance adopting this Chapter shall be accompanied by maps identifying such parcels.

17.86.050 - Eligibility.

A site within the S-8 Zone is considered an Eligible Site that may utilize the development standards provided under this S-8 Combining Zone and the Abundant and Affordable Homes Near Transit Act only if the site is zoned for residential, mixed, or commercial development.

The following zones are not residential, mixed, or commercial zones and therefore a site with any such designation is an Ineligible Site and may not utilize the development standards provided in the Abundant and Affordable Homes Near Transit Act:

- OS Open Space Zoning Designations
- M-40 Industrial Zone Designations
- CIX, IG, and IO Industrial Zone Designations
- S-16 Interstate Corridor Commercial Zone Designations
- D-CE-5, D-CE-6 Central Estuary District Industrial Zone Designations
- D-GI Gateway District Industrial Zone Designations
- D-CO-5, D-CO-6 Coliseum Area Industrial Zone Designations
- D-DT-JLI Downtown District Jack London Industrial Zone Designations
- Undesignated areas serving as road, highway, train track, bicycle lane, and other right of way.
- Parcels lying underwater.

17.86.060 - Exclusions.

California Government Code Section 65912.161(b) provides that local governments may enact an ordinance excluding certain sites otherwise located in zones eligible for Senate Bill

79 standards if those sites meet enumerated criteria. In enacting this Section 17.86.060, the City of Oakland adopts the following exclusions:

A. **Sites permitting density and residential floor area ratios at no less than 50 percent of the standards specified under California Government Code Section 65912.157. (Gov. Code Sec. 65912.161(b)(1)(A))** Sites with the following zoning designations are excluded based on the provision of maximum densities and residential floor area ratio exceeding fifty (50) percent of those standards provided in the Abundant and Affordable Homes Near Transit (Senate Bill 79):

- For sites within one-quarter mile of a Tier 1 TOD stop:
 - a. RU-3, RU-4, RU-5
 - b. CN (all height areas except the 35* height area)
 - c. CC (all height areas)
 - d. CR-2 (all height areas)
 - e. HBX-3, HBX-4
 - f. S-1
 - g. S-15, S-15W (all height areas)
 - h. D-OTN
 - i. D-BV-2, D-BV-3, and D-BV-4 (all height areas except the 45* height area)
 - j. D-CE-3, D-CE-4
 - k. D-LM (all height areas)
 - l. D-CO-1, D-CO-2
 - m. D-DT-P, D-DT-C, D-DT-CX, D-DT-R, D-DT-RX, and D-DT-CPW (all height areas except Height Area 1, Height Area 2, Height Area 5, and Height Area 12)
- For sites further than one-quarter mile but within one-half mile of a Tier 1 TOD stop, all zones listed in paragraph 1 above, and additionally:
 - a. RU-2
 - b. HBX-2
- For sites within one-quarter mile of a Tier 2 TOD stop, all zones listed in paragraphs 1 and 2 above.
- For sites further than one-quarter mile but within one-half mile of a Tier 2 TOD stop, all zones listed in paragraph 1 and 2 above, and additionally:
 - a. RU-1
 - b. HBX-1

c. Height Area 5 of D-DT-P, D-DT-C, D-DT-CX, D-DT-R, D-DT-RX, D-DT-CPW

- If a site located within one-half mile of a Tier 2 TOD stop is also within one-half mile of a Tier 1 TOD stop, then the site is excluded only if it has a zoning designation listed in paragraph 1 (if within one-quarter mile of the Tier 1 TOD stop) and paragraph 2 (if further than one-quarter mile but within one-half mile of a Tier 1 TOD stop) above.
- For sites that are split between two or more zoning designations, the site is excluded if all of the zoning designations applicable to the parcel qualify for exclusion as described in this subsection A.

B. **Sites in a Transit-Oriented Development Zone around a Transit-Oriented Development Stop that is primarily comprised of a Low-Resource Area which includes sites with densities that cumulatively allow for at least 40 percent of the aggregate density for the Transit-Oriented Development Zone specified in the Abundant and Affordable Homes Near Transit (Senate Bill 79). (Gov. Code Sec. 65912.161(b)(1)(B)(ii))** The following TOD stops, and therefore all parcels located within one-half mile of those TOD stops, are primarily comprised of a low-resource area and include sites with densities cumulatively exceeding forty (40) percent of those specified in Section 65912.157(a). The TOD zones surrounding the following TOD stops are excluded from the standards provided in Senate Bill 79:

- 19th Street BART Station (Map 4)
- 12th Street BART Station (Map 5)
- West Oakland BART Station (Map 6)
- Lake Merritt BART Station (Map 7)
- Fruitvale BART Station (Map 8)
- Coliseum BART Station (Map 9)
- AC Transit TEMPO Uptown Oakland Southbound Stop (Map 10)
- AC Transit TEMPO Uptown Oakland Northbound Stop (Map 11)
- AC Transit TEMPO 14th Street Northbound Stop (Map 12)
- AC Transit TEMPO 14th Street Southbound Stop (Map 13)
- AC Transit TEMPO City Center Northbound Stop (Map 14)
- AC Transit TEMPO City Center Southbound Stop (Map 15)
- AC Transit TEMPO Harrison Street Northbound Stop (Map 16)
- AC Transit TEMPO Harrison Street Southbound Stop (Map 17)
- AC Transit TEMPO Madison Street Northbound Stop (Map 18)
- AC Transit TEMPO Madison Street Southbound Stop (Map 19)

- [AC Transit TEMPO 2nd Ave Northbound Stop \(Map 20\)](#)
- [AC Transit TEMPO 2nd Avenue Southbound Stop \(Map 21\)](#)
- [AC Transit TEMPO 5th Avenue Northbound Stop \(Map 22\)](#)
- [AC Transit TEMPO 5th Avenue Southbound Stop \(Map 23\)](#)
- [AC Transit TEMPO 10th Avenue Northbound Stop \(Map 24\)](#)
- [AC Transit TEMPO 10th Avenue Southbound Stop \(Map 25\)](#)
- [AC Transit TEMPO 14th Avenue Southbound Stop \(Map 26\)](#)
- [AC Transit TEMPO 14th Avenue Northbound Stop \(Map 27\)](#)
- [AC Transit TEMPO 20th Avenue Stop \(Map 28\)](#)
- [AC Transit TEMPO 24th Avenue Stop \(Map 29\)](#)
- [AC Transit TEMPO 28th Avenue Stop \(Map 30\)](#)
- [AC Transit TEMPO 31st Avenue Stop \(Map 31\)](#)
- [AC Transit TEMPO Fruitvale Stop \(Map 32\)](#)
- [AC Transit TEMPO 39th Avenue Stop \(Map 33\)](#)
- [AC Transit TEMPO High Street Stop \(Map 34\)](#)
- [AC Transit TEMPO 48th Avenue Stop \(Map 35\)](#)
- [AC Transit TEMPO 54th Avenue Stop \(Map 36\)](#)
- [AC Transit TEMPO Seminary Stop \(Map 37\)](#)
- [AC Transit TEMPO 63rd Avenue Stop \(Map 38\)](#)
- [AC Transit TEMPO 67th Avenue Stop \(Map 39\)](#)
- [AC Transit TEMPO 73rd Avenue Stop \(Map 40\)](#)
- [AC Transit TEMPO 77th Avenue Stop \(Map 41\)](#)
- [AC Transit TEMPO 82nd Avenue Stop \(Map 42\)](#)
- [AC Transit TEMPO 86th Avenue Stop \(Map 43\)](#)
- [AC Transit TEMPO 90th Avenue Stop \(Map 44\)](#)
- [AC Transit TEMPO 95th Avenue Stop \(Map 45\)](#)
- [AC Transit TEMPO 98th Avenue Stop \(Map 46\)](#)
- [AC Transit TEMPO 103rd Avenue Stop \(Map 47\)](#)
- [AC Transit TEMPO Durant Avenue Stop \(Map 48\)](#)

C. **Sites with a historic resource designated as of January 1, 2025, on a local register.** **(Gov. Code Sec. 65912.161(b)(1)(F))** All sites on the Local Register as mapped on City of Oakland Geospatial Information System Zoning Map as of January 1, 2025, are excluded. Policy 3.8 of the City of Oakland Historic Preservation Element, an element of the Oakland General Plan, defines the Local Register of Historic Resources. The Local Register is defined to include all Oakland Landmarks, S-7 and S-20

Preservation District combining zone properties, “Potentially Designated Historic Properties” that have an existing survey rating of “A” or “B” or are located within Areas of Primary Importance (APIs), Heritage Properties, and Preservation Study List Properties.

17.86.070 - Property Development Standards.

A housing development project proposed on an S-8 Zone covered site shall be an allowed use as a transit-oriented housing development. Such covered developments must comply with all applicable requirements described under California Government Code Section 65912.157, as may be amended, including but not limited to minimum density, replacement unit, demolition, anti-displacement, inclusionary housing, and labor standards.

The transit-oriented housing development shall be subject to the height limit, maximum density and residential floor area standards provided in California Government Code Section 65912.157, as may be amended.

17.86.080 - Additional Requirements.

S-8 Zone transit-oriented housing developments utilizing increased height, density, and residential floor area standards provided by California Government Code Section 65912.157 remain subject to local requirements otherwise applicable to housing development projects, including but not limited to the following:

1. Development plans must be approved pursuant to all applicable design review procedures in Oakland Planning Code Chapter 17.136.
2. Developments proposing to remove protected trees shall comply with Oakland Municipal Code Chapter 12.36, Protected Trees.
3. Developments proposed on properties with creeks shall comply with Oakland Municipal Code Chapter 13.16, City of Oakland Creek Protection, Storm Water Management, and Discharge Control Ordinance.
4. Proposals requiring demolition of potentially designated historic properties not otherwise excluded shall comply with Planning Code Section 17.136.075.
5. Proposals requiring demolition of protected units not otherwise prohibited shall comply with Chapter 17.122, Replacement Housing Unit Regulations.
6. Developments proposing to utilize State Density Bonus Law shall comply with the procedures in Oakland Planning Code Chapter 17.107, Density Bonus and Incentive Procedure.

7. Developments shall be subject to City of Oakland Uniformly Applied Standard Conditions of Approval.
8. Developments shall comply with Oakland Municipal Code Chapter 15.68, Jobs/Housing Impact Fee; Chapter 15.72, Affordable Housing Impact Fees; Chapter 15.74, Transportation and Capital Improvements Impact Fees; and Chapter 15.78, Public Art Requirements For Private Development , as applicable.
9. Developments proposing subdivision of land shall comply with Oakland Municipal Code Title 16.