



CITY OF OAKLAND

AGENDA REPORT


TO: Jestin D. Johnson
City Administrator

FROM: William Gilchrist
Director, Planning &
Building Department

SUBJECT: Study Session On Proposed
Revisions To The Planning Code and
Zoning Map, And General Plan Text
And Map To Implement Actions
Proposed in Phase 1 Of The Oakland
2045 General Plan Update Process

DATE: June 29, 2023

City Administrator Approval


Jestin Johnson (Jun 29, 2023 23:25 PDT)

Date: Jun 29, 2023

RECOMMENDATION

Conduct A Study Session On the Oakland 2045 General Plan Update Phase 1 Process As Follows: (A) Receive An Informational Presentation On The Proposed Planning Code Amendments To Implement Actions Proposed in Phase 1 Of The Oakland 2045 General Plan Update Process; (B) Receive An Informational Presentation On The Proposed Geographically Specific Zoning And Height Area Map Changes; (C) Receive An Informational Presentation On The General Plan Land Use Map and Text Changes; And (D) Provide Feedback to Staff On The Proposed Planning Code Amendments, Zoning And Height Area Map Changes, And Land Use Map And Text Changes

EXECUTIVE SUMMARY

The Oakland 2045 General Plan Update (GPU) process began in late 2021 and is being undertaken in two phases: Phase 1 includes updates to the City of Oakland (City) [2023-2031 Housing Element \(Resolution No.89565 C.M.S\)](#), [Safety Element](#), creation of City's first [Environmental Justice \(EJ\) Element](#), and draft zoning code and map amendments to implement many of the actions proposed in the 2023-2031 Housing Element, Safety Element, and Environmental Justice Element. The Public Review Draft General Plan Safety Element and Environmental Justice Element; and the proposed Planning Code, Zoning Map, Height Map, and General Plan text and map amendments are analyzed in the Draft Environmental Impact Report (EIR). Staff will finalize the EIR, Safety Element, Environmental Justice Element and the proposed Planning Code Zoning Map, Height Map, and General Plan text and map amendments and bring it back to City Council for adoption hearings in the Fall of 2023.

Community and Economic Development Committee
July 11, 2023

Jestin D. Johnson, City Administrator

Subject: Study Session On Proposed Revisions To The Planning Code and Zoning Map, And General Plan Text And Map To Implement Actions Proposed in Phase 1 Of The Oakland 2045 General Plan Update Process

Date: June 29, 2023

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Phase II of the GPU process will consider updates to the Land Use and Transportation (LUTE) Element; Estuary Policy Plan; Open Space, Conservation and Recreation (OSCAR) Element; Noise Element; and the creation of a new Infrastructure and Capital Facilities Element. Phase II will also undertake a comprehensive zoning update process that will include citywide changes to residential, commercial, and industrial zones, etc., and is tentatively scheduled to kick off in late Fall 2023.

The proposed Planning Code amendments included as part of Phase 1 of the Oakland 2045 GPU process were introduced in "Draft" as part of the Housing Element and revised and subject to a robust public process, as discussed further below. The amendments are in support of the City's ongoing efforts to implement the actions in the 2023-2031 Housing Element Housing Action Plan (HAP), further fair housing, advance environmental justice, remove constraints to housing development, address safety concerns due to natural and human-made hazards, and help streamline the Planning approval process. The proposed Planning Code and General Plan text and map amendments, in combination with the proposed Zoning and Height Area Map changes, are anticipated to alter how and where new housing is produced throughout the city.

Timeline

The preliminary zoning proposals and draft overlay maps were first published in September 2022 during the Housing Element update process. Subsequently, in response to State HCD feedback, staff created [Appendix J: Zoning Proposals](#) in the [2023-2031 Housing Element](#) and provided a summary of the Missing Middle and Related Planning Code Amendments, the Affordable Housing Overlay (AHO) Zone and the Housing Sites Overlay Zone, and Industrial Code Amendments as a starting point for community discussions. In December 2022, a focus group was held with affordable housing developers to review and get feedback on the AHO Zoning proposal. In February 2023 a General Plan Update [Technical Advisory Committee \(TAC\) meeting](#) was held to gather input on the proposed Missing Middle, AHO Zone, Housing Sites Overlay Zone, and Industrial Land Zoning Code Change.

In March of 2023 after adoption of the 2023-2031 Housing Element, staff turned Appendix J from the Housing Element into detailed draft code amendments. The draft amendments were available on the [City's website](#) for a 68-day public review and comment period from March 3, 2023, to May 9, 2023. During this comment period, staff held a [focus group in March 2023](#) to get feedback on the Missing Middle Housing Type zoning amendments proposal and hosted a [virtual town hall](#) in April 2023 to discuss the full zoning amendments proposal and get feedback from the public. Staff also hosted an open house in partnership with BART to discuss the Transit Oriented Development possibilities and upzoning at the Rockridge BART Station in April 2023. In addition, staff participated in two Equity Working Group (EWG) meetings to receive feedback on the proposed Zoning Amendments. And, staff held three public hearings on the Zoning Amendments at the [3.15.23](#) and [4.12.23](#) meetings of the Zoning Update Committee (ZUC) of the Planning Commission and the [5.1.23](#) meeting of the Landmarks Preservation Advisory

Board (LPAB). Staff received 39 public comments (letters, emails, and in-person statements at hearings) from the community on the proposed amendments. See the section on Community Engagement Process and Feedback for more information.

Overview of Proposed Planning Code Amendments

The proposed amendments to the Oakland Planning Code redefine certain zoning designations and change development standards to allow for a range of multi-unit or “missing middle” housing types and affordable housing in existing neighborhoods, including currently single-family-dominated neighborhoods; and along corridors, transit-proximate areas, and high resource neighborhoods. The proposed amendments encourage different housing types, incentivize affordable housing, reduce constraints on housing development, and protect areas and populations affected by pollution. See below for a summary of the proposed amendments.

- (1) **Create new zoning standards in low-density residential zones** (Detached Unit Residential [RD] and Mixed Housing Type Residential [RM]) that would reduce the minimum setbacks and lot size, remove constraints to lot splitting, and allow for a wider variety of housing types (flats, duplexes, triplexes, fourplexes, townhomes/ rowhouses, and other neighborhood-scaled multi-unit building types). These changes would:
 - Reduce parking requirements to lower the cost of new housing production;
 - Reduce minimum lot size and setback standards to facilitate small lot development;
 - Revise open space regulations to ensure that more of a lot’s buildable area can be dedicated to new housing units;
 - Revise and update residential density and building height standards to permit more housing units per lot where appropriate throughout the city;
 - Consolidate the current RD-1 and RD-2 Zones into a single new RD Zone; and allow up to 4 units by right (where only one primary unit is currently allowed in the RD-1 Zone and a second unit is only allowed in the RD-2 Zone with a conditional use permit (CUP));
 - Allow two primary units in the RH-4 Zone (where only one primary unit is currently allowed) - as long as the project is not located within the S-9 Fire Safety Protection Zone; and the minimum pavement width is at least 26 feet for all streets connecting lot to nearest arterial;
 - Create a new residential facility type called “Two- to Four-Family Residential Facility” that would replace the current “Two-Family Residential Facility” Type throughout the Planning Code; and change the definition of a “Multifamily Residential Facility” from the current 3 or more units to 5 or more units;
 - Eliminate all conditionally permitted densities throughout Planning Code (densities will all be by-right);

- Remove the existing prohibition on Residential units on the ground floor in the CN Commercial Zones and increase the existing allowance for ground-floor residential in the CC Commercial Zones.
- (2) **Increase heights in commercial zones along corridors and near BART stations** (CN, CC, CR, and S-15 Zones); and **increase heights and densities along existing transit corridors** such as San Pablo, International, Foothill, Shattuck, Telegraph, College, Claremont, and MacArthur and in areas near high-capacity transit, near BART and Bus Rapid Transit (BRT) Stations.
- (3) **Create ministerial approvals for affordable housing developments and incentivize affordable housing through** a new Affordable Housing Overlay (AHO) zone and new Housing Sites Overlay zone.
- (4) **Reduce environmental burden due to pollution impacts** on sensitive receptors, such as residential areas, schools, hospitals, etc. These proposed changes would:
- Reduce the allowed intensity of commercial and industrial activities permitted in the Housing and Business Mix (HBX) Commercial Zones, particularly HBX-1, to minimize impacts on residential uses;
 - Address the recent emergence of “ghost kitchen” industrial activities in close proximity to residential;
 - Require certain heavier industrial uses in the Commercial Industrial Mix (CIX), General Industrial (IG), and Industrial Office (IO) Zones to obtain a CUP if located within 500 feet of a Residential Zone;
 - Require truck-intensive uses to obtain special Conditional Use Permits/application of special performance standards and standard conditions of approval;
 - Reduce land-use conflicts in industrial zones;
 - Amend expiration timelines for Nonconforming Uses and CUP termination timelines for truck-intensive uses.
- (5) **Facilitate the production of special housing types** by updating special housing regulations to comply with State Law.
- (6) **Streamline and simplify the development approval process.** These proposed changes would:
- Amend the Permitted and Conditionally Permitted Activity charts throughout the Planning Code to streamline and expedite the approval of new businesses by removing unnecessary restrictions;
 - Revise public noticing regulations to include notice to building occupants, not just owners;
 - Clean up and clarify Planning Code language where necessary, remove inconsistencies, and make miscellaneous revisions that further fair housing, advance environmental justice, remove constraints to housing development,

address safety concerns due to natural and human-made hazards, and help streamline the Planning approval process;

- Eliminate requirements for telecommunication facility applicants to establish a sinking fund in response to the Auditor's report;
- Remove the current redundant requirement for Planning approval of Sidewalk Cafes, and instead defer to Oakland DOT's existing approval process for such elements in the public right-of-way;
- Remove barriers in the Planning Code to the approval of Emergency Shelters;
- Remove an existing disincentive to mixed-use development outside of downtown.

Finally, the General Plan text and map amendments include conforming changes to ensure that the policies, allowed uses, and allowed densities included in the Planning Code and Zoning Map are consistent with General Plan designations and policies.

Staff has prepared this report to inform the Community and Economic Development (CED) Committee about the proposed Planning Code Amendments, Zoning And Height Area Map Changes, And Land Use Map And Text Changes, community engagement and input received, as well as to solicit feedback from the CED Committee.

BACKGROUND / LEGISLATIVE HISTORY

The Oakland Planning Code (Title 17 of the Oakland Municipal Code) implements the land use and other related policies put forth in the General Plan and the adopted Specific and Area Plans through detailed development regulations. Zoning plays a key role in regulating development type, density, and land use and supports the vision of the General Plan. While much of the City's zoning districts fall under "residential," "commercial," or "industrial," the first two categories sometimes allow for interchangeable uses.

Oakland's existing residential and commercial zoning designations became effective on [March 15, 2011](#), and were developed to be consistent with the classifications provided in the 1998 Land Use and Transportation Element (LUTE) of the Oakland General Plan. The LUTE includes a land use map that designates each area of the city with a certain land use classification. Each land use classification, mapped in various parts of the city, describes the type and intensity of allowable future development.

City Council Direction to Address Exclusionary Single-Family Zoning

To address the limited availability of housing options, reduced housing affordability, exclusionary zoning, and the racial and economic segregation impacts of single-family-only zoning in the city, the Oakland City Council, at its [March 16, 2021 meeting](#), adopted [Resolution No.88554 C.M.S](#) directing staff to study, and the Planning Commission to consider, allowing four-plexes with anti-displacement protections in areas currently designated for single-family residences, especially in high resource areas, and to forward the recommendations for action to the City Council. The resolution also directed staff to consider differing logistical demands due

to the topography changes and safety considerations in the City and to identify areas that should be prioritized and/or excluded.

Through updates to the zoning code as part of the Missing Middle Housing Type amendments, in particular to the City's Detached Residential (RD) and the Mixed Housing Type Residential (RM) Zones where four-plexes will be permitted on lots that are 4,000 square feet or larger and two units on lots of any size, the City will move away from single-family zoning, and work towards its goal of furthering equitable opportunities for all people and communities.

Implementing Actions in Phase 1 of the Oakland 2045 General Plan Update Process

As stated previously, the proposed Planning Code text and map amendments implement the actions proposed in the 2023-2031 Housing Element, the Public Review Draft Safety, and Environmental Justice Element (see **Table 1**). These actions respond to increasing housing pressures, further fair housing, reduce environmental burden, address safety concerns due to natural and human-made hazards, and prompt many of the proposed revisions to the Planning Code.

The Racial Equity Impact Analysis (REIA) of the [2023-2031 Housing Element, Safety, and Environmental Justice \(EJ\) Elements](#) provides an equity impact assessment for the actions outlined in these elements and includes an analysis of who stands to benefit or be burdened, outlines existing challenges and equity gaps. The REIA provides recommendations to strengthen each action or bolster implementation in ways that overcome existing barriers to achieving substantive equitable outcomes. See the section on Racial Equity Impact Analysis for more information.

Table 1: Implementing Actions in Phase 1 of the Oakland 2045 General Plan Update – 2023-2031 Housing Element, Public Review Draft Safety Element, and Public Review Draft Environmental Justice Element

2023-2031 Housing Element Housing Action Plan

1. Action 3.2.1: Develop zoning standards to encourage missing middle and multi-unit housing types in currently single-family-dominated neighborhoods, including flats, duplexes, triplexes, fourplexes, townhomes/rowhouses, and ADUs.
2. Action 3.3.5: Implement an affordable housing overlay.
3. Action 3.4.1: Revise development standards, including allowable building heights, densities, open space, and setback requirements.
4. Action 3.4.3: Revise Conditional Use Permit (CUP) requirements.
5. Action 3.4.4: Revise citywide parking standards.
6. Action 3.4.5: Revise open space requirements.
7. Action 3.4.10: Implement a Housing Sites Overlay Zone to permit sites included in the Housing Sites Inventory to develop with affordable housing by right.
8. Action 3.6.3: Expand by-right approvals and implement entitlement reform for affordable housing.
9. Action 3.7.6: Expand areas where rooming units and efficiency units are permitted by right.
10. Action 3.7.7: Amend Planning Code to comply with the Employee Housing Act.

11. Action 3.7.8: Expand areas where Residential Care Facilities are permitted by right.
12. Action 4.3.3: Remove regulatory constraints to development of Transitional Housing and Supportive Housing.
13. Action 4.3.5: Provide development standards for low barrier navigation centers.
14. Action 4.3.6: Expand opportunities for the permitting of Emergency Shelters.
15. Action 5.2.2: Promote infill, transit-oriented development (TOD), and mixed-use development.
16. Action 5.2.8: Encourage new affordable housing in higher resource neighborhoods.
17. Action 5.2.9: Prioritize improvements to meet the needs of low-resourced and disproportionately burdened communities.
18. Action 5.2.10: Promote the development of mixed-income housing to reduce income-based concentration.

Public Review Draft Safety Element

1. SAF-2.3 Development in the Very High Fire Hazard Severity Zone (VHFHSZ). Prioritize development in areas with existing adequate road networks, evacuation routes, and water infrastructure. Require any new development in the Very High Fire Hazard Severity Zone to prepare a Fire Protection Plan that minimizes risks by:
 - Assessing site-specific characteristics such as topography, slope, vegetation type, wind patterns etc.
 - Siting and designing development to avoid hazardous locations (e.g., through fire breaks) to the extent feasible.
 - Incorporating fuel modification and brush clearance techniques in accordance with applicable fire safety requirements and carried out in a manner which reduces impacts to environmentally sensitive habitat to the maximum feasible extent.
 - Using fire-resistant building materials and design features, such as visible signage, consistent with the adopted Municipal Code and Fire and Building Code standards.
 - Using fire-retardant, native plant species in landscaping.
 - Complying with established standards and specifications for fuel modification, defensible space, access, and water facilities.
 - Requiring street improvements to comply with minimum fire road access standards.

Public Review Draft Environmental Justice Element

1. EJ-A.1 Amend the City's Zoning code to include the following changes:
 - Allow greater residential density in less-polluted areas, including existing single-family residential neighborhoods.
 - Condition the permitting of heavy industrial businesses within five hundred (500) feet of a zone that permits residential activities.
 - Establish special permit criteria for truck-intensive industrial activities located within five hundred (500) feet of any zone that permits residential activities.
 - Establish special performance standards and standard conditions of approval for Truck-Intensive Industrial Activities located within five hundred (500) feet of any zone that permits residential activities.
 - Amend the permit procedures for nonconforming Truck-Intensive Industrial Activities
 - Condition the permitting of commercial kitchen operations designed for online ordering and food delivery.

Direction from California Housing and Community Development Department

In response to feedback from the California Housing and Community Development Department (State HCD) on the 2023-2031 Housing Element, the GPU team – staff and consultants created [Appendix J: Zoning Proposals](#) in the [2023-2031 Housing Element](#), which included a summary of preliminary draft zoning proposals to implement the proposed zoning, rezoning, and upzoning actions in the Housing Action Plan. Appendix J provided a high-level overview of the Missing Middle and Related Planning Code Amendments, AHO Zone and the Housing Sites Overlay Zone, Industrial Code Amendments, and a starting point for community discussions. In March of 2023, a more detailed draft of Code Amendments that incorporated feedback heard so far were published for further public comment.

ANALYSIS AND POLICY ALTERNATIVES

The proposed amendments to the Planning Code advance the following Citywide priorities¹:

1) **Housing, Economic, and Cultural Security:** The proposed Planning Code amendments include changes that are intended to encourage different housing types in Oakland (duplexes, triplexes, fourplexes, etc.), incentivize affordable housing, reduce constraints on housing development, add housing in areas well served by transit and resources that have historically been exclusionary, and reduce environmental burden on populations that are already affected by pollution.

2) **Responsive, Trustworthy Government:** The GPU process promotes meaningful civil engagement in public decision-making processes and the proposed zoning amendments implement objectives and policies that address the most pressing needs in the community, particularly where social and racial inequity is most prevalent.

The following sections in this report provide an overview of: (1) community engagement process and feedback; (2) the proposed planning code text amendments to implement actions proposed in Phase 1 of the Oakland 2045 GPU process; (3) the proposed geographically specific zoning and height area map changes; (4) the General Plan Land Use map and text changes; and (5) the Racial Equity Impact Analysis of the implementing actions in Phase 1 of the Oakland 2045 General Plan Update.

1. COMMUNITY ENGAGEMENT PROCESS AND FEEDBACK

The City's GPU team began community engagement for the Oakland 2045 GPU in winter 2021, focusing first on Housing Element-related engagement activities. Since then, the GPU team has conducted a wide range of community engagement focused on housing, zoning, industrial lands, natural and human-made recess, and environmental justice, including outreach to

¹ FY 2021-23 Budget Priorities: <https://stories.opengov.com/oaklandca/published/OV2Mbvxxu>

communities that have disproportionately been impacted by historic and continued patterns of housing discrimination.

At the Housing Element-focused engagement and General Plan Update outreach events, the community requested that the City publish preliminary rezoning and overlay maps that provide a high-level overview of the proposed zoning changes prior to focused community outreach. The City published the first [preliminary draft zoning proposals](#) on September 21, 2022, on the General Plan Update website and distributed them in a newsletter update to the General Plan listserv. Subsequently, in response to State HCD feedback, staff created [Appendix J: Zoning Proposals](#) in the [2023-2031 Housing Element](#) (first published November 29, 2022) and provided a high-level overview of the Missing Middle and Related Planning Code Amendments, the AHO Zone and the Housing Sites Overlay Zone, and Code Amendments related to reducing environmental burden due to pollution impacts in Industrial Zones as a starting point for community discussions.

On December 16, 2022, staff, in partnership with East Bay Housing Organizations (EBHO) and the Housing and Community Development Department (HCD) hosted a focus group with affordable housing developers to specifically review and get feedback on the [AHO Zoning proposal](#). On February 16, 2023, staff convened the [General Plan Update Technical Advisory Committee \(TAC\)](#) to discuss and provide input on the proposed Missing Middle, AHO Zone, Housing Sites Overlay, and Code Changes related to reducing environmental burden due to pollution impacts in Industrial Zones.

Public Review and Feedback

After adoption of the 2023-2031 Housing Element, Appendix J from the Housing Element was written into more detailed draft code amendments. These draft amendments were available for 68-day public review and comment period between March 3, 2023, to May 9, 2023. On March 7, 2023, staff hosted a focus group to specifically review and get feedback on the Missing Middle Housing Type code proposal. Staff, in partnership with Bay Area Rapid Transit (BART), hosted an open house event on April 13, 2023, to discuss the Transit Oriented Development possibilities near the Rockridge BART Station. Topics included discussing site conditions and constraints/opportunities, zoning and land use changes, potential goals, and objectives for a Rockridge TOD development and the development process. Staff also hosted a townhall on April 25, 2023, on the proposed Phase 1 Zoning Amendments Town Hall to provide an overview of proposed amendments to the Planning Code, answer any questions from the public, and seek feedback with an eye toward refinement before decisionmaker hearings. Finally, staff also participated in the Equity Working Group (EWG) on April 5, 2023, and May 8, 2023, to receive feedback on the proposed amendments.

Information on all community engagement events, including engagement summaries; workshop and townhall presentations, recordings, meeting summaries; and discussion group summaries, are being provided via the General Plan Update website:

<https://www.oaklandca.gov/topics/meetings-and-events>.

Summary of Community Feedback

Overall, staff received positive comments in support of the Proposed Zoning Amendments. In at least 25% of the comments, residents expressed support for the Missing Middle zoning provisions, increasing density, prioritizing affordable housing through the AHO, and upzoning along commercial corridors. Another 15% of the comment letters were in support for the proposals to reduce the health impacts of heavy-duty truck traffic and truck-related businesses. Staff received support on the planning code amendments focused on environmental protection in Industrial Zones from a number of key stakeholders and residents, including the California Air Resources Board (CARB), Communities for a Better Environment (CBE), the WOCAP Steering Committee, a member of the East Oakland Community Emissions Reduction Plan Steering Committee, the Sierra Club, and the Bay Area Air Quality Management District.

We received a handful of comments specifically focused on the AHO's provision to eliminate parking minimums for 100% affordable housing projects. Residents expressed concern about the lack of parking that already exists in commercial districts like Piedmont and adding to that burden. In response to this concern, staff has stated that State law does not allow cities to require minimum parking in areas that are within ½ mile of a major transit stop, which covers most of the City. Additionally, an affordable housing developer can still provide parking in their projects where they see a need to do so for their expected tenants. The requirements do not limit their ability to build parking if they choose to do so.

In another quarter of the comments, some residents, the majority in North and West Oakland expressed concerns about the increased density from reductions in lot sizes and setbacks and the increases in height adversely affecting quality of life. Residents in West Oakland's Clawson neighborhood expressed concerns that reduced setbacks, smaller lots, and increased heights would have residents "crunched" into properties, diminish yard space for gardening and privacy, and disrupt the character of the neighborhood. Residents in the Piedmont neighborhood expressed concerns about reduced parking requirements and increased density impacting off-street parking and quality of life.

At the Rockridge BART Station open house, staff received overwhelming support of the proposed height increase of 175 feet at the Station from residents, with some residents thinking the height should be even taller. Many residents stated that they wanted more opportunities for housing options besides single-family homes so they could still afford to live in the neighborhood. They wanted to be able to stay in the neighborhood as they got older and wanted to have more affordable options for their children to live in Rockridge as they moved out on their own. There were comments from two people who did not like the height increase, but this was not the majority opinion.

Public Hearings at the Zoning Update Committee and Landmarks Preservation Advisory Board

Staff held three public hearings at the [3.15.23](#) and [4.12.23](#) meetings of the Zoning Update Committee (ZUC) of the Planning Commission and the [5.1.23](#) meeting of the Landmarks

Preservation Advisory Board (LPAB). Staff received 39 comments, comment letters, and emails from the community on the proposed planning code amendments. The comment letters are included as **Attachment A**.

The ZUC reviewed the proposed Planning Code text amendments, zoning and height area map changes, and General Plan land use text and map changes, took public testimony, provided feedback on the proposed and referred the proposed planning code text amendments, zoning map, height area map and General Plan land use map and text changes to the Planning Commission. Overall, staff received overwhelming support for the proposed Planning Code amendments from the ZUC. Specifically, Commissioners commended staff on the comprehensive and detailed nature of the proposal, the proposed environmental protection land code amendments in Industrial Zones to reduce pollution impacts, the increased densities to support housing in high-resource areas, incentives for affordable housing, and the revised parking standards. They encouraged staff to look at other corridors for height increases, which will happen in Phase 2 as part of the Land Use and Transportation Element update. They encouraged staff to remove references to “neighborhood character” from the zoning code as this language is historically racist.

The LPAB reviewed the proposed text amendments, took public testimony, and provided feedback on the proposed text amendments by stating to “encourage affordable and denser housing and adaptive reuse of existing buildings.”

2. PROPOSED TEXT AMENDMENTS TO THE OAKLAND PLANNING CODE

This section provides a discussion of proposed text amendments to the Oakland Planning Code. The proposed text amendments are grouped into the following four sections:

(1) Missing Middle Housing Type Code Amendments

- a. Amendments in Low-Density Residential Zones (Detached Unit Residential [RD], Mixed Housing Type Residential [RM], Urban Residential [RU], and Hillside Residential-4 [RH-4]) - reduce the minimum lot size, remove constraints to lot splitting, and allow a wider variety housing types (flats, duplexes, triplexes, fourplexes, townhomes/ rowhouses, and other neighborhood-scaled multi-unit building types); and
- b. Amendments in Commercial Zones - allow increased heights in commercial zones along corridors and near BART stations (CN, CC, CR, and S-15 Zones); and increased heights and densities along existing transit corridors such as San Pablo, International, Foothill, Shattuck, Telegraph, College, Claremont, and MacArthur and in areas near high-capacity transit, near BART and Bus Rapid Transit (BRT) Stations and advance residential development on sites currently zoned for commercial and retail use pursuant to State Law.

(2) Overlay Zones

- a. Affordable Housing Overlay Zone – to create ministerial approvals and other incentives for qualifying 100% affordable housing developments; and
 - b. Housing Sites Overlay Zone – to create a “by right” or ministerial approval process for qualifying housing development located on sites identified in the Housing Element housing sites inventory.
- (3) Planning Code Amendments Focused on Environmental Protection in Industrial Zones – to reduce pollution impacts on sensitive receptors, such as residential areas, schools, hospitals, etc.; and
- (4) Other Planning Code Amendments – to facilitate the production of special housing types, update special housing regulations to comply with State Law, define key terms, and remove constraints on staff’s ability to process entitlements for housing development citywide and streamline the approval process.

1. Missing Middle Housing Type Code Amendments

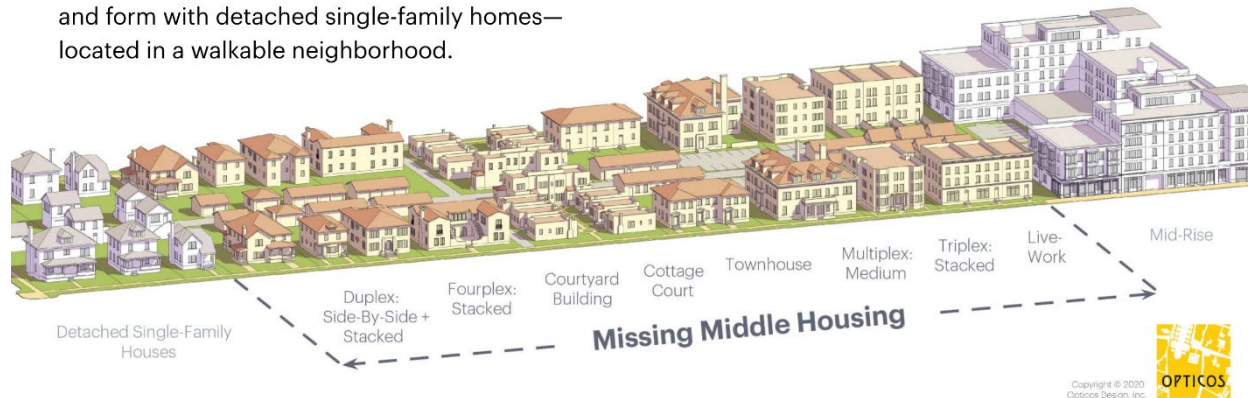
Missing Middle Housing is defined as “A variety of small-scale multi-unit housing types that can range from duplexes to townhouses to smaller apartment buildings that are compatible with walkable neighborhoods.” See **Figure 1** for examples of Missing Middle housing types. Missing Middle housing units are compatible in scale with single-family neighborhoods. The proposed Missing-Middle Housing Type code amendments would change development standards to allow for a range of small-scale multi-unit housing types in historically single-family neighborhoods such as Mixed Housing Type Residential (RM) Zones, Hillside Residential 4 (RH-4) Zone, and Urban Residential (RU) Zones and high resource neighborhoods such as Rockridge and remove existing constraints on the development of housing.

Proposed amendments include reduced setbacks and minimum lot size standards; increased density and building heights; creation of a new facility type to encompass two- to four-unit development (which includes housing of sizes between single family and multifamily, and affordable to middle incomes); elimination of conditionally permitted densities; reduction or elimination of parking requirements; and more flexibility for open space. In RD and RM Zones, four-plexes will be permitted on lots that are 4,000 square feet or larger and two units on lots of any size, where previously in many of these zones only single-family dwellings were allowed. In addition, the proposed code amendments will allow increased heights and densities in areas near high-capacity transit, including areas near BART and Bus Rapid Transit (BRT) Stations and along existing transit corridors such as San Pablo, International, Foothill, Shattuck, Telegraph, College, Claremont, and MacArthur. The proposed increased densities along transit corridors are in direct response to the direction from State HCD that the City open up its high-resource areas to more growth and support transit-oriented development. Finally, pursuant to Assembly Bill (AB) 2011, the City has proposed amendments to commercial corridors to incentivize housing projects in commercial corridors otherwise zoned for large retail and office buildings.

See **Attachment B** for the proposed missing middle housing type amendments in low-density residential zones and **Attachment F** for amendments in commercial zones.

Figure 1: Examples of Missing Middle Housing, Source: <https://missingmiddlehousing.com/>.

Missing Middle Housing is a range of house-scale buildings with multiple units—compatible in scale and form with detached single-family homes—located in a walkable neighborhood.



Specific revisions include the following:

- **Changes to Detached Unit Residential (RD) Zone** – The current Detached Unit Residential (RD-1 and RD-2) Zones are the lowest density in the City outside of the hills. The proposed change combines the current RD1 and RD2 zones into one RD zone.
 - The new RD zone will allow up to 4 dwelling units on lots 4,000 square feet or larger. On lots less than 4,000 square feet, two units will be allowed by right. On parcels greater than 3,000 square feet, three units will be allowed.
- **Changes to Density in Mixed Housing Type Residential (RM) Zones, Hillside Residential-4 (RH-4) Zone, and Urban Residential (RU) Zones** - The proposed changes simplify and increase the density steps in each of the four existing RM Zones, the RH-4 Zone, and the RU Zones to allow additional units with incrementally larger lot sizes and include updates to maximum height limits, reductions to minimum lot frontage and lot sizes, and reductions to setbacks. In response to community feedback, the two-tiered height system in the new RD zone, RH-4 zone, RM-1 and RM-2 zones has been retained.
- **Addition of New Residential Facility Type** - The proposed revisions create a new residential facility type called “Two- to Four-Family Residential Facility” to replace the current “Two-Family Residential Facility” Type throughout the Planning Code; and change the definition of a “Multifamily Residential Facility” from the current 3 or more units to *5 or more units*.
- **Changes to Conditional Use Permit Requirements** – The proposed changes eliminate all conditionally permitted densities throughout the Planning Code (densities will all be by-right); and the current requirement for a Major Conditional Use Permit (CUP) for 3 or more dwelling units in the RM-2 Zone; 7 or more dwelling units in the RM-3 or RM-4 Zone; and for any project that exceeds the basic or permitted density resulting in 7 or more dwelling units in the RU or CBD-R Zones.

- **Addition of New Regional Commercial-2 (CR-2) Zone:** In response to community feedback and pursuant to AB 2011, the proposed CR-2 Zone will allow residential as a permitted use.
- **Increase of Heights and Densities along Transit Corridors** - The proposed amendments will increase permitted densities in areas near transit and along transit corridors through zoning map changes and increase permitted densities in residential neighborhoods near major corridors. Changes also include revised heights in the D-CO Coliseum Area District Zones to be consistent with Federal Aviation Administration (FAA) requirements.
- **Changes to Parking Requirements** – The following changes are proposed to reduce parking requirements to lower the cost of new housing production and allow for more housing to be built:
 - No minimum parking requirements for residential facility types within ½ mile of a major transit stop (as required by State law), and if located farther than ½ mile from a major transit stop, a minimum of 0.5 parking spaces per unit is required (reduced from 1 parking space per unit).
 - No minimum parking requirements within the S-15 Transit Zone, and D-CO-1 Zone in addition to the existing no minimum parking requirements in the CBD, D-LM, and S-2 Zones.
 - Reduced maximum parking requirements in the CBD, S-15 Transit Zones, D-CO-1, D-LM, and S-2 Zones.
 - No minimum parking requirements for 100% affordable housing developments.
 - No parking required for Rooming Houses/SROs throughout the city, except for the Very High Fire Hazard Severity Zone (VHFHSZ). Reduce and revise open space regulations to allow more flexibility on its onsite location and configuration to ensure that more of the allowed buildable area can be dedicated to new housing units.
 - Remove an existing disincentive to mixed-use development outside of downtown – current regulations require that any nonresidential floor area over 3,000 sf. counts against the amount of lot area that can be used to calculate allowed residential density. The proposed amendments would utilize citywide the standard that applies now in downtown only and allow the total lot area to be used as the basis for computing both maximum nonresidential FAR and maximum residential density for mixed use projects.
- **Implement City Council Directive:** To address the Oakland City Council's 2015 directive (see [CMS 85601](#) and [associated April 15, 2015 supplemental report](#)) a Major CUP will be required for Medical Service Commercial, Health Care Civic Activities, or Administrative Activities associated with either Medical Service Commercial or Health Care Civic Activities for the residential area north of Children's Hospital between 53rd and 55th Streets and MLK and Highway 24.

Table 2 lists the proposed amendments to RD, RH-4, and RU Zones, and **Table 3** lists the proposed amendments to the RM Zones. **Table 4** lists the existing and proposed zoning changes for Commercial Zones associated with the key corridors.

Jestin D. Johnson, City Administrator

Subject: Study Session On Proposed Revisions To The Planning Code and Zoning Map, And General Plan Text And Map To Implement Actions Proposed in Phase 1 Of The Oakland 2045 General Plan Update Process

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Table 2: Proposed Amendments to RD, RH-4, and RU Zones

<u>Development Standards</u>	<u>RD Zone</u> <i>(new Zone to replace RD-1 and RD-2)</i>		<u>RH-4</u>		<u>RU</u>			
	<u>Existing (RD-1 and RD-2)</u>	<u>Proposed – New RD Zone</u>	<u>Existing</u>	<u>Proposed</u>	<u>RU-1</u>		<u>RU-2</u>	
	<u>Existing (RD-1 and RD-2)</u>	<u>Proposed – New RD Zone</u>	<u>Existing</u>	<u>Proposed</u>	<u>Existing</u>	<u>Proposed</u>	<u>Existing</u>	<u>Proposed</u>
Density	<p>RD-1: 1 unit per lot</p> <p>RD-2: PERMITTED- 1 unit per lot</p> <p>ALLOWED WITH CUP- 2 units on lots 6,000 sf. or greater</p>	<p>New RD: 1-2 units on any legal lot; 3 units on lots 3,000 sf. or greater; 4 units on lots 4,000 sf. or greater</p>	1 unit per lot	1 unit on any legal lot; 2 units on any lot (with limitation that the project is not located within the Very High Fire Hazard Severity Zone)	1 unit per 1,100 sf. of lot area	1 unit per 1,000 sf. of lot area	1 unit per 800 sf. of lot area	1 unit per 750 sf. of lot area
Maximum Building Height	<p>RD-1: For Lots with Footprint Slope of ≤20%: Max. Wall Ht.: <u>25 ft.</u> Max. Roof Ht.: <u>30 ft.</u></p> <p>RD-2: For Lots with Footprint Slope of ≤20%:</p>	<p>New RD: For Lots with Footprint Slope of ≤20%: Max. Wall Height: <u>30 ft.</u> Max. Roof Height: <u>35 ft.</u></p>	For Lots with Footprint Slope of ≤20%: Max. Wall Ht.: <u>25 ft.</u> Max. Roof Ht.: <u>30 ft.</u>	(Same - No Change)	40 feet	45 feet	50 feet	55 feet

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<u>Development Standards</u>	<u>RD Zone</u> <u>(new Zone to replace RD-1 and RD-2)</u>		<u>RH-4</u>		<u>RU</u>			
	<u>Existing (RD-1 and RD-2)</u>	<u>Proposed – New RD Zone</u>	<u>Existing</u>	<u>Proposed</u>	<u>RU-1</u>		<u>RU-2</u>	
	<u>Existing (RD-1 and RD-2)</u>	<u>Proposed – New RD Zone</u>	<u>Existing</u>	<u>Proposed</u>	<u>Existing</u>	<u>Proposed</u>	<u>Existing</u>	<u>Proposed</u>
	Max. Wall Ht.: <u>25 ft.</u> Max. Roof Ht.: <u>30 ft.</u>							
<u>Minimum Lot Size and Frontage</u>	<u>RD-1:</u> Min. Lot Size: <u>5,000 sf.</u> Min. Lot Frontage: <u>25 ft.</u> <u>RD-2:</u> Min. Lot Size: <u>5,000 sf.</u> Min. Lot Frontage: <u>25 ft.</u>	<u>New RD:</u> Min. Lot Size: <u>2,000 sf.</u> Min. Lot Frontage: <u>20 ft.</u>	6,500 sf. or 8,000 sf.	(Same - No Change)	Min. Lot Size: <u>5,000 sf.</u> Min. Lot Frontage: <u>25 ft.</u>	Min. Lot Size: <u>2,500 sf.</u> Min. Lot Frontage: <u>25 ft.</u>	Min. Lot Size: <u>5,000 sf.</u> Min. Lot Frontage: <u>25 ft.</u>	Min. Lot Size: <u>2,500 sf.</u> Min. Lot Frontage: <u>25 ft.</u>
<u>Setbacks</u>	<u>RD-1:</u> For Lots \geq 4,000 sf, w/ Footprint slope of \leq 20%: Front: <u>20 ft.</u> St. Side: <u>5 ft.</u> Int. Side: <u>5 ft.</u>	<u>New RD:</u> For Lots \geq 3,000 sf., w/ Footprint slope of \leq 20%: Front: <u>15 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u>	For Lots with Footprint Slope of \leq 20%: Front - <u>20 ft.</u> St. Side - <u>5 ft.</u> Int. Side - <u>5 ft.</u> Rear - <u>20 ft.</u>	(Same - No Change)	For Lots \geq 3,000 sf, w/ Footprint slope of \leq 20%: Front: <u>15 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>15 ft.</u>	For Lots \geq 3,000 sf, w/ Footprint slope of \leq 20%: Front: <u>15 ft.</u> St. Side: <u>4 ft.</u>	For Lots \geq 3,000 sf, w/ Footprint slope of \leq 20%: Front: <u>10 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u>	For Lots \geq 3,000 sf, w/ Footprint slope of \leq 20%: Front: <u>10 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>10 ft.</u>

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<u>Development Standards</u>	<u>RD Zone</u> <u>(new Zone to replace RD-1 and RD-2)</u>		<u>RH-4</u>		<u>RU</u>			
	<u>Existing (RD-1 and RD-2)</u>	<u>Proposed – New RD Zone</u>	<u>Existing</u>	<u>Proposed</u>	<u>RU-1</u>		<u>RU-2</u>	
	<u>Existing (RD-1 and RD-2)</u>	<u>Proposed – New RD Zone</u>	<u>Existing</u>	<u>Proposed</u>	<u>Existing</u>	<u>Proposed</u>	<u>Existing</u>	<u>Proposed</u>
	<p>Rear: <u>20 ft.</u></p> <p>For Lots <4,000 sf, w/ Footprint slope of ≤20%: Front: <u>20 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>15 ft.</u></p> <p>For Lots <3,000 sf, w/ Footprint slope of ≤20%: Front: <u>20 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>15 ft.</u></p> <p>RD-2: For Lots ≥4,000 sf, w/ Footprint slope of ≤20%: Front: <u>20 ft.</u> St. Side: <u>5 ft.</u> Int. Side: <u>5 ft.</u></p>	<p>Rear: <u>10 ft.</u></p> <p>For Lots <3,000 sf., w/ Footprint slope of ≤20%: Front: <u>15 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>10 ft.</u></p>			<p>For Lots <3,000 sf, w/ Footprint slope of ≤20%: Front: <u>15 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>15 ft.</u></p>	<p>Int. Side: <u>4 ft.</u> Rear: <u>10 ft.</u></p> <p>For Lots <3,000 sf, w/ Footprint slope of ≤20%: Front: <u>15 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>15 ft.</u></p> <p>For Lots <3,000 sf, w/ Footprint slope of ≤20%: Front: <u>15 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>10 ft.</u></p>	<p>Rear: <u>15 ft.</u></p> <p>For Lots <3,000 sf, w/ Footprint slope of ≤20%: Front: <u>10 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>15 ft.</u></p>	<p>For Lots <3,000 sf, w/ Footprint slope of ≤20%: Front: <u>10 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>10 ft.</u></p>

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<u>Development Standards</u>	<u>RD Zone</u> <u>(new Zone to replace RD-1 and RD-2)</u>		<u>RH-4</u>		<u>RU</u>			
	<u>Existing (RD-1 and RD-2)</u>	<u>Proposed – New RD Zone</u>	<u>Existing</u>	<u>Proposed</u>	<u>RU-1</u>		<u>RU-2</u>	
					<u>Existing</u>	<u>Proposed</u>	<u>Existing</u>	<u>Proposed</u>
	Rear: <u>15 ft.</u> For Lots <4,000 and <3,000 sf., same as RD-1							

Table 3: Proposed Amendments to RM Zones

<u>Development Standards</u>	<u>RM-1</u>		<u>RM-2</u>		<u>RM-3</u>		<u>RM-4</u>	
	<u>Existing</u>	<u>Proposed</u>	<u>Existing</u>	<u>Proposed</u>	<u>Existing</u>	<u>Proposed</u>	<u>Existing</u>	<u>Proposed</u>
Density	<p>PERMITTED- 1 unit per lot</p> <p>ALLOWED WITH CUP- 2 units on lots 4,000 sf. or greater</p>	<p>1-2 units on any legal lot; 3 units on minimum 3,000 sf. lots; 4 units on minimum 4,000 sf. lots; For 5 or more units – 1 unit per 1,750 sf. of lot area</p>	<p>PERMITTED- 1 unit on lots less than 4,000 sf. 2 units on lots 4,000 sf. or greater</p> <p>ALLOWED WITH CUP- <i>(only on lots 4,000 sf. or greater):</i> For 3 or more units – 1 unit per 2,500 sf. of lot area</p>	<p>1-2 units on any legal lot; 3 units on minimum 3,000 sf. lots; 4 units on minimum 4,000 sf. lots; For 5 or more units – 1 unit per 1,500 sf. of lot area</p>	<p>PERMITTED- 1 unit on lots less than 4,000 sf.;; 2 units on lots 4,000 sf. or greater</p> <p>ALLOWED WITH CUP- <i>(only on lots 4,000 sf. or greater):</i> For 3 or more units – 1 unit per 1,500 sf. of lot area</p>	<p>1-2 units on any legal lot; 3 units on minimum 3,000 sf. lots; 4 units on minimum 4,000 sf. lots; For 5 or more units – 1 unit per 1,250 sf. of lot area</p>	<p>PERMITTED- 1 unit on lots less than 4,000 sf.;; 2 to 4 units on lots 4,000 sf. or greater at 1 unit per 1,100 sf. of lot area</p> <p>ALLOWED WITH CUP- <i>(only on lots 4,000 sf. or greater):</i> For 5 or more units – 1 unit per 1,100 sf. of lot area</p>	<p>1-2 units on any legal lot; 3 units on minimum 3,000 sf. lots; 4 units on minimum 4,000 sf. lots; For 5 or more units – 1 unit per 1,000 sf. of lot area</p>
Maximum Building Height	<p>For Lots with Footprint Slope of ≤20%: Max. Wall Ht.: <u>25</u> ft. Max. Roof Ht.: <u>30</u> ft.</p>	<p>For Lots with Footprint Slope of ≤20%: Max. Wall Ht.: <u>30</u> ft. Max. Roof Ht.: <u>35</u> ft.</p>	<p>For All Lots with a Footprint Slope of ≤20%: Max. Wall Ht.: <u>25</u> ft. Max. Roof Ht.: <u>30</u> ft.</p>	<p>For All Lots with a Footprint Slope of ≤20%: Max. Wall Ht.: <u>30</u> ft. Max. Roof Ht.: <u>35</u> ft.</p>	<p>For All Lots with a Footprint Slope of ≤20%: Max. Wall Ht.: <u>30</u> ft. Max. Roof Ht.: <u>30</u> ft.</p>	<p>For Lots with Footprint Slope of ≤20%: Max. Ht.: <u>35</u> ft.</p>	<p>For All Lots with a Footprint Slope of ≤20%: Max. Wall Ht.: <u>35</u> ft.</p>	<p>(Same - No Change)</p>

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<u>Development Standards</u>	<u>RM-1</u>		<u>RM-2</u>		<u>RM-3</u>		<u>RM-4</u>	
	<u>Existing</u>	<u>Proposed</u>	<u>Existing</u>	<u>Proposed</u>	<u>Existing</u>	<u>Proposed</u>	<u>Existing</u>	<u>Proposed</u>
							Max. Roof Ht.: <u>35 ft.</u>	
<u>Minimum Lot Size and Frontage</u>	Min. Lot Size: <u>5,000 sf.</u> Min. Lot Frontage: <u>25 ft.</u>	Min. Lot Size: <u>2,000 sf.</u> Min. Lot Frontage: <u>20 ft.</u>	Min. Lot Size: <u>5,000 sf.</u> Min. Lot Frontage: <u>25 ft.</u>	Min. Lot Size: <u>2,000 sf.</u> Min. Lot Frontage: <u>20 ft.</u>	Min. Lot Size: <u>5,000 sf.</u> Min. Lot Frontage: <u>25 ft.</u>	Min. Lot Size: <u>2,000 sf.</u> Min. Lot Frontage: <u>20 ft.</u>	Min. Lot Size: <u>5,000 sf.</u> Min. Lot Frontage: <u>25 ft.</u>	Min. Lot Size: <u>2,000 sf.</u> Min. Lot Frontage: <u>20 ft.</u>
<u>Setbacks</u>	For Lots $\geq 4,000$ sf, w/ Footprint slope of $\leq 20\%$: Front: <u>20 ft.</u> St. Side: <u>5 ft.</u> Int. Side: <u>5 ft.</u> Rear: <u>15 ft.</u> For Lots $< 4,000$ sf, w/ Footprint slope of $\leq 20\%$: Front: <u>15 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>15 ft.</u> For Lots $< 3,000$ sf, w/ Footprint slope of $\leq 20\%$:	For Lots $\geq 3,000$ sf., w/ Footprint slope of $\leq 20\%$: Front: <u>15 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>10 ft.</u> For Lots $< 3,000$ sf., w/ Footprint slope of $\leq 20\%$: Front: <u>15 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>10 ft.</u>	For Lots $\geq 4,000$ sf, w/ Footprint slope of $\leq 20\%$: Front: <u>20 ft.</u> St. Side: <u>4/5 ft.</u> Int. Side: <u>4/5 ft.</u> Rear: <u>15 ft.</u> For Lots $< 4,000$ sf, w/ Footprint slope of $\leq 20\%$: Front: <u>15 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>15 ft.</u> For Lots $< 3,000$ sf, w/ Footprint slope of $\leq 20\%$:	For Lots $\geq 3,000$ sf., w/ Footprint slope of $\leq 20\%$: Front: <u>15 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>10 ft.</u> For Lots $< 3,000$ sf., w/ Footprint slope of $\leq 20\%$: Front: <u>15 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>10 ft.</u>	For Lots $\geq 3,000$ sf, w/ Footprint slope of $\leq 20\%$: Front: <u>15 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>15 ft.</u> For Lots $< 3,000$ sf, w/ Footprint slope of $\leq 20\%$: Front: <u>15 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>15 ft.</u>	For Lots $\geq 3,000$ sf., w/ Footprint slope of $\leq 20\%$: Front: <u>15 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>10 ft.</u> For Lots $< 3,000$ sf., w/ Footprint slope of $\leq 20\%$: Front: <u>15 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>10 ft.</u>	For Lots $\geq 3,000$ sf, w/ Footprint slope of $\leq 20\%$: Front: <u>15 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>15 ft.</u> For Lots $< 3,000$ sf, w/ Footprint slope of $\leq 20\%$: Front: <u>15 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>15 ft.</u>	For Lots $\geq 3,000$ sf., w/ Footprint slope of $\leq 20\%$: Front: <u>15 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>10 ft.</u> For Lots $< 3,000$ sf, w/ Footprint slope of $\leq 20\%$: Front: <u>15 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>10 ft.</u>

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<u>Development Standards</u>	<u>RM-1</u>		<u>RM-2</u>		<u>RM-3</u>		<u>RM-4</u>	
	<u>Existing</u>	<u>Proposed</u>	<u>Existing</u>	<u>Proposed</u>	<u>Existing</u>	<u>Proposed</u>	<u>Existing</u>	<u>Proposed</u>
	Front: <u>15 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>15 ft.</u>		Front: <u>15 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>15 ft.</u>					

Table 4: Commercial Zones along Corridors and BART stations, CN, CC, CR, & S-15 Zones

Existing Commercial Height Areas	<i>Existing Max. Bldg. Height</i>	<i>Proposed Max. Bldg. Height</i>	<i>Existing Permitted Density (square feet of lot area per dwelling unit)</i>	<i>Proposed Permitted Density (square feet of lot area per dwelling unit)</i>	<i>Existing Permitted Density Rooming & Efficiency Units (square feet of lot area per dwelling unit)</i>	<i>Proposed Permitted Density Rooming & Efficiency Units (square feet of lot area per dwelling unit)</i>
35 feet	35 ft.	35 ft.	550 sf	550 sf	275 sf	275 sf
45 feet	45 ft.	45 ft.	450 sf	450 sf	225 sf	225 sf
55 feet	55 ft.	55 ft.	375 sf	350 sf	185 sf	175 sf
60 feet	60 ft.	65 ft.	375 sf	350 sf	185 sf	175 sf
75 feet	75 ft.	95 ft.	275 sf	200 sf	135 sf	100 sf
90 feet	90 ft.	95 ft.	225 sf	200 sf	110 sf	100 sf
90 feet (CR zones only)	90 ft.	100 ft.	N/A	200 sf	N/A	100 sf
100 feet	100 ft.	110 ft.	225 sf	200 sf	110 sf	100 sf
120 feet	120 ft.	125 ft.	225 sf	200 sf	110 sf	100 sf
120 feet (CR zones only)	120 ft.	145 ft.	N/A	200 sf	N/A	100 sf
140 feet	140 ft.	175 ft.	225 sf	200 sf	110 sf	100 sf

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Existing Commercial Height Areas	Existing Max. Bldg. Height	Proposed Max. Bldg. Height	Existing Permitted Density (square feet of lot area per dwelling unit)	Proposed Permitted Density (square feet of lot area per dwelling unit)	Existing Permitted Density Rooming & Efficiency Units (square feet of lot area per dwelling unit)	Proposed Permitted Density Rooming & Efficiency Units (square feet of lot area per dwelling unit)
160 feet	160 ft.	175 ft.	225 sf	200 sf	110 sf	100 sf
160 feet (S-15 zones only)	160 ft.	250 ft.	225 sf	200 sf	110 sf	100 sf
160 feet (CR zones only)	160 ft.	159 ft.	N/A	200 sf	N/A	100 sf

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2. Overlay Zones

The City is proposed two new overlay zones to facilitate: (1) the creation of affordable housing restricted for extremely low-, very low-, low-, and/or moderate-income households; and (2) the production of housing on sites the City identified to meet its Regional Housing Needs Allocation (RHNA) pursuant to the City's 2023-2031 Housing Element.

Affordable Housing Overlay Zone

The proposed Affordable Housing Overlay (AHO) Zone is intended to create and preserve affordable housing restricted for extremely low-, very low-, low-, and/or moderate-income households (as defined in California Health and Safety Code Sections 50093, 50105, and 50106). By-right approvals for 100% affordable housing projects will apply in the AHO Zone. See **Attachment C** for the proposed Affordable Housing Overlay Zone – Chapter 17.95, S-13 Affordable Housing Combining Zone Regulations.

The proposed new S-13 Zone (Chapter 17.95) will provide for an optional local incentive program that developers can apply to utilize to facilitate the production of affordable housing, or they can instead utilize the incentives provided pursuant to the State Density Bonus and Incentive Procedure (Planning Code Chapter 17.107), but not both. In addition, the AHO Zone program cannot be combined with any other local incentive program.

Exemptions from the Proposed S-13 Affordable Housing Overlay Zone

The proposed S-13 Zone would not be applied to the following:

- Parcels in the S-9 Fire Safety Protection Combining Zone; and
- Parcels with Designated City, State, and Federal Historic Landmarks.

In addition, parcels in Historic Districts that are designated Areas of Primary Importance (API) as of the adoption date of the 2023-2031 Housing Element (January 31, 2023) are exempt from the higher height limit allowance.

S-13 Affordable Housing Overlay in the Very High Fire Hazard Severity Zone

The majority of the Oakland Hills are within a Very High Fire Hazard Severity Zone (VHFHSZ) / wildland urban interface. Much of the land in the hills is currently zoned for either Hillside Residential (RH) or Open Space (OS). As part of efforts to advance racial equity, policies in the General Plan attempt to balance fire safety considerations with actions that further opportunity in exclusionary single-family areas. During the Safety Element Update process, staff studied the VHFHSZ to determine if there are areas with adequate emergency access, i.e., easy access to primary regional routes in the City (See **Figure 2**); and evaluated for congestion issues in emergency wildfire scenarios, i.e., parcels with less than two access points to evacuation as shown in **Figure 3**.

Figure 2: Emergency Assessment, Primary and Secondary Routes

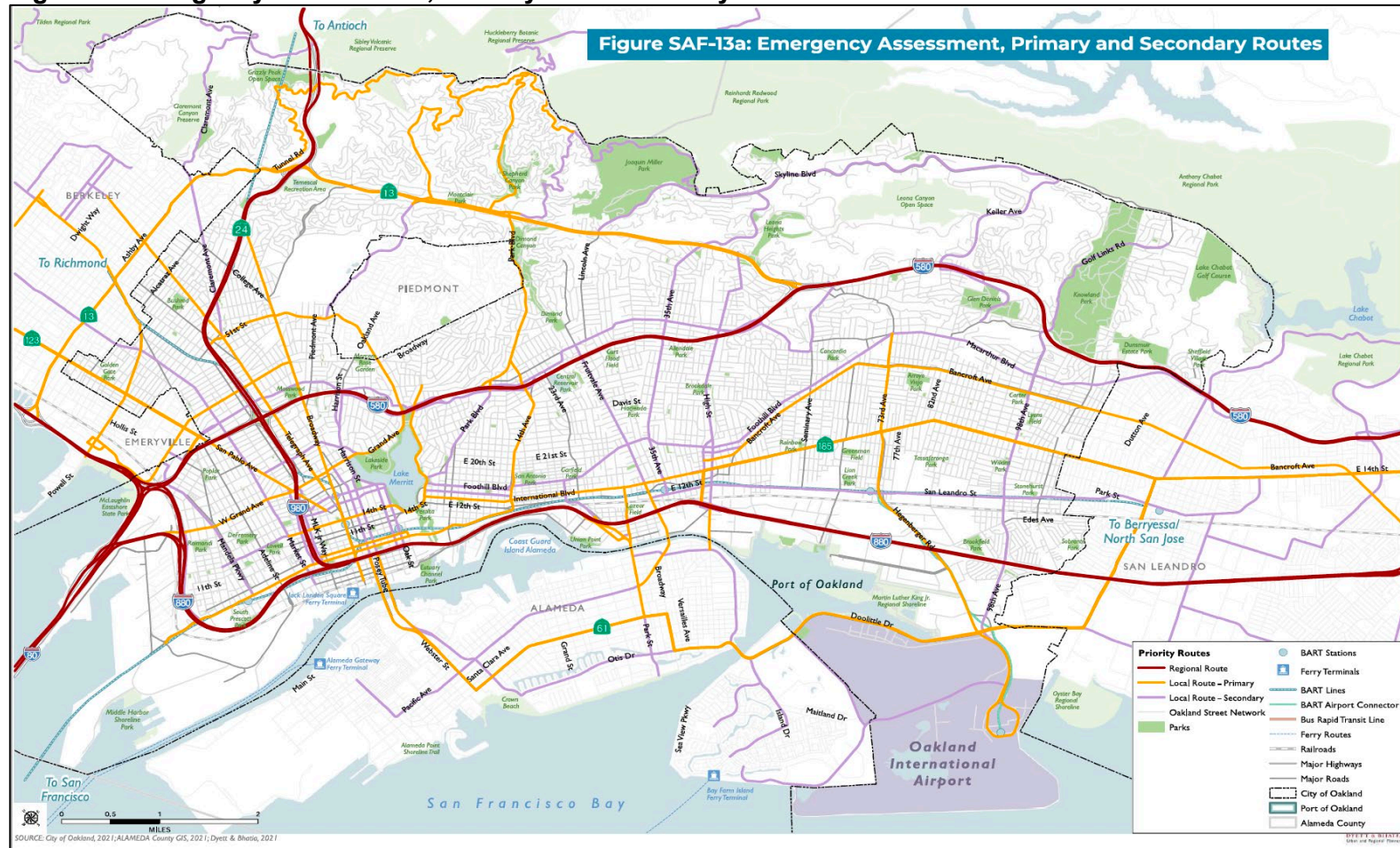
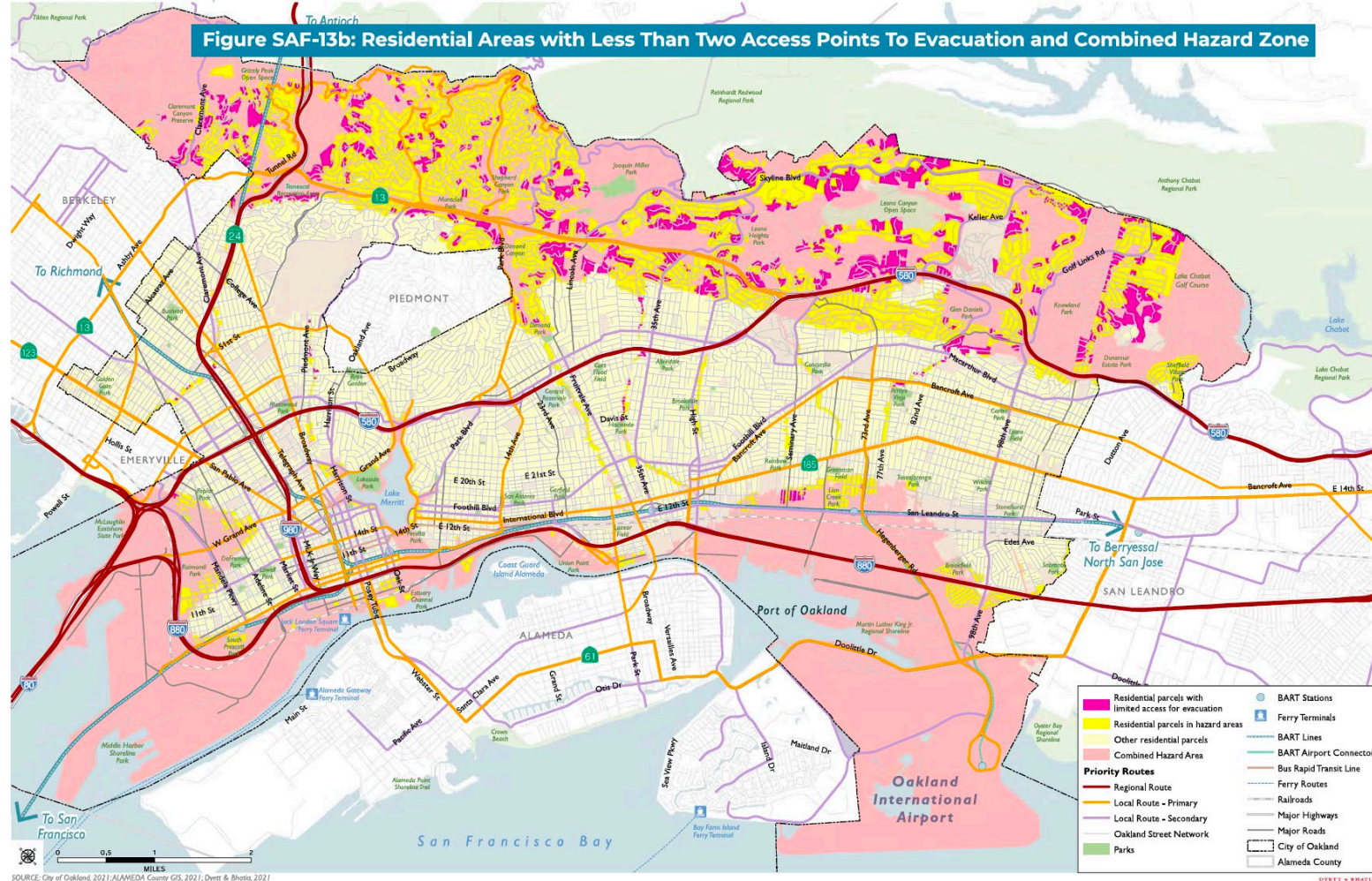


Figure 3: Residential Areas with Less than Two Access Points to Evacuation



SOURCE: City of Oakland, 2021; ALAMEDA County GIS, 2021; Dyett & Bhatia, 2021

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Planning staff used the results of this study, as well as discussions with the City Administrator's Office, the Housing and Community Development Department, and the Fire Department's Emergency Services Program Unit, to identify specific areas of the VHFHSZ that could be incorporated into the S-13 Affordable Housing Overlay (**Figure 4**). These additions to the overlay map are commercial areas that have direct access to the freeway and include:

- Oak Knoll + Barcelona City-owned sites;
- CC-1 Commercial zoned area near Redwood Road;
- CN-3 Commercial zoned area near Mountain Blvd. near Woodminster Lane;
- CN-3, CN-4, and RM-3 zoned area in the Montclair district (where Moraga Avenue goes to Mountain Blvd.);
- CN-4 zoned area near intersection of Seminary Avenue and Kuhnle Avenue.

These proposed hill-area additions to the S-13 Affordable Housing Overlay aim to balance concerns regarding the increased natural disaster risk of building in the Oakland hills with the city's equity goals around increasing affordable housing in high-resource areas.

See **Figure 4** for the proposed map of the S-13 Affordable Housing Overlay_Zone and **Table 5** for the proposed property development standards.

Under the proposed S-13 Affordable Housing Overlay Zone, an applicant with an eligible affordable housing project that decides to participate in this local incentive program will be allowed bonus height and relaxation of other listed development standards for applicable zones and an elimination of any maximum residential density standards. One hundred percent (100%) affordable housing projects in the proposed S-13 Zone would be permitted by-right if they meet all the standards set forth in this new chapter. Any development not meeting all of the standards set forth in the proposed S-13 Zone would be subject to the requirements otherwise applicable in the underlying zoning district.

Table 5: Property Development Standards within the Proposed S-13 Affordable Housing Combining Zone

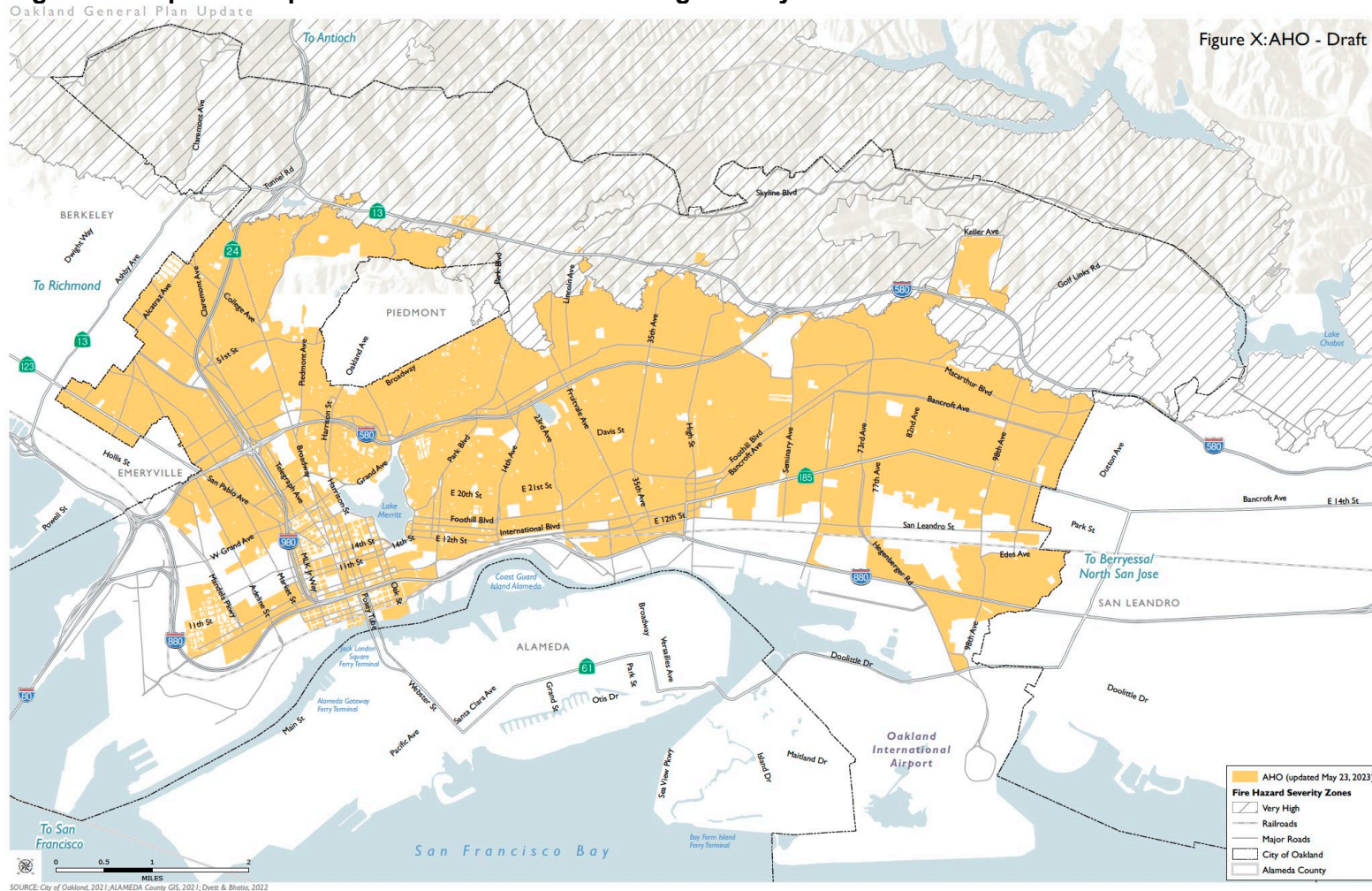
Permitted Density	Unlimited residential density that fits within the allowed building envelope of new or existing structures.
Rear Setback	Ten (10) feet.
Maximum Lot Coverage	Seventy percent (70%) or whatever is allowed in the base zone, whichever is higher.
Height Regulations for all lots	Two (2) additional stories above the maximum permitted building height in the base zone.
Height Regulations for lots equal to or greater than 12,000 square feet	Sixty-five (65) feet or two (2) additional stories above maximum permitted building height in the base zone, whichever is higher.
Minimum Parking	No minimum parking requirements.

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Figure 4: Proposed Map of the S-13 Affordable Housing Overlay Zone



Comparison of the Proposed S-13 Zone to Existing State Law

In response to community request and feedback to the City to illustrate the benefit of utilizing the proposed S-13 Zone instead of Senate Bill (SB) 35, **Table 6** provides a comparison of the local incentives provided through the proposed S-13 Zone to incentives already allowed in existing State law through SB 35, as subsequently amended. As stated previously, the proposed new S-13 Zone (Chapter 17.95) is an optional local incentive program that developers can apply to utilize to facilitate the production of affordable housing in lieu of the incentives provided pursuant to the State Density Bonus and Incentive Procedure (Planning Code Chapter 17.107), but not both. In addition, the AHO Zone program cannot be combined with any other local incentive program.

Table 6: Comparison of Incentives Provided Through the Proposed S-13 Zone and SB 35

	Proposed S-13 Zone Incentives	SB 35 Incentives
Objective	Make it easier to build affordable housing restricted for extremely low, very low, low, and/or moderate-income households with a ministerial approval process to make it faster and therefore cheaper to build affordable housing.	Amends Government Code Section 65913.4 to require local entities to streamline the approval of certain housing projects by providing a ministerial approval process
Affordability Thresholds	By-right approval under the proposed S-13 Zone would apply to one hundred percent (100%) affordable housing projects restricted to extremely low, very low, low, and/or moderate-income households. Projects proposing to utilize the provisions in this new chapter on a parcel less than fifteen thousand (15,000) square feet must provide a total of 40 percent affordable housing units with the following criteria: <ul style="list-style-type: none"> • At least twenty percent (20%) of the housing units are restricted to very low-income or lower income households; and • At least twenty percent (20%) of the housing units are restricted to moderate-income households. 	At least 50 percent of the total proposed units must be restricted for low or very low-income housing for a period of no less than 55 years.
Zoning and Residential Use	The development must be located on a legal parcel or parcels that allows residential uses. No local restriction that at least 2/3 of the floor area of the	The development must be located on a legal parcel or parcels that are zoned for residential uses. At least 2/3 of the floor area of the proposed development must be dedicated to residential uses.

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	Proposed S-13 Zone Incentives	SB 35 Incentives
	proposed development must be dedicated to residential uses.	
Parking	No minimum parking requirements	A qualifying SB 35 project is required to provide one parking space per residential unit. However, no parking may be required if the project is located within one half mile of a public transit stop, is architecturally or historically significant historic district; or, within one block of a car-share station; or, when on-street parking permits are required, but not offered to the development occupants.
Location - Exemptions	<p>The proposed S-13 Zone may be combined with any residential or commercial zone and would not be applied to the following:</p> <ul style="list-style-type: none"> • Parcels in the S-9 Fire Safety Protection Combining Zone; and • Parcels with Designated City, State, and Federal Historic Landmarks. <p>In addition, parcels in Historic Districts that are designated Areas of Primary Importance (API) as of the adoption date of the 2023-2031 Housing Element (January 31, 2023) would be exempt from the higher height limit allowance.</p>	The development must be located on a property that is not within a coastal zone, prime farmland, wetlands, a high fire hazard severity zone, hazardous waste site, a delineated earthquake fault zone, a flood plain, a floodway, a community conservation plan area, a habitat for protected species, or under a conservation easement. The project must also not involve the demolition of an historic structure that has been placed on a national, state, or local historic register.
Environmental Impact and Review	<p>One hundred percent (100%) affordable housing projects in the proposed S-13 Zone would be permitted by-right if they meet all the standards set forth in place of the requirements otherwise applicable in the base zones.</p> <p>Projects will not require a discretionary permit and thus will not be subject to review under the California Environmental Quality Act (CEQA).</p> <p>The City would not exercise any subjective judgment in approving an eligible affordable housing project and will only apply property development standards and objective design review standards applicable to the underlying zoning designation and the proposed S-</p>	<p>SB 35 projects are considered ministerial and therefore not subject to CEQA.</p> <p>The City can only require an applicant to abide by objective standards that were in effect at the time the SB 35 application was submitted.</p>

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	Proposed S-13 Zone Incentives	SB 35 Incentives
	13 Zone. The City would maintain a publicly available list of applicable objective design review standards that may be amended from time to time. In addition, standard conditions of approval will still apply, which include environmental protection measures identified as mitigation measures in existing and future City programmatic environmental review documents.	
Relation to State Density Bonus	The proposed S-13 Zone will be an optional incentive program. Developers would be able to utilize either the local incentives provided under this new Planning Code chapter, or the development bonuses available pursuant to the State Density Bonus (Chapter 17.107 - Density Bonus and Incentive Procedure), but not both. In addition, the S-13 Zone could not be combined with any other local incentive program. Even though projects utilizing the S-13 Zone cannot use the State Density Bonus benefits, they are able to have potentially much higher density allowances that fit within a two-story higher height limit than the base zone, so likely this would be a higher percentage of additional units than the State Density program would allow.	SB 35 projects can utilize all of the benefits offered under the State Density Bonus Law, which includes density bonus and the granting of concessions, incentives and waivers of development standards to housing developments.

S-14 Housing Sites Overlay Zone

The proposed Housing Sites Overlay Zone (S-14 Zone) is intended to facilitate the production of housing on sites the City identified to meet its Regional Housing Needs Allocation (RHNA) pursuant to the City's [2023-2031 Housing Element](#). The S-14 Zone seeks to ensure that sites within the proposed S-14 Zone are developed with residential uses; and that projects that contribute toward meeting Oakland's needs for lower income housing receive By Right Approval. See **Attachment C** for the proposed Housing Sites Overlay Zone – Section 17.95 S-14 Housing Sites Combining Zone Regulations.

The proposed S-14 Zone applies to all sites in the Housing Sites Inventory, identified in [Table C-26- Housing Sites Inventory](#) (Table C-26) included in [Appendix C](#) of the 2023-2031 Housing Element. Under the proposed S-14 Zone, projects proposed must be a "majority residential

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use”². Projects that are not a majority residential use will only be permitted if they can demonstrate either of the following:

1. Proposed development must include a total residential unit count that equals no less than one hundred percent (100%) of the site’s “realistic capacity”³ as estimated in the Housing Inventory.
2. Proposed development is a non-residential development that is coordinated with the development of a site under the same ownership that is within ¼ mile of the proposed development’s site and that, when the square footage of both developments is considered together, meets the definition of a Majority Residential Use.

By-Right Approval for Projects Proposed on Prior Housing Element Sites

Prior Housing Element Sites refer to sites included in Table C-26 of the 2023-2031 Housing Element, and also included in the previously adopted 2007-2014 (4th cycle) Housing Element or 2015-2023 (5th cycle) Housing Element. Pursuant to State Law, the City will allow by-right development for projects with at least 20 percent of the units affordable to lower incomes on Prior Housing Element sites.

By-Right Approval for Projects Proposed on Sites Not used in Prior Housing Element Sites

For projects proposed on parcels that are included in Table C-26 of the 2023-2031 Housing Element and are not a prior Housing Element site, the City will allow by-right approval for projects if the project proposes at least as many lower- and moderate-income units as shown in Columns P and Q of Housing Element Table C-26, the project overall proposes at least as many total units as described as the Realistic Capacity for the parcel, and the project satisfies at least one of the following conditions:

- A. At least twenty percent (20%) of the total housing units are restricted to very low-income households; or
- B. At least twenty-five percent (25%) of the total housing units are restricted to any combination of very low- and low-income household; or
- C. At least forty percent (40%) of the total housing units are restricted to any combination of very low, low, and moderate-income households.

Under the proposed S-14 zone, projects shall not be eligible for By Right Approval if the project proposes development in phases or proposes more than one hundred thousand (100,000) square feet of floor area.

² The term “Majority Residential Use” refers to a use consisting of residential units only, mixed use developments consisting of residential and non-residential uses with at least two-thirds of the square footage designated for residential activity, or transitional or supportive housing.

³ The term “Realistic Capacity” refers the projected residential development capacity, stated in terms of total probable number of dwelling units, capable of being achieved on the sites identified in Column S - Table C-26 included in Appendix C of the 2023-2031 Housing Element Housing Sites Inventory.

3. Planning Code Amendments Focused on Environmental Protection in Industrial Zones

The purpose of the proposed Zoning Amendments focused on Environmental Protections in Industrial Zones is to increase protections for land use activities most sensitive to pollution impacts, such as residential, schools, daycares, hospitals, senior care facilities, etc. See **Attachment D** for proposed text amendments related to Planning Code Amendments Focused on Environmental Protection in Industrial Zones

The proposed changes would:

- Reduce the allowed intensity of commercial and industrial activities permitted in the Housing and Business Mix (HBX) Commercial Zones, to minimize impacts on the residential uses existing in and nearby these zones;
- Require certain heavier industrial uses in the Commercial Industrial Mix (CIX), General Industrial (IG), and Industrial Office (IO) Zones to obtain a CUP if located within 600 feet of a Residential Zone, to minimize impacts on the residential uses nearby;
- Require truck-intensive uses to obtain special Conditional Use Permits/application of special performance standards and standard conditions of approval, including requirements related to buffering and landscaping (See proposed amendments to Section 17.103.065 in **Attachment D**);
- Reduce land-use conflicts in industrial zones; and
- Amend expiration timelines for Nonconforming Uses and CUP termination timelines for truck-intensive uses (See **Attachment E** – proposed amendments to Chapter 17.114 and Chapter 17.134).

4. Other Planning Code Amendments

Finally, staff have proposed amendments to special housing regulations to comply with State law, and proposed changes intended to improve public noticing to include building occupants, not just owners; and streamline the project approval process. See **Attachment E** and **Attachment G** for proposed text amendments.

These proposed changes will:

- Eliminate requirements for telecommunication facility applicants to establish a sinking fund in response to the Auditor's report;
- Revise public noticing requirements to include building occupants. Current Planning Code regulations only require that the building owner is notified;
- Change CUP requirements for certain activities, including but limited to Full Service and Limited-Service Restaurants, Group Assembly, Personal Instruction and Improvement Services, Medical Service, and Consumer Service (laundromats);
- Provide clarifications regarding specific activities, such as agricultural activities, sidewalk cafes, and other civic and commercial activities.

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- Remove the current redundant requirement for Planning approval of Sidewalk Cafes, and instead defer to Oakland DOT's existing approval process for such elements in the public right-of-way; and
- Address the recent emergence of "ghost kitchen" industrial activities in close proximity to residential;
- Remove or reduce limitations to construction of new ground floor residential facilities in commercial zones;
- Revise Open Space zoning regulations so that Park Uses consistent with a City-Council adopted Park Master Plan are permitted by right;
- Create Artisan Production Commercial Activities Designation;
- Remove the Mini Lot Planned Unit Developments provisions;
- Revise regulations for fence, dense hedge, barriers, and similar freestanding structures;
- Create definitions for key terms such as in "Affordable Housing"; "Affordable Housing Cost"; "Affordable Rent"; "Employee Housing"; "Moderate-, Low- and Very Low-Income Households"; and "Food Desert" in Planning Code Section 17.09.040;
- Extend Planning entitlement periods to further support a project's ability to move forward into the building permit stage and ultimately into construction and completion;
- Amendments specific to special housing needs such as Rooming Units and Efficiency Units, employee housing, Residential Care facilities, Transitional and Supportive Housing, low barrier navigation centers, and Emergency Shelters:
 - Permit Rooming House facility types more similarly to Multifamily Residential facilities;
 - Update definitions of Limited Agricultural Activities, Extensive Agricultural Activities, and One-Family Dwelling Residential Facilities to comply with the Employee Housing Act;
 - Expand where Residential Care facilities are permitted by right to ensure that both Residential Care facilities of seven or more and unlicensed care facilities (facilities that are not required to be licensed by the State), are allowed in all zones allowing residential uses and permitted similar to other residential uses of the same form in the zone and allow Residential Care facilities for foster family homes and the elderly within 300 feet of another Residential Care facility, pursuant to California Health and Safety Code Section 1520.5;
 - Permit Transitional Housing and Supportive Housing projects similar to Permanent Residential uses in the appropriate zone and remove minimum parking requirements for Transitional Housing. For Supportive Housing, minimum parking requirements will only apply to employee parking for onsite services, and no minimum parking requirements will apply to the residential units;
 - Include a definition for "low barrier navigation centers" and ensure that such centers are permitted by right, pursuant to State law;
 - Permit by right, without discretionary review, Emergency Shelters citywide when located on properties owned by churches, temples, synagogues, and other similar institutions approved for Community Assembly Civic Activities.

3. PROPOSED ZONING AND HEIGHT AREA MAP CHANGES

This section provides an overview of proposed zoning and height area map changes. Due to the number and extent of the changes, the following summary focuses on large contiguous areas where substantive changes will occur. The overview is organized in the following way:

- (A) Citywide Changes to the Zoning Map and Height Areas and
- (B) Geographically Specific Changes to the Zoning Map and Height Areas in Neighborhoods and Regions of the City.

(A) Citywide Changes to Zoning and Height Area Maps

1. Zoning Map Changes

- a. **Citywide Change to Detached Unit Residential (RD) Zone:** One of the most significant proposed changes to increase inclusion and access to desirable neighborhoods citywide is the consolidation of the existing RD-1 and RD-2 Zones into one new RD Zone that allows by right for up to four (4) dwelling units on lots 4,000 sf. or larger and two units on every parcel, regardless of the lot size. The current RD-1 Zone only allows one (1) dwelling unit per lot and the RD-2 Zone only allows two (2) dwelling units on lots that are 6,000 square feet or larger with a Conditional Use Permit. The proposed zoning map changes implement a proposed new zoning framework for the entire city and indicate that all residential properties currently designated RD-1 and RD-2 will be rezoned to the new RD zoning designation. See **Attachment H** for proposed citywide change to Detached Unit Residential (RD) Zoning.
- b. **Increases in Allowed Height and Density:** Most of the zoning changes represent an increase in the allowed building height and/or density. For example, several areas in the Rockridge neighborhood would be changed from Mixed Housing Type Residential Zone 1 (RM-1) to Mixed Housing Type Residential Zones 2, 3 or 4 (RM-2, RM-3, or RM-4) which would permit more units per lot, including two-to-four family dwellings and small multi-family dwellings. This also includes changes along the Macarthur Boulevard corridor near 73rd Avenue, Bancroft Avenue between 99th Avenue and 106th Avenue, and around High Street between Foothill Boulevard and I-880. In addition, changes to the RM zone densities would allow at least two units on every parcel, four (4) dwelling units on lots of a minimum 4,000 sf., and five (5) or more units based on different increments of lot size greater than 4,000 sf. As a point of comparison, RM-1 currently allows only one unit by right on a parcel and, with a Conditional Use Permit, two units on lots that are 4,000 sf or more.
- c. **New Regional Commercial-2 (CR-2) Zone:** In response to community feedback, a new Regional Commercial-2 (CR-2) Zone has been proposed to allow for residential uses along the portion of Hegenberger Road north of I-880. The current CR-1 zone

- does not permit any residential uses. See **Attachment O** for proposed CR-2 zoning map changes.
- d. **Buffering:** Several zoning changes are intended to buffer existing residential uses from the impact of nearby industrial uses and reduce potential land use conflicts through zone changes that have more restrictions on certain heavier industrial or commercial uses near Residential Zones. These zoning changes would occur on or near International Boulevard, High Street, and East 12th Street in central East Oakland, and along 66th Avenue and Hegenberger Road in the Coliseum and Airport areas.
 - e. **Split Zoning:** There are many parcels throughout the city where the existing zoning boundary splits lots. Several “clean up” zoning changes are intended to ensure that zoning boundaries follow property lines to the extent feasible.

2. Height Area Changes

- a. **All 60 foot-height areas would change to 65 feet:** In order to effectively achieve six (6) stories within a permitted building envelope, the height limit has to be at least 65 feet, assuming the 15-foot height for the ground floor required in the zoning code and 10 feet for each story above ground. This update is intended to rectify this mathematical error.
- b. **All 75 foot-, 85 foot-, and 90 foot-height areas would change to 95 feet:** This change is intended to bring the Zoning Code’s height limits into better alignment with the California Building Code. In order to allow for maximum utilization of the building code’s most cost-effective multifamily residential construction types, the designated areas on the zoning height area map that are currently envisioned to accommodate up to 7-story buildings (the existing 75 foot-, 85 foot-, and 90 foot-height areas) all require a minimum permitted building height of 85-90 feet (in order to accommodate the minimum 15-foot height for the ground floor required by the Zoning Code and 10 feet for each story above ground). The proposal to go to 95 feet would allow for more sculpted rooftops, as well as accommodate a potential additional story within the allowed building envelope (for a potential total of 8 stories instead of the current allowance for 7). In summary, this proposed 95 ft. height limit is intended to further maximize utilization of the building code’s most cost-effective construction types, and thus lower construction costs per residential unit.

(B) Neighborhood and Regions in the City

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Neighborhood changes are organized into the following regions of the city (see **Figure 5** with Neighborhood Key for Zoning, and Height Area Changes.

1. West Oakland
2. North Oakland and North Hills
3. Adams Point/Grand Lake/Lower Hills
4. Lake Merritt to 23rd Avenue
5. Fruitvale
6. Melrose/Seminary/Coliseum
7. Elmhurst/ Far East Oakland.
8. South Hills

The maps in **Attachments I-P** show the proposed zoning and height areas changes for the eight neighborhood regions. The maps indicate the existing zoning, and height area and proposed changes to zoning, and height area for all parcels. Stippling has been used to distinguish areas with changes. Areas of change will be shown in black outlines and black stippling. Areas that are unshaded are proposed for no substantive change. See **Figure 6** for an example.

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Figure 5: Neighborhood Key for Zoning, and Height Area Map Changes

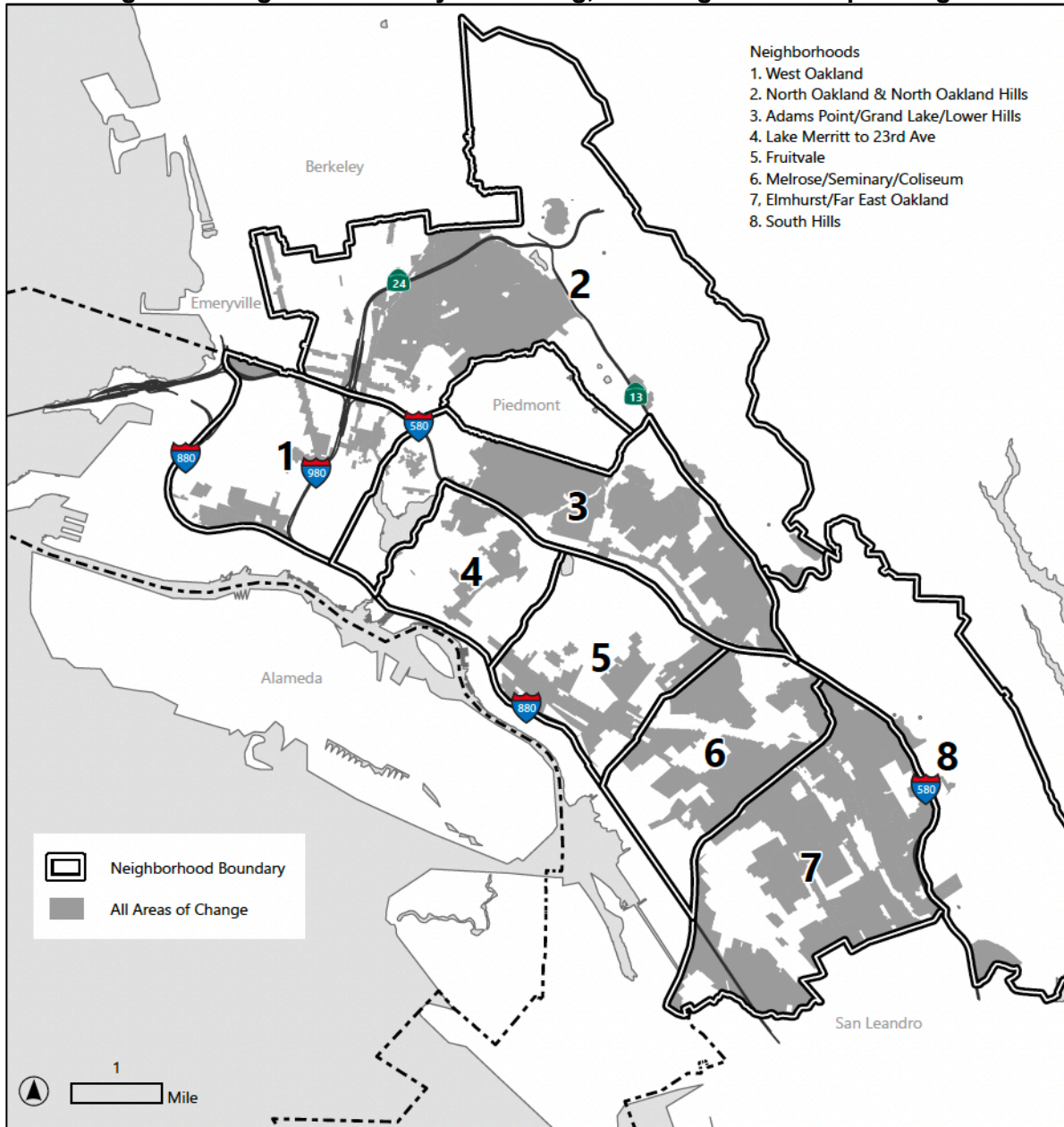
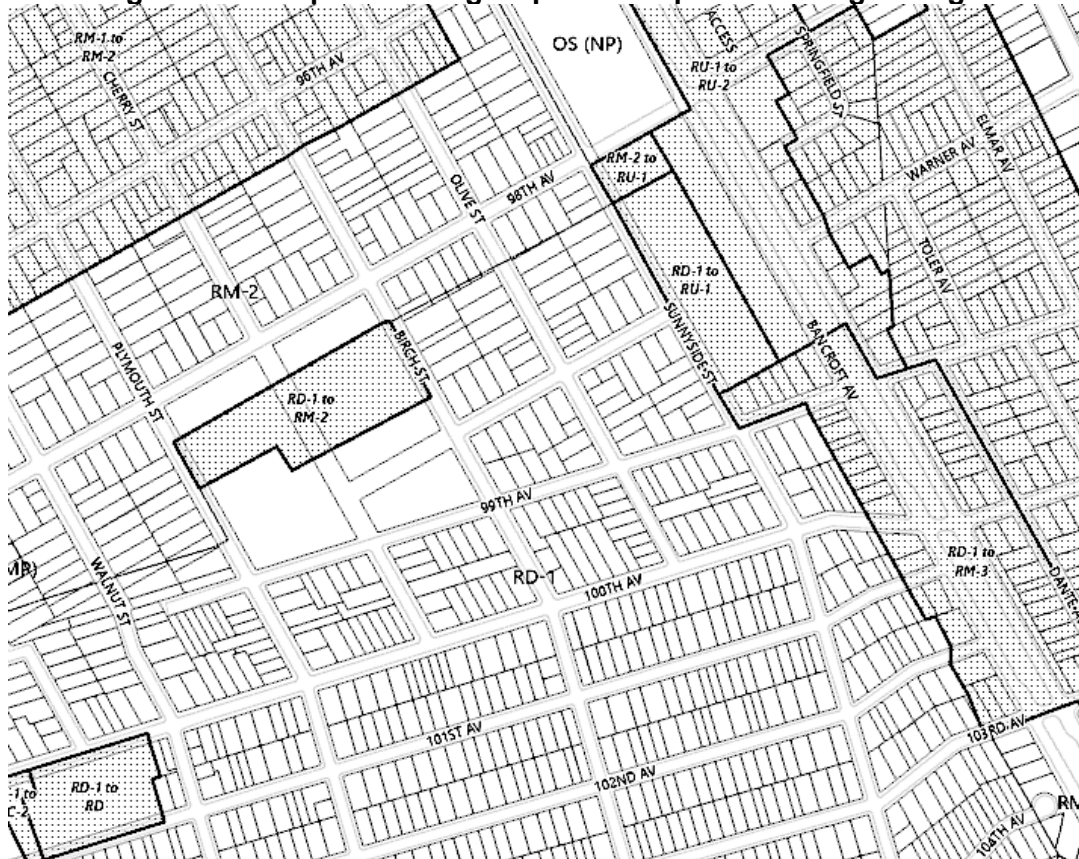


Figure 6: Example Showing Map with Proposed Zoning Changes



1. West Oakland

The West Oakland area includes those areas bounded by I-580 and the Emeryville border on the north, I-880 on the west and south, and Harrison Street on the east.

Proposed changes to the zoning and height area maps include increased heights and densities in the area surrounding the West Oakland BART Station pursuant to AB 2923; along the San Pablo Avenue and 7th Street corridors connecting to downtown; and in neighborhood areas throughout this district that have been identified as suitable for more infill housing.

See **Attachment I** for proposed changes to the zoning and height area maps in the West Oakland Area.

2. North Oakland and North Hills Area

North Oakland includes the Golden Gate, Temescal, Rockridge, and Piedmont Avenue neighborhoods, as well as other areas roughly located “above” Highway 580, and “below”

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Highway 13 in the area between Piedmont, Emeryville, and Berkeley. The North Hills area is generally located above Highway 13 between Berkeley on the north and Redwood Road on the south. It includes Claremont Hills, Hiller Highlands, parts of Upper Rockridge, Piedmont Pines, Montclair, and the Joaquin Miller/ Butters Canyon area.

Proposed changes to the zoning and height area maps include increased heights and densities in the area surrounding the Rockridge BART Station pursuant to AB 2923; along the upper Broadway, Claremont, and Telegraph Avenue corridors; and in neighborhood areas outside of the High Fire Hazard Severity District that have been identified as suitable for more infill housing. A key change includes rezoning the Rockridge BART Station area from RM-1 to S-15 Transit Oriented Commercial Development Zone and increasing the proposed height to 175 feet.

See **Attachment J** for proposed changes to the zoning and height area maps in the North Oakland and North Hills Area.

3. Adams Point/Grand Lake/Lower Hills

The Adams Point – Grand Lake area includes two adjoining geographic areas on either side of Interstate 580. Adams Point roughly corresponds to the triangle formed by Interstate 580, Lake Merritt, and the Harrison/Oakland corridor. The Grand Lake area is located between I-580, Oakland Avenue, Park Boulevard, and the City of Piedmont and includes the Rose Garden neighborhood, the Grand Lake shopping and residential districts, and the Trestle Glen/Crocker Highlands neighborhood. The Lower Hills area includes the triangular area bound by Highway 13 on the east, I-580 on the west, and the City of Piedmont on the north. It includes Glenview, Dimond, Upper Dimond, Laurel, Redwood Heights, Lincoln Heights, and Oakmore.

Proposed changes to the zoning and height area maps include increased heights and densities in portions of the RM-zoned areas of Adams Point; along the commercially zoned portions of MacArthur and Mountain Boulevards; and in neighborhood areas throughout this district that have been identified as suitable for more infill housing.

See **Attachment K** for proposed changes to the zoning and height area maps in the Adams Point/Grand Lake/Lower Hills Area.

4. Lake Merritt to 23rd Avenue

This geographic area includes neighborhoods below Interstate 580, east of Lake Merritt extending as far as 23rd Avenue.

Proposed changes to the zoning and height area maps include increased heights and densities on or near International Boulevard with the Bus Rapid Transit (BRT) route and 14th Avenue; and in neighborhood areas throughout this district that have been identified as suitable for more infill housing.

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See **Attachment L** for proposed changes to the zoning and height area maps in the Lake Merritt to 23rd Avenue.

5. Fruitvale

The Fruitvale area is located between Interstate 580 and Interstate 880, from 23rd Avenue eastward. The eastern boundary of this area is generally located $\frac{1}{4}$ to $\frac{1}{2}$ mile east of High Street.

Proposed changes to the zoning and height area maps include increased heights and densities in the area surrounding the Fruitvale BART Station pursuant to AB 2923; on or near major transit corridors such as International Boulevard (with BRT), Fruitvale Avenue, and High Street; and in neighborhood areas throughout this district that have been identified as suitable for more infill housing.

See **Attachment M** for proposed changes to the zoning and height area maps in the Fruitvale Area.

6. Melrose/Seminary/Coliseum

This area extends eastward from the boundary between Council Districts 5 and 6 below Interstate 580. Its northern boundary varies but is roughly $\frac{1}{2}$ to $\frac{1}{4}$ mile east of High Street, approximately aligned with the Maxwell Park neighborhood and 51st Avenue in the Melrose District. The southern boundary is 73rd Avenue. This area includes Millsmont, Seminary and Havenscourt areas, Eastmont Mall and environs, Melrose, Fairfax, and the area around the Oakland Coliseum.

No zoning or height changes are proposed for the Mills College campus.

Proposed changes to the zoning and height area maps include increased heights and densities in the area surrounding the Eastmont Mall to promote reuse of commercial centers for housing pursuant to AB 2011 and Coliseum BART Station pursuant to AB 2923; on or near International Boulevard, Macarthur Boulevard, Foothill Boulevard, Bancroft Avenue, and Hegenberger Road; and in lower-density neighborhood areas throughout this district that have been identified as suitable for more infill housing.

See **Attachment N** for proposed changes to the zoning and height area maps in the Melrose/Seminary/Coliseum Area.

7. Elmhurst/ Far East Oakland

The Elmhurst/ Far East Oakland area extends from 73rd Avenue eastward to the San Leandro border. Its upper boundary is Interstate 580, and its lower boundary is Oakland Airport. This area includes Sobrante Park, Tassaforonga, Brookfield Village, Columbia Gardens, Las Palmas,

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Toler Heights, Foothill Square, Stonehurst, Elmhurst Park, Webster Tract, Castlemont, Woodland, Fitchburg, Highland, Iveywood, Golf Links, Cox, Arroyo-Viejo, and Durant Square.

Proposed changes to the zoning and height area maps include increased heights and densities in the areas on or near Hegenberger Road, International Boulevard, Macarthur Boulevard, Alvingroom Court, and 98th Avenue; and in lower-density neighborhood areas throughout this district that have been identified as suitable for more infill housing, and zoning map changes to CR-2. Additional changes include reducing the heights in the area near Hegenberger Road and Doolittle Drive, and along Hegenberger Drive, per the Port of Oakland's request, to avoid impacts to Oakland Airport and comply with Federal and State standards.

See **Attachment O** for proposed changes to the zoning and height area maps in the Elmhurst/Far East Oakland Area.

8. South Hills

The South Hills encompass the land above Highway 580 (and a short portion of Highway 13) from Redwood Road south to the San Leandro border. This area includes the Ridgemont, Hillcrest Estates, Balmoral, Parkridge, Leona Heights, Surrey/Hansom, Sequoyah, Oak Knoll, Chabot Park, and Sheffield Village neighborhoods, among others.

Proposed changes to the zoning and height area maps include increased heights and densities in neighborhood areas outside of the High Fire Hazard Severity District that have been identified as suitable for more infill housing.

See **Attachment P** for proposed changes to the zoning and height area maps in the South Hills Area.

4. GENERAL PLAN LAND USE TEXT AND MAP CHANGES

The General Plan text and map amendments include conforming changes to ensure that the policies, allowed uses, and allowed densities included in the Planning Code and Zoning Map are consistent with General Plan designations and policies.

Proposed map amendments include revisions to land use designations to ensure future development is compatible with surrounding existing, entitled, and future land uses and proposed zoning changes.

The proposal also includes changing the General Plan designations in some areas near High Street and 66th Avenue from the heaviest industrial designation (General Industry and Transportation) to the less-intensive "Business Mix" industrial designation to minimize impacts on nearby Residential Zones.

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Text amendments to the General Plan Land Use and Transportation Element (LUTE) are focused on increasing the allowable density/intensity (units per acre) for residential projects in most land use classifications throughout the City (not including Hillside Residential); facilitating development of accessory units; allowing twice the density for efficiency units and rooming units in areas designated as Urban Residential, Neighborhood Center Commercial, Community Commercial, Regional Commercial, Central Business District, and Housing and Business Mix; and allowing unlimited density for residential projects satisfying the affordability thresholds in an affordable housing overlay so long as they are otherwise consistent with zoning requirements. Text amendments are included as **Attachment Q** and the proposed changes to allowed residential density are summarized in **Table 7**.

The maps indicate the existing zoning, and height and general plan land use designations and proposed changes to zoning, height, and general plan land use designation for all parcels. See **Attachment R** for proposed General Plan map amendments. See **Figure 5** with Neighborhood Key for General Plan Map Changes.

Table 7: Proposed Changes to Allowed Residential Density, LUTE

Existing Land Use Designation	Existing Allowed Density (principal units per gross acre)	Proposed Allowed Density (principal units per gross acre)
Mixed Housing Type Residential	30	35
Detached Unit Residential	11	15
Urban Residential	125	165
Neighborhood Center Mixed Use	125	165
Community Commercial	125	165
Regional Commercial	125	165
Housing and Business Mix	30	50

5. RACIAL EQUITY IMPACT ANALYSIS

The proposed zoning code text and map amendments implement policies set forth in the adopted Housing Element, proposed updates to the Safety Element, and proposed new Environmental Justice (EJ) Element. A Racial Equity Impact Analysis (REIA) was conducted for the [2023-2031 Housing Element](#) and draft [Safety and EJ Elements](#). The REIA provides an analysis of who stands to benefit or be burdened by the proposed policies and actions in each Element, outlines existing challenges, and identifies equity gaps. The REIA provides recommendations to strengthen each action or bolster implementation in ways that overcome existing barriers to achieving substantive equitable outcomes. The proposed zoning amendments further equitable implementation of 18 actions identified in the Housing Element, one policy in the draft Safety Element and one action in the draft EJ Element. **Attachment S**

Jestin Johnson, City Administrator

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provides an analysis of how the proposed zoning code amendments further equity by addressing the REIA recommendations for each of the 20 actions and policies.

FISCAL IMPACT

There is no fiscal impact from this agenda item, as it is informational only and is intended to seek guidance from the Community and Economic Development Committee.

PUBLIC OUTREACH / INTEREST

See section on Community Engagement Process and Feedback for detailed information on public outreach conducted by the GPU Team. This study session is another opportunity for public outreach.

COORDINATION

The proposed Planning Code Amendments were prepared with the technical assistance of the following City departments: Planning and Building Department, Office of the City Attorney, Department of Race and Equity, Department of Transportation, Emergency Management Services Division - Fire Department, Public Works Department, Housing and Community Development Department.

This report has been reviewed by the Office of the City Attorney and the Budget Bureau.

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SUSTAINABLE OPPORTUNITIES

Economic:

The proposed Planning Code amendments do not propose specific development projects or directly approve physical development. However, the proposed amendments are intended to remove constraints that will inhibit the City's ability to achieve its housing production goals. The amendments include specific proposals to redefine zoning designations and change development standards in zoning districts that have historically served as single-family neighborhoods to allow for "missing middle" housing development; to create a more streamlined development review process, to adopt an affordable housing overlay zone that would provide for ministerial approval and other incentives to qualifying affordable housing developments; and to additionally create a "by right" or ministerial approval process for qualifying housing development located on sites identified in the Housing Element housing sites inventory.

The City is required to plan for the accommodation of its Regional Housing Needs Allocation (RHNA) of 26,251 new units by the end of 2030, with a 15 percent (15%) buffer. The proposed Planning Code amendments would create opportunities for added density in areas near BART stations, along transit corridors, and in existing lower-density residential neighborhoods to allow for more "missing middle" housing. Adoption of these changes and the Planning Code Amendments reflecting the AHO and Focused on Environmental Protection in Industrial Zones is estimated to produce an additional 5,184 housing units within the projection period ending in 2030. Based on the City's current General Plan and zoning regulations, approximately 36,274 units are already allowed under the City's adopted General Plan, zoning, and Specific Plans. The Draft EIR associated with Phase 1 of the Oakland General Plan Update analyzes a development program of approximately 41,458 units dwelling units, focused primarily in high resource neighborhoods such as the Rockridge area, along transit corridors and in the AHO.

Environmental:

Oakland's lack of sufficient housing options worsens air pollution, as community members priced out of the local housing market are forced to drive long distances to their jobs. The City's 2030 Equitable Climate Action Plan (ECAP) recognizes that households living near employment-dense areas and transit corridors have lower carbon footprints than those living in less dense areas further from transit (www.oaklandca.gov/projects/2030ecap). Affordable housing located near transit is particularly impactful, as low-income households are more likely not to own cars if they have access to quality transportation options. To that end, the ECAP Action TLU-1 calls for the General Plan, upon its next update, to align with the City's greenhouse gas (GHG) reduction, adaptation, resilience, and equity goals.

The proposed updates align with ongoing work to implement community-driven strategies from the West Oakland Community Action Plan (WOCAP); and are intended to improve health and eliminate racial disparities in exposure to air pollution for impacted communities, reduce air pollution from high impact industrial zones adjacent residential zones, and minimize conflicting siting of sensitive uses (e.g., schools) in industrial zones.

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The proposed amendments to the Planning Code are part of the City's ongoing efforts to implement the actions in the 2023-2031 Housing Element Housing Action Plan (HAP), further fair housing, advance environmental justice, remove constraints to housing development, address safety concerns due to natural and human-made hazards, and help streamline the Planning approval process. The proposed Planning Code and General Plan text and map amendments, in combination with the proposed Zoning and Height Area Map changes, are anticipated to alter how and where new housing is produced throughout the city.

Race & Equity:

The proposed Planning Code amendments include specific proposals to redefine zoning designations and change development standards in zoning districts that have historically served as single-family neighborhoods to allow for missing middle housing development; to create a more streamlined development review process; to adopt an affordable housing overlay zone that would provide for ministerial approval and other incentives to qualifying affordable housing developments; and to additionally create a "by right" or ministerial approval process for qualifying housing development located on sites identified in the Housing Element housing sites inventory.

The Racial Equity Impact Analysis (REIA) of the [2023-2031 Housing Element, Safety, and Environmental Justice \(EJ\) Elements](#) provides an equity impact assessment for the actions outlined in these elements, and includes an analysis of who stands to benefit or be burdened, outlines existing challenges and equity gaps. The REIA provides recommendations to strengthen each action or bolster implementation in ways that overcome existing barriers to achieving substantive equitable outcomes. See also the section in this report on Racial Equity Impact Analysis for more information.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The City has prepared a Draft Environmental Impact Report (EIR) for Phase I of the Oakland 2045 General Plan Update pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines to analyze potential physical environmental impacts of the proposed City's Planning Code, Zoning and Height Area Maps, and General Plan text and map amendments implementing its 2023-2031 Housing Element, updates to its Safety Element and its adoption of a new Environmental Justice Element.

An EIR Scoping Session was held at the April 20, 2022, Planning Commission meeting to solicit comments from the Planning Commission and the public on the types of information and analysis that should be considered in the General Plan Update Draft EIR.

The Phase I Oakland 2045 General Plan Update Draft EIR was available for a 45-day comment period between March 24, 2023, and May 9, 2023. The City Planning Commission held a public meeting to receive comments on the Draft EIR on April 19, 2023. The City is preparing the Final EIR to respond to public comments received.

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ACTION REQUESTED OF THE CITY COUNCIL

Conduct A Study Session On the Oakland 2045 General Plan Update Phase 1 Process As Follows: (A) Receive An Informational Presentation On The Proposed Planning Code Amendments To Implement Actions Proposed in Phase 1 Of The Oakland 2045 General Plan Update Process; (B) Receive An Informational Presentation On The Proposed Geographically Specific Zoning And Height Area Map Changes; (C) Receive An Informational Presentation On The General Plan Land Use Map and Text Changes; And (D) Provide Feedback to Staff On The Proposed Planning Code Amendments, Zoning And Height Area Map Changes, And Land Use Map And Text Changes.

For questions regarding this report, please contact Lakshmi Rajagopalan, Planner IV, at 510-238-6751.

Respectfully submitted,



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Jestin Johnson, City Administrator

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Attachments (19):

- A. Comment Letters and Staff Responses on Proposed Phase 1 Zoning Amendments
- B. Exhibit 1 – Missing Middle Code Amendments
- C. Exhibit 2 – Draft S-13 Affordable Housing Overlay Zone and S-14 Housing Sites Overlay Zone
- D. Exhibit 3 – Planning Code Amendments Focused on Environmental Protection in Industrial Zones
- E. Exhibit 4 – General Planning Code Amendments
- F. Exhibit 5 – Commercial Zones Code Amendments
- G. Exhibit 6 – Minor Code Amendments to S and D Zones
- H. Detached Unit Residential (RD) Zone Map Changes
- I. West Oakland Area Zoning and Height Area Map Changes
- J. North Oakland and North Hills Area Zoning and Height Area Map Changes
- K. Adams Point/Grand Lake/Lower Hills Area Zoning and Height Area Map Changes
- L. Lake Merritt to 23rd Avenue Zoning and Height Area Map Changes
- M. Fruitvale Area Zoning and Height Area Map Changes
- N. Melrose/Seminary/Coliseum Area Zoning and Height Area Map Changes
- O. Elmhurst/ Far East Oakland Area Zoning and Height Area Map Changes
- P. South Hills Area Zoning and Height Area Map Changes
- Q. Text Amendments to the General Plan Land Use and Transportation Element (LUTE)
- R. General Plan Map Amendments
- S. Analysis of REIA Recommendations