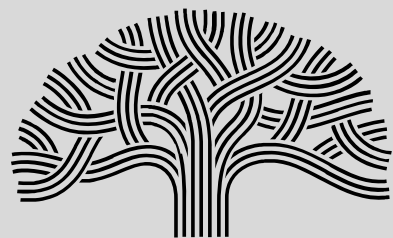


Omnibus Planning Code Amendments with Focus on Streamlining Design Review

Community & Economic Development
Committee (CED)

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OAKLAND



Agenda

- **Background: State and Local Content**
- **Proposed Chapter 17.136: Design Review Amendments**
- **Proposed Amendments to the Master Fee Schedule**
- **Proposed Omnibus Planning Code Amendments Related to Design Review**

CA State Legislature has enacted several laws to move cities toward streamlined review processes for housing developments:

- Housing Accountability Act, Sec. 65589.5 (2025): limits City's ability to reject or reduce housing density if project meets applicable and objective general plan, zoning, subdivision, and design standards
- SB 423 (2023), formerly SB 35 (2017): Streamlines Multifamily Housing Approvals
- SB 330, Housing Crisis Act (2019): expedites permit processing of housing development Prohibits City's ability to impose or enforce subjective design standards
- SB 9, Housing Opportunity and Efficiency Act (2020): increases density of housing units in single family residential zones with ministerial approval
- SB 684, Small Sites Streamlining Act (2024): expedites approvals for small lot subdivisions and housing developments of 10 or less parcels or units

Background: Local Policy Context

As part of its Pro-Housing Designation, the City of Oakland has committed to adopting Objective Design Standards (ODS) and creating by-right approval processes for a wide range of housing projects:

- ***Resolution No. 87579 C.M.S., adopted by the Oakland City Council in 2019***

Directs staff to consider incentives for encouraging transit-oriented housing, including affordable housing, by streamlining the permitting process

- ***Resolution No. 88554 C.M.S., adopted by City Council in 2021***

Directs staff 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

- ***Resolution No. 89565 C.M.S., adopted by the City Council in January of 2023***

2023-2031 Housing Element

Background: Local Policy Context

The City has committed to adopting Objective Design Standards (ODS) and creating a ministerial (by-right) approval process for a wide range of housing projects through the Housing Element (HE):

- **HE Action 3.2.1:** Develop zoning standards to encourage missing middle and multi-unit housing in currently single-family dominated neighborhoods; work to reduce pre-development costs and expedite the planning approval process.
 - In October 2023, the City Council adopted *Ordinance No. 13763 C.M.S.* to essentially eliminate single-family zoning in Oakland by allowing 2 units on every parcel and 4 units on lots $\geq 4,000$ sq. ft.
- **HE Action 3.4.8:** Implement ODS to streamline approval of residential and mixed-use building types.
 - Planning Commission adopted ODS for 4 - 8 story residential developments in Oct. 2024
 - ODS for 1 to 4 residential units and for 1 - 3 story residential developments
- **HE Action 3.6.1:** Identify actions to reduce costs and streamline the planning approval and building permit processes for small infill development and for low-income and nonprofit builders. This action is part of a broader HE Policy (3.6) to streamline the approvals of housing.

Chapter 17.136 – Design Review

Proposed Planning Code Amendments

Design Review - Chapter 17.136

Design Review Applications (17.136.020)

Requires use of a licensed architect in the design of 10+ new dwelling units outside of an existing building envelope or 1+ units on a >20% slope

Exemptions from Design Review (17.136.025)

- Clarifies categories and circumstances for exemption
- New categories for Demolitions and Exceptions

Small Project Design Review (17.136.30)

- Clarifies categories and circumstances of applicability

Replace “Special Project Design Review” (17.136.080) and “Projects subject to By Right Residential Approval” (17.136.023) with Ministerial Design Review (17.136.038)

Design Review - Chapter 17.136

New Ministerial Design Review Process (17.136.038)

- Projects that qualify for Ministerial Design Review include:
 - 100% affordable housing projects
 - Projects requiring Ministerial Design Review under state law
 - Projects of up to 30 new market-rate or mixed income units
- Projects that require a CUP, Variance, PUD or Development Agreement would still be subject to discretionary design review

New Regular Design Review Criteria for ODS Process (17.136.050)

- (A). All projects that do not require a CUP, Variance, PUD or Development Agreement will also be reviewed through ODS
- (B). Projects that require a CUP, Variance, PUD or Development Agreement will still be subject to Regular Design Review Criteria, including Discretionary Project Review

Design Review - Chapter 17.136

Regular Design Review (17.136.40)

- For construction of more than 30 new market rate dwelling units
- Extends the boundary for Regular Design Review of certain Industrial Facilities, from 150 to now 600 feet, away from Residential Zones

Regulations for demolition or removal of CLX-1A zoned properties, Designated Historic Properties, and Potentially Designated Historic Properties (17.136.075)

- Clarifies differences between “unsafe structure” and “nuisance structure”
- Only historic properties (DHPs and PDHPs) that are declared to be “unsafe” by the Building Official or City Council are exempt from Regular Design Review for demolition or removal

Proposed Amendments to the Master Fee Schedule

Proposed amendments to the Master Fee Schedule would add a new fee for Ministerial Design Review.

- *Same as the existing Design Review Fee*
- *But does not include noticing and CEQA fees since do not apply to ministerial projects*

Omnibus Planning Code Amendments Related to Design Review

Proposed Planning Code Amendments

Omnibus Planning Code Amendments

Major CUP Thresholds (17.134.020):

- Revised threshold for Large Scale Developments of >200,000 SF for the D-LM and D-BV zones to be the same as D-DT zones
- Brings all zones within the Central Business General Plan designation into a coordinated threshold

Fee Schedule (17.150.030):

- New section specifies refunds for entitlement services and any other fees pursuant to Title 17
- Consistent with Building Code

OS Open Space Zoning Regulations (17.11), Table 17.11.060: Special provisions for permitted & conditionally permitted activities

- Limitation 1 would allow fences without a CUP for the protection of sensitive plants and habitat within Special Use Parks and Resource Conservation Areas

Omnibus Planning Code Amendments

RU Urban Residential Zones (17.19), Table 17.19.04 Height, Floor Area Ratio, Density, and Open Space Regulations for the RU-4 and RU-5 Zones:

- Missing 55-foot height area column added to coincide with a 55-foot height limit added to the RU Zone Map in 2023

S-10 Scenic Route Combining Zone Regs. (17.90)

- Updates existing driveway access restrictions to allow ministerial review

D-DT Downtown Zones Regulations (17.101K), Sea Level Rise Combining Zone (17.101K.1800):

- Updates the required Sea Level Rise Adaptation Plans to consider site-predicted inundation levels through the year 2100 as consistent with DOSP guidance and the anticipated lifespan of new buildings.

Staff Recommendation

Conduct A Public Hearing, And Upon Conclusion, Adopt An Ordinance:

- 1) Making Omnibus Amendments To The Oakland Title 17 Of The Oakland Municipal Code (The Planning Code) To Effectuate The Objective Design Review Process And Streamline Services, Including But Not Limited To Amendments To Chapter 17.136, Design Review and Demolition Findings;**
- 2) Amending The Planning Code To Incorporate Various Conforming Changes Including But Not Limited To Revisions To Downtown Sea Level Rise Combining Zone Changes Consistent With The Downtown Oakland Specific Plan;**
- 3) Amending The City Of Oakland Master Fee Schedule (Adopted By Ordinance No. 13799 C.M.S., as amended) To Add A Fee For Ministerial Design Review; And**
- 4) Making Appropriate California Environmental Quality Act Findings.**