



# AGENDA REPORT


**TO:** Jestin D. Johnson  
City Administrator

**FROM:** William Gilchrist  
Director, Planning and  
Building

**SUBJECT:** Omnibus Planning Code Amendments  
with Focus on Streamlining Design  
Review

**DATE:** May 26, 2025

City Administrator Approval

  
Jestin Johnson (Jun 12, 2025 22:46 PDT)

Date: Jun 12, 2025

## **RECOMMENDATION**

**Staff Recommends That The City Council Conduct A Public Hearing And, Upon Conclusion, Adopt An Ordinance, As Recommended By The Planning Commission:**

- 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.**

## **EXECUTIVE SUMMARY**

The proposed ordinance would include provisions to amend the City of Oakland (City) Title 17 of the Oakland Municipal Code (Planning Code) to streamline Design Review processes by creating a new ministerial process for design review and updating design standards and procedures to provide clear, objective project expectations. The ordinance would include omnibus Planning Code amendments to ensure the intent of streamlining Design Review as well as to increase clarity, conciseness, and provide miscellaneous clean-up.

In conformance with direction from the California Housing and Community Development Department (State HCD), and in an ongoing effort to streamline the development of housing, the City has committed to adopting Objective Design Standards. In October 2024, the City's Planning Commission adopted Objective Design Standards for 4- to 8-story residential and mixed-use

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multifamily developments; and ODS for 1- to 4-Family and 1- to 3-Story Multifamily Development will be brought to the Planning Commission for approval on June 18, 2025. The shift from subjective design guidelines to objective design standards is intended to support housing production goals while preserving the City's project design priorities.

Building on this framework, the City is proposing changes to the Design Review Chapter 17.136 of the Planning Code to include a new ministerial track to use Objective Design Standards for by-right approval of additional residential project types, including all single-family homes, 2- to 4-unit residential projects, and lower-density multifamily developments (up to 30 units). In addition, changes are proposed to the Regular Design Review section in Chapter 17.136 that clarify that all residential projects that do not require a discretionary approval are also subject to Objective Design Standards. Consistent with this effort, the proposed package of Planning Code amendments includes design review procedures, exemptions, and appeals process updates, as well as related updates to the Definitions Section (Planning Code Section 17.09.040).

Additionally, proposed omnibus code amendments related to design review include updates to increase clarity, conciseness and provide code cleanups to the OS, RH, RD, RU, HBX, CIX, IG, IO, S-10, S-11, and D-CE Zone Chapters; Chapter 17.135 definitions and development standards; changes to require design review requirements within an extended boundary between certain types of industrial facilities and residential zones; updates to the Sea Level Rise Adaptation Plan requirements and the DT-CX zone minimum lot width, frontage and size standard to provide more consistency with the adopted Downtown Oakland Specific Plan in the D-DT Zones Chapter 17.101K; conformity changes to Major Conditional Use Permit thresholds; updates to the Planned Unit Development Procedure in Chapter 17.140; minor changes to the thresholds in Chapter 17.154 for zoning lot and height area boundary; conformity changes to Chapter 17.158 Environmental Review Regulations; updates relating to Parking, Loading, Fencing and Retention Wall design standards; and updates to Chapter 17.150 Fee Schedule to specify refund requirements for the entitlement services and any other fees pursuant to Title 17.

The Master Fee Schedule is also being amended to add a fee for Ministerial Design Review.

On June 4, 2025, the Planning Commission considered the proposed Planning Code Amendments and unanimously recommended that the City Council adopt the Planning Code amendments as set forth in the title with the following revisions: in Section 17.101K.020 (D-DT Special Regulations for Large-Scale Developments) add the exception "when not combined with the S-7 Zone," in Section 17.134.020.A.1.b and c.ii (Definition of Major and Minor Conditional Use Permits) retain the language of "when not combined with the S-7 Zone," Section 17.136.038.A.2 (Ministerial Design Review) modify the added language to say "City or State landmark, listed on the National Register," Section 17.136.075.B.1 and C.1.a (Regulations for demolition or removal of Designated Historic Properties and Potentially Designated Historic Properties) to retain the language "has no reasonable use or" and "provide such use or" and do not add the language of "the public benefits of the proposed replacement project outweigh the benefit of retaining the original structure."

## **BACKGROUND / LEGISLATIVE HISTORY**

### ***State Law Context***

In response to California's longstanding housing supply and affordability crisis, the California Legislature has enacted several pieces of legislation aimed at moving cities and counties away from a discretionary land-use permitting process towards a predictable, objective, and streamlined entitlement process for housing development. The State Housing Accountability Act (HAA), California Government Code Section 65589.5, states that a housing project cannot be denied or have its density reduced if it complies with objective, quantifiable, written development standards, conditions, and policies, unless specific life and safety findings are made. According to the HAA, an "objective standard" is one that involves no personal or subjective judgment by a public official and can be uniformly verified by reference to an external and consistent benchmark or criteria available to both the applicant and the public official.

In addition to the HAA, the following state laws contain language mandating streamlined review of housing projects that are consistent with objective standards:

- Senate Bill (SB) 35/SB 423 Project Streamlining (Government Code Section 65913.4): Housing projects that meet physical, environmental and affordability thresholds are eligible for ministerial project review. Projects must also be consistent with objective standards. Under SB35/SB423, the review process is limited to 90 to 180 days depending on the project size. No CEQA review is required, and no discretionary review is permitted;
- SB 330 Housing Crisis Act: Jurisdictions are prohibited from imposing or enforcing subjective design standards established on or after January 1, 2020, on housing projects;
- AB 2162 (Supportive Housing Streamlined Approval, effective 2019);
- SB 9 (Housing Opportunity and Efficiency Act, effective 2020);
- SB 684 (Small Sites Streamlining, effective July 2024); and
- AB 2011 (Affordable Housing and High Road Jobs Act, effective 2023).

These laws contain similar language mandating streamlined review for projects that are consistent with objective standards. When layered together, these laws create the policy context within which Planning staff are recommending that the City adopt the streamlined design review approval process to facilitate the use of Objective Design Standards.

### ***Local Policy Context***

In 2019, the City Council adopted Resolution No. 87579 C.M.S, which directed the Bureau of Planning to study and the Planning Commission to consider incentives for encouraging transit-oriented housing, including affordable housing, by streamlining the permitting process. In 2021, the City Council adopted Resolution No. 88554 C.M.S., directing 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.

The State HCD has instructed cities to commit to objective review processes in their local Housing Elements. As part of its Pro-Housing Designation, the City has committed to adopting ODS and creating ministerial approval processes for a wide range of housing projects, enhancing its competitiveness for various grant funds. In January of 2023, the City Council

adopted Resolution No. 89565 C.M.S., adopting the 2023-2031 Housing Element as an Amendment to the General Plan with the following Housing Element Actions:

- 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 Accessory Dwelling units (ADUs). In addition, this action item states: “The City will review and amend the Planning Code and implement objective design standards to encourage missing middle-density housing typologies, including flats, duplexes, multiplexes (triplexes, and fourplexes), bungalow courts, rowhouses/townhomes, and ADUs. The City will work to reduce pre-development costs and expedite the planning approval process for missing middle housing types resulting from both new construction and the conversion of existing structures.”

In October 2023, the City Council adopted Ordinance No. 13763 C.M.S. to essentially eliminate single-family zoning in Oakland (except for areas in the Very High Fire Hazard Severity Zones). These changes were implemented in the RM Mixed Housing Type Residential Zones and the RU Urban Residential Zones and allow at least 2 units on parcels of any size and at least 4 units on parcels that are 4,000 square feet, with more units allowed depending on the parcel size. The code amendments in this package will allow for ministerial approval of missing middle housing types, which will expedite the planning approval process to further implement Action 3.2.1.

- Action 3.4.8, Implement Objective Design Review standards, with the goal of streamlining approval of residential and mixed-use building types.

The Planning Commission adopted Objective Design Standards for 4- to 8-story residential and mixed-use multifamily developments in October of 2024 and 1- to 4-Units and 1- to 3-Story Multifamily Development will be brought to the Planning Commission for approval on June 18, 2025. The amendments in this package of the Design Review chapter will allow for more project types to utilize the Objective Design Standard approval process to further implement Action 3.4.8.

- Action 3.6.1: Streamline the City permitting process, especially for low-income and nonprofit builders which includes the goal to identify actions to reduce costs and streamline the planning approval and building permit processes for small infill development, which is part of a broader HE Policy 3.6 to streamline the approvals of housing.

City Council Ordinance 13763 C.M.S. adopted on October 3, 2023, introduced the City’s own ministerial review process as part of the new S-13 Affordable Housing Combining Zone, as well as ministerial review for all 100% affordable housing projects and the S-14 Housing Sites Combining Zone ministerial review. The code amendments in this package will allow for additional ministerial approval of one (1) to thirty (30) units to streamline the approval of small infill housing to further implement Action 3.6.1.

## **ANALYSIS AND POLICY ALTERNATIVES**

The proposed Ordinance to add more Objective Design Standards meets the Citywide priority of housing, economic, and cultural security and a responsive trustworthy government because it streamlines applicable planning reviews, promotes affordable housing, and addresses housing-

related inequities, particularly in historically exclusionary single-family and lower-density neighborhoods. The clarification actions in the proposed Ordinance also provides clarity and consistency regarding community expectations for new development and ensure the creation of buildings that integrate into existing neighborhoods and enhance quality of life.

**A. Summary of Proposed Amendments to Chapter 17.136 Design Review Procedure:**

- Design Review applications (Section 17.136.020) would require use of a licensed architect in the design process for the development of more than ten (10) new dwelling units outside any existing building envelope, excluding any permitted ADUs; or for one or more new dwelling units with a footprint slope that exceeds twenty (20) percent. This amendment is expected to result in the submission of more responsive and complete development drawing sets from the outset, which would greatly benefit project streamlining.
- Proposed amendments to Section 17.136.025 (Exemptions from design review) clarify categories and circumstances of exemption from design review, including new categories for demolitions and exceptions. A reference to regulations for ADUs is also provided.
- Proposed amendments to Sections 17.136.30 (addressing Small Project Design Review) clarify categories and circumstances of applicability and include new categories for Residential and Mixed-Use Facilities of up to four (4) units, Residential and Mixed-Use Facilities of five (5) units and over, live/work and work/live units, new construction within specified zones, demolitions, other projects, and criteria for exceptions, as well the addition of nonresidential activities and facilities under the existing fence and barrier category.
- Section 17.136.038 outlines a new Ministerial Design Review (by-right approval) process for projects that do not require a discretionary Planning permit; this includes projects for one hundred (100) percent affordable housing and other projects required by state law to be subject to ministerial review (including SB 35, SB 684, AB 2162, SB 9 and SB 9), and projects of up to thirty (30) new market-rate units. Under this process, a Ministerial Design Review approval would be granted for proposals that conform with the property development standards and objective design standards applicable to the underlying zoning designation and any combining zones.
- Proposed updates to Regular Design Review Criteria (Section 17.136.050) create a new Regular Design Criteria for Objective Design Standards Process (shown in the Planning Code as criteria A), which allows for all projects that do not require a Conditional Use Permit (CUP), Variance, Planned Unit Development (PUD), or Development Agreement to be reviewed through Objective Design Standards. Projects that do require a CUP, Variance, PUD, or Development Agreement would still be subject to a Regular Design Review Criteria for Discretionary project review under the existing process (shown in the Planning Code as criteria B).
- Proposed amendments to Regular Design Review procedures and criteria (Sections 17.136.040 and 17.136.050) provide clarification and consistency with proposed amendments to other sections within the Design Review Chapter. Updates include new categories for regular design review: construction of more than thirty (30) new dwelling units, new construction of principal Nonresidential Facilities within specified zones, and construction or expansion of specified vehicular facilities in the M-40, CIX-2, IG, and IO Zones located within six hundred (600) feet of any Residential Zone boundary.

- The proposed revised Regular Design Review procedures applies to projects of over two hundred thousand (200,000) square feet of new nonresidential floor area in the D-DT, D-BV, or D-LM Zones; over one hundred thousand (100,000) square feet of new nonresidential floor area in the S-15 or D-CO Zones; and over twenty-five thousand (25,000) square feet of new nonresidential floor area in any other zone would be referred to the Planning Commission for decision on design review.
- The proposed removal of “Special Project Design Review” (current Section 17.136.080) and “Projects subject to By Right Residential Approval” (current Section 17.136.023), as well as updates to Sections 17.136.055, 17.136.060, 17.136.075, 17.136.080, 17.136.130, and 17.136.075, provide clarification and consistency with proposed amendments to other sections within Design Review Chapter 17.136.
- The proposed amendments to Section 17.136.075 (Regulations for demolition or removal of CIX-1A zoned properties, Designated Historic Properties, and Potentially Designated Historic Properties) would: 1) remove “CIX-1A zoned properties” from the title and body of the section, as the inclusion of this reference currently requires the proposed demolition of *non-historic structures* in the CIX-1A Zone to be reviewed according to standards originally intended only for historic buildings; 2) clearly differentiate the definitions of “unsafe structure” and “nuisance structure”; and 3) clarify that only Designated Historic Properties (DHPs) or Potentially Designated Historic Properties (PDHPs) that are declared to be “unsafe” by the Building Official or City Council are exempt from the requirement for Regular Design Review of the proposed structure’s demolition or removal.

***B. Summary of Proposed Amendments to Chapter 17.09 Definitions:***

- “By-Right Residential Approval” is updated for consistency with Objective Design Standards and the process description for By-Right Residential Approval is moved to the Design Review Chapter 17.136.
- Definitions for “Director of City Planning” and “Objective Design Standards” are added.

***C. Summary of Proposed Amendments to Zones OS, RH, RD, RU, HBX, CIX, IG, IO, S-10, S-11, D-CE, and Chapter 17.135: Special Use Permit Review Procedure for the OS Zone:***

The following amendments are intended to increase clarity, conciseness, and provide updates to definitions and development standards consistent with the aforementioned streamlining design review efforts:

- In Chapter 17.11 OS Open Space Zoning Regulations, a proposed amendment to Special provisions for permitted and conditionally permitted activities in the OS Zone (Table 17.11.060), extends an existing provision in Limitation 1 to allow fences without a CUP for the protection of sensitive plants and habitat within Special Use Parks and Resource Conservation Areas.
- Property Development Standards (Table 17.13.03), within Chapter 17.13 RH Hillside Residential Zones Regulations, includes new minimum open space and courtyard regulations; and limitation #14 is amended to revise existing subjective language with clearer metrics for open space and to reference open space standards contained in Chapter 17.126. Amendments are also proposed to the RH Height Regulations (Table 17.13.05) for all Lots with a Footprint Slope of greater than twenty (>20) percent, lowering the maximum wall height and the maximum pitched roof height of primary

buildings to address limitations in the Objective Design Standards to require more down-slope stepping for hillside developments.

- Property development standards (Table 17.15.050), within Chapter 17.15 RD Detached Unit Residential Zone Regulations, reintroduces a limitation on paved surfaces within required street-fronting yards to fifty (50) percent or less. This limitation, which was inadvertently deleted during a previous code revision, has been added to minimum front setbacks standard.
- In Chapter 17.19 RU Urban Residential Zones, Table 17.19.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations for the RU-4 and RU-5 Zones is amended to correct an error to include a missing fifty-five (55) foot height area column to coincide with the 55-foot height limit on the RU Zone map that was added in 2023.
- Chapter 17.65 HBX Housing and Business Mix Commercial Zones Regulations include clerical changes only.
- Revisions to the Activities and Facilities Table (17.73.020) within CIX, IG and IO Industrial Zones Regulations (Chapter 17.73) include: Administrative Commercial Activities within IG no longer require a CUP for entertainment, educational and athletic uses, are only permitted when accessory to an approved Industrial Activity and are limited to no more than twenty (20) percent of total floor area. Primary Recycling Collection Centers in CIX-1 and CIX-2 are prohibited in CIX-1 and CIX-2 if located within six hundred (600) feet of a Residential Zone.
- S-10 Scenic Route Combining Zone Regulations (Chapter 17.90) includes changes to the existing driveway access restrictions in Section 17.90.040 to allow for ministerial review and to provide clarification of applicable Design review criteria (Section 17.90.050) exemptions.
- S-11 Site Development and Design Review Combining Zone Regulations (Chapter 17.92) includes clarification of applicable exemptions for Design review criteria (Section 17.90.050) and removes a requirement of referral to Planning Director for design review.
- D-BV Broadway Valdez District Commercial Zones Regulations (Chapter 17.101C) includes an amendment to Special regulations for Large-Scale Developments (Section 17.101C.025) to match the threshold for large-scale developments recently adopted for the D-DT Zones as part of the Downtown Oakland Specific Plan (DOSP). The threshold requires a Conditional Use Permit for development of over two hundred thousand (200,000) square feet of new floor area or over two hundred seventy-five (275) feet in height. This requirement does not apply to developments that include one hundred (100) percent affordable housing units or that have been approved according to the Planned Unit Development (PUD) procedure.
- D-CE Central Estuary District Zones Regulations (Chapter 17.101E), Facilities Table 17.101E.02 is updated to permit sidewalk cafes in D-CE-5 as is allowed in most D-CE Zones.
- D-LM Special regulations for Large-Scale Developments (Section 17.101G.070) is updated to match the threshold for Large-Scale Developments recently adopted for D-DT.
- Chapter 17.135 is revised for clarification and conciseness; additionally, the specified timeframes for Parks and Recreation Advisory Committee public hearings and referral to Landmarks Preservation Advisory Board are removed.

***D. Proposed Amendment to Require Design Review within an Extended Boundary Between Certain Types of Industrial Facilities and Residential Zones:***

- A boundary extension from one-hundred fifty (150) feet to six hundred (600) feet makes the design review threshold in the M-40 Industrial Zone (Chapter 17.72) equivalent to that in the CIX-2, IG and IO Industrial Zones.

***E. Summary of Proposed Amendments to Chapter 17.101K: D-DT Downtown Zones Regulations to Provide Consistency with the Adopted Downtown Oakland Specific Plan (DOSP):***

- To be consistent with recently adopted standards for the D-DT-R and D-DT-RX Zones as part of the Downtown Oakland Specific Plan (DOSP), the minimum lot mean width and minimum frontage width for the D-DT-CX Zone would be reduced from fifty (50) feet to twenty-five (25) feet (Table 17.101K.04), and the minimum lot size reduced from seven-thousand five-hundred (7,500) square feet to three-thousand (3,000) square feet.
- Updates to the Sea Level Rise Combining Zone (17.101K.1800) recently adopted as part of the DOSP would improve clarity and consistency. Most notably, the requirement that the required Sea Level Rise Adaptation Plans consider site-predicted projected inundation levels through the year 2050 would be adjusted to the year 2100. The 2100-year threshold is consistent with DOSP policy guidelines and an anticipated building lifespan horizon.

***F. Summary of Proposed Amendments to Provide Conformity Changes to the Major Conditional Use Permit (CUP) Thresholds:***

- Revisions to Major Conditional Use Permit (17.134.020) include revised thresholds for Large Scale Developments that will bring all zones within the Central Business General Plan designation (D-DT, D-LM and D-BV) into one coordinated threshold for “Large-Scale Developments.”

***G. Summary of Proposed Updates to 17.140 Planned Unit Development (PUD) Procedures:***

- New clarifying guidance throughout each step of the appeals process. The proposed amendments would: 1) allow for streamlined review and approval of final development plans by the Director of City Planning once the related preliminary plan is approved by the Planning Commission; 2) make corresponding changes to the appeal process for final development plans to indicate that the Planning Commission would be the appeal body; and 3) remove ambiguities as to the permitted timeline for a developer to commence construction after approval of a final development plan.

***H. Proposed Amendment to Zoning Lot Boundary Threshold in Chapter 17.154:***

Section 17.154.060 currently allows owners of lots divided between different zoning districts to exercise an option to assume that all of the regulations applying in any zone covering fifty (50) percent or more of the lot area apply to their entire lot or lots. However, this option currently only applies if the entire lot or lots could be included in the zone covering fifty (50) percent or more of the lot area by shifting the affected zone boundary by not more than thirty (30) feet. The proposed amendment to this section would provide this important option to more owners with property in a similar split zoning condition by expanding the maximum amount of zone boundary shift from the current thirty (30) feet to a proposed fifty (50) feet.

- Additionally, another proposed amendment to Section 17.154.060 would allow a lot that is divided by a boundary between height areas to move the height line in any direction from the current maximum of thirty (30) feet to a proposed fifty (50) feet upon the granting of Regular Design Review approval to accommodate the site plan of a proposed development project.



***I. Summary of Proposed Conformity Changes to 17.158 Environmental Review Regulations:***

- Proposed amendments to Chapter 17.158 provide clarification and consistency with proposed amendments to other sections within the Design Review Chapter by adding the proposed new Ministerial Design Review track to the list of Ministerial Actions in Section 17.158.180.

***J. Summary of Proposed updates to Parking, Loading, Fencing and Retention Walls:***

- A proposed amendment in Section 17.108.140 (General Height, Yard, and Court Regulations) would address the typical need for higher fence heights for Nonresidential Activities and Facilities in Residential Zones than are currently allowed in the Planning Code for residential buildings. These Nonresidential Activities and Facilities, such as schools, golf courses, cemeteries, and civic uses, would instead be subject to the Commercial Zones fence height limitations in Section 17.108.140.C.
- A proposed amendment to Section 17.108.150 (Retaining Walls) would address the typical need for higher retaining wall heights for residential development on very steep slopes than is currently allowed in the Planning Code.
- Clarifications are added to Off-Street Parking and Loading Requirement (Chapter 17.116).

***K. Proposed amendments to Chapter 17.150 Fee Schedule:***

- The proposed addition of Section 17.150.030 Application or Appeal Fee Refunds specifies refunds for entitlement services and any other fees pursuant to Title 17. This change is intended to avoid confusion and is consistent with the Building Code in specifying a process and timeline for refunds.

***L. Amend the Master Fee Schedule to add a fee for Ministerial Design Review:***

- This proposed fee would be the same as the existing Design Review Fee but would not include noticing and CEQA costs since those do not apply to ministerial projects.

**FISCAL IMPACT**

Implementation of these changes will be a component of the existing project approval process administered by the Planning and Building Department, which collects fees for such review and approvals as established in the Master Fee Schedule. The proposed fee for the new Ministerial Design Review process would be the same as the existing Regular Design Review Fee but would not include noticing and CEQA costs since those do not apply to ministerial projects. Staff estimates that the resulting fees for projects under this new design review track would be about 8.4 percent lower than the total fees for Regular Design Review projects. Staff will inform the public of the new regulations as part of all applicable inquiries and apply the new regulations as part of all applicable planning and building permit applications. Staff will also be updating applicable application materials, including summaries and guides using internal resources and staff's time.

**PUBLIC OUTREACH / INTEREST**

The 2023-2031 Housing Element and Phase 1 Code Amendments process had extensive public outreach and input. This streamlining code package implements several actions that came from

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the Housing Element process including Action 3.2.1 that states the City will work to reduce pre-development costs and expedite the planning approval process for missing middle housing types resulting from both new construction and the conversion of existing structures;” Action 3.4.8 to Implement Objective Design Review Standards, with the goal of streamlining approval of residential, mixed-use, and commercial building types; and Action 3.6.1 that states streamline the planning approval and building permit processes for small infill development.

These Planning Code streamlining amendments are intended to complement the City’s separately adopted Objective Design Standards and further the goals, policies and actions of the Oakland General Plan. Community feedback has played a key role in shaping the related Objective Design Standards. Beyond the official public hearings, staff conducted a two-year community engagement effort, which prioritized outreach to communities historically excluded from the planning decision-making process.

A public hearing was conducted by the Planning Commission on June 4, 2025 to receive Commissioner and public comments on the proposed Code Streamlining Amendments and forward the Commission’s recommendation to City Council. The meeting was noticed in the *Oakland Tribune* on April 25, 2025.

## **COORDINATION**

The proposed Planning Code amendments were developed by Planning staff in coordination with the City Attorney’s Office, Department of Housing and Community Development, and the Planning Commission. This report and legislation have been reviewed by the Office of the City Attorney and by the Budget Office.

## **SUSTAINABLE OPPORTUNITIES**

### ***Economic:***

In addition to meeting State and local regulations, the proposed amendments to streamline the design review processes and provide a ministerial or by-right approval process for housing development are intended to provide benefits to the City and the public alike. The economic benefits include a reduction in regulatory hurdles and simplified regulations that can reduce project cost overruns and planning staff time, provide enhanced clarity to the public regarding development standards and permitting processes, encourage affordable and community-driven projects, promote the growth of much needed housing by providing a pathway for ministerial approval, as well as promote economic growth, attract investment, and preserve cultural resources.

### ***Environmental:***

The amendment to the Sea Level Rise Combing Zone requirement that Sea Level Rise Adaptation Plans (SLRAPs) consider site-predicted projected inundation levels through the year 2100 aligns with the anticipated building lifespan for current and upcoming development as intended by the DOSP. The SLRAP requires that all structures and infrastructure elements are designed to be resilient to flood impacts, and include methods to protect human life and health, protect property, minimize the need for rescue and relief efforts associated with flooding, minimize prolonged evacuations and business interruptions due to flooding and minimize damage to surrounding public utilities and infrastructure. In order to provide these protections, the requirements must align with the anticipated lifespan for new buildings.

***Race & Equity:***

Through the extended application of Objective Design Standards, these proposed Code Streamlining Amendments aim to address housing inequities affecting Black, Indigenous, and other Oaklanders of color by mitigating bias in planning interpretation of residential and mixed-use developments and streamlining the housing development process. This will create more equitable opportunities, particularly in historically exclusionary lower-density neighborhoods. By streamlining approvals, enhancing transparency, and lowering permitting barriers, the proposed amendments seek to increase housing availability, affordability, and access.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The proposal relies on the previously certified Environmental Impact Reports for: the Oakland 2045 General Plan Update - Phase 1 (2023); the Downtown Oakland Specific Plan (2024); the Coliseum Area Specific Plan (2015); Broadway Valdez Specific Plan (2014); West Oakland Specific Plan (2014); Central Estuary Area Plan (2013); Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan (1998); and the North Oakland Hill Area Specific Plan (1986) (collectively, "EIRs"). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, as a separate and independent basis, this proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment).

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Conduct A Public Hearing And, Upon Conclusion, Adopt An Ordinance, As Recommended By The Planning Commission:

- 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;
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- 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.

For questions regarding this report, please contact Michelle Matranga, Planner III, at (510) 238-3550.

Respectfully submitted,

*William A Gilchrist*

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