

Oakland 2045 General Plan Update | Phase 1 Zoning Amendments

Presentation to the Community
Economic Development (CED)
Committee

July 11, 2023

Planning and Building Department



**CITY OF
OAKLAND**



Goals for Today's Meeting

- Provide an overview of the Proposed Planning Code Text and Map Amendments for Phase 1 of the General Plan Update
- Timeline
- What we heard from Public Hearings and Community
- Summary of Proposed Amendments
 - **Proposed Planning Code Amendments**
 - **Zoning and Height Area Map Changes**
- Next Steps
- Feedback from Councilmembers

Overview

2045 General Plan Update

- **Legal Basis** for development and conservation.
- Establishes citywide vision and supporting **goals, policies, and implementation measures**.
- **Eight** required Elements
- **Two Phase Approach to General Plan Update:**
- **Phase I (Winter 2021 – Summer 2023)**
 - 2023-2031 Housing Element (*Adopted January 31, 2023*)
 - Safety Element & Environmental Justice Element
 - Zoning Code and General Plan – Map and Text Amendments for Phase 1
- **Phase II (From Fall 2023)**
 - Land Use and Transportation Element
 - Open Space, Conservation and Recreation Element
 - Capital Facilities and Infrastructure Element
 - Noise Element and Updates to the Zoning Code

Purpose of Proposed Planning Code Amendments

- **Implement actions in the 2023-2031 Housing Action Plan and actions proposed in Environmental Justice and Safety Element**
 - Further fair housing, incentivize affordable housing, encourage different housing types, add housing in areas well served by transit and resources
 - Advance environmental justice by reducing pollution burden on communities
 - Reduce constraints on housing development and processing entitlements
- **Implement several City Council Directives**
 - Allow four-plexes in areas zoned for single-family housing in high-resource areas to further fair housing and encourage a variety of multi-unit housing types in Oakland,
 - Eliminate parking requirements for 100% affordable housing projects
 - Address the intensity of commercial and industrial activities close to residential such as ghost kitchens and
 - Conditional Permitting for Healthcare Activities - residential area north of Children's Hospital

Proposed Planning Code Text Amendments – Overview

Missing Middle Housing Type Code Amendments

Change development standards in single-family neighborhoods to allow for a range of small-scale multi-unit housing types + upzoning and height changes in commercial zones + along transit corridors

Affordable Housing Overlay Zone

Ministerial approval + incentives for 100% affordable projects

Housing Sites Overlay Zone

Ministerial approval for identified sites in the 2023-2031 Housing Element

Planning Code Amendments Focused on Environmental Protection in Industrial Zones

Reduce pollution impacts on communities, address the intensity of commercial and industrial activities close to residential

Other Planning Code Amendments

Facilitate special housing types, remove constraints on processing entitlements + streamline and simplify development approval process

Timeline

- **September 2022 - February 2023** – Laying the Groundwork
 - Preliminary zoning proposals as part of the Housing Element – Appendix J
 - Written + verbal comments received through the Housing Element Update Process
 - Focus Groups on Missing Middle and AHO
- **March 3, 2023** – Draft Text Amendments Published
- **March 3, 2023 - May 9, 2023** – **Public Review Period**
 - Townhall and Equity Working Group meetings
 - Rockridge BART Open House
 - March, April and May 2023 - Public Hearings with ZUC, LPAB
- **Summer 2023** – Revisions to respond to Community Feedback
 - July 2023 – CED Study Session
- **Fall 2023** – Adoption Hearings
 - August 2023 – Planning Commission
 - September 2023 – CED and Council

Feedback from ZUC and LPAB

- **Support for**

- Comprehensive and detailed nature of the proposal
- Proposed environmental protection land code amendments in Industrial Zones to reduce pollution impacts
- Increased densities to support housing in high-resource areas such as Rockridge
- Incentives for affordable housing
- Revised parking standards

- **Specific recommendations**

- Consider other corridors for height increases as part of GPU Phase 2 - Land Use and Transportation Element update.
- Remove references to “neighborhood character” from the zoning code as this language is historically racist.
- Encourage affordable and denser housing and adaptive reuse of existing buildings.”

Community Feedback

- **Overwhelming Community Support for**

- Missing Middle zoning provisions
 - Providing more housing options so residents can afford to live and stay in the neighborhood
 - Increasing density and supporting housing in high-resource areas
- Upzoning along commercial corridors
- Prioritizing affordable housing through the Affordable Housing Overlay
- Encouraging housing in sites identified in the Sites Inventory
- Amendments focused on environmental protection in Industrial Zones and reduced

health impacts on truck-related businesses

- Support from BART riders and nearby residents for upzoning in Rockridge and Rockridge BART station

- **Concerns regarding**

- Parking reductions impacting off-street parking
- Increased density, reduced setbacks, and smaller lot sizes
- Concerns for reduced yard space, loss of privacy
- Loss of neighborhood character

Missing Middle Housing Type Code Amendments

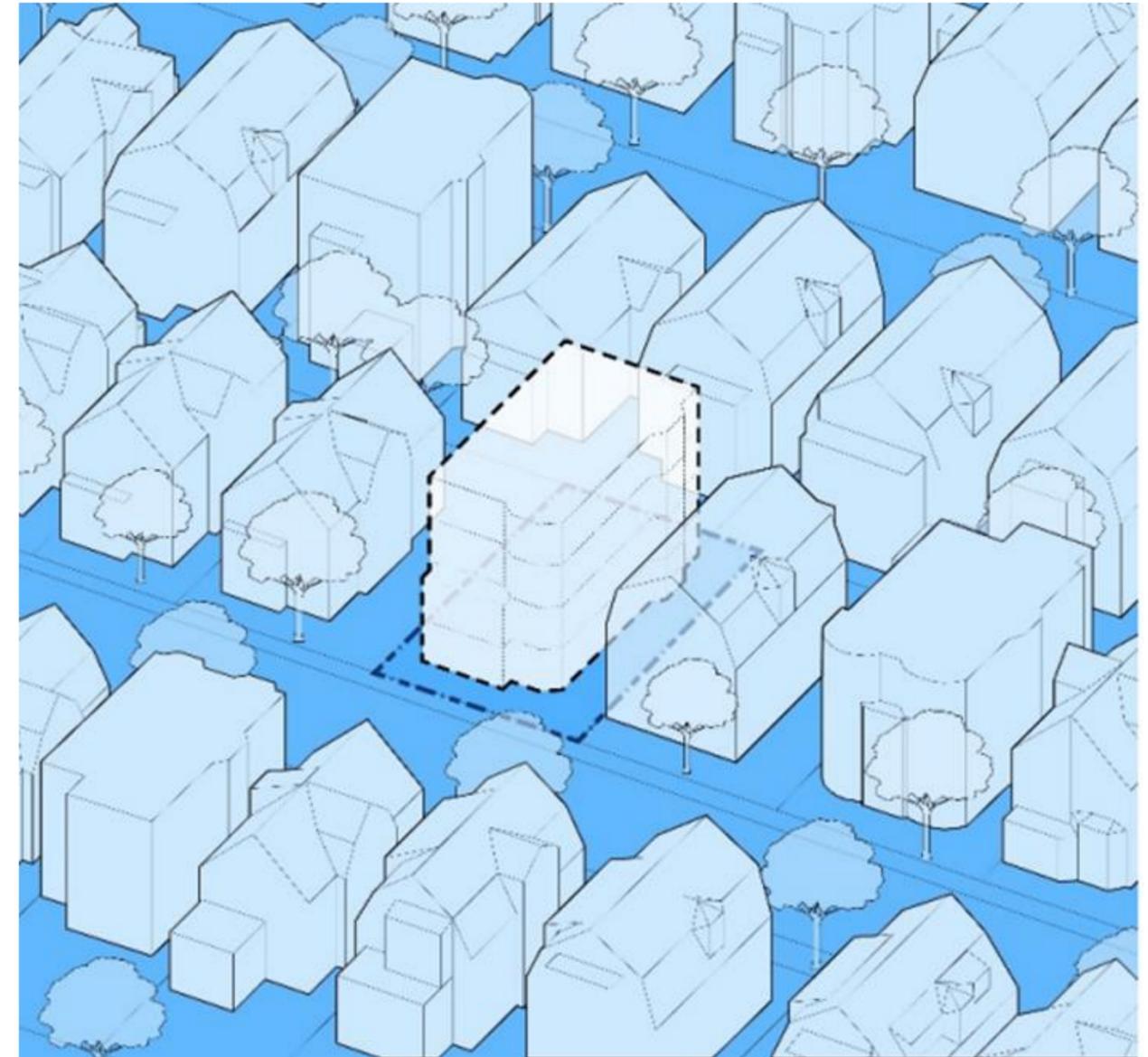
Missing Middle Housing Types Changes

- **Missing Middle Housing Types:** 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.
- **Purpose:** Encourage a diversity of housing types in currently single-family-dominated neighborhoods, along corridors, transit-proximate areas, and high-resource neighborhoods.
- **Applicable Zones:** Low-Density Residential Zones (Detached Unit Residential [RD], Mixed Housing Type Residential [RM], Urban Residential [RU], and Hillside Residential-4 [RH-4])



Missing Middle Changes – RD Zone

- **Detached Unit Residential Zones (RD):** Lowest-density neighborhoods in Oakland outside of Residential Hillside (RH) zones
- **New RD designation** will combine RD-1 and RD-2 into one zone that allows up to 4 dwelling units on lots 4,000 square feet or larger
 - On lots <4,000 square feet, two units allowed by right; three units allowed on parcels >3,000 square feet



Missing Middle Changes – RM Zones

- **Mixed Housing Type Residential Zones (RM):**

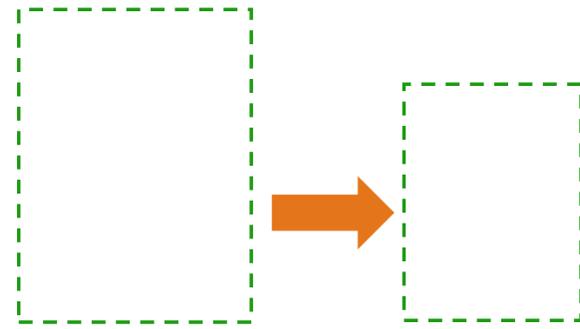
- The proposed changes both simplify and increase the density steps in each of the four existing RM Zones to allow additional units with larger lot sizes

Zoning	Existing Permitted Density	Proposed Permitted Density
RM-1	<ul style="list-style-type: none"> • 1 unit per lot • 2 units on lots 4,000 sf. or more with conditional use permit (CUP) 	<ul style="list-style-type: none"> • 1-2 units on any legal lot • 3 units on min. 3,000 sf. lot • 4 units on min. 4,000 sf. lot • 5 or more units- 1 unit per 1,750 sf.
RM-2	<ul style="list-style-type: none"> • 1 unit on lots <4,000 sf. • 2 units on lots >4,000 sf. • For 3 or more units (on lots >4,000 sf), 1 unit per 2,500 sf. with CUP 	<ul style="list-style-type: none"> • 1-2 units on any legal lot • 3 units on min. 3,000 sf. lot • 4 units on min. 4,000 sf. lot • 5 or more units- 1 unit per 1,500 sf.
RM-3	<ul style="list-style-type: none"> • 1 unit on lots <4,000 sf. • 2 units on lots >4,000 sf. • For 3 or more units (on lots >4,000 sf), 1 unit per 1,500 sf. with CUP 	<ul style="list-style-type: none"> • 1-2 units on any legal lot • 3 units on min. 3,000 sf. lot • 4 units on min. 4,000 sf. lot • 5 or more units- 1 unit per 1,250 sf.
RM-4	<ul style="list-style-type: none"> • 1 unit on lots <4,000 sf. • 2-4 units on lots >4,000 sf. • For 5 or more units (on lots >4,000 sf), 1 unit per 1,100 sf. with CUP 	<ul style="list-style-type: none"> • 1-2 units on any legal lot • 3 units on min. 3,000 sf. lot • 4 units on min. 4,000 sf. lot • 5 or more units- 1 unit per 1,000 sf.

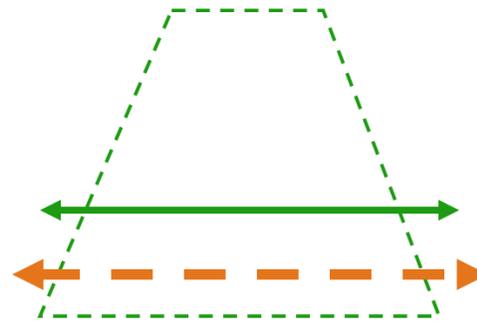
Legal lot= approved for development/use. Must meet certain criteria like access to public roads, minimum size requirements, etc.
Conditional Use Permit= allows property owner to use land in way not allowed by current zoning. Comes with certain conditions or restrictions to operate the use.

Missing Middle Changes: Other

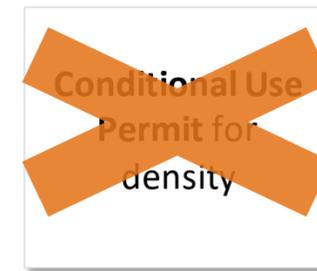
Other changes to reduce barriers in these and other zones include:



Reduce minimum lot size standards



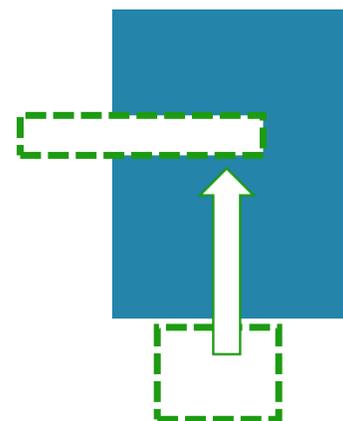
Reduce setbacks



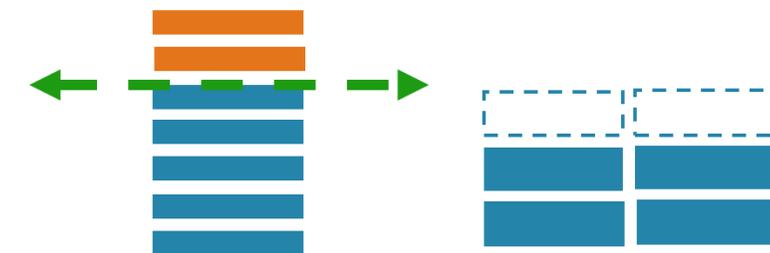
Eliminate conditionally permitted densities



Reduce or eliminate parking requirements



More flexibility for open space



Increased height limits and allowable density

Other Citywide Zoning Changes

- Create new Regional Commercial (CR-2) Zone to allow for residential uses
- Buffer existing industrial uses and residential uses and reduce potential land use conflicts through zone changes
- Fix existing split zoning on parcels throughout the City

Affordable Housing Overlay (AHO) Zone

S-13: Affordable Housing Overlay (AHO) Zone

- **Purpose:** create affordable housing restricted for extremely low, very low, low, and/or moderate-income households
 - Implements Action 3.3.5 in the Housing Action Plan
- **Components:**
 - Applies to projects with 100% affordable units in residential and commercial zones
 - If a parcel is <15,000 square feet, projects can be 20% affordable to very-low/lower incomes and 20% affordable to moderate incomes
 - By-Right (Ministerial) approval, CEQA exemption, and non-appealable
 - Possibility of extending streamlined approval provisions for qualifying mixed-income projects
 - Bonus height, relaxed development standards, and elimination of density maximums within the envelope
 - Optional program in lieu of the State Density Bonus program.

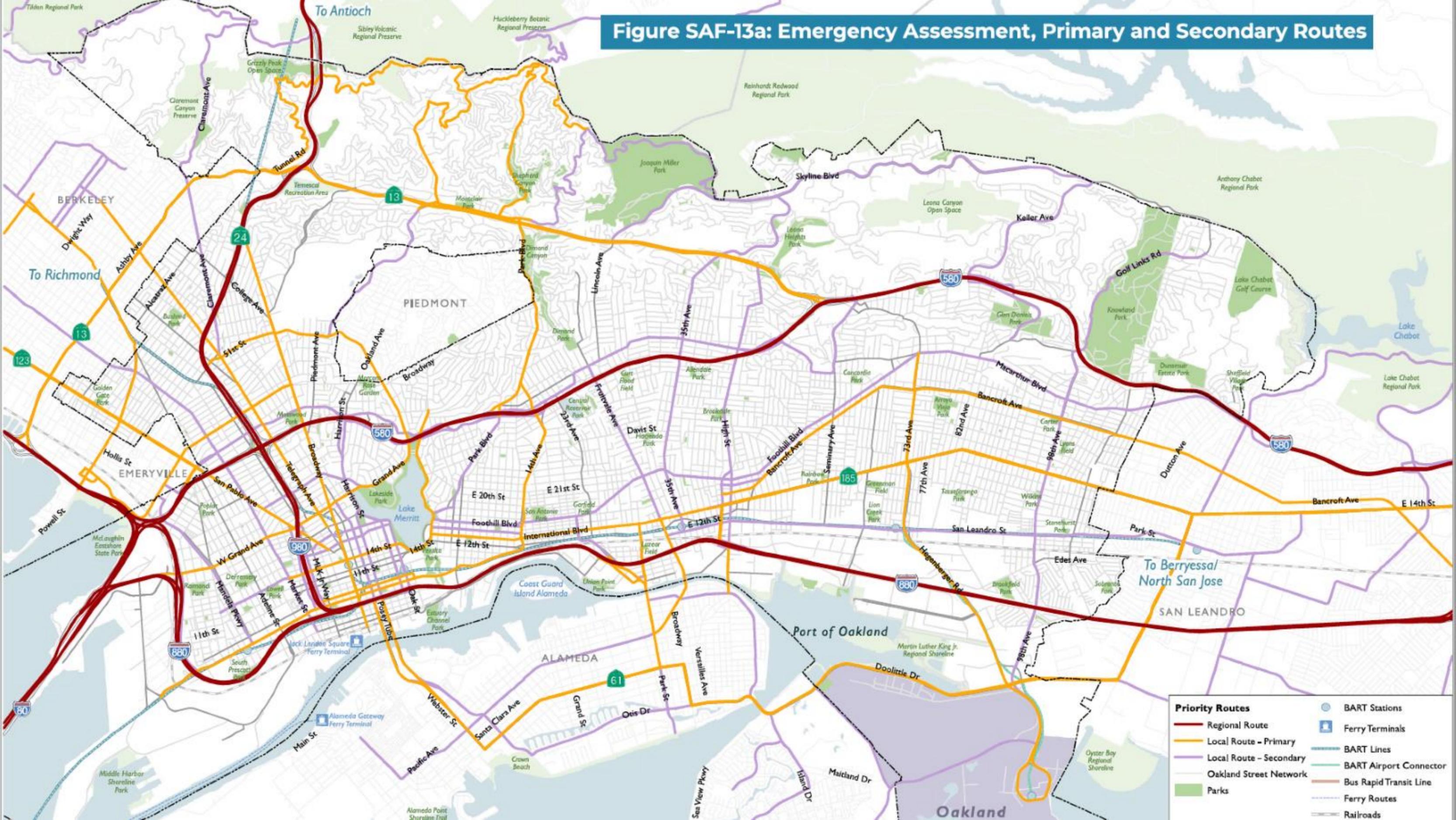
AHO Zone – Proposed Development Standards

Permitted density	Unlimited 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 lots less than 15,000 square feet	Two (2) additional stories above maximum permitted building height in the base zone
Height Regulations for lots equal to or greater than 15,000 sf	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

AHO Zone – Exceptions to Application

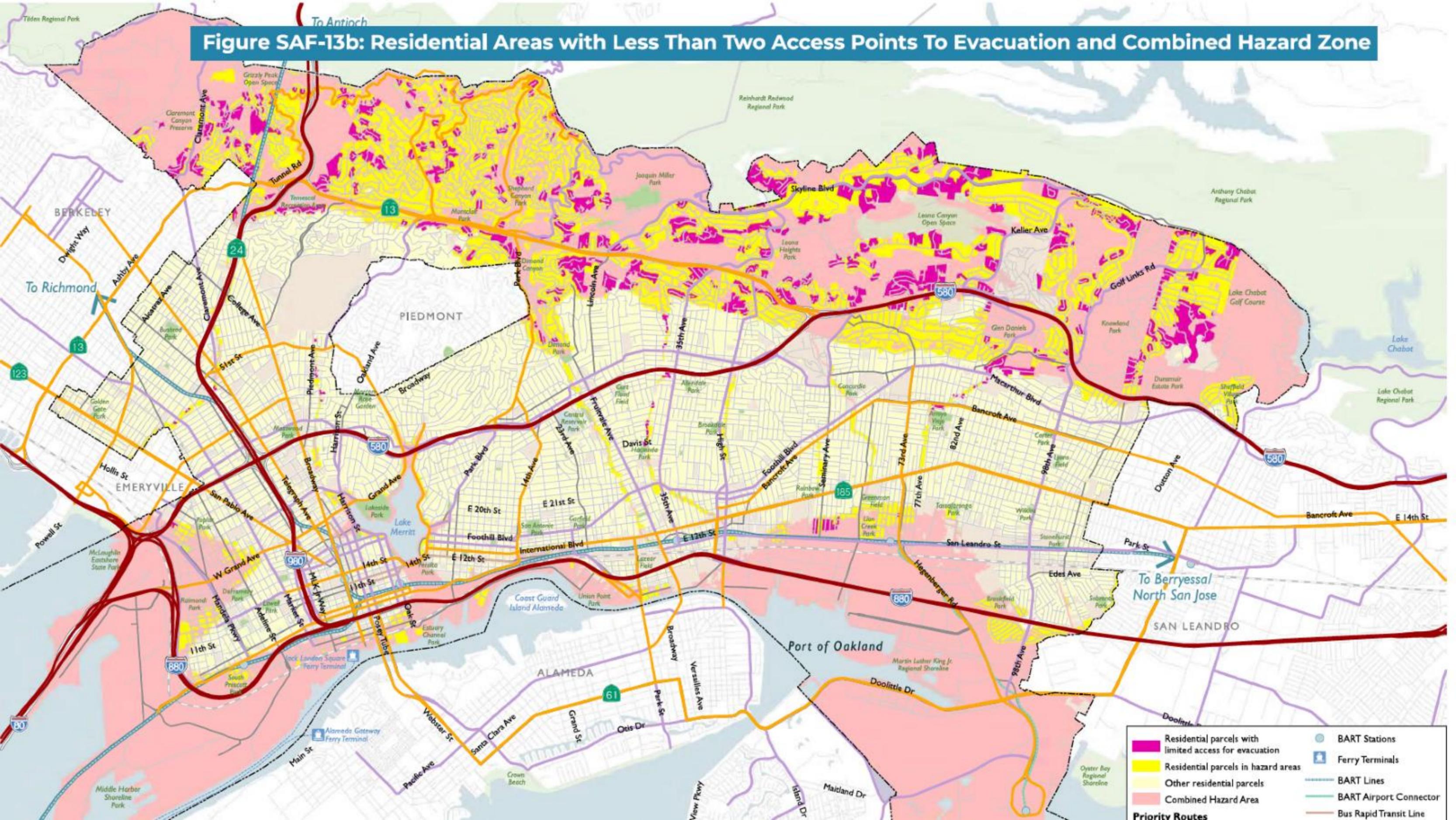
- The AHO zone would not apply in:
 - Parcels in the S-9 Fire Safety Protection Combining Zone; and
 - Parcels with Designated City, State, and Federal Historic Landmarks.
- **Limited application in the Very High Fire Hazard Severity Zone (VHFHSZ)** to commercial areas with direct freeway access
 1. CN-3, CN-4, and RM-3 zoned area in the Montclair district (where Moraga Avenue goes to Mountain Blvd.);
 2. CN-3 Commercial zoned area near Mountain Blvd. near Woodminster Lane;
 3. CC-1 Commercial zoned area near Redwood Road;
 4. CN-4 zoned area near intersection of Seminary Avenue and Kuhnle Avenue; and
 5. Oak Knoll + Barcelona City-owned sites

Figure SAF-13a: Emergency Assessment, Primary and Secondary Routes



- | Priority Routes | | Other Infrastructure | |
|---------------------------------------|-------------------------|----------------------|------------------------|
| — | Regional Route | | BART Stations |
| — | Local Route - Primary | | Ferry Terminals |
| — | Local Route - Secondary | | BART Lines |
| | Oakland Street Network | | BART Airport Connector |
| | Parks | | Bus Rapid Transit Line |
| | | | Ferry Routes |
| | | | Railroads |

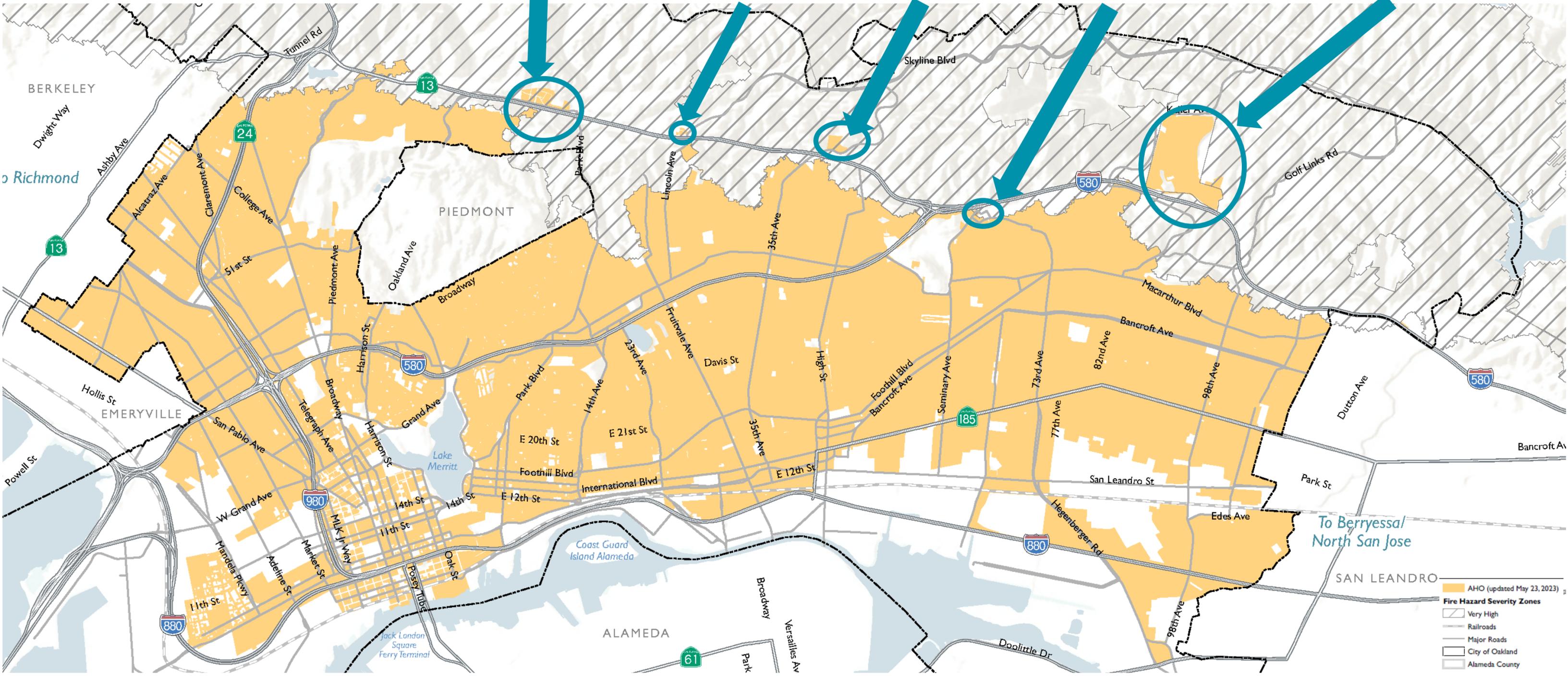
Figure SAF-13b: Residential Areas with Less Than Two Access Points To Evacuation and Combined Hazard Zone



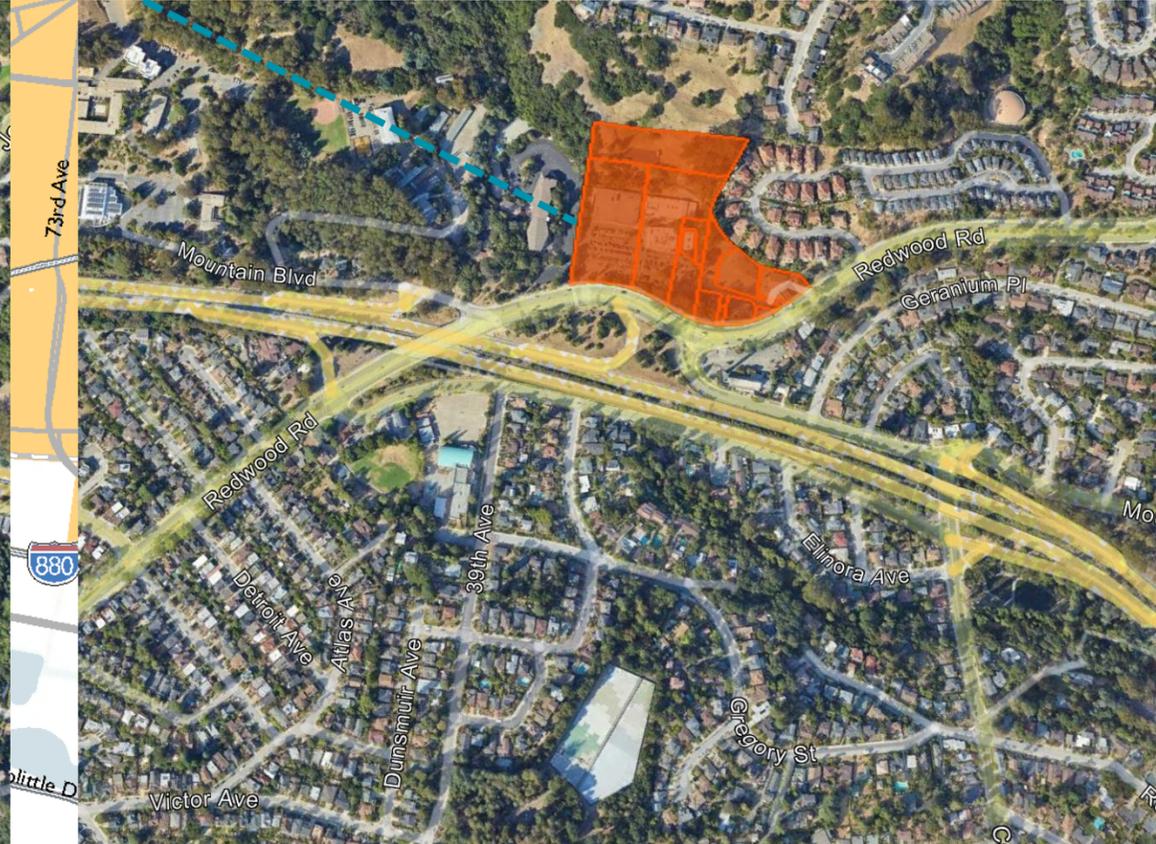
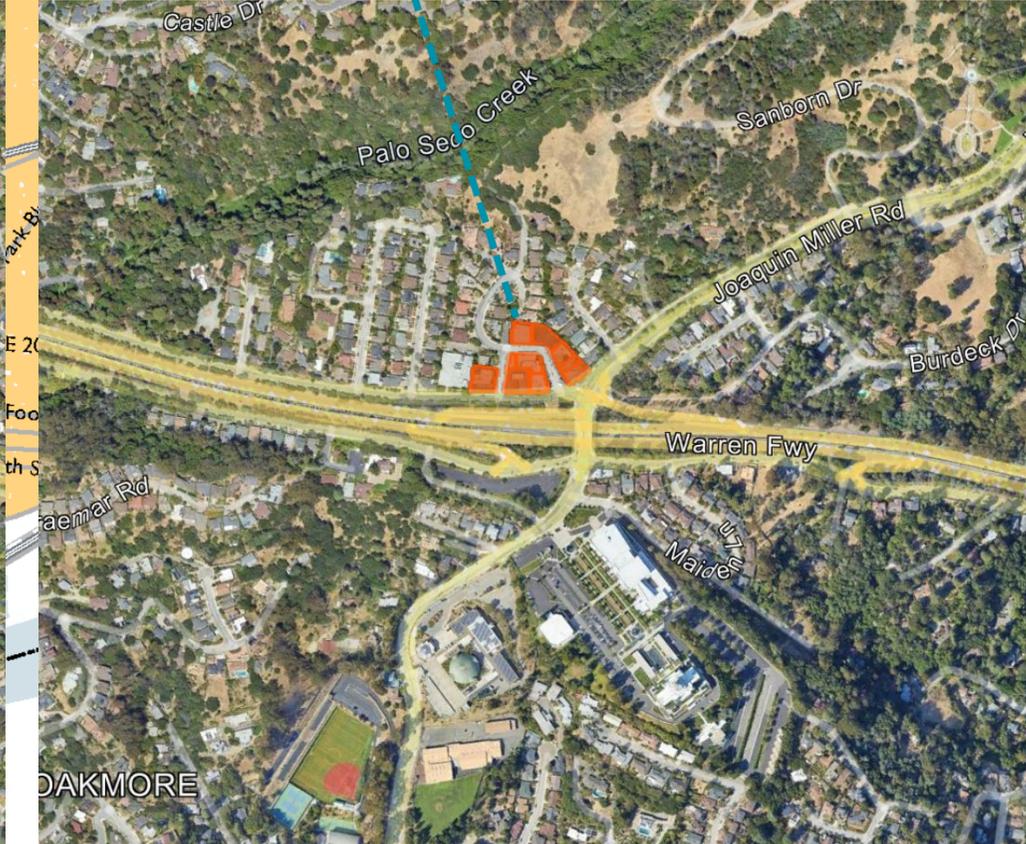
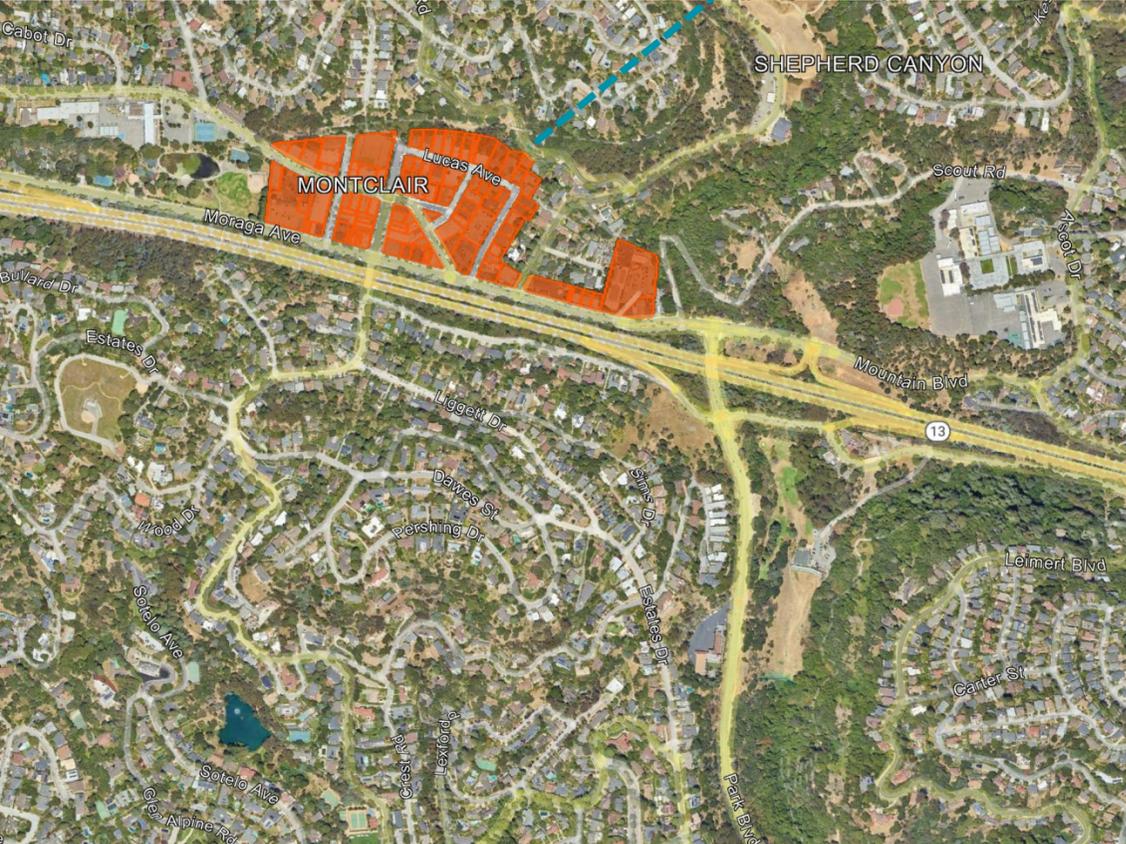
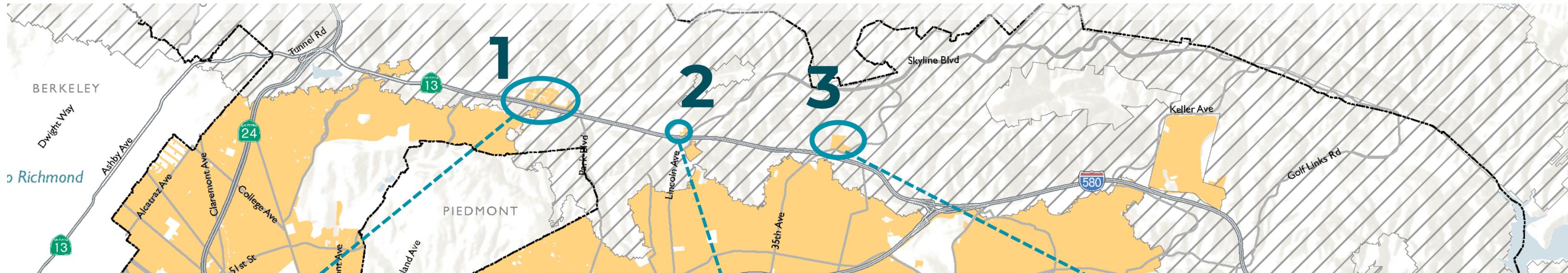
 Residential parcels with limited access for evacuation	 BART Stations
 Residential parcels in hazard areas	 Ferry Terminals
 Other residential parcels	 BART Lines
 Combined Hazard Area	 BART Airport Connector
Priority Routes	 Bus Rapid Transit Line

AHO Map

- 1. Montclair District
- 2. Mountain Blvd near Woodminster
- 3. Redwood Rd
- 4. Seminary and Kuhnle Ave
- 5. Oak Knoll and Barcelona sites



AHO Map- Areas in VHFHSZ



AHO Map- Areas in VHFHSZ

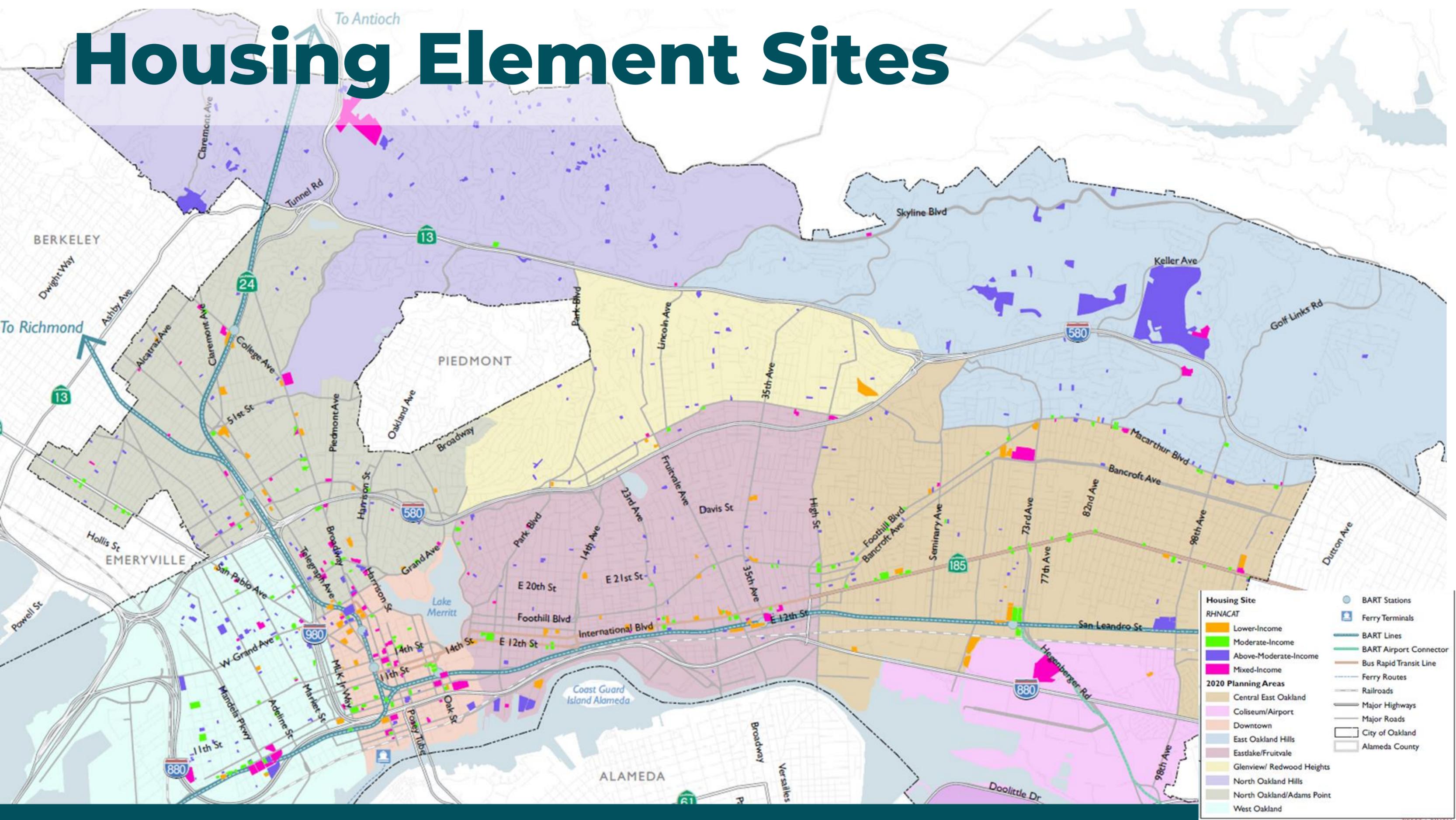


Housing Sites Overlay Zone

S-14: Housing Sites Overlay Zone

- **Purpose**: Facilitate housing opportunities in Oakland and highlight the sites where City wants housing to be built
 - Implements Action 3.4.10 in the Housing Action Plan
- **Components**:
 - Applies to all sites in the Housing Sites Inventory
 - Projects proposed must be majority residential use
 - Each project must build a minimum percentage of realistic capacity as estimated in the Housing Inventory
 - ***By-Right (Ministerial)*** approval for housing sites

Housing Element Sites



Sites Overlay Ministerial Approval Process

- **For Sites from Prior Housing Element Cycles (4th and 5th Cycle):**
 - Pursuant to State Law, the City will allow by-right development for projects with 20 percent units affordable to lower incomes.
- **For Sites Not Used in Prior Housing Element Cycles (6th Cycle)**
 1. Project proposes at least as many lower- and moderate-income units as shown in Columns P and Q of Housing Element Table C-26;
 2. Project proposes at least as many total units as described as the capacity for the parcel AND;
 3. Meets one of the following conditions
 - At least 20% of the housing units are restricted to very low-income households; OR
 - At least 25% of the housing units restricted to any combo of low and very low-income households; OR
 - At least 40% of the housing units restricted to any combo of low, very low, & moderate-income households

Exception: 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 100,000 sf of floor area

Code Amendments Focused on Environmental Protection in Industrial Zones

Environmental Protection in Industrial Zones

- **Purpose:** increase protection for sensitive receptors (schools, daycares, residential zones, hospitals, etc.)
- **Components:**
 - 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;
 - 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
 - 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 zone
 - Amend expiration timelines for Nonconforming Uses and CUP termination timelines for truck-intensive uses

Other Planning Code Amendments

Other Planning Code Amendments – Overview

- Comply with State regulations for special housing regulations;
- Improve public noticing to include building occupants;
- Remove constraints on staff's ability to process entitlements for housing projects; and
- Streamline the project approval process

Other Planning Code Amendments – Components

- Revise public noticing requirements to include building occupants, not just owners
- Clean up and clarify Planning Code language where necessary, remove inconsistencies
- Create definitions for key terms such as Affordable Housing
- Clarify specific agricultural activities, sidewalk cafes, and other civic and commercial activities
- Remove + reduce limitations to construction of new ground floor residential facilities in commercial zones
- 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.
- Remove barriers in the Planning Code to the approval of Emergency Shelters
- Update special housing regulations to comply with State Law

Citywide Zoning and Height Area Map Changes

Citywide Height Area Changes

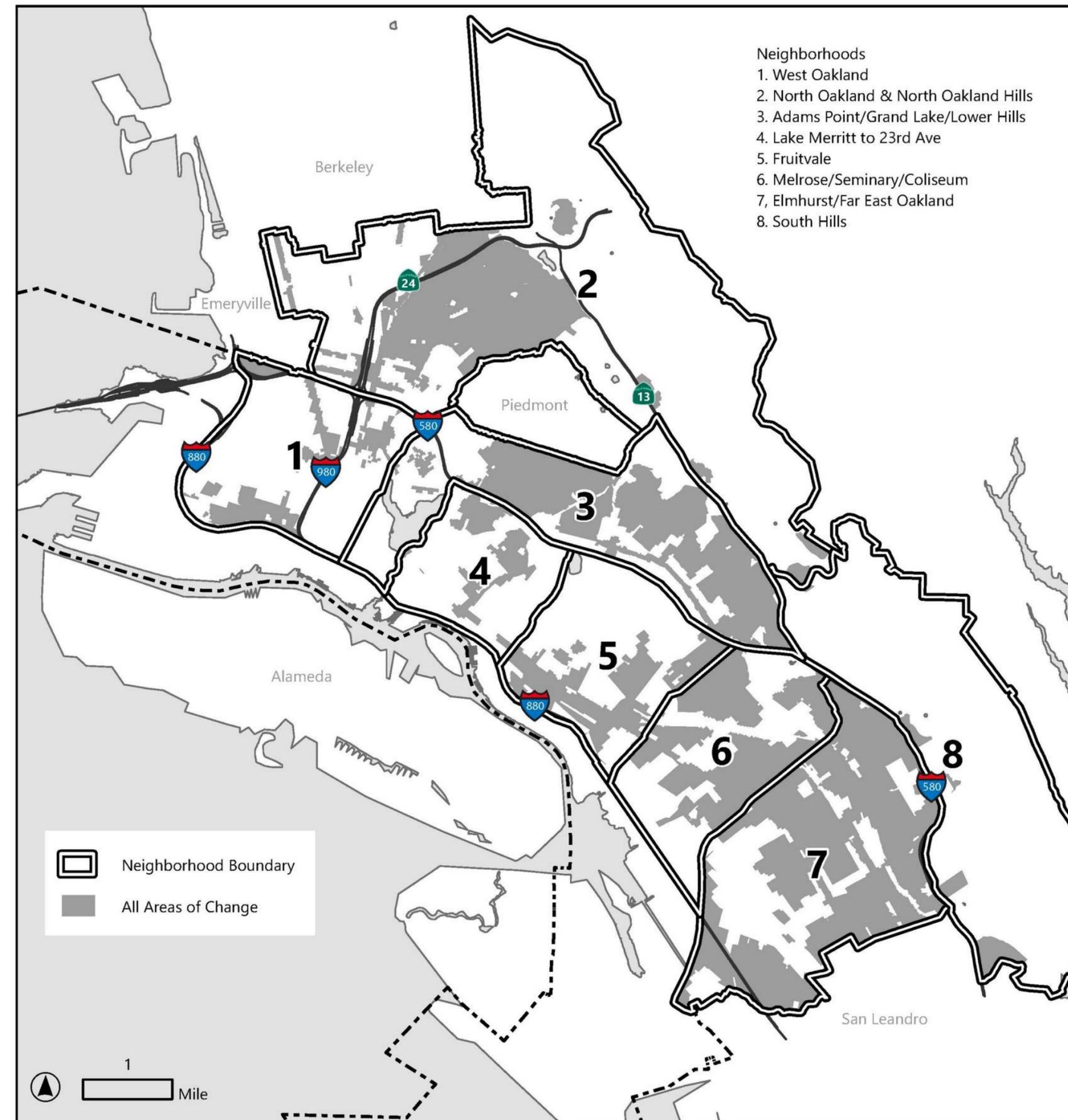
- 60 foot-height areas to change to 65 feet
 - Effectively achieve six (6) stories within a permitted building envelope
- 75 foot-, 85 foot-, and 90 foot-height areas to change to 95 feet
 - Bring the Zoning Code's height limits into better alignment with the California Building Code
 - Allow for maximum utilization of the building code's most cost-effective multifamily residential construction types
 - Lower construction costs per residential unit.

Zoning and Height Area Map – Neighborhood Changes

Oakland Neighborhood Boundaries

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

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Next Steps

Upcoming Milestones

- **Late July 2023 – Revised Documents**
 - Final EIR
 - Hearing Draft Safety Element
 - Hearing Draft EJ Element
 - Hearing Draft Phase 1 Code Amendments
- **Fall 2023 – Adoption Hearings for Phase 1 General Plan Update**
 - August 2023 – Planning Commission
 - September - October 2023 – City Council
- **Late Fall 2023 - Phase II General Plan Update Kickoff**
 - Land Use and Transportation (LUTE), Open Space, Conservation and Recreation (OSCAR), Noise, Capital Facilities and Infrastructure
- More info on past and upcoming events: <https://www.oaklandca.gov/topics/meetings-and-events>

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