# Appendix J. Summary of Preliminary Draft Missing Middle, Other Planning Code Amendments, and Zoning Map Amendments to Facilitate More Housing Proposal

As part of its Housing Action Plan, the City has identified several zoning reforms that would further increase housing production capacity and unlock additional opportunities for affordable and "missing middle" housing in high resource neighborhoods and affirmatively further fair housing by opening up exclusionary neighborhoods, and reducing the exposure to air pollution, toxic and other environmental hazards in environmental justice communities. Below is a summary of the proposed rezonings from the Housing Action Plan that will go to City Council for adoption in June/July of 2023. The proposed changes are also available as an interactive map.

## PURPOSE

The proposed missing-middle and other related Planning Code amendments will encourage a diversity of housing types such as flats, duplexes, triplexes, fourplexes, townhomes/rowhouses, and accessory dwelling units (ADUs) in currently single-family-dominated neighborhoods, and along corridors, transit-proximate areas, and high resource neighborhoods and remove constraints on the development of housing. The City is also proposing two overlay zones:

1. Affordable Housing Overlay (AHO) 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 Government Health and Safety Code Sections 50093, 50105, and 50106 50052.5 and in Oakland Planning Code Section 17.107.020). By-right approvals for 100% affordable housing projects will apply in the AHO Zone.
2. Housing Sites Overlay Zone: The City is proposing through Action 3.4.10 to permit sites identified in the 4th and 5th RHNA cycles as part of the Housing Element's Housing Sites Inventory (identified in Table C-26 in Appendix C) that build 20 percent or more of the units as affordable to lower-income households to be subject to by-right approval. In addition, the City will also look at ways to incentivize developers to build affordable housing on newly included sites identified through the 6th RHNA cycle in the Housing Sites Overlay. This could include by-right approval and/or other incentives to be further evaluated. All parcels within the Housing Sites Overlay Zone (whether they were in the 4th or 5th cycles or new in the 6th RHNA cycle), if redeveloped, will be required to be developed as a majority-residential use. A 100% non-residential use will not be allowed in this overlay.

The proposed missing-middle Planning Code amendments will:

- Reduce minimum lot size and setback standards where appropriate throughout the Planning Code to facilitate small lot development.

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- Minimum lot size is reduced to 2,000 square feet (sf.) in RD and RM Residential Zones.
- Residential side setbacks are reduced to 3 ft. for lots less than 3,000 sf. and 4 ft. for lots 3,000 sf. or greater in RD and RM Zones.
- Residential rear setbacks are reduced from 20 ft to 10 ft. in RD Zones and reduced from 15 ft. to 10 ft. in RM Zones.
- Residential front setbacks in the RD and RM-1 and RM-2 Zones are reduced from 20 ft. to 15 ft (there is an existing provision that allows for further reduction if structures on either side of the parcel are closer than the setback requirement). In addition, an exception will be provided if the development of four units on a 4,000 square foot lot or larger or two units on any lots less than 4,000 square feet is physically precluded by meeting the front setback requirement.

- Allow for encroachments of regular units into the rear setback, similar to encroachments allowed for Accessory Dwelling Units (ADUs).
- Revise density, maximum building heights, and minimum lot size standards to permit more housing units per lot where appropriate throughout the city in Hillside Residential RH-4, all Detached Residential (RD) Zones, all Residential Mixed Housing Type (RM) Zones, and Urban Residential RU-1 and RU-2 Zones.
  - Create new RD Zone to replace RD-1 and RD-2 so that both zones now have the same standards.
  - All RD, RM and RU Residential Zones will allow 4 or more units on lots that are 4,000 sf or more and 2 units on any lot smaller than 4,000 sf.
  - Maximum floor area ratio (FAR) and lot coverage has been increased to 55% lot coverage in RD and RM Zones, and they only apply to one and two residential units (FAR only applies to lots with a slope greater than 20%).
  - Minimum lot frontage for RD and RM Zones is reduced from 25 ft. to 20 ft.
  - Height limits increased for RD from 25 ft. wall height and 30 ft. roof height to 30 ft. wall height and 35 ft. roof height.
  - Height limits increased for RM-1, RM-2, and RM-3 from 25 ft. wall height and 30 ft. roof height to 35 ft. height for both wall and roof.
  - Open space requirements reduced in RD, RM, and RU Zones.
  - No minimum parking requirements for residential facility types within ½ mile of a major transit stop 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).
- 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.

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- Eliminate all conditionally permitted densities throughout Planning Code (densities will all be by right); and the current requirement for a Major Conditional Use Permit 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.

## OTHER PLANNING CODE AMENDMENTS

Other Planning Code amendments to facilitate more housing:

- Increase permitted densities in areas near transit and along transit corridors through zoning map changes (see Figure 2 and Table 2 below for densities).
- Increase permitted densities in residential neighborhoods near major corridors as shown in Figure ~~2~~1. In addition, during the rezoning process the City will consider upzoning all of the area shown around Rockridge to RM-4.
- 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 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 Zone, D-CO-1, D-LM, and S-2 Zones.
  - No minimum parking requirements for 100% affordable housing developments.
  - No parking required for ~~Allowances for~~ Rooming Houses~~Units~~/SROs throughout the city with the exception of the Very High Fire Hazard Severity Zone (VHFHSZ).
- Reduce and revise open space regulations to allow 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.
- Remove conditional use permit requirements for grocery stores in food deserts.
- Remove conditional use permit requirements in RM Zone food deserts for food sales, cafes, restaurants, and retail activities in spaces that are 600 square feet or less,

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- Streamline design review procedures and approve more project types ministerially.
- Remove unnecessary barriers in the Planning Code to the approval of Emergency Shelters and Residential Care activities.
- 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 the residential uses existing in and nearby these zones.
- Reduce allowed heavier industrial uses within certain distances of residential zones in the Commercial Industrial Mix (CIX), General Industrial (IG), and Industrial Office (IO) Zones to minimize impacts on the residential uses nearby.

Table 1 lists the existing and proposed zoning changes for missing middle zones, and Figure 1 shows existing zoning and proposed zoning changes. Table 2 lists the existing and proposed zoning changes for Commercial Zones associated with the key corridors in Figure 2. Figure 2 shows existing and proposed height changes along key corridors. Figure 3 shows existing and proposed height changes as part of the Downtown Oakland Specific Plan.

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**Table 1: Oakland's Missing Middle Zones**

| *Zoning Districts* | *Existing Permitted Densities* | *Proposed Permitted Densities* | *Existing Max. Bldg. Height* | *Proposed Max. Bldg. Height* | *Existing Min. Lot Size and Frontage* | *Proposed Min. Lot Size and Frontage* | *Existing Setbacks* | *Proposed Setbacks* |
|---|---|---|---|---|---|---|---|---|
| **RH-4** | 1 unit per lot | • 1 unit on any legal lot;<br>• 2 units on any lot (with limitation that the project is not located within the Very High Fire Hazard Severity Zone) | For Lots with Footprint Slope of ≤20%:<br>Max. Wall Ht.: 25 ft.<br>Max. Roof Ht.: 30 ft. | (Same - No Change) | 6,500 sf. or 8,000 sf. | (Same - No Change) | For Lots with Footprint Slope of ≤20%:<br>Front - 20 ft.<br>St. Side - 5 ft.<br>Int. Side - 5 ft.<br>Rear - 20 ft. | (Same - No Change) |
| **RD**<br>***(new zone to replace RD-1 & RD-2)*** | **RD-1:**<br>1 unit per lot | *New* **RD:**<br>• 1-2 units on any legal lot;<br>• 3 units on lots 3,000 sf. or greater;<br>• 4 units on lots 4,000 sf. or greater | **RD-1:**<br>For Lots with Footprint Slope of ≤20%:<br>Max. Wall Ht.: 25 ft.<br>Max. Roof Ht.: 30 ft. | *New* **RD:**<br>For Lots with Footprint Slope of ≤20%:<br>Max. Wall Height: 30 ft.<br>Max. Roof Height: 35 ft. | **RD-1:**<br>Min. Lot Size:<br>5,000 sf.<br><br>Min. Lot Frontage:<br>25 ft. | *New* **RD:**<br>Min. Lot Size:<br>2,000 sf.<br><br>Min. Lot Frontage:<br>20 ft. | **RD-1:**<br>For Lots ≥4,000 sf, w/ Footprint slope of ≤20%:<br>Front: 20 ft.<br>St. Side: 5 ft.<br>Int. Side: 5 ft.<br>Rear: 20 ft.<br><br>For Lots <4,000 sf, w/ Footprint slope of ≤20%:<br>Front: 20 ft.<br>St. Side: 4 ft.<br>Int. Side: 4 ft.<br>Rear: 15 ft.<br><br>For Lots <3,000 sf, w/ Footprint slope of ≤20%:<br>Front: 20 ft.<br>St. Side: 3 ft.<br>Int. Side: 3 ft.<br>Rear: 15 ft. | *New* **RD:**<br>For Lots ≥3,000 sf., w/ Footprint slope of ≤20%:<br>Front: 15 ft.<br>St. Side: 4 ft.<br>Int. Side: 4 ft.<br>Rear: 10 ft.<br><br>For Lots <3,000 sf., w/ Footprint slope of ≤20%:<br>Front: 15 ft.<br>St. Side: 3 ft.<br>Int. Side: 3 ft.<br>Rear: 10 ft. |

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| *Zoning Districts* | *Existing Permitted Densities* | *Proposed Permitted Densities* | *Existing Max. Bldg. Height* | *Proposed Max. Bldg. Height* | *Existing Min. Lot Size and Frontage* | *Proposed Min. Lot Size and Frontage* | *Existing Setbacks* | *Proposed Setbacks* |
|---|---|---|---|---|---|---|---|---|
| | **RD-2:**<br>***PERMITTED-***<br>• 1 unit per lot<br><br>***ALLOWED WITH CUP-***<br>• 2 units on lots 6,000 sf. or greater | | **RD-2:**<br>For Lots with Footprint Slope of ≤20%:<br>Max. Wall Ht.: 25 ft.<br>Max. Roof Ht.: 30 ft. | | **RD-2:**<br>Min. Lot Size:<br>5,000 sf.<br><br>Min. Lot Frontage:<br>25 ft. | | **RD-2:**<br>For Lots ≥4,000 sf, w/ Footprint slope of ≤20%:<br>Front: 20 ft.<br>St. Side: 5 ft.<br>Int. Side: 5 ft.<br>Rear: 15 ft.<br><br>For Lots <4,000 and <3,000 sf., same as RD-1 | |
| **RM-1** | ***PERMITTED-***<br>• 1 unit per lot<br><br>***ALLOWED WITH CUP-***<br>• 2 units on lots 4,000 sf. or greater | • 1-2 units on any legal lot;<br>• 3 units on minimum 3,000 sf. lots;<br>• 4 units on minimum 4,000 sf. lots;<br>• For 5 or more units – 1 unit per 1,750 sf. of lot area | For Lots with Footprint Slope of ≤20%:<br>Max. Wall Ht.: 25 ft.<br>Max. Roof Ht.: 30 ft. | For Lots with Footprint Slope of ≤20%:<br>Max. Ht.: 35 ft. | Min. Lot Size:<br>5,000 sf.<br><br>Min. Lot Frontage:<br>25 ft. | Min. Lot Size:<br>2,000 sf.<br><br>Min. Lot Frontage:<br>20 ft. | For Lots ≥4,000 sf, w/ Footprint slope of ≤20%:<br>Front: 20 ft.<br>St. Side: 5 ft.<br>Int. Side: 5 ft.<br>Rear: 15 ft.<br><br>For Lots <4,000 sf, w/ Footprint slope of ≤20%:<br>Front: 15 ft.<br>St. Side: 4 ft.<br>Int. Side: 4 ft.<br>Rear: 15 ft.<br><br>For Lots <3,000 sf, w/ Footprint slope of ≤20%:<br>Front: 15 ft.<br>St. Side: 3 ft.<br>Int. Side: 3 ft.<br>Rear: 15 ft. | For Lots ≥3,000 sf., w/ Footprint slope of ≤20%:<br>Front: 15 ft.<br>St. Side: 4 ft.<br>Int. Side: 4 ft.<br>Rear: 10 ft.<br><br>For Lots <3,000 sf., w/ Footprint slope of ≤20%:<br>Front: 15 ft.<br>St. Side: 3 ft.<br>Int. Side: 3 ft.<br>Rear: 10 ft. |

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| *Zoning Districts* | *Existing Permitted Densities* | *Proposed Permitted Densities* | *Existing Max. Bldg. Height* | *Proposed Max. Bldg. Height* | *Existing Min. Lot Size and Frontage* | *Proposed Min. Lot Size and Frontage* | *Existing Setbacks* | *Proposed Setbacks* |
|---|---|---|---|---|---|---|---|---|
| **RM-2** | ***PERMITTED-***<br>• 1 unit on lots less than 4,000 sf.<br>• 2 units on lots 4,000 sf. or greater<br><br>***ALLOWED WITH CUP-*** *(only on lots 4,000 sf. or greater):*<br>• For 3 or more units – 1 unit per 2,500 sf. of lot area | • 1-2 units on any legal lot;<br>• 3 units on minimum 3,000 sf. lots;<br>• 4 units on minimum 4,000 sf. lots;<br>• For 5 or more units – 1 unit per 1,500 sf. of lot area | For All Lots with a Footprint Slope of ≤20%:<br>Max. Wall Ht.: 25 ft.<br>Max. Roof Ht.: 30 ft. | For Lots with Footprint Slope of ≤20%:<br>Max. Ht.: 35 ft. | Min. Lot Size: 5,000 sf.<br><br>Min. Lot Frontage: 25 ft. | Min. Lot Size: 2,000 sf.<br><br>Min. Lot Frontage: 20 ft. | For Lots ≥4,000 sf, w/ Footprint slope of ≤20%:<br>Front: 20 ft.<br>St. Side: 4/5 ft.<br>Int. Side: 4/5 ft.<br>Rear: 15 ft.<br><br>For Lots <4,000 sf, w/ Footprint slope of ≤20%:<br>Front: 15 ft.<br>St. Side: 4 ft.<br>Int. Side: 4 ft.<br>Rear: 15 ft.<br><br>For Lots <3,000 sf, w/ Footprint slope of ≤20%:<br>Front: 15 ft.<br>St. Side: 3 ft.<br>Int. Side: 3 ft.<br>Rear: 15 ft. | For Lots ≥3,000 sf., w/ Footprint slope of ≤20%:<br>Front: 15 ft.<br>St. Side: 4 ft.<br>Int. Side: 4 ft.<br>Rear: 10 ft.<br><br>For Lots <3,000 sf., w/ Footprint slope of ≤20%:<br>Front: 15 ft.<br>St. Side: 3 ft.<br>Int. Side: 3 ft.<br>Rear: 10 ft. |

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| *Zoning Districts* | *Existing Permitted Densities* | *Proposed Permitted Densities* | *Existing Max. Bldg. Height* | *Proposed Max. Bldg. Height* | *Existing Min. Lot Size and Frontage* | *Proposed Min. Lot Size and Frontage* | *Existing Setbacks* | *Proposed Setbacks* |
|---|---|---|---|---|---|---|---|---|
| **RM-3** | ***PERMITTED-***<br>• 1 unit on lots less than 4,000 sf.;<br>• 2 units on lots 4,000 sf. or greater<br><br>***ALLOWED WITH CUP-***<br>*(only on lots 4,000 sf. or greater):*<br>• For 3 or more units – 1 unit per 1,500 sf. of lot area | • 1-2 units on any legal lot;<br>• 3 units on minimum 3,000 sf. lots;<br>• 4 units on minimum 4,000 sf. lots;<br>• For 5 or more units – 1 unit per 1,250 sf. of lot area | For All Lots with a Footprint Slope of ≤20%:<br>Max. Wall Ht.: 30 ft.<br>Max. Roof Ht.: 30 ft. | For Lots with Footprint Slope of ≤20%:<br>Max. Ht.: 35 ft. | Min. Lot Size: 5,000 sf.<br><br>Min. Lot Frontage: 25 ft. | Min. Lot Size: 2,000 sf.<br><br>Min. Lot Frontage: 20 ft. | For Lots ≥3,000 sf, w/ Footprint slope of ≤20%:<br>Front: 15 ft.<br>St. Side: 4 ft.<br>Int. Side: 4 ft.<br>Rear: 15 ft.<br><br>For Lots <3,000 sf, w/ Footprint slope of ≤20%:<br>Front: 15 ft.<br>St. Side: 3 ft.<br>Int. Side: 3 ft.<br>Rear: 15 ft. | For Lots ≥3,000 sf., w/ Footprint slope of ≤20%:<br>Front: 15 ft.<br>St. Side: 4 ft.<br>Int. Side: 4 ft.<br>Rear: 10 ft.<br><br>For Lots <3,000 sf., w/ Footprint slope of ≤20%:<br>Front: 15 ft.<br>St. Side: 3 ft.<br>Int. Side: 3 ft.<br>Rear: 10 ft. |

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| *Zoning Districts* | *Existing Permitted Densities* | *Proposed Permitted Densities* | *Existing Max. Bldg. Height* | *Proposed Max. Bldg. Height* | *Existing Min. Lot Size and Frontage* | *Proposed Min. Lot Size and Frontage* | *Existing Setbacks* | *Proposed Setbacks* |
|---|---|---|---|---|---|---|---|---|
| **RM-4** | ***PERMITTED-***<br>• 1 unit on lots less than 4,000 sf.;<br>• 2 to 4 units on lots 4,000 sf. or greater at 1 unit per 1,100 sf. of lot area<br><br>***ALLOWED WITH CUP-***<br>*(only on lots 4,000 sf. or greater):*<br>• For 5 or more units – 1 unit per 1,100 sf. of lot area | • 1-2 units on any legal lot;<br>• 3 units on minimum 3,000 sf. lots;<br>• 4 units on minimum 4,000 sf. lots;<br>• For 5 or more units – 1 unit per 1,000 sf. of lot area | For All Lots with a Footprint Slope of ≤20%:<br>Max. Wall Ht.: 35 ft.<br>Max. Roof Ht.: 35 ft. | (Same - No Change) | Min. Lot Size: 5,000 sf.<br><br>Min. Lot Frontage: 25 ft. | Min. Lot Size: 2,000 sf.<br><br>Min. Lot Frontage: 20 ft. | For Lots ≥3,000 sf, w/ Footprint slope of ≤20%:<br>Front: 15 ft.<br>St. Side: 4 ft.<br>Int. Side: 4 ft.<br>Rear: 15 ft.<br><br>For Lots <3,000 sf, w/ Footprint slope of ≤20%:<br>Front: 15 ft.<br>St. Side: 3 ft.<br>Int. Side: 3 ft.<br>Rear: 15 ft. | For Lots ≥3,000 sf., w/ Footprint slope of ≤20%:<br>Front: 15 ft.<br>St. Side: 4 ft.<br>Int. Side: 4 ft.<br>Rear: 10 ft.<br><br>For Lots <3,000 sf., w/ Footprint slope of ≤20%:<br>Front: 15 ft.<br>St. Side: 3 ft.<br>Int. Side: 3 ft.<br>Rear: 10 ft. |
| **RU-1** | 1 unit per 1,100 sf. of lot area | 1 unit per 1,000 sf. of lot area | 40 feet | 45 feet | Min. Lot Size: 5,000 sf.<br><br>Min. Lot Frontage: 25 ft. | Min. Lot Size: 2,500 sf.<br><br>Min. Lot Frontage: 25 ft. | For Lots ≥3,000 sf, w/ Footprint slope of ≤20%:<br>Front: 15 ft.<br>St. Side: 4 ft.<br>Int. Side: 4 ft.<br>Rear: 15 ft.<br><br>For Lots <3,000 sf, w/ Footprint slope of ≤20%: | For Lots ≥3,000 sf, w/ Footprint slope of ≤20%:<br>Front: 15 ft.<br>St. Side: 4 ft.<br>Int. Side: 4 ft.<br>Rear: 10 ft.<br><br>For Lots <3,000 sf, w/ Footprint slope of ≤20%:<br>Front: 15 ft.<br>St. Side: 3 ft. |

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| *Zoning Districts* | *Existing Permitted Densities* | *Proposed Permitted Densities* | *Existing Max. Bldg. Height* | *Proposed Max. Bldg. Height* | *Existing Min. Lot Size and Frontage* | *Proposed Min. Lot Size and Frontage* | *Existing Setbacks* | *Proposed Setbacks* |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | Front: 15 ft.<br>St. Side: 3 ft.<br>Int. Side: 3 ft.<br>Rear: 15 ft. | Int. Side: 3 ft.<br>Rear: 10 ft. |
| **RU-2** | 1 unit per 800 sf. of lot area | 1 unit per 750 sf. of lot area | 50 feet | 55 feet | Min. Lot Size: 5,000 sf.<br><br>Min. Lot Frontage: 25 ft. | Min. Lot Size: 2,500 sf.<br><br>Min. Lot Frontage: 25 ft. | For Lots ≥3,000 sf, w/ Footprint slope of ≤20%:<br>Front: 10 ft.<br>St. Side: 4 ft.<br>Int. Side: 4 ft.<br>Rear: 15 ft.<br><br>For Lots <3,000 sf, w/ Footprint slope of ≤20%:<br>Front: 10 ft.<br>St. Side: 3 ft.<br>Int. Side: 3 ft.<br>Rear: 15 ft. | For Lots ≥3,000 sf, w/ Footprint slope of ≤20%:<br>Front: 10 ft.<br>St. Side: 4 ft.<br>Int. Side: 4 ft.<br>Rear: 10 ft.<br><br>For Lots <3,000 sf, w/ Footprint slope of ≤20%:<br>Front: 10 ft.<br>St. Side: 3 ft.<br>Int. Side: 3 ft.<br>Rear: 10 ft. |

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# Figure 1: Existing Zoning and Proposed Zoning Changes

ORINDA
MORAGA
BERKELEY
PIEDMONT
EMERYVILLE
OAKLAND
ALAMEDA
SAN LEANDRO
San Francisco Bay
Lake Merritt
Lake Chabot
Oakland International Airport
Coast Guard Island Alameda
To Antioch
To Richmond
To San Francisco
To Berryessa/ North San Jose
Jack London Square Ferry Terminal
Alameda Gateway Ferry Terminal
Claremont Ave
Tunnel Rd
Shattuck Ave
Dwight Way
Ashby Ave
University Ave
Alcatraz Ave
College Ave
Telegraph Ave
Broadway
Harrison St
Oakland Ave
Park Blvd
Lincoln Ave
35th Ave
Fruitvale Ave
Davis St
23rd Ave
High St
Foothill Blvd
Seminary Ave
73rd Ave
82nd Ave
98th Ave
Dutton Ave
Bancroft Ave
E 14th St
Skyline Blvd
Keller Ave
Golf Links Rd
Macarthur Blvd
Hollis St
Powell St
San Pablo Ave
W Grand Ave
Mandela Pkwy
Adeline St
Market St
Grand Ave
MLK Jr Way
14th St
11th St
E 12th St
E 20th St
E 21st St
International Blvd
Oak St
Posey Tube
Webster St
Santa Clara Ave
Grand St
Otis Dr
Park St
Versailles Ave
Main St
Pacific Ave
Sea View Pkwy
Island Dr
Maitland Dr
Doolittle Dr
San Leandro St
Edes Ave
Harrison St
Broadway
Park St
Webster St
Fruitvale Ave
Foothill Blvd
Bancroft Ave
Macarthur Blvd
Doolittle Dr
Oakland Ave
Broadway
Lincoln Ave
35th Ave
Golf Links Rd
Keller Ave
Skyline Blvd
Tunnel Rd
Claremont Ave
Shattuck Ave
Dwight Way
Ashby Ave
University Ave
Alcatraz Ave
College Ave
Telegraph Ave
Broadway
Harrison St
Grand Ave
Park Blvd
23rd Ave
Fruitvale Ave
Davis St
High St
Foothill Blvd
Seminary Ave
73rd Ave
82nd Ave
98th Ave
Dutton Ave
Bancroft Ave
E 14th St
Macarthur Blvd
Hollis St
Powell St
San Pablo Ave
W Grand Ave
Mandela Pkwy
Adeline St
Market St
Grand Ave
MLK Jr Way
14th St
11th St
E 12th St
E 20th St
E 21st St
International Blvd
Oak St
Posey Tube
Webster St
Santa Clara Ave
Grand St
Otis Dr
Park St
Versailles Ave
Main St
Pacific Ave
Sea View Pkwy
Island Dr
Maitland Dr
Doolittle Dr
San Leandro St
Edes Ave
Harrison St
Broadway
Park St
Webster St
Fruitvale Ave
Foothill Blvd
Bancroft Ave
Macarthur Blvd
Doolittle Dr
Oakland Ave
Broadway

**Proposed Zoning District**

- S-15
- IO
- CIX-1B
- CIX-2
- RD-2
- HBX-2
- CN-1
- CN-2
- CN-3
- CC-2
- CR-1
- CR-2
- RM-2
- RM-3
- RM-4
- RU-1
- RU-2
- RU-3
- RU-4

- BART Stations
- BART Lines
- Railroads
- Major Roads
- City of Oakland
- Alameda County

0 0.5 1 2
MILES

SOURCE: City of Oakland, 2022; ALAMEDA County GIS, 2021; Dyett & Bhatia, 2022

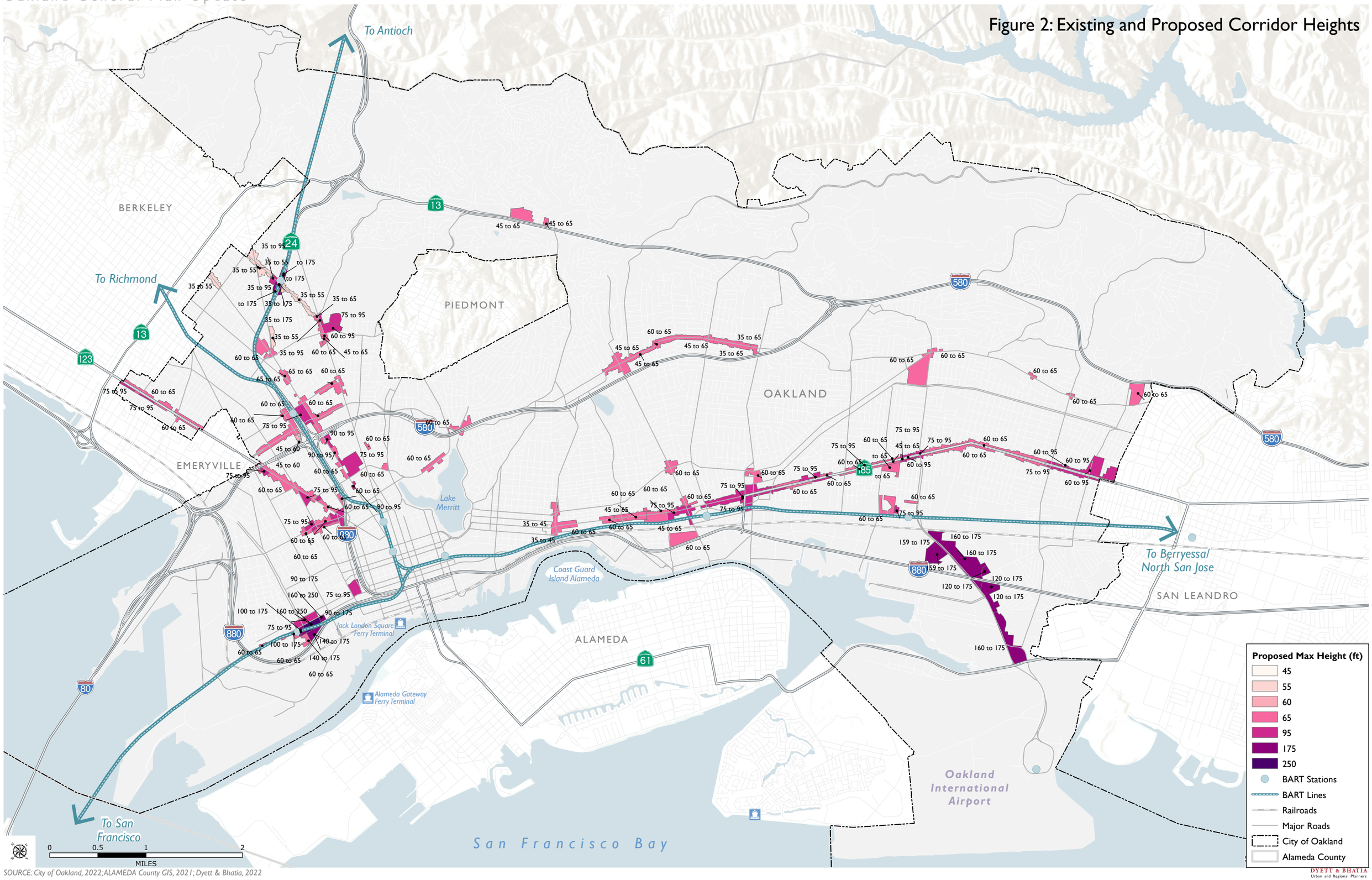
DYETT & BHATIA
Urban and Regional Planners

**Table 2: Commercial Zones along Corridors and BART stations, CN, CC, CR, & S-15 Zones,**

| **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)* |
|---|---|---|---|---|---|---|
| 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 |
| 90 feet | 90 ft. | 95 ft. | 225 sf | 200 sf | 110 sf | 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 |
| 140 feet | 140 ft. | 175 ft. | 225 sf | 200 sf | 110 sf | 100 sf |
| 160 feet | 160 ft. | 175 ft. | 225 sf | 200 sf | 110 sf | 100 sf |
| 160 feet (S-15 zone) | 160 ft. | 250 ft. | 225 sf | 200 sf | 110 sf | 100 sf |

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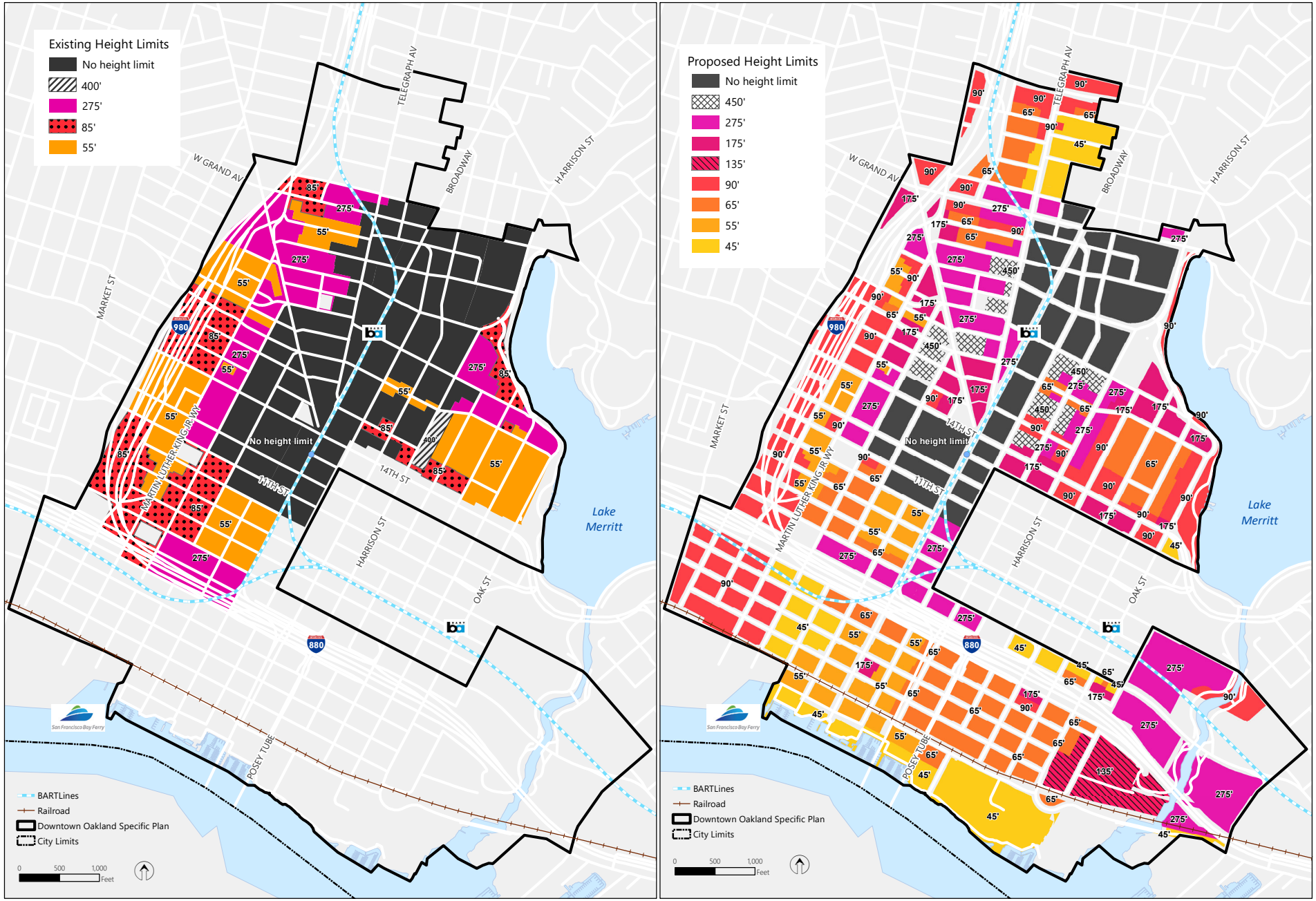
# Figure 2: Existing and Proposed Corridor Heights




SOURCE: City of Oakland, 2022; ALAMEDA County GIS, 2021; Dyett & Bhatia, 2022

DYETT & BHATIA
Urban and Regional Planners

Figure 3: Downtown Oakland Specific Plan Proposed Height Changes



# Summary of Preliminary Draft Affordable Housing Overlay Zone (AHO) Proposal

The City of Oakland (City) has completed a public hearing draft update to the 2023-2031 Housing Element as part of Phase 1 of the 2045 General Plan Update (GPU) process. As part of the Housing Element's Housing Action Plan, the City has identified several zoning reforms, including an Affordable Housing Overlay (AHO) Zone (see Action 3.3.5 in the Housing Action Plan).

The proposed 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.

Generally, the AHO Zone would allow for a bonus height for eligible affordable housing projects, as well as relaxation of other listed development standards and an elimination of any maximum residential density standards.

The City would apply the AHO Zone (Shown in Figure 4) on top of existing Hillside Residential-4 (RH-4), Detached Unit Residential (RD), Mixed Housing Type Residential (RM), Urban Residential (RU), Housing and Business Mix Commercial (HBX), Central Estuary District (D-CE), Neighborhood Center Commercial (CN), Community Commercial (CC), Central Business District (CBD), Regional Commercial (CR), Transit-Oriented Development Commercial (S-15), Broadway Valdez District (D-BV), Lake Merritt District (D-LM), and Coliseum Area District (D-CO) zones. Property development standards for each zone are shown in Table 1.

The AHO zone would not be applied to these underlying zoning districts if they are in the designated very high fire hazard severity zone (VHFHSZ). The City is studying the potential for areas that might be appropriate to be included in the VHFHSZ based on further analysis that is currently being conducted from consultants, including evacuation scenarios. In no circumstances would the AHO Zone apply within the S-9 Fire Safety Protection Combining Zone.

**Table 1: Base Zone and Property Development Standards in AHO**

| *Zone* | *Property Development Standards* |
|---|---|
| RH-4*, RD, RM, RU, HBX, D-CE | • Allow bonus height (of two additional stories)<br>• Allow additional lot coverage of up to (70%)<br>• Allow reduced rear setback (up to 10 feet.)<br>• Allow unlimited density that fits within the allowed building envelope of new or existing structures<br>• Additional height to allow a minimum of 65 feet is being studied for larger lots that could accommodate a 6-story affordable housing development.<br>• Reduced open space requirements.<br>• No minimum parking requirements. |
| CN, CC, CBD, CR, S-15, DB-V, D-LM, D-CO | • Allow bonus height (two - three additional stories)<br>• Allow unlimited density that fits within the allowed building envelope of new or existing structures |

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| | |
|---|---|
| | • Additional height to allow a minimum of 65 feet is being studied for larger lots that could accommodate a 6-story affordable housing development.<br>• Reduced open space requirements.<br>• No minimum parking requirements. |

*= RH-4 parcels that are not located in the Very High Fire Hazard Severity Zone.

## EXEMPTIONS

The AHO zone would not apply in:

- Areas of the Very High Fire Hazard Severity Zone. Some parts of the Very High Fire Hazard Severity Zone may be included in the AHO zone, pending the result of further analysis on safety impacts. In no circumstances will the S-9 combining district be covered by the AHO.
- Parcels with Designated City, State, and Federal Historic Landmarks.

The AHO *height* addition would not apply in:

- Areas with established historical significance known as Areas of Primary Importance (API), if the site currently contains a structure that contributes to the Area of Primary Importance. This shall only apply to APIs that are currently designated.
  - Projects in these areas must meet certain design requirements and preserve structures that contribute to the Area of Primary Importance.

## BY RIGHT APPROVAL

100 percent affordable projects proposed within the AHO zone would be subject to a ministerial approval process. A proposed project would not be subject to CEQA and would not be appealable. This would provide greater certainty to affordable housing developers that if the project is within the AHO zone and meets the objective zoning criteria listed in the Planning Code, the project will be approved and not held up through an appeal process.

The City will also study the possibility of extending the streamlined approval provisions of the affordable housing overlay to mixed-income projects that qualify for the super density bonus and/or other strategies to augment the City's density bonus program, as well as potentially applying the overlay to select areas within the VHFHSZ . The City will allow SROs and Rooming Houses by right in areas subject to the prospective affordable housing overlay.

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**Table 2: Existing Heights vs. Proposed AHO Height Changes**

| *Zoning District*[1] | *Maximum Building Heights* | | |
|---|---|---|---|
| | *Existing Heights* | *Proposed Height Changes as part of Missing Middle Zoning Changes* | *Proposed Height Changes as part of AHO*[2] |
| RH-4 | For All Lots with a Footprint Slope of ≤20%:<br>Max. Wall Ht.: 25 ft.<br>Max. Roof Ht.: 30 ft. | (Same - No Change) | Max. Wall Ht.: 45 ft.<br>Max. Roof Ht.: 50 ft. |
| RD-1 | For All Lots with a Footprint Slope of ≤20%:<br>Max. Wall Ht.: 25 ft.<br>Max. Roof Ht.: 30 ft. | For All Lots with a Footprint Slope of ≤20%:<br>Max. Wall Ht.: 30 ft.<br>Max. Roof Ht.: 35 ft. | Max. Wall Ht.: 50 ft.<br>Max. Roof Ht.: 55 ft. |
| RD-2 | For All Lots with a Footprint Slope of ≤20%:<br>Max. Wall Ht.: 25 ft.<br>Max. Roof Ht.: 30 ft. | For All Lots with a Footprint Slope of ≤20%:<br>Max. Wall Ht.: 30 ft.<br>Max. Roof Ht.: 35 ft. | Max. Wall Ht.: 50 ft.<br>Max. Roof Ht.: 55 ft. |
| RM-1 | For All Lots with a Footprint Slope of ≤20%:<br>Max. Wall Ht.: 25 ft.<br>Max. Roof Ht.: 30 ft. | For All Lots with a Footprint Slope of ≤20%:<br>Max. Wall Ht.: 35 ft.<br>Max. Roof Ht.: 35 ft. | Max. Wall Ht.: 55 ft.<br>Max. Roof Ht.: 55 ft. |
| RM-2 | For All Lots with a Footprint Slope of ≤20%:<br>Max. Wall Ht.: 25 ft.<br>Max. Roof Ht.: 30 ft. | For All Lots with a Footprint Slope of ≤20%:<br>Max. Wall Ht.: 35 ft.<br>Max. Roof Ht.: 35 ft. | Max. Wall Ht.: 55 ft.<br>Max. Roof Ht.: 55 ft. |
| RM-3 | For All Lots with a Footprint Slope of ≤20%:<br>Max. Wall Ht.: 30 ft.<br>Max. Roof Ht.: 30 ft. | For All Lots with a Footprint Slope of ≤20%:<br>Max. Wall Ht.: 35 ft.<br>Max. Roof Ht.: 35 ft. | Max. Wall Ht.: 55 ft.<br>Max. Roof Ht.: 55 ft. |
| RM-4 | For All Lots with a Footprint Slope of ≤20%:<br>Max. Wall Ht.: 35 ft.<br>Max. Roof Ht.: 35 ft. | (Same - No Change) | Max. Wall Ht.: 55 ft.<br>Max. Roof Ht.: 55 ft. |
| RU-1 | 40 ft. | 45 ft. | 65 ft. |
| RU-2 | 50 ft. | 55 ft. | 75 ft. |
| RU-3 | 65 ft. | 65 ft. | 85 ft. |

1. Zones: RH-4 Hillside Residential Zone, RD-1 and RD-2 Detached Unit Residential Zones, RM-1 Mixed Housing Type Residential Zone with a footprint slope of <20%, RM-2, RM-3, and RM-4 Mixed Housing Type Residential Zones with a footprint slope of <20%, RU-1, RU-2, and RU-3 Urban Residential Zones and HBX-1 and HBX-2 Housing and Business Mix Commercial Zones
2. Note: Includes proposed new heights already in Preliminary "Missing Middle" Proposal. See: "Summary of Preliminary Missing Middle Proposal"

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**Table 3: Existing vs. Proposed AHO Height Changes for HBX-1 to HBX-4 Housing and Business Mix Commercial Zones**

| *Zoning District* | *Maximum Building Heights* | |
|---|---|---|
| | *Existing* | *Proposed Height Changes as part of AHO* |
| HBX-1 | 35 ft. | 55 ft. |
| HBX-2 | 45 ft. | 65 ft. |
| HBX-3 | 55 ft. | 75 ft. |
| HBX-4 | 55 ft. | 75 ft. |

**Table 4: Existing vs. Proposed AHO Height Changes for RU-4 and RU-5 Urban Residential Zones**

| *RU-4 and RU-5 Height Areas Existing* | *Maximum Building Heights* | |
|---|---|---|
| | *Proposed Height Changes with Zoning Changes* | *Proposed Height Changes as part of AHO* |
| 35 feet | 35 ft. | 55 ft. |
| 45 feet | 45 ft. | 65 ft. |
| 60 feet | 65 ft. | 95 ft. |
| 90 feet | 95 ft. | 115 ft. |
| 120 feet | 125 ft. | 145 ft. |

**Table 5: Existing vs. Proposed AHO Height Changes for CN Neighborhood Commercial Zones**

| *CN Height Areas Existing* | *Maximum Building Heights* | |
|---|---|---|
| | *Proposed Height Changes with Zoning Changes* | *Proposed Height Changes as part of AHO –* |
| 35 feet | 35 ft. | 55 ft. |
| 35 feet* | 35 ft* | 55 ft. |
| 45 feet | 45 ft. | 65 ft. |
| n/a | 55 ft. | 85 ft. |
| 60 feet | 65 ft. | 95 ft. |
| 90 feet | 95 ft. | 115 ft. |
| * See Table 17.33.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations | | |

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**Table 6: Existing vs. Proposed AHO Height Changes for CC Community Commercial Zones**

| *CC Height Areas Existing* | *Maximum Building Heights* | |
|---|---|---|
| | *Proposed Height Changes with Zoning Changes* | *Proposed Height Changes as part of AHO –* |
| 35 feet | 35 ft. | 55 ft. |
| 45 feet | 45 ft* | 65 ft. |
| 55 feet | 55 ft. | 85 ft. |
| 60 feet | 65 ft. | 95 ft. |
| 90 feet | 95 ft. | 115 ft. |
| 1205 feet | 125 ft. | 145 ft. |
| 150 feet | 175 ft. | 200 ft. |

* See Table 17.33.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations

**Table 7: Existing vs. Proposed AHO Height Changes for New CBD Central Business District Zones in the Downtown Specific Plan**

| *Height Area - DOSP* | *New Height Areas* | *Proposed Height Changes as part of AHO* |
|---|---|---|
| 1 | 45 ft. | 65 ft. |
| 2 | 45 ft. | 65 ft. |
| 3 | 45 ft. | 65 ft. |
| 4 | 45 ft. | 65 ft. |
| 5 | 55 ft. | 85 ft. |
| 6 | 65 ft. | 95 ft. |
| 7 | 65 ft. | 95 ft. |
| 8 | 65 ft. | 95 ft. |
| 9 | 90 ft. | 115 ft. |
| 10 | 90 ft. | 115 ft. |
| 11 | Residential not permitted | Residential not permitted |
| 12 | 135 ft. | 155 ft. |
| 13 | 175 ft. | 200 ft. |
| 14 | 175 ft. | 200 ft. |
| 15 | 275 ft. | 275 ft. |
| 16 | 275 ft. | 275 ft. |
| 17 | 450 ft. | 450 ft. |
| 18 | No height limit | No height limit |

(see Figure 6, Summary of Preliminary Missing Middle Proposal for proposed DOSP height areas -1 through 18)

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**Table 8: Existing vs. Proposed AHO Height Changes in the Downtown Specific Plan - Zoning Incentive Area**

| *Height Area in DOSP - ZIP* | *New Height Areas* | *Proposed Height Changes as part of AHO* |
|---|---|---|
| A | 65 ft. | 65 ft. |
| B | 90 ft. | 95 ft. |
| C | 90 ft. | 95 ft. |
| D | 175 ft. | 200 ft. |
| E | 275 ft. | 275 ft. |
| F | 275 ft. | 275 ft. |
| G | 450 ft. | 450 ft. |
| H | No height limit | No height limit |
| I | No height limit | No height limit |

**Table 9: Existing vs. Proposed AHO Height Changes in the CR-2 Regional Commercial Zones**

| *CR-2 Height Areas* | *Maximum Building Heights* | |
|---|---|---|
| *Existing* | *Proposed Height Changes with Zoning Changes* | *Proposed Height Changes as part of AHO* |
| 35 feet. | 35 ft. | 55 ft. |
| 45 feet. | 45 ft | 65 ft. |
| 60 feet. | 65 ft. | 95 ft. |
| 90 feet. | 95 ft. | 115 ft. |
| 120 feet. | 125 ft. | 145 ft. |
| 160 feet. | 175 ft. | 200 ft. |
| (see Figure 3 - Summary of Preliminary Missing Middle Proposal for the Zoning Incentive Area) | | |

**Table 10: Existing vs. Proposed AHO Height Changes in the S-15 Transit-Oriented Development Commercial Zones**

| *S-15 Height Areas* | *Maximum Building Heights* | |
|---|---|---|
| *Existing* | *Proposed Height Changes with Zoning Changes* | *Proposed Height Changes as part of AHO* |
| 35 feet. | 35 ft. | 65 ft. |
| 45 feet. | 45 ft. | 65 ft. |
| 55 feet. | 55 ft. | 85 ft. |
| 60 feet. | 65 ft. | 95 ft. |
| 90 feet. | 95 ft. | 115 ft. |
| 100 feet. | 110 ft. | 130 ft. |
| 120 feet. | 125 ft. | 145 ft. |
| 140 feet. | 175 ft. | 200 ft. |
| 160 feet. | 250 ft. | 275 ft. |

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**Table 11: Existing vs. Proposed AHO Height Changes in the D-BV-2, D-BV-3, D-BV-4 Broadway Valdez District Commercial Zones**

| *D-BV-2, D-BV-3, D-BV-4 Height Areas Existing* | *Maximum Building Heights* | |
|---|---|---|
| | *Proposed Height Changes with Zoning Changes* | *Proposed Height Changes as part of AHO* |
| 45 feet. | 45 ft. | 65 ft. |
| 45 feet*. | 45 ft.* | 65 ft. |
| 65 feet. | 65 ft. | 95 ft. |
| 85 feet. | 95 ft. | 115 ft. |
| 85/135 feet. | 95/135 ft. | 115/155 ft. |
| 135 feet. | 135 ft. | 155 ft. |
| 135/200 feet. | 135/200 ft. | 155/225 ft. |
| 250 feet. | 250 ft. | 275 ft. |

* See Table 17.101C.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations

**Table 12: Existing vs. Proposed AHO Height Changes in the D-LM Lake Merritt Station Area District Zones**

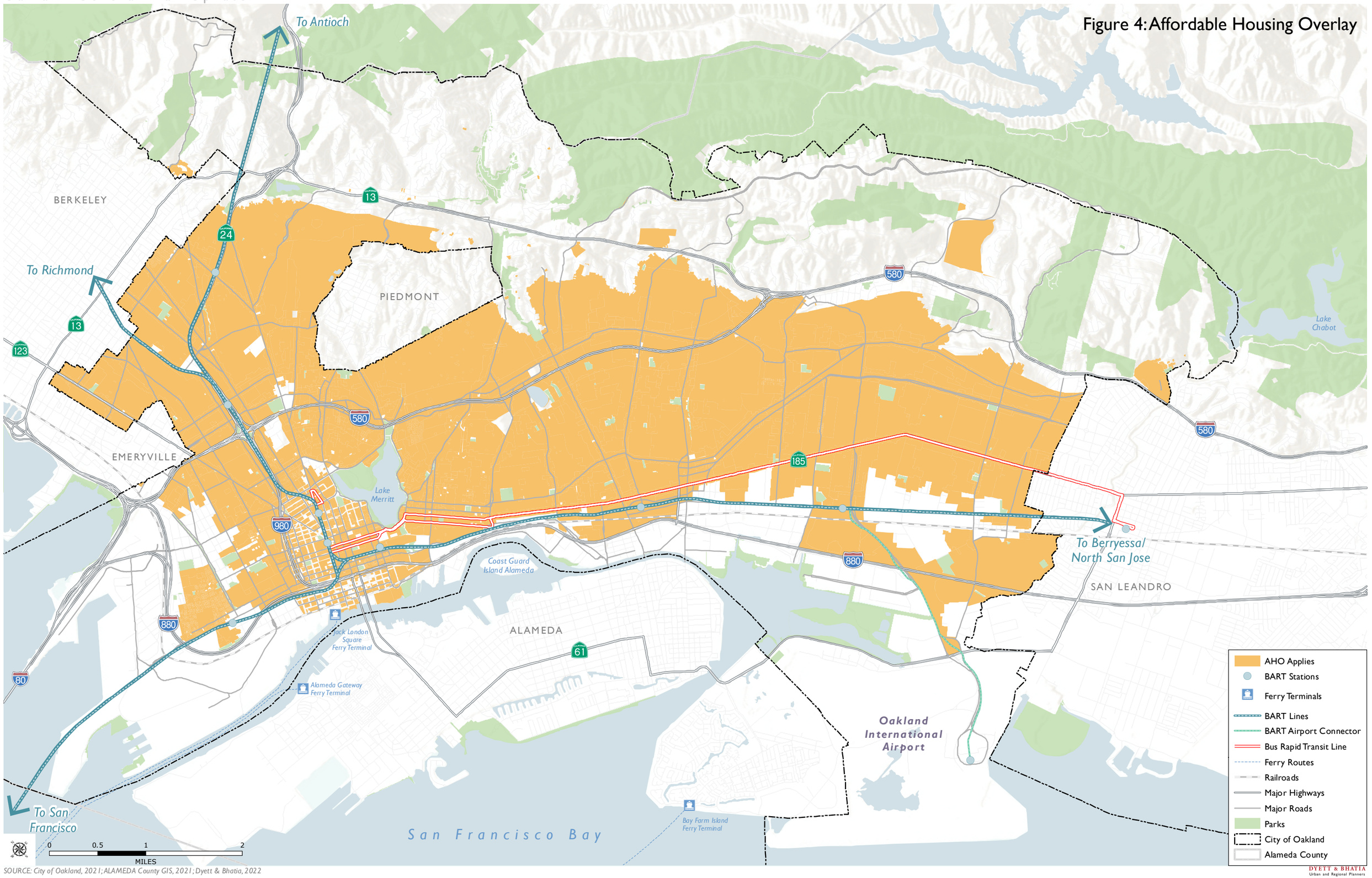
| *D-LM Height Areas Existing* | *Maximum Building Heights* | |
|---|---|---|
| | *Proposed Height Changes with Zoning Changes* | *Proposed Height Changes as part of AHO* |
| 45 feet. | 45 ft. | 65 ft. |
| 85 feet. | 95 ft. | 115 ft. |
| 175 feet. | 175 ft. | 200 ft. |
| 275 feet. | 275 ft. | 275 ft. |

**Table 13: Existing vs. Proposed AHO Height Changes in the D-CO-1, D-CO-2, and D-CO-4 Coliseum Area District Zones**

| *D-CO-1, D-CO-2, D-CO-4 Height Areas - Existing* | *Maximum Building Heights* | |
|---|---|---|
| | *Proposed Height Changes with Zoning Changes* | *Proposed Height Changes as part of AHO* |
| 159 feet. | 159 ft. | 159 ft. |
| 159 feet. | 159 ft. | 159 ft. |
| 85 feet. | 95 ft. | 115 ft. |

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# Figure 4: Affordable Housing Overlay




SOURCE: City of Oakland, 2021; ALAMEDA County GIS, 2021; Dyett & Bhatia, 2022

# Summary of Preliminary Draft Housing Sites Overlay Zone Proposal

As part of the Housing Element's Housing Action Plan, the City has identified several zoning reforms.

For Action 3.4.10 the City will create a Housing Sites Overlay Zone to permit sites identified in the 4th and 5th RHNA cycles as part of the Housing Element's Housing Sites Inventory (identified in Table C-26 in Appendix C) that build 20 percent or more of the units as affordable to lower-income households to be subject to by-right approval. In addition, the City will also look at ways to incentivize developers to build affordable housing on newly included sites identified through the 6th RHNA cycle in the Housing Sites Overlay. This could include by-right approval and/or other incentives to be further evaluated. All parcels within the Housing Sites Overlay Zone (whether they were in the 4th or 5th cycles or new in the 6th RHNA cycle) will be required to be developed as a majority-residential use. A 100% non-residential use will not be allowed in this overlay.

The proposed Housing Sites Overlay Zone is intended to facilitate housing opportunities in Oakland and to bring attention to those sites that the City intends for housing to be built pursuant to the Housing Element.

## APPLICATION OF THE HOUSING SITE OVERLAY ZONE

The Housing Site Overlay zone would apply to all housing sites identified in the Housing Sites Inventory in the Housing Element (See Housing Sites Inventory Map, Figure C-1 and Table C-26 in Appendix C).

### Requirements

A minimum percentage of housing must be built on the site, with some allowance for limited non-residential on the site, such as the ground floor. In addition, minimum densities proportional to the realistic capacity on any given site in the inventory will be required.

#### Incentives

Under a by right approval process, as per State requirements, any projects providing at least 20% affordable housing units proposed within the Housing Opportunity Sites Overlay Zone would be subject to a ministerial approval process. A proposed project would not be subject to CEQA and would not be appealable. This would provide greater certainty to projects building at least 20% affordable units that if the project is within the Housing Opportunity Overlay Zone and meets the objective zoning criteria listed in the Planning Code, the project will be approved and not held up through an appeal process. This will also provide an incentive for mixed income buildings to be built on these designated opportunity sites.

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