

Location:	Citywide
Assessor's Parcel Number(s):	Citywide
Proposal:	<p>Conduct a public meeting to discuss and provide comments on the geographically specific zoning, height area, and General Plan land use map and text changes, and proposed revisions to the Planning Code to implement actions proposed in Phase One of the Oakland 2045 General Plan Update (GPU).</p> <p>Proposed revisions to the Planning Code include changes to development standards, such as increased heights; increased housing density; shifts in where additional density is allowed; reduced parking and open space requirements; eliminating Conditional Use Permits for grocery stores in food deserts; creation of a new Artisan Production Commercial Activity; creation of an Affordable Housing Overlay Zone and a Housing Sites Overlay Zone; amendments to address special housing needs; other amendments that would seek to avoid impacts to residential activities from truck-intensive industrial uses and facilitate the production of unique special housing types; and amendments to remove constraints to staff ability to process entitlements for housing development and to streamline the approval process.</p>
Applicant:	City of Oakland
Contact Person/ Phone Number:	N/A
Owner:	N/A
Case File Number:	GP21002; ZA 23002; GP21002-ER01
Planning Permits Required:	N/A
General Plan:	Citywide
Zoning:	Citywide
Environmental Determination:	Environmental Impact Report (EIR) is in process
Historic Status:	N/A
City Council District:	All Council Districts
Finality of Decision:	No decision on application, receive Committee and Public comments on the proposed zoning and General Plan map changes and Planning Code amendments.
For Further Information:	Contact Case Planner Lakshmi Rajagopalan at (510) 238-6751 or by email at lrajagopalan@oaklandca.gov Project Email Address: generalplan@oaklandca.gov Project Website: https://www.oaklandca.gov/topics/general-plan-update

SUMMARY

At the March 15, 2023, meeting of the Zoning Update Committee (ZUC) of the Oakland City Planning Commission, staff presented proposed text revisions to the Oakland Planning Code, a summary of community feedback and outlined next steps. The ZUC reviewed the proposed text amendments to the Oakland Planning Code to redefine zoning designations and change development standards to: (1) allow

for a range of multi-unit or “missing middle¹” housing types and add housing in areas well served by transit and have historically been exclusionary; (2) create ministerial approvals for affordable housing developments and incentivize affordable housing through the Affordable Housing Overlay (AHO) zone and the Housing Sites Overlay zone; (3) reduce environmental burden due to pollution impacts on sensitive receptors, such as residential areas, schools, hospitals, etc.; (4) facilitate the increased production of housing, including special housing types; and (5) streamline and simplify the development approval process. See [3.15.23 Staff Report and Attachments](#) to the ZUC for the proposed zoning text amendments.

The ZUC provided feedback on the proposed text amendments and directed staff to present geographically specific zoning and height area map changes and General Plan land use text and map changes to seek feedback from the ZUC on those aspects of the proposal at their next scheduled meeting.

The draft zoning text amendments were published on the City’s General Plan Update Website on March 3, 2023, at: <https://www.oaklandca.gov/topics/oakland-2045-general-plan-zoning-amendments> and will be available for public input until May 9, 2023.

This report describes the proposed zoning, height area, and General Plan land use map and text changes.

BACKGROUND

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

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

The proposed Planning Code and General Plan text and map amendments, in combination with the proposed Zoning and Height Area Map changes, are anticipated to alter how and where new housing is produced throughout the city. The proposed amendments include several changes to the Planning Code, such as to: 1) permitted densities, maximum building heights, and minimum lot standards where appropriate throughout the city; and 2) allowance for additional building heights and densities in specific locations of the City, including along existing transit corridors such as International Boulevard, Foothill Boulevard, MacArthur Boulevard, San Pablo Avenue, Telegraph Avenue, and College Avenue, and in areas near high-capacity transit, including areas near BART and Bus Rapid Transit (BRT) Stations.

To increase “missing middle” housing types and affordable housing in existing neighborhoods, including currently single-family-dominated neighborhoods, and along corridors, transit-proximate areas, and high

¹ Missing Middle” refers to a variety of small-scale multi-unit housing types that can range from duplexes to townhouses to smaller apartment buildings. These units are compatible in scale with single-family neighborhoods and are intended to meet the demand for walkable neighborhoods, respond to changing demographics, and provide housing at different price points (from a market-rate perspective, a unit in a fourplex would generally sell/rent for less than a single-family home). These multi-unit housing types were common in the pre-World War II United States such as duplexes, rowhomes, and courtyard apartments but are now less common and, therefore, “missing”.

resource neighborhoods, new zoning standards in low-density residential zones (Detached Unit Residential [RD] and Mixed Housing Type Residential [RM]) would reduce the minimum lot size, remove constraints to lot splitting, and allow a wider variety housing types (flats, duplexes, triplexes, fourplexes, townhomes/ rowhouses, and other neighborhood-scaled multi-unit building types). The proposed zoning code changes also include increases to allowed heights in commercial zones along corridors and near BART stations (CN, CC, CR, and S-15 Zones). The proposed code amendments will also allow increased heights and densities along existing transit corridors such as San Pablo, International, Foothill, Shattuck, Telegraph, College, Claremont, and MacArthur. Similarly, this action would allow increased heights and densities in areas near high-capacity transit, including areas near BART and Bus Rapid Transit (BRT) Stations. The proposal is intended to help further fair housing objectives by increasing the availability of housing, and particularly more affordable units by design, in high resource areas by allowing higher densities in areas that are rich in services.

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

ZONING AND HEIGHT AREA MAP CHANGES

This section provides an overview of proposed zoning and height area map changes. Due to the number and extent of the changes, the following summary focuses on large contiguous areas where substantive changes will occur. The overview is organized in the following way: (A) Citywide Changes to the Zoning Map and Height Areas and (B) Geographically Specific Changes to the Zoning Map and Height Areas in Neighborhoods and Regions of the City.

(A) Citywide Changes to Zoning and Height Area Maps

1. Zoning Map Changes

- a. Citywide Change to Detached Unit Residential (RD) Zone: One of the most significant proposed changes to increase inclusion and access to desirable neighborhoods citywide is the consolidation of the existing RD-1 and RD-2 Zones into one new RD Zone that allows by right for up to four (4) dwelling units on lots 4,000 sf. or larger and two units on every parcel, regardless of the lot size. The current RD-1 Zone only allows one (1) dwelling unit per lot and the RD-2 Zone only allows two (2) dwelling units on lots that are 6,000 square feet or larger with a conditional use permit. The maps implement a proposed new zoning framework for the entire city and indicate that all residential properties currently designated RD-1 and RD-2 will be rezoned to the new RD zoning designation. See **Attachment A** for proposed citywide change to Detached Unit Residential (RD) Zoning.
- b. Upzoning: A majority of zoning changes represent an increase in the allowed building height or density. For example, several areas in the Rockridge neighborhood would be changed from Mixed Housing Type Residential Zone 1 (RM-1) to Mixed Housing Type Residential Zones 2, 3 or 4 (RM-2, RM-3, or RM-4) which would permit more units per lot, including two-to-four family dwellings and small multi-family dwellings. This also includes changes along the MacArthur Boulevard corridor near 73rd Street, Bancroft Avenue between 99th Avenue and 106th Avenue, and around High Street between Foothill Boulevard and I-880. In addition, changes to the RM zone densities allow for greater densities for each zone that include by right four (4) dwelling units on lots 4,000 sf. or larger and two units on every parcel, regardless of the lot size along with additional

densities allowed for lots larger than 4,000 sf. As an example, RM-1 currently allows for one unit by right on a parcel and with a conditional use permit two units on lots that are 4,000 sf or more.

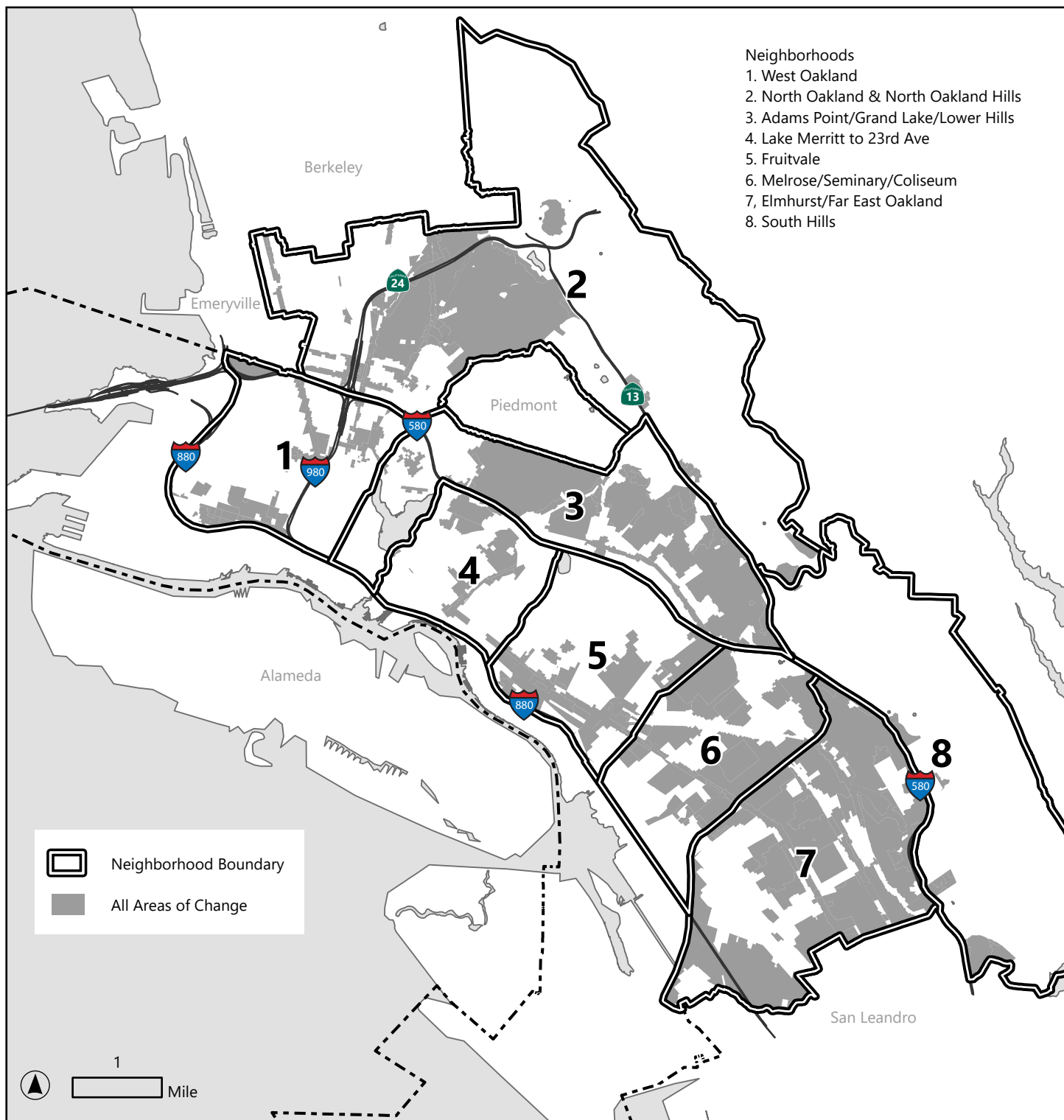
- c. New Regional Commercial (CR-2) Zone: In response to community feedback, a new Regional Commercial (CR-2) has been proposed to allow for residential uses. The current CR zone does not permit any residential uses. See **Attachment H** for proposed CR-2 zoning map changes.
 - d. Buffering: Several zoning changes are intended to buffer existing industrial uses and residential uses and reduce potential land use conflicts through zone changes that have more restrictions on certain heavier industrial or commercial uses. These zoning changes would occur on or near International Boulevard, High Street, and East 12th Street in central East Oakland, and along 66th Avenue and Hegenberger Road in the Coliseum and Airport areas.
 - e. Split Zoning: There are several parcels throughout the city where the existing zoning boundary splits lots. Several “clean up” zoning changes are intended to ensure that zoning follows property lines to the extent feasible.
2. Height Area Changes
- a. All 60 foot-height areas to change to 65 feet: In order to effectively achieve six (6) stories within a permitted building envelope, the height limit has to be at least 65 feet, assuming the 15 feet for the ground floor required in the zoning code and 10 feet for each story above ground. This update is intended to rectify this mathematical error.
 - b. All 75 foot-, 85 foot-, and 90 foot-height areas to change to 95 feet: This change is intended to bring the Zoning Code’s height limits into better alignment with the California Building Code. In order to allow for maximum utilization of the building code’s most cost-effective multifamily residential construction types, the designated areas on the zoning height area map that are currently envisioned to accommodate up to 7-story buildings (the existing 75 foot-, 85 foot-, and 90 foot-height areas) all require a minimum permitted building height of 85-90 feet (in order to accommodate, like the new 65 foot-height area, the 15 feet for the ground floor required in the Zoning Code and 10 feet for each story above ground). The proposal to go to 95 feet would allow for more sculpted rooftops, as well as accommodate a potential 8-story building envelope, such as may be achieved if five (5) stories of wood framing is permitted over a three (3) story concrete podium. This proposed 95 ft. height limit to accommodate an 8-story building envelope is intended to further maximize utilization of the building code’s most cost-effective construction types, and thus lower construction costs per residential unit.

(B) Neighborhood and Regions in the City

Neighborhood changes are organized into the following regions of the city (see **Figure 1** with Neighborhood Key for Zoning, and Height Area Changes):

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

Figure 1



Neighborhood Key of Zoning, Height Area and GP Map Changes

General Plan Update Phase 1 Amendments



CITY OF OAKLAND

Planning & Building Department, April 12, 2023

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

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

3. Adams Point/Grand Lake/Lower Hills

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

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

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

4. Lake Merritt to 23rd Avenue

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

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

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

5. Fruitvale

The Fruitvale area is located between Interstate 580 and Interstate 880, from 23rd Avenue eastward. The eastern boundary of this area is generally located ¼ to ½ mile east of High Street.

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

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

6. Melrose/Seminary/Coliseum

This area extends eastward from the boundary between Council Districts 5 and 6 below Interstate 580. Its northern boundary varies but is roughly ½ to ¼ mile east of High Street, approximately aligned with the Maxwell Park neighborhood and 51st Avenue in the Melrose District. The southern boundary is 73rd Avenue. This area includes Millsmont, Seminary and Havenscourt areas, Eastmont Mall and environs, Melrose, Fairfax, and the area around the Oakland Coliseum.

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

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

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

7. Elmhurst/ Far East Oakland.

The Elmhurst/ Far East Oakland area extends from 73rd Avenue eastward to the San Leandro border. Its upper boundary is Interstate 580 and its lower boundary is Oakland Airport. This area includes Sobrante Park, Tassaforonga, Brookfield Village, Columbia Gardens, Las Palmas, Toler Heights, Foothill Square, Stonehurst, Elmhurst Park, Webster Tract, Castlemont, Woodland, Fitchburg, Highland, Iveywood, Golf Links, Cox, Arroyo-Viejo, and Durant Square.

Proposed changes to the zoning and height area maps include increased heights and densities in the areas on or near Hegenberger Road, International Boulevard, Macarthur Boulevard, Alvingroom Court, and 98th Avenue; and in lower-density neighborhood areas throughout this district that have been identified as suitable for more infill housing, and zoning map changes to CR-2See **Attachment H** for proposed changes to the zoning and height area maps in the Elmhurst/ Far East Oakland Area.

8. South Hills

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

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

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

GENERAL PLAN LAND USE TEXT AND MAP CHANGES

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

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

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

Text amendments to the LUTE are focused on increasing the allowable density/intensity (units per acre) for residential projects in most land use classifications throughout the City (not including Hillside Residential); facilitating development of accessory units; allowing twice the density for efficiency units and rooming units in areas designated as Urban Residential, Neighborhood Center Commercial, Community Commercial, Regional Commercial, Central Business District, and Housing and Business Mix; and allowing unlimited density for residential projects satisfying the affordability thresholds in an affordable housing overlay so long as they are otherwise consistent with zoning requirements. Text amendments are included as **Attachment J** and the proposed changes to allowed residential density are summarized in **Table 1**.

The maps indicate the existing zoning, and height and general plan land use designations and proposed changes to zoning, height, and general plan land use designation for all parcels See **Attachment K** for proposed General Plan map amendments. See **Figure 1** with Neighborhood Key for General Plan Map Changes.

Table 1: Proposed Changes to Allowed Residential Density, LUTE

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

NEXT STEPS

Staff, in partnership with Bay Area Rapid Transit (BART) will be hosting an open house event on April 13, 2023, to discuss the Transit Oriented Development possibilities near the Rockridge BART Station. Potential topics will include discussion on site conditions and constraints/opportunities, zoning and land use changes, potential goals, and objectives for a Rockridge TOD development and the development process. The GPU team, in partnership with our community consultant, Deeply Rooted Collaborative and technical consultant, Dyett and Bhatia, will continue to conduct community engagement to gain feedback and input on the draft zoning proposals through virtual focus groups, presentations to community groups and Neighborhood Councils, public hearings, and social media. Information about the community events will be posted on the [General Plan Update Community Engagement website](#) and shared via email to the General Plan listserv.

As stated earlier, the draft zoning text amendments published on the City's General Plan Update Website on March 3, 2023, and will be available for public input until May 9, 2023. After the end of the public review period, staff will further revise and update the Planning Code text, as well as the proposed zoning, General Plan, and height area maps to reflect feedback from ZUC and the community. The revised Planning Code text, along with the proposed Zoning, General Plan, and Height Area Map amendments, will then be presented to the City Planning Commission and the City Council between Summer and Fall of 2023.

ENVIRONMENTAL DETERMINATION

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

The Phase I Oakland 2045 General Plan Update Draft EIR is available, the 45-day comment period began on March 24, 2023, and ends on May 9, 2023, at 5:00 PM. The City Planning Commission will conduct a public meeting to receive comments on the Draft EIR for the Project on April 19, 2023, 3:00 PM in the Council Chambers in City Hall, 1 Frank H. Ogawa Plaza Oakland, CA 94612.

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

ACTION REQUESTED OF THE ZONING UPDATE COMMITTEE

Staff recommends that the Zoning Update Committee review and discuss the staff report, receive comments, and refer the proposed zoning map, height area map and General Plan land use map and text changes to the full Planning Commission.

Prepared by:

Lakshmi Rajagopalan

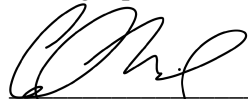
Lakshmi Rajagopalan, Planner IV
Khalilha Haynes, Planner III
Strategic Planning Division

Reviewed by:

Laura B. Kaminski

Laura B. Kaminski, Strategic Planning Manager

Approved for forwarding to the
Zoning Update Committee by:



Ed Manasse, Deputy Director of Planning

ATTACHMENTS:

- A. Map showing proposed citywide change to Detached Unit Residential (RD) Zone
- B. Proposed changes to the zoning and height area maps in the West Oakland Area
- C. Proposed changes to the zoning and height area maps in the North Oakland and North Hills Area
- D. Proposed changes to the zoning and height area maps in the Adams Point/Grand Lake/Lower Hills Area
- E. Proposed changes to the zoning and height area maps in the Lake Merritt to 23rd Avenue
- F. Proposed changes to the zoning and height area maps in the Fruitvale Area
- G. Proposed changes to the zoning and height area maps in the Melrose/Seminary/Coliseum Area
- H. Proposed changes to the zoning and height area maps in the Elmhurst/ Far East Oakland Area
- I. Proposed changes to the zoning and height area maps in the South Hills Area
- J. Proposed text amendments to the General Plan Land Use and Transportation Element (LUTE)
- K. Proposed General Plan map amendments