

Location:	Citywide
Proposal:	Conduct a public meeting to provide comments on proposed Planning Code amendments to implement actions proposed in the 2023-2031 Housing Element. 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.
Applicant:	City of Oakland
Case File Numbers:	GP21002; ZA23002; GP21002-ER01
General Plan:	Citywide
Zoning:	Citywide
Environmental Determination:	An Environmental Impact Report is being prepared.
City Council District:	All districts
Staff Recommendation:	The purpose of this meeting is to receive comments on the proposed Planning Code amendments from the public and the Landmarks Preservation Advisory Board.
Finality of Decision	N/A
For Further Information:	Contact Project Manager Lakshmi Rajagopalan at 510-238-6751 or lrjagopalan@oaklandca.gov Project Email Address: generalplan@oaklandca.gov Project Website: https://www.oaklandca.gov/topics/general-plan-update

SUMMARY

The City of Oakland began a comprehensive, two-phase process to update its General Plan in November 2021. Phase I of the Oakland 2045 General Plan Update (GPU) includes updates to the Housing and Safety Elements; creation of the City’s first Environmental Justice Element; updates to the Zoning Code and zoning maps; an Industrial Land Use Study; a Racial Equity Impact Analysis; and California Environmental Quality Act (CEQA) review.

Phase II includes the update of the Land Use and Transportation Element (LUTE); Open Space, Conservation, and Recreation Element (OSCAR); Noise Element; and the development of a new Infrastructure and Facilities Element. Phase II work also includes zoning updates and CEQA review. The Phase I process will help inform the components of Phase II.

The City's GPU team began the 2023-2031 Housing Element Update in winter 2021 as part of the overall Oakland 2045 GPU process. The GPU team conducted a wide range of community engagement focused on the Housing Element, Industrial Lands, Safety Element, and the Environmental Justice (EJ) Element, including outreach to communities that have disproportionately been impacted by historic and continued patterns of housing discrimination.

The City of Oakland (City) adopted its 2023-2031 Housing Element on January 31, 2023, as part of Phase 1 of the Oakland 2045 General Plan Update (GPU) process. The 2023-2031 Housing Element includes a Housing Action Plan (HAP) that presents the updated goals, policies, and actions critical to respond to increasing housing pressures in Oakland. The HAP includes several zoning proposals as implementation actions intended to reduce and eliminate constraints to, and incentivize the construction of, affordable housing. In addition, staff have also been concurrently conducting engagement focused on Industrial Lands, the Safety Element, and the Environmental Justice (EJ) Element. The draft Safety Element, and EJ Element are anticipated to be available for public review in late March 2023.

The proposed amendments to the Planning Code are intended to implement actions in the 2023-2031 HAP, further fair housing, advance environmental justice, remove constraints to housing development, and help streamline the Planning approval process. The proposed revisions are intended to encourage a variety of multi-unit housing types in Oakland (duplexes, triplexes, fourplexes, etc.); incentivize affordable housing; reduce constraints on housing development; add housing in areas well served by transit and resources that have historically been exclusionary; and reduce environmental burden on populations that are already affected by pollution. 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 are also included in **Attachments C through H**. The draft text amendments will be available for public input until May 5, 2023.

The proposed changes include:

1. "Missing Middle" Housing Type Code Amendments – "Missing Middle" refers to 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.¹ 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). The proposed "Missing Middle" code amendments would change development standards in many zoning districts that have historically served as single-family neighborhoods to allow for a range of small-scale multi-unit housing types.²
2. Overlay Zones
 - a. Affordable Housing Overlay (AHO) Zone – to create ministerial approvals and other incentives for qualifying 100% affordable housing developments.
 - b. Housing Sites Overlay Zone – to create a "by right" or ministerial approval process for qualifying housing development located on sites identified in the Housing Element housing sites inventory.

¹ The term "missing middle" is meant to describe a variety of multi-unit housing types that were common in the pre-WWII United States such as duplexes, rowhomes, and courtyard apartments but are now less common and, therefore, "missing".

3. Industrial Land Zoning Amendments – to reduce pollution impacts on sensitive receptors, such as residential areas, schools, hospitals, etc.
4. Other Planning Code Amendments – to facilitate the production of special housing types, update special housing regulations to comply with State Law, define key terms, and remove constraints on staff's ability to process entitlements for housing development citywide and streamline the approval process.

Staff has prepared this report to inform the Zoning Update Committee (ZUC) about the proposed text revisions to the Oakland Planning Code, and to solicit feedback. This report provides an overview of the community feedback received thus far, a summary of proposed Planning Code amendments, and outlines next steps.

BACKGROUND

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 Oakland City Council, at its [March 16, 2021 meeting](#), adopted [Resolution No.88554 C.M.S](#) directing staff to study and the Planning Commission to consider allowing four-plexes with anti-displacement protections in areas currently designated for single-family residences, especially in high resource areas, and to forward the recommendations for action to the City Council. The resolution also directed staff to consider differing logistical demands due to the topography changes and safety considerations in the city and to identify areas that should be prioritized and/or excluded.

The 2023-2031 Housing Element presents the City of Oakland's strategy and commitment to make quality housing opportunities available to all Oakland residents through the *Protection, Preservation, and Production* of homes, and to address systemic housing inequity. The Housing Action Plan (HAP) presents the updated goals, policies, and actions critical to respond to increasing housing pressures in Oakland to:

1. Protect Oakland Residents from Displacement and Prevent Homelessness;
2. Preserve and Improve Existing Affordable Housing Stock;
3. Expand Affordable Housing Opportunities;
4. Address Homelessness and Expand Resources for the Unhoused;
5. Promote Neighborhood Stability and Health.

While these five goals provide an overall framework for addressing the multifaceted housing crisis, the policies and actions under Goal 3, Goal 4, and Goal 5 of the HAP specify the means for implementing those goals. The following section provides an overview of the HAP actions that prompt many of the proposed changes to the Planning Code.

Zoning Reforms in the Housing Action Plan (HAP)

As stated above, the City has identified several actions in Goals 3, 4, and 5 of the HAP that seek to further fair housing.

1. 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 ADUs.
2. Action 3.3.4: Development of permanent housing affordable to extremely-low-income (ELI) households on public land.

3. Action 3.3.5: Implement an affordable housing overlay.
4. Action 3.4.1: Revise development standards, including allowable building heights, densities, open space and setback requirements.
5. Action 3.4.3: Revise Conditional Use Permit (CUP) requirements.
6. Action 3.4.4: Revise citywide parking standards.
7. Action 3.4.5: Revise open space requirements.
8. Action 3.4.10: Implement a Housing Sites Overlay Zone to permit sites included in the Housing Sites Inventory to develop with affordable housing by right.
9. Action 3.6.3: Expand by-right approvals and implement entitlement reform for affordable housing.
10. Action 3.7.6: Expand areas where rooming units and efficiency units are permitted by right.
11. Action 3.7.7: Amend Planning Code to comply with the Employee Housing Act.
12. Action 3.7.8: Expand areas where Residential Care Facilities are permitted by right.
13. Action 4.3.2: Streamline approval of modular development to provide quality shelter quickly.
14. Action 4.3.3: Remove regulatory constraints to development of transitional housing and supportive housing.
15. Action 4.3.5: Provide development standards for low barrier navigation centers.
16. Action 4.3.6: Expand opportunities for the permitting of emergency shelters.
17. Action 5.2.2: Promote infill, transit-oriented development (TOD), and mixed-use development.
18. Action 5.2.8: Encourage new affordable housing in higher resource neighborhoods.
19. Action 5.2.9: Prioritize improvements to meet the needs of low-resourced and disproportionately burdened communities.
20. Action 5.2.10: Promote the development of mixed-income housing to reduce income-based concentration.

Preliminary Zoning Proposals

At the Housing Element-focused engagement and General Plan Update outreach events, the community requested that the City publish preliminary rezoning and overlay maps that provide a high-level overview of the proposed zoning changes prior to focused community outreach. The City published the first [preliminary draft zoning proposals](#) on September 21, 2022, on the General Plan Update website and distributed them in a newsletter update to the General Plan listserv.

In response to feedback from the California Housing and Community Development Department (State HCD) on the 2023-2031 Housing Element, the General Plan Team created [Appendix J: Zoning Proposals](#) in the [2023-2031 Housing Element](#) (see **Attachment A**) which includes a list of preliminary draft zoning proposals to implement the proposed zoning, rezoning, and upzoning actions in the Housing Action Plan. The proposals provided an overview of the Missing Middle and Related Planning Code Amendments, the Affordable Housing Overlay (AHO) Zone and the Housing Sites Overlay Zone, and a starting point for discussions on how to implement actions in the HAP.

COMMUNITY FEEDBACK

The City’s GPU team began community engagement for the Oakland 2045 GPU in winter 2021, focusing first on Housing Element-related engagement activities. Since then, the GPU team has conducted a wide range of community engagement focused on the Housing Element, Industrial Lands, Safety Element, and the Environmental Justice (EJ) Element, including outreach to communities that have disproportionately been impacted by historic and continued patterns of housing discrimination. Staff have received several comment letters related to the preliminary draft zoning proposals which are included as **Attachment B**.

Since publishing the preliminary zoning proposals on September 21, 2022, Strategic Planning staff have held internal meetings to review the proposals with staff in the Zoning and Development Planning Divisions within the Planning and Building (PBD) department, Oakland Housing and Community Development (Oakland HCD) department, Economic and Workforce Development (EWD), Department of Transportation (OakDOT), and Oakland Fire Department.

On December 16, 2022, staff, in partnership with East Bay Housing Organizations (EBHO) and the Housing and Community Development Department (HCD) hosted a focus group with affordable housing developers to specifically review and get feedback on the AHO Zoning proposal. On February 16, 2023, staff convened the General Plan Update Technical Advisory Committee (TAC) to discuss and provide input on the proposed Missing Middle, AHO Zone, Housing Sites Overlay, and Industrial Land Changes. On March 7, 2023, staff hosted a focus group to specifically review and get feedback on the Missing Middle Housing Type code proposal.

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 on all community engagement events, including engagement summaries; workshop and townhall presentations, recordings, and meeting summaries; and discussion group summaries, are being provided via the [General Plan Update website at https://www.oaklandca.gov/topics/meetings-and-events](https://www.oaklandca.gov/topics/meetings-and-events).

Table 1 provides a summary of community feedback received in the comment letters included in Attachment A. Notes from the [AHO focus group](#) and the [February 2023 TAC Meeting](#) are available on the website. Notes from the Missing Middle focus group will be published within the next two weeks.

Table 1: Feedback Received on Preliminary Zoning Proposals

Focus Area	Community Feedback
General	<ul style="list-style-type: none"> • Eliminate single-family zoning due to equity considerations. • Use zoning overlays to incentivize development. • Address the pollution along the I-880 corridor and proximity of industrial uses to residential neighborhoods in East and West Oakland. • Remedy food deserts by attracting new healthy food retailers in areas where there are lots of retail vacancies. • Consider noise and air pollution considerations while locating housing in minority communities. • Allow six (6) units by-right on any lot that allows ADUs. • Encourage redevelopment in locations on and near transit lines in and around the Dimond to reduce vehicle miles traveled. • Streamline current development/permitting process, particularly for low-income and non-profit builders.

Focus Area	Community Feedback
Missing Middle – Commercial	<ul style="list-style-type: none"> • Consider requiring that some larger lots that are currently zoned for commercial include housing at some required minimum density.
Missing Middle – Upzoning	<ul style="list-style-type: none"> • Proposal to remove CUP requirement for grocery stores should be citywide. • Legalize Accessory Commercial Units (ACUs). • Allow wider range of commercial buildings to be permitted in any space less than 600 sf. in all RM and RU Zones (ACUs) to increase food access and walkability. • Retain existing height limits in Areas of Primary and Secondary Importance (APIs and ASIs). • Consider careful objective definition of "food desert," and to err on the side of an expansive definition, such as the USDA half-mile standard (as opposed to a 1-mile standard).
	<ul style="list-style-type: none"> • Missing Middle housing development should be streamlined procedurally like ADUs, e.g., one-stop application process, ministerial standards, pre-approved designs. • Allow a diversity of housing types in single-family and resource-rich neighborhoods and change zoning to increase density in primarily single-family areas like Rockridge. • Rezone a wider swath of land in Rockridge, rather than a handful of sites. • Allow additional building heights and/or housing densities along certain corridors such as International, Foothill and MacArthur Boulevards, near BART stations esp. Rockridge BART, and along BRT and AC Transit’s Rapid Corridors. • Focus upzoning on commercial properties and single-family homes (in Dimond District). Do not upzone multifamily buildings that are subject to rent control (i.e. multifamily buildings built before 1983). • Focus on mixed use developments in the Dimond Business District (DBD) and other commercial properties in and around the Dimond. • Upzone all transit corridors in and around the Dimond to 55 ft. (MacArthur Blvd, Park Blvd, Fruitvale Ave, Lincoln Ave, etc). • Allow more mixed-use and dense zoning along the Fairfax business corridor -Foothill Boulevard (D4). • Revise Missing Middle Program to ensure high-resource neighborhoods allow four units on most lots in practice (including providing setback relief and reducing/eliminating off-street parking minimums). • Rezone Lower Rockridge, Adams Point, and Temescal to RM-4. • Bushrod, Santa Fe, Trestle Glen, Crocker Highlands are all high-resource or moderate-resource areas that are untouched by the proposed Missing Middle Program rezonings – should be rezoned to at least RM-2. • Choosing to leave in place current heights in Rockridge along College Avenue and Claremont Avenue, while miles of MacArthur Boulevard and International Boulevard in East Oakland are rezoned to allow significantly more height and development, is reinforcing patterns of spatial segregation. • Undo the 2011 downzoning along the high- and moderate-resource Shattuck Avenue commercial corridor and increase heights to 45’. • Increase heights along Alcatraz Ave and Telegraph Ave above 45’.

Focus Area	Community Feedback
	<ul style="list-style-type: none"> • Increase permitted base density in Rockridge’s residential areas to RM-3 and explore upzoning Rockridge’s residential areas to RM-4. • Consider allowing more than 4 units, eg., up to 6-8 units. • Consider allowing rooming units more broadly in residential zones. • Consider Upper Telegraph Avenue north of SR 24 to the Berkeley border and and Martin Luther King Junior Way between 40th St. and 47th St for intensified housing development through appropriate changes to the zoning code. • Consider rezoning for additional height and density in other high resource neighborhoods such as Piedmont Avenue, Grand Avenue, Lakeshore Avenue and other higher resources and more racially segregated areas to affirmatively further fair housing. • Incentivize higher-density residential development along commercial corridors and on vacant and underutilized parcels in high opportunity areas beyond Rockridge. • Support building more affordable housing in high resource neighborhood. • Focus upzoning and increased density in high-income areas. • Recommend that the City not include owner-occupier requirements or similar onerous and financially infeasible rules for the development of Missing Middle housing, since this has proven to be a major challenge in other similar legislation. • Consider MacArthur Blvd Corridor in East Oakland (near Laurel and Dimond) for upzoning and increased density. • Consider zero parking requirements within 1/2 mile radius of bus stops of lines running with at least 30- minute peak headways, which would allow not only Telegraph, Broadway, San Pablo, and MacArthur, but also Grand. • Apply revised downtown parking maximums to apply equally to a 1/2-mile radius of all major transit stops. • Make new paid parking, structured or surface (as opposed to off-street parking serving another use) require conditional use permits. • Require all structured parking be built to be convertible to non-parking uses in the future; currently their standard angled floors make it impossible to do anything else without demolishing. • Upzoning should not just increase density to allow for duplexes and fourplexes but instead should be viable for large multifamily, which is more economically feasible and generates more affordable units. The updated zoning should result in at least 100 bedrooms per net acre, so as to be competitive for Low Income Housing Tax Credits. • Remove the proposed rezoning of Mills College.
<p>Missing Middle – Lot Sizes and Setbacks</p>	<ul style="list-style-type: none"> • Offer setback reductions in Missing Middle program, e.g. increase lot coverage to allow 50% lot coverage in all residential zones for projects seeking 3 or more units. • Reduce minimum lot size in residential zones from 2,500 sf to 2,000 sf. • Retain the existing two-tiered height limit system of wall height plus greater roof height in all zones.

Focus Area	Community Feedback
<p>Affordable Housing Overlay (AHO) Zone</p>	<ul style="list-style-type: none"> • Front setback reductions should not be applied if the reduced setbacks are less than the prevailing front setback of the block face. • Locate affordable housing above Upper Broadway or MacArthur freeway. • Allow approval by-right for any 100% affordable housing project citywide if that project is consistent with zoning, including density bonus. • Ministerial approval for zoning-compliant projects over 25 units on non-toxic land, with union labor construction and local hire preferences that are either 100% affordable or mixed-income with 15% on-site affordable units. • Allow co-ops and land trusts explicitly. • Allow cohousing with shared bathrooms and kitchens. • Eliminate parking minimums for new housing construction in downtown and in areas within 1 mile of bus stops in Dimond District. • Create bicycle parking minimums (3 spaces per dwelling unit). • Explore allowing Affordable Housing Overlay (AHO) projects in Very High Fire Severity Zones (VHFSZs). • Relax open space requirements to per residential living space, instead of per unit. • Require no off-street parking for AHO projects. • Apply human design standards to affordable housing projects. • Couple policies to streamline or prioritize processing of affordable housing with specific goals to reduce processing time and regular reporting. • The AHO should not apply to APIs and ASIs, since the unlimited residential density provision will make all parcels eligible for the State Density Bonus Law.
<p>Housing Sites Overlay Zone</p>	<ul style="list-style-type: none"> • The minimum 20% affordable requirement may not be financially feasible and it's too high of a requirement, it won't incentive housing development on opportunity sites. • Define affordability using median incomes of local neighborhoods. • Only allow "by-right" development for 100% affordable projects. • Reconsider proposal to provide by-right development for projects with only 20% of affordable housing as this jeopardizes the city meeting its lower-income RHNA targets and market-rate development does not need any more incentives.

PROPOSED TEXT AMENDMENTS TO THE OAKLAND PLANNING CODE

The proposed amendments to the Oakland Planning Code incorporate feedback received thus far on [Appendix J: Zoning Proposals](#) and from engagement focused on Industrial Lands, Safety Element, and the EJ Element. 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 are also included in **Attachments C through H** to this staff report. The draft text amendments will be available for public input until May 5, 2023. Staff will continue community engagement efforts to gather community feedback and input that will be used to refine and enhance the proposals.

The proposed changes include:

1. Missing Middle Housing Type Code Amendments – to redefine zoning designations and change development standards in zoning districts that have historically served as single-family neighborhoods to allow for a range of multi-unit housing types.
2. Overlay Zones
 - a. Affordable Housing Overlay (AHO) Zone – to create ministerial approvals and other incentives for qualifying 100% affordable housing developments;
 - b. Housing Sites Overlay Zone – to create a “by right” or ministerial approval process for qualifying housing development located on sites identified in the Housing Element housing sites inventory;
3. Industrial Land Zoning Amendments – to reduce pollution impacts on sensitive receptors, such as residential areas, schools, hospitals, etc.;
4. Other Planning Code Amendments – to facilitate the production of special housing types, update special housing regulations to comply with State Law, define key terms, and remove constraints on staff’s ability to process entitlements for housing development citywide and streamline the approval process.

The following sections provide an overview of the proposed text changes.

1. Missing Middle Housing Type Code Amendments

Context

In the past, government agencies and private institutions worked together to create segregated living patterns that prevented non-White communities from accessing resources and to limit their opportunities for advancement. Although governments may no longer intentionally discriminate against or segregate racial or ethnic groups, the policies and practices that successfully upheld segregated living patterns still prevail and remain in use, with racially inequitable impacts. After the City of Berkeley established an explicitly racist zoning ordinance in 1916 that prohibited multi-family dwellings and apartments, exclusionary, single-family zoning became a standard method for preserving or creating majority-White, “desirable” neighborhoods that protect community wealth and high property values to the present day.³ Through updates to the zoning code, in particular to the City’s residential zones, the City will move away from single-family zoning, and work towards its goal of furthering equitable opportunities for all people and communities.

The current Detached Unit Residential (RD) zones are the lowest-density neighborhoods in Oakland outside of the Residential Hillside (RH) zones. The existing RD-1 Zone allows only one primary dwelling unit per lot, and the RD-2 Zone allows for Two-Family structures but only on lots larger than 6,000 sf. One of the most significant proposed changes to increase inclusion and access to desirable neighborhoods citywide is the consolidation of RD-1 and RD-2 into one RD Zone that allows for up to four (4) dwelling units on lots 4,000 sf. or larger. Seventy two percent (72%) of the parcels in the proposed RD zone are 4,000 sf. or greater. In addition, on lots that are less than 4,000 square feet, two units will be allowed by right and three units will allowed on parcels 3,000 square feet or larger where previously only one unit would have been allowed under existing regulations.

³ Haas Institute for a Fair and Inclusive Society, [*Roots, Race & Place: A History of Racially Exclusionary Housing in the San Francisco Bay Area*](#), UC Berkeley, October 2019, p. 15.

The intent of the Mixed Housing Type Residential (RM) Zones is to “create, maintain, and enhance residential areas typically located near the City’s major arterials and characterized by a mix of single-family homes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate with a density higher than Detached Unit Residential (RD).”⁴ Currently, RM-1 allows one (1) unit per lot and up to two (2) units on lots 6,000 sf. or greater with a Conditional Use Permit (CUP). RM-2 and RM-3 allow two (2) units per lot, with a CUP required for three (3) or more units on lots greater than 4,000 sf. RM-4 allows (4) units, with a CUP required for five (5) or more units on lots greater than 4,000 sf. See Table 2 for details. The proposed changes both simplify and increase the density steps in each of the four existing RM Zones, so that each RM zone allows two (2) units on lots of any size, three (3) units on lots of 3,000 square feet or larger, four (4) units on lots 4,000 sf. or larger and then each zone increases systematically in density from RM-1 to RM-4 to allow additional units with larger lot sizes.

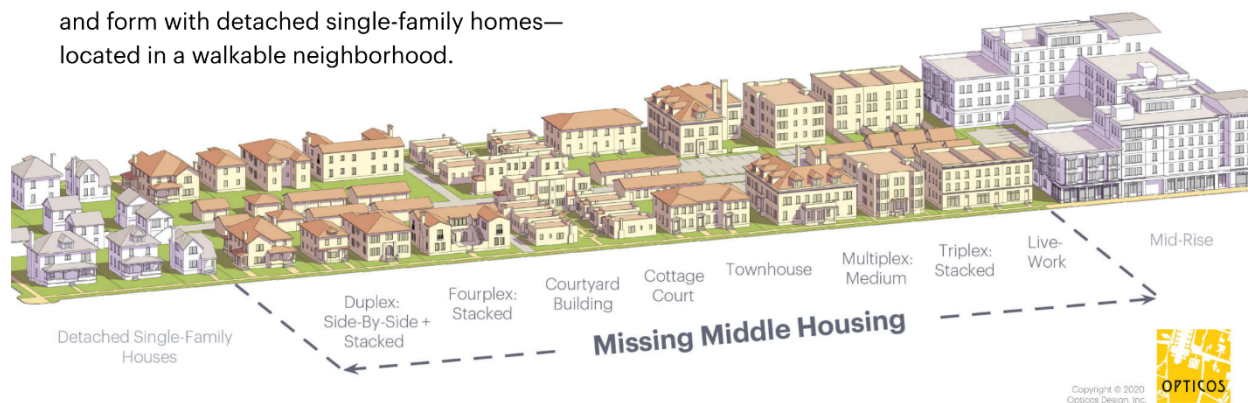
Revisions to setbacks, open space requirements, and other development standards are also proposed to reduce barriers to building housing, especially affordable housing by allowing more efficient and purposeful use of land. The proposed increased densities along transit corridors are in direct response to direction from State HCD that the City open up its high-resource areas and support transit-oriented development.

Proposed Changes

The proposed Missing-Middle code amendments will encourage a diversity of multi-unit housing types such as flats, duplexes, triplexes, fourplexes, townhomes/rowhouses, multifamily units (see **Figure 1**), and accessory dwelling units (ADUs)s in currently single-family-dominated neighborhoods, and along corridors, transit-proximate areas, and high resource neighborhoods such as Rockridge and remove existing constraints on the development of housing. Specific revisions include reduced setbacks and minimum lot size standards, and increased density and building heights, creation of a new facility type to encompass two- to four-unit development (which includes housing of sizes between single family and multifamily, and affordable to middle incomes), elimination of conditionally permitted densities, reduction or elimination of parking requirements, and more flexibility for open space.

Figure 1: Examples of Missing Middle Housing Types, Source: <https://missingmiddlehousing.com/>.

Missing Middle Housing is a range of house-scale buildings with multiple units—compatible in scale and form with detached single-family homes—located in a walkable neighborhood.



⁴ Oakland Municipal Code, Section 17.17.010.

Figure 2 shows existing zoning and proposed zoning changes, and **Table 2** in this report lists the existing and proposed zoning changes for the City's "Missing Middle" zones (RH-4, RD-1, RD-2, RM-1, RM-2, RM-3, RM-4, RU-1, and RU-2). See **Attachment C** for proposed zoning text amendments.

The proposed Missing Middle Code Amendments will:

- Reduce minimum lot size and setback standards where appropriate throughout the Planning Code to facilitate small lot development.
 - 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, 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, reductions will also 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 the existing RD-1 and RD-2 so that all RD-zoned areas will 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.
- 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.

In addition, the proposed code amendments will 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 would allow higher density multi-unit buildings in these areas that are rich in services to help further fair housing objectives by increasing the availability of housing, and particularly more affordable units by design, in high resource areas. See **Figure 3** and **Table 3** for the existing and proposed zoning changes for Commercial Zones associated with the key corridors.

Specifically, the proposed amendments will:

- Increase permitted densities in areas near transit and along transit corridors through zoning map changes (see Table 3 below for densities).
- Increase permitted densities in residential neighborhoods near major corridors as shown in Figure 1. In addition, during the rezoning process the City will solicit feedback on the State HCD's comments to 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 (as required by State law) 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 Zones, D-CO-1, D-LM, and S-2 Zones.
- No minimum parking requirements for 100% affordable housing developments.
- No parking required for Rooming Houses/SROs throughout the city except for 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.

Table 2: 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	<ul style="list-style-type: none"> 1 unit on any legal lot; 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 $\leq 20\%$: Max. Wall Ht.: <u>25 ft.</u> Max. Roof Ht.: <u>30 ft.</u>	(Same - No Change)	6,500 sf. or 8,000 sf.	(Same - No Change)	For Lots with Footprint Slope of $\leq 20\%$: Front - <u>20 ft.</u> St. Side - <u>5 ft.</u> Int. Side - <u>5 ft.</u> Rear - <u>20 ft.</u>	(Same - No Change)
RD (new zone to replace RD-1 & RD-2)	RD-1: 1 unit per lot	New RD: <ul style="list-style-type: none"> 1-2 units on any legal lot; 3 units on lots 3,000 sf. or greater; 4 units on lots 4,000 sf. or greater 	RD-1: For Lots with Footprint Slope of $\leq 20\%$: Max. Wall Ht.: <u>25 ft.</u> Max. Roof Ht.: <u>30 ft.</u>	New RD: For Lots with Footprint Slope of $\leq 20\%$: Max. Wall Height: <u>30 ft.</u> Max. Roof Height: <u>35 ft.</u>	RD-1: Min. Lot Size: <u>5,000 sf.</u> Min. Lot Frontage: <u>25 ft.</u>	New RD: Min. Lot Size: <u>2,000 sf.</u> Min. Lot Frontage: <u>20 ft.</u>	<p>RD-1: For Lots $\geq 4,000$ sf, w/ Footprint slope of $\leq 20\%$: Front: <u>20 ft.</u> St. Side: <u>5 ft.</u> Int. Side: <u>5 ft.</u> Rear: <u>20 ft.</u></p> <p>For Lots $< 4,000$ sf, w/ Footprint slope of $\leq 20\%$: Front: <u>20 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>15 ft.</u></p> <p>For Lots $< 3,000$ sf, w/ Footprint slope of $\leq 20\%$: Front: <u>20 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>15 ft.</u></p>	<p>New RD: For Lots $\geq 3,000$ sf., w/ Footprint slope of $\leq 20\%$: Front: <u>15 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>10 ft.</u></p> <p>For Lots $< 3,000$ sf., w/ Footprint slope of $\leq 20\%$: Front: <u>15 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>10 ft.</u></p>

<i>Zoning Districts</i>	<i>Existing Permitted Densities</i>	<i>Proposed Permitted Densities</i>	<i>Existing Max. Bldg. Height</i>	<i>Proposed Max. Bldg. Height</i>	<i>Existing Min. Lot Size and Frontage</i>	<i>Proposed Min. Lot Size and Frontage</i>	<i>Existing Setbacks</i>	<i>Proposed Setbacks</i>
	<p>RD-2: PERMITTED-</p> <ul style="list-style-type: none"> 1 unit per lot <p>ALLOWED WITH CUP-</p> <ul style="list-style-type: none"> 2 units on lots 6,000 sf. or greater 		<p>RD-2: For Lots with Footprint Slope of $\leq 20\%$: Max. Wall Ht.: <u>25 ft.</u> Max. Roof Ht.: <u>30 ft.</u></p>		<p>RD-2: Min. Lot Size: <u>5,000 sf.</u> Min. Lot Frontage: <u>25 ft.</u></p>		<p>RD-2: For Lots $\geq 4,000$ sf, w/ Footprint slope of $\leq 20\%$: Front: <u>20 ft.</u> St. Side: <u>5 ft.</u> Int. Side: <u>5 ft.</u> Rear: <u>15 ft.</u></p> <p>For Lots $< 4,000$ and $< 3,000$ sf., same as RD-1</p>	
RM-1	<p>PERMITTED-</p> <ul style="list-style-type: none"> 1 unit per lot <p>ALLOWED WITH CUP-</p> <ul style="list-style-type: none"> 2 units on lots 4,000 sf. or greater 	<ul style="list-style-type: none"> 1-2 units on any legal lot; 3 units on minimum 3,000 sf. lots; 4 units on minimum 4,000 sf. lots; For 5 or more units – 1 unit per 1,750 sf. of lot area 	<p>For Lots with Footprint Slope of $\leq 20\%$: Max. Wall Ht.: <u>25 ft.</u> Max. Roof Ht.: <u>30 ft.</u></p>	<p>For Lots with Footprint Slope of $\leq 20\%$: Max. Ht.: <u>35 ft.</u></p>	<p>Min. Lot Size: <u>5,000 sf.</u> Min. Lot Frontage: <u>25 ft.</u></p>	<p>Min. Lot Size: <u>2,000 sf.</u> Min. Lot Frontage: <u>20 ft.</u></p>	<p>For Lots $\geq 4,000$ sf, w/ Footprint slope of $\leq 20\%$: Front: <u>20 ft.</u> St. Side: <u>5 ft.</u> Int. Side: <u>5 ft.</u> Rear: <u>15 ft.</u></p> <p>For Lots $< 4,000$ sf, w/ Footprint slope of $\leq 20\%$: Front: <u>15 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>15 ft.</u></p> <p>For Lots $< 3,000$ sf, w/ Footprint slope of $\leq 20\%$: Front: <u>15 ft.</u> St. Side: <u>3 ft.</u></p>	<p>For Lots $\geq 3,000$ sf., w/ Footprint slope of $\leq 20\%$: Front: <u>15 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>10 ft.</u></p> <p>For Lots $< 3,000$ sf., w/ Footprint slope of $\leq 20\%$: Front: <u>15 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>10 ft.</u></p>

<i>Zoning Districts</i>	<i>Existing Permitted Densities</i>	<i>Proposed Permitted Densities</i>	<i>Existing Max. Bldg. Height</i>	<i>Proposed Max. Bldg. Height</i>	<i>Existing Min. Lot Size and Frontage</i>	<i>Proposed Min. Lot Size and Frontage</i>	<i>Existing Setbacks</i>	<i>Proposed Setbacks</i>
							Int. Side: <u>3 ft.</u> Rear: <u>15 ft.</u>	
RM-2	<p>PERMITTED-</p> <ul style="list-style-type: none"> 1 unit on lots less than 4,000 sf. 2 units on lots 4,000 sf. or greater <p>ALLOWED WITH CUP- (only on lots 4,000 sf. or greater):</p> <ul style="list-style-type: none"> For 3 or more units – 1 unit per 2,500 sf. of lot area 	<ul style="list-style-type: none"> 1-2 units on any legal lot; 3 units on minimum 3,000 sf. lots; 4 units on minimum 4,000 sf. lots; For 5 or more units – 1 unit per 1,500 sf. of lot area 	For All Lots with a Footprint Slope of ≤20%: Max. Wall Ht.: 25 ft. Max. Roof Ht.: 30 ft.	For Lots with Footprint Slope of ≤20%: Max. Ht.: <u>35 ft.</u>	Min. Lot Size: <u>5,000 sf.</u> Min. Lot Frontage: <u>25 ft.</u>	Min. Lot Size: <u>2,000 sf.</u> Min. Lot Frontage: <u>20 ft.</u>	<p>For Lots ≥4,000 sf, w/ Footprint slope of ≤20%: Front: <u>20 ft.</u> St. Side: <u>4/5 ft.</u> Int. Side: <u>4/5 ft.</u> Rear: <u>15 ft.</u></p> <p>For Lots <4,000 sf, w/ Footprint slope of ≤20%: Front: <u>15 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>15 ft.</u></p> <p>For Lots <3,000 sf, w/ Footprint slope of ≤20%: Front: <u>15 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>15 ft.</u></p>	<p>For Lots ≥3,000 sf., w/ Footprint slope of ≤20%: Front: <u>15 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>10 ft.</u></p> <p>For Lots <3,000 sf., w/ Footprint slope of ≤20%: Front: <u>15 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>10 ft.</u></p>

<i>Zoning Districts</i>	<i>Existing Permitted Densities</i>	<i>Proposed Permitted Densities</i>	<i>Existing Max. Bldg. Height</i>	<i>Proposed Max. Bldg. Height</i>	<i>Existing Min. Lot Size and Frontage</i>	<i>Proposed Min. Lot Size and Frontage</i>	<i>Existing Setbacks</i>	<i>Proposed Setbacks</i>
RM-3	<p>PERMITTED-</p> <ul style="list-style-type: none"> 1 unit on lots less than 4,000 sf.; 2 units on lots 4,000 sf. or greater <p>ALLOWED WITH CUP- (only on lots 4,000 sf. or greater):</p> <ul style="list-style-type: none"> For 3 or more units – 1 unit per 1,500 sf. of lot area 	<ul style="list-style-type: none"> 1-2 units on any legal lot; 3 units on minimum 3,000 sf. lots; 4 units on minimum 4,000 sf. lots; For 5 or more units – 1 unit per 1,250 sf. of lot area 	<p>For All Lots with a Footprint Slope of $\leq 20\%$: Max. Wall Ht.: <u>30 ft.</u> Max. Roof Ht.: <u>30 ft.</u></p>	<p>For Lots with Footprint Slope of $\leq 20\%$: Max. Ht.: <u>35 ft.</u></p>	<p>Min. Lot Size: <u>5,000 sf.</u> Min. Lot Frontage: <u>25 ft.</u></p>	<p>Min. Lot Size: <u>2,000 sf.</u> Min. Lot Frontage: <u>20 ft.</u></p>	<p>For Lots $\geq 3,000$ sf, w/ Footprint slope of $\leq 20\%$: Front: <u>15 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>15 ft.</u></p> <p>For Lots $< 3,000$ sf, w/ Footprint slope of $\leq 20\%$: Front: <u>15 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>15 ft.</u></p>	<p>For Lots $\geq 3,000$ sf., w/ Footprint slope of $\leq 20\%$: Front: <u>15 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>10 ft.</u></p> <p>For Lots $< 3,000$ sf., w/ Footprint slope of $\leq 20\%$: Front: <u>15 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>10 ft.</u></p>

<i>Zoning Districts</i>	<i>Existing Permitted Densities</i>	<i>Proposed Permitted Densities</i>	<i>Existing Max. Bldg. Height</i>	<i>Proposed Max. Bldg. Height</i>	<i>Existing Min. Lot Size and Frontage</i>	<i>Proposed Min. Lot Size and Frontage</i>	<i>Existing Setbacks</i>	<i>Proposed Setbacks</i>
RM-4	<p>PERMITTED-</p> <ul style="list-style-type: none"> 1 unit on lots less than 4,000 sf.; 2 to 4 units on lots 4,000 sf. or greater at 1 unit per 1,100 sf. of lot area <p>ALLOWED WITH CUP- (only on lots 4,000 sf. or greater):</p> <ul style="list-style-type: none"> For 5 or more units – 1 unit per 1,100 sf. of lot area 	<ul style="list-style-type: none"> 1-2 units on any legal lot; 3 units on minimum 3,000 sf. lots; 4 units on minimum 4,000 sf. lots; For 5 or more units – 1 unit per 1,000 sf. of lot area 	<p>For All Lots with a Footprint Slope of $\leq 20\%$:</p> <p>Max. Wall Ht.: <u>35 ft.</u></p> <p>Max. Roof Ht.: <u>35 ft.</u></p>	(Same - No Change)	<p>Min. Lot Size: <u>5,000 sf.</u></p> <p>Min. Lot Frontage: <u>25 ft.</u></p>	<p>Min. Lot Size: <u>2,000 sf.</u></p> <p>Min. Lot Frontage: <u>20 ft.</u></p>	<p>For Lots $\geq 3,000$ sf, w/ Footprint slope of $\leq 20\%$:</p> <p>Front: <u>15 ft.</u></p> <p>St. Side: <u>4 ft.</u></p> <p>Int. Side: <u>4 ft.</u></p> <p>Rear: <u>15 ft.</u></p> <p>For Lots $< 3,000$ sf, w/ Footprint slope of $\leq 20\%$:</p> <p>Front: <u>15 ft.</u></p> <p>St. Side: <u>3 ft.</u></p> <p>Int. Side: <u>3 ft.</u></p> <p>Rear: <u>15 ft.</u></p>	<p>For Lots $\geq 3,000$ sf., w/ Footprint slope of $\leq 20\%$:</p> <p>Front: <u>15 ft.</u></p> <p>St. Side: <u>4 ft.</u></p> <p>Int. Side: <u>4 ft.</u></p> <p>Rear: <u>10 ft.</u></p> <p>For Lots $< 3,000$ sf., w/ Footprint slope of $\leq 20\%$:</p> <p>Front: <u>15 ft.</u></p> <p>St. Side: <u>3 ft.</u></p> <p>Int. Side: <u>3 ft.</u></p> <p>Rear: <u>10 ft.</u></p>
RU-1	1 unit per 1,100 sf. of lot area	1 unit per 1,000 sf. of lot area	40 feet	45 feet	<p>Min. Lot Size: <u>5,000 sf.</u></p> <p>Min. Lot Frontage: <u>25 ft.</u></p>	<p>Min. Lot Size: <u>2,500 sf.</u></p> <p>Min. Lot Frontage: <u>25 ft.</u></p>	<p>For Lots $\geq 3,000$ sf, w/ Footprint slope of $\leq 20\%$:</p> <p>Front: <u>15 ft.</u></p> <p>St. Side: <u>4 ft.</u></p> <p>Int. Side: <u>4 ft.</u></p> <p>Rear: <u>15 ft.</u></p> <p>For Lots $< 3,000$ sf, w/ Footprint slope of $\leq 20\%$:</p> <p>Front: <u>15 ft.</u></p>	<p>For Lots $\geq 3,000$ sf, w/ Footprint slope of $\leq 20\%$:</p> <p>Front: <u>15 ft.</u></p> <p>St. Side: <u>4 ft.</u></p> <p>Int. Side: <u>4 ft.</u></p> <p>Rear: <u>10 ft.</u></p> <p>For Lots $< 3,000$ sf, w/ Footprint slope of $\leq 20\%$:</p> <p>Front: <u>15 ft.</u></p>

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
							St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>15 ft.</u>	St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>10 ft.</u>
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: <u>5,000 sf.</u> Min. Lot Frontage: <u>25 ft.</u>	Min. Lot Size: <u>2,500 sf.</u> Min. Lot Frontage: <u>25 ft.</u>	For Lots $\geq 3,000$ sf, w/ Footprint slope of $\leq 20\%$: Front: <u>10 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>15 ft.</u> For Lots $< 3,000$ sf, w/ Footprint slope of $\leq 20\%$: Front: <u>10 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>15 ft.</u>	For Lots $\geq 3,000$ sf, w/ Footprint slope of $\leq 20\%$: Front: <u>10 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>10 ft.</u> For Lots $< 3,000$ sf, w/ Footprint slope of $\leq 20\%$: Front: <u>10 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>10 ft.</u>

Table 3: 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

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)
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

2. Affordable Housing Overlay 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. See **Attachment D** for proposed Affordable Housing Overlay 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 AHO zone would not be applied to zoning districts if they are in the designated very high fire hazard severity zone (VHFHSZ). See **Table 4** for the property development standards for each zone to which the AHO would apply, please note that it is the intent that when S-15 Zone is stated that it includes both of the S-15 Zones, including S-15W. See **Figure 4** for the preliminary Affordable Housing Overlay Map, please note that it is intended the S-15W Zone be included, this was a mapping error. As part of the Safety Element Update, the City is studying the potential for areas that might be appropriate to be included in the VHFHSZ.

Table 4: Base Zone and Property Development Standards in AHO

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 all lots with a footprint slope of ≤ 20%	Two (2) additional stories above maximum permitted building height in the base zone
Height Regulations for lots equal to or greater than 12,000 square feet	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

3. Housing Sites Overlay Zone

The City is proposing to amend 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](#) of the [2023-2031 Housing Element](#)) 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 is being proposed to include by-right approval with a menu of options that include: if for each income category, the project proposes at least as many units as described as the realistic capacity for the parcel, and at least one of the following conditions applies:

- A. One hundred percent (100%) of the housing units, other than manager's units, are restricted to very low, low and moderate-income residents;
- B. At least twenty percent (20%) of the housing units are restricted to very low income households;
- C. At least twenty-five percent (25%) of the housing units are restricted to lower income household;
- D. At least forty percent (40%) of the housing units are restricted to moderate income households. For purposes of determining if the project proposes at least as many units as described as the realistic capacity for the parcel, the project may satisfy the requirement for low-income designations by providing units restricted to very low-income households, may satisfy the requirements for moderate-income designations by providing units restricted to very low- and low-income households, and may satisfy the requirements for above moderate-income units by providing very low-, low-, or moderate-income units, as listed above.

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. See **Attachment D** for proposed Housing Sites Overlay Zone.

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. affordable housing by right with at least 20% affordable housing units for all sites identified in the Housing Sites inventory and create a Housing Sites Overlay Zone. 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 State requirements.

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](#) and [Table C-26](#)).

4. Industrial Lands Zoning Amendments

Context

Many of Oakland's most vulnerable populations are facing disparate air pollution and health impacts. Pollution levels are elevated in areas of the City where residential uses are adjacent industrial uses, freeways, truck routes and major streets. The [Environmental Justice and Racial Equity Baseline](#) released in March 2022 which served as the jumping off point for the GPU's Environmental Justice Element provides a comprehensive overview of the environmental disparities that are experienced citywide. As part of Phase 1 of the GPU, the City has been building on work started in June 2021 to advance land use tools such as conditional use permits (CUPs) and enhanced project performance standards that address air pollution citywide and reduce disparities in air pollution exposure for communities of color. This work is also aligned with ongoing work to implement community-driven strategies from the West Oakland

Community Action Plan (WOCAP) to that focus on reducing air pollution from industrial businesses, particularly businesses which rely on trucks for supplies and distribution. These changes are intended to improve health and eliminate racial disparities in exposure to air pollution for impacted communities, reduce air pollution from high impact industrial zones adjacent residential zones, and minimize conflicting siting of sensitive uses (e.g., schools) in industrial zones.

The proposed changes to require CUPs for heavy industrial areas within 500 feet of residential zones; create CUP criteria that promote appropriate site design and mitigation strategies for truck-attracting businesses; and reduce termination timeframes for CUPs and Nonconforming Uses for Truck-Intensive Industrial Activities are strategies to reduce pollution exposure to sensitive receptors. These proposed changes also further community-identified strategies in the West Oakland Community Action Plan.

Proposed Changes

The purpose of the Industrial Lands Zoning Amendments is to increase protections for sensitive receptors, land use activities most sensitive to pollution impacts, such as residential, schools, daycares, hospitals, senior care facilities, etc. See **Attachments E and F** for proposed text amendments related to industrial lands.

The proposed changes will:

- Reduce the allowed intensity of commercial and industrial activities permitted in the Housing and Business Mix (HBX) Commercial Zones, to minimize impacts on the residential uses existing in and nearby these zones (see Exhibit 3).
- 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 500 feet of a Residential Zone, to minimize impacts on the residential uses nearby (see Exhibit 3).
- Require truck-intensive uses to obtain special Conditional Use Permits/application of special performance standards and standard conditions of approval, including requirements related to buffering and landscaping (See Exhibit 4, Section 17.103.065)
- Reduce land-use conflicts in industrial zones (see Exhibit 3).
- Amend expiration timelines for Nonconforming Uses and CUP termination timelines for truck-intensive uses (See Exhibit 4 – Chapter 17.14 and Chapter 17.134).

5. Other Planning Code Amendments

Finally, staff have proposed amendments to special housing regulations to comply with State Law, and proposed changes intended to improve public noticing to include building occupants; remove constraints on staff's ability to process entitlements for housing projects; and to streamline the project approval process. See **Attachments F, G, and H** for proposed text amendments.

These proposed changes will:

- Revise public noticing requirements to include building occupants. Current Planning Code regulations only require that the building owner is notified.
- Change CUP requirements for certain activities, including but limited to Full Service and Limited Service Restaurants, Group Assembly, Personal Instruction and Improvement Services, Medical Service, and Consumer Service (laundromats).

- Provide clarifications regarding specific activities, such as agricultural activities, sidewalk cafes, and other civic and commercial activities.
- Remove or reduce limitations to construction of new ground floor residential facilities in commercial zones.
- Create definitions for key terms such as in Affordable Housing, Affordable Housing Cost, Affordable Rent, Employee Housing, Moderate, Low and Very Low-Income Households, and Food Desert in Section 17.09.040.
- 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.
- Amendments specific to special housing needs such as rooming units and efficiency units, employee housing, residential care facilities, transitional and supportive housing, low barrier navigation centers, and emergency shelters.
 - Permit rooming house facility types more similarly to multifamily residential facilities
 - Update definitions of Limited Agricultural Activities, Extensive Agricultural Activities, and One-Family Dwelling Residential Facilities to comply with the Employee Housing Act.
 - Expand where residential care facilities are permitted by right to ensure that both residential care facilities of seven or more and unlicensed care facilities (facilities that are not required to be licensed by the State), are allowed in all zones allowing residential uses and permitted similar to other residential uses of the same form in the zone and allow residential care facilities for foster family homes and the elderly within 300 feet of another residential care facility, pursuant to California Health and Safety Code Section 1520.5.
 - Permit transitional housing and supportive housing projects similar to permanent residential uses in the appropriate zone and remove minimum parking requirements for transitional housing. For supportive housing, minimum parking requirements will only apply to employee parking for onsite services, and no minimum parking requirements will apply to the residential units.
 - Include a definition for "low barrier navigation centers" and ensure that such centers are permitted by right, pursuant to State law.
 - Permit by right, without discretionary review, emergency shelters citywide when located on properties owned by churches, temples, synagogues, and other similar institutions approved for Community Assembly Civic Activities.

NEXT STEPS

Staff, in partnership with Bay Area Rapid Transit (BART) will be hosting an open house event in early April 2023 on the proposed Transit Oriented Development proposal on 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.

Staff are also working on geographically-specific zoning map changes and general plan land use changes and will seek feedback from the ZUC on those aspects of the proposal at their next scheduled meeting.

As stated earlier, the draft zoning text amendments published on the City's General Plan Update Website on March 3, 2023, will be available for public input until May 5, 2023. After the end of the public review

period, staff will further revise and update the planning code text and map to reflect feedback from ZUC and the community. The revised Planning Code and Zoning Map amendments will then be presented to the City Planning Commission at a public hearing and will ultimately be presented to the City Council for final approval in Summer 2023.

ENVIRONMENTAL DETERMINATION

The City of Oakland is preparing an Environmental Impact Report (EIR) 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 Map, and General Plan amendments implementing its 2023-2031 Housing Element, updates to its Safety Element and its adoption of a new Environmental Justice Element.

The Phase I Program EIR will analyze potential impacts of the Phase I Oakland 2045 General Plan Update, or Proposed Project, by assessing proposed policies and proposed amendments to the Oakland Planning Code, Zoning Map, and General Plan. The Phase I Program EIR will aim for mitigation measures that the City could apply as standard conditions of approval for projects, particularly those involving housing development. Key efforts will also focus on the intended use of this Program EIR to support the City's use of CEQA streamlining provisions and tiered documents for the environmental review of future plans and projects. The EIR will serve both to inform the public and decision makers of potential environmental impacts and the mitigation measures associated with the General Plan's implementation.

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 EIR.

ACTION REQUESTED OF THE LANDMARKS PRESERVATION ADVISORY BOARD

Staff recommends that the Landmarks Preservation Advisory Board receive comments on the proposed Planning Code amendments from the public and provide feedback to staff.

Prepared by:

Lakshmi Rajagopalan

Lakshmi Rajagopalan, Planner IV

Khalilha Haynes, Planner III

Strategic Planning Division

Reviewed by:

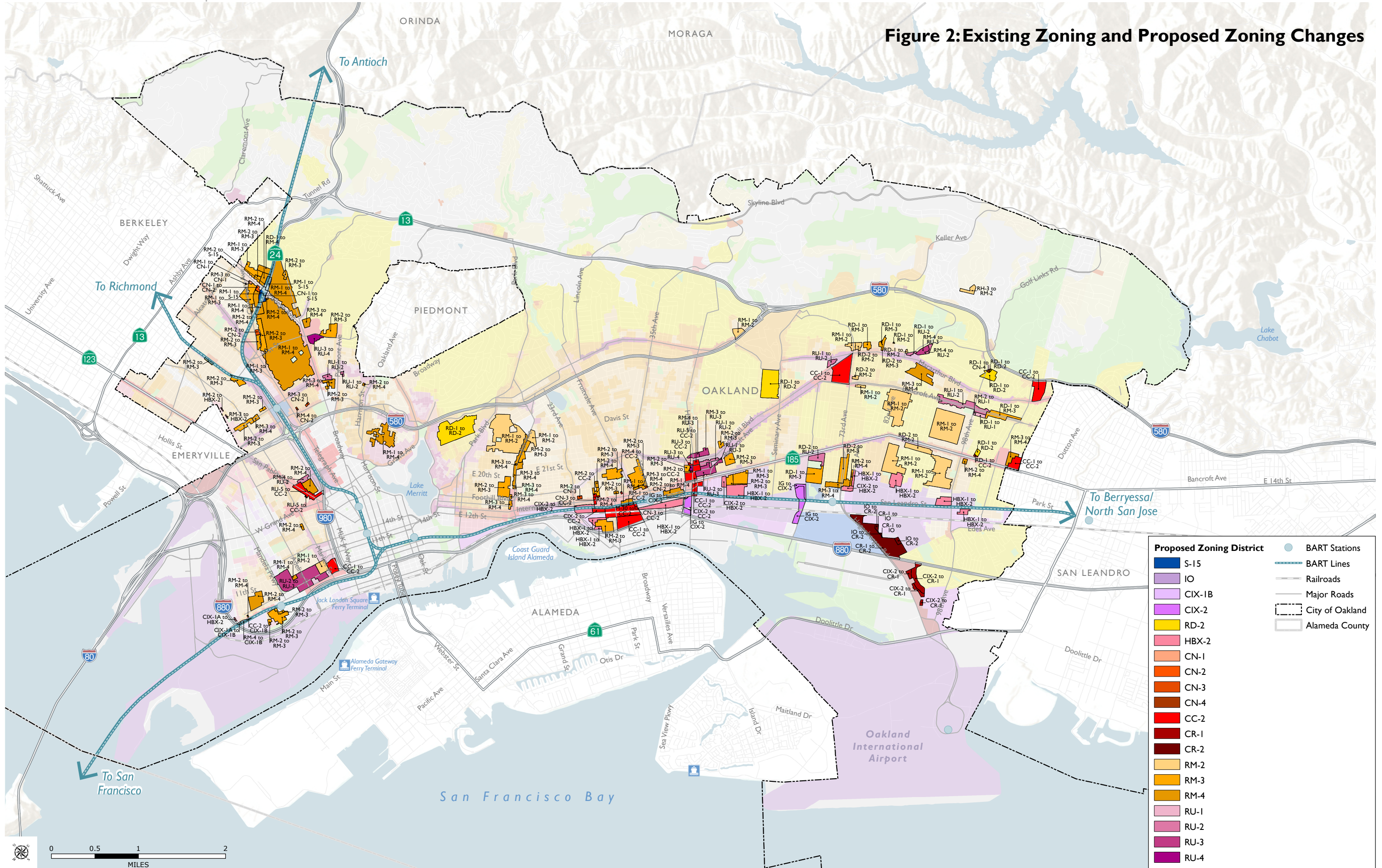
Laura B. Kaminski

Laura B. Kaminski, Strategic Planning Manager
Bureau of Planning

ATTACHMENTS:

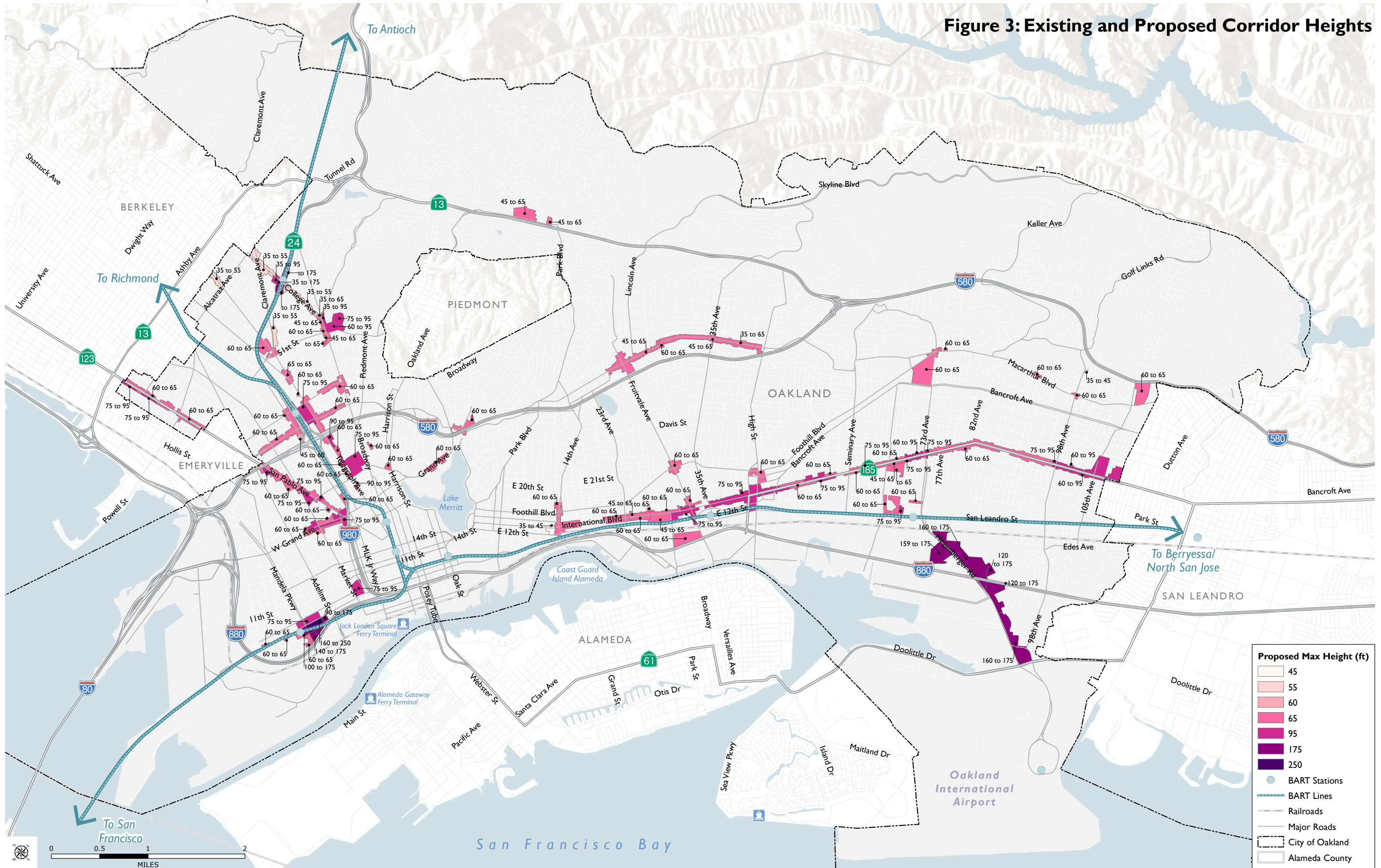
- A. Appendix J. Summary of Preliminary Draft Missing Middle, Other Planning Code Amendments, and Zoning Map Amendments of Facilitate More Housing Proposal
- B. Comment letters received on Preliminary Draft Zoning Proposals
- C. Exhibit 1: Missing Middle Code Package
- D. Exhibit 2: Draft Chapter 17.95 S-13 Affordable Housing Combining Zone and S-14 Housing Sites Combining Zone
- E. Exhibit 3: Industrial Zones Code Package
- F. Exhibit 4: General Code Amendments Package
- G. Exhibit 5: Commercial Zones Code Package
- H. Exhibit 6: Minor Code Amendments to S- Combining Zones and D- Special Districts

Figure 2: Existing Zoning and Proposed Zoning Changes



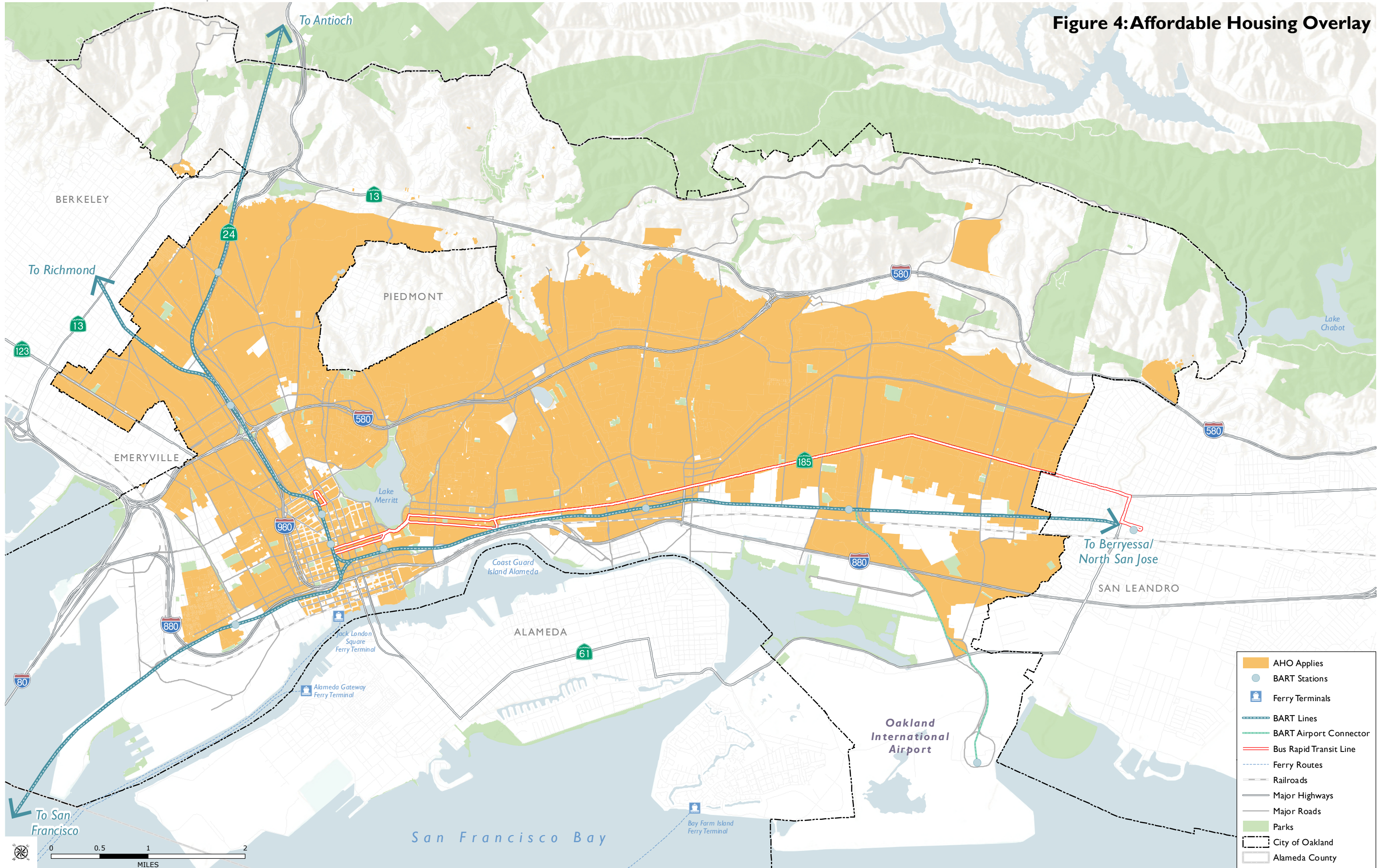
SOURCE: City of Oakland, 2022; ALAMEDA County GIS, 2021; Dyett & Bhatia, 2022

Figure 3: Existing and Proposed Corridor Heights



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

Figure 4: Affordable Housing Overlay



- AHO Applies
- BART Stations
- Ferry Terminals
- BART Lines
- BART Airport Connector
- Bus Rapid Transit Line
- Ferry Routes
- Railroads
- Major Highways
- Major Roads
- Parks
- City of Oakland
- Alameda County