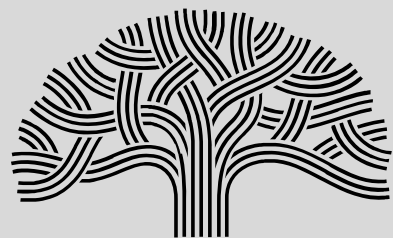


Planning Code Amendments

**Presentation to the Planning
Commission**

March 19, 2025

Planning and Building Department



**CITY OF
OAKLAND**



Agenda

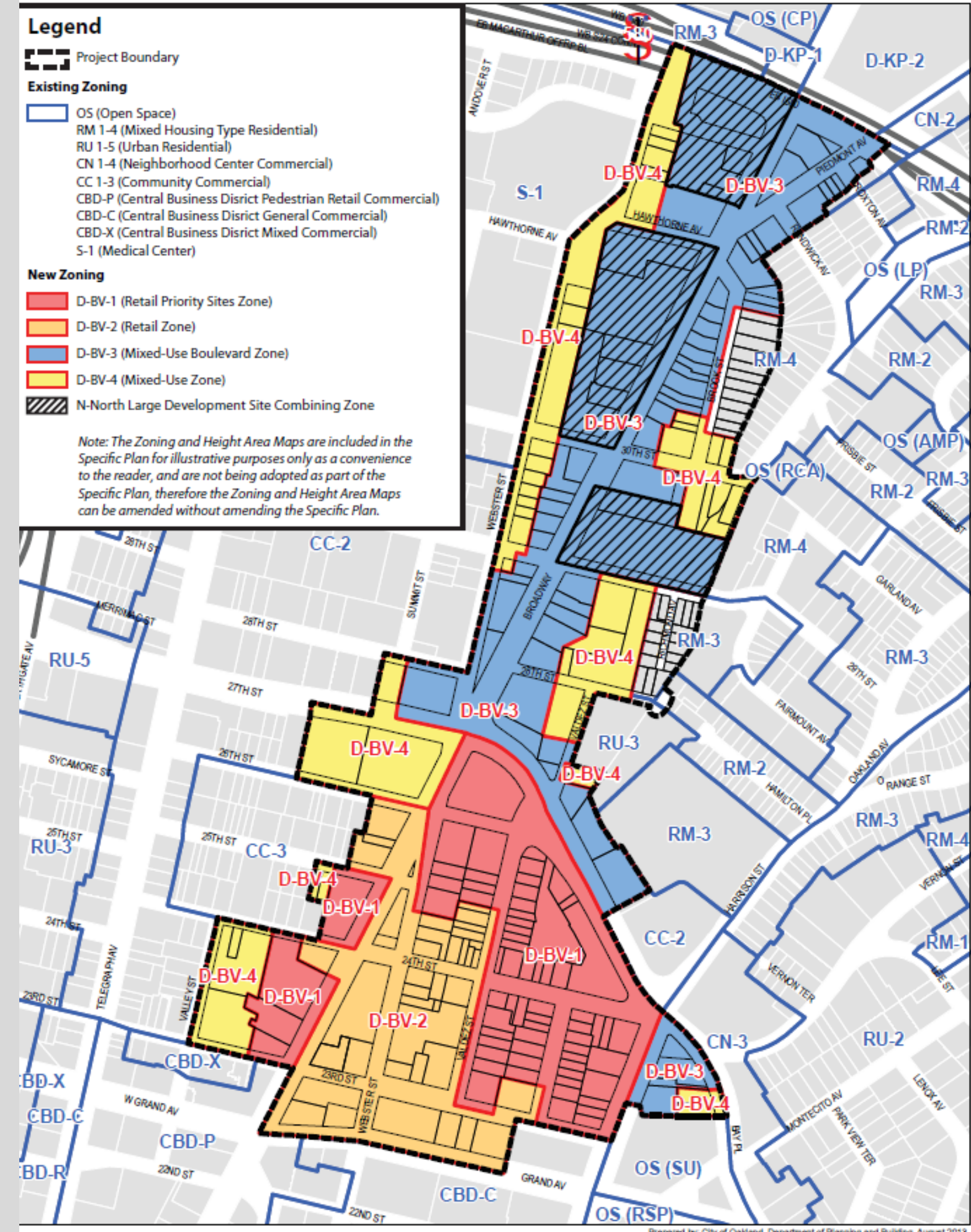
- **17.101C D-BV Broadway Valdez District Commercial Zones**
- **17.95 S-13 Affordable Housing Combining Zone**
- **17.96 S-14 Housing Sites Combining Zone**
- **17.101G D-LM Lake Merritt Station Area District Zones**

17.101C – D-BV Broadway Valdez District Commercial Zones

Proposed Planning Code Amendments

Background

- Broadway Valdez District Specific Plan (BVSP) and D-BV Broadway Valdez District Commercial Zone Regulations adopted in 2014.
- Goal:
 - Promote revitalization of the district by establishing a new vision and planning framework.
 - Create a destination retail district that would allow Oakland residents to purchase comparison goods without needing to travel to neighboring cities.



Background

- Since 2014, the District has seen the construction of several new multi-family residential buildings with ground-floor retail spaces.
- Significant change in the global retail economy has led to many vacant storefronts and the closure of key retail outlets, such as Target.
- Recognizing these changes and in response to stakeholder feedback, staff propose zoning amendments that would allow a greater range of pedestrian-oriented Civic and Commercial activities. These changes would promote continued growth and economic resilience of the District.



Table 17.101C.01: Permitted and Conditionally Permitted Activities

Newly permitted in all zones:

- Mechanical or Electronic Games
- Consumer Service
- Artisan Production
- Group Assembly
- Automobile and Other Light Vehicle Sales and Rental
- Animal Care

Newly prohibited in all ones:

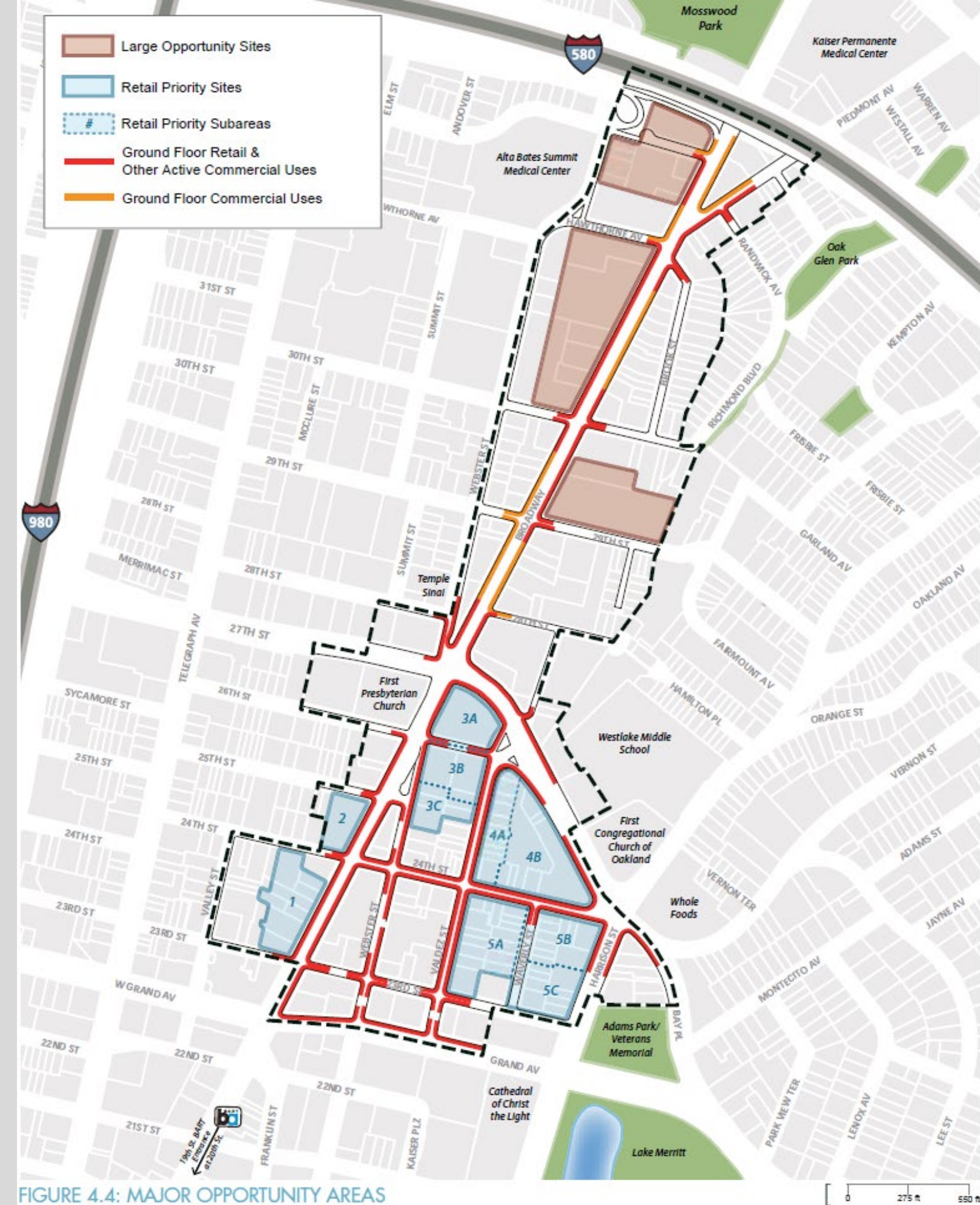
- Automobile and Other Light Vehicle Gas Station and Servicing (unless accessory to an approved Automobile and Other Light Vehicle Sales and Rental Commercial Activity)

Changes to allow for activities to be more readily permitted:

- Medical Service Commercial;
- Consultative and Financial Service Commercial;
- Consumer Cleaning and Repair Service Commercial;
- Personal Instruction and Improvement Services Commercial;
- Business, Communication, and Media Services Commercial;
- Broadcasting and Recording Services Commercial (unless located on streets identified in L5);
- Permanent Residential Activities located on the ground floor of a Two-to-four Family Dwelling Facility.

Limitations on Table 17.101C.01

- **L5:** This would function as the primary limitation controlling ground floor uses, effectively merging L5 and L8. The revised L5 would apply to all street frontages identified as “primary shopping streets” in the BVSP. Certain ground floor activities located within the first 30 feet of any street-abutting property line that are generally desirable but do not directly contribute to a pedestrian-oriented retail environment would continue to be subject to a CUP. As part of the CUP review, an application would need to demonstrate that it conforms to certain criteria including the Design Guidelines for the BVSP. The proposed changes would streamline the CUP requirements for ground-floor activities and provide greater flexibility in the types of activities allowed to occupy vacant retail spaces.



Limitations on Table 17.101C.01

- **L12:** This establishes which activities may be used to meet the “minimum square footage of retail” requirement in D-BV-1. The proposal adds eight additional Commercial Activities that qualify for the requirement and reduces square footage limitations for many of the existing activities.

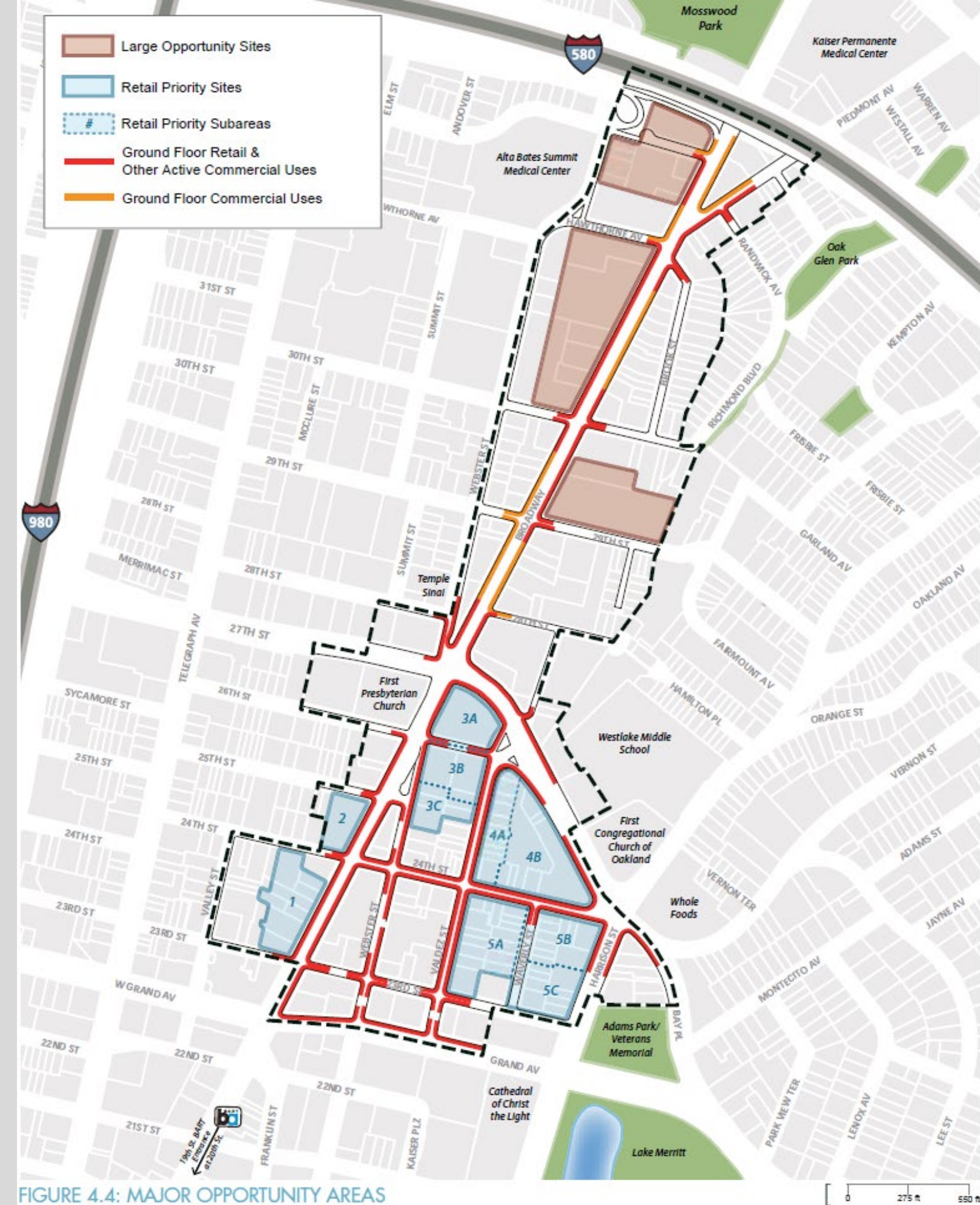


FIGURE 4.4: MAJOR OPPORTUNITY AREAS

Limitations on Table 17.101C.01

- **L24:** This new provision extends the applicability of the Central District Entertainment Venue Permit program established in the new downtown D-DT Zones to cover relevant activities in the D-BV-1 and D-BV-2 zones, which are both located within the defined Central District.
- **L25:** This new limitation establishes similar ground floor transparency requirements for Medical Services Commercial Activities in the D-BV zones as are required in the new downtown D-DT zones. Additionally, it institutes the same requirements for Animal Care Commercial Activities. An associated provision would be added to the Property Development Standards.
- **L26:** This new limitation establishes the same public accessibility requirements for Artisan Production in the D-BV zones as required in the D-DT zones.

17.95 – S-13 Affordable Housing Combining Zone

Proposed Planning Code Amendments

Background

- As part of implementing the 2023-2031 Housing Element, the City adopted an amendment to the Planning Code creating Chapter 17.95, S-13 Affordable Housing Combining Zone Regulations.
- Staff committed to review and update this new chapter, as needed based on the results of implementation over the first year.
- The S-13 Combining Zone provides for an optional local Affordable Housing incentive program that developers can utilize instead of the State Density Bonus and Incentive Procedure.

17.95.020 – Affordability Thresholds

The proposed amendments would clarify that the criteria outlined for By Right Residential Approval is mutually exclusive, not a requirement that both apply. Specifically, projects are eligible for By Right Residential Approval if the following apply:

- Developments include 100% Affordable Housing units; OR
- On a parcel less than 15,000 square feet, developments provide at least 20% of the housing units as restricted to very low- or low-income households; AND at least 20% restricted to moderate-income households.

17.96 – S-14 Housing Sites Combining Zone

Proposed Planning Code Amendments

Background

- As part of implementing the 2023-2031 Housing Element, the City adopted an amendment to the Planning Code creating Chapter 17.96, S-14 Housing Sites Combining Zone Regulations.
- Staff committed to review and update this new chapter, as needed based on the results of implementation over the first year.
- The S-14 Combining Zone applies to all sites in the Housing Sites Inventory, included in the Housing Element.

17.96.010 – Title, Purpose and Applicability

- The current language states that S-14 regulations would supersede those in the underlying zoning district. While this would remain true for most zoning standards, the proposed amendment would add an exception, stating that for any parcel where the maximum allowable density of the underlying zoning district is less than the Realistic Capacity designated for the site as shown in the Housing Sites Inventory, then the underlying zoning district shall control. This serves to resolve any potential for inconsistencies in the Planning Code.

17.96.020 - Definitions

- A definition of Development Project would be added solely for purposes of the S-14 Chapter to clarify what counts as a Development Project that triggers minimum density and majority residential requirements.
- The definition of Housing Sites Inventory would be amended to note that the Inventory may be amended from time to time.

17.96.050 – Minimum Densities

- A. The minimum density for projects would be reduced from 75% of Realistic Capacity (RC) to 70%. Subsections B and C would serve as exceptions to this requirement.
- B. Currently, subsection B has an exception that if a developer building a 100% affordable housing project cannot meet the 75% RC, they can instead comply by building 100% of the “lower income units” listed for the site in the Housing Element. Under this proposal, 100% affordable housing projects could comply by building 50% of the RC instead of the now required 70% RC for a market rate project. The reason for this change is to assure that affordable housing projects can be built. The City did not want to potentially stop an affordable housing project from being built if a developer was not able to finance a project to meet the 100% “lower income units” or 75% RC.
- C. Where a conflict exists between the minimum residential density standards set forth in S-14 and the underlying zoning district, the project shall include a residential unit count that equals no less than 90% of the maximum density permitted in the underlying zoning district. If the underlying zoning district does not permit Permanent Residential Activities, then the S-14 requirements do not apply.

Additional Sections

- 17.96.040 – Required Majority Residential Use
 - A sentence would be added to state that only newly proposed Floor Area, and not existing Floor Area that will remain on the project site, will be considered for purposes of determining Majority Residential Use.
- 17.96.070 – By Right Residential Approval for Sites not used in Prior Housing Elements
 - A clarification is added to align with Section 17.96.050.C.

17.101G – D-LM Lake Merritt Station Area District Zones

Proposed Planning Code Amendments

Lake Merritt Station Area District Zones

- In 2014, City Council adopted the Lake Merritt Station Area Plan, and D-LM Lake Merritt Station Area District Zone Regulations.
- In 2014, Artisan Production was not a defined Commercial Activity. However, all adjacent Downtown District (D-DT) and Neighborhood Center Commercial (CN) zones now permit Artisan Production. Accordingly, the D-LM regulations would be amended to permit Artisan Production in all D-LM zones. This amendment would allow new, community-oriented small businesses to open in the Lake Merritt Station Area, including in Chinatown.
- Additionally, the Central District Entertainment Venue Permit program, established in the new D-DT Zones, would be expanded to cover the D-LM-2, D-LM-3, and D-LM-4 zones, which are located within the defined Central District.

Tentative Dates of Council Meetings

- **April 8, 2025** – Community Economic Development (CED) Meeting
- **April 14, 2025** – City Council (First Reading)