

Case File Number: SP24001 and ZA24009

October 2, 2024

Location:	Citywide
Assessor's Parcel Number(s):	N/A
Proposal:	The City of Oakland seeks to adopt Objective Design Standards for four- to eight-story residential and mixed-use multifamily developments that are currently mandated to undergo by-right ministerial planning approvals. These include projects utilizing local programs such as 100% affordable projects by-right residential review, the S-13 Affordable Housing Combining Zone by-right review, and the S-14 Housing Sites Combining Zone by-right review, as well as those utilizing state-enacted by-right programs. These objective design standards may also be utilized for other project types that will be allowed by right in the future if and when such Planning Code Amendments are adopted.
Applicant:	City of Oakland, Bureau of Planning
Phone Number:	Ruslan Filipau: (510) 238-3491
Owner:	N/A
Case File Number:	SP24001 and ZA24009
Planning Permits Required:	N/A
General Plan:	Citywide
Zoning:	Citywide
Environmental Determination:	The proposal relies on the previously certified Final Environmental Impact Reports for: the Oakland 2045 General Plan Update - Phase 1 (2023); the Coliseum Area Specific Plan (2015); Broadway Valdez Specific Plan (2014); West Oakland Specific Plan (2014); Central Estuary Area Plan (2013); Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan (1998); the West Oakland, Central City East, Coliseum, and Oakland Army Base Redevelopment Areas; the 1998 Amendment to the Historic Preservation Element of the General Plan; and various Redevelopment Plan Final EIRs (collectively, "EIRs"). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, as a separate and independent basis, this proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment).
Historic Status:	N/A
City Council District:	All Districts
Status:	Under Review
Finality of Decision:	Receive Planning Commission and public comments. Objective Design Standards are effective upon adoption by the Planning Commission and are not appealable.
For Further Information:	Contact Case Planner Ruslan Filipau at (510) 238-3491 or by email at ODS@oaklandca.gov

SUMMARY

The California State Legislature has enacted several housing laws intended to move cities toward streamlined review processes for housing developments. This includes amendments to the Housing Accountability Act (HAA), California Government Code Section 65589.5, limiting the City's ability to reject or reduce housing project density if the project meets applicable, objective general plan, zoning, subdivision, and design standards and criteria. Cities in some circumstances are required to rely exclusively on objective design standards in design review of eligible housing projects.

Until such time as the City of Oakland (City) adopts Objective Design Standards (ODS), the City is limited in enforcing compliance with existing design guidelines, as they are not sufficiently objective. Recent Planning Code amendments (13763 C.M.S. adopted on October 3, 2023) that increased allowed residential densities and created additional by-right Planning approval pathways underscore the urgent need for the City to adopt ODS.

The shift from subjective design guidelines to objective design standards is intended to support housing production goals while preserving the City's project design priorities. The adoption of ODS will streamline applicable planning reviews, promote affordable housing, and address housing-related inequities, particularly in historically exclusionary single-family and lower-density neighborhoods. ODS will also provide clarity and consistency regarding community expectations for new development, and ensure the creation of buildings that integrate into existing neighborhoods and enhance quality of life.

BACKGROUND

Project history

This effort to create and implement Objective Design Standards is a result of previous City Council actions aimed at promoting more housing in Oakland. On March 21, 2019, the City Council adopted Resolution No. 87579 C.M.S, which directed the Bureau of Planning to study and the Planning Commission to consider incentives for encouraging transit-oriented housing, including affordable housing, by streamlining the permitting process.

Following this, on January 31, 2023, the City Council adopted Oakland's updated General Plan Housing Element, which includes Action Item #3.4.8: *Implement Objective Design Standards*.

Over the past two years, Planning staff have been working to develop, test and refine a set of objective design standards that would streamline housing approvals, accelerate housing production, and increase the housing stock in Oakland. The standards have been carefully crafted to ensure alignment with the City's existing Planning Code regulations, as well as the broader Housing Element objectives.

Public hearing history

Per Chapter 17.03.030(A) of the Planning Code, "the Commission may adopt, or may authorize the Director of City Planning to adopt, reasonable guidelines for the administration, interpretation, or requirements or this code or portions of this code." This Objective Design Standards initiative supports the Planning Code's Design Review procedures, as well as the streamlined approvals required by state by-right ministerial housing laws. The Design Review Committee (DRC) is the advisory body for this project for the Planning Commission. Also, the Planning Commission's framework is appropriate for addressing the broader housing and design needs of our community.

The proposal went before the DRC on July 24, 2024, and, after receiving public comment and discussing the proposal, DRC recommended that Planning staff bring this proposal, after considering certain revisions, for consideration before the full Planning Commission. A full discussion of the DRC's recommended revisions is provided in the "Key Issues and Impacts" section of the report.

PROJECT DESCRIPTION

State Law Context

In response to California's longstanding housing supply and affordability crisis, the California Legislature has enacted several pieces of legislation aimed at moving cities and counties away from a discretionary land use permitting process towards a predictable, objective, and streamlined entitlement process for housing development. The State Housing Accountability Act (HAA) states that a housing project cannot be denied or have its density reduced if it complies with objective, quantifiable, written development standards, conditions, and policies, unless specific life and safety findings are made.¹ According to the HAA, an "objective standard" is one that involves no personal or subjective judgment by a public official and can be uniformly verified by reference to an external and consistent benchmark or criteria available to both the applicant and the public official.

In addition to the HAA, the following state laws contain language mandating streamlined review of housing projects that are consistent with objective standards.

- **SB35/SB423** Project Streamlining (Government Code Section 65913.4): Housing projects that meet physical, environmental and affordability thresholds are eligible for ministerial project review. Projects must also be consistent with objective standards. Under SB35/SB423, the review process is limited to 90 to 180 days depending on the project size. No CEQA review is required, and no discretionary review is permitted.
- **SB330** Housing Crisis Act: Jurisdictions are prohibited from imposing or enforcing subjective design standards established on or after January 1, 2020, on housing projects.
- **AB 2162** (Supportive Housing Streamlined Approval, effective 2019),
- **SB 9** (Housing Opportunity and Efficiency Act, effective 2020),
- **SB 684** (Small Sites Streamlining, effective July 2024), and
- **AB 2011** (Affordable Housing and High Road Jobs Act, effective 2023).

These laws contain similar language mandating streamlined review for projects that are consistent with objective standards. When layered together, these laws create the policy context within which Planning staff are recommending that City of Oakland adopt the proposed objective design standards.

Local Policy Context

The California Housing and Community Development Department (State HCD) has instructed cities to commit to objective review processes in their local Housing Elements. As part of its Pro-Housing Designation, the City of Oakland has committed to adopting Objective Design Standards and creating a by-

¹ Cal. Gov. Code § 65589.5(j)(1). <https://casetext.com/statute/california-codes/california-government-code/title-7-planning-and-land-use/division-1-planning-and-zoning/chapter-3-local-planning/article-106-housing-elements/section-655895-housing-accountability-act>

right approval process for a wide range of housing projects, enhancing its competitiveness for various grant funds, in its Housing Element Action #3.4.8: Implement Objective Design Standards.²

Also, Recent Planning Code amendments (13763 C.M.S. adopted on October 3, 2023) have introduced the City of Oakland’s own by-right review process as part of the new S-13 Affordable Housing Combining Zone, as well as by-right review for all 100% affordable housing projects and the S-14 Housing Sites Combining Zone by-right review. ODS will serve as the foundational criteria for design reviews in these combining (overlay) zones.

In addition, this proposal is responding to a City Council Resolution (87579 C.M.S. adopted on March 21, 2019), directing Planning Staff to study incentives that would encourage and streamline creation of affordable housing.

The proposal for Objective Design Standards

In alignment with state legislation and the City’s Housing Element commitments, Planning staff have prepared the attached draft Objective Design Standards (ODS) for four- to eight-story multifamily³ residential and mixed-use developments (see **Attachment A**). This draft is a revision of the draft ODS presented at the Design Review Committee⁴. The proposal would create Objective Design Standards that would apply to applicable developments that are currently mandated to undergo by-right ministerial planning approvals. Under this process, applications will be approved or denied based solely on applicable objective standards, meaning the City has no discretion to deny a qualifying project if it meets these standards. Consequently, such projects do not undergo the same formal public process as discretionary projects, and the California Environmental Quality Act (CEQA) does not apply. The City’s uniformly applied standard conditions of approval, which include a wide variety of environmental protection measures, will continue to apply. This ministerial approach will facilitate faster project approvals without the need for typical discretionary design reviews, while still ensuring high-quality development that respects existing contexts.

Applicability

The creation of Objective Design Standards for four- to eight-story multifamily residential development were prioritized by staff because this category encompasses the bulk of projects that require review solely under objective standards under local and state laws. Upon adoption, the City will be applying these ODS to projects undergoing the by-right ministerial review pathways, including both state and local programs. This includes: 100% affordable housing projects, and projects subject to the City of Oakland S-13 Affordable Housing Combining Zone by-right review, and S-14 Housing Sites Combining Zone by-right review. The City will also apply ODS to state-enacted ministerial projects, including but not limited to: streamlined “SB 35/SB 423” ministerial approval under Government Code Section 65913.4; small sites “SB 684” streamlining under Government Code Sections 65852.28 and 66499.41; supportive housing “AB 2162” streamlined approval under Government Code Section 65650 et seq.; two-lot “SB 9” ministerial approval under Government Code Sections 65852.21 and 66411.7; and Affordable Housing and High Road Jobs Act “AB 2011” streamlining under Government Code Section 65912.100 et seq. These design

² See page 91: https://cao-94612.s3.us-west-2.amazonaws.com/documents/Oakland-Adopted-Housing-Element-Ch-1-4-21023_2023-02-17-213804_ddow.pdf

³ As defined in the Planning Code Chapter 17.10.680, “Multifamily Dwelling Residential Facilities include permanently fixed buildings, or those portions thereof, which accommodate or are intended to accommodate Residential Activities and contain five (5) or more Regular Dwelling Units or Efficiency Dwelling Units on a parcel, along with any Accessory Dwelling Units.”

⁴ DRC Staff Report with Attachments. <https://cao-94612.s3.us-west-2.amazonaws.com/documents/Staff-Report-with-Attachments-Citywide-SP24001-ZA24009.pdf>

standards could also be utilized for other project types that may be allowed by-right in the future if and when such Planning Code provisions are adopted.

Following the adoption of ODS for four- to eight-story multifamily residential and mixed-use developments, Planning staff will draft objective design standards for one- to three-story residential and mixed-use developments, as well as for nine-story and above residential and mixed-use developments for future adoption. As these additional sets of objective design standards are created and tested, their applicability may expand to other housing projects seeking streamlined approval. An option for requesting an exception from ODS and opting for the City's regular discretionary design review process for certain projects may also be retained. Certain project types, such as Planned Unit Developments (PUDs) and those requiring a Conditional Use Permit (CUP) or an Environmental Impact Report (EIR), may not be eligible for streamlined review under ODS. These procedural details are not a part of this proposal and will be clarified later as part of future Planning Code amendments.

State Density Bonus Waivers and Concessions

California State law entitles housing projects that qualify for a density bonus per Government Code Sections 65915–65918 to waivers and concessions of development standards. Projects that qualify for a density bonus are subject to objective design standards unless sponsors request waivers or concessions. Applicants seeking waivers or concessions must still demonstrate eligibility for those requests: waivers may be sought if the standard physically precludes the development with the proposed density and amenities, while a limited number of incentives may be requested if the applicant can demonstrate a reduction in development costs or cost savings. Objective design standards convey community design expectations and require a demonstration of why those expectations cannot be met, even when waivers and incentives are applicable. Projects using the City's S-13 Affordable Housing Combining Zone by-right process are not eligible to use the state density bonus law concurrently, although the S-13 process includes provisions for additional incentives instead of the concessions and waivers that are available with the State Density Bonus.

Iterative Process and Role of Planning Commission

The creation of ODS has been an iterative process in which the Design Review Committee (DRC) and the Planning Commission (PC) have played a crucial role. DRC and PC feedback and guidance is, and will continue to be, instrumental in ensuring that the objective design standards ultimately adopted effectively support high-quality, context-sensitive development throughout Oakland. Additionally, Planning staff will be seeking comments from the DRC and/or PC on other subsets of Objective Design Standards (ODS) in the future, such as standards for one- to three-story residential and mixed-use development, and developments nine stories and above.

Once the Objective Design Standards (ODS) are adopted, they will undergo continuous refinement based on the design outcomes of projects that use them. As Planning staff apply the standards over time, any issues, gaps, or challenges will be addressed as needed. If loopholes are found, or if certain standards prove too restrictive, permissive, or lead to undesirable conditions, staff will revisit and amend the standards or introduce new ones and bring them to DRC and/or Planning Commission for adoption. This process will ensure the standards effectively support our community's development and design goals.

GENERAL PLAN ANALYSIS

The creation of ODS will complement and further the goals, policies, and actions of the Oakland General Plan. Notably, ODS advance the ability of the City to achieve the objectives contained in the 2023-2031 Housing Element, and are consistent with its goals, policies, and programs related to housing production, zoning reform, streamlining design review, and expediting permit approval.

The Objective Design Standards are also in conformance with General Plan Land Use and Transportation (LUTE) Element. Specifically, ODS support the intent of LUTE policies including, but not limited to, the following:

Policy N3.1 Facilitating Housing Construction.

As part of its Pro-Housing Designation, the City of Oakland is committed to accelerating the production of new housing. The primary goal of the Objective Design Standards is to streamline the development process, making it more predictable, efficient, and transparent.

Policy N3.2 Encouraging Infill Development.

The Objective Design Standards complement recent Planning Code amendments consistent with this policy that increased housing densities across lower-density neighborhoods and reduced development requirements for higher-density projects in these areas. ODS facilitate the creation of this new housing while including context transition standards to ensure that new developments are respectful of their context.

Policy N3.8 Required High-Quality Design.

The Objective Design Standards incorporate design quality requirements that are appropriate locally while being sensitive of the associated costs, striking a balance between high-quality design and reducing construction costs. Generally, the ODS require only what is essential and where it has the greatest impact. For example, ODS require high-quality, durable materials on ground floors, where durability and aesthetics are most critical. However, the standards allow greater flexibility in window materials, reducing costs and accommodating new, high-performance materials available on the market.

Policy N3.9 Orienting Residential Development.

The Objective Design Standards require that residential development face the street and orient unit entries to the street.

Policy N9.7 Creating Compatible but Diverse Development

The Objective Design Standards are designed with broad flexibility to foster architectural creativity and prevent "cookie-cutter" development. At the same time, context transition standards ensure that new projects are compatible with the character of existing development.

Policy N11.2 Streamlining Permit Procedures.

The Objective Design Standards simplify, modernize, and streamline design review and facilitate production of housing.

Race and Equity General Plan Compliance

In September 2023, the City of Oakland adopted its first Environmental Justice Element (EJ Element) as part of Phase 1 of the General Plan Update, which constitutes the baseline against which the Race and Equity Impact Assessment for this project has been determined. The EJ Element “serves as the foundation for achieving equity and environmental justice when planning for future growth and development in Oakland.” The EJ Element identifies communities that are disproportionately impacted by environmental justice issues and proposes goals, policies, and objectives to reduce the unique or compounded health risks in these communities. It also contains a comprehensive table of actions to achieve those goals and objectives, many of which have already been implemented.

The ODS proposal is consistent with goals and policies outlined in the EJ Element including, but not limited to, the following:

EJ-7.5 Bicycle and Pedestrian Friendly Design.

Site Planning and Design section of the ODS include standards that protect bicyclists and pedestrians and encourage biking and walking. Key considerations include, but not limited to, the following:

- Curb cuts are limited to minimize conflicts with pedestrians and cyclists, especially on busy streets or those with bicycle infrastructure. Curb cuts are prohibited on streets with existing or proposed protected bike lanes unless no other street frontage is available.
- Buildings with ground-floor residential units are required in certain cases to include at-grade entries to improve accessibility for individuals with limited mobility.
- Developments are required to provide direct, unobstructed pedestrian pathways to building entries. Pathways must be easily identifiable and have a minimum width of 5 feet.
- Garage entries must be recessed to increase visibility of vehicles and enhance pedestrian/bike safety.
- Entrances to service areas, trash staging and loading areas must be designed to maintain attractive and safe public spaces while minimizing conflicts with pedestrians and cyclists.
- Trash staging areas must be limited to streets with lower levels of pedestrian and bicycle activity to reduce potential conflicts.
- Ensure a continuous network of pedestrian routes in parking lots, with marked crossings at all intersections with vehicular ways.
- If proposed, surface parking should be placed at the rear of developments.
- New developments are required to frame streets and public spaces, with main entries oriented toward the streets to enhance safety, accessibility, and visual connection.

EJ-8.1 Meaningful, Relevant Engagement and EJ-8.4 Community Partners

In consultation with the City's Department of Race and Equity and the Inclusive Community Engagement Working Group, Planning staff conducted a comprehensive community engagement process, with a strong focus on reaching communities traditionally excluded from the planning process. Although the City's Administrative Instruction for Inclusive Community Engagement (AI No. 6802 effective January 18, 2023) was released and became effective after much of the community engagement was already underway, Planning staff adhered to its principles to ensure that City plans and policies are shaped in collaboration with those most impacted by racial disparities, including Black, Indigenous, and other communities of color. Additional efforts were made to engage people living with disabilities and their advocates.

From the outset of the project, staff developed an engagement plan centered on equity, identified priority communities for outreach, and created materials and communications that were as accessible as possible, given the complexity of the project. The engagement plan was discussed with the Inclusive Community Engagement Working Group and the Department of Race and Equity, and participation and feedback were documented and shared on the project website⁵. Planning staff dedicated significant resources to ensure all voices are heard, with a particular emphasis on amplifying underrepresented voices.

⁵ See Documents and Past Engagement sections: <https://www.oaklandca.gov/topics/objective-design-standards>

The creation and implementation of Objective Design Standards is also a key action item in the Housing Element (Action #3.4.8: Implement Objective Design Standards⁶). The project relies on the Racial Equity Impact Analysis (REIA)⁷ completed for the Housing Element update, as part of the Phase One General Plan Update. The REIA emphasizes that decisions about housing locations significantly affect access to opportunity, forming the foundation of the ODS approach. Consistent with this approach, ODS promotes affordable housing Citywide without imposing separate and higher standards for any specific geographic districts. Instead, it recognizes valuable context throughout Oakland, addressing it wherever it exists adjacent or near to a development, and offering context-sensitive transitions in these specific cases, regardless of any geographic districts. Consistent with Housing Action Plan (HAP) Goal #3: "Close the Gap Between Affordable and Market-Rate Housing Production by Expanding Affordable Housing Opportunities" (REIA, p. 13), ODS aim to remove barriers to affordable housing development Citywide, promote the production of diverse housing types, and expand ownership opportunities, not limited to any areas, and enhancing access to housing opportunities anywhere.

ODS addresses potential equity barriers by applying the standards to state and locally mandated by-right projects, which include affordable units as a condition for streamlined approval as outlined in the "Applicability" section of the report.

Planning staff have also translated and integrated the community feedback directly into the ODS for a developer to meet as a condition for approvals - this being the most direct and implementable action possible under the existing by-right ministerial approval process as specified in the Planning Code (Chapter 17.136 Design Review Procedure). For example, during community engagement, residents emphasized that affordable housing should not differ in appearance or quality from market-rate housing. As maintaining consistent standards citywide through the ODS is essential, these standards ensure that ministerial by-right affordable housing projects meet the same high-quality criteria as market-rate developments. This approach will ensure that developers meet the community-driven high standards of design to gain planning approval.

Community Engagement and Feedback

Community feedback played a key role in shaping the current draft of the four- to eight-story objective design standards (ODS). In collaboration with the City's Department of Race and Equity and the Inclusive Community Engagement Working Group, Planning staff prioritized outreach to communities historically excluded from the planning decision-making process. This approach resulted in a more diverse and inclusive group of participants who brought in a broader range of perspectives, more diverse priorities, and ultimately, influenced more equitable outcomes.

Beyond the official public hearings, the project involved a two-year community engagement plan. Since its launch in the fall of 2022, Planning staff have hosted multiple engagement events, including four stakeholder meetings, two focus group meetings, two public advisory group meetings, a community survey, and a workshop on May 22, 2024 focused on four- to eight-story development. Some of these events, such as stakeholder meetings and focus groups, were designed to understand and gather broader community priorities, while others, including advisory group meetings and the public workshop, aimed to receive feedback on the specific draft standards and regulatory approaches. Participants included local architects, developers, affordable housing advocate, historic preservation advocates, accessibility advocates, representatives of neighborhood groups, non-profits, and diverse Oakland residents.

Several public-facing documents explaining the ODS have been shared with the public on the project website and through communication. A public review draft of the ODS was released on May 3, 2024, and a community survey was conducted to gather further input, resulting in nearly 200 public comments and

⁶ See page 91: https://cao-94612.s3.us-west-2.amazonaws.com/documents/Oakland-Adopted-Housing-Element-Ch-1-4-21023_2023-02-17-213804_ddow.pdf

⁷ https://cao-94612.s3.us-west-2.amazonaws.com/documents/Housing-Element-REIA-1.6.23_Final.pdf

questions. The detailed document that includes all public comments and questions received on the public draft ODS, as well as feedback from the last public workshop on 4- to 8-story residential and mixed-use development, along with Planning staff responses, has been shared on the project website.⁸ This feedback led to further revisions in the proposed ODS, and the updated draft was presented to the Design Review Committee on July 24, 2024. Planning staff will continue to engage the community in the future as the city works to create additional sets of objective design standards for other types of development, such as the upcoming ODS for 1- to 3-story residential development. To access meeting materials, including recordings, summaries, and staff responses to the public's comments and questions, visit the project website's past community engagement and events section: <https://www.oaklandca.gov/topics/objective-design-standards>. To see examples of how staff addressed some of the public comments, please refer to "Community Feedback and Best Practices" section in the DRC staff report.⁹

At the July 24, 2024, public Design Review Committee (DRC) meeting, Planning staff received feedback and recommendations from both the DRC and the public. Additional public comments were submitted in writing and are available in **Attachment B**. This report focuses on the feedback from the July 2024 DRC meeting. In response to the comments, Planning staff made several key revisions, including the elimination of most massing breaks, reducing overall façade articulation requirements, clarifying the context transition standards, and addressing other DRC suggestions discussed below. These revisions were intended to simplify the design standards, reduce barriers to housing development, and avoid overly complex building designs.

In addition, Planning staff also referenced multiple ODS from other jurisdictions, many of which were suggested by the public as exemplary. These include objective design standards from City of Alameda, North Berkeley BART Station, Concord, Corte Madera, other cities in Marin County, San Francisco, San Jose, San Leandro, and additional jurisdictions with adopted ODS to date. However, standards from other cities must be carefully evaluated and adjusted before being applied in Oakland. Staff allocated significant resources evaluating these standards for their appropriateness to the local context, with some being incorporated into the City's proposed ODS with revisions.

For additional details, please refer to the "Equitable Outcomes" sub-section under "Key Issues and Impacts" section of the report below.

ZONING ANALYSIS

The creation of ODS will complement the zoning standards specified in the City's Planning Code (OMC Title 17). Planning staff have dedicated significant time and resources to ensure that these draft ODS do not conflict with existing regulations in the Planning Code - resulting in a system where objective design standards work seamlessly with zoning. While the Planning Code controls land use regulations and the general building envelope, ODS will address site and building design aspects previously governed by the City's design guidelines and applied through the discretionary design review process. Additionally, a public-facing guide has been developed to further explain the relationship between these regulations¹⁰.

If any standard in the ODS document conflicts with the Planning Code, the Planning Code standard will prevail. ODS will apply in all zones where 4-8 story multifamily residential or mixed-use development is allowed. ODS draws from existing adopted City regulations, design guidelines, and Area plans - including the Design Guidelines for Corridors and Commercial Areas, Small Project Design Guidelines,

⁸ <https://www.oaklandca.gov/documents/public-comments-on-the-public-review-draft-ods-with-planning-staff-responses>

⁹ <https://cao-94612.s3.us-west-2.amazonaws.com/documents/Staff-Report-with-Attachments-Citywide-SP24001-ZA24009.pdf>

¹⁰ Relationship Between Zoning and ODS. https://cao-94612.s3.us-west-2.amazonaws.com/documents/Oakland-Zoning-ODS_120823.pdf

Broadway Valdez Specific Plan, Central Estuary Area Plan, Coliseum Area Specific Plan, Downtown Oakland Specific Plan, Lake Merritt Station Area Plan, West Oakland Specific Plan, and other documents. If an eligible housing project is reviewed ministerially and meets all ODS, the City's existing design guidelines will not apply. All Oakland Municipal Code (OMC) regulations under the purview of other City Departments such as Building, OakDOT, Public Works, and other Departments still apply. City of Oakland Standard Conditions of Approval will also continue to apply.

ENVIRONMENTAL DETERMINATION

The proposal relies on the previously certified Final Environmental Impact Reports for: the Oakland 2045 General Plan Update - Phase 1 (2023); the Coliseum Area Specific Plan (2015); Broadway Valdez Specific Plan (2014); West Oakland Specific Plan (2014); Central Estuary Area Plan (2013); Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan (1998); the West Oakland, Central City East, Coliseum, and Oakland Army Base Redevelopment Areas; the 1998 Amendment to the Historic Preservation Element of the General Plan; and various Redevelopment Plan Final EIRs (collectively, "EIRs"). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, as a separate and independent basis, this proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment).

KEY ISSUES AND IMPACTS

Design review plays a crucial role in shaping the physical form of development, enhancing, and maintaining community quality. The City has implemented design review with several objectives in mind. One key objective is to ensure that new developments integrate with existing neighborhoods as the city grows and adds new housing. Design guidelines are also crucial for realizing the City's vision for its commercial corridors, in alignment with the goals outlined in area plans. Oakland's current design review procedures, established in Chapter 17.136 of the Planning Code, describe different design review tracks based on project size, type, and scope.

Unlike the Planning Code requirements, which are already objective and can be applied in the design review of development proposals, most of the City's previously adopted design guidelines are not sufficiently objective and therefore cannot be used in the design review of ministerial, by-right applications. The proposed ODS aim to address this challenge, ensuring that key design aspects of new developments, which are important to the public, can still be enforced.

"Ministerial" design review involves decisions made based on objective rules and standards such as ODS, without personal or subjective judgment by a public official, and can be uniformly verified by reference to an external and consistent benchmark or criteria available to both the applicant and the public official. This approach utilizes a simplified, transparent, and measurable "checklist" method that eliminates the need for subjective evaluation, ensuring quality housing projects that also respect their surroundings by complying with previously publicly vetted zoning standards and ODS. Projects can be approved ministerially "by-right", leading to streamlined approval. This provides certainty to housing developers that their projects will be approved if they meet ODS and other objective criteria such as zoning standards, while assuring neighbors that new buildings will meet basic design quality requirements. As a result, it speeds up the production of various types of housing and supports affordability.

"By-right" means that a proposed project can be automatically approved without requiring discretionary review or public input. The Planning Code already includes a few by-right project categories spelled out in the applicability section above. This proposal does not propose any new by-right project categories.

Objective Design Standards Organization and Key Aspects.

The 4-8 story Objective Design Standards document under consideration in **Attachment A** is structured into several topic areas concerning site design, building form, façade treatments, the design of various building components, and building additions. Each section includes a brief statement of purpose and intent outlining design principles or rationale, followed by specific design standards associated with these principles. The purpose and intent statements are offered for reference purposes only and are not intended to serve as objective criteria for review. In contrast, the design standards associated with these principal statements represent specific design requirements that shall be met unless a project is eligible for an exception specified within a standard. The following provides an overview of the document structure and the key objectives that ODS aim to achieve. In line with this overview, key questions and suggestions raised during the Design Review Committee meeting are also included below, organized by relevant topic.

Site Planning and Design.

This section outlines the City’s design priorities for new developments, capturing essential urban design principles that contribute to creating a livable, accessible by all, and safe urban environment consistent with established development patterns. Some key focus areas in this section include:

- **Building Placement and Pedestrian Access.** New developments should frame streets and public spaces to encourage pedestrian activity, with main entries oriented toward the streets to enhance safety, accessibility, and visual connection. Pedestrian pathways should be clearly identifiable, easily accessible and provide a direct and unobstructed access to building entries.
- **Vehicular Access and Parking.** If proposed, surface parking should be placed at the rear of developments. All developments should have limited frequency of curb cuts, especially along busy Corridors or streets with bicycle and pedestrian infrastructure to minimize possible conflicts with pedestrians and bicyclists.
- **Services and Utilities.** Strategic placement and screening of service areas, utilities, and entrances are essential to maintain attractive and safe public spaces and building frontages. The intent is also to minimize any potential conflicts between trash staging and loading areas with pedestrians and bicyclists.
- **Open Space.** Well-placed open spaces with seating, greenery and other amenities serve as vital communal hubs. These spaces should be integrated into site plans and accessible, avoiding use for storage or mechanical equipment. Special attention is given to children’s play areas to promote family-friendly developments that are safe and comfortable for children.
- **Landscaping and Trees.** Thoughtful landscaping and trees enhance the aesthetic and environmental quality of public spaces, softens open spaces and buildings, and creates welcoming places, with street trees improving the pedestrian environment and provide important shade coverage.

Building Scale, Form, and Mitigation of Blank Walls.

This section outlines standards designed to integrate large building volumes into the urban context, preventing overly imposing and monolithic structures.

- **Building Form.** The goal is to visually reduce the apparent mass and scale of long building frontages using architectural techniques that do not significantly diminish usable building area or create non-standard floorplates, which could increase construction costs. New buildings should avoid being overly imposing on adjacent highly rated historic resources by using appropriate transitions where necessary. A minor height transition standard is applied selectively and only where it has the most impact. Additionally, building corners are accentuated to frame busy street intersections, adding character and serving as visible nodes or landmarks.

- Massing breaks can be important for responding to lower-density contexts and providing visual relief, especially in larger developments. Planning staff aimed to ensure necessary transitions to these lower-density areas, avoiding fortress-like, "boxy" buildings while avoiding overly prescriptive, arbitrary, deep, or a high number of massing breaks and transitions. Such breaks can be costly, reduce usable floor area, complicate weatherproofing, and create atypical floorplates. If used incorrectly, they can also lead to overly busy designs. After carefully considering public feedback and recent project examples, Planning staff decided to eliminate all non-contextual and certain contextual massing breaks from the proposal, prioritizing cost-efficiency and maximization of buildings floor space for housing projects. Instead, articulation treatments that have no impact on building volume can be utilized to achieve a compatible visual reduction in apparent building size. Specifically, staff removed Massing Breaks standard 2.1.3, massing break option (a) from standard 2.1.3, and revised Contextual Massing Breaks standard 2.1.2 to focus exclusively on providing contextual lightwells when adjacent buildings also include these elements.
- Mitigation of Blank Walls. The goal is to minimize long stretches of blank walls on facades and non-active frontages, such as parking garages and utility areas, to contribute to a more active and safer environment. When blank walls are unavoidable, design treatments should be used to add visual interest.

A question was raised at the DRC meeting regarding the rationale behind the 15-foot limit for defining a blank wall, and why a percentage of transparency was not considered as an alternative, as suggested in one of the public comments from letters in **Attachment B**. The 15-foot limit for blank walls was recommended by staff as it is a reasonable standard for the scale of 4- to 8-story developments that also aligns with existing other regulations in Oakland. For example, the Central Estuary Design Guidelines (Table 17.101E.05: Frontage Type Standards) specify maximum blank wall lengths of 10 feet for primary frontages and 15 feet for secondary frontages. The proposed ODS standard is more flexible, allowing 15 feet for facades fronting a street.

Regarding the transparency requirements, it is important to emphasize that these are separate from blank wall limitations and are already addressed in the Planning Code for non-residential ground floors, usually requiring between 50% and 65% transparency, depending on the zone. The 75% transparency suggested by a public comment would be considered too high and inconsistent with the existing Planning Code requirements. Additionally, there are no current provisions in the Planning Code for minimum transparency on residential ground floors, in part due to privacy concerns. Planning staff does not recommend including such standards. However, if such requirements were to be considered, they should be incorporated into the Planning Code, not the ODS, to avoid duplicating zoning regulations.

Additionally, Planning staff introduced provisions to address side-facing blank walls and methods for mitigating their impact when unavoidable. This is particularly important for new, taller buildings where blank walls are visible from public spaces, requiring treatments to preserve the overall aesthetic of the development.

Façade Treatments and Articulation.

The design and articulation of building facades enhance visual richness and character. Features such as bay windows, balconies, minor changes in plane associated with changes in high-quality materials, and other architectural detailing methods minimize the monolithic look of large walls and uninterrupted surfaces, adding visual interest and facilitating smooth context transitions in places where it matters the most such as at ground floors. Some key focus areas in this section include:

- **Ground Floor Commercial and Storefront Elements.** Well-designed ground-floor commercial spaces enliven the street and enhance the pedestrian experience with transparent storefronts, shop displays, architectural detailing, and outdoor uses. Coordinated horizontal features with other existing facades such as cornices above the ground floor create a unified street composition. Ground floor spaces should be flexible to accommodate future commercial uses. Requirements for storefront elements foster architectural cohesion, street connection, and success of the commercial activity. Standards help create a differentiated commercial ground floor that define and enrich the pedestrian urban experience, and work in coordination with existing Planning Code standards such as minimum transparency requirements.
- **Ground Floor Residential.** Residential units with a close physical and visual relationship to the street help keep the street safer and more active. Spaces and amenities like lobbies along street frontages help create visual connections. Features like planting, low walls, fences, porches, or decorative paving in setbacks mark the transition between public and private spaces and enhance a sense of privacy. Ground-level units distinguished by recessed and covered entries, art, materials, or architectural elements help establish a pedestrian-friendly scale that also helps with transitions to lower-density context, even in larger buildings.
- The middle and top sections of buildings require less articulation than the ground floor, but thoughtful use of elements such as bays, balconies, windows, screening devices, varied materials, roofline cornices and other articulation can help define the building's architecture and ground it in place with its surroundings.

Based on recommendations from the Design Review Committee (DRC) and public input, Planning staff reviewed the articulation treatments for all three building components—base, middle, and top—considering their cumulative impact. A question was also raised about the minor 12-inch balcony recess requirement. Multiple standards were consolidated, redundancies removed, and some highly desirable articulation standards were allowed to fulfill multiple requirements. For example, the minor 12-inch balcony recess standard now counts toward satisfying the Middle Treatment requirement, further encouraging creation of desirable balconies and potentially resulting in creation of larger balconies. Also, roof articulation standard 4.5.4 has been consolidated with roofline edge treatment standard 4.5.3, and the standard 4.5.4 eliminated. Options that may lead to busy roof appearance such as frequent plane changes or roofline projections have been eliminated, leaving only the essential minimum articulation requirements. In result, the overall articulation requirement has been reduced, further ensuring that buildings maintain a cohesive appearance without becoming visually too busy and allowing for more design freedom.

It is important to differentiate between façade treatments and articulation methods that don't affect the building's volume and volumetric massing breaks that do, potentially increasing costs of construction. Planning staff removed all non-contextual volumetric requirements (the unpopular massing breaks), retaining only the most essential non-volumetric articulation requirements, with a focus on the ground floor where articulation has the greatest impact. Please refer to "Key Design Considerations" section below for more details about Ground Floor articulation.

Building Elements.

Building Entrances. Well-designed and easily accessible building entrances shape the overall design and character of buildings and neighborhoods. Prominent shared entrances facing the street enhance neighborhood safety, walkability, and accessibility, while grounding a building in the neighborhood context. Entries to individual ground-floor residential units along the street-facing building facade, along with street-facing windows, support accessible, safe and active pedestrian environments. Residential

entries should be recessed and include transition features in setbacks like plantings, low walls and gates to increase the sense of privacy. Commercial entries should be recessed and provide a weather protection that also helps enhance business identity.

Awnings, Sunshades, Screens, and Coverings. Shading devices such as awnings add architectural articulation and weather protection. Ground-floor permanent awnings enhance pedestrian scale, differentiate building sections, and provide identity for businesses. These elements also help to relate new buildings to existing context. Awnings reduce solar heat gain and glare.

Roofs and Parapets. Roof forms and articulation methods like cornices and parapets influence building appearance and character. These details help new buildings integrate harmoniously with their surroundings by breaking up long rooflines, adding interest, and preventing a monolithic appearance.

Balconies should integrate seamlessly with the building design to avoid a “tacked-on” appearance. At the DRC meeting Planning staff was asked to clarify the reasons for requiring a minimum of the 12-inch recess for balconies in standard 4.6.2. Recessed balconies contribute to better building design by seamlessly integrating into the overall structure, avoiding the “tacked-on” appearance that can disrupt a building's cohesion and balance. Additionally, recessed balconies provide a more sheltered outdoor space for residents, improving the usability and comfort of the private open space. A recess can also be used to increase the overall size of the projecting balconies, increasing the highly desirable private open space. In evaluating recent projects, Planning staff reiterates its recommendation to preserve the minor (1-foot) recess to prevent especially undesirable examples, as demonstrated in the Planning Commission presentation. However, this standard now counts towards satisfying one of the articulation requirements for the Middle section of buildings, meeting the articulation requirement for the middle portion of the building and further encouraging the creation of balconies in lieu of other articulation. Also, this standard only applies to street-fronting balconies. In addition, this is a requirement that staff has been asking for years during regular design review and they have not received push back from architects on this requirement.

A similar question from the DRC to potentially reduce the balcony transparency requirement for increased privacy was considered by staff. However, standard 4.6.3 only requires 25% transparency, allowing the rest of a balcony to be fully shielded. Reducing or removing this requirement would result in fully shielded balconies, giving the appearance of solid boxes attached to a building, which would contribute to a fortress-like look. As with the minor recess requirement, this standard is designed to prevent the most undesirable design outcomes.

Planning staff also reduced the setback requirement for side-facing balconies from 15 feet to just 5 feet in standard 4.6.4. This substantial reduction is aimed at further incentivizing the inclusion of balconies while also aligning more closely with the existing requirements in the Planning Code.

Windows and Glazing. Windows are crucial for architectural balance, providing depth and detail to facades. Street-facing windows enhance presence and safety, while allowing natural light and ventilation to promote sustainability and comfort. A certain level of consistency in window orientation and alignment in places where a strong existing context exists integrates buildings into their surroundings. The DRC expressed a desire to prevent chaotic, random window arrangements while maintaining architectural creativity. In response, planning staff introduced revisions and new standards to strike this difficult balance. Standard 4.7.1 requires at least 60% of street-facing windows to be either horizontally or vertically oriented if there is existing context of a specific orientation. Additionally, at least 60% of street-facing windows must be vertically aligned with each other. For proposals adjacent to other 4- to 8-story Local Register Properties, at least 80% of windows must be horizontally aligned, with both tops and bottoms of windows aligned. These adjustments aim to prevent disorganized window designs while preserving vital flexibility and creativity.

However, Planning staff deliberately avoided implementing overly prescriptive window standards, such as requiring the horizontal alignment of 100% window tops and bottoms regardless of context, as suggested by one public comment (see **Attachment B**). This decision was made to preserve architectural creativity and diversity and to respond to realities on the ground. The proposed standards aim to prevent especially egregious examples of chaotic window composition and orientation, but not to prescribe a blunt standard that would result in all windows looking the same.

Additionally, DRC asked staff to explore the feasibility of requiring non-wood window materials to follow traditional wood dimensions, along with more traditional window articulation and detailing, as suggested in a public comment letter from Oakland Heritage Alliance (**Attachment B**). After careful review, most of these suggestions were found to be overly restrictive and potentially prohibitive for new construction. Planning staff is concerned that these very prescriptive requirements could significantly increase costs, as certain details or dimensions may require custom orders, which would further increase material costs, cause construction delays, or even make projects not feasible because such elements or dimensions are not readily available in the trade except for a special custom order. Additionally, modern construction methods no longer adhere to some traditional methods and dimensions. For example, certain window recess dimensions were historically based on the thickness of brick, which is no longer a common exterior material in California. Adopting these traditional details could lead to unintended consequences due to changes in building practices. However, staff has incorporated some key elements that enhance window quality without causing such challenges, such as the inclusion of a standard for window muntins (see Standard 4.7.8).

Materials. High-quality materials on facades, particularly at ground levels, ensure durability and sustainability, while reducing long-term maintenance needs. Using materials that reflect the local context helps create a sense of place and visually relate buildings within their surroundings. Thoughtful material selection can also highlight different parts of the building. However, it's important to balance these material requirements with construction costs. Mandating premium materials for windows, for example, may not be equitable or cost-effective.

Following the DRC's suggestion, the window materials list was revised to be more flexible. However, the 80% maximum limit on stucco use remains in place. While stucco is a traditional material in California, its use on ground floors presents challenges, particularly in high-traffic areas where durability and longevity are crucial. Allowing 100% stucco would also conflict with existing ground-floor articulation standards.

Additions. ODS include additional set of standards for qualifying building additions and new construction on lots with existing Local Register properties. While such projects may be rare in the 4-8 story developments category, these standards aim to ensure that developments respect the existing main historic building and aim to preserve and repair existing features. These standards include basic safeguards that include maintaining access to original entrances, matching roof forms, preserving porches, aligning and proportioning windows to match the original, and incorporating existing materials. These standards are more prescriptive than the rest because they address additions to historic buildings.

Finally, a Glossary and Definitions section at the end of the document includes a definition of terms and concepts used throughout the document.

Key Design Considerations

The proposed set of ODS for four- to eight-story multifamily residential development in **Attachment A** includes standards organized into broad sections and sub-sections that provide a comprehensive overview of site organization, building form, façade treatments, and building elements like entrances, roofs,

balconies, windows, and materials. The following are key design considerations that have been applied in creating the draft ODS.

In addition to the comments and recommendations made during the Design Review Committee (DRC) meeting, written feedback from the public was also received (see **Attachment B**). After thoroughly reviewing all input, staff made several significant revisions to the objective design standards. These changes, along with those discussed in the "Organization and Key Aspects" section above, are outlined here under the relevant design considerations.

Relation to Diverse Neighborhood Contexts and Historic Contexts.

The Objective Design Standards include several measures to ensure that new developments integrate into existing neighborhood contexts, including historic contexts, which have been emphasized in previously adopted design guidelines. Typically, the regular discretionary design review process helps enforce the consistency of new development with the existing neighborhood. However, these design guidelines used in the discretionary review no longer apply to certain project categories, discussed in the "Applicability" section above, even when historic resources are adjacent or present nearby.

To address this gap, appropriate context-related requirements have been translated into objective context transition standards, with their varying applicability defined in each of the context transition standards. Recent changes in state law, along with amendments to the Planning Code that increased densities in previously lower-density zones and introduced new by-right project categories, have made ODS even more important for ensuring appropriate context transitions in the absence of discretionary design review. However, Planning staff must carefully balance these context considerations with the overarching goal of promoting and streamlining new housing.

Staff's intent with these standards is to strike a balance, ensuring that new developments respond appropriately to existing context without compromising housing feasibility or imposing significant additional challenges on housing developments. The intent of these standards is to ensure that new buildings respond to their surroundings without requiring them to mimic other architectural or period building styles. The proposal includes 15 context transition standards in total, most of which apply only in specific cases when highly rated historic resources are adjacent to a proposal or within the proposal's context area, but some standards also apply regardless of historic designation of adjacent buildings because valuable context can exist outside of historic designations. Some examples of context transition methods include:

- Setback and height transitions for portions of new buildings abutting a limited number of high-rated historic properties and districts (see 1.1.1 and 2.1.1)
- Lightwells along interior side property line, in cases where existing adjacent buildings also include lightwells (see 2.1.2)
- Adoption of similar base heights and articulation features for buildings on Corridors (see 3.1.1 and 3.1.2)
- Continuation of expression lines at ground floor such as cornices where such features are shared among adjacent buildings with ground-floor commercial spaces (see 3.4.1)
- Adoption of general window orientation and groupings when a pattern of such exists among buildings in the context area (see 4.7.1)
- Window materials and building materials transitions (see 4.7.6 and 4.8.6), and other similar standards that help promote continuity and consistency.

Please note that Planning staff removed two context transition standards since the DRC draft. The massing break standard (previously Standard 2.1.2) was eliminated together with all other massing break standards due to their higher costs and limited benefits to the public. Additionally, the ground floor

articulation standard (previously Standard 3.6.1) was removed and consolidated with other existing standards due to some redundancy and the difficulty of accurately surveying and verifying some requirements, specifically, 3.6.1(b).

The proposed ODS document defines "context" and provides guidance on how to identify and respond to it. The context transition standards are designed to be flexible, allowing for exceptions, choices, and ranges to ensure that the standards are realistic, encourage design creativity, and do not impose significant burdens on new developments, while still achieving the goal of integrating new projects into existing contexts. Notably, these standards generally apply only when a proposal is adjacent to highly rated Local Register Properties, which make up just about 2% of all buildings in Oakland, and a very limited number of Potentially Designated Historic Properties (PDHPs) rated "C" such as certain Civic buildings in Corridor areas. Staff recommends that the scope of these standards remain limited to cases where a transition is necessary, avoiding overly broad application to preserve flexibility and preventing significant burdens on housing developments.

For example, a minor height reduction standard (2.1.1) would only impact a small portion of a proposed new building adjacent to a Designated Historic Property (DHP) or a Potentially Designated Historic Property (PDHP) rated "A" or "B" in off-Corridor areas. In most Downtown zones, this standard would apply only when a proposal is adjacent to one of the highly rated Civic buildings (DHP or PDHP "A" or "B"), making its application rare to protect valuable historic resources without hindering the City's housing goals.

Expanding the application of these context transition standards to all "C" – rated Potentially Designated Historic Properties (PDHPs) or apply universally in all Areas of Secondary Importance (ASIs), as suggested by the Oakland Heritage Alliance, would significantly broaden their reach, as about 20% of Oakland buildings are PDHPs with ratings "C" and under, located in the Areas of Secondary Importance (ASIs) and outside those areas. However, certain context standards do apply when "C" – rated PDHPs are present. For example, a minor setback transition standard (1.1.1) applies on Corridors when a Civic PDHP "C" is adjacent to development, ensuring transitions occur only where it is highly desirable. Please see **Attachment C** for a detailed summary of the context transition standards' application.

Planning staff have carefully crafted these standards to be precise and targeted, avoiding unnecessary blunt application. It is important to refer to the actual context standards to understand their specific application. Some standards only apply when there are strong existing context features, such as Standard 4.8.6 (Material Context), which mandates material continuity on the ground floor in areas with a strong material context, regardless of historic designation. For more detail on how these standards apply, please refer to **Attachment C**, which details when a historic designation is required and specifies the applicable designations. However, this table is for reference only and not required for applicants following the ODS checklist.

In addition, questions were raised at the DRC meeting to clarify definitions and concepts that guide the application of the context standards. Below are the questions with staff responses:

1. Are "C"-rated Potentially Designated Historic Properties (PDHPs) included in the definition of the "Existing Context"?

"Existing Context" is defined on page 5 and includes "C"-rated Potentially Designated Historic Properties (PDHPs). **Attachment C** provides further details on the applicability of context standards when "C"-rated PDHP are present or immediately adjacent to a development. However, as mentioned above, not all context standards apply when a "C" – rated property is present. The standards may include additional modifiers such as the "C" – rated property must be a "Civic"

building for the standard to apply (1.1.1 Setback Transition). In other cases, the standard will only apply if there is a strong contextual alignment shared by the majority of buildings in the Existing Context. Of the 15 existing context transition standards, eight are applicable when "C"-rated properties are present either within the Existing Context or immediately adjacent to the proposed development. These "C"-rated PDHPs may be located within Areas of Secondary Importance (ASIs) or elsewhere.

2. Does the term "Local Register Properties" include Potentially Designated Historic Properties (PDHPs) rated "C"?

The definition on page 6 does not include "C" – rated properties for consistency with the Planning Code. Additionally, including "C"- rated properties as a basis for context in all cases would broaden the application of context transition standards significantly. Planning staff recommends maintaining the current, more narrow and targeted approach.

3. What is the alignment or overlap between Local Register Properties and Areas of Secondary Importance (ASIs)? Are ASIs already included in the designations referenced in the document?

The terms "Local Register Properties" and "Areas of Secondary Importance" (ASIs) refer to different concepts. Local Register Properties include the highest-rated historic resources (about 2% of buildings in Oakland), while ASIs are geographic districts encompassing a wide range of properties, including those with various historic ratings and many without any rating and not contributing to contexts. ASIs may still contain Designated Historic properties rated "A" or "B" and the context transition standards will still apply next to those "A" or "B" properties in ASIs in the same way they apply elsewhere. For context, Oakland has 55 APIs and 332 ASIs.

Context transition standards apply Citywide and are not limited to historic districts such as APIs and ASIs. No separate standards specifically drafted to apply in APIs or ASIs are proposed. Instead, the context standards address cases when strong contextual significance exists, such as ODS uses Immediate Context Area (off Corridors), Existing Context (within Corridors), and the historic designations of adjacent buildings or buildings included within the context.

From the onset of the project, planning staff, including Historic Preservation staff, determined that focusing solely on geographic districts was not suitable for this proposal. This approach was considered, but deemed not feasible because the city has so many ASIs (332) and they are very diverse architecturally, historically, and in terms of the context. Therefore, applying context standards solely because a new building is located within an ASI does not work, but if it meets one of the context situations listed above then it applies.

Additionally, historic districts are often defined by specific historic period styles, architectural styles, and building elements inherent in these styles. This approach is not applicable to these ODS, which do not aim to replicate historic or architectural styles in new buildings. This is outside of scope for this project aimed at streamlining of housing. It became clear early in the projects that this method was impractical and detrimental to the overarching goal of this proposal: to increase and streamline housing approvals.

The ODS approach is more equitable, recognizing the importance of all neighborhoods with contextual value that may not have been previously officially designated. Applying additional special context standards to APIs would reinforce the existing divisions and add extreme complexity for applicants and staff. The context transition standards are flexible and aim to accommodate diverse designs without imposing specific architectural styles. They are intended to

be applied in a modern, practical manner using available high-quality materials. Nevertheless, ASIs are by no means excluded from context considerations; for example, certain context standards apply when "C"-rated properties are present within ASIs in Corridor areas or when new development is adjacent to "C"-rated buildings in ASIs or elsewhere such as in standard 3.4.1. Additional staff responses on this topic are also shared here: <https://www.oaklandca.gov/documents/public-comments-on-the-public-review-draft-ods-with-planning-staff-responses> (see response #139 for example).

Most objective design standards apply to new developments, not to existing historic resources. In the rare cases where an eligible 4- to 8-story addition might be proposed to a 4- to 8-story Local Register building, the ODS include an additional set of standards, found in Section 5 of **Attachment A**, titled "Additional Standards for 4- to 8-Story Additions and New Buildings on Lots with Existing Historic Buildings." These standards apply on top of the general standards, ensuring that any additions are consistent with the existing historic structures. Demolitions involving California Environmental Quality Act (CEQA) historic resources are not subject to ministerial by-right approvals and will continue to be reviewed through the regular discretionary process and are outside the scope of this proposal.

Accessibility Priorities.

To advance social equity, ODS must address the needs of people with disabilities. The ODS prioritizes accessibility in the built environment, particularly for people with limited mobility, by implementing several key measures. These include the prioritization of at-grade entries for residential units in buildings with ground-floor residential uses and limiting the ground floor level for commercial entries. The standards require direct pedestrian access from adjacent sidewalks to primary building entries and mandate a minimum 5-foot-wide pedestrian pathway to access building entrances, lobbies, and any ground-floor dwelling units. To enhance pedestrian and bicycle safety, curb cut frequency has been limited. Additionally, curb cuts are prohibited on streets with existing or proposed protected bike lanes, unless no other street frontage is available. A continuous network of pedestrian routes with marked crossings at all intersections with vehicular ways is required for parking lots. Lighting coverage is required for pedestrian paths. Garage entries must be recessed to further improve pedestrian circulation and safety. Trash staging, if necessary, is also limited to the streets with the least activity to limit the potential conflicts with pedestrians and bicyclists.

Post-DRC draft additional changes have been made to further reinforce the accessibility goals:

- Planning staff clarified a requirement for at least 5-foot-wide unobstructed path to building entries (see standard 3.4.8). Please note that any public sidewalks are within the purview of the Oakland Department of Transportation (OakDOT) as noted below in *Additional Key Changes After Design Review Committee*.
- More specificity was added to standard 1.8.2 Pedestrian Circulation to ensure that pedestrian and bicycle circulation for exterior access pathways includes a continuous light coverage.
- At-grade access standards 3.5.2 and 3.5.3 for residential ground floor has been reinforced by specifying conditions when elevated entry is allowed.

Residential and Commercial Ground Floor.

Ground-floor commercial and residential uses are among the most important elements of buildings because people experience the city at the ground level. Building ground floors, both commercial and

residential, define the pedestrian urban experience, accessibility, livability, success of businesses and define other dimensions. Well-designed ground floors enhance the pedestrian experience, keep the street safer and more active, and support successful commercial activity. Differentiated ground floors create a sense of balance and help buildings integrate in existing context. This is achieved through standards that require additional articulation for the building bases and specific attention to the design of building entries.

Elements such as large transparent windows, awnings, cornices, high-quality and durable materials, and various other architectural features contribute to the success of ground floors. ODS allows designers flexibility on how and where to apply each element. For example, standards for commercial ground floors promote inviting storefronts, shop displays, architectural detailing, recessed entries, and outdoor uses that contribute to the success of these spaces. Coordinating horizontal ground-floor features with adjacent commercial facades helps create a unified composition at the street wall. The proposed ground-floor standards are realistic and introduce safety measures, such as how to successfully integrate security doors and gates into the building design.

The design of entries to ground-floor residential units plays a vital role in shaping the overall character of buildings and neighborhoods. Well-designed front entrances can enhance neighborhood safety, walkability, and accessibility and have long been part of the design guidelines for Oakland and other similar cities. The primary intent of these standards is to avoid new developments that place their primary entries on the side or rear of buildings - resulting in blank, uninviting fronts facing the street. Therefore, planning staff believes maintaining the requirement for front entries is crucial. While rare examples of side yard-facing entries do exist, these have been approved through a discretionary design review process with findings ensuring they do not negatively impact existing neighborhoods.

Please note that many of the proposed standards in this section are derived from or inspired by the original "Small Project Design Review Guidelines" used in the design review of commercial ground floors. While these guidelines were carefully considered, not all have been translated into the standards due to their overly detailed and prescriptive nature that are mostly subjective. However, these guidelines remain valuable for the existing Small Project Design Review process and will continue to apply to projects with commercial uses requiring such reviews.

After the DRC meeting, staff merged the Commercial Ground Floor and Storefront Elements sections to eliminate redundancies in both sections. Specifically, standard 3.4.10 was consolidated with 3.1.3 Base Treatments and subsequently removed, as it was largely duplicative. However, articulation of the commercial ground floors is still one of the most important aspects and most standards are preserved.

Similarly, design standards for residential ground floors foster visual connections between shared spaces, such as lobbies, and the street. A prominent and differentiated residential ground floor helps new buildings relate to the existing context. This is achieved through elements like recessed and covered entries that face the street, high-quality material changes, public art, and cornices above the ground floor. To mark the transition between public and private spaces and enhance privacy for ground-floor residents, transitional features like planting, low walls, fences, porches, stoops, or decorative paving should be incorporated into front setbacks.

Staff also consolidated standard 3.6.6 Ground Floor Unit Definition and Differentiation with standard 3.1.3 to reduce duplicative and non-essential requirements and eliminated the standard from the checklist. Staff also removed standard 3.6.1, Residential Ground Floor Context Transition, after reconsidering its necessity. Key aspects of this standard are already addressed by other standards, such as 3.5.2. Additionally, the original standard was difficult to meet, verify, and was less effective off corridors. Removing it will result in less complex and busy articulation.

Additional Key Changes After Design Review Committee Meeting.

In addition to the changes already discussed throughout this report, Planning staff addressed the following comments, questions and suggestions provided by the DRC to create this Planning Commission Draft ODS:

- **Open Space Amenities.** A comment was made to possibly increase the number of required amenities in shared open spaces for larger projects. In response, staff adjusted the requirement, linking the number of amenities to the amount of contiguous shared open space mandated by the Planning Code. Under Standard 1.5.7, projects must now include one, two, or three amenities based on the size of the contiguous shared open space provided.
- A question was raised about whether it is appropriate for the ODS to specify tree planting or native landscaping requirements, or if these standards should be addressed through conditions of approval or other regulations, such as in the Planning Code. In response, landscape and tree planting standards in the ODS apply only to areas within the property line, with street trees being outside the ODS's scope. The ODS includes two specific standards for trees, as well as a standard for planting in parking lots. Regarding native plants, Water Efficient Landscape Ordinance (WELo) requirements are already in place, so it is unnecessary for the ODS to address them. Additionally, creating a planting list for ministerial projects is challenging and is better handled through conditions of approval, rather than within the ODS.
- A request was made to clarify whether minimum width requirements for the public right-of-way are addressed in the Code. Minimum clear path widths and projections into the public right-of-way fall under the purview of Oakland Department of Transportation (OakDOT), not the ODS. OakDOT maintains a minimum requirement of 5.5 feet for public right-of-way clearance. The ODS governs elements within the property line. Staff added a 5-foot unobstructed path to building entrances in 3.4.8(a).
- A similar question was raised about the collaboration between OakDOT and Planning to streamline permitting for projections into the public right-of-way and linking OakDOT requirements in the ODS document for easier access. Staff discussed this with OakDOT, which is working on new Sidewalk Encroachment Administrative Guidelines to simplify regulations. These guidelines, set to be presented to the City Council later this year, will be linked to the ODS document once adopted. OakDOT also mentioned that current definitions of major and minor encroachments are in OMC 12.08, and they hope the Council will simplify these distinctions. Regardless, projections into the public right-of-way will still require an OakDOT permit. The draft ODS alerts applicants that OakDOT reviews and approves these projections. The new guidelines will eventually replace the Street Furniture Technical Bulletin, which is available on the OakDOT website: <https://www.oaklandca.gov/services/minor-encroachment-permits-1>.

Additional Key Public Comments and Suggestions Considered and Reflected in ODS.

- A public suggestion to broaden the application of the materials context standard 4.8.6 Citywide and to increase the percent of the applicable wall area from 30% to 50% has been adopted in standard 4.8.6.
- Standard 4.7.6 Window Materials has been revised to include any materials that are visually matching wood.

- Staff has considered a general suggestion for more flexibility for smaller developments. Existing standards are already minimum requirements and include reduced requirements for smaller projects. For example, standard 1.1.4 only applies to sites larger than 200 linear feet. However, staff added additional flexibility, such as linking the number of required open space amenities with the size of the open space (standard 1.5.7).

Additional Public Comments and Suggestions Considered but Not Reflected in ODS.

- A public comment in a letter to the DRC (**Attachment B**) proposed extending horizontal design elements from any neighboring buildings—such as cornices, window tops, storefronts, and moldings—across to all new buildings in API and ASI areas. However, the existing ODS already require horizontal features at the ground floor or top of buildings in certain contexts (e.g., standards 3.1.2, 3.3.1, 3.4.1). Specifically, standard 3.4.1 mandates this for adjacent Local Register buildings or “C”-rated Potentially Designated Historic Properties (PDHPs). The public proposal, however, is too rigid, requiring replication of nearly all existing horizontal features and lines and applying broadly to all new buildings, which could stifle creativity and diversity. It is not the role of ODS to replicate designs of existing buildings in new developments to such extent.
- A proposal that storefront elements, like display windows, transoms, and bulkheads, should be set back 6 to 12 inches from the surrounding façade or aligning with original or historic storefronts. However, standard 3.4.7 already requires a 3 to 12-inch recess or projection, which staff believes offers more flexibility and suits modern storefronts better.
- A suggestion was made to add or retain entry vestibules with ceiling trim to create a recessed panel effect or a similar design consistent with the building's original or historic style. However, this suggestion is too prescriptive, lacks objectivity, and is not suitable for new buildings or additions. The ODS does not aim to replicate specific architectural or period styles.
- A suggestion was made to add projecting wood sill details for wood storefront frames and wood or stucco bulkheads. However, this would be too prescriptive and unnecessary for new storefronts. Mandating traditional building details limits flexibility, though designers are free to incorporate them if desired. Additionally, ODS already discourages stucco bulkheads.
- A suggestion was made to avoid painting security gates and grilles black, instead opting for a natural metallic finish or colors that blend with the building trim or painting the gates white. However, ODS does not regulate paint colors, as they are too prescriptive and can be changed after approvals. Mandating colors is beyond the scope of ODS and cannot be enforced.
- A suggestion to reduce the Middle treatment standard from two elements to one was considered but not adopted. However, the overall articulation requirements have been reduced, and balcony recesses can now count as articulation. Also, standard 3.2.1 is easy to meet, and staff is concerned that further reduction could lead to poor design outcomes, as seen in recent projects where insufficient articulation resulted in a monotonous appearance.
- A suggestion to remove the contextual height transition (standard 2.1.1) was not adopted because a minor height transition remains highly desirable in key situations. The standard applies only in rare cases, and staff has increased design flexibility by allowing the transition to occur from either the front or side of the new building.
- The suggestion to extend the application of these standards to 9-story buildings, based on their similar urban design impact to 8-story buildings, overlooks some key practical differences. While

some 9-story buildings using Type-1 concrete construction with very thin floor-ceiling assemblies might meet the typical 8-story buildings height limit, most would exceed the height and scale intended for these standards and better fit within the City's future set of Objective Design Standards for buildings of 9 story and above. Additionally, the current standards require a minimum 15-foot ground floor height, making it unlikely that a 9-story building could fit within the 85-foot height limit and still meeting this highly desirable standard. Applying these standards to 9-story buildings would risk internal conflicts with these ODS and the Planning Code. These standards are designed primarily for Type-3 and Type-5 mid-rise buildings. Extending these standards to 9-story projects would push these construction types beyond their typical use, leading to potential design and feasibility challenges.

Planning staff made several additional changes that were not raised by the Design Review Committee or in public comments. These changes were intended to simplify the standards for both applicants and staff, avoid potential conflicts with existing regulations, and relocate certain standards to more appropriate regulatory documents, such as the Standard Conditions of Approval (SCAs). For example, Standard 1.7.3, "Planting at Street Frontage", was removed. While this standard addressed the important issue of soil depth for tree survival, ensuring compliance at the design review stage is not feasible because a project developer may not have these details at Planning submittal stage. As a result, the standard will be moved to SCAs, where compliance can be more effectively managed.

Other standards were removed because they were either too difficult to meet or verify, or their benefits did not justify the costs of compliance. For instance, Standard 1.5.2, which required natural surveillance of group-use spaces, was eliminated. A review of recent projects showed that surveillance of private shared spaces, such as courtyards, was not a significant issue requiring additional design controls. Additionally, the language of many requirements was refined to improve clarity and align with definitions and concepts commonly used in the Planning Code.

Other Key Considerations

In addition to the key design considerations mentioned above, the following factors were important in drafting the ODS. Some of these topics emerged during community engagement, discussions with internal staff from various City Departments, and reviews of best practices from other jurisdictions.

Equitable Outcomes.

The Objective Design Standards aim to address housing inequities affecting Black, Indigenous, and other Oaklanders of color. Historically, the concept of "neighborhood character" has often influenced zoning and planning decisions to preserve the identity of single-family neighborhoods. This practice has often restricted the development of apartments and multi-family housing, effectively excluding communities of color from these lower-density areas. By mitigating bias in interpretation and streamlining the housing development process, the ODS aim to create more equitable opportunities, particularly in historically exclusionary lower-density neighborhoods. Through a consistent and unbiased ministerial review process of eligible projects, ODS will ensure fair evaluation of residential and mixed-use developments.

ODS also aim to achieve more equitable development outcomes by reducing barriers to higher-density multifamily housing. By streamlining approvals, enhancing transparency, and lowering permitting barriers, the ODS seek to increase housing availability, affordability, and access—especially for the city's most vulnerable residents. This framework is expected to accelerate housing production, reduce costs, enhance predictability, and expand access to housing. Ultimately, these ODS are designed to confront racial inequities and promote fairer access to housing, directly benefiting lower-income communities.

One of key components of this initiative is to remove barriers to higher-density housing by addressing the preferential bias toward certain architectural and historic period styles often found in traditionally lower-density areas that are often carry a historic designation. These preferences have sometimes been used to limit, delay, or block the construction of modern, higher-density, and more affordable buildings, often citing context inconsistency during discretionary design reviews or public processes. This issue, not unique to Oakland, is at the roots of the existing state-wide housing crisis and underscores the need to balance the preservation of historic resources with the creation of new homes.

The context transition standards within the ODS are designed to provide continuity with existing contexts without restricting the broad design freedom of new developments. However, as outlined in the “Applicability” section, the primary focus of this proposal is on the design aspects of new developments, not on conforming new buildings to any specific architectural or period style. Instead, the goal is to ensure that existing development patterns do not obstruct the creation of diverse building styles and densities. The ODS are flexible, allowing developers to choose any architectural style, including traditional designs, if desired.

In line with these goals, Planning staff does not recommend imposing additional restrictions on new housing proposals in Areas of Secondary Importance (ASIs) or on developments near “C”-rated Potentially Designated Historic Properties (PDHPs), with some exceptions. Doing so, as was suggested by the Oakland Heritage Alliance, would contradict the equity considerations and housing production goals central to this initiative. As mentioned before, there are over 330 ASIs and thousands of PDHP properties rated “C”, covering significant areas of Oakland that are served well by transit and close to vital neighborhood services, areas where more dense housing development should take place. The ODS are designed to promote inclusivity and flexibility in housing development, ensuring that new policies do not perpetuate past inequities.

In addition, by establishing clear, objective standards, the ODS will also level the playing field for smaller developers, enabling them to compete in a market typically dominated by established entities with the expertise and resources to navigate the lengthy discretionary design review process. The equity lens helped staff to not propose standards that would result in unnecessary roadblocks or require elaborate and non-essential elements that increase the costs of housing development significantly. Please refer to “Race and Equity” section of the report above for additional details.

Grounding in Local Regulatory Context, Local Expertise and Consistency with Existing Zoning Regulations.

The ODS are grounded in local design priorities and realities, as reflected in existing Planning Code requirements, design guidelines, area plans, and other previously adopted regulations detailed in the Zoning Analysis section of the report. These documents were studied, and the most relevant and appropriate design guidelines were translated into objective design standards. Planning staff leveraged their extensive project review experience to create practical and realistic standards. Contributions from other departments, such as the Oakland Department of Transportation, Public Works Divisions (including Sustainability and Tree Division), and others, ensured that the most important factors and public goals that routinely come up in design review were addressed. The standards have been tested internally on several real proposals, and the results of these tests were incorporated into the ODS.

Testing of Objective Design Standards.

The proposed standards were thoroughly vetted within the local regulatory framework and underwent multiple internal reviews by various Planning staff. To further ensure that the standards are objective, clear, verifiable, and enforceable during the design review stage, the standards underwent two rounds of testing against actual development proposals. This testing aimed to eliminate any potential for variation in

interpretation among different Planning staff applying the standards. The most recent round of testing involved a blind review, where representatives from Development Planning, Zoning, and Operations independently evaluated the same project, without consulting with each other, using the draft standards presented at the Design Review Committee. The results were then analyzed for consistency and incorporated into the current proposal.

The biggest issue was differences in interpretation of some standards between different Planning staff due to insufficient information in the submitted plans. For example, if the plans did not specify a window recess dimension, reviewing planners might conclude that the standard was not met. However, since the test project plans were not submitted to follow the ODS, many required details were missing or simply not properly called out or dimensioned. To address this, staff included a General Provision requiring submittals to clearly demonstrate how the proposal meets applicable standards, preventing important details from being omitted. Training of staff and additional guidance will be required once the standards are in place.

The quality of submittals also varies greatly from project to project, even for those proposals evaluated ministerially by a checklist such as Accessory Dwelling Units (ADUs) or more complex discretionary design review proposals. Often proposals must be sent back to applicant to edit or add required information at intake, before a development application can be accepted for review. The Planning and Building Department has processes in place to deal with incomplete applications. Planning staff will also be advised on how to handle such unclear submittals undergoing ministerial pathways under the ODS. Also, in those rare cases where inconsistencies were caused by misunderstanding a standard, staff revised the language for clarity. Once adopted, ODS will be undergoing continuous testing and refinement, as described in “Iterative Process” section of this report above.

Preserving Flexibility and Design Freedom.

Flexibility is inherent in the ODS. The standards include options, exceptions, and tailored to specific building categories. For example, what is appropriate for an 8-story, 200-foot-long building may not be suitable for a 4-story, 50-foot-long building, and vice versa. Certain ODS includes exceptions for smaller developments, such as standards 3.3.2 (top treatment), 4.5.1 (roof form context) or 4.5.6 (cornices). The ODS aim to protect the public from egregious proposals and establish a broad framework for design creativity.

Cost Implications.

Staff carefully evaluated each standard for feasibility, with the intent of ensuring that they do not create a significant burden on a project. Using resources such as the Association of Bay Area Governments (ABAG) ODS Handbook¹¹ and internal resources and local expertise, the City has strived to draft practical standards. These design standard drafts were then reviewed by developers and designers during community engagement, who provided feedback on how to reduce the design-related project costs. For example, reducing and then eliminating entirely the non-contextual massing break requirements and reducing the overall articulation requirements, as discussed above, will help to reduce the financial burden of the standards on future projects. However, it is important to note that any design requirements that enhance building appearance and their integration within the city may still carry some cost implications.

Efficiency, Transparency, Predictability and Cost Effectiveness.

Streamlined design review processes based on ODS will reduce delays and subjective criteria, accelerating project approvals and certainty for developers and property owners without compromising

¹¹ <https://abag.ca.gov/tools-resources/digital-library/objective-design-standards-handbookapril-2024pdf>

quality for the public and future tenants. Efficient and streamlined design review procedures will reduce administrative costs and resources needed to approve housing projects, and minimize the need for resubmissions and revisions. Such streamlined design review processes will allow Planning staff to focus on more complex projects needing discretionary review, optimizing the Planning Bureau's resource allocation.

RECOMMENDATIONS:

Because adjustments to Objective Design Standards language may still be needed if staff identifies any misinterpretations of a particular standard to ensure consistency and precision, Staff recommends that the Planning Commission authorize Planning staff to modify the language and format of the Objective Design Standards as necessary for the development of any future checklists and guidance documents, such as the illustrated draft of the ODS, provided these adjustments are not substantive and do not alter the objective intent or meaning of the standards, without the need to return to the Planning Commission for approval. Staff is asking for this authority to make clarifications as the standards are implemented and tested by the public and staff in a more streamlined way. Also, as Planning staff prepares the illustrated draft of these standards, certain wording may need to be adjusted for further consistency with the graphic aids.

Staff recommends that the Planning Commission conduct a public hearing, receive public comments, discuss, and:

1. Affirm staff's environmental determination.
2. Approve the Objective Design Standards for four- to eight-story residential and mixed-use multifamily developments as provided in Attachment A to the Staff Report. Objective Design Standards are effective upon adoption by the Planning Commission and are not appealable.
3. Authorize Planning staff to modify the language and format of the Objective Design Standards, as needed, provided these modifications are not substantive, without returning to Planning Commission for approval.

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ATTACHMENTS:

- A. Planning Commission Hearing Draft Objective Design Standards For 4-8 Residential and Mixed-Use Multifamily Buildings.
- B. Public Comment Letters Submitted to Design Review Committee and Planning Staff.
- C. Context Transition Standards' Applicability Summary.