

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

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

The proposed AHO Zone is intended to create and preserve affordable housing restricted for extremely low, very low, low, and/or moderate-income households (as defined in California Health and Safety Code Sections 50093, 50105, and 50106). By-right approvals for 100% affordable housing projects will apply in the AHO Zone.

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

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

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

Table 1: Base Zone and Property Development Standards in AHO

<i>Zone</i>	<i>Property Development Standards</i>
RH-4*, RD, RM, RU, HBX, D-CE	<ul style="list-style-type: none"> • Allow bonus height (of two additional stories) • Allow additional lot coverage of up to (70%) • Allow reduced rear setback (up to 10 feet.) • Allow unlimited density that fits within the allowed building envelope of new or existing structures • Additional height to allow a minimum of 65 feet is being studied for larger lots that could accommodate a 6-story affordable housing development.
CN, CC, CBD, CR, S-15, DB-V, D-LM, D-CO	<ul style="list-style-type: none"> • Allow bonus height (two - three additional stories) • Allow unlimited density that fits within the allowed building envelope of new or existing structures • Additional height to allow a minimum of 65 feet is being studied for larger lots that could accommodate a 6-story affordable housing development.

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

EXEMPTIONS

The AHO zone would not apply in:

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

The AHO *height* addition would not apply in:

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

BY RIGHT APPROVAL

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

Stay tuned for upcoming meetings! Email generalplan@oaklandca.gov with your comments and questions.

Visit the [Oakland General Plan Update](#) page.

Table 2: Existing Heights vs. Proposed AHO Height Changes

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

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

Table 3: Existing vs. Proposed AHO Height Changes for HBX-1 and HBX-2 Housing and Business Mix Commercial Zones

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

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

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

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

CN Height Areas	Maximum Building Heights	
	Existing	Proposed Height Changes as part of AHO –
35 feet	35 ft.	55 ft.
35 feet*	35 ft*	55 ft.
45 feet	45 ft.	65 ft.
65 feet	65 ft.	95 ft.
95 feet	95 ft.	115 ft.

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

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

CC Height Areas	Maximum Building Heights	
	Existing	Proposed Height Changes as part of AHO –
35 feet	35 ft.	55 ft.
45 feet	35 ft*	65 ft.
55 feet	45 ft.	85 ft.
65 feet	65 ft.	95 ft.
95 feet	95 ft.	115 ft.
125 feet	125 ft.	145 ft.
175 feet	175 ft.	200 ft.

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

Table 7: Existing vs. Proposed AHO Height Changes for New CBD Central Business District Zones in the [Downtown Specific Plan](#)

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

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

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

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

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

<i>CR-2 Height Areas</i>	<i>Maximum Building Heights</i>	
	<i>Existing</i>	<i>Proposed Height Changes as part of AHO</i>
35 feet.	35 ft.	55 ft.
45 feet.	45 ft.	65 ft.
65 feet.	65 ft.	95 ft.
95 feet.	95 ft.	115 ft.
125 feet.	125 ft.	145 ft.
175 feet.	175 ft.	200 ft.

(see Figure 3 - Summary of Preliminary Missing Middle Proposal for the Zoning Incentive Area)

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

<i>S-15 Height Areas</i>	<i>Maximum Building Heights</i>	
	<i>Existing</i>	<i>Proposed Height Changes as part of AHO</i>
35 feet.	35 ft.	65 ft.
45 feet.	45 ft.	65 ft.
55 feet.	55 ft.	85 ft.
65 feet.	65 ft.	95 ft.
95 feet.	95 ft.	115 ft.
110 feet.	110 ft.	130 ft.
125 feet.	125 ft.	145 ft.
175 feet.	175 ft.	200 ft.
250 feet.	250 ft.	275 ft.

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

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

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

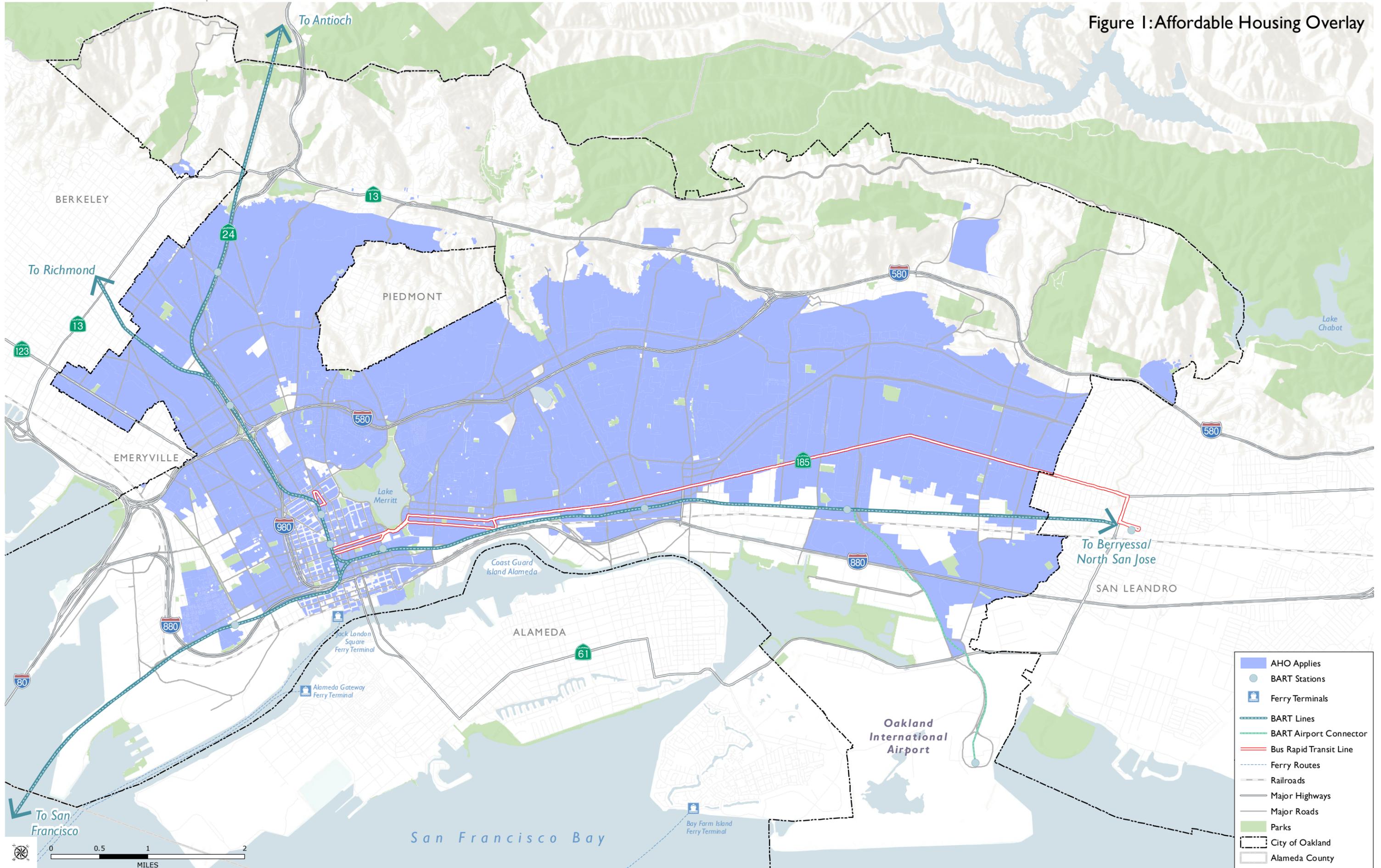
Table 12: Existing vs. Proposed AHO Height Changes in the D-LM Lake Merritt Station Area District Zones

<i>D-LM Height Areas</i>	<i>Maximum Building Heights</i>	
	<i>Existing</i>	<i>Proposed Height Changes as part of AHO</i>
45 feet.	45 ft.	65 ft.
95 feet.	95 ft.	115 ft.
175 feet.	175 ft.	200 ft.
275 feet.	275 ft.	275 ft.

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

<i>D-CO-1, D-CO-2, D-CO-4 Height Areas</i>	<i>Maximum Building Heights</i>	
	<i>Existing</i>	<i>Proposed Height Changes as part of AHO</i>
159 feet.	159 ft.	159 ft.
159 feet.	159 ft.	159 ft.
95 feet.	95 ft.	115 ft.

Figure I: Affordable Housing Overlay



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