

Summary of Preliminary Draft Missing Middle and Other Related Planning Code Amendments Proposal

The City of Oakland (City) has completed a draft update to the [2023-2031 Housing Element](#) as part of Phase 1 of the 2045 General Plan Update (GPU) process. As part of its Housing Action Plan, the City has identified several zoning reforms (see Actions 3.2.1, 3.2.5, 3.3.5, 3.4.1, 3.4.2, 3.4.7, 3.4.10, 5.2.1, 5.2.2, 5.2.7, and 5.2.8) that would further increase housing production capacity and unlock additional opportunities for affordable and “missing middle” housing in high resource neighborhoods and affirmatively further fair housing by opening up exclusionary neighborhoods, and reducing the exposure to air pollution, toxic and other environmental hazards in environmental justice communities.

At the housing element-focused engagement and outreach events, *the community requested that the City publish preliminary rezoning and overlay maps that highlight proposed zoning changes prior to focused community outreach.*

Key Feedback on Zoning from Housing Element Outreach

- *Provide up zoning & overlay maps, in advance => Planning staff should publish rezoning maps before conducting community outreach on zoning*
- Eliminate single-family zoning due to equity considerations.
- Allow additional building heights and/or housing densities along certain corridors such as International, Foothill and MacArthur Boulevards, along BART esp. Rockridge BART, BRT and AC Transit’s Rapid Corridors
- Allow a diversity of housing types in single-family and resource rich neighborhoods and change zoning to increase density in primarily single-family areas like Rockridge
- Consider requiring that some larger lots that are currently zoned for commercial include housing at some required minimum density
- Locate affordable housing above Upper Broadway or MacArthur freeway
- Streamline current development/permitting process, particularly for low-income and non-profit builders.
- Allow approval by-right for affordable housing citywide if that the project is consistent with zoning, including density bonus
- Use zoning overlays to incentivize development
- Address the pollution along the I-880 corridor and proximity of industrial uses to residential neighborhoods in East and West Oakland
- Remedy food deserts by attracting new healthy food retailers in areas where there are lots of retail vacancies.
- Consider noise and air pollution considerations while locating housing in minority communities

Stay tuned for upcoming meetings! Email generalplan@oaklandca.gov with your comments and questions. Visit the [Oakland General Plan Update](#) page.

PURPOSE

The proposed missing-middle and other related Planning Code amendments will encourage a diversity of housing types such as flats, duplexes, triplexes, fourplexes, townhomes/rowhouses, and accessory dwelling units (ADUs) in currently single-family-dominated neighborhoods, and along corridors, transit-proximate areas, and high resource neighborhoods and remove constraints on the development of housing. The City is also proposing two overlay zones:

1. **Affordable Housing Overlay (AHO) Zone:** The proposed Affordable Housing Overlay (AHO) Zone is intended to create and preserve affordable housing restricted for extremely low, very low, low, and/or moderate-income households (as defined in California Government Health and Safety Code Sections 50093, 50105, and 50106 50052.5 and in Oakland Planning Code Section 17.107.020). By-right approvals for 100% affordable housing projects will apply in the AHO Zone. See: Summary of Preliminary Draft Affordable Housing Overlay Zone (AHO) Proposal.
2. **Housing Sites Overlay Zone:** The City is proposing to amend Action 3.4.10 to permit affordable housing by right with at least 20% affordable housing units for all sites identified in the Housing Sites inventory (See Housing Sites Inventory Map and Table C-25) and create a Housing Sites Overlay Zone. The proposed Housing Sites Overlay Zone is intended to facilitate housing opportunities in Oakland and to bring attention to those sites that the City intends for housing to be built pursuant to State requirements by also requiring a minimum percentage of housing to be built on the sites. See Summary of Preliminary Draft Housing Sites Overlay Zone Proposal.

The proposed missing-middle Planning Code amendments will:

- Reduce minimum lot size and setback standards where appropriate throughout the Planning Code to facilitate small lot development.
- Revise density, maximum building heights, and minimum lot size standards to permit more housing units per lot where appropriate throughout the city in Hillside Residential RH-4, all Detached Residential (RD) Zones, all Residential Mixed Housing Type (RM) Zones, and Urban Residential RU-1 and RU-2 Zones.
- Create a new residential facility type called “Two- to Four-Family Residential Facility” that would replace the current “Two-Family Residential Facility” Type throughout the Planning Code; and change the definition of a “Multifamily Residential Facility” from the current 3 or more units to 5 or more units.
- Eliminate all conditionally permitted densities throughout Planning Code (densities will all be by right); and the current requirement for a Major Conditional Use Permit for 3 or more dwelling units in the RM-2 Zone; 7 or more dwelling units in the RM-3 or RM-4 Zone; and for any project that exceeds the basic or permitted density resulting in 7 or more dwelling units in the RU or CBD-R Zones.

OTHER RELATED AMENDMENTS

Other related amendments to facilitate more housing:

- Increase permitted densities in areas near transit and along transit corridors through zoning map changes (see Figure 2).

- Reduce parking and open space requirements to lower the cost of new housing production.
- Revise open space regulations to allow flexibility on its onsite location and configuration to ensure that more of the allowed buildable area can be dedicated to new housing units.
- Remove an existing disincentive to mixed-use development outside of downtown – current regulations require that any nonresidential floor area over 3,000 sf. counts against the amount of lot area that can be used to calculate allowed residential density. The proposed amendments would utilize citywide the standard that applies now in downtown only and allow the total lot area to be used as the basis for computing both maximum nonresidential FAR and maximum residential density for mixed use projects.
- Remove conditional use permit requirements for grocery stores in food deserts.
- Streamline design review procedures and approve more project types ministerially.
- Remove unnecessary barriers in the Planning Code to the approval of Emergency Shelters.
- Reduce the allowed intensity of commercial and industrial activities permitted in the Housing and Business Mix (HBX) Commercial Zones, particularly HBX-1, to minimize impacts on the residential uses existing in and nearby these zones.
- Reduce allowed heavier industrial uses in the Commercial Industrial Mix (CIX), General Industrial (IG), and Industrial Office (IO) Zones within certain distances of residential zones, to minimize impacts on the residential uses nearby.

Table 1 lists the existing and proposed zoning changes, and Figure 1 shows existing zoning and proposed zoning changes. Figure 2 shows existing and proposed height changes along key corridors. Figure 3 shows existing and proposed height changes as part of the [Downtown Oakland Specific Plan](#). Figure 4 shows zoning and height changes on specific sites in Rockridge intended to affirmatively further fair housing and increase opportunity for lower income housing in this high-resource community.

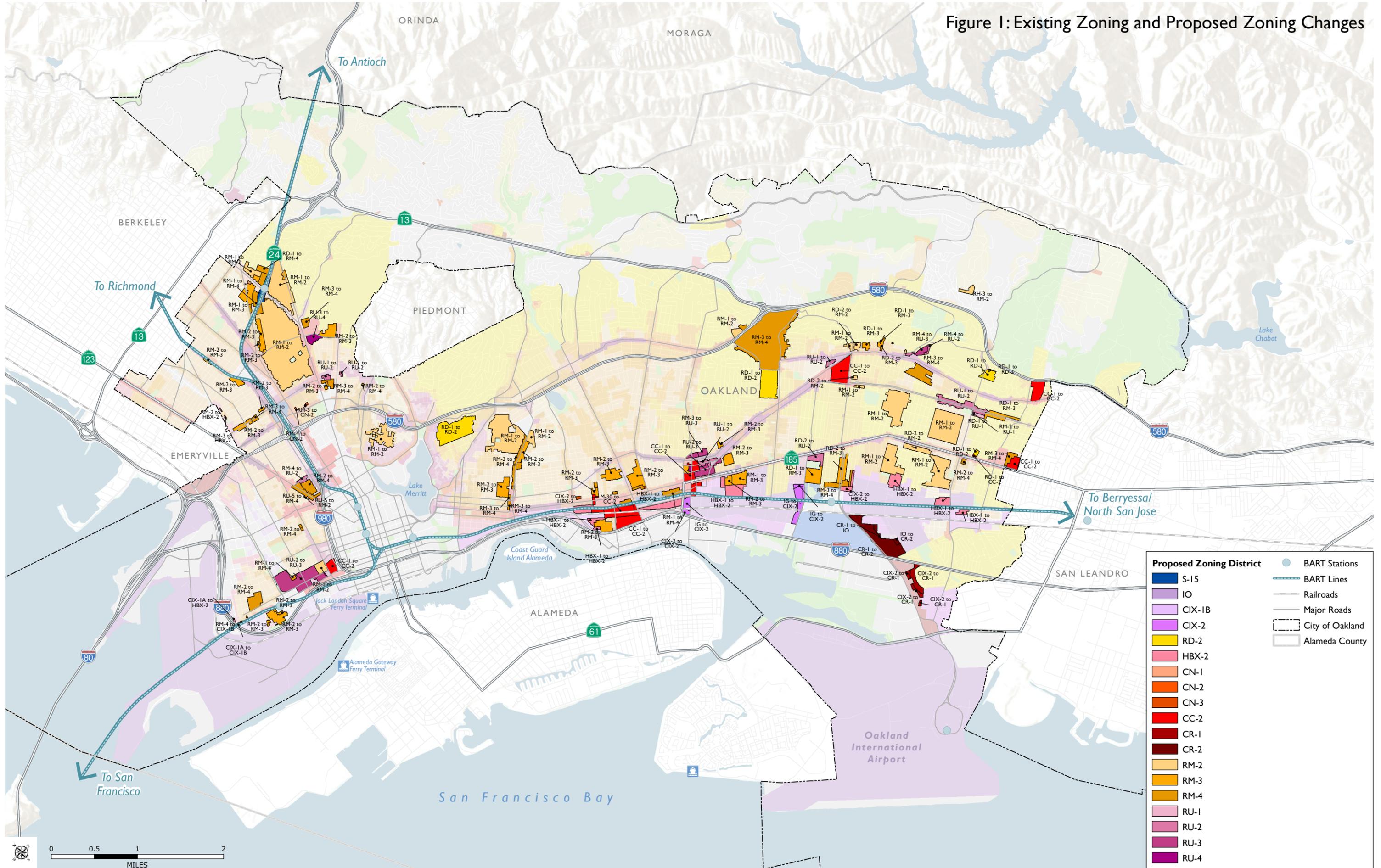
Table I: Oakland's Missing Middle Zones

Zoning Districts	Permitted Densities		Max. Bldg. Height		Minimum Lot Size	
	Existing	Proposed	Existing	Proposed	Existing	Proposed
RH-4	1 unit per lot	<ul style="list-style-type: none"> 1 unit on any legal lot; 2 units on lots 8,000 sf. or greater (with limitation that the project is not located within the S-9 Fire Safety Protection Combining Zone; and the minimum pavement width is at least 26 ft. along the length of the adjoining street and all streets connecting lot to the nearest arterial) 	For All Lots with a Footprint Slope of ≤20%: Max. Wall Ht.: 25 ft. Max. Roof Ht.: 30 ft.	(Same - No Change)	6,500 sf. or 8,000 sf.	(Same - No Change)
RD-1	1 unit per lot	<ul style="list-style-type: none"> 1-2 units on any legal lot; 3 units on lots 6,000 sf. or greater 	For All Lots with a Footprint Slope of ≤20%: Max. Wall Ht.: 25 ft. Max. Roof Ht.: 30 ft.	(Same - No Change)	5,000 sf.	2,500 sf.
RD-2	1 unit permitted per lot ALLOWED WITH CUP: 2 units on lots 6,000 sf. or greater	<ul style="list-style-type: none"> 1-2 units on any legal lot; 3 units on lots 6,000 sf. or greater; 4 units on lots 8,000 sf. or greater 	For All Lots with a Footprint Slope of ≤20%: Max. Wall Ht.: 25 ft. Max. Roof Ht.: 30 ft.	(Same - No Change)	5,000 sf.	2,500 sf.
RM-1	1 unit permitted per lot ALLOWED WITH CUP: 2 units on lots 4,000 sf. or greater	<ul style="list-style-type: none"> 1-2 units on any legal lot; For 3 or more units - 1 unit per 1,750 sf. of lot area 	For All Lots with a Footprint Slope of ≤20%: Max. Wall Ht.: 25 ft. Max. Roof Ht.: 30 ft.	(Same - No Change)	5,000 sf.	2,500 sf.
RM-2	<ul style="list-style-type: none"> 1 unit on lots less than 4,000 sf.; 2 units on lots 4,000 	<ul style="list-style-type: none"> 1-2 units on any legal lot; For 3 or more units - 1 unit 	For All Lots with a Footprint Slope of ≤20%:	For All Lots with Footprint	2,500 sf. / 4,000 sf. / 5,000 sf.	2,500 sf.

Table I: Oakland’s Missing Middle Zones

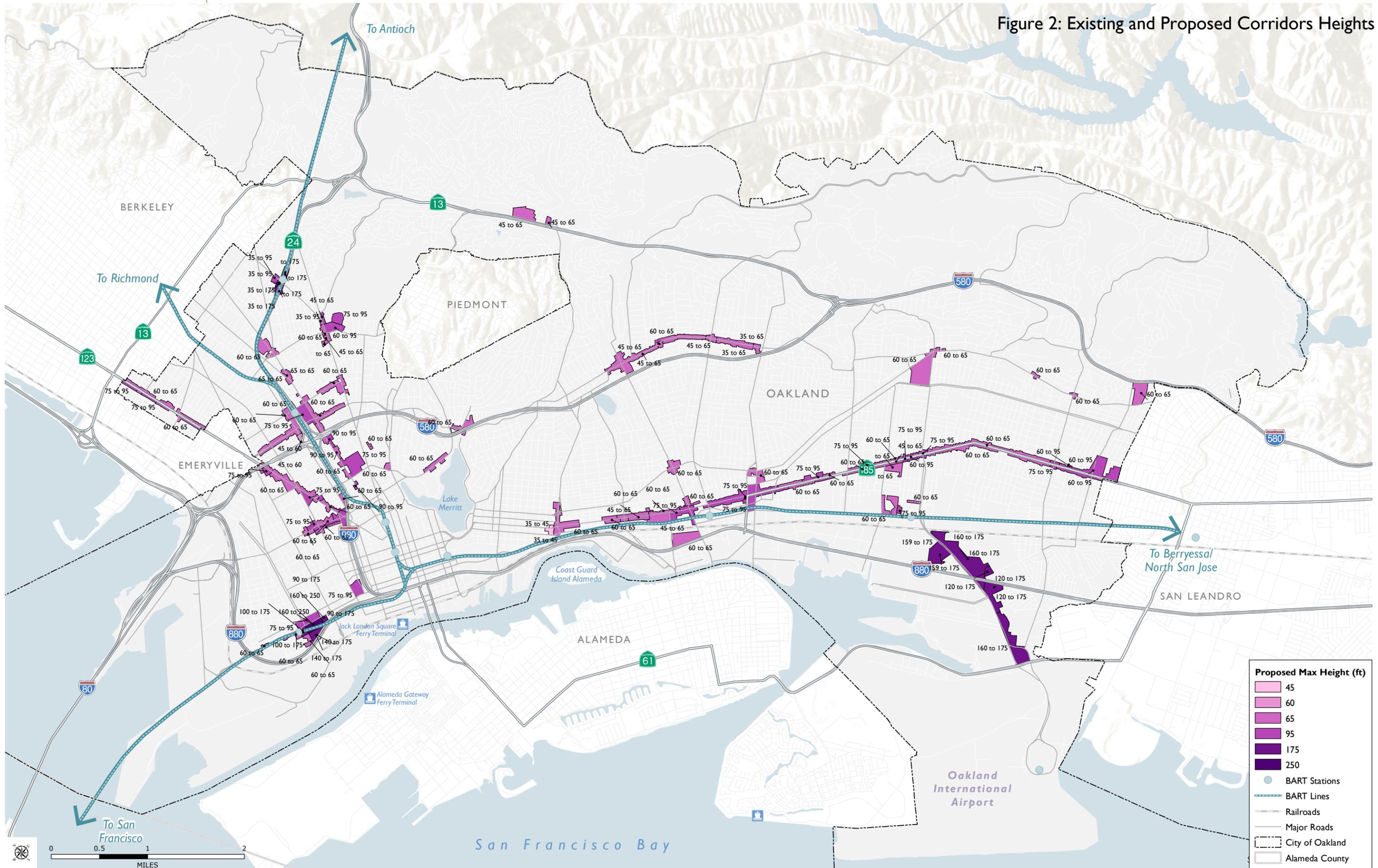
Zoning Districts	Permitted Densities		Max. Bldg. Height		Minimum Lot Size	
	Existing	Proposed	Existing	Proposed	Existing	Proposed
	sf. or greater	per 1,500 sf. of lot area	Max. Wall Ht.: 25 ft. Max. Roof Ht.: 30 ft.	Slope of ≤20%: Max. Wall Ht.: 30 ft. Max. Roof Ht.: 35 ft.		
	<p>ALLOWED WITH CUP (only on lots 4,000 sf. or greater): For 3 or more units - 1 unit per 2,500 sf. of lot area</p>					
RM-3	<ul style="list-style-type: none"> 1 unit on lots less than 4,000 sf.; 2 units on lots 4,000 sf. or greater 	<ul style="list-style-type: none"> 1-2 units on any legal lot; For 3 or more units – 1 unit per 1,250 sf. of lot area 	For All Lots with a Footprint Slope of ≤20%: Max. Wall Ht.: 30 ft. Max. Roof Ht.: 30 ft.	For All Lots with Footprint Slope of ≤20%: Max. Wall Ht.: 35 ft. Max. Roof Ht.: 35 ft.	4,000 sf.	2,500 sf.
	<p>ALLOWED WITH CUP (only on lots 4,000 sf. or greater): For 3 or more units – 1 unit per 1,500 sf. of lot area</p>					
RM-4	<ul style="list-style-type: none"> 1 unit on lots less than 4,000 sf.; 2 to 4 units on lots 4,000 sf. or greater at 1 unit per 1,100 sf. of lot area 	<ul style="list-style-type: none"> 1-2 units on any legal lot; For 3 or more units – 1 unit per 1,000 sf. of lot area 	For All Lots with a Foot print Slope of ≤20%: Max. Wall Ht.: 35 ft. Max. Roof Ht.: 35 ft.	(Same - No Change)	4,000 sf.	2,500 sf.
	<p>ALLOWED WITH CUP (only on lots 4,000 sf. or greater): For 5 or more units – 1 unit per 1,100 sf. of lot area</p>					
RU-1	1 unit per 1,100 sf. of lot area	<ul style="list-style-type: none"> 1 unit per 1,000 sf. of lot area 	40 feet	45 feet	4,000 sf.	2,500 sf.
RU-2	1 unit per 800 sf. of lot area	<ul style="list-style-type: none"> 1 unit per 750 sf. of lot area 	50 feet	55 feet	4,000 sf.	2,500 sf.

Figure I: Existing Zoning and Proposed Zoning Changes



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

Figure 2: Existing and Proposed Corridors Heights



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

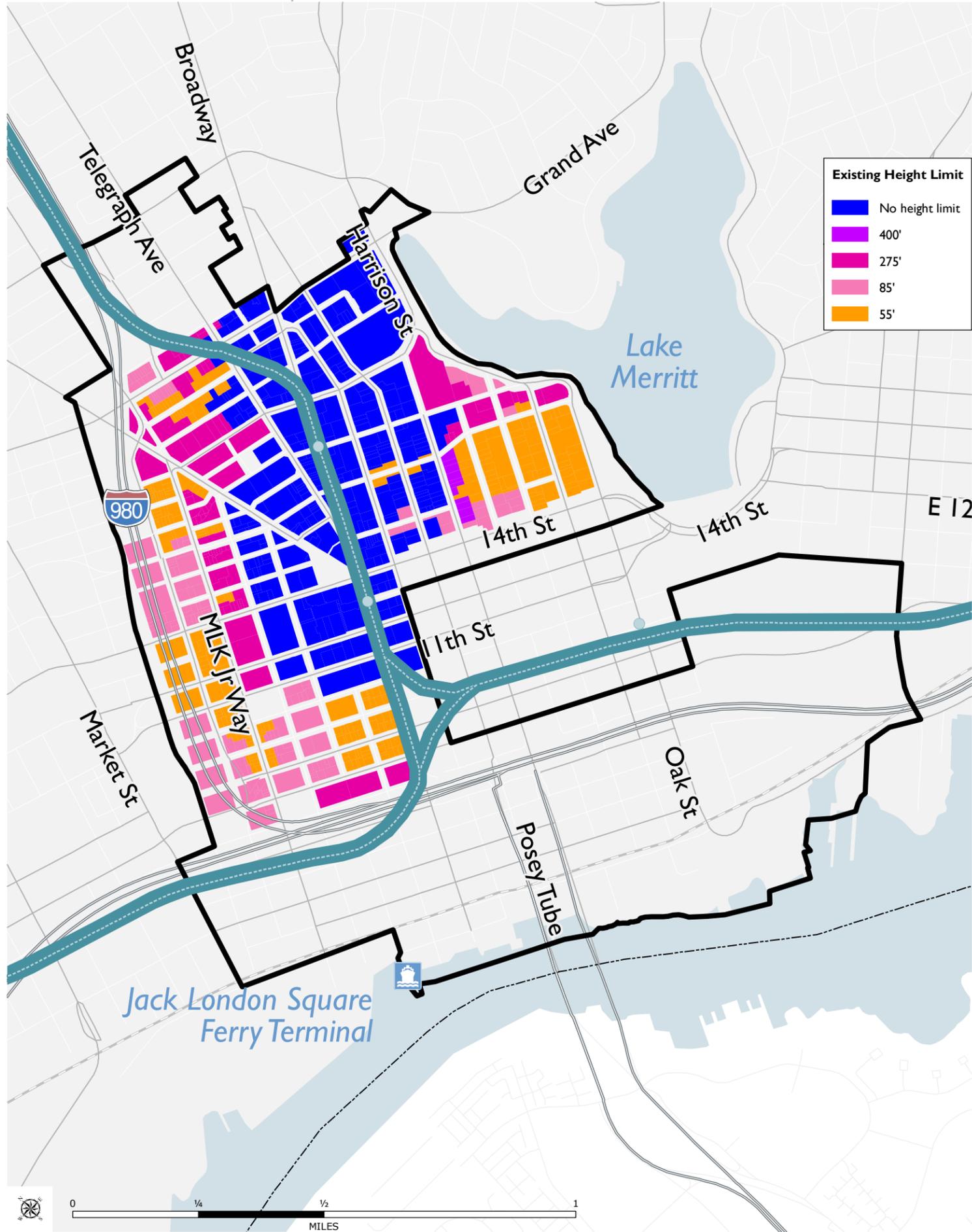
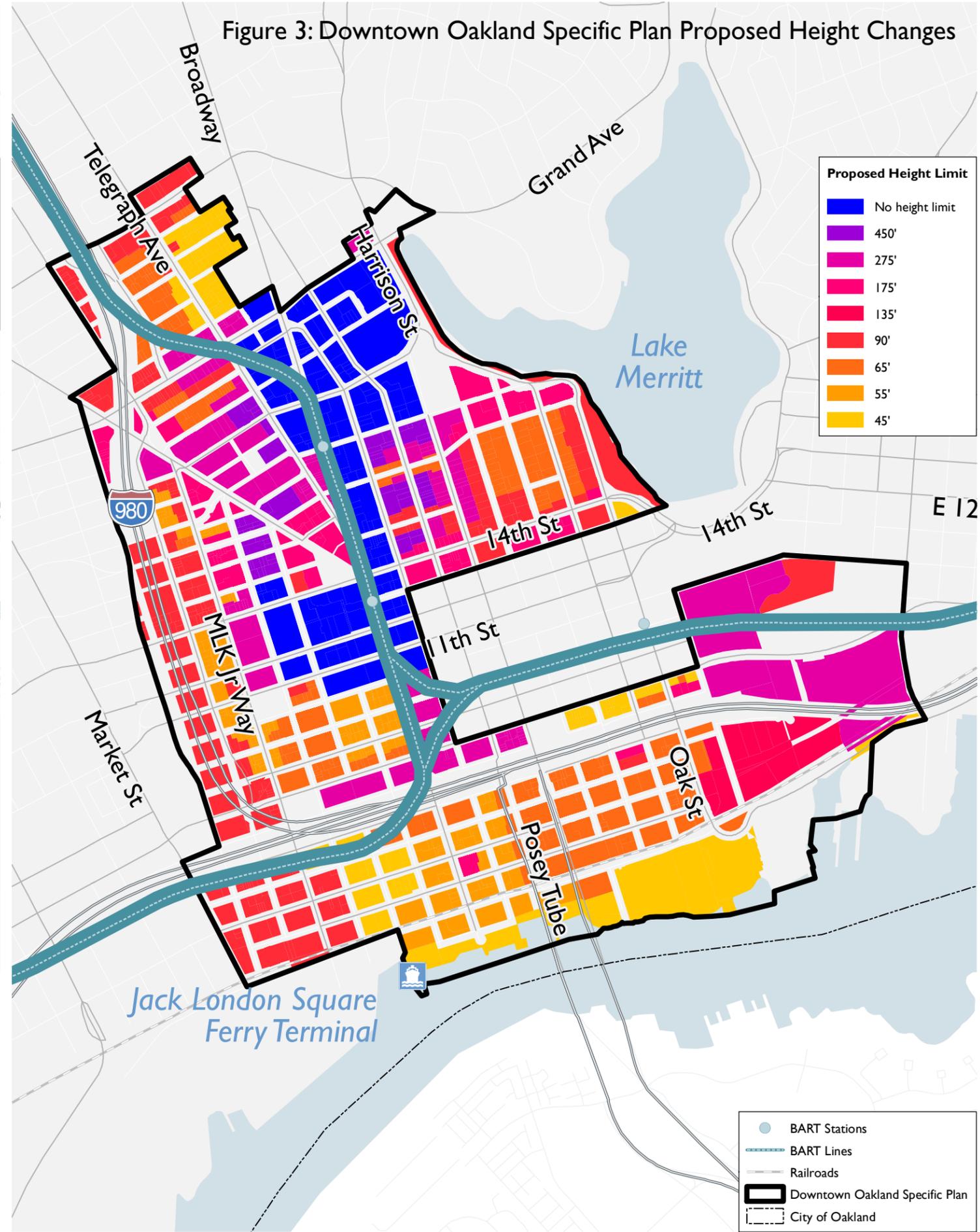


Figure 3: Downtown Oakland Specific Plan Proposed Height Changes



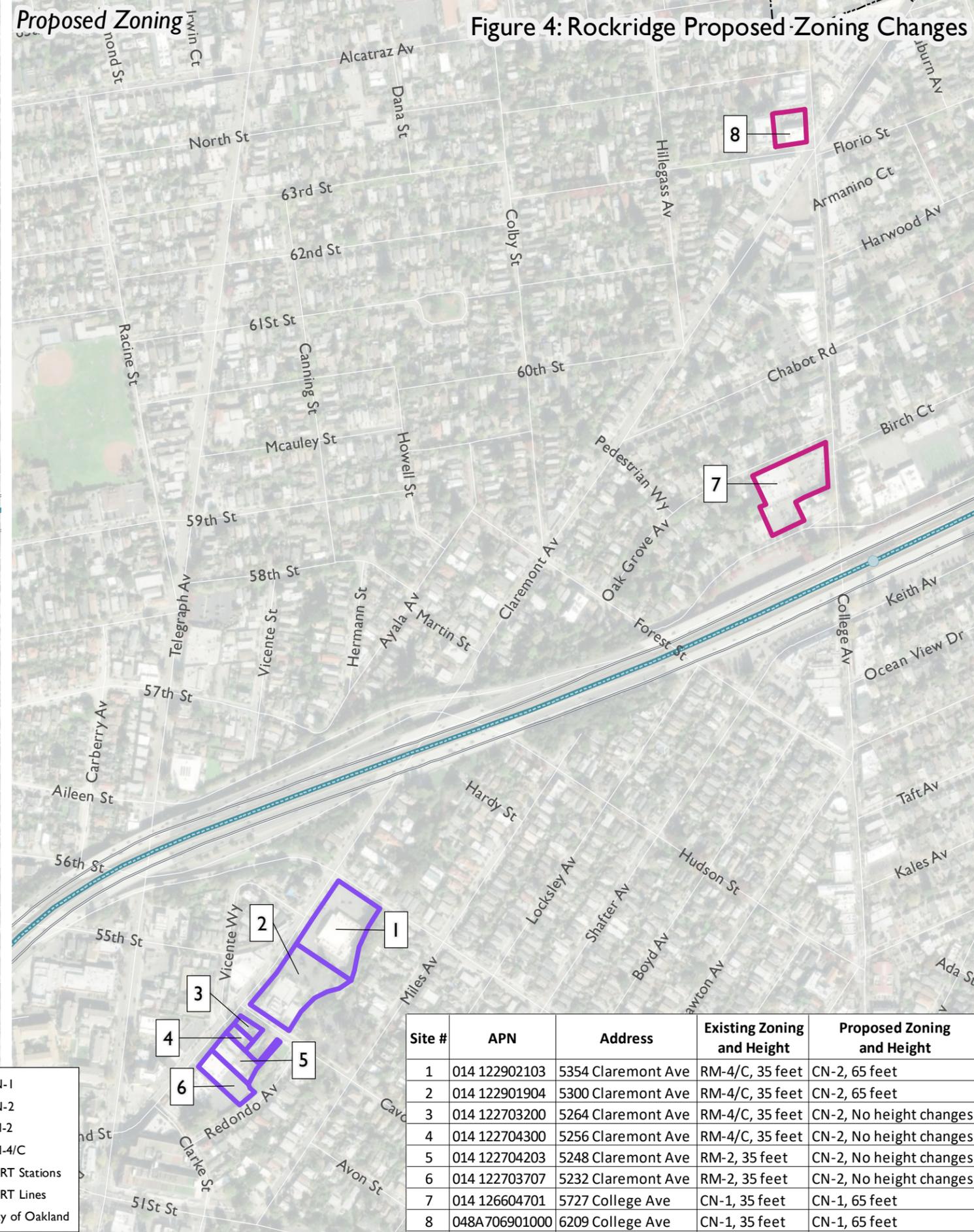
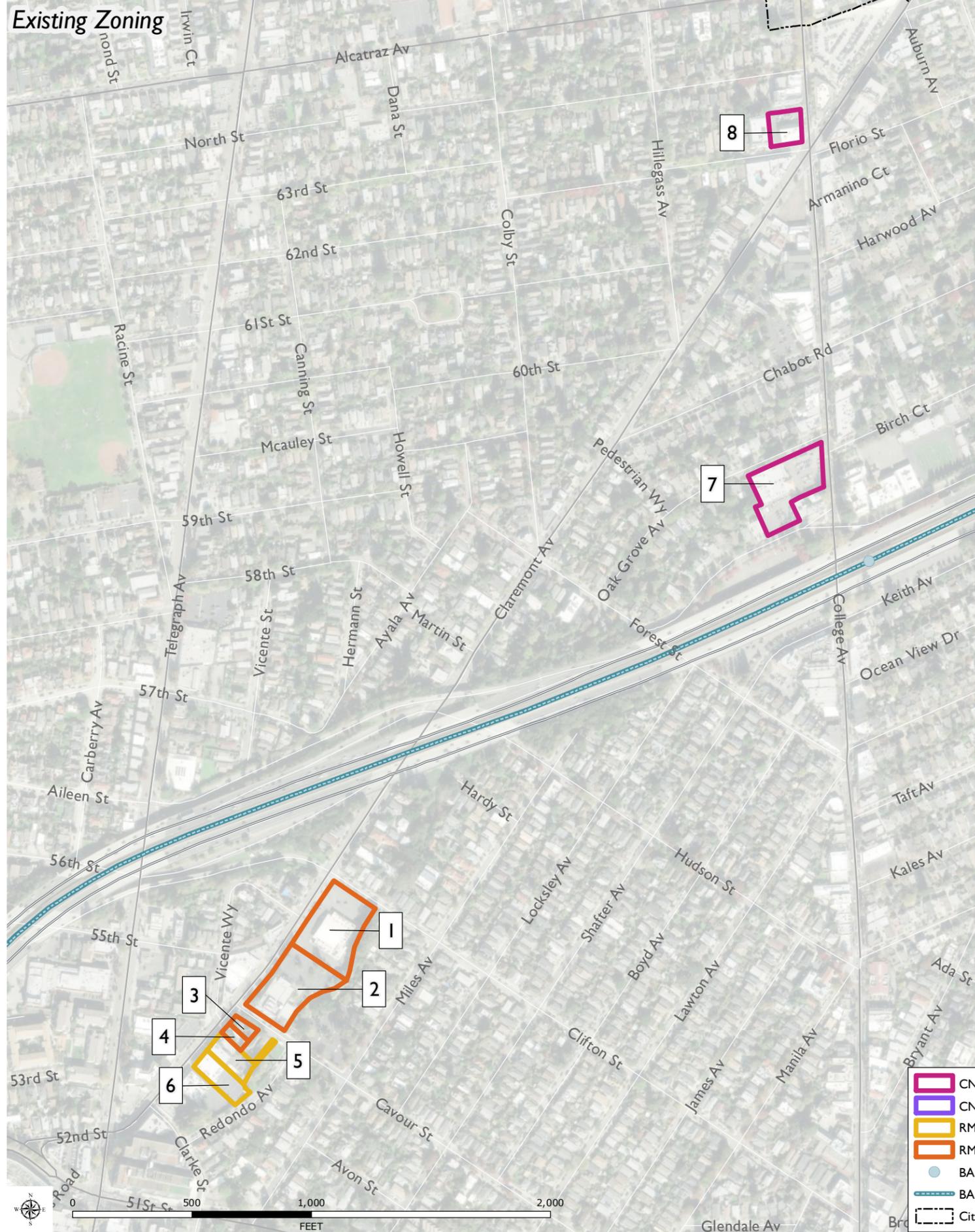


Figure 4: Rockridge Proposed Zoning Changes

Site #	APN	Address	Existing Zoning and Height	Proposed Zoning and Height
1	014 122902103	5354 Claremont Ave	RM-4/C, 35 feet	CN-2, 65 feet
2	014 122901904	5300 Claremont Ave	RM-4/C, 35 feet	CN-2, 65 feet
3	014 122703200	5264 Claremont Ave	RM-4/C, 35 feet	CN-2, No height changes
4	014 122704300	5256 Claremont Ave	RM-4/C, 35 feet	CN-2, No height changes
5	014 122704203	5248 Claremont Ave	RM-2, 35 feet	CN-2, No height changes
6	014 122703707	5232 Claremont Ave	RM-2, 35 feet	CN-2, No height changes
7	014 126604701	5727 College Ave	CN-1, 35 feet	CN-1, 65 feet
8	048A706901000	6209 College Ave	CN-1, 35 feet	CN-1, 65 feet

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