

# Oakland 2045 Town Hall: Zoning Changes

Phase I Planning Code  
and Zoning Map  
Changes



OAKLAND2045  
GENERAL PLAN

April 25, 2023

# Agenda

- Introductions
- What is zoning?
- Zoning Changes: Context
- “Missing Middle” changes
  - Q&A
- Overlay zones: Affordable Housing (AHO) and Housing Sites Overlay
  - Q&A
- Industrial Lands changes
  - Q&A
- Next Steps



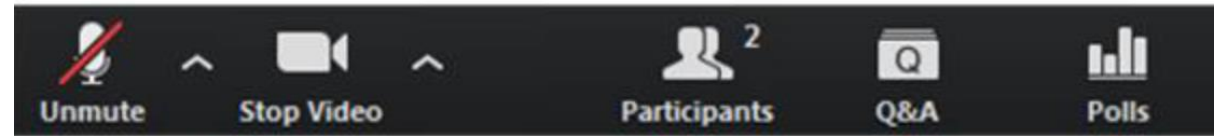
# Objectives

- **Orientation/Education**
  - Describe zoning
  - Frame zoning changes
  - Describe purpose, components, and applicability
- **Feedback on Zoning Changes**
  - Voice your thoughts or concerns
  - Give recommendations or refinements
  - Time for Q&A after each section



# Q&A Feature

- Ask questions using the "Q&A" button at the bottom of your toolbar
- You can upvote questions using the "thumbs up"
- Some questions will be answered live
- We will have a short amount of time to take verbal questions and other feedback



**John Peterson** 03:14 PM

How do I upgrade my plan?



# Timeline

## Timeline:

### Laying the Groundwork **September 2022- February 2023**

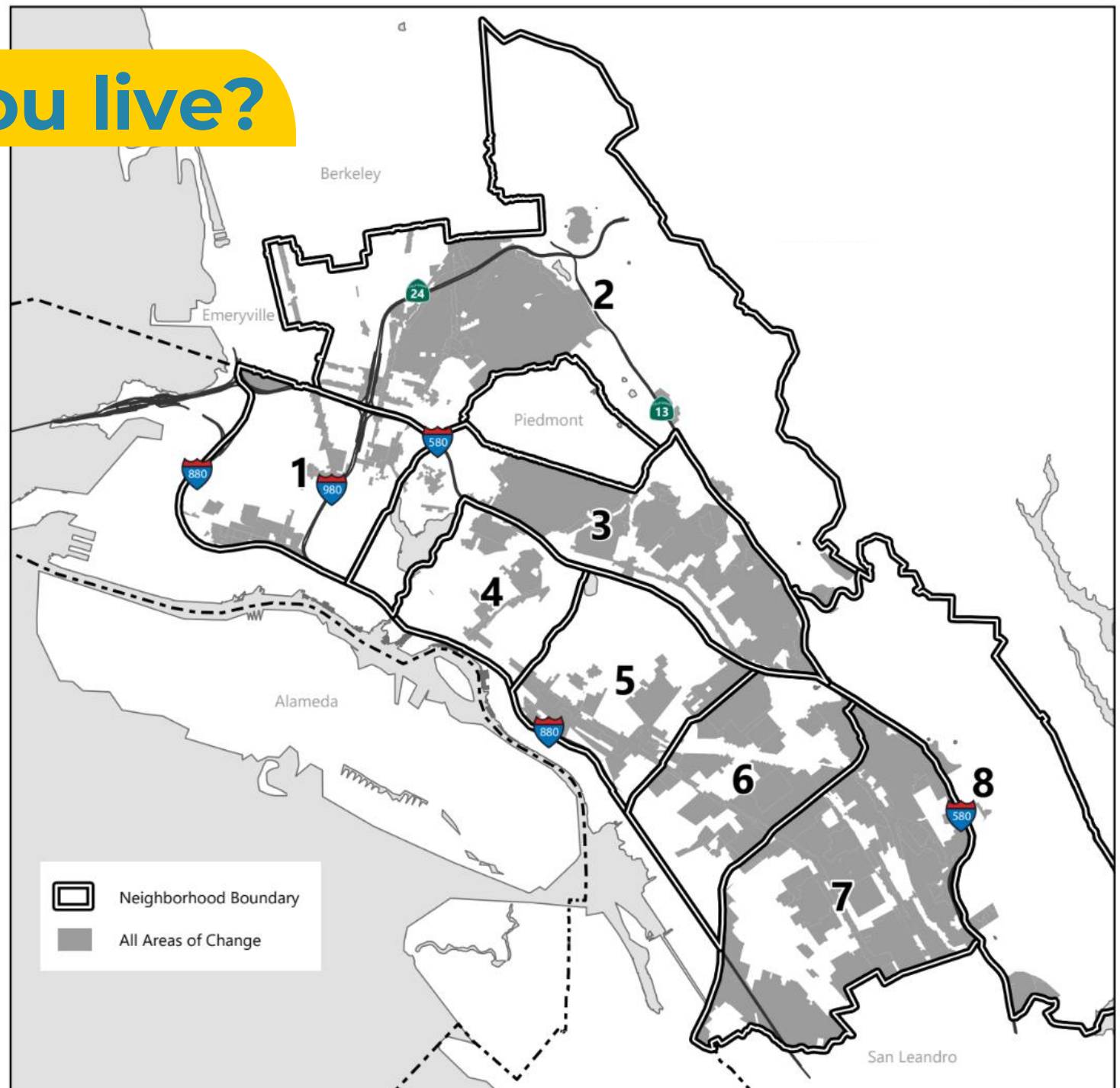
- Preliminary zoning proposals as part of the Housing Element – Appendix J
- Focus Groups on Affordable Housing Overlay and Missing Middle- **Dec 2022, Mar 2023**
- Draft Text Amendments Published- **Mar 3, 2023**
- Public Review Period- **Mar 3, 2023 - May 5, 2023**
- Public Hearings with ZUC, LPAB –**Mar, Apr 2023**

## Next Steps:

- Final Zoning Amendments Released – **Summer 2023**
- Hearings – **Summer-Fall 2023**

# Poll: Where do you live?

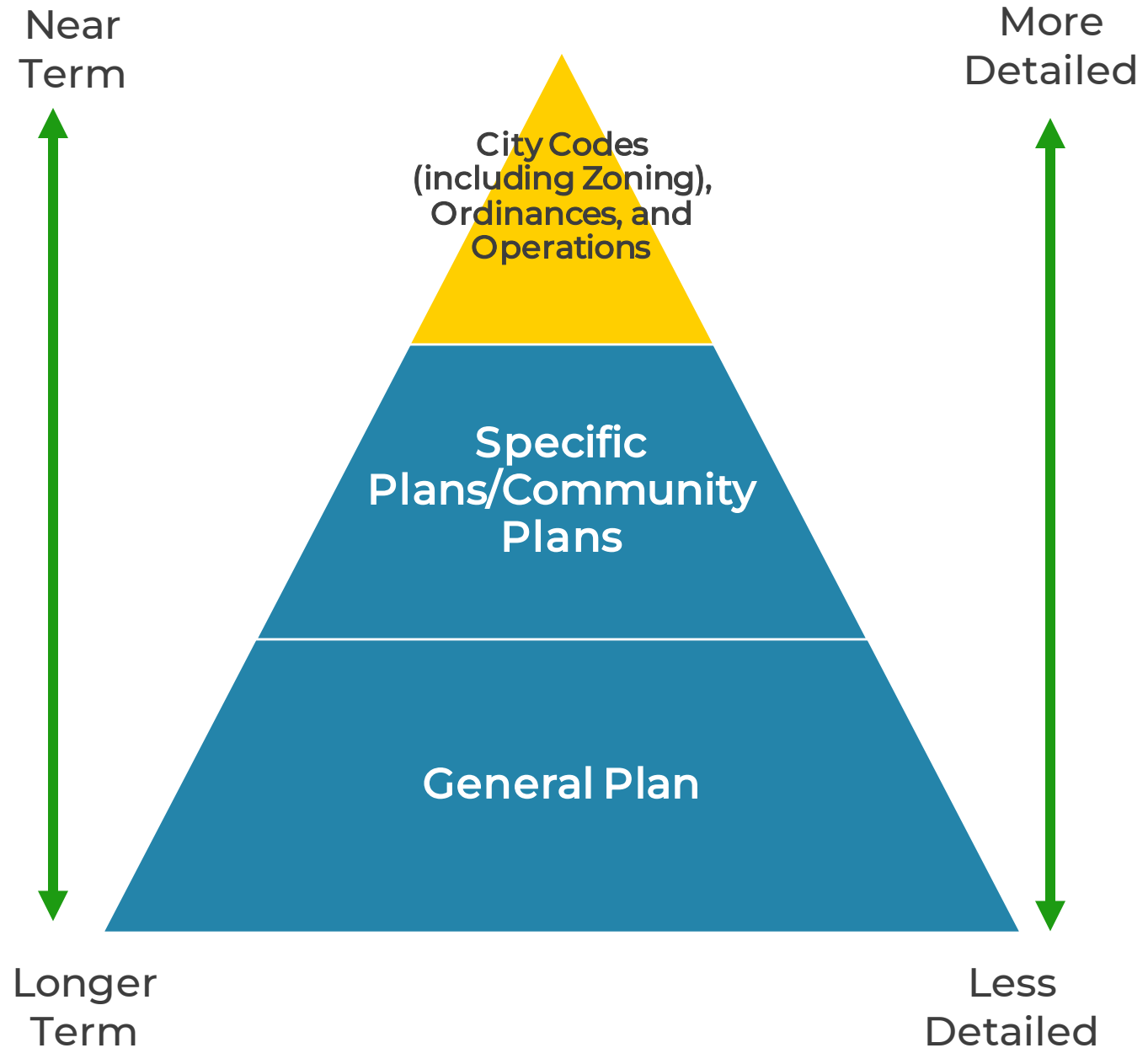
1. West Oakland
2. North Oakland & North Oakland Hills
3. Adams Point/Grand Lake/Lower Hills
4. Lake Merritt to 23<sup>rd</sup> Ave
5. Fruitvale
6. Melrose/Seminary/Coliseum
7. Elmhurst/Far East Oakland
8. South Hills



# OVERVIEW

# What is Zoning?

- Established at the city level, zoning codes are a set of rules that regulate what can and can't be done on a particular piece of property
- The **General Plan** provides the overall vision and policies for land use and development
- The **Zoning Code** provides the specific rules and regulations to implement the General Plan vision on a parcel –by-parcel basis



# Zoning in Oakland



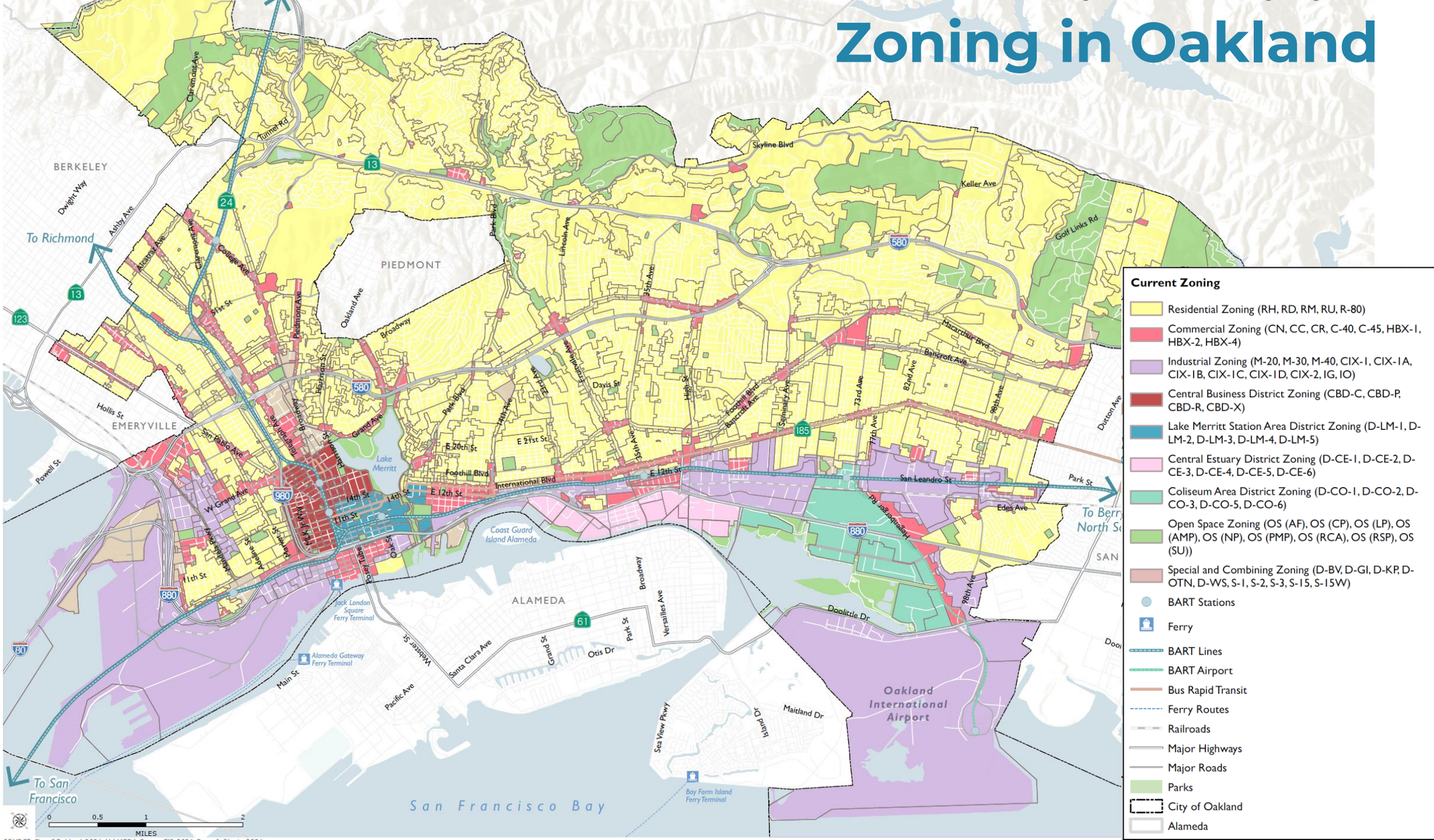
# Zoning in Oakland

**Current Zoning**

- Residential Zoning (RH, RD, RM, RU, R-80)
- Commercial Zoning (CN, CC, CR, C-40, C-45, HBX-2, HBX-4)
- Industrial Zoning (M-20, M-30, M-40, CIX-1, CIX-1B, CIX-1C, CIX-1D, CIX-2, IG, IO)
- Central Business District Zoning (CBD-C, CBD-R, CBD-X)
- Lake Merritt Station Area District Zoning (D-LM-2, D-LM-3, D-LM-4, D-LM-5)
- Central Estuary District Zoning (D-CE-1, D-CE-2, D-CE-3, D-CE-4, D-CE-5, D-CE-6)
- Coliseum Area District Zoning (D-CO-1, D-CO-2, D-CO-3, D-CO-5, D-CO-6)
- Open Space Zoning (OS (AF), OS (CP), OS (L), OS (AMP), OS (NP), OS (PMP), OS (RCA), OS (R), OS (SU))
- Special and Combining Zoning (D-BV, D-GI, D-OTN, D-WVS, S-1, S-2, S-3, S-15, S-15W)

**Other Features:**

- BART Stations
- Ferry
- BART Lines
- BART Airport
- Bus Rapid Transit
- Ferry Routes
- Railroads
- Major Highways
- Major Roads
- Parks
- City of Oakland
- Alameda



# Zones Allowing Residential

**Residential Zoning**

- Hillside**
  - RH-1
  - RH-2
  - RH-3
  - RH-4
- Detached Unit**
  - RD-1
  - RD-2
- Mixed Housing**
  - RM-1

**Urban**

- RU-1
- RU-2
- RU-3
- RU-4
- RU-5

**High-Rise**

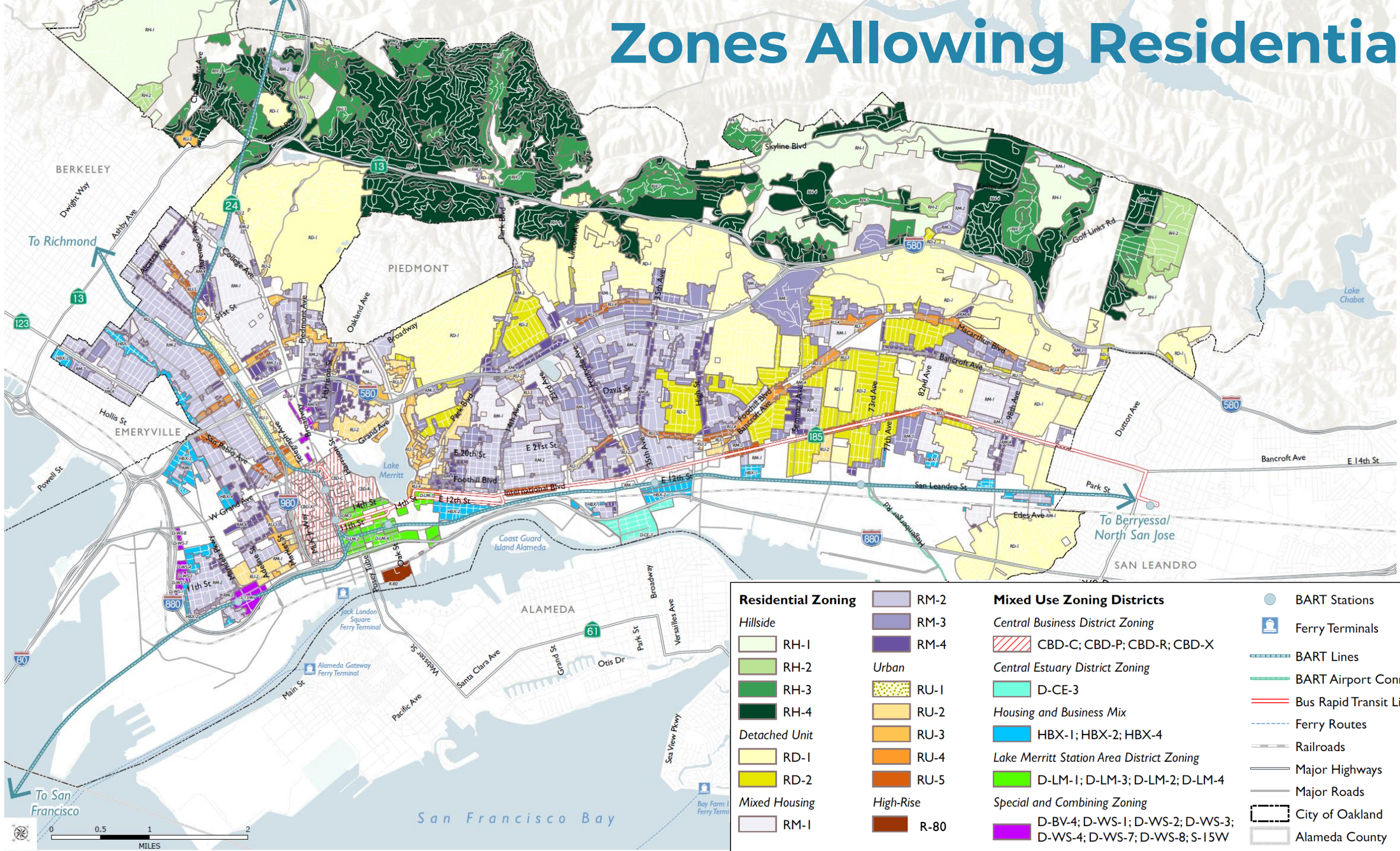
- R-80

**Mixed Use Zoning Districts**

- Central Business District Zoning**
  - CBD-C; CBD-P; CBD-R; CBD-X
- Central Estuary District Zoning**
  - D-CE-3
- Housing and Business Mix**
  - HBX-1; HBX-2; HBX-4
- Lake Merritt Station Area District Zoning**
  - D-LM-1; D-LM-3; D-LM-2; D-LM-4
- Special and Combining Zoning**
  - D-BV-4; D-WS-1; D-WS-2; D-WS-3; D-WS-4; D-WS-7; D-WS-8; S-1SW

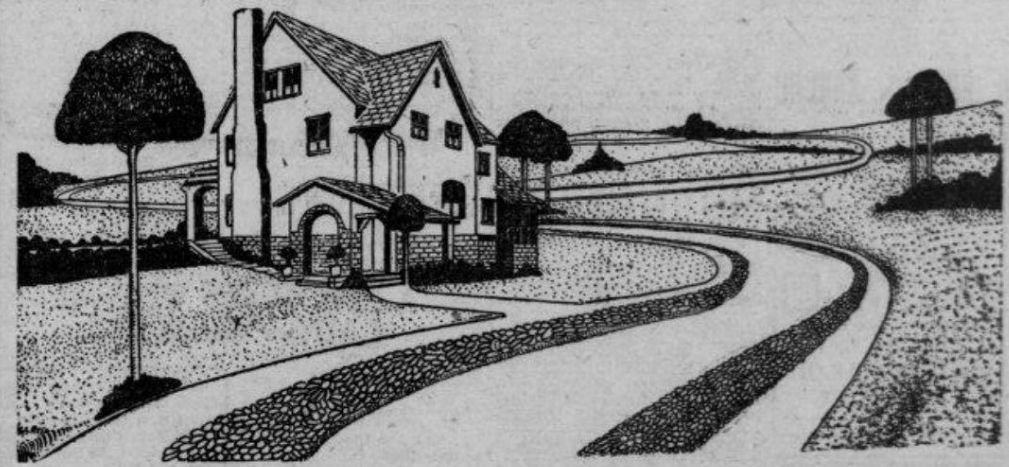
**Legend**

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



# Zoning Issues

- Zoning can contribute to racial and socioeconomic segregation
  - Can create exclusive zoning districts that only allow certain types of development or housing
  - These types may be inaccessible to lower-income individuals and people of color
- In the past, Oakland homeowners and real estate agents pushed for apartment bans
- This has created a lasting pattern of housing segregation, even after overt housing discrimination was outlawed



## ROCK RIDGE PARK

**Absolutely the Most Desirable Place For a Permanent Home in Northern California**

¶ We make this statement positively without fear of contradiction.

¶ Located within fifteen minutes of the heart of Oakland, Rock Ridge Park is nearer than Claremont Park or Piedmont.

¶ Just south is the Claremont Country Club with its beautiful green sward and inviting golf links.

¶ To the north, hardly a hundred yards away, is Claremont Park with its magnificent homes and million dollar hotel.

¶ Over \$30,000 has already been spent for improvements and the next six months will see \$100,000 more invested for the same purpose.

¶ In point of streets, curbs, sidewalks, parks and improvements Rock Ridge Park is to be absolutely in a class by itself.

¶ Nowhere else can you find building sites 80x160 for \$11 to \$30 a foot. Nowhere else can you buy property for \$60 or \$70 a foot that equals Rock Ridge Park at thirty.

¶ Try it in Piedmont. Try it in Claremont. Try it in any section of Oakland or Berkeley.

¶ Then come to Rock Ridge Park. Let your own judgment be your guide.

¶ Nowhere else is your future as a home-seeker or investor so secure as at Rock Ridge Park. Look for yourself and see.

¶ No negroes, no Chinese, no Japanese can build or lease in Rock Ridge Park.

¶ There'll be no stores, no saloons, no business of any kind in Rock Ridge Park.

¶ Absolutely nothing inferior can now or at any time be built in Rock Ridge Park.

¶ There'll be no flats and no apartments, and only one house to a lot or portion of a lot. Every lot a big lot at that.

¶ Come out today—bring your advisor with you—look around—compare values—compare improvements—compare location—compare environment; overlook nothing that will be a comparison. You'll want a Rock Ridge lot. You'll want it quick, too; before the opening sale when the choicest lots are gone.

¶ Phone us the first thing in the morning. One of our motor cars will take you out—show you the property—bring you back in half an hour.

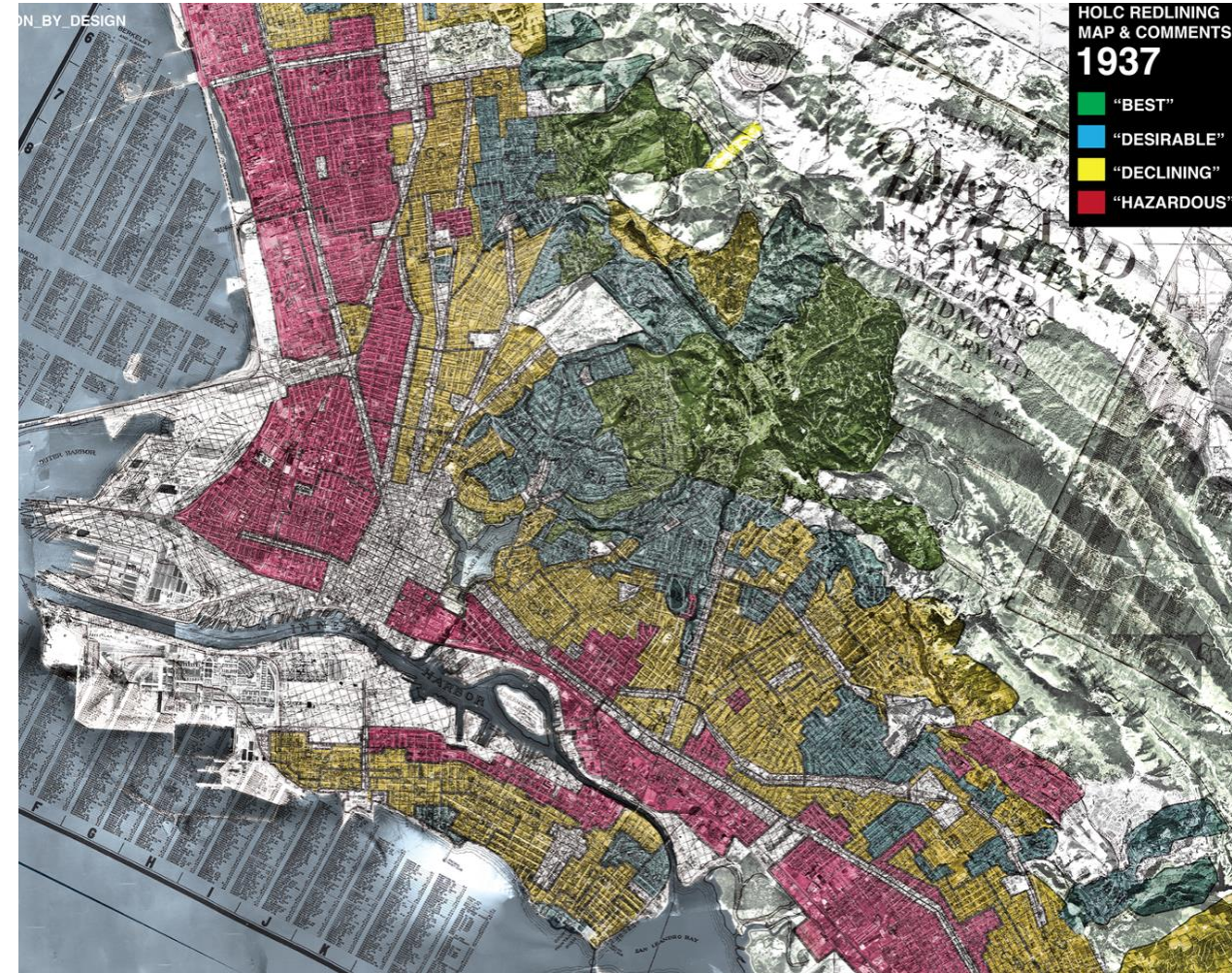
¶ Or take the College avenue car—get off at Lawton—walk one block east to Broadway. Our salesmen are there on the tract with maps and prices.

**LAYMANCE REAL ESTATE CO.**

1214-1216 Broadway, Oakland

# Zoning Issues

- Oakland's first zoning ordinance was adopted in 1935
  - The Oakland Hills and Upper Rockridge were zoned as a single-family residential
  - Exclusive zoning had same effect as racial covenants
  - West Oakland and the Waterfront were zoned as industrial areas, with denser residential zoning among light and heavy industrial
- Oakland's Housing Element and associated rezoning efforts are one part of addressing this legacy of exclusion



Source: *Discrimination by Design*

# Oakland Housing Element

- The 2023-2031 Housing Element presents aims to affirmatively further fair housing for all Oaklanders through a number of goals, policies, and actions, including:
  - Creating a more diverse mix of homes to meet community needs
  - Reforming zoning and land use to address community priorities
  - Streamlining the approval of new housing



City of Oakland

## 2023-2031 Housing Element

Adopted January 31, 2023

Resolution No. 89565

# Phase I Zoning Changes

- Suite of changes to **Planning Code and Zoning Map** to encourage different housing types, incentivize affordable housing, reduce constraints on housing development, and protect areas and populations affected by pollution
  - Upzoning/height changes and **'Missing Middle' Housing Type** amendments
  - **New Overlay Zones**
    - Affordable Housing Overlay
    - Housing Sites Inventory Overlay
  - **Industrial Lands** zoning changes





# **‘Missing Middle’ Housing Types and Upzoning/Height Changes**

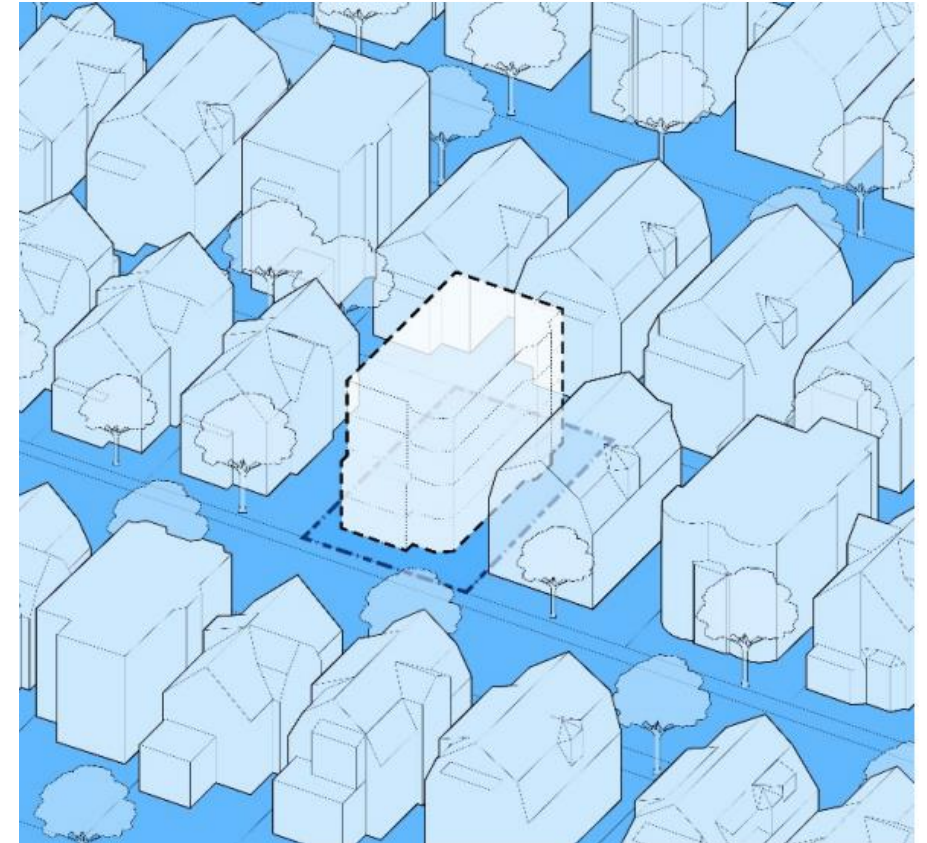
# 'Missing Middle' Housing Type Changes

- **'Missing Middle' Housing Types:** A variety of small-scale multi-unit housing types that can range from duplexes to townhouses to smaller apartment buildings that are compatible with walkable neighborhoods.
- **Purpose:** Encourage a diversity of housing types in currently single-family-dominated neighborhoods, along corridors, transit-proximate areas, and high resource neighborhoods.



# ‘Missing Middle’ Changes: RD Zone

- **Detached Unit Residential Zones (RD):**  
Lowest-density neighborhoods in Oakland outside of Residential Hillside (RH) zones
- **New RD designation** will combine RD-1 and RD-2 into one zone that allows up to 4 dwelling units on lots 4,000 square feet or larger
  - On lots <4,000 square feet, two units allowed by right; three units allowed on parcels >3,000 square feet



# 'Missing Middle' Changes: RM Zone

## Mixed Housing Type Residential Zones (RM):

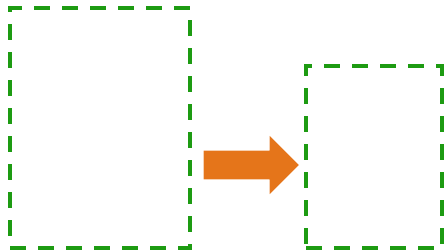
- The proposed changes both simplify and increase the density steps in each of the four existing RM Zones to allow additional units with larger lot sizes

Zoning	Existing Permitted Density	Proposed Permitted Density
RM-1	<ul style="list-style-type: none"> <li>1 unit per lot</li> <li>2 units on lots 4,000 sf. or more with conditional use permit (CUP)</li> </ul>	<ul style="list-style-type: none"> <li>1-2 units on any legal lot</li> <li>3 units on min. 3,000 sf. lot</li> <li>4 units on min. 4,000 sf. lot</li> <li>5 or more units- 1 unit per 1,750 sf.</li> </ul>
RM-2	<ul style="list-style-type: none"> <li>1 unit on lots &lt;4,000 sf.</li> <li>2 units on lots &gt;4,000 sf.</li> <li>For 3 or more units (on lots &gt;4,000 sf), 1 unit per 2,500 sf. with CUP</li> </ul>	<ul style="list-style-type: none"> <li>1-2 units on any legal lot</li> <li>3 units on min. 3,000 sf. lot</li> <li>4 units on min. 4,000 sf. lot</li> <li>5 or more units- 1 unit per 1,500 sf.</li> </ul>
RM-3	<ul style="list-style-type: none"> <li>1 unit on lots &lt;4,000 sf.</li> <li>2 units on lots &gt;4,000 sf.</li> <li>For 3 or more units (on lots &gt;4,000 sf), 1 unit per 1,500 sf. with CUP</li> </ul>	<ul style="list-style-type: none"> <li>1-2 units on any legal lot</li> <li>3 units on min. 3,000 sf. lot</li> <li>4 units on min. 4,000 sf. lot</li> <li>5 or more units- 1 unit per 1,250 sf.</li> </ul>
RM-4	<ul style="list-style-type: none"> <li>1 unit on lots &lt;4,000 sf.</li> <li>2-4 units on lots &gt;4,000 sf.</li> <li>For 5 or more units (on lots &gt;4,000 sf), 1 unit per 1,100 sf. with CUP</li> </ul>	<ul style="list-style-type: none"> <li>1-2 units on any legal lot</li> <li>3 units on min. 3,000 sf. lot</li> <li>4 units on min. 4,000 sf. lot</li> <li>5 or more units- 1 unit per 1,000 sf.</li> </ul>

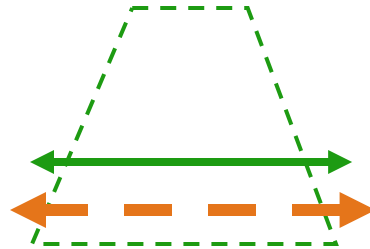
**Legal lot**= approved for development/use. Must meet certain criteria like access to public roads, minimum size requirements, etc.  
**Conditional Use Permit**= allows property owner to use land in way not allowed by current zoning. Comes with certain conditions or restrictions to operate the use.

# 'Missing Middle' Changes: Other

- **Other changes** to reduce barriers in these and other zones include:



- Reduced minimum lot size standards



- Reduced setbacks (distance between building and property line)



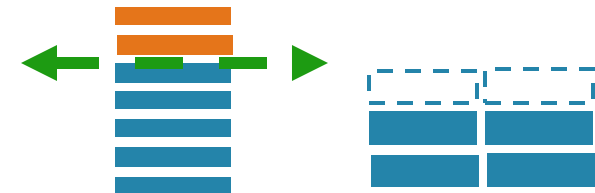
- Eliminating conditionally permitted densities (CUP= densities that require a special permit)



- Reduced or eliminated parking requirements

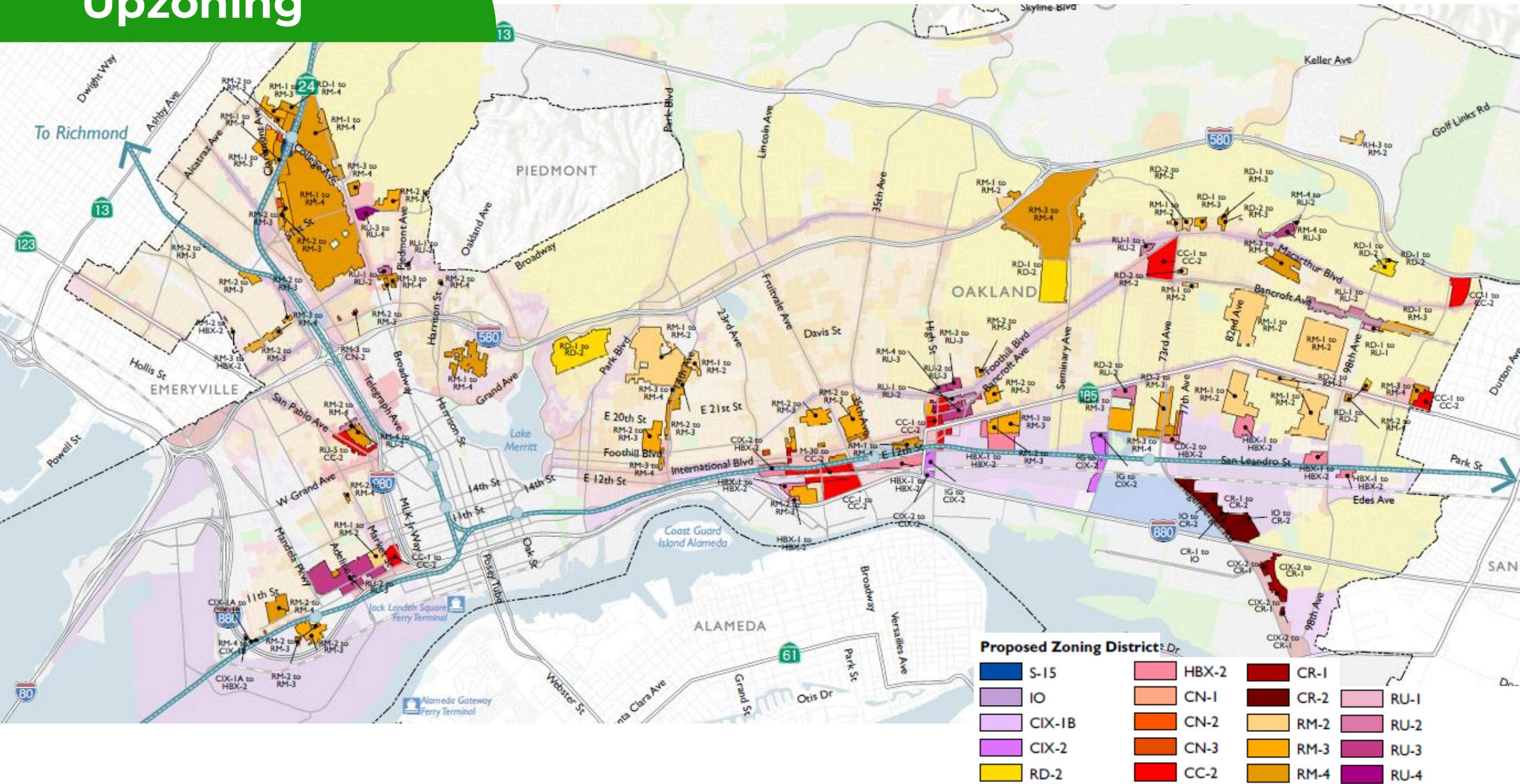


- More flexibility for open space

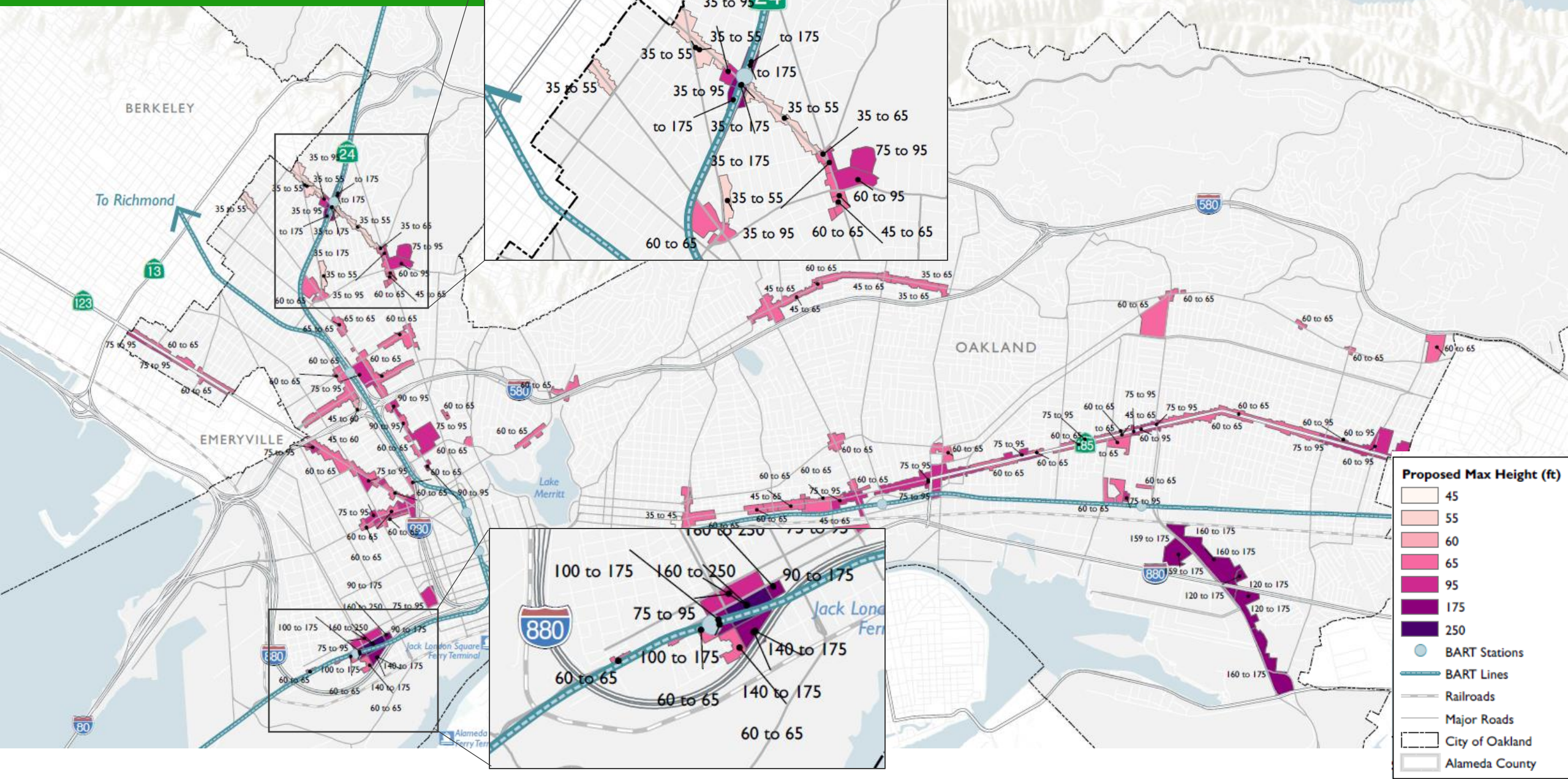


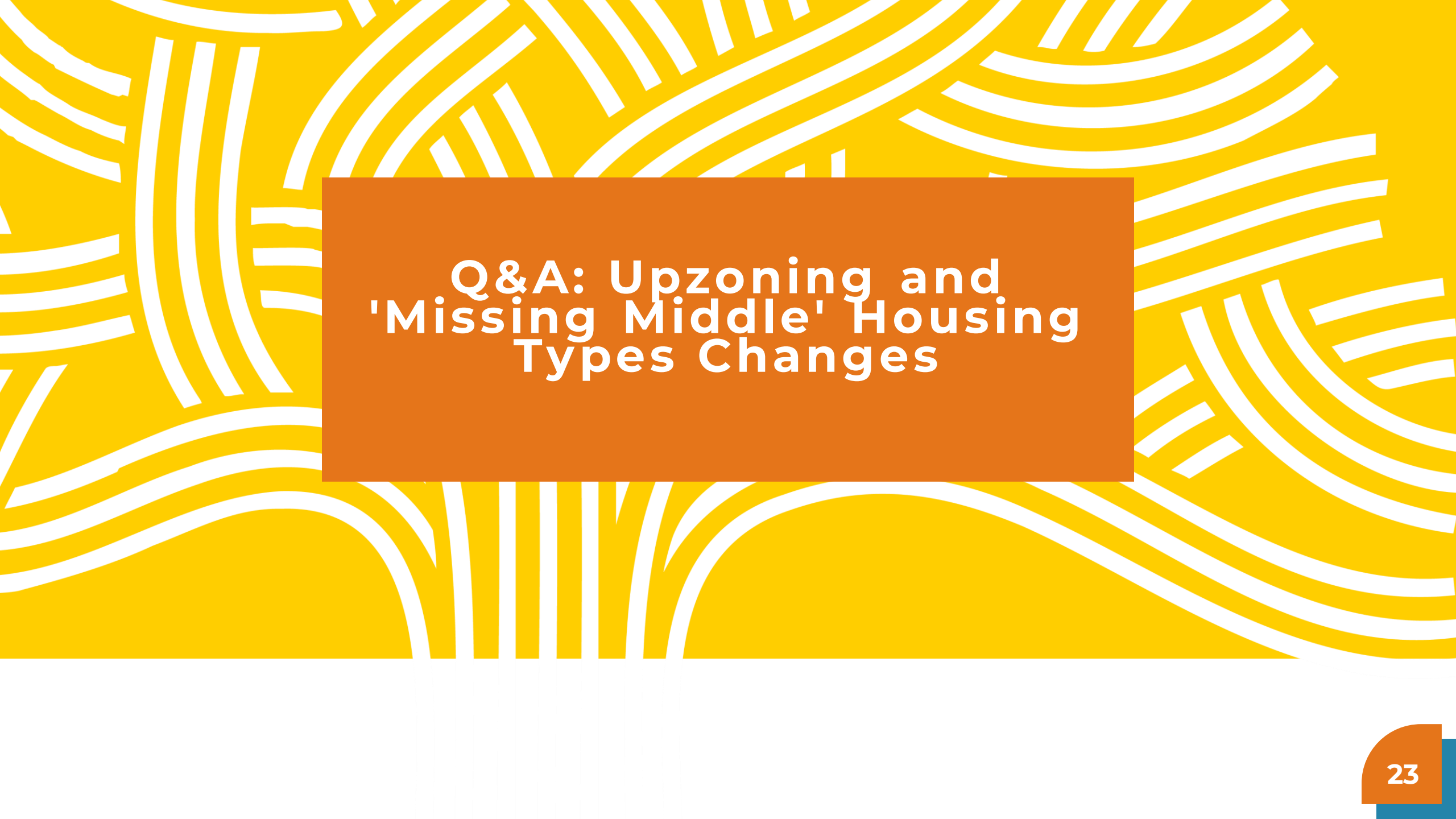
- Increased height limits and allowable density

## Upzoning



## Height Changes





## Q&A: Upzoning and 'Missing Middle' Housing Types Changes

# Affordable Housing/ Sites Inventory Overlay

# Affordable Housing Overlay

- **Purpose:** Create affordable housing restricted for extremely low, very low, low, and/or moderate-income households

*Alternative pathway to State-mandated density bonus; developers free to instead choose the State bonus pathway*

- **Components:**

- Applies to projects with 100% affordable units in residential and commercial zones
  - If parcel is <15,000 square feet, projects can be 20% affordable to very-low/lower incomes *and* 20% affordable to moderate incomes
- Receive by-right approval (meaning it doesn't require approval by a decision-making body) and exemption from environmental review
- Eligible for up to three development incentives



# Affordable Housing Overlay

## Development Standards

Permitted Density	Unlimited density that fits within the allowed building envelope or new or existing structures
Rear Setback	Ten (10) feet
Maximum Lot Coverage	Seventy percent (70%) OR whatever is allowed in the base zone, whichever is higher
Height Regulations for all lots with a footprint slope of $\leq 20\%$	Two (2) additional stories above maximum permitted building height in the base zone
Height Regulations for lots $\geq 12,000$ square feet	Sixty-five (65) feet or two (2) additional stories above maximum permitted building height in the base zone, whichever is higher
Minimum Parking	No minimum parking requirements

# AHO: Exceptions

The AHO zone would **not** apply in:

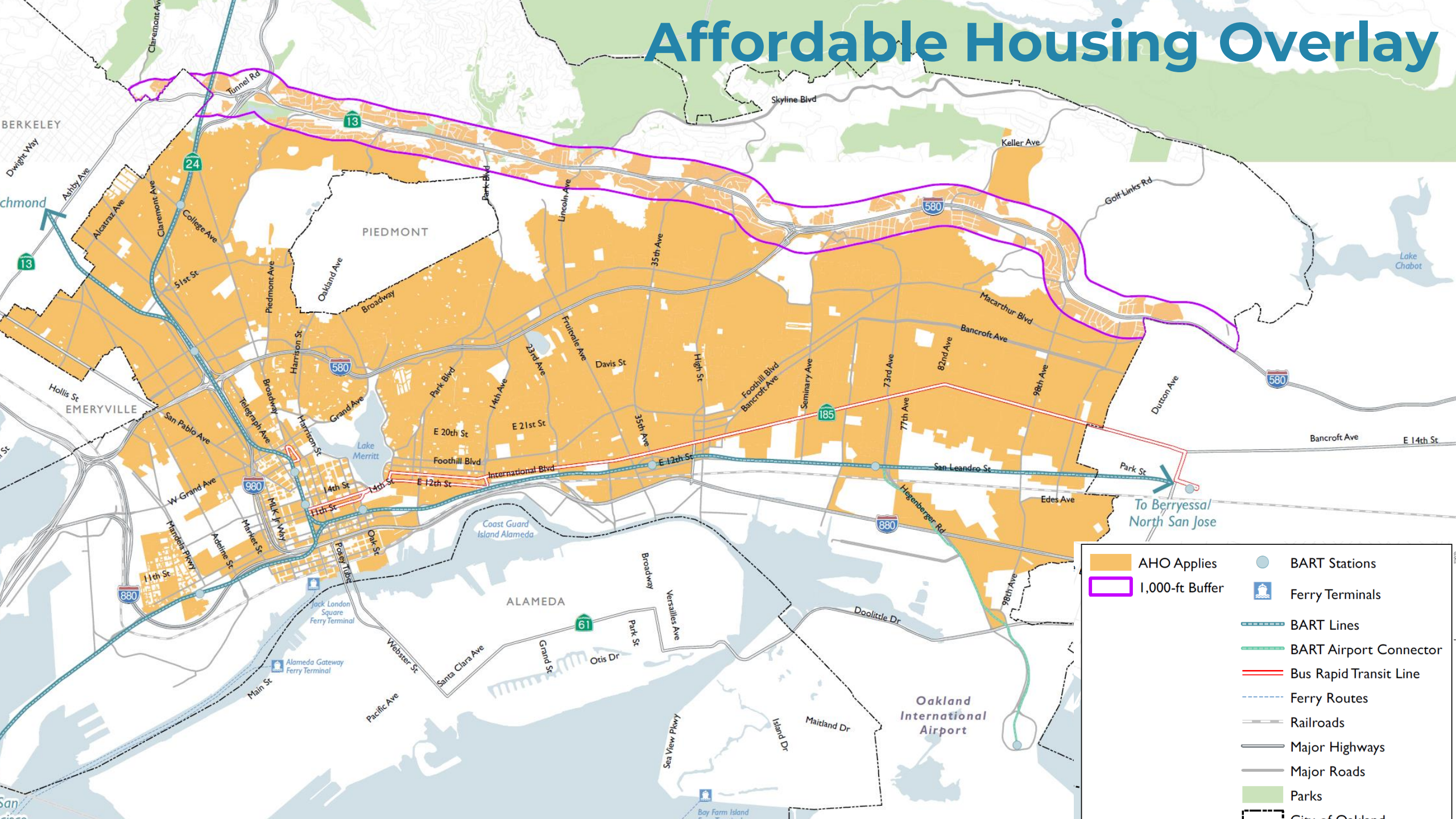
- Areas of the Very High Fire Hazard Severity Zone. Some parts of VHFHSZ may be included pending analysis
- Parcels with Designated City, State, and Federal Historic Landmarks

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 contributing structure
- Projects in these areas must meet certain design requirements and preserve structures that contribute to the Area of Primary Importance.



# Affordable Housing Overlay



# Housing Sites Overlay

- **Purpose:** Facilitate housing opportunities in Oakland and bring attention to sites the City intends for housing to be built pursuant to State requirements.
- **Components:**
  - Applies to all sites in the Housing Sites Inventory
  - Projects proposed must be majority residential use
  - Each project must build minimum percentage of realistic capacity as estimated in the Housing Inventory
  - Allows **by-right** development for projects with 20 percent units affordable to lower incomes on Prior Housing Element sites (4<sup>th</sup> and 5<sup>th</sup> cycle)



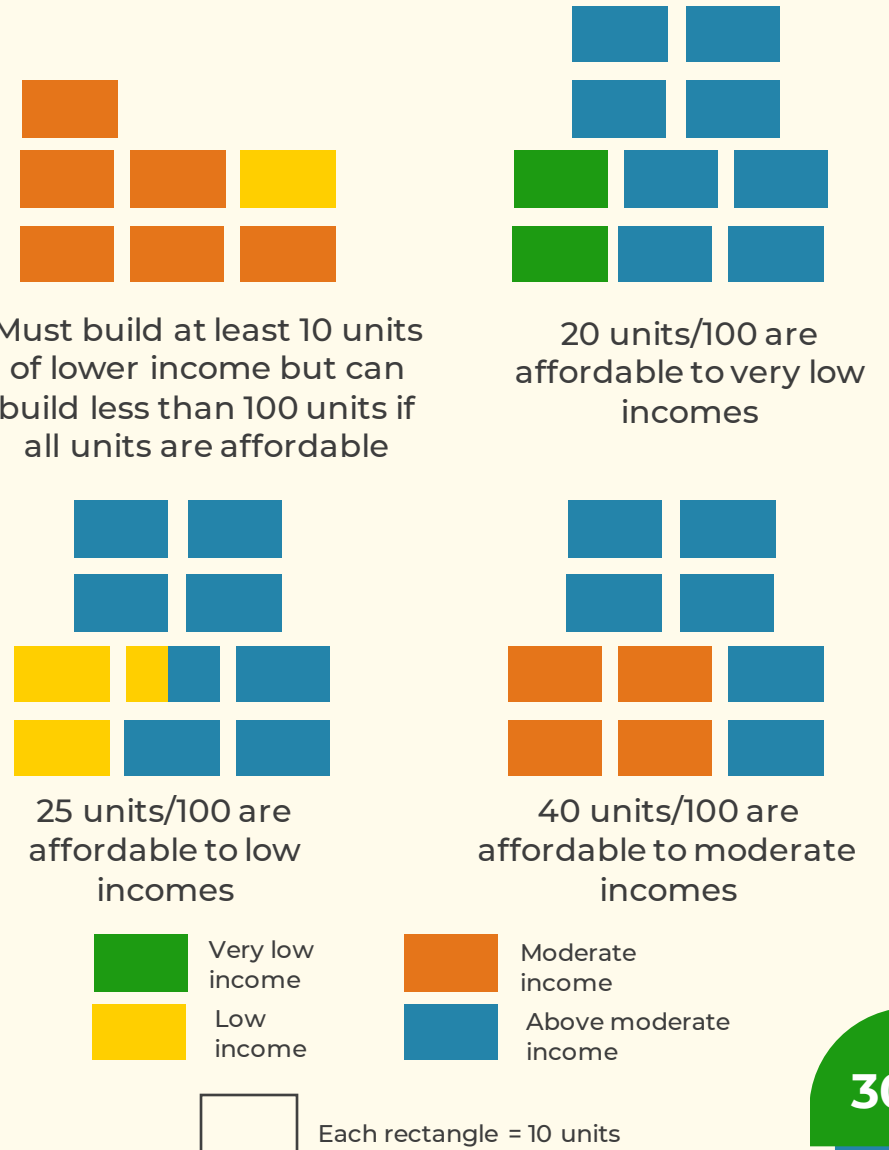
# Housing Sites Overlay

- **New Housing Element Sites can be approved by-right if:**
  - Project must propose at least as many units as described as the realistic capacity for the parcel AND;
  - 100% of the housing units, restricted to very low, low and moderate-income residents;\*
  - At least 20% of the housing units restricted to **very low-income** households;
  - At least 25% of the housing units restricted to **lower income** households; or
  - At least 40% of the housing units restricted to **moderate income** households

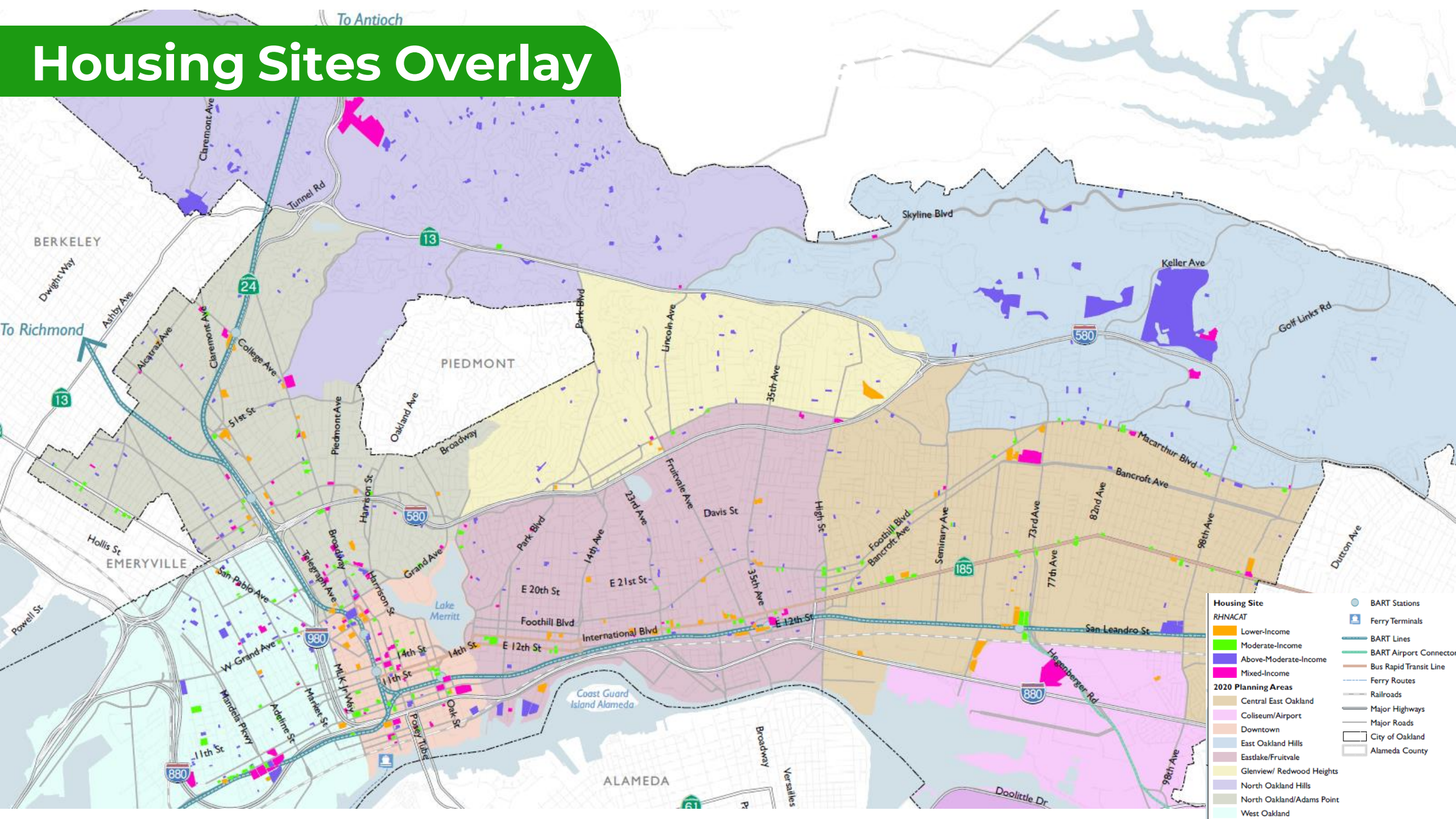
*\*Total unit count can be less if it meets minimum lower income unit capacity as specified in the Sites Inventory*

## By-right approval example project:

- Realistic capacity of 100 units (10 of those units affordable to lower income)



# Housing Sites Overlay



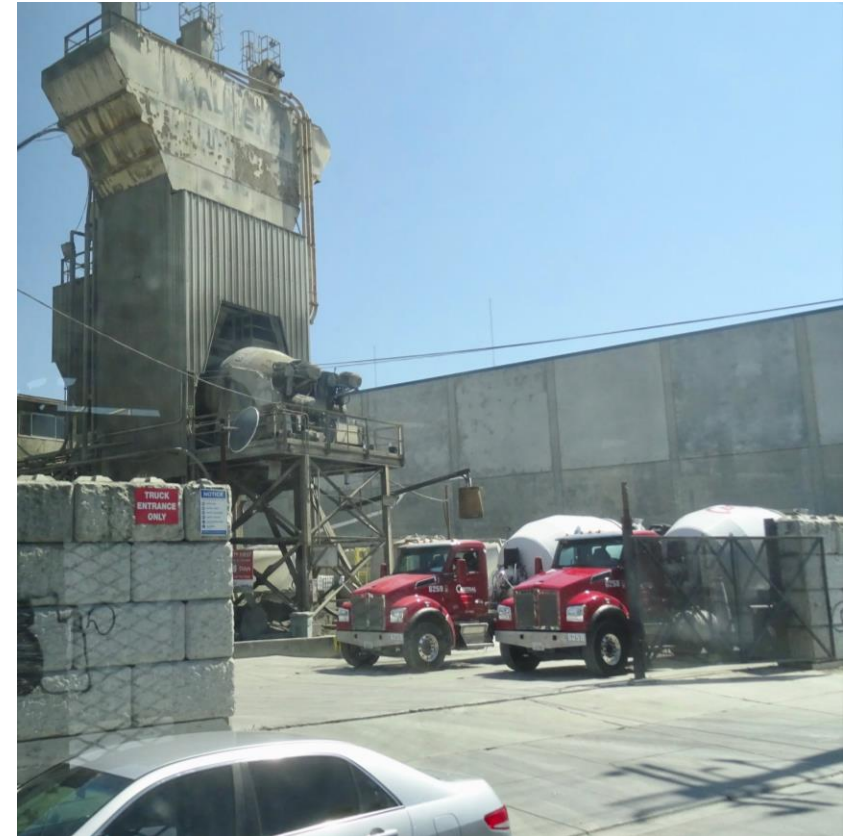


## Q&A: Affordable Housing and Housing Sites Overlays

# Industrial Lands Changes

# Industrial Lands Changes

- **Purpose:** Avoid additional air pollution and health impacts to communities that are already overburdened and increase protections for sensitive receptors (land use activities most sensitive to pollution impacts, such as residential, schools, daycares, hospitals, senior care facilities, etc.)
- **Components:**
  - Reduce allowed intensity of commercial/industrial activities permitted in the Housing and Business Mix (HBX) Commercial zones
  - Require certain heavier industrial uses in the Commercial Industrial Mix (CIX), General Industrial (IG), and Industrial Office (IO) Zones to obtain CUP if located within 500 feet of a Residential Zone



# Industrial Lands, Cont'd.

- **Components:**
  - New requirements for truck-intensive uses
    - As part of CUP, must show that truck traffic, idling, loading, and manufacturing activities won't adversely affect sensitive uses
    - Special performance standards outline specifics
    - Buffer requirements for both walls and landscaping
  - If a truck-intensive facility use stops or is suspended, the CUP expires in 6 months (rather than 2 years)





# **Q&A: Industrial Lands Zoning Changes**



Visit the general Plan Update website for more information and to sign-up for regular updates:

[www.oaklandca.gov/topics/general-plan-update](http://www.oaklandca.gov/topics/general-plan-update)

Contact us: [generalplan@oaklandca.gov](mailto:generalplan@oaklandca.gov)