

Location:	Citywide
Assessor's Parcel Number(s):	N/A
Proposal:	Omnibus Planning Code Amendments with focus on streamlining Design Review. With the intention of streamlining the development of housing, the City of Oakland (City) has developed Objective Design Standards (ODS) for residential and mixed-use multifamily developments ranging from four to eight stories. Building on this framework, the City is proposing changes to the Design Review Chapter 17.136 of the Planning Code to include a new ministerial track to use ODS for by-right approval of additional project types, including all single-family homes, missing middle housing, and lower density multifamily buildings. In addition, changes are proposed to the Regular Design Review section for all residential projects that do not require a discretionary approval to also be subject to ODS. Consistent with the effort, the proposed package of Planning Code amendments includes design review procedures, exemptions, and appeals process updates as well as related updates to the Definitions Section of the Planning Code 17.09.040. Also included are miscellaneous updates related to design review as well as to increase clarity, conciseness, and provide cleanups to OS, RH, RD, HBX, CIX, IG, IO, S-10, S-11, D-CE, 17.135 definitions and development standards, changes to require design review requirements within an extended boundary between certain types of industrial facilities and residential zones, updates to the Sea Level Rise Adaptation Plan and the DT-CX zone lot width standard to provide consistency with the adopted Downtown Oakland Specific Plan, conformity changes to major conditional use permit threshold, updates to the Planned Unit Development Procedure, minor changes to threshold in 17.154 for zoning lot boundary, conformity changes to 17.158 Environmental Review Regulations, and updates to Parking, Loading, Fencing and Retention Walls.
Applicant:	City of Oakland, Bureau of Planning
Contact Person/ Phone Number:	N/A
Owner:	N/A
Case File Number:	ZA25004
Planning Permits Required:	N/A
General Plan:	Citywide
Zoning:	Citywide
Proposed Environmental Determination:	The proposal relies on the previously certified Final Environmental Impact Reports for: the Oakland 2045 General Plan Update - Phase 1 (2023); the Downtown Oakland Specific Plan (2024); 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); and the North Oakland Hill Area Specific Plan (1986) (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
Finality of Decision:	Receive Committee and Public comments and forward Commission's recommendation to City Council.
For Further Information:	Contact Case Planner Michelle Matranga at (510) 238-3550 or by email at mmatranga@oaklandca.gov

SUMMARY

The proposed ordinance would include provisions to amend Title 17 of the Oakland Municipal Code (The Planning Code) to streamline the approval of single-family homes, 2- to 4-unit residential projects, and lower-density multifamily developments by creating a new ministerial process for design review and updating design standards and procedures to provide clear, objective project expectations. The ordinance would also include omnibus Planning Code amendments to ensure the intent of streamlining Design Review as well as to increase clarity, conciseness, and provide miscellaneous clean-up.

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 (ODS) and creating a ministerial 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 with the goal of streamlining approval of residential and mixed-use development.

In an ongoing effort to streamline the development of housing, the City of Oakland (City) adopted ODS for 4- to 8-story residential and mixed-use multifamily developments in October of 2024; and ODS for 1- to 4-Family and 1- to 3-Story Multifamily Development will be brought to the Planning Commission for approval on June 18, 2025. 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.

Building on this framework, the City is proposing changes to the Design Review Chapter 17.136 of the Planning Code to include a new ministerial track to use ODS for by-right approval of additional residential project types, including all single-family homes, 2- to 4-unit residential projects, and lower-density multifamily developments (up to 30 units). In addition, changes are proposed to the Regular Design Review section in Chapter 17.136 that clarify that all residential projects that do not require a Conditional Use Permit, Variance, Planned Unit Development, or Development Agreement are also subject to ODS. Consistent with this effort, the proposed package of Planning Code amendments includes design review procedures, exemptions, and appeals process updates, as well as related updates to the Definitions Section (Planning Code Section 17.09.040).

Additionally, proposed omnibus code amendments related to design review include updates to increase clarity, conciseness and provide code cleanups to the OS, RH, RD, HBX, CIX, IG, IO, S-10, S-11, and D-CE Zone Chapters; Chapter 17.135 definitions and development standards; changes to require design review requirements within an extended boundary between certain types of industrial facilities and residential zones; changes to the D-DT Zones Chapter 17.101K to update the Sea Level Rise Adaptation Plan requirements and the D-DT-CX zone minimum lot width, frontage and size standard to provide more consistency with the adopted Downtown Oakland Specific Plan; conformity changes to Major Conditional Use Permit thresholds; updates to the Planned Unit Development Procedure in Chapter 17.140; minor changes to the thresholds in Chapter 17.154 for zoning lot and height area boundary; conformity changes to Chapter 17.158 Environmental Review Regulations; updates relating to Parking, Loading, Fencing and Retention Wall design standards; and updates to Chapter 17.150 Fee Schedule to specify refunds for the entitlement services and any other fees pursuant to Title 17.

BACKGROUND

Project History

The California State Legislature has enacted several housing laws intended to move cities toward streamlined review processes for housing developments. These include 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.

The shift from subjective design guidelines to objective design standards is intended to support housing production goals while preserving the City's physical character and design priorities. Objective Design Standards (ODS) streamline applicable planning reviews, promote affordable housing, and address housing-related inequities, particularly in historically exclusionary single-family and lower-density neighborhoods. ODS also provides 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.

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. 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.

- SB 35/SB 423 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.
- SB 330 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

In 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. In 2021, the City Council adopted Resolution No. 88554 C.M.S., directing staff to address the limited availability of housing options, reduced housing affordability, exclusionary zoning, and the racial and economic segregation impacts of single-family-only zoning in the city.

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 ministerial approval processes for a wide range of housing projects, enhancing its competitiveness for various grant funds. In January of 2023, the City Council adopted Resolution No. 89565 C.M.S., adopting the 2023-2031 Housing Element as an Amendment to the General Plan and proposing the following Housing Element (HE) Actions:

- HE Action 3.2.1: Develop zoning standards to encourage missing middle and multi-unit housing types in currently single-family dominated neighborhoods, including flats, duplexes, triplexes, fourplexes, townhomes/ rowhouses, and ADUs. In addition, this action item states: “The City will review and amend the Planning Code and implement objective design standards to encourage missing middle-density housing typologies, including flats, duplexes, multiplexes (triplexes, and fourplexes), bungalow courts, rowhouses/townhomes, and ADUs. The City will work to reduce pre-development costs and expedite the planning approval process for missing middle housing types resulting from both new construction and the conversion of existing structures.”

In October 2023 City Council adopted Ordinance No. 13763 C.M.S. to essentially eliminate single-family zoning in Oakland (except for areas in the Very High Fire Hazard Severity Zones) by allowing at least 2 units on parcels of any size and at least 4 units on parcels that are 4,000 square feet, with more units allowed depending on the parcel size in the RM Mixed Housing Type Residential Zones and the RU Urban Residential Zones.

- HE Action 3.4.8: Implement objective design standards with the goal of streamlining approval of residential and mixed-use building types.

In October of 2024, the Planning Commission adopted Objective Design Standards (ODS) for 4- to 8-story residential and mixed-use multifamily developments; and ODS for 1- to 4-Units and 1- to 3-Story Multifamily Development will be brought to the Planning Commission for approval on June 18, 2025. 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. 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:

- HE Action 3.6.1: Streamline the City permitting process, especially for low-income and nonprofit builders which includes the goal to identify actions to reduce costs and streamline the planning approval and building permit processes for small infill development, which is part of a broader HE Policy 3.6 to streamline the approvals of housing.

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

Public Hearing History

Planning Code Amendments for a ministerial review process for the S-13 Affordable Housing Combining Zone, S-14 Housing Sites Combining Zone, all 100% affordable housing projects, as well as any State required ministerial approval projects was adopted by the Oakland City Council on October 3, 2023. For these current Code Streamlining Amendments, planning staff, in consultation with the City Attorney's Office, drafted the amendments in order to go beyond the previous ministerial approval provisions for affordable housing projects to effectuate a ministerial review process and streamline planning services for all single-family homes, missing middle housing, and lower density multifamily developments that do not require a Conditional Use Permit, Variance, Planned Unit Development, or Development Agreement. The proposed amendments rely on the ODS process, which was created through an iterative process in which the Design Review Committee (DRC) and the Planning Commission (PC) played a crucial role. The City's Department of Race and Equity, Department of Housing and Community Development and Planning staff collaborated throughout the ODS process to identify outreach priorities and issues to be addressed.

The Planning Commission meeting, originally scheduled for May 21, 2025 and postponed to June 4, 2025. was noticed in the *Oakland Tribune* on April 25, 2025.

PROJECT DESCRIPTION

In an ongoing effort to streamline the development of housing, the Planning Commission adopted Objective Design Standards (ODS) for 4- to 8-story residential and mixed-use multifamily developments in October of 2024. ODS for 1- to 4-Units and 1- to 3-Story Multifamily Development will be brought to the Planning Commission for approval on June 18, 2025. 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.

Building on this framework, the City is proposing changes to the Design Review Chapter 17.136 of the Planning Code to include a new ministerial track to use ODS for by-right approval of additional residential project types, including all single-family homes, 2- to 4-unit residential projects, and lower-density multifamily developments (up to 30 units). In addition, changes are proposed to the Regular Design Review section in Chapter 17.136 that clarify that all residential projects that do not require a Conditional Use Permit, Variance, Planned Unit Development, or Development Agreement are also subject to ODS. Consistent with the effort, the proposed omnibus Planning Code Amendments include design review procedures, exemptions, and appeals process updates as well as related updates to the Definitions Section of the Planning Code (17.09.040).

These Planning Code streamlining amendments are intended to complement the City's separately adopted ODS and further the goals, policies and actions of the Oakland General Plan. This most notably furthers the ability of the City to streamline the review of housing applications and expedite permit approval as contained in the 2023-2031 Housing Element, as well as facilitate housing production, encourage infill development, require high quality design, and streamline permit procedures, in conformance with Land Use and Transportation Element (LUTE) General Plan policy.

A. Summary of Proposed Amendments to Chapter 17.136 Design Review Procedure:

- Design Review applications (Section 17.136.020) would require use of a licensed architect in the design process for the development of more than ten (10) new dwelling units outside any existing building envelope, excluding any permitted Accessory Dwelling Units (ADUs); or for one or more new dwelling units with a footprint slope that exceeds twenty percent (20%). This amendment is expected to result in the submission of more responsive and complete development drawing sets from the outset, which would greatly benefit project streamlining.

- Proposed amendments to Section 17.136.025 (Exemptions from design review) clarify categories and circumstances of exemption from design review, including new categories for demolitions and exceptions. A reference to regulations for Accessory Dwelling Units (ADUs) is also provided.
- Proposed amendments to Section 17.136.030 (addressing Small Project Design Review) clarify categories and circumstances of applicability and include new categories for Residential and Mixed-Use Facilities of up to four (4) units, Residential and Mixed-Use Facilities of five (5) units and over, live/work and work/live units, new construction within specified zones, demolitions, other projects, and criteria for exceptions, as well as the addition of nonresidential activities and facilities under the existing fence and barrier category.
- Section 17.136.038 outlines a new Ministerial Design Review (by-right approval) process for certain residential projects that do not require a Conditional Use Permit, Variance, Planned Unit Development, or Development Agreement; this includes projects for 100% affordable housing and other projects required by state law to be subject to ministerial review (including SB 35, SB 684, AB 2162, SB 9 and SB 9), and residential projects of up to thirty (30) new market-rate units. Under this process, a Ministerial Design Review approval would be granted for proposals that conform with the property development standards and objective design standards applicable to the underlying zoning designation and any combining zones.
- Proposed updates to Regular Design Review Criteria (Section 17.136.050) create a new Regular Design Criteria for Objective Design Standards Process (shown in the Planning Code as criteria A), which allows for all projects that do not require a Conditional Use Permit (CUP), Variance, Planned Unit Development (PUD), or Development Agreement to be reviewed through Objective Design Standards. Projects that do require a CUP, Variance, PUD, or Development Agreement would still be subject to a Regular Design Review Criteria for Discretionary project review under the existing process (shown in the Planning Code as criteria B).
- Proposed amendments to Regular Design Review procedures and criteria (Sections 17.136.040 and 17.136.050) provide clarification and consistency with proposed amendments to other sections within the Design Review Chapter. Updates include new categories for regular design review: construction of more than thirty (30) new dwelling units, new construction of principal Nonresidential Facilities within specified zones, and construction or expansion of specified auto- and trucking-related facilities in the M-40, CIX-2, IG, and IO Zones located within six hundred (600) feet of any Residential Zone boundary.
- Under revised Regular Design Review procedures, projects of over two hundred thousand (200,000) square feet of new nonresidential floor area in the D-DT, D-BV, or D-LM Zones; over one hundred thousand (100,000) square feet of new nonresidential floor area in the S-15 or D-CO Zones; and over twenty-five thousand (25,000) square feet of new nonresidential floor area in any other zone would be referred to the Planning Commission for initial decision on design review. Regular Design Review Projects that require a CUP, Variance, PUD, or Development Agreement would still be subject to a discretionary project review and subject to existing discretionary design review criteria. “Housing Development Projects”, as defined in State law, that do not require CUP, Variance, PUD, or Development Agreement would be approved through objective design standards review, applicable to the underlying zoning designation and any combining zones.
- The proposed removal of “Special Project Design Review” (current Section 17.136.080) and “Projects subject to By Right Residential Approval” (current section 17.136.023), as well as updates to Sections 17.136.055, 17.136.060, 17.136.075, 17.136.080, 17.136.130, and 17.136.075, provide clarification and consistency with proposed amendments to other sections within Design Review Chapter 17.136.
- The proposed amendments to Section 17.136.075 (Regulations for demolition or removal of CIX-1A zoned properties, Designated Historic Properties, and Potentially Designated Historic Properties) would: 1) remove “CIX-1A zoned properties” from the title and body of the section, as the inclusion of this reference currently requires the proposed demolition of *non-historic structures* in the CIX-1A Zone to be reviewed according to standards originally intended only for historic buildings; 2) clearly differentiate the definitions of “unsafe structure” and “nuisance structure”; 3) clarify that only Designated Historic Properties (DHPs) or Potentially Designated Historic Properties (PDHPs) that are declared to be “unsafe” by the Building Official or City Council are

exempt from the requirement for Regular Design Review of the proposed structure's demolition or removal; and 4) revise certain demolition findings.

B. Summary of Proposed Amendments to Chapter 17.09 Definitions:

- "By-Right Residential Approval" is updated for consistency with Objective Design Standards and the process description for By-Right Residential Approval is moved to the Design Review Chapter 17.136.
- Definitions for "Director of City Planning" and "Objective Design Standards" are added.

C. Summary of Proposed Amendments to Zones OS, RH, RD, HBX, CIX, IG, IO, S-10, S-11, D-CE, and Chapter 17.135: Special Use Permit Review Procedure for the OS Zone:

The following amendments are intended to increase clarity, conciseness, and provide updates to definitions and development standards consistent with the aforementioned streamlining design review efforts:

- Property Development Standards (Table 17.13.03), within Chapter 17.13 RH Hillside Residential Zones Regulations, includes new minimum open space and courtyard regulations; and limitation #14 is amended to revise existing subjective language with clearer metrics for open space and to reference open space standards contained in Chapter 17.126. Amendments are also proposed to the RH Height Regulations (Table 17.13.05) for all Lots with a Footprint Slope of greater than twenty percent (>20%), lowering the maximum wall height and the maximum pitched roof height of primary buildings to address limitations in the Objective Design Standards to require more down-slope stepping for hillside developments.
- Property development standards (Table 17.15.050), within Chapter 17.15 RD Detached Unit Residential Zone Regulations, reintroduces a limitation on paved surfaces within required street-fronting yards to fifty percent (50%) or less. This limitation, which was inadvertently deleted during a previous code revision, has been added to minimum front setbacks standard.
- Chapter 17.65 HBX Housing and Business Mix Commercial Zones Regulations include clerical changes only.
- Revisions to the Activities and Facilities Table (17.73.020) within CIX, IG and IO Industrial Zones Regulations (Chapter 17.73) include: Administrative Commercial Activities within IG no longer require a CUP for entertainment, educational and athletic uses, are only permitted when accessory to an approved Industrial Activity and are limited to no more than twenty percent (20%) of total floor area. Primary Recycling Collection Centers in CIX-1 and CIX-2 are prohibited in CIX-1 and CIX-2 if located within six hundred (600) feet of a Residential Zone.
- S-10 Scenic Route Combining Zone Regulations (Chapter 17.90) includes implementation of the existing driveway access restrictions in Section 17.90.040, but without the need for a Conditional Use Permit to allow for ministerial review, and to provide clarification of applicable Design review criteria (Section 17.90.050) exemptions.
- S-11 Site Development and Design Review Combining Zone Regulations (Chapter 17.92) includes clarification of applicable exemptions for Design review criteria (Section 17.90.050) and removes a requirement of referral to Planning Director for design review.
- D-BV Broadway Valdez District Commercial Zones Regulations (Chapter 17.101C) includes an amendment to Special regulations for Large-Scale Developments (Section 17.101C.025) to match the threshold for large-scale developments recently adopted for the D-DT Zones as part of the Downtown Oakland Specific Plan (DOSP). The threshold requires a Conditional Use Permit for development of over two hundred thousand (200,000) square feet of new floor area or over two hundred seventy-five (275) feet in height. This requirement does not apply to developments that include one hundred percent (100%) affordable housing units or that have been approved according to the Planned Unit Development (PUD) procedure.
- D-CE Central Estuary District Zones Regulations (Chapter 17.101E), Facilities Table 17.101E.02 is updated to permit sidewalk cafes in D-CE-5 as is allowed in most D-CE Zones.
- D-LM Special regulations for Large-Scale Developments (Section 17.101G.070) is updated to match the threshold for Large-Scale Developments recently adopted for the Downtown D-DT Zones.

- Chapter 17.135 is revised for clarification and conciseness; additionally, the specified timeframes for Parks and Recreation Advisory Committee public hearings and referral to Landmarks Preservation Advisory Board are removed.
- D. ***Proposed Amendment to Require Design Review within an Extended Boundary Between Certain Types of Industrial Facilities and Residential Zones:***
- A boundary extension from one-hundred fifty (150) feet to six hundred (600) feet makes the design review threshold in the M-40 Industrial Zone (Chapter 17.72) equivalent to that in the CIX-2, IG and IO Industrial Zones.
- E. ***Summary of Proposed Amendments to Chapter 17.101K: D-DT Downtown Zones Regulations to Provide Consistency with the Adopted Downtown Oakland Specific Plan (DOSP):***
- To be consistent with recently adopted standards for the D-DT-R and D-DT-RX Zones as part of the Downtown Oakland Specific Plan (DOSP), the minimum lot mean width and minimum frontage width for the D-DT-CX Zone would be reduced from fifty (50) feet to twenty-five (25) feet (Table 17.101K.04), and the minimum lot size reduced from seven-thousand five-hundred (7,500) square feet to three-thousand (3,000) square feet.
 - Updates to the Sea Level Rise Combining Zone (17.101K.1800) recently adopted as part of the DOSP would improve clarity and consistency. Most notably, the requirement that the required Sea Level Rise Adaptation Plans consider site-predicted projected inundation levels through the year 2050 would be adjusted to the year 2100. The 2100-year threshold is consistent with DOSP policy guidelines and an anticipated building lifespan horizon.
- F. ***Summary of Proposed Amendments to Provide Conformity Changes to the Major Conditional Use Permit (CUP) Thresholds:***
- Revisions to Major Conditional Use Permit (17.134.020) include revised thresholds for Large Scale Developments that will bring all zones within the Central Business District General Plan designation (D-DT, D-LM and D-BV) into one coordinated threshold for “Large-Scale Developments.”
- G. ***Summary of Proposed Updates to 17.140 Planned Unit Development (PUD) Procedures:***
- New clarifying guidance throughout each step of the PUD approval process. The proposed amendments would: 1) allow for streamlined review and approval of final development plans by the Planning Director once the related preliminary plan is approved by the Planning Commission; 2) make corresponding changes to the appeal process for final development plans to indicate that the Planning Commission would be the appeal body; and 3) remove ambiguities as to the permitted timeline for a developer to commence construction after approval of a final development plan.
- H. ***Proposed Amendment to Zoning Lot Boundary Threshold in Chapter 17.154:***
- Section 17.154.060 currently allows owners of lots divided between different zoning districts to exercise an option to assume that all of the regulations applying in any zone covering fifty percent (50%) or more of the lot area apply to their entire lot or lots. However, this option currently only applies if the entire lot or lots could be included in the zone covering fifty percent (50%) or more of the lot area by shifting the affected zone boundary by not more than thirty (30) feet. The proposed amendment to this section would provide this important option to more owners with property in a similar split zoning condition by expanding the maximum amount of zone boundary shift from the current thirty (30) feet to a proposed fifty (50) feet.
 - Additionally, another proposed amendment to Section 17.154.060 would allow a lot that is divided by a boundary between height areas to move the height line in any direction from the current maximum of thirty (30) feet to a proposed fifty (50) feet upon the granting of Regular Design Review approval to accommodate the site plan of a proposed development project.
- I. ***Summary of Proposed Conformity Changes to 17.158 Environmental Review Regulations:***

- Proposed amendments to Chapter 17.158 provide clarification and consistency with proposed amendments to other sections within the Design Review Chapter by adding the proposed new Ministerial Design Review track to the list of Ministerial Actions in Section 17.158.180.

J. *Summary of Proposed updates to Parking, Loading, Fencing and Retention Walls:*

- A proposed amendment in Section 17.108.140 (General Height, Yard, and Court Regulations) would address the typical need for higher fence heights for Nonresidential Activities and Facilities in Residential Zones than are currently allowed in the Planning Code for residential buildings. These Nonresidential Activities and Facilities, such as schools, golf courses, cemeteries, and civic uses, would instead be subject to the Commercial Zones fence height limitations in Section 17.108.140.C.
- A proposed amendment to Section 17.108.150 (Retaining Walls) would address the typical need for higher retaining wall heights for residential development on very steep slopes than is currently allowed in the Planning Code.
- Clarifications are added to Off-Street Parking and Loading Requirement (Chapter 17.116).

K. *Proposed Amendments to Chapter 17.150 Fee Schedule*

- The proposed addition of Section 17.150.030 Application or Appeal Fee Refunds specifies refunds for entitlement services and any other fees pursuant to Title 17. This change is intended to avoid confusion and is consistent with the Building Code in specifying a process and timeline for refunds.

GENERAL PLAN ANALYSIS

The proposed Planning Code streamlining amendments are intended to complement the City’s separately adopted Objective Design Standards; and further the goals, policies, and actions of the Oakland General Plan; notably the ability of the City to achieve the objectives to streamline the review of housing applications and expedite permit approval as contained in the 2023-2031 Housing Element, as well as facilitate housing production, encourage infill development, require high quality design, and streamline permit procedures, in conformance with Land Use and Transportation Element (LUTE) General Plan policy. Specifically, the amendments support Housing Element Goal 3 and its implementing policies, as their intent is to accelerate the production of new housing, close the gap between affordable and market-rate housing, guide development of a more diverse range of housing choices, and promote changes to City permitting procedures and the zoning code to make it easier and faster to build affordable housing:

- Policy 3.1: Facilitate production of deeply affordable housing.
- Policy 3.2: Create a more diverse mix of homes to meet community needs.
- Policy 3.4: Reform zoning and land use to address community priorities.
- Policy 3.6: Streamline the approval of new housing.

The length and cost of the residential permitting process can be one of the most significant barriers to housing construction, especially for affordable housing construction. The proposed Planning Code amendments are intended to facilitate the production of affordable housing and encourage missing middle and multi-unit housing by creating a simpler, more predictable design review process. The proposed amendments will streamline the housing entitlement process by extending the use of ODS for by-right approval of additional residential project types, including all single-family homes, 2- to 4-unit residential projects, and lower-density multifamily developments (up to 30 units); and will clarify which projects are subject to ministerial design review.

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 is 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.

- **EJ 8.1. Meaningful and Relevant Engagement and EJ 8.4. Community Partners:** The proposed amendments leverage the Objective Design Standards process, which in consultation with the City’s Department of Race and Equity and the Inclusive Community Engagement Working Group, resulted in a comprehensive community engagement process that focused on reaching communities traditionally excluded from the planning process and 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.
- **SAF 4.3. New Development and Sea Level Rise and SAF 4.5. Sea-Level Rise Vulnerability Assessment:** The amendment to the Sea Level Rise Combing Zone requirement that Sea Level Rise Adaptation Plans (SLRAPs) consider site-predicted projected inundation levels through the year 2100 aligns with the anticipated building lifespan for current and upcoming development as intended by the DOSP. The SLRAP requires that all structures and infrastructure elements are designed to be resilient to flood impacts and include methods to protect human life and health; protect property; minimize the need for rescue and relief efforts associated with flooding; minimize prolonged evacuations and business interruptions due to flooding; and minimize damage to surrounding public utilities and infrastructure – in order to provide these protections, the requirements must align with the anticipated lifespan for new buildings.
- **Housing Policy 3.4 Reform Zoning and Land Use to Address Community Priorities and Housing Policy 3.6 Streamline the Approval of New Housing:** Through the extended application of Objective Design Standards, the proposed Code Streamlining Amendments aim to address housing inequities affecting Black, Indigenous, and other Oaklanders of color by mitigating bias in planning interpretation of residential and mixed-use developments and streamlining the housing development process. This will create more equitable opportunities, particularly in historically exclusionary lower-density neighborhoods. By streamlining approvals, enhancing transparency, and lowering permitting barriers, the proposed amendments seek to increase housing availability, affordability, and access.

ZONING ANALYSIS

The proposed Planning Code Amendments create a process for project streamlining that is consistent with State law and local policy; they complement the adopted 4-8 Story Objective Design Standards as well as the upcoming 1-3 Story Multi-family and 1 – 4 Unit Objective Design Standards. These Planning Code Amendments extend the ministerial review process of ODS to all single-family homes, missing middle housing, and lower density multifamily buildings. ODS are intended to work seamlessly with zoning and draw from existing adopted City regulations, design guidelines, and Area plans – including the Design Guidelines for Corridors and Commercial Areas, Small Project Design Guidelines, 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 Downtown Oakland Specific Plan (2024); 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); and the North Oakland Hill Area Specific Plan (1986) (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

The City of Oakland has long established Design Guidelines for different project types and specific areas in order to create stable, attractive, and safe neighborhoods; provide attractive and highly livable housing that meets the needs of all Oakland residents; and safeguard the City's architectural heritage. Since 2019, the City of Oakland has been working on new procedures, rules, and standards for design and development with the goal of making it easier to approve residential and mixed-use buildings through the creation of efficient, predictable, and fair standards.

Design review plays a crucial role in shaping the physical form of development, enhancing, and maintaining community quality; however, it can add additional time and cost to the residential entitlement process, which can create a barrier to housing construction. The proposed Planning Code amendments leverage the current and soon-to-be adopted ODS to include a new ministerial track to use ODS for by-right approval of additional residential project types, including all single-family homes, 2- to 4-unit residential projects, and lower-density multifamily developments (up to 30 units). This new ministerial review procedure will provide housing applicants with certainty and predictability that their projects will be approved if they meet ODS and zoning standards. This effort will streamline the approval of new housing while ensuring that key design aspects of new developments, which are important to the public, can still be enforced.

The proposed Code Streamlining Amendments revise existing design review procedures that are subjective and open to staff interpretation in order to provide simplified, transparent, and measurable expectations for projects. In addition to meeting State and local regulations, the proposed Planning Code amendments are intended to provide benefits to the City and the public by reducing regulatory hurdles and simplifying regulations that can lead to project cost overruns, enhancing clarity to the public regarding development standards and permitting processes, encouraging affordable and community-driven projects, and promoting the growth of much needed housing by providing a pathway for by-right approval.

RECOMMENDATIONS:

1. Affirm staff's environmental determination.
2. Recommend approval to the City Council of Omnibus Planning Code Amendments with focus on streamlining the development of new housing. Consistent with this effort, the proposed package of Planning Code amendments includes changes to the Design Review Chapter 17.136 of the Planning Code to include a new ministerial track to use Objective Design Standards (ODS) for by-right approval of additional project types, including all single-family homes, missing middle housing, and lower density multifamily developments (up to 30 units) that do not require a Conditional Use Permit, Variance, Planned Unit Development, or Development Agreement; design review procedures, exemptions, and appeals process updates; and related updates to the Definitions Section of the Planning Code 17.09.040; Also included are miscellaneous updates related to design review as well as to increase clarity, conciseness, and provide cleanups to OS, RH, RD, HBX, CIX, IG, IO, S-10, S-11, D-CE Zones; Chapter 17.135 definitions and development standards; changes to require design review requirements within an extended boundary between certain types of industrial facilities and residential zones; updates to the Sea Level Rise Adaptation Plan and the DT-CX Zone lot width standard to provide consistency with the adopted Downtown Oakland Specific Plan; conformity changes to Major Conditional Use Permit threshold; updates to the Planned Unit Development Procedure; minor changes to threshold in Chapter 17.154 for zoning lot boundary; conformity changes to Chapter 17.158 Environmental Review Regulations; and updates to Parking, Loading, Fencing and Retention Walls.

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ATTACHMENTS:

- A. Proposed Title 17 Planning Code Amendments