

Zoning Update Committee

8/24/22

DOSP Zoning Amendments

Notes

ZUC Next Steps

- ZUC took public comment at the meeting today and then continued to a meeting date after the 9/19 Community Advisory Group (CAG), September 29 (Project Manager Joanna Winter will be unavailable, but other DOSP Team staff will attend)

Presentation

- Presentation is available here [[link to corrected presentation PDF](#)]
- Note that Table 17.101K.14 is confusing – the numbers are actually just the total dollars that a developer would have to contribute, regardless of the benefit the funds are put toward. The table has been corrected in the presentation and will be corrected in the Final Draft Zoning Amendments to clarify this.

Commissioner Questions

- Concern that development standards may not be practical in the real world (this happens in other cities); will we create development standards that everyone has to get waivers for?
- Is there a catchall benefit that allows for creative approaches?
 - These were top priorities that came out of community engagement process.
 - Flexible category is infrastructure improvements, could include sea level rise
- Caution: there were hiccups with Broadway Valdez plan re: prohibited uses that caused trouble in getting ground floor tenants; let's be more expansive while activating the pedestrian plane so it is more likely spaces will be tenanted.
- How does TDR program work? How do people find each other? SF has a successful brokerage program.
 - The basic idea is to protect historic buildings
 - A brokerage program could be operated privately, but City does not have staff capacity and resources to do this.
- Do state density bonuses supersede the local program?
 - Developers have multiple options:
 - Just use the Base zoning maximums
 - Use the State Density Bonus (SDB) only
 - Use the ZIP only
 - Use the SDB on top of the ZIP, which would allow them to exceed the maximum studied under the EIR under State law (the reverse, ZIP on top of SDB, would not work because it is not allowed to exceed the maximum)

Public Comment

- Tim Frank, Center for Sustainable Neighborhoods + Alameda County Building Trades
 - Monetary contribution to a trade program doesn't help because these programs are self-funding.
 - Want instead to have something consistent with the policy approved in business license tax by City Council to encourage use of apprenticeships and provide paid healthcare and comply with local hire requirements. Want it required for all developments of a certain scale. Could use a workforce agreement to meet these agreements but don't have to. They believe it is legally defensible.
- James Vann, CALM
 - Concerned about in-lieu fees.
 - If the City gets \$12,000 for a market rate unit (is it affordable or market rate?), how will the City use it to build off site, when an affordable unit costs \$2-300,000?
- Jeff Levin, East Bay Housing Organizations
 - Want to see case studies; thinks Emeryville's benefits program is superior
 - 1/3 value capture toward community benefits is arbitrary
 - In-lieu fees are incorrect – Table K.14 refers to them as per affordable unit, not per market rate unit
 - Concerned about the issue of interaction with existing programs; they were told the ZIP would be on top of the State Density Bonus, but now that has been reversed – this needs more study
- Naomi Schiff, Oakland Heritage Alliance (OHA)
 - Has been part of the working group with the DOSP since 2016
 - Do not increase height limits in historic areas of primary or secondary importance
 - Reduce the existing height and FAR in Old Oakland and National Register districts
 - Supports having a special session regarding the ZIP – it is hard to understand and potentially undermines SB8
 - How has Cultural Affairs been involved?
 - Need to be able to go beyond boundaries (for benefits?)
- Christopher Buckley, OHA and CAG Working Group
 - The existing base height and FAR are too high. The ZIP and TDR need the existing base to be reduced to incentivize developers. San Francisco's FAR is 9.0, whereas Oakland's is 20.0. They can be lowered despite SB9 if they're increased elsewhere.
 - TDR is too restrictive – don't limit receiving zones, require CUP (developers need certainty), don't require sending sites to be within the same or lower height area
- Amelia Marshall, OHA
 - San Francisco is a dystopia because of increased heights and density; people don't want to be in downtown SF
 - It's a bad idea to destroy the vibrant Art + Garage District, encroach on Chinatown and the BAMBD
 - Incentives to developers are insufficient to provide needed affordable housing

- Mary Harper, OHA
 - Economic report – what number is she using? Got lost.
 - Really concerned about Las Vegas-ness of the Art + Garage District
- Aileen Frankel, CALM
 - Concerned about Fire Alarm Building site – historic, part of greenbelt; any increased height would block certain views
 - It appears that 90' is arbitrary – recommends we keep it at 45' and wait and see (maybe the Jazz Museum can stay within the 45' or maybe just one little protrusion)

ZUC Questions

- What is the in-lieu fee?
 - That is per unit, so for each market rate unit they get, a developer would provide \$12-22,000. It is not one to one (e.g., they do not provide an affordable unit for every market rate unit they receive, or it would not be an incentive)