

**Re: Council Study Session on zoning amendments to Housing Element, Item S11 on agenda 7-18-2023**

Nancy Nadel

Tue 7/18/2023 8:25 AM

To:Nikki Fortunato Bas &lt;nikki@nikki4oakland.com&gt;

Cc:Fortunato Bas, Nikki <NFortunatoBas@oaklandca.gov>;Kalb, Dan <DKalb@oaklandca.gov>;Fife, Carroll <CFife@oaklandca.gov>;Ramachandran, Janani <JRamachandran@oaklandca.gov>;Gallo, Noel <NGallo@oaklandca.gov>;Jenkins, Kevin <KJenkins@oaklandca.gov>;Reid, Treva <TReid@oaklandca.gov>;Kaplan, Rebecca <RKaplan@oaklandca.gov>;City Administrator's Office <CityAdministratorsOffice@oaklandca.gov>;Gilchrist, William <WGilchrist@oaklandca.gov>;Manasse, Edward <EManasse@oaklandca.gov>;Kaminski, Laura <LKaminski@oaklandca.gov>;Rajagopalan, Lakshmi <LRajagopalan@oaklandca.gov>;Gray, Neil D. <NGray@oaklandca.gov>

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Dear Council and Staff Members,

What makes a neighborhood livable to me are aspects slated to be eliminated in the proposed zoning element changes for my neighborhood:

1. Street setbacks that allow for front gardens and pleasant walking.
2. Lot sizes that allow for gardening space
3. Building heights that allow neighbors of existing structures to have solar panels unimpeded by extra floors on new buildings.

Your plans will lead to more gentrification and land profitmaking. Removal of an appeal process is undemocratic.

Many of us bought our houses with our limited savings, because we love them and their neighborhoods. When I bought my home, no wealthy people wanted to live in my neighborhood. The area was redlined. But we loved our little home, our garden, and our new neighbors with small houses like ours. Now new tall structures with tiny setbacks cost millions of dollars and the plan is to make those structures taller and with smaller setbacks.

Please let us have the quality of life we know is healthier for the inhabitants in West Clawson and do not approve these changes in our community.

Sincerely,

Nancy Nadel  
Helen Street  
West Oakland Neighbors

## Comments to 2045 General Plan draft EIR and Housing Element update from PANIL

William Manley [REDACTED] >

Tue 5/9/2023 11:38 AM

To: General Plan <generalplan@oaklandca.gov>

C

[REDACTED] er-Abrams

[REDACTED]; Gail Jara

[REDACTED]; margitta gardner

[REDACTED]; Jeff Angerman [REDACTED]

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

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The Piedmont Avenue Neighborhood Improvement League (PANIL) has reviewed the draft General Plan draft EIR and Housing Element and would like to submit the following comments

1. With the push for densification of housing. The General Plan should require. public open space (parks, playgrounds, gardens), based on density and within a walkable proximity of all new residences. We propose for housing,
  - a. The maximum proximity to public open space should be 1/4 mile.
  - b. There should be a ratio between housing sq. footage and open space square footage of approximately 20/1. For example, 1000 sq. ft. of housing would require 50 sq. ft of public open space; 20 such units would require 1000 square feet of public open space. This ratio could be adjusted for circumstances, but generally it should be the norm.
2. The minimum width of a sidewalk should be 10 feet between a curb and a building when in urban and rural main street place types. For all other locations the minimum width of sidewalk should be 6 feet when contiguous to a curb or 5 feet when separated by a planting strip. Sidewalk width does not include curbs. With increases in sidewalk activities (e.g. dining), and the need to provide better more un-encumbered walking spaces for seniors (aging population) and youngsters, these should be the standards.
3. The City should significantly increase affordable housing in-lieu fees on new development by 50-75% to
  - a. generate more revenue for affordable housing and open space
  - b. promote more inclusion of low-cost units within new construction
4. There are no current design guidelines that apply to non-commercial corridor districts like Piedmont Avenue even though these districts possess many of the same qualities as commercial corridor districts. The Housing Plan should be modified to state "The Oakland Commercial Corridor Design Guidelines be applied to all commercial districts in the city of Oakland."

William Manley  
Steering Committee, PANIL

**EBHO Comments for  
Oakland City Council  
July 18, 2023**

**Item S11: General Plan Updates to the Planning Code and Zoning Maps, and to the General Plan Text and Map**

We generally support the “Missing Middle” amendments, and in particular increased height and density on commercial corridors in high opportunity areas to increase the feasibility of affordable housing that will promote greater racial and economic equity.

We support changes to permit 2-4 units and smaller multi-family in what are currently single-family zones. At the same time, while these changes may help increase the supply of housing for moderate income households, it will not likely benefit most Oakland renters and we are skeptical that it will have a substantial impact on existing patterns of racial segregation.

Affordable Housing Overlay (AHO)

We support adoption of the Affordable Housing Overlay Zone, which will allow 100% affordable housing to be developed by right and provide development incentives such as additional height and density.

- **The language prohibiting combining the AHO with Density Bonus is ambiguous and as written seems to close off options we would want to preserve.** While the intent may be to allow projects to use either the incentives in the AHO or the incentives provided by Density Bonus, the language restricting use of the “provisions of this Chapter” in combination with Density Bonus could be read to also limit the by-right provisions of the Chapter with Density Bonus. There are many instances where Density Bonus provides more incentives, or different and more flexible incentives, than the AHO. **Regardless of which set of incentives is used, the by-right provisions of the AHO should apply.** We do not want to condition by right approval on use of more restrictive incentives.
- For rental housing, by-right approval should be focused exclusively on lower income housing and should include a requirement for at least some deeply affordable housing, similar to existing City funding policies that require at least 20% of units to be affordable to households making less than 20% of median income.
- For owner occupied housing By right zoning for owner-occupied housing could be targeted to moderate income, by right approval could include moderate income targeting, as it is access to homeownership opportunities where moderate income households face the greatest challenges.
- The exclusion of the Very High Fire Hazard Severity Zone has the unfortunate consequence of perpetuating existing patterns of racial and economic segregation. We are happy to see the inclusion now of a few areas within the fire hazard zone, but **by-**

**right approval for 100% affordable housing should be extended to all areas.** Projects that conform to existing zoning should not have to go through extensive review and public hearing that can delay or prevent development of affordable housing. **Even if relaxed development standards are not applied in hazard areas, the city should make it easier to build what's permitted by zoning.**

### Housing Sites Overlay (HSO)

- State law requires by right development for “recycled sites” identified in the housing element inventory, as long as at least 20% of units are for lower income.
- **We oppose the City voluntarily extending housing element “by-right” provisions to projects that are not designated as 100% affordable.** In the first year of the new eight-year housing element cycle, the City has already approved or is in the process of approving land use entitlements for more than 100% of its new RHNA target for above-moderate income housing. We do not need to provide streamlined approvals for high-end housing – the approval process is not a barrier to meeting those goals.
- Except as required by law, **streamlined approvals should not be extended to projects that provide as little as 20% low income housing. Such projects would be exempt from paying the City’s Affordable Housing Impact Fees.** Those fees produce more units, deeper affordability, and more three- and four-bedroom apartments than the HSO’s modest inclusionary requirement.
- By right approval for projects with minimal affordable housing requirements will make it easier to build primarily market rate housing in low income neighborhoods and areas of racial concentration. This will only exacerbate existing displacement pressures.
- The exclusion of phased projects and projects greater than 100,000 square feet should not apply to 100% affordable projects (though we note that this won’t be an issue if the AHO is adopted)..

### Considerations for Both Overlay Zones

**For both the AHO and the HSO, the language on affordability restrictions is incomplete and not consistent with how such limits are applied in State law.** The planning code text needs to be strengthened to include:

- better language on income targeting
- defining rent and sales price limits (currently there are no stated requirements)
- requiring long-term affordability (55 years for rental and 45 years for ownership), and
- third-party rights to enforce the affordability restrictions.

We recommend the inclusion of language such as the following, which is modeled after similar provisions in State density bonus and housing element law:

Affordable housing units shall be provided at affordable housing cost, as defined in Section 50052.5 of the Health and Safety Code, or affordable rent, as defined in Section 50053 of the Health and Safety Code, to lower income households, as defined in Section 50079.5 of the Health and Safety Code.

Rental units shall remain affordable to, and occupied by, very low and lower income households for a period of at least 55 years. Ownership units shall remain affordable to, and occupied by very low, lower or moderate income households for a period of 45 years.

These requirements shall be contained in a covenant or restriction recorded against the property at the time project is approved, which shall run with the land and shall be enforceable against any owner who violates a covenant or restriction and each successor in interest who continues the violation, by any of the following: a resident of the housing development project, a person who would be eligible to apply for residency in the housing development project, or a housing organization

The "Definitions" section of the ordinance would need to include this provision:

“Housing organization” means a trade or industry group whose local members are primarily engaged in the construction or management of housing units or a nonprofit organization whose mission includes providing or advocating for increased access to housing for low-income households.

### West Oakland Zoning and Height Area Map Changes

This area includes significant portions of the Downtown, extending as far east as Harrison Street. How do these changes interact with the still-pending Downtown Oakland Specific Plan (DOSP)? In that planning process we have been repeatedly assured that there would be no increases to height or density except through the proposed Zoning Incentive Program (ZIP). Now it appears that the City is moving to increase the base zoning in these areas without any associated community benefits. There should be no changes to zoning in the downtown area outside of the specific plan process for that area.

### General Planning Code Amendments

We want to call attention to and support the proposal to change the requirement for public noticing to include all building occupants close to proposed developments and not just building owners, as is currently required. Such a change would ensure that renters, not just homeowners and property owners, will be notified and given the opportunity to comment.

## **EBHO Comments for Oakland Community and Economic Development Committee July 11, 2023**

### **Item 4: General Plan Updates to the Planning Code and Zoning Maps, and to the General Plan Text and Map**

We generally support the “Missing Middle” amendments, and in particular *increased height and density on commercial corridors in high opportunity areas to increase the feasibility of affordable housing that will promote greater racial and economic equity.*

We support changes to permit 2-4 units and smaller multi-family in what are currently single-family zones. At the same time, while these changes may help increase the supply of housing for moderate income households, it will not likely benefit most Oakland renters and we are skeptical that it will have a substantial impact on existing patterns of racial segregation.

#### Affordable Housing Overlay (AHO)

We support adoption of the Affordable Housing Overlay Zone, which will allow 100% affordable housing to be developed by right and provide development incentive such as additional height and density.

- The exclusion of the Very High Fire Hazard Severity Zone has the unfortunate consequence of perpetuating existing patterns of racial and economic segregation.
- We are happy to see the inclusion now of a few areas within the fire hazard zone, but *by-right approval for 100% affordable housing should be extended to all areas.* Projects that conform to existing zoning should not have to go through extensive review and public hearing that can delay or prevent development of affordable housing. *Even if relaxed development standards are not applied in hazard areas, the city should make it easier to build what’s permitted by zoning.*
- *By-right zoning for rental housing should be focused exclusively on lower income housing with a requirement for at least some deeply affordable housing, similar to city funding policies that require at least 20% of units to be affordable to households making less than 20% of median income.* By right zoning for moderate income housing should focus on owner occupied housing, which is where moderate income households face the greatest challenges.

#### Housing Sites Overlay (HSO)

- State law requires by right development for “recycled sites” identified in the housing element inventory, as long as at least 20% of units are for lower income.

- *We oppose the City voluntarily extending housing element “by-right” provisions to projects that are not designated as 100% affordable. The City has already approved or is in the process of approving land use entitlement for more than 100% of its new RHNA target for above-moderate income housing. We do not need to provide streamlined approvals for high-end housing as the approval process is not a barrier to meeting those goals.*
- *Providing streamlined approvals for projects that may provide as little as 20% low income housing would exempt those projects from paying the City’s Affordable Housing Impact Fees. Those fees will produce more units and deeper affordability than this modest inclusionary requirement.*
- *Even with these minimal affordable housing requirements, making it easier to build primarily market rate housing in low income neighborhoods and areas of racial concentration will only add to displacement pressures.*
- *The exclusion of phased projects and projects greater than 100,000 square feet should not apply to 100% affordable projects.*

#### Considerations for Both Overlay Zones

*For both the AHO and the HSO, the language on affordability restrictions is completely inadequate and not consistent with how such limits are applied in State law. The planning code text needs to be strengthened to include:*

- better language on income targeting
- defining rent and sales price limits (currently there are no stated requirements)
- requiring long-term affordability (55 years for rental and 45 years for ownership), and
- third-party rights to enforce the affordability restrictions.

#### West Oakland Zoning and Height Area Map Changes

This area includes significant portions of the Downtown, extending as far east as Harrison Street. How do these changes interact with the still-pending Downtown Oakland Specific Plan (DOSP)? In that planning process we have been repeatedly assured that there would be no increases to height or density except through the proposed Zoning Incentive Program (ZIP). Now it appears that the City is moving to increase the base zoning in these areas without any associated community benefits. *There should be no changes to zoning in the downtown area outside of the specific plan process for that area.*

#### General Planning Code Amendments

We want to call attention to and *support the proposal to change the requirement for public noticing to include all building occupants close to proposed developments and not just building owners, as is currently required.*



May 9, 2023

*Via electronic submission*

City of Oakland Planning Department  
250 Frank H Ogawa Plaza  
Oakland, CA 94612

**RE: Comments on Planning Code Text Amendments for Phase 1 of General Plan Update**

Dear Oakland General Plan Update Team:

On behalf of East Bay Housing Organizations (EBHO), I am submitting the following comments on the planning code text amendments being proposed as a follow-up to the recently adopted Housing Element. In particular we are submitting comments on the Affordable Housing Overlay and the Housing Sites Overlay proposals.

EBHO is a nonprofit organization that mobilizes the power and wisdom of our members to produce, preserve, and protect affordable housing opportunities for low-income communities in the East Bay. We work to achieve a racially and economically just East Bay where everyone has a safe, stable, and affordable home.

**Affordable Housing Overlay (Section 17.95, S-13 Affordable Housing Combining Zone Regulations)**

For the most part, EBHO supports the proposed Affordable Housing Overlay (AHO) Zone for 100% affordable projects, with the following comments and suggestions.

1. Permitting development by right provides a clear advantage for projects where 100% of the units are affordable to lower income households, helping to bring more units online faster. We strongly support such a provision.
2. Some of our members have noted that it is unclear what benefits the AHO offers compared to the incentives provided by State Density Bonus law, or the by right approvals already available under SB 35 and AB 1763, for example.



We urge the City to publish a chart showing how the provisions of the AHO compare to incentives and rights already in existing law.

3. We do not support the provisions of Section 17.95.020 that extend eligibility to primarily unrestricted projects on parcels less than 15,000 square feet. This is an unnecessary incentive for projects that consist mostly of market-rate units affordable only to above moderate-income households, and apart from the by-right approval provision, presumably the additional incentives would also be available under State Density Bonus Law.

NOTE: The language in the second half of 17.95.020 is confusing and may be in error. Paragraph (A) requires that at least 20% of the units be affordable to very low-income or lower income households, and Paragraph (B) requires that at least 20% of the units be affordable to moderate income households. Did the City intend to have the same thresholds for lower income and moderate income? This departs from standard practice.

4. We also have concerns about the geographic scope of the AHO and the exclusion of particular areas of the city. While we understand the concerns about public safety and evacuation routes, etc., the wholesale exclusion of the entire Very High Fire Hazard Severity Zone (VHFHSZ) raises significant issues:
  - a. Racial and economic equity issues – this is the whitest and most affluent area of the city with the least affordable housing of any part of the city. Excluding this area altogether is contrary to the City’s equity goals and to the State requirement that “the duty to affirmatively further fair housing extends to all of a public agency’s activities and programs related to housing and community development,” as provided in Government Code 8899.50(a)(1).
  - b. This part of Oakland is rated by the California Tax Credit Allocation Committee as “high resource” and “highest resource” areas, which are most competitive for low income housing tax credits and other affordable housing funding. Few other areas of Oakland have this rating, making it more difficult for affordable housing projects to compete for State funding. Excluding those places that are most competitive for funding that makes affordable housing possible is counter-productive to the goals of the AHO.
  - c. Action 3.3.5 in the City’s recently adopted Housing Element includes a statement that the City will study the potential for select areas within the VHFHSZ to qualify for by right approval. This study should be done as part of the process of consideration of these proposed amendments and should include consultation

with developers of affordable housing to determine which areas might be feasible for such a provision. The Housing Element does not provide a separate and longer time frame for this aspect of Action 3.3.5.

5. The language in the first paragraph of 17.95.020 should be revised to ensure continuing and appropriate affordability restrictions. The proposed language does not define any specific limits on rent or sales price, does not call for recorded restrictions, and does not include a minimum term for the affordability restrictions. We propose substituting the first paragraph with the following:

By-right approval under the S-13 Zone shall only apply to projects in which one hundred percent (100%) of the units, other than those reserved as manager's units, are provided at affordable housing cost, as defined in Section 50052.5 of the Health and Safety Code, or affordable rent, as defined in Section 50053 of the Health and Safety Code, to lower income households, as defined in Section 50079.5 of the Health and Safety Code. Rental units shall remain affordable to, and occupied by, lower income households for a period of at least 55 years. Ownership units shall remain affordable to, and occupied by, moderate income households for a period of at least 45 years. These requirements shall be contained in a covenant or restriction recorded against the project at the time the development application is approved, which shall run with the land, and shall be enforceable against any owner who violates a covenant or restriction and each successor in interest who continues the violation.

The City should also include provisions for third-party enforcement of these restrictions by lower income residents eligible to apply for residency in the development, or a qualified housing organization, similar to the provisions of the Housing Accountability Act (Government Code 65589.5(k)).

### **Housing Sites Overlay (Section 17.96, S-14 Housing Sites Combining Zone Regulations)**

While State law requires that the City provide by-right approval for projects on housing element inventory sites carried over from previous housing element cycles where at least 20% of the units will be restricted and made affordable to lower income households, EBHO does not support extending such by-right approval to new housing element inventory sites with only a small percentage of affordable housing. Section 17.96.070 should be omitted entirely.

We see no necessary reason to streamline or further incentivize housing that will be primarily market-rate housing for above moderate-income households. Oakland issued building permits for more than 200% of its Regional Housing Needs Allocation (RHNA) for above moderate-income housing in the 5<sup>th</sup> Cycle (2015-2022) and is already on track to exceed the above moderate-income target for the 6<sup>th</sup> Cycle. There is no need to incentivize housing that the market is already producing at historic record rates.

According to the recently adopted Housing Element for the 6<sup>th</sup> RHNA Cycle, the City has already approved applications for projects that will provide over 85% of its RHNA for above moderate-income housing; 35% of these approved units have applied for or been issued building permits. Another 45% of the above moderate-income RHNA is accounted for in “potential development” projects that are in the pre-application or application phase of the approval process. Securing approval for development does not appear to be an obstacle to meeting the City’s need for above moderate-income housing. So long as market conditions are favorable, Oakland will meet or exceed its RHNA goal for above moderate-income without the need for further incentives. Instead, the City should focus on expanding tools and incentives to ensure that sites designated as having capacity for 100% lower and moderate income housing are developed as projected and with same income mix as shown in the site inventory’s Table C-26.

We further note that projects that take advantage of the proposed amendments would be exempt from paying the City’s affordable housing impact fee, and yet would provide a limited number of units affordable primarily to households making \$75,000 - \$100,000 per year (the upper limit for “lower income” households), as developers are highly unlikely to provide units at rents any lower than required to qualify. These income limits are far above the median income of Oakland’s renter households (who are also the population of potential first-time homebuyers). Given the City’s high priority on providing housing for unhoused persons, extremely low income households, and persons with special needs, the income targeting of the housing site overlay does not align with the City’s stated priorities.

Experience has shown that because of the ability to leverage other affordable housing funding, housing impact fees generally yield more affordable units, and certainly deeper levels of affordability (City funding generally serves households between 30% and 60% of median income, often deeper, and the City requires at least 20% of assisted units to be affordable at

30% of AMI or less). The City should not adopt policies and programs that make achievement of its priority housing goals more difficult.

With these general consideration in mind, we offer the following specific comments and suggestions:

1. As noted above, Section 17.96.70 should be deleted, and the City should limit the site overlay to what is required by State law. Analysis of the data in Table C-26 shows that there are 150 5<sup>th</sup> Cycle sites with capacity for development of 5,789 units, including 697 lower income, 2,952 moderate income, and 2,140 above moderate-income. This is more than adequate to determine if the by right approval provisions in Housing Element law provide an incentive for inclusion of affordable units, and whether that is more likely to occur on sites designated for above moderate and moderate income, or on sites designated for lower income.

The inventory of new opportunity sites (from Tab A of Table C-26 but not including sites in Tab B which are slated to be rezoned) includes 348 sites with capacity for 13,120 units, of which 6,492 are lower income. If the by right approval provisions are extended to these sites, it would result in far fewer lower income units being built than is anticipated. Since the inventory has a surplus of just 1,661 lower income units, this could trigger No Net Loss provisions of State law, at which point the City must designate new lower income sites before projects can be approved on these sites.

2. In the event the City does move forward with Section 17.96.070, further clarification is needed. This section requires that a project meet one of four conditions. We are unclear on what distinguishes condition A; it appears that any project that is 100% affordable would qualify already under conditions B, C or D.
3. The final paragraph of Section 17.96.070 states that a project “may satisfy the requirements for above moderate-income units by providing very low-, low-, or moderate-income units.” However, there are no requirements for above moderate-income units so this clause appears to be unnecessary.
4. Section 17.96 should have language clearly defining the required income and affordability restrictions, similar to the language proposed above for Section 17.95.
5. Please provide more detail on how the City will track the use of these provisions. The Housing Element Annual Progress Reports should include a listing of each project that is approved under the S-14 zone, in a chart that compares the estimated capacity in Table C-26 to the approved number of units at each income level, including information on the

extent to which such approvals have reduced the City's inventory of sites below what is stated in the Housing Element.

Thank you for the opportunity to comment on these proposed amendments. We look forward to working with you as these proposals move forward toward adoption. If you have any questions, please contact me at [REDACTED].

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey P. Levin".

Jeffrey P. Levin  
Senior Director of Policy



July 17, 2023

*By electronic transmission*

Oakland City Council

**Subject: Zoning amendments to implement the Housing Element**

Dear President Bas, City Council Members, and staff,

We appreciate your taking up the complexities of the housing element zoning amendments, though worry that at the end of a long agenda it may not receive the attention it deserves. We are grateful for the staff's diligence in digesting the materials for public and officeholder discussion, and their willingness to delve into the details with the public on previous occasions..

Here we will make just a few points, and will provide the staff with further detailed comments before this goes to the Planning Commission:

1. **LPAB Feedback Motion:** The staff report states that the landmarks board provided feedback on the text amendments by stating they wished to “encourage affordable and denser housing adaptive reuse existing buildings“. This is garbled; If we understand what we heard on the tape of their May meeting, the recommendation was to **encourage affordable and denser housing through adaptive reuse of existing buildings.**
2. **Ensure that historic Areas of Primary and Secondary Importance (APIs and ASIs) be given special care** and that development in those limited areas be in keeping with their surroundings (as described in the supplemental presentation slides for this evening).

Related to this, **increased height limits, residential densities, reduced setbacks and other upzonings in the proposed Planning Code amendments will likely increase property values, and therefore land costs for affordable housing development.**

Moreover, potential affordable housing sites will tend to be preempted by market rate development, given the increased profit potential from the upzonings. The upzonings will therefore promote gentrification; the primary beneficiaries of the upzonings will be existing property owners through the financial windfall provided. Upzoning would not just affect “high resource” areas, but wide swaths of West and East Oakland. Increased property values may exacerbate pressures on renters and homeowners in Oakland's less wealthy neighborhoods. Upzonings could repeat on a citywide scale a major mistake from the 2009 upzoning of much of downtown Oakland.

3. **Avoid upzonings that allow projects with five or more regular units within APIs and ASIs** , since such projects are eligible for a density bonus under the State Density Bonus

Law. This can trigger waivers and concessions for height limits, setbacks and other standards, potentially resulting in architectural disruptions to existing neighborhoods. **If more density is desired, provide it in the form of more accessory dwelling units (ADUs) (which don't count toward the five-unit bonus trigger), especially ADUs within existing buildings.**

4. **S-13 Affordable Housing Overlay (AHO) Zone (Chapter 17.95).** It is good that the AHO zone would not apply to City, State and Federal Historic Landmarks and the height additions would not apply to APIs. **But the height additions should also not apply to ASIs.**

We remain uncertain about the relationship between S13 bonuses and the state density bonus, but staff has assured us that it is an either/or choice. Our understanding from the staff is as follows:

*The S13 program is an optional program and cannot be paired with the State Density Bonus Law. A housing developer can choose to pursue a traditional density bonus instead of utilizing the AHO if the site is eligible for a density bonus based on the underlying base density of the site.*

5. **Allow public comment for projects eligible for “by-right” approval.** The proposed S 13 and S14 zoning text for Sections 17.95.030 and 17.96.020 states that projects eligible for “by-right approval” are not subject to public notice, public hearing nor appeal. But public notice and an opportunity for public comment and appeal should still be allowed with the provision that any public comments must be limited to whether the project conforms with the applicable objective standards, including objective design standards. Oakland Heritage Alliance has reviewed numerous design review applications and found that staff sometimes misinterprets zoning standards and design review criteria. **Allowing for public notice and comment and appeal on projects eligible for by-right approval will provide a safety net to help ensure that applicable standards are applied correctly.** We can't find any provisions in state law that precludes public notification and comment for projects eligible under state law for ministerial review and by-right approval as long as the decision is based on conformity with applicable objective standards. **Senate Bill (SB) 35 even specifically allows public hearings for projects eligible for ministerial review.**
6. **Do not apply the proposed front setback reductions if the reduced setbacks are less than the prevailing front setback of the block face.** Otherwise new development will literally “stick out” and disrupt the streetscape architecturally. Existing provisions that allow reduced setbacks for new construction or front additions where adjacent buildings already have reduced setbacks should continue to be relied on.

As a follow-up project, require review of our historic properties, because some have grown in importance in the years since they were first inventoried, with a provision such as:

*Update the Oakland Cultural Heritage Survey evaluation of ASIs to determine if any now appear eligible for the National Register of Historic Places and therefore should be re-classified as APIs, given that it has been over 30 years and in most cases over 40 years since the ASIs were identified and that they may have gained additional significance over this 30–40 year time period.*

Oakland Heritage Alliance supports the provision of more residential density where it does not adversely impact historic properties, particularly for the purpose of providing affordable housing. We believe strongly that by maximizing re-use opportunities within existing buildings we can preserve our unique historic Oakland architecture at the same time that we increase our residential density.

Please contact Christopher Buckley at [REDACTED] or Naomi Schiff at [REDACTED] if you would like to discuss these comments.

Sincerely,



Mary Harper  
President

cc: William Gilchrist, Ed Manasse, Laura Kaminski, Lakshmi Rajagopalan, Catherine Payne, Neil Gray, Betty Marvin





May 9, 2023

*By electronic transmission*

Oakland General Plan Update Team  
250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612

**Subject: Proposed Planning Code and General Plan amendments to implement the Housing Element**

Dear General Plan Update Team:

The following comments restate and expand our March 14, 2023 comments to the Zoning Update Committee. Again, they apply primarily to the historically and/or architecturally significant areas designated as Areas of Primary or Secondary Importance (APIs and ASIs) and are intended to minimize or avoid adverse impacts of the Planning Code changes on the architectural integrity of these areas. They also apply in some cases to Designated Historic Properties (DHPs) and Potential Designated Historic Properties (PDHPs).

- 1. Retain the existing two-tiered height limit system of wall height plus greater roof height in all zones.** For some zones, the amendments propose to replace the two-tiered system with a single overall height limit. Retaining the two-tiered system in residential zones is important in order to minimize the visual bulk of larger buildings, especially if there is no discretionary design review.
- 2. In many residential zones, reductions in front setbacks are proposed. Front setback reductions should not be applied if the reduced setbacks are less than the prevailing front setback of the block face.** Otherwise new development will literally “stick out” and disrupt the streetscape architecturally. Existing provisions that allow reduced setbacks for new construction or front additions where adjacent buildings already have reduced setbacks should continue to be relied on.
- 3. Avoid upzonings that allow projects with five or more regular units** , since such projects are eligible for a density bonus under the State Density Bonus Law. This can trigger waivers and concessions for height limits, setbacks and other standards, potentially resulting in architectural disruptions to existing neighborhoods. **If more density is desired, provide it in the form of more accessory dwelling units (ADUs) (which don’t count toward the five-unit bonus trigger), especially ADUs within existing buildings.** Some or all such ADUs could be designated as deed-restricted affordable, accomplishing the State Density Bonus Law objective.

4. **Retain existing height limits in nonresidential APIs and ASIs.** In most cases, the existing limits were structured to avoid out-of-scale new buildings.
5. **Figure 3 of Housing Element Appendix J – Downtown Oakland Specific Plan (DOSP) proposed height changes.** This map essentially preempts the height limit discussion that has been ongoing for five years as part of the DOSP and is intimately tied into other important DOSP initiatives, such as the transferable development rights (TDRs) and zoning incentive programs (ZIP). The Housing Element zoning amendments should defer to the DOSP regarding height limits within the DOSP area.
6. **S-13 Affordable Housing Overlay (AHO) Zone (Chapter 17.95).** It is good that the AHO zone would not apply to City, State and Federal Historic Landmarks and the height additions would not apply to APIs. **However, unless modified as discussed below, the AHO should not apply to APIs and ASIs at all, since the unlimited residential density provision will make ALL parcels eligible for the State Density Bonus Law.** As discussed in Item 3 above, this would enable greater heights than otherwise allowed, incentivizing disruption of APIs and ASIs architecturally, and potentially incentivizing demolition.

Related to the above, change “City, State and Federal Historic Landmarks” to “City and State Landmarks, parcels in the S7 and S 20 Zones and parcels on or determined eligible for the National Register of Historic Places”.

**If unlimited density is desired in APIs and ASIs as part of the AHO program, it should be limited within APIs and ASIs to units within existing buildings, at least in lower density zones, and to no more than four regular units per parcel, plus perhaps unlimited ADUs.** Constructing units within existing building envelopes appears to be the most cost-effective strategy for providing affordable housing and is therefore “affordable by design.” Unused raised basements and attic spaces appear especially promising. In attics, dormer windows can be added to facilitate development. In Oakland, all buildings contributing to APIs and ASIs as well as freestanding Potential Designated Historic Properties (PDHPs) are eligible for the California Historical Building Code, which provides cost-effective alternatives to “regular” building code requirements, such as allowing retention of existing substandard stairways for exiting and consideration of “archaic materials”, such as lath and plaster, for structural calculations.

The AHO height changes for the DOSP area should be considered as part of the DOSP process, rather than as part of the Housing Element.

7. **Relation of the S 13 bonus to state density bonus law.** Section 17.95.010 states that projects using the S 13 development bonus may not use other development bonuses available through Chapter 17.107 – Density Bonus and Incentive Procedure. This provision therefore implies that projects using the S 13 bonuses are not eligible for the state density bonus program, which seems inconsistent with our understanding that any

local bonuses serve as the base intensities for state density bonus purposes. That is the interpretation that staff has taken regarding the relation between the Downtown Oakland Specific Plan's Zoning Incentive Program and the density bonus law. **Has the City Attorney verified that projects using the S 13 bonuses are ineligible for the state density bonus?**

8. **Allow public comment for projects eligible for “by-right” approval.** The proposed S 13 and S14 zoning text for Sections 17.95.030 and 17.96.020 states that projects eligible for “by-right approval” are not subject to public notice, public hearing nor appeal. But public notice and an opportunity for public comment and appeal should still be allowed with the provision that any public comments must be limited to whether the project conforms with the applicable objective standards, including objective design standards. Oakland Heritage Alliance has reviewed numerous design review applications and found that staff sometimes misinterprets zoning standards and design review criteria. **Allowing for public notice and comment and appeal on projects eligible for by-right approval will provide a safety net to help ensure that applicable standards are applied correctly.** We can't find any provisions in state law that precludes public notification and comment for projects eligible under state law for ministerial review and by-right approval as long as the decision is based on conformity with applicable objective standards. **SB 35 even specifically allows public hearings for projects eligible for ministerial review.**

Related to this, Sections 17.95.060 and 17.96.080 require “ministerial design review” for certain projects, including, appropriately, Designated Historic Properties and Potential Designated Historic Properties. However, the draft ministerial design review procedure is not yet available. **The above comments are therefore subject to modification and/or expansion based on the provisions of the ministerial design review procedure.**

9. **Increased height limits, residential densities, reduced setbacks and other upzonings in the proposed Planning Code amendments will likely increase property values, and therefore land costs for affordable housing development.** Moreover, potential affordable housing sites will tend to be preempted by market rate development, given the increased profit potential from the upzonings. The upzonings will therefore promote gentrification; the primary beneficiaries of the upzonings will be existing property owners through the financial windfall provided. Upzoning wouldn't just affect “high resource” areas, but wide swaths of West and East Oakland. Increased property values may exacerbate pressures on renters and homeowners in Oakland's less wealthy neighborhoods. Upzonings could repeat on a citywide scale a major mistake from the 2009 upzoning of much of downtown Oakland.

We continue to appreciate the efforts of City staff and the consultants in writing this proposed text, and scheduling meetings with the Landmarks Preservation Advisory Board. We look forward to working with everyone to ensure that as we add units we preserve Oakland's diversity and its architectural integrity.

Thank you for the opportunity to comment. Please contact Christopher Buckley at [REDACTED] or Naomi Schiff at [REDACTED] if you would like to discuss these comments.

Sincerely,

A handwritten signature in blue ink that reads "Mary Harper".

Mary Harper  
President

CC: William Gilchrist, Ed Manasse, General Plan Team, Lakshmi Rajagopalan, Laura Kaminski, Audrey Lieberworth, Catherine Payne, Betty Marvin, Brian Mulry, City Council, City Planning Commission and Landmarks Preservation Advisory Board



March 14, 2023

*By electronic transmission*

Oakland City Planning Commission, Zoning Update Committee  
250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612

**Subject: Proposed Planning Code amendments to implement the Housing Element**

Dear Chair Shirazi and Committee members Limon and Renk:

We are still reviewing the materials prepared for the Zoning Update Committee's March 15 meeting, so the following comments are preliminary and subject to expansion and modification, especially regarding the proposed Planning Code text and map changes themselves.

The comments are based on our January 11, 2023 comments to the City Planning Commission regarding the Housing Element's Appendix J. They apply primarily to the historically and/or architecturally significant areas designated as Areas of Primary or Secondary Importance (APIs and ASIs) and are intended to minimize or avoid adverse impacts of the Planning Code changes on the architectural integrity of these areas.

- 1. Retain the existing two-tiered height limit system of wall height plus greater roof height in all zones.** For some zones, Appendix J proposes to replace the two-tiered system with a single overall height limit. Retaining the two-tiered system in residential zones is important in order to minimize the visual bulk of larger buildings, especially if there is no discretionary design review.
- 2. In many residential zones, reductions in front setbacks are proposed. Front setback reductions should not be applied if the reduced setbacks are less than the prevailing front setback of the block face.** Otherwise new development will literally "stick out" and disrupt the streetscape architecturally. Existing provisions that allow reduced setbacks for new construction or front additions where adjacent buildings already have reduced setbacks should continue to be relied on.
- 3. Avoid upzonings that allow projects with five or more regular units**, since such projects are eligible for a density bonus under the State Density Bonus Law. This can trigger waivers and concessions for height limits, setbacks and other standards, potentially resulting in architectural disruptions to existing neighborhoods. If more density is desired, provide it in the form of more accessory dwelling units (ADUs) (which don't count toward the five-unit bonus trigger), **especially ADUs within existing**

**buildings.** Some or all such ADUs could be designated as deed-restricted affordable, accomplishing the State Density Bonus Law objective.

4. **Table 2 of Housing Element Appendix J– Commercial Zone Height Limits.** Retain existing height limits in Areas of Primary and Secondary Importance (APIs and ASIs). In most cases, the existing limits were structured to avoid out-of-scale new buildings.
5. **Figure 3 of Housing Element Appendix J – Downtown Oakland Specific Plan (DOSP) proposed height changes.** This map essentially preempts the height limit discussion that has been ongoing for five years as part of the DOSP and is intimately tied into other important DOSP initiatives, such as the transferable development rights (TDRs) and zoning incentive programs (ZIP). The Housing Element zoning amendments should defer to the DOSP regarding height limits within the DOSP area.
6. **Affordable Housing Overlay (AHO) zone.** It is good that the AHO zone would not apply to City, state and federal historic landmarks and the height additions would not apply to APIs. However, unless modified as discussed below, AHO should not apply to APIs and ASIs at all, since the unlimited residential density provision will make all parcels eligible for the State Density Bonus Law. As discussed in Item B.3 above, this would enable greater heights than otherwise allowed, incentivizing disruption of APIs and ASIs architecturally, and potentially incentivizing demolition.

**If unlimited density is desired in APIs and ASIs as part of the AHO program, it should be limited within APIs and ASIs to units within existing buildings, at least in lower density zones, and to no more than four regular units per parcel, plus perhaps unlimited ADUs.** Constructing units within existing building envelopes appears to be the most cost-effective strategy for providing affordable housing and is therefore “affordable by design.” Unused raised basements and attic spaces appear especially promising. In attics, dormer windows can be added to facilitate development. In Oakland, all buildings contributing to APIs and ASIs as well as freestanding Potential Designated Historic Properties (PDHPs) are eligible for the California Historical Building Code, which provides cost-effective alternatives to “regular” building code requirements, such as allowing retention of existing substandard stairways for exiting and consideration of “archaic materials”, such as lath and plaster, for structural calculations.

The AHO height changes for the DOSP area should be considered as part of the DOSP process, rather than as part of the Housing Element.

**Increased height limits, residential densities, reduced setbacks and other upzonings in the proposed Planning Code amendments will likely increase property values, and therefore land costs for affordable housing development.** Moreover, potential affordable housing sites will tend to be preempted by market rate development, given the increased profit potential from the upzonings. The upzonings will therefore promote gentrification; the primary beneficiaries of the upzonings will be existing property owners through the financial windfall provided. Upzoning wouldn’t just affect “high resourced” areas, but wide swaths of West and East

Oakland. Increased property values may exacerbate pressures on renters and homeowners in Oakland's less wealthy neighborhoods. Upzonings could repeat on a citywide scale a major mistake from the 2009 upzoning of much of downtown Oakland.

We appreciate the efforts of the City staff and consultants in writing this proposed text, and in scheduling a meeting at the Landmarks Preservation Advisory Board. We look forward to working with everyone to ensure that as we add units we preserve Oakland's diversity and its architectural integrity.

Thank you for the opportunity to comment. Please contact Christopher Buckley at [REDACTED] or Naomi Schiff at [REDACTED] if you would like to discuss these comments.

Sincerely,



Mary Harper  
President

CC: William Gilchrist, Ed Manasse, General Plan Team, Lakshmi Rajagopalan, Audrey Lieberworth, Catherine Payne, Betty Marvin, City Council, City Planning Commission and Landmarks Preservation Advisory Board

3/14/2023

Proposed Oakland Residential Zoning, Zoning update Committee response for RD and RM zoning:

### Comments on the Missing Middle

Endorse the 2 to 4 units, reduced required yards, reduced parking, and 35' height limit. That will allow more than double the units in these zones.

Rear yard option: Piedmont uses the same setback for the rear yard as the side yards. Oakland could adapt the same requirement along with a 45% sloping height reduction based on a 15' height at the rear property line.

Figure 1. on p.20 is a good example of the "Missing Middle". Can we see an illustration of the proposed zoning and how it fits on a typical 40' x 100' lot with an existing house? and then with the AHO overlay. Some photos are attached of recent Oakland developments in RM zone.

### Open Space

Concerned about reducing the open space requirements below 50% of lot coverage with a minimum private open space requirement of a deck about the size of a piece of plywood for family units. The RD and RM zones are primary districts for families. Kids need a place other than the street to get outside and run. Adults want to picknick and barbeque. Recommend that we keep the current lot coverage requirements until they can be reviewed along with the new Open Space Element.

### Environmental issues

\*Air pollution- promote all electric to replace gas- heating, appliances, vehicles...

\*Coordinate the local zoning requirements with the States T-24 requirements, especially locally generated roof top solar, simple clean energy at the point of use.

\*Coordinate height limits with shading on main streets, and street widths, 2 lanes vs 4 lanes.

\*Review soil bearing capacity in the proposed height districts.

\*Review the new General Plan Elements with rising sea levels.

### Affordable Housing Overlay

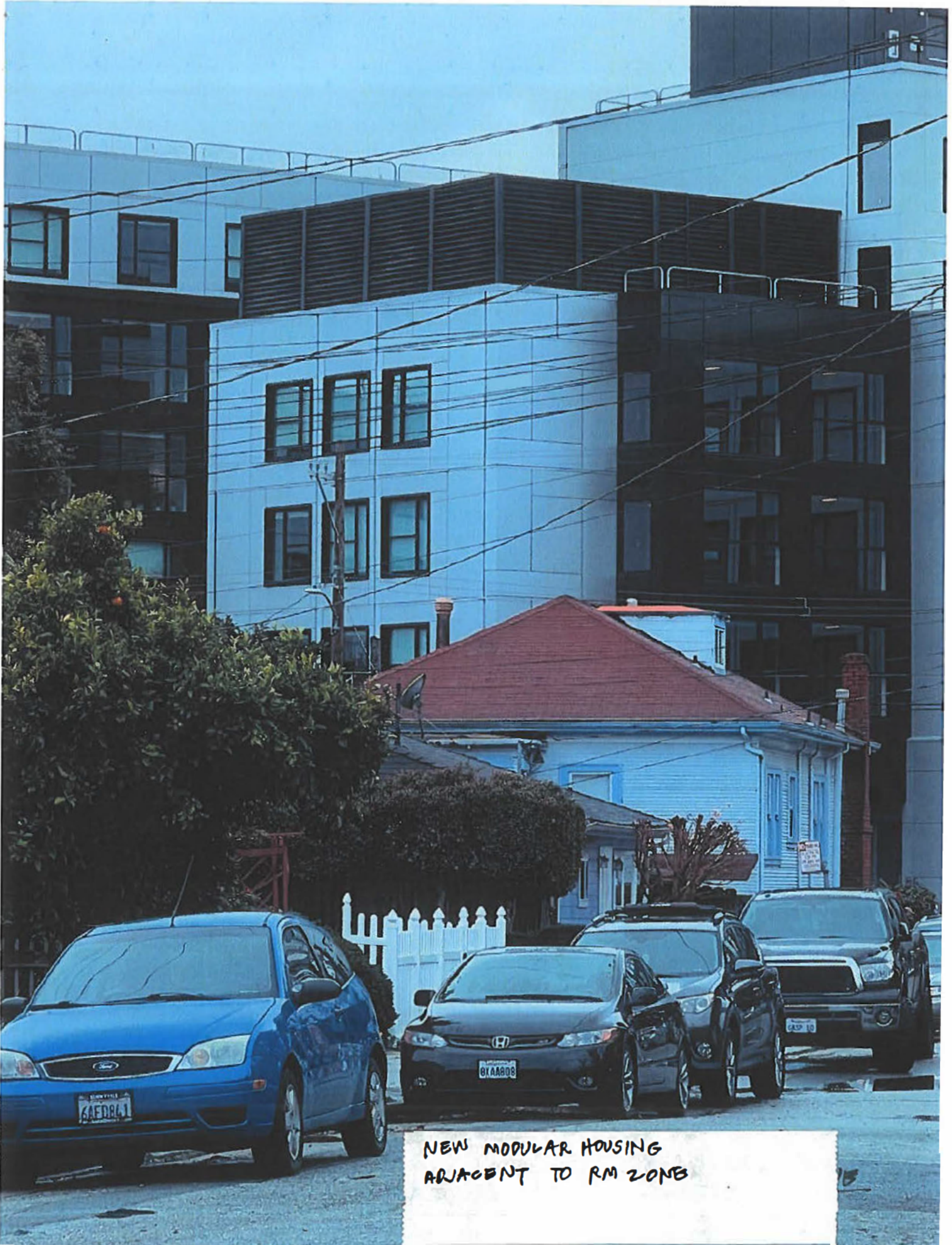
Oakland has done better than most cities in providing new housing and meeting the state and local goals. Changing single family zones to 4 or 5 units will provide a lot of smaller and less expensive housing.

The State's "by-right approval" ministerial process without notices and no appeal does not recognize our accomplishments, and has final decisions made by un-elected staff. With this kind of review the resident citizens have lost their electoral rights to the quality of their life in the hood. With inflation and high interest rates, construction is slowing, so there is time to find a better way.

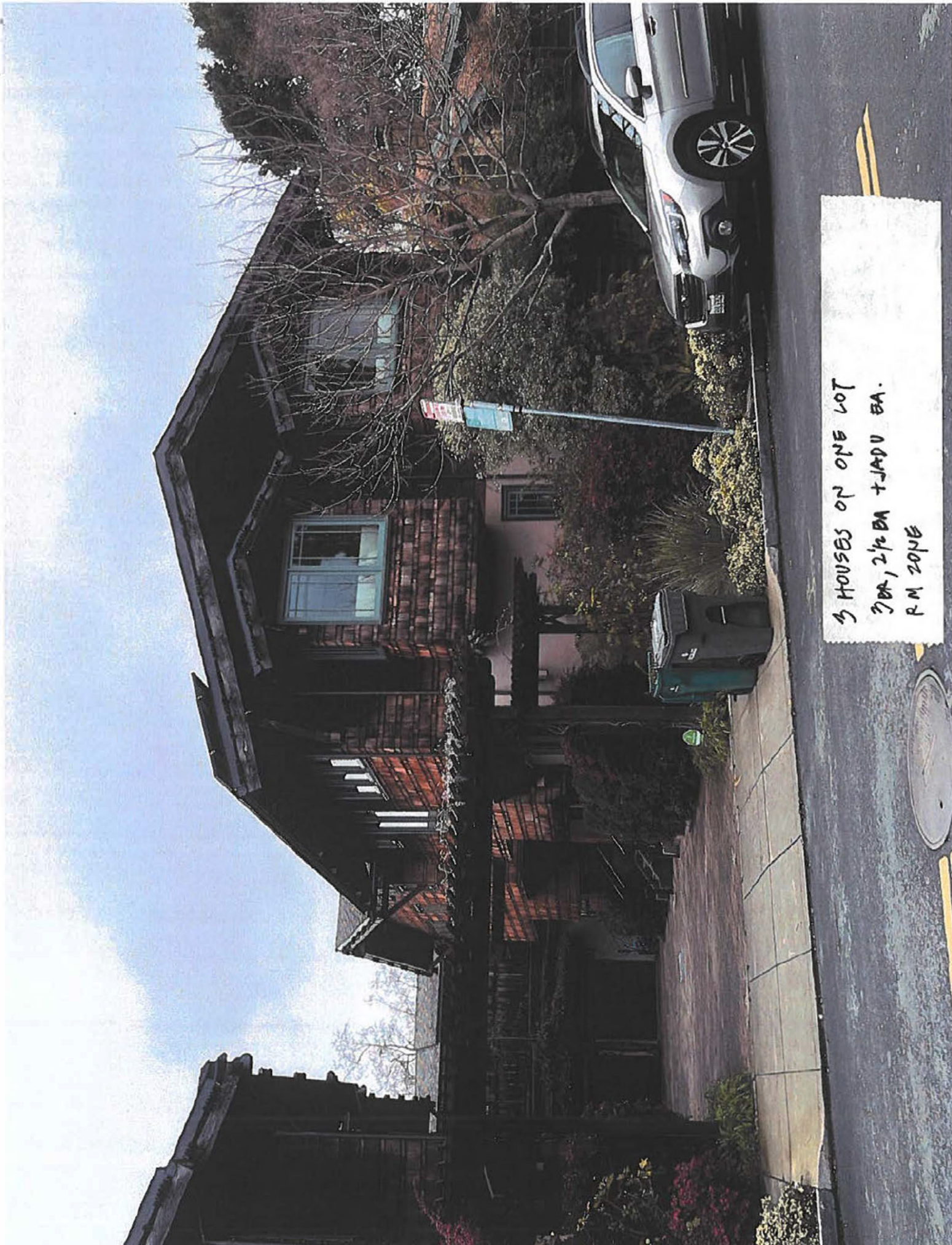
Glen Jarvis, Architect  
(past Oakland Planning Commissioner)

[REDACTED]  
[REDACTED]





NEW MODULAR HOUSING  
ADJACENT TO RM ZONE



3 HOUSES ON ONE LOT  
30A, 2 1/2 BA + JADU BA.  
R M ZONE



Creating & Preserving Affordable Housing

July 17, 2023

Mayor and City Council  
City of Oakland  
1 Frank H. Ogawa Plaza  
Oakland, CA 94612

**Re: Item S11, Proposed Affordable Housing Overlay Zone**

Dear Mayor Thao and City Councilmembers:

On behalf of Resources for Community Development (RCD), I am writing to express support for the proposed Affordable Housing Overlay (AHO) zone as well as respectfully request amendments to the proposed AHO zone regulations to ensure that the incentives offered surpass what is already available under state law.

RCD is a nonprofit organization dedicated to creating and preserving affordable homes for people with the fewest options. Since 1990, we have developed over 2,500 affordable rental homes across the Bay Area. Within Oakland, we currently provide around 700 homes affordable to low-income families, with another 77-unit development scheduled to open in 2026.

We fully support the City of Oakland developing its own local ministerial approval process for affordable housing through the AHO zone. By-right, ministerial approval is a transformational policy that has allowed new affordable housing developments to move forward at a pace that reflects the urgency of the current housing crisis. RCD's recent projects have used a by-right, ministerial approval process under Senate Bill (SB) 35 that has allowed them to obtain entitlements in less than half the time of a traditional approvals process.

A key benefit of the SB 35 ministerial approval process is a specific, statutorily required timeline for application processing and approval. We strongly encourage Oakland's AHO zone to implement the same required timelines for ministerial approval to ensure that affordable housing applications move forward in a timely manner.

Additionally, one of the tools that is typically paired with SB 35 ministerial approval is State Density Bonus Law. State Density Bonus Law facilitates the ministerial approval process for affordable housing developments by allowing applicants to obtain additional density, concessions, and waivers of City development standards without triggering a discretionary approval process. For 100% affordable housing developments located within ½ mile of a major transit stop, State Density Bonus Law already requires that the City authorize by-right:

- Unlimited density
- Three stories or 33'-0" of additional height
- No minimum parking

- Four concessions – changes or exemptions to City standards to reduce project costs.
- Unlimited waivers – changes or exemptions to City standards that would otherwise preclude the physical construction of the project.

State Density Bonus Law provides similar, though reduced, benefits for projects located beyond ½ mile from a major transit stop. Notably, 100% affordable housing projects can always access four concessions and unlimited waivers regardless of their location.

As written, the use of the AHO zone benefits would prohibit developers from also using State Density Bonus Law. However, Table 5 indicates that the benefits of the AHO zone are largely equivalent to or less facilitative than the benefits provided under State Density Bonus Law, particularly within a ½ mile of a major transit stop. We are especially concerned about the substitution of relaxed development standards in lieu of flexible concessions and waivers. Concessions and waivers allow projects to nimbly negotiate not only development standards, but also design guidelines and other requirements.

We urge the City Council and staff to revise the proposed AHO regulations so that they are more beneficial to affordable housing development than the processes already available under state law. Most critically, projects in the AHO zone should retain access to at least four concessions and unlimited waivers as otherwise allowed under State Density Bonus Law. Without retaining this flexibility, we feel it is improbable that we would choose to utilize the local incentive program over State Density Bonus Law.

We greatly appreciate staff's work on this zoning package and this additional opportunity to provide feedback on the draft before adoption. We look forward to working with staff to fine-tune the AHO zone ordinance so that it meets our shared goal of accelerating production of housing affordable to the lowest-income Oakland residents.

Sincerely,

Courtney Pal  
Policy Manager  
Resources for Community Development

**From:** [Miyashiro, Christine](#)  
**To:** [Rajagopalan, Lakshmi](#); [Haynes, Khalilha](#)  
**Cc:** [Manasse, Edward](#); [Kaminski, Laura](#); [Gilchrist, William](#); [KaplanforOakland@gmail.com](#); [Jones, Kimberly](#); [Kaplan, Rebecca](#)  
**Subject:** Consideration of ADU Density Bonus in Upcoming Zoning Amendments  
**Date:** Monday, July 10, 2023 4:57:01 PM  
**Attachments:** [Consideration of ADU Density Bonus in Upcoming Zoning Amendments.msg](#)

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Good Afternoon Lakshmi and Khalilha,

Prior to tomorrow's CED Committee, we wanted to bring the following message from the Turner Center to your attention (email attached). They informed us of San Diego's ADU density bonus program and how their proposal to replicate the program in Oakland was not included in the proposed changes being presented tomorrow.

Are you aware of this proposal/ do you have more info about it? Is it true that we are not including it as part of the proposed changes being presented tomorrow? And if yes, can you provide us some more context as to why we are not pursuing it?

Thank you so much, and we look forward to tomorrow's presentation.

Warmly,  
Christine

Christine Miyashiro (she/her)  
Policy Director  
Office of Oakland Councilmember At-Large Rebecca Kaplan  
Email: [CMiyashiro@oaklandca.gov](mailto:CMiyashiro@oaklandca.gov)

**From:** [Muhammad Alameldin](#)  
**To:** [Kaplan, Rebecca](#); [kaplanforoakland@gmail.com](mailto:kaplanforoakland@gmail.com)  
**Cc:** [Miyashiro, Christine](#)  
**Subject:** Consideration of ADU Density Bonus in Upcoming Zoning Amendments  
**Date:** Monday, July 10, 2023 12:19:53 PM  
**Attachments:** [SD\\_ADU\\_fig1-2.svg](#)

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Dear Councilmember Kaplan,

I hope this message finds you well. As an Oakland resident, I'm writing to bring your attention to the zoning amendment package being presented to the Community and Economic Development Committee this Tuesday (7/11). Christi provided me with your information since we are long time friends and this is a golden opportunity.

I conducted a research paper at my job with UC Berkeley's Turner Center on [San Diego's ADU Bonus Program](#) (8 minute read).

Here are my major findings:

- Nearly 300 units affordable to low and moderate income residents are being built within 18 months of implementation (attached)
- An increase in BIPOC and Women builders in the area
- Redevelopment of existing vacant housing units since the bonus program made it possible to finance unit fix ups with the financing of the ADUs in the back

How it works:

- Unlimited bonus ADUs in Transit Priority areas increase project feasibility by maximizing the number of units allowed on a given lot. The added units allow developers to achieve economies of scale by building more than just one or two extra units, which is a key to unlocking missing middle housing construction since sometimes four units are not enough to make a project pencil.
- By-right ministerial approvals shorten the permitting timeline to construct multiple ADUs, particularly in comparison to a typical multifamily building or affordable housing project. While state law requires ministerial approvals for up to two ADUs, city staff in San Diego extended this approval streamlining to the ADU Bonus Program units as well.
- The City allows its regulatory agreement for the deed-restricted units to be recorded junior (2nd position) to the primary mortgage for the property. This means that in the event of foreclosure, private lenders have the ability to remove the deed restrictions and bring the units back to market rate. This eases financial concerns for lenders, some of whom may otherwise be wary of financing deed-restricted homes.
- For deed-restricted units, the San Diego Housing Commission completes the initial and ongoing income certification for the building owner at a cost to the owner of about \$150 annually per unit. By checking tenant eligibility, the Commission assumes one aspect of administrative support that small builders and developers may not be equipped to manage. A nonprofit in the area could do this task.

I understand that the proposal to replicate San Diego's ADU density bonus program has not made it into this round of proposed changes with housing staff. Some were frustrated and referred me to you — because you are a major supporter of ADUs in helping solve the housing crisis in Oakland. Oakland would benefit from this program because most the ADUs being built in the area are already affordable at 80-120% AMI for the population, this will just increase the number of units being built by three-fold. The average project size in San Diego is 8 units — 4 being income restricted affordable for 10-15 years without any public subsidy.

I kindly ask you to consider raising this issue, which could play a significant role in promoting income restricted housing near BART and AC Transit lines and lead to more efficient land use in our city.

Thank you for your service to our community.

—

Best,  
Muhammad T. Alameldin (he/him)  
Policy Associate, Turner Center for Housing Innovation  
University of California, Berkeley  
[@Muhammad\\_Speaks](mailto:@Muhammad_Speaks) | [turnercenter.berkeley.edu](http://turnercenter.berkeley.edu)



2023

July 10, 2023

Janice Li  
PRESIDENT

Mark Foley  
VICE PRESIDENT

Robert Powers  
GENERAL MANAGER

Lakshmi Rajagopalan  
City of Oakland Bureau of Planning  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612  
Email: [generalplan@oaklandca.gov](mailto:generalplan@oaklandca.gov)

DIRECTORS

**RE:** Phase 1 General Plan Zoning Code Amendments

Debora Allen  
1ST DISTRICT

Dear Ms. Rajagopalan:

Mark Foley  
2ND DISTRICT

Rebecca Saltzman  
3RD DISTRICT

Robert Raburn, Ph.D.  
4TH DISTRICT

John McPartland  
5TH DISTRICT

Elizabeth Ames  
6TH DISTRICT

Lateefah Simon  
7TH DISTRICT

Janice Li  
8TH DISTRICT

Bevan Dufty  
9TH DISTRICT

The San Francisco Bay Area Rapid Transit District (BART) appreciates the opportunity to comment on the City of Oakland's Phase 1 General Plan Zoning Code Amendments. We especially commend the proposed planning code amendment to increase heights in commercial zones along corridors and near BART Stations and to increase heights and densities along existing transit corridors. Focusing growth around rapid transit will connect people with key destinations and opportunities while minimizing congestion and climate pollutants. BART's Transit Oriented Development (TOD) policy has an affordability target of 35% across our portfolio of development projects. We believe we are in a key position to partner with the City to address housing and affordable housing needs.

However, BART also has a few concerns with the proposed Housing Overlay regulations:

1. *BART-owned parcels at Rockridge Station:* We support the upzoning of BART-owned parcels at Rockridge BART Station for housing. The assumed housing capacity assigned to the two parcels combined is 265 units and the City has assumed that 100% of these units would be affordable. To meet these assumptions would necessitate a building type that is unprecedented for affordable housing in Oakland and is an affordable building product that does not get produced in the Bay Area without significant public subsidy. This would be true at the 75% capacity mandate as well. Beyond the financial feasibility associated with building out the targeted number of units, we acknowledge that there may be site conditions that constrain development within the site that are not fully understood at this time. We are concerned that binding the site the identified capacity when it is not clear that this is feasible could mean that nothing gets built. We do not believe it is the City's intention for there to be no development if a site cannot meet the mandated units. We respectfully request clarity on how a project may move forward if it turns out that economic or physical constraints prevent the delivery of the mandated units.
2. *Approved BART TODs:* We continue to express our desire to maintain maximum flexibility for development around BART-owned or operated sites. In our previous comment letter to the DEIR, dated May 1, 2023, we expressed our concerns about the Housing Sites Overlay and its potential



effect on the already approved part of the West Oakland and the Lake Merritt Transit-Oriented Development (TOD) projects. Our position is that the Overlay should not apply to these two projects. Recently City staff conveyed to us that both development programs have been incorporated into the Overlay and by doing this, there should be no concerns. While there are no conceived changes at this time, it is possible that either development programs may need to change in response to the ever-changing market conditions as the projects get built out. It is unclear whether there is a process that the City would employ for a TOD that may need to pivot and adjust its development program.

3. *Need for policy and funding alignment:* In order for BART to deliver affordable housing as designated in the Housing Sites Inventory, we are seeking a stronger partnership with the City, in particular around access to funding for affordable housing. The zoning changes assume high levels of development near rapid transit in various parts of Oakland. We appreciate the significant allocation of funds to Mandela Station, and the smaller allocation of funds to Lake Merritt Senior this year, but the City's Measure U program does not currently prioritize funding for development projects in proximity to high quality transit. We urge the City to reconcile the Housing Element priority for transit-oriented locations with the Measure U allocation criteria so that the City's housing affordability assumptions can actually be delivered. BART staff is available as a resource as the City pursues this.

Again, thank you for the opportunity to comment, and we look forward to our ongoing collaboration. Please contact Seung-Yen Hong ([seung-yen.hong@bart.gov](mailto:seung-yen.hong@bart.gov)) should you have questions or comments.

Sincerely,



Tim Chan  
Group Manager, Station Area Planning

Cc: Councilmember Carroll Fife - [cfife@oaklandca.gov](mailto:cfife@oaklandca.gov)  
Councilmember Noel Gallo - [ngallo@oaklandca.gov](mailto:ngallo@oaklandca.gov)  
Councilmember Kevin Jenkins [kjenkins@oaklandca.gov](mailto:kjenkins@oaklandca.gov)  
Councilmember Dan Kalb - [dkalb@oaklandca.gov](mailto:dkalb@oaklandca.gov)  
Director Rebecca Saltzman - [rebecca.saltzman@bart.gov](mailto:rebecca.saltzman@bart.gov)  
Val Menotti, Chief Planning & Development Officer  
Abby Thorne-Lyman, Director Property Development & Real Estate  
Carli Paine, Group Manager Property Development  
Seung-Yen Hong, Senior Planner



American Federation of Labor & Congress of Industrial Organizations  
**Building & Construction Trades Council of Alameda County**  
7750 Pardee Lane, Suite 100, Oakland, California 94621

May 19, 2023  
**Via Email Submission**

Lakshmi Rajagopalan, AICP, Planner IV  
City of Oakland Bureau of Planning  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612

**Re: Comments on Phase I Oakland 2045 General Plan Update Draft EIR (SCH Number 2022030800)**

Dear Ms. Rajagopalan:

These comments are submitted on behalf of the Building & Construction Trades Council of Alameda County regarding the Draft Environmental Impact Report (“DEIR”) prepared by the City of Oakland (“City”) for the Phase I Oakland 2045 General Plan Update (“GP Update” or “Project”).<sup>1</sup>

The Alameda Building and Construction Trades Council consists of over twenty affiliated Building Trades Unions that represent over three thousand Oakland households.

The current City of Oakland General Plan elements were last updated and adopted at different times between 1996 and 2023.<sup>2</sup> State law requires the City to have and maintain a comprehensive, long-term general plan for the physical development of the City with specific contents to inform local decisions about land use and development.<sup>3</sup> State law requires specific topics or "elements," including land use, circulation, housing, conservation, open space, noise, safety, and environmental justice.<sup>4</sup> The GP Update includes proposed updates to the City’s General Plan Safety Element, adoption of a new Environmental Justice element, and amendments to the Planning Code, Zoning Map, and General Plan text and map to implement actions contained in the City's recently adopted 2023-2031 Housing Element.<sup>5</sup>

The Housing Element Implementation (“HEI”) component of the GP Update proposes the adoption of Planning Code, Zoning Map, and General Plan text and map amendments to implement goals, policies, and actions related to housing contained in the new Housing Element.<sup>6</sup> The HEI proposes to modify City zoning designations and development standards in several ways, including adopting affordable housing overlay zones that would provide ministerial approval and other incentives to qualifying affordable housing developments.<sup>7</sup> The stated purpose of the HEI is ***“[t]o ensure a path for construction*** of Oakland’s Regional Housing Needs Assessment (RHNA) assigned

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<sup>1</sup> The GP Update DEIR is available at <https://www.oaklandca.gov/documents/oakland-2045-general-plan-draft-environmental-impact-report-eir> (last visited 5/8/23).

<sup>2</sup> DEIR, p. 1-1.

<sup>3</sup> Gov. Code § 65300.

<sup>4</sup> Gov. Code § 65302.

<sup>5</sup> DEIR, p. 1-1.

<sup>6</sup> DEIR, p. 1-1.

<sup>7</sup> DEIR, p. 1-2.

production target by 2031.”<sup>8</sup> The HEI Planning Code amendments include proposals to reduce and eliminate constraints on housing production and to “incentivize the construction of affordable housing.”<sup>9</sup>

Housing construction is a fundamental component of the GP Update. The General Plan Buildout Program anticipates approximately 41,458 new housing units would be developed under the GP Update during the projection period ending in 2030.<sup>10</sup> This substantial amount of new construction will require a large, skilled and healthy construction workforce to meet General Plan buildout targets. As the DEIR explains, “while the GP Update does not propose specific private developments, *construction would be a reasonably foreseeable future outcome of the update.*”<sup>11</sup> However, the DEIR fails to address the impacts of the Housing Element buildout on residential construction workers, and the draft GP Update and affordable overlay zones lack construction workforce standards.

The City should adopt construction workforce standards for all buildout projects in the GP Update Overlay Zones as part of the City’s GP Update drafting and approval process. Absent conditions regulating construction worker standards for General Plan buildout projects, housing developers may utilize low wage, poorly trained construction workers in order to maximize profits. Projects which do not utilize a local skilled construction workforce, and do not provide health benefits for their workers, can result in poorly built projects which threaten the safety of future residents, and perpetuate income inequality in the construction industry.

There is substantial evidence demonstrating that the creation and utilization of construction apprenticeships, along with the commitments to paid healthcare for construction workers, act to both recruit and retain an adequate base of construction workers and to be a pipeline for future supervisors and licensed independent contractors.<sup>12</sup> The construction workforce standards proposed herein would establish apprenticeship and healthcare requirements for the construction workforce used to build new housing in the General Plan overlay zones to address these needs.

The City is at the heart of the East Bay’s construction industry. As the DEIR explains, the City is the county seat of Alameda County and the “geographic center of the Bay Area.”<sup>13</sup> It General Plan Area encompasses 78 square miles.<sup>14</sup> Requiring contractors on Housing Element buildout projects in the City’s affordable housing overlay zones to employ apprentices would result in a higher volume of apprentice training, and thus, an increase in the construction labor force available to carry out the construction anticipated by the General Plan, and especially that targeted by the Housing Element. Providing healthcare to those workers will help ensure the viability of the workers needed to build those projects.

Additionally, because the GP Update will have significant environmental and public health impacts which the DEIR considers “unavoidable,” the City must adopt a statement of overriding considerations which considers whether the GP Update provides “employment opportunities for highly trained workers.”<sup>15</sup> The construction workforce conditions discussed below would meet these standards.

## **I. THE HEI AFFORDABLE HOUSING OVERLAY SHOULD INCLUDE CONSTRUCTION WORKFORCE STANDARDS TO ENSURE SAFE, WELL-BUILT AFFORDABLE HOUSING AND A SUSTAINABLE CONSTRUCTION WORKFORCE**

### **A. Proposed Affordable Housing Overlay Zones**

The DEIR explains that the proposed HEI code and zoning amendments are designed to expedite the approval process for housing projects with 20%-100% affordable units by providing streamlined design review procedures,

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<sup>8</sup> DEIR, p. 1-2 (emphasis added).

<sup>9</sup> DEIR, p. 2-3.

<sup>10</sup> DEIR, p. 1-2.

<sup>11</sup> DEIR, p. 1-2 (emphasis added).

<sup>12</sup> See e.g. City of Berkeley, 9/20/22 Staff Report re Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards Referral, p. 4, citing U.S. Census Bureau LEHD Origin-Destination Employment Statistics, Version 7, Residence Area Characteristics, and Analysis of U.S. Census, ACS 2015-2019 Microdata, available at <https://berkeleyca.gov/sites/default/files/documents/2022-09-20%20Item%2014%20Helping%20Achieve%20Responsible.pdf>.

<sup>13</sup> DEIR, p. 2-2.

<sup>14</sup> DEIR, p. 2-2.

<sup>15</sup> Pub. Res. Code § 21081(a).

relaxed development standards, and allowing ministerial approval for more types of projects.<sup>16</sup> The HEI’s Planning Code, Zoning Map, and General Plan text and map amendments are anticipated to result in an increase in housing development and associated increase in residential population in the City.<sup>17</sup>

Action 3.3.5 proposes an Affordable Housing Overlay (“AHO”) Zone to create and preserve affordable housing restricted for extremely low, very low, low, and/or moderate-income households.<sup>18</sup> The AHO Zone would provide numerous concessions to affordable housing developers, including allowing additional height for eligible affordable housing projects (AHO projects), elimination of maximum residential density standards, and relaxation of other listed development standards.<sup>19</sup> The AHO’s maximum proposed height and geographic area would apply the AHO Zone on top of fourteen (14) existing base zones in the City, allowing “bonus heights” for eligible AHO projects of two-three additional stories above base zoning limits, or a height of at least 65 feet.<sup>20</sup> The proposed AHO Zone would also authorize “unlimited density” that fits within the allowed building envelope of new or existing structures, reduced open space requirements, and eliminate minimum parking requirements.<sup>21</sup> In 6 of the 14 base zones, AHO Zoning would allow a 70% increase in lot coverage, and reduced setbacks.<sup>22</sup> And by-right approvals would be allowed for 100 percent affordable housing projects that fall within the AHO Zone.<sup>23</sup>

Action 3.4.10 proposes a Housing Sites Overlay Zone to authorize by-right affordable housing development for all sites included in the Housing Element’s Housing Sites Inventory<sup>24</sup> where the housing development includes at least 20 percent affordable housing units.<sup>25</sup> This means that qualifying housing projects in the Overlay Zones would undergo a ministerial approval process that would not be subject to environmental or public health review under the California Environmental Quality Act (“CEQA”)<sup>26</sup> and would not be appealable by any members of the public.<sup>27</sup>

In summary, under the GP Update’s AHO and Housing Sites Overlay Zone proposals, **new projects that include up to 80% market-rate housing units will be eligible for “bonus heights”, unlimited density, relaxed development standards, and will fully exempted from CEQA and the City’s land use public hearing process.** This is a windfall for private developers.

## **B. Affordable Housing Overlay Zones Should Include Conditions Supporting Its Construction Workforce**

As proposed, the AHO and Housing Sites Overlay Zone would substantially increase the rate and intensity of housing construction in the City, while providing a streamlined approval process and extensive benefits to private housing developers. However, the draft plan amendments and DEIR are silent on whether any construction workforce standards would apply to the new housing construction. Use of a skilled and trained construction workforce to build the thousands of new housing units identified in the Housing Element is essential to the safety, quality, and long-term sustainability of those projects, as well as to the vitality and welfare of current and future Oakland residents.

Construction workforce standards, including construction worker apprenticeship training standards and healthcare requirements, should be added to the Overlay Zones as standard conditions of approval to ensure that construction workers are protected by the Housing Element, not exploited by it, and to set basic labor standards for the City’s housing construction industry.

The City is currently considering several AHO and Overlay Zone variants.<sup>28</sup> As with the rest of the GP Update, the Overlay Zones are in the draft stage, affording the City great flexibility in determining the conditions that

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<sup>16</sup> DEIR, p. 3-31.

<sup>17</sup> DEIR, p. 3-29.

<sup>18</sup> DEIR, p. 3-31.

<sup>19</sup> DEIR, p. 3-31.

<sup>20</sup> DEIR, p. 3-31.

<sup>21</sup> DEIR, p. 3-32.

<sup>22</sup> DEIR, p. 3-32.

<sup>23</sup> DEIR, pp. 3-31 to 3-32.

<sup>24</sup> Sites included in the Housing Sites Inventory are identified in Table C-26 in the Housing Element Update, Appendix C

<sup>25</sup> DEIR, pp. 3-30, 3-38.

<sup>26</sup> Pub. Res Code §§ 21000 et seq.; 14 Cal. Code Regs. §§ 15000 et seq.

<sup>27</sup> DEIR, p. 3-38.

<sup>28</sup> DEIR, p. 3-31.

should be applied to affordable housing permitting as part of the GP Update process. The City must build construction workforce protections into this process.

### 1. Workforce Standards Should Be Added to the GP Update’s Standard Conditions of Approval

Unlike the City’s concurrently proposed Downtown Oakland Specific Plan (“DOSP”),<sup>29</sup> the draft GP Update’s Affordable Overlay Zones do not include any community benefit requirements in exchange for the major development concessions and permit streamlining offered to housing developments in the Overlay Zones. The only community benefit requirement referenced in the DEIR is the Housing Element’s existing requirement to negotiate community benefits during development agreement approvals for major entitlements and the use of City land.<sup>30</sup> This community benefit requirement is unlikely to apply to new housing developments in the Overlay Zones due to their proposed ministerial by-right permitting and development standard exceptions. Under this permitting scheme, it is unlikely that many (if any) qualifying housing projects in the Overlay Zones would include a development agreement that would enable the City to negotiate community benefits at the permitting stage. It is therefore critical that community benefits, including construction workforce benefits, be built into the Overlay Zones themselves as standard conditions of approval.

The GP Update includes existing and proposed Standard Conditions of Approval (“SCAs”) pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 (and now Section 15183.3).<sup>31</sup> The SCAs address three aspects of buildout projects: (1) general administrative aspects of the project approval; (2) environmental protection measures that are incorporated into a project and are designed to, and will, substantially mitigate environmental effects; and (3) other SCAs containing requirements to reduce non-environmental effects of the buildout projects.<sup>32</sup> SCAs are mandatory City requirements for GP Update buildout projects.<sup>33</sup>

Construction workforce conditions for Overlay Zone housing projects can and should be integrated into the SCAs as part of the third category: requirements to reduce non-environmental effects of the buildout projects. As discussed below, there is substantial evidence demonstrating that housing projects that are constructed with low-wage or uninsured construction workers are detrimental to the safety and sustainability of the housing industry and to the health, safety and general welfare of the communities in which the projects are built. Shortages of skilled construction workers, particularly residential trade workers, can also threaten to delay or derail development plans.

These impacts can be reduced or avoided by incorporating standard conditions of approval into the GP Update which require construction worker benefits and apprenticeship requirements to ensure the Housing Element will be built with a skilled and healthy construction workforce.

### 2. Affordable Overlay Zone Conditions of Approval Should Establish Construction Worker Healthcare and Apprenticeship Standards for Buildout Projects

The City should incorporate construction workforce standards as standard conditions of approval for the GP Update’s Overlay Zones. These standards should include:

#### **Apprenticeship Requirements**

- a. During the duration of construction of each Overlay Zone housing project (“Covered Project”), each Contractor shall do at least one of the following:

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<sup>29</sup> Oakland Downtown Specific Plan available at <https://www.oaklandca.gov/topics/downtown-oakland-specific-plan>. City of Oakland, *Downtown Oakland Specific Plan (DOSP): Zoning Amendments FAQ 2* (October 12, 2022), <https://cao-94612.s3.amazonaws.com/documents/2022-10-12-DOSP-Zoning-Amendments-FAQ-Final-1.pdf>, p. 3 (community benefits to include on-site affordable housing units; below market-rate ground floor commercial space; streetscape, open space, and other culturally-relevant neighborhood improvements; public Restrooms in building lobby; and in lieu fees or other mechanism for job training and/or job placement support programs).

<sup>30</sup> DEIR, 4.12-14 (Housing Element Policy 1.1 (Tenant Protections and Anti-Displacement), includes this community benefit requirement as Action 1.1.13).

<sup>31</sup> DEIR, pp. 3-39; Table 2-1 (pp. 2-10 to 2-89); 4 0-4.

<sup>32</sup> *Id.*

<sup>33</sup> DEIR, p. 4.0-4.

- i. participate in a Joint Labor-Management Apprenticeship Program;
- ii. participate in an apprenticeship program approved by the State of California Division of Apprenticeship Standards that has a graduation rate of 50% or higher and has graduated an average of at least thirty (30) apprentices annually for the five (5) years immediately preceding the start of construction date on the Covered Project. The Contractor will also maintain at least the ratio of apprentices required by California Labor Code section 1777.5 for the duration of the Covered Project. Any change in program participation must be immediately provided to the City; or
- iii. make hourly contributions on a monthly basis to the California Apprenticeship Council for every hour worked by any Covered Construction Worker in any Apprenticeable Craft or Trade on the Covered Project of at least the apprenticeship contribution rate for the classification of “plumber, pipefitter, steamfitter” in Alameda County.

b. A Contractor without covered construction worker employees shall comply with this Section by showing a contractual obligation that its subcontractors comply with this Section.

c. Applicants shall ensure that the Apprenticeship requirement in this Section is included in all construction contracts for the performance of the Covered Project.

### **Health Care Expenditures**

a. Prequalification: In order to be prequalified, each Contractor will sign and submit to the City a statement stipulating to and providing documented proof that the Contractor and its subcontractors, must have provided health care expenditures to or on behalf of each covered construction worker for the 180 consecutive day period prior to the submission of prequalification documents (“Contractor Prequalification Questionnaire”). This requirement is in addition to the regular hourly wages paid to its employees.

In the case of a Contractor that has employed no covered construction workers for the 180 consecutive day period prior to the submission of the prequalification documents, said Contractor shall show a contractual obligation that its subcontractors provide health care expenditures to or on behalf of each Covered Construction Worker employee for the 180 consecutive day period.

b. Covered Project Duration: For purposes of the Covered Project, each Contractor shall make health care expenditures to or on behalf of each covered construction worker, in addition to their regular hourly wages, during periods of employment on the Covered Project (and sign a statement certifying that it will do so as part of the Contractor Prequalification Questionnaire).

In the case of a Contractor that will employ no covered construction workers on the Covered Project, said Contractor shall show a contractual obligation that its subcontractors will provide health care expenditures on behalf of each covered construction worker for the duration of the Covered Project.

A Contractor shall make health care expenditures on behalf of the covered construction workers employed by its subcontractors in the event said subcontractors fail to make required health care expenditures.

c. Health care expenditures may be made to: (1) a health plan in which the covered construction worker is enrolled at the health care expenditure rate; (2) a covered construction worker’s health savings account at the health care expenditure rate; and/or (3) a covered construction worker in the form of cash at one and a half (1.5) times the rate of the health care expenditure rate.

d. The Applicant shall ensure that the health care expenditures requirements in this Section are included in all construction contracts for the performance of the Covered Project.

### **Required Applicant and Contractor Statements**

A declaration must be signed by the Applicant at the time of permit issuance for the Covered Project, attesting to compliance with this Chapter under penalty of perjury (“Applicant Declaration”). By signing the Applicant Declaration, the Applicant commits to ensuring that all Contractors on the Covered Project have and will comply with the apprenticeship and health care expenditures requirements of this condition, including by ensuring that all contracts for the performance of the Covered Project so require, requiring all Contractors

complete the statements established by this Section, and submitting all Contractor statements to the City within seven (7) days of receipt.

Prior to executing their contract for the Covered Project, but no later than seven (7) calendar days before their first day of work on the Covered Project, each Contractor will sign and submit to the Applicant a statement stipulating that on the Covered Project it will comply with the Apprenticeship and Health Care Expenditures as set forth in this Chapter during the duration of the Covered Project, and that it has met the health care expenditures prequalification requirements identified in the Contractor Prequalification Questionnaire.

Within 30 calendar days of completing their work on the Project, each Contractor must sign and submit to the Applicant a statement certifying that it complied with the apprenticeship and health care expenditures requirements of this condition (“Contractor Satisfaction Statement”).

Prior to issuance of a certificate of occupancy for the Covered Project, the Applicant shall sign and submit to the City a certification that all Contractors on the Covered Project satisfied the apprenticeship and health care expenditures requirements of this condition (“Applicant Certification of Compliance”).

### **Implementation and Enforcement**

#### a. Issuance and Revocation of Permits

The City shall issue permits for the Covered Project only where an Applicant meets the requirements of this condition and submits the Applicant Declaration. The City shall include conditions of approval requiring compliance with this Chapter for all permits issued for Covered Projects. The City may revoke or modify the applicable permits for the Covered Project where an Applicant or any Contractor is out of compliance with this condition.

#### b. Community Benefits Agreement Exception

If an otherwise Covered Project is covered by a Project Labor Agreement (or community workforce agreement or similar labor agreement) with the local Building and Construction Trades Council that already requires health care expenditures and apprenticeship fund contributions, Contractors will be deemed in compliance with this Chapter.

#### c. Collective Bargaining Agreement Exception

A Contractor that is signatory to a valid collective bargaining agreement with a labor union that requires participation in a joint labor-management state-approved apprenticeship program and the provision of health care expenditures to all construction craft employees shall be deemed in compliance with this Chapter.

#### d. City Enforcement.

The City may take appropriate enforcement action to ensure compliance with this condition. The City may issue a citation to any Contractor or, Applicant or entity that has not complied with the requirements of this condition, including but not limited to, the following violations:

- (1) failing to post a required notice;
- (2) refusing to or not providing timely access to records or work sites;
- (3) failing to submit or submitting a false or misleading Applicant Declarations, Contractor Prequalification Questionnaires, Contractor Satisfaction Statements, and/or Applicant Certificates of Compliance; and/or
- (4) failing to comply with the Apprenticeship and/or health care expenditures requirements of this condition.

The fine shall vary based on the provisions of this condition violated, but may be up to a maximum of \$5,000/month per Covered Construction Worker during the period of the violation.<sup>34</sup>

### 3. Failure to Use Skilled Construction Labor and Provide Health Benefits to Workers Results in Detrimental Impacts

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<sup>34</sup> *Id.* at Attachment 1.

- Low wage employment is a problem in both the residential +and commercial construction markets. Fifty-five percent of Alameda County construction workers’ households are Extremely Low Income, Very Low Income, or Low Income.<sup>35</sup>
- Jobsite Health, Healthcare and Safety:
  - Construction trade workers experience exceptionally high rates of serious injury on the job, especially on sites with inadequately trained workers.
  - One of every five serious workers’ compensation insurance claims which involve death, permanent total disability or major permanent partial disability - is related to a construction employee, despite the fact that construction jobs account for less than one out of every 25 California jobs.
  - Construction workers who live in Alameda County are uninsured at rates 3-4 times higher than the rate of non-construction workers. The under-performance of California contractors in providing health care security to employees constrains the supply of skilled construction labor.<sup>36</sup>
- California residential building was strongest when apprenticeship training was strongest:
  - During the 1970s, when California was producing housing at the average annual rate of 200,000 units, the state reported an average of 9,000 apprentices. California residential builders utilized apprentices every bit as much as commercial builders, according to a 1976 U.S. Bureau of Labor Statistics report.
  - De-unionization and the recession of the early 1990s, however, led to sharply reduced utilization of apprentices by residential contractors. Carpenter apprenticeship completions fell by 50 percent between 1996-2005 compared to 1973-1982.<sup>37</sup>

This evidence demonstrates that projects which do not utilize a local skilled construction workforce and do not provide health benefits may be detrimental to the general welfare of the City, its residents, and its workers, and may ultimately slow down housing development projects.

There is no evidence in the City’s record demonstrating that the Project would avoid these negative impacts. These impacts are likely to occur at an accelerated rate given the magnitude and fast pace of housing construction proposed for the City under the GP Update, unless conditions are added to the GP Update to prevent their occurrence. The City must take all feasible actions to ensure that Housing Element buildout projects in the Overlay Zones do not result in these negative impacts by adopting binding construction workforce conditions for future development in the GP Update Overlay Zones.

#### 4. CEQA Requires the City to Consider Employment Opportunities for Highly Trained Workers

The DEIR identifies several significant environmental and public health impacts which it considers to be unavoidable, even with mitigation. These include the Project’s Aesthetics, Air Quality, Cultural Resources, Hazardous Materials, and Wildfire impacts.<sup>38</sup> Therefore, in order to approve the GP Update, CEQA requires the City to adopt a statement of overriding considerations, providing that the Project’s overriding benefits outweigh its environmental harm.<sup>39</sup> An agency’s determination that a project’s benefits outweigh its significant, unavoidable impacts “lies at the core of the lead agency’s discretionary responsibility under CEQA.”<sup>40</sup>

<sup>35</sup> *Id.*, citing Analysis of U.S. Census, ACS 2015-2019 Microdata.

<sup>36</sup> (2019). Rebuilding California: The Golden State’s Housing Workforce Reckoning. Smart Cities Prevail. pp. 23-25. Downloaded 3/26/2021 via [https://www.smartcitiesprevail.org/wpcontent/uploads/2019/01/SCP\\_HousingReport.0118\\_2.pdf](https://www.smartcitiesprevail.org/wpcontent/uploads/2019/01/SCP_HousingReport.0118_2.pdf)

<sup>37</sup> *Id.*, citing U.S. Department of Labor, Bureau of Labor Statistics, Bulletin 1911, “Industry Wage Survey: Contract Construction September 1973,” Washington, D.C.: 1976. See Tables 28 & 46. Downloaded via <http://fraser.stlouisfed.org>.; Littlehale, Scott. (2019). Rebuilding California: The Golden State’s Housing Workforce Reckoning. Smart Cities Prevail. pp. 23-25. Downloaded 3/26/2021 via [https://www.smartcitiesprevail.org/wpcontent/uploads/2019/01/SCP\\_HousingReport.0118\\_2.pdf](https://www.smartcitiesprevail.org/wpcontent/uploads/2019/01/SCP_HousingReport.0118_2.pdf)

<sup>38</sup> DEIR, pp. 2-6 to 2-7 (DEIR identifies the Project’s Aesthetics, Air Quality, Cultural Resources, Hazardous Materials, and Wildfire impacts to be significant and unavoidable).

<sup>39</sup> CEQA Guidelines, § 15043.

<sup>40</sup> *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392.



To approve the GP Update and certify the EIR, the City must set forth the reasons for its action, pointing to supporting substantial evidence in the administrative record.<sup>41</sup> This requirement reflects the policy that public agencies must weigh a project’s benefits against its unavoidable environmental impacts, and may find the adverse impacts acceptable only if the benefits outweigh the impacts.<sup>42</sup> Importantly, a statement of overriding considerations is legally inadequate if it fails to accurately characterize the relative harms and benefits of a project.<sup>43</sup>

Here, the City must find that the GP Update’s significant, unavoidable impacts are outweighed by its benefits to the community. Among the factors the City must consider is whether the GP Update presents specific overriding economic, legal, social, technological, or other benefits which outweigh the significant effects on the environment, including whether the project provides “*employment opportunities for highly trained workers.*”<sup>44</sup> Currently, there is no substantial evidence in the record showing that the GP Update’s significant, unavoidable impacts are outweighed by benefits to the community because the draft GP Update does not include any community benefits. With regard to its construction workforce, the draft GP Update does not include any apprenticeship program requirements and healthcare security for construction workers on General Plan buildout projects or other steps to ensure employment of highly trained and skilled craft workers. The City would not fulfill its obligations under CEQA if it adopted a statement of overriding considerations and approved the GP Update absent such benefits.

We urge the City to comply with CEQA by including standard conditions of approval for the affordable housing Overlay Zones which include healthcare and apprenticeship standards for the construction workforce as a means of furthering “*employment opportunities for highly trained workers*” under the General Plan.<sup>45</sup>

## II. CONCLUSION

For the reasons discussed herein, [NAME] respectfully requests that the City revise and recirculate the DEIR to add construction workforce standards as standard conditions of approval for all projects in the GP Update’s Overlay Zones.

We look forward to working with the City to ensure that implementation of the GP Update and the City’s Housing Element buildout plan meet the City’s dual goals of complying with State housing requirements and implementing the City’s vision of providing viable futures for all Oakland residents through the land use permitting process. Please include these comments in the City’s record of proceedings for the GP Update.

Sincerely,

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<sup>41</sup> Pub. Resources Code, § 21081, subd. (b); CEQA Guidelines, § 15093, subds. (a) and (b); *Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316, 357.

<sup>42</sup> Pub. Resources Code, § 21081(b); CEQA Guidelines, § 15093, subds. (a) and (b)

<sup>43</sup> *Woodward Park Homeowners Association v. City of Fresno* (2007) 150 Cal.App.4th 683, 717.

<sup>44</sup> Pub. Res. Code § 21081(a)(3) and (b) (emphasis added).

<sup>45</sup> Pub. Res. Code § 21081(a)(3) and (b) (emphasis added).

May 11, 2023

Sahar Shirazi, Tim Limon, and Jennifer Renk  
Commissioners  
City of Oakland Planning Commission

***Transmitted via email***

Dear Commissioners Shirazi, Limon, and Renk,

The Office of Community Air Protection (OCAP) at the California Air Resources Board (CARB) expresses our support for adoption of the [proposed planning code amendments](#) (amendments)<sup>1</sup> to the Oakland Planning Code that relate to heavy-duty truck traffic. We support these proposed amendments to implement the recently adopted Housing Element because we believe they will reduce heavy-duty truck-related health impacts experienced by City of Oakland residents consistent with air quality priorities of West Oakland as documented in CARB's Community Air Protection Program.

CARB selected West Oakland in 2018 as one of the first-year communities to participate in the [Community Air Protection Program](#) (Program)<sup>2</sup>. The Program's focus is to reduce emissions and exposures in communities most impacted by criteria pollutant and toxic air contaminant air pollution. Since 2017, residents of West Oakland have been partnering with the Bay Area Air Quality Management District (BAAQMD) and the West Oakland Environmental Indicators Project to participate in the Program, and since 2018, to design and implement a community-specific plan to reduce local air pollution health impacts, known as *Owning Our Air: The West Oakland Community Action Plan* (Plan). This Plan was adopted by BAAQMD and approved by CARB in 2019. In addition to CARB and BAAQMD actions, the plan identified land use strategies by local government to reduce air pollution. Many of the land use strategies <sup>3</sup> in West Oakland's Plan aimed to reduce the impacts of heavy-duty trucks and associated warehousing and freight-related emissions by proposing targeted changes to the City of Oakland's ordinances, licensing procedures, and restrictions to the operation of heavy-duty trucks in residential neighborhoods.

CARB specifically supports the proposed amendments to the following sections: *Nonconforming Activity—Discontinuance* in zoning code section 17.114.050, *Termination of a Conditional Use Permit* in zoning code section 17.134.130, and *Truck-Intensive Industrial Activities* found in zoning code section 17.103.065. These proposed zoning amendments

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<sup>1</sup> Chapters 17.114, 17.134, 17.103

<sup>2</sup> The Community Air Protection Program was established to direct the implementation of [Assembly Bill \(AB\) 617 \(C. Garcia, Chapter 136, Statutes of 2017\)](#)

<sup>3</sup> Strategy numbers 5, 7, 9 in table 6-4, page 6-21 of [Owning Our Air: The West Oakland Community Action Plan](#)

directly align with the West Oakland community's strategies as described in the Plan of accelerating the relocation of heavy-duty truck-related businesses out of residential neighborhoods, limiting the hours of operation of heavy-duty trucks in residential areas, and the disclosure of heavy-duty truck visits to facilities operating near homes, schools, and other sites sensitive to exposure to heavy-duty truck emissions. (See, Plan, Land Use Strategies 5, 7, and 9, pages 6-21, 6-22.)

Over the past 5 years of Program implementation, we have learned that to address community air quality concerns in an effective, permanent, and timely manner, collaboration with local land use agencies is critical. We would like to express our appreciation to the City of Oakland Planning Commission for considering these amendments and fully support their adoption and implementation. If you have any questions, please feel free to contact Julia Luongo, at [Julia.Luongo@arb.ca.gov](mailto:Julia.Luongo@arb.ca.gov).

Sincerely,



Femi Olaluwoye, Branch Chief  
Community Planning Branch  
California Air Resources Board

cc:

City of Oakland Planning & Building

Alicia Parker, Principal Environmental Planner , Bay Area Air Quality Management District

Alison Kirk, Assistant Manager, Planning and Climate Protection, Bay Area Air Quality Management District

Miss Margaret Gordon, Co-Founder and Co-Director, West Oakland Environmental Indicators Project

Brian Beveridge, Co Founder and Co Director, West Oakland Environmental Indicators Project

Deldi Reyes, Director, Office of Community Air Protection

Julia Luongo, Air Pollution Specialist, Office of Community Air Protection

## Oakland Housing Apr 25 Town Hall

Lowen Baumgarten [REDACTED]

Wed 5/10/2023 2:43 PM

To: Haynes, Khalilha <KHaynes@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hello Ms. Haynes,

I am Oakland resident and worker, born and raised in the Bay Area, and although I was unable to attend the Apr 25 Town Hall, I would like to add my comments about Oakland's zoning map and planning code:

I support the Missing Middle program and making it easier to build duplexes, small apartments, and other units to add density to every neighborhood.

Most importantly, Oakland should increase the density of zoning on College Avenue as proposed. We should also upzone other wealthy areas along major bus routes, such as Telegraph, North Shattuck, Piedmont Avenue, Lakeshore Blvd, Mandana Blvd, Park Blvd, etc. These areas are well-served by transit, have many walkable retail and dining centers, and should not be able to exclude new neighbors. High-income neighborhoods like Rockridge should be zoned for greater density everywhere, not just on busy commercial streets.

I also want Oakland to add an Affordable Housing Overlay to encourage the building of subsidized, affordable housing throughout the City.

Thank you for considering my comments, and thank you for continuing to involve Town residents in these decisions.

-Lowen

Lowen Baumgarten | [REDACTED] [REDACTED]



May 9, 2023

To: City of Oakland General Plan Update Team

From: West Oakland Community Action Plan (WOCAP) Steering Committee

Re: Letter of Support for the Draft Planning Code Amendments Related to WOCAP Strategies

This letter of support is submitted on behalf of the West Oakland Community Action Plan (WOCAP) Steering Committee in regards to the City of Oakland's Planning Code Amendments to address truck-intensive activities. These Code Amendments are described in Exhibit 3 and Exhibit 4 of the March 15, 2023, Zoning Update Committee staff report. The WOCAP Steering Committee represents a group of residents, researchers/academics, public agencies, non-profits, and community institutions involved in the implementation of the WOCAP through the AB 617 Community Air Protection Program. The Bay Area Air Quality Management District (BAAQMD) and the West Oakland Environmental Indicators Project (WOEIP) collectively manage the WOCAP, the purpose of which is to identify and reduce pollution exposure in environmental justice communities most impacted by air pollution.

The Planning Code Amendments are an outgrowth of the West Oakland Community Action Plan WOCAP Steering Committee work and implement strategies 5, 7 and 9 of the WOCAP. As recommended in the WOCAP, Exhibit 4 contains important updates to non-conforming uses and conditionally permitted truck-related businesses that will help with transitioning these businesses located near schools and homes to more compatible uses. Section 17.103.065 in Exhibit 4 is essential to responsibly managing the impacts of heavy-duty trucks. The proposed new conditional use permit requirement and specific criteria and performance standards gives the City authority to review potential impacts related to new industrial businesses and provides objective criteria to evaluate the applicant's plans for truck management. Exhibit 3 contains important updates to the permitted industrial businesses that will better harmonize industrial uses near homes throughout the I-880 corridor.

The WOCAP Steering Committee would like to express deep appreciation to City staff for developing this proposal. We look forward to the City's continued partnership to implement the WOCAP.

Sincerely,

The West Oakland Community Action Plan Co-Leads and Steering Committee

**CONTACT INFORMATION:**

Ms. Margaret Gordon

Brian Beveridge

Nicole Merino Tsui

Diana Ruiz

Alicia Parker

Beth Altshuler Muñoz

## Re: Oakland 2045 General Plan | Draft Zoning Code Amendments

Sanford Forte [REDACTED]

Mon 5/8/2023 4:43 PM

To: General Plan <generalplan@oaklandca.gov>

📎 1 attachments (571 KB)

Screen Shot 2023-05-08 at 4.13.21 PM.png;

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

To whom it may concern:

Please see my comments following a review of the General Plan Draft Zoning Amendments.

There is already a surfeit of multi-unit dwellings constructed in the portion of the area represented in the map section attached to this email. I am most concerned that the portions of Louise, Helen and Hannah Streets between 32nd and 34th streets would be subject to a having a minimum lot size available for development reduced to 2000 ft.<sup>2</sup> and the maximum allowed wall height increased from the current 25 feet to 35 feet (allowing 55 feet for 100% affordable project).

Why is there no serious affordable housing planned in Piedmont or Rockridge?

Why aren't we looking at dead-industrial zone areas for multi-unit affordable construction?

I am concerned about the proposed changes because at least 2-4 property owners within the boundary defined on the attached map, have for YEARS left their properties vacant and undeveloped or partially developed - in fact, those owners have left their properties unattended - permitting seemingly unending amounts of trash to collect in front of their properties.

Now, per the proposed plan, it appears that the owners of the above mentioned properties have been lobbying and pushing for zoning changes that would allow them maximum return on larger developments than would have heretofore been allowed, giving them the ability to build up to heights that would deprive light and cause shadowing to adjacent neighbors. It's concerning that developers would be permitted to build to these heights under some circumstances *\*without challenge\** to their development.

Our immediate neighborhood has already seen multi-unit development occur within just a few blocks of the 32nd-34th street blocks. Why reward property developers/owners who have for YEARS not given a virtual damn about their neighbors the right to now build up and cause shadowing, parking problems and loss of neighborhood character. Also, the no-setback and other permissions would violate the essential character of this part of the West Oakland community.

I strongly support affordable housing construction. That said, how about distributing affordable housing development *\*throughout\** the whole of Oakland. This is not NIMBYISM; it's rather a more equitable distribution and community-sharing - i.e., a *\*community\** (instead of just a few neighborhoods) responsibility to provide affordable housing for all. Lets not reward current property owners/developers who have sat on their properties for years on



May 9, 2023

Mr. Edward Manasse, Deputy Director Planning Bureau  
City of Oakland Planning & Building  
250 Frank H. Ogawa Plaza, Suite 2114  
Oakland, CA 94612  
Transmitted via email: [generalplan@oaklandca.gov](mailto:generalplan@oaklandca.gov)

Subject: Phase I Oakland 2045 General Plan Update Draft Environmental Impact Report (Draft EIR) Comments

Dear Mr. Manasse,

The Port of Oakland (Port) appreciates this opportunity to comment on the Proposed Phase I Oakland 2045 General Plan Update Draft Environmental Impact Report (Draft EIR). The Port of Oakland is an independent Department of the City of Oakland (City), acting by and through its Board of Port Commissioners. The Port manages four lines of business: Maritime/Seaport, Aviation/Oakland International Airport (Airport), Commercial Real Estate, and Utilities. Please see the following comments from the Port.

### **Airport Land Use Compatibility Plan**

The Airport Land Use Compatibility Plan (ALUCP) is the primary document used by the Alameda County Airport Land Use Committee (ALUC) to promote compatibility between Oakland International Airport (OAK) and its environs. The intent of the ALUCP is to encourage compatibility between airports and the various land uses that surround them. There are four primary criteria for evaluating the compatibility of proposed land use in the Airport Influence Area (AIA): Airspace Protection Zones, Overflight Zones, Noise, and Safety.

The Port recommends working with the Alameda County Community Development Agency (in its role as the County's Airport Land Use Commission) and with the Port of Oakland to ensure consistency with the ALUCP and the City's various planning documents, zoning ordinance, and land-use development proposals near the Airport. Other cities within the County meet regularly and coordinate closely with the Port on upcoming development proposals and planning efforts. The Port requests the City to coordinate closely on upcoming development proposals and planning efforts.



## **Airspace Protection Zones**

The Port conducted a preliminary airspace impact analysis of the increase in allowable heights from 160 feet to 175 feet as proposed in the Draft EIR. The Port's analysis indicates that the height increases proposed along Hegenberger Rd., south of I-880 have an adverse impact on Airport operations. Specifically, these impacts include a decrease in low-visibility capabilities on North Field runways which can negatively impact the ability of OAK to effectively operate. These impacts will not only exist during construction of potential new development when cranes will be operating but will also persist once buildings are completed.

It should be noted that the existing height of 160 feet on the southernmost end of Hegenberger Rd. is problematic for the Airport's operation. A sampling of height restriction points in the area near Hegenberger Rd. and Doolittle Dr. indicates that the building height limitations should be a maximum 103 feet. The Port is requesting that the City decrease the maximum building height to avoid impacting the Airport operations. The Port will continue to analyze the impacts of development on airport operations and continue to discuss the issue with the City.

The Hegenberger corridor is located within the Aviation Easement Zone as depicted in the ALUCP. An aviation easement dedicated to the Port as a condition for any discretionary local approval of any residential or non-residential development within the Aviation Easement Zone should be recorded with the Alameda County Clerk-Recorder.

Land uses that may cause visual, electronic, navigational, or bird strike hazards to aircraft in flight shall be allowed within the AIA only if the uses are consistent with FAA rules and regulations.

## **Overflight Zones**

Noise from the overhead flight of aircraft can be annoying and intrusive in locations beyond the limits of the noise contours. While sensitivity to aircraft overflights will vary from person to person, the basic intent of overflight policies is to warn people near an airport of the presence of aircraft so that they have the ability to make informed decisions regarding the acquisition or lease of property within the influence area of an airport.

The ALUCP requires that Overflight Notifications be included as a condition for local agency approval of new residential development within the Overflight Notification Zone. Further, California state statutes (Business and Professional Code Section 11010 and Civil Code Sections 1102.6, 1103.4, and 1353) mandate that sellers or lessors of real property must disclose information regarding whether their property is situated within an AIA.

However, Overflight Notifications and real estate disclosures are not required for properties for which an avigation easement is required. The avigation easements required for the projects located within the AIA serve the purpose of the Overflight Notifications and real estate disclosures. We recommend that a buyer notification plan be implemented so buyers are well informed of the overflights and associated noise prior to purchase.

A deed notice on any parcel map, tentative map, or final map should be recorded with the Alameda County Clerk-Recorder stating that areas with the AIA are subject to overflights by aircraft using the Airport.

## **Noise**

The Port does not advise building homes near the airport as aircraft noise can become a real issue for the City of Oakland residents. Zoning regulations near the airport allow for commercial, industrial, and retail activities while restricting residential buildings, schools, childcare centers, and the like. When a residential neighborhood does fall within an airport's flight path, noise can certainly be a problem. The residential buyer notification program would ensure that buyers understand that the area is subject to frequent overflights from the airport and that single event noise will be audible and a possible concern, particularly with windows open. The Port requests the building design to contain upgraded windows and doors with sound proofing and sound dampening to reduce outdoor aircraft noise levels.

## **Safety**

Land use safety compatibility criteria are developed to minimize the risks to people and property on the ground, as well as those people in an aircraft in the event of an accident or emergency landing occurring outside the airport boundary. The seven safety zones identified in the ALUCP are based on those depicted in the California Airport Land Use Compatibility Handbook (Handbook). The ALUCP lists compatible land uses within each safety zone. The safety zone criteria developed for a particular zone is largely a function of risk acceptability. Land uses (e.g., schools and hospitals) which, for a given proximity to the airport, are judged to represent unacceptable risks must be prohibited. Where the risks of a particular land use are considered significant but tolerable, establishment of restrictions may reduce the risk to an acceptable level. In certain situations, such as venues accommodating the assemblage of large numbers of people with restricted mobility (i.e., sports stadiums, amphitheaters, etc.), the perceived risk of an aircraft accident occurring maybe an intolerable risk no matter where it is located within the AIA.

FAA Advisory Circular 1550/5200/33B, Hazardous Wildlife Attractants on or Near Airports provides a comprehensive discussion of the land use practices that potential attract hazardous wildlife and wildlife hazard management procedures. This Advisory Circular recommends that

the FAA be notified as early as possible in the planning process of any land use changes that may attract wildlife within 5 statute miles of an airport. This will allow the FAA to perform a brief examination to determine if further investigation is warranted.

Regulate land uses within designated airport safety zones, height referral areas, and noise compatibility zones to minimize the possibility of future noise conflicts and accident hazards.

Outside the seaport and airport, land should be developed with a variety of uses that benefit from the close proximity to the seaport and airport and that enhance the unique characteristics of the seaport and airport. These lands should be developed with uses which can buffer adjacent neighborhoods from impacts related to such activities.

### **Closing**

Development of sites proximate to airport flight paths should be in conformance with Federal and State standards, as articulated in Federal Aviation Regulation, Part 77 and Part 150, ALUC planning guidelines, and any other applicable regulations and amendments. Again, the Port appreciates the opportunity to comment on the Draft EIR and looks forward to working with the City of Oakland to address the Port's comments. Please contact Sharon Grewal, AICP, Aviation Project Manager at [sgrewal@portoakland.com](mailto:sgrewal@portoakland.com) or Anjana Mepani, AICP, Acting Port Environmental Supervisor at [amepani@portoakland.com](mailto:amepani@portoakland.com) with any follow-up questions and responses.

Sincerely,



Colleen Liang  
Acting Director of Environmental Programs and Planning

CC:

Danny Wan, Executive Director  
Kristi McKenney, Chief Operating Officer  
Mary Richardson, Port Attorney  
Craig Simon, Acting Aviation Director  
Matthew Davis, Director of Governmental Affairs  
Joan Zatopek, Aviation Planning and Development Manager  
Matt Davis, Airport Operations Manager, Airside  
Sharon Grewal, Aviation Project Manager  
Anjana Mepani, Acting Port Environmental Supervisor  
Lakshmi Rajagopalan, Planner IV, City of Oakland Bureau of Planning

the 32nd-34th Streets blocks and have helped \*cause\* our housing shortage profit by way of creating an easy pathway for them to destroy the character of our neighborhood without even the prospect of a challenge from adjoining neighbors.

Very Best Regards,



## West Clawson Neighborhood

Nancy Nadel [REDACTED]

Tue 5/9/2023 10:47 AM

To: General Plan <generalplan@oaklandca.gov>

C [REDACTED];ray kidd [REDACTED]>;Christopher Buckley  
[REDACTED]

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

To whom it May Concern,

I am writing with respect to the changes you are suggesting for the neighborhood where I have lived for over 40 years between the freeway and 28th street, Louise and Ettie.

This neighborhood was neglected for decades. Owners were allowed to keep their properties blighted despite complaints and there are still a few deplorably kept properties on my block of Helen Street. They have probably been lobbying you to make the changes you are proposing so they can make more money and decrease our quality of life.

We are finally feeling a little quality of life and you are planning to remove parking requirements where parking is already difficult. You are planning to remove setbacks in the front so we will have cement and building instead of front yards with gardens. You are planning to raise height limits so that our ability to use solar panels will diminish. You are reducing the size of a developable lot to 2000 sq feet so that we will be crunched into our properties.

Why is this happening in our neighborhood and not Rockridge for example? It is racist and classist.

Please do not raise the height limits, do not reduce the size of developable lots to 2000, and do not diminish setbacks in our neighborhood.

Please keep us apprised of your decision.

Sincerely,

[REDACTED]  
Chair  
West Oakland Neighbors

## General Plan Zoning Amendments

Marvin Yee [REDACTED]

Tue 5/9/2023 1:40 PM

To: General Plan <generalplan@oaklandca.gov>

C [REDACTED];Ch [REDACTED];Ray Kidd  
[REDACTED];Hillary Russak [REDACTED]

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

To The General Plan Update Team:

Thank you for the opportunity to comment on the proposed Planning Code amendments to implement the Housing Element. I live in the Clawson Neighborhood on Helen Street between 32nd and 34th Streets, an historically and architecturally significant area zoned RM-2 and RM-3.

I object to the proposal that the minimum lot size be reduced to 2000 ft.<sup>2</sup> and that the maximum allowed wall height would increase from the current 25 feet to 35 feet (allowing 55 feet for a 100% affordable project). This would not be in keeping with the character or scale of this neighborhood.

I am also concerned with the proposed, reduced setback requirements. Front setback reductions should not be applied if the reduced setbacks are less than the prevailing front setback of the block face. Otherwise, new developments will literally "stick out" and disrupt the streetscape architecturally. A reduction in the rear setback would lessen the amount of sunlight reaching rear yards for gardens and for relaxation and privacy. Similarly, narrowed side setbacks compromise privacy, and create unusable, narrow spaces.

Thank you for your consideration.

Regards,

Marvin Yee

[REDACTED]  
Oakland, Ca 94608

## Phase I Oakland 2045 General Plan Update Draft EIR Comments

Jim Marro [REDACTED]

Tue 5/9/2023 1:40 PM

To: General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

The revision of the Oakland General Plan and the associated zoning and building codes provides both an opportunity and a challenge, especially in light of housing laws recently enacted by the State of California.

Occasionally, well-intentioned legislation results in unintended negative consequences. Such is the case with AB2097. That law's provision exempting residential builders from providing on-site parking will force drivers to park on-street. Finding parking spaces in those neighborhoods where parking is in short supply relative to demand is problematic at best and nightmarish at worst.

While the law is intended to foster affordable housing and perhaps encourage people to give up their cars, the result leaves many in an untenable situation. The parking burden falls most heavily on the disabled, the elderly, and those workers whose long, complicated commutes or late-hour shifts make use of mass transit unworkable, or even dangerous.

For example, the area around Piedmont Avenue in Oakland, has a particularly acute and chronic shortage of off-street parking, largely because of the robust commercial life of the Avenue. Unfortunately, decades-long proximity to existing transit service has not motivated residents to give up their cars.

For myriad reasons, including COVID, mass transit ridership has drastically declined. A massive investment in infrastructure would be required for transit use to rise enough to motivate people to abandon their cars. That seems highly unlikely.

In response to the COVID-19 pandemic, AC Transit has temporarily suspended service on lines throughout the service area. Several lines do not operate even during commute hours.

BART carried 118 million riders in 2019, and fewer than 35 million in 2022.

Clearly, Bay Area mass transit will not be the solution to affordable housing, or getting people to abandon their cars anytime soon. But there are ways to provide housing *and* parking, as well as preserve neighborhood quality of life. That requires City and State jurisdictions to recognize that codes must account for local neighborhood conditions and not impose a draconian one-size-fits-all standard that predictably will make life worse. Please, require parking in new construction in those neighborhoods with chronic and acute parking space shortage.

Sincerely,

Jim Marro



Oakland CA 94611



## Oakland General Plan Zoning Amendments

Hillary Russak [REDACTED]

Tue 5/9/2023 2:56 PM

To: General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

To: Oakland General Plan Revisions Team

From:

Hillary Russak

[REDACTED]  
Oakland, CA 94608

Thank you for providing a chance to comment on proposed Planning Code amendments for the housing element. My home is located on Helen Street, packed into a tight backyard behind another house (3244) and between 32nd and 34th, in an historical and architecturally significant area that's zoned RM-2 and RM-3.

I object to the proposed, reduced setback requirements. Front setback reductions should not be applied if the reduction is less than the usual range of front setbacks in the neighborhood. The change would have new developments protruding in a way that would disrupt the architectural style of the front of housing in the area. Even worse, reduction in the rear setback would even further decrease already minimal sunlight reaching our tiny already dark-hole-like yards/gardens and further impacting privacy, which similarly is minimized by existing packed, stacked, and crowded zoning. Additionally, narrowed side setbacks would further compromise privacy and create unusable, narrow spaces and packed-in housing.

Thank you for reading my concerns and including them in your discussions and consideration.

Regards,

Hillary Russak

[REDACTED]  
Sent from my iPhone

Phase I Oakland 2045 General Plan Update Draft EIR Comments

Bernie Rossi <rossi@berkeley.edu>

Tue 5/9/2023 4:30 PM

To: General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

My comments on the Oakland General Plan and associated zoning and building codes pertain to the need for sufficient parking, especially in light of housing laws recently enacted by the State of California.

State law that exempts builders from providing on-site parking will force many more drivers to park on-street. Finding parking spaces in those neighborhoods where parking is in short supply is a quality-of-life issue, as well as an environmental issue. Endlessly circling neighborhoods searching for a space simply spews more carbon into the air.

While intended to increase affordable housing and perhaps encourage people to give up their cars, the law's result leaves many in an impossible situation. A parking shortage weighs most heavily on the elderly, the disabled, and workers with long commutes or late shifts. For these, the use of mass transit is not feasible, and often dangerous.

Clearly, decades-long access to transit lines has not driven residents to give up their cars.

Furthermore, mass transit ridership has significantly dropped recently and is not expected to recover. A huge investment in transportation would be needed for transit use to grow enough to motivate people to abandon their cars. That is not likely.

Solutions must be found to provide both housing and parking, while not degrading the quality of neighborhood life. That requires City and State jurisdictions to recognize that codes must account for local conditions and not impose a one-size-fits-all standard that predictably will make life worse. Please, require parking in new construction in those areas with parking space shortage.

Sincerely,

Bernardette Rossi

[REDACTED]



Reply

Forward

# Phase I Oakland 2045 General Plan Update Draft EIR Comments

ARLINDA BEFORT [REDACTED]

Tue 5/9/2023 2:36 PM

To: Rajagopalan, Lakshmi <LRajagopalan@oaklandca.gov>; General Plan <generalplan@oaklandca.gov>

📎 1 attachments (18 KB)

Phase I Oakland 2045 General Plan Update Draft EIR Comments.docx;

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

The 4185 Piedmont Avenue project has caused me to get involved in the zoning update discussion. Not only is this monstrosity a poor fit for the neighborhood, but this type of zoning has the potential to wreak long term havoc on a neighborhood that already lacks sufficient parking. The fact that it is an ugly piece of architecture that is two stories too high for the neighborhood (allowed because of the density bonus) should have been enough to stop the project, BUT the long-term issues that arise from eliminating on-site parking in an already congested neighborhood is truly serious.

Eliminating the on-site parking requirement for a new apartment complex on a commercial corridor next to neighborhood that is already congested because of insufficient parking due to employees of retail establishments, USPS branch, four schools, as well as shoppers and residents needing parking creates an untenable situation for those of us who work, shop, and live in the neighborhood. Neighborhood circumstances, in this case shortage of parking spaces, need to be taken into consideration when new complexes are planned.

As a long-term tenant and a registered nurse who worked the swing shift, I can tell you that on-site parking is a necessary safety issue for many tenants. Do not think that the city or the state are going to get these tenants to give up their cars. While some people may well not need cars if they live near transit lines, options need to be available for those who find car ownership essential:

- to get to or from their jobs in a safe manner late in the evening: e.g., shift workers, like RNs, who work evenings or nights. Lack of housing with on-site parking could result in a shortage of those willing to work these hours.
- to get between jobs in a timely manner: e.g., low income who work more than one job daily and those tight schedules make it unfeasible to use public transit.
- to get to destinations not easily accessible via public transit.
- for trips that include multiple errands and/or grocery shopping (cabs are loathe to pick someone up with groceries or laundry). Working people often have much to get done on their days off.
- for those, like the elderly or disabled, whose car ownership helps them stay independent.

If the city and state are intent on reducing parking within new multi-unit residential developments at least ease into it so that the necessary public transit infrastructure (currently inadequate) has time to ramp up to meet the needs. Ease in so that government can study whether doing this is effective in getting people out of their cars OR if it makes living in the affected neighborhoods untenable. I understand from Assembly Member Buffy Wicks office that NO study was done before this code was set into law. To go full throttle without a study is a recipe for disaster.

If the city/state insists on reducing on-site parking in new residential, please consider:

- Easing in with 75% on-site parking requirement to meet residents with the most pressing parking needs and provide time for public transit to provide for possible increased ridership. In other words, EASE into removing on-site parking and see how it goes. Particularly important in neighborhoods where parking is already at a premium and for large developments. Revisit this on-site parking reduction at five-year intervals to see if it is effective both for city/state goals and tenant needs. Right now, there is NO provision to revisit the zoning code decision as written.
- On-site parking prioritized on a "needs" basis: targeting workers who require vehicles to get to their jobs in a safe and/or timely manner. For those require the use of a vehicle intermittently, like the elderly or disabled, there could be a number of short-term hourly rental cars on-site or daily rentals nearby, moped/motorcycle parking, and bicycle storage/parking for those who are willing to take transit if augmented by bicycling to ultimate destination. Parking should NOT be automatically excluded in a rental package just because someone lives within 1/2 mile of a transit stop.

This document also attached below for your convenience. Thank you for your consideration.

Sincerely,

Arlinda Befort



## Comments on Oakland rezoning plans

NOBLE janet <[REDACTED]>

Tue 5/2/2023 11:21 AM

To: Rajagopalan, Lakshmi <LRajagopalan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hello Ira,

I hope this is the correct place to respond to the rezoning changes for Oakland? Thank you very much for reading my comments on the changes.

First, I'd like to dive directly into a question:

For a housing project to have a "density bonus," what is the minimum percent that needs to be affordable?

I ask because the 15-unit building being proposed for 4185 Piedmont

Avenue will have just two affordable units -- or only 15% -- and my neighbors and I do not understand why this is considered to be enough for the density bonus. Isn't the minimum % twenty percent?

Thank you for that answer.

Back to general concerns on Oakland's rezoning plans,

My greatest concern is that there seems to be a priority for increasing density *at all costs* -- without proper thinking through of the consequences in terms of quality of life for all -- including the new residents.

We all support more the need for **well planned affordable housing** -- not increased density with negative consequences for all concerned.

A good example of poor planning for increased density would be the proposed 15-unit building for 4185 Piedmont Avenue.

There will ZERO off street parking for these new residents -- and ZERO windows facing the best possible direction for good light.

Yes -- I know that there will be many who will say "anything is better than living on the sidewalk!" -- *BUT if it is feasible to plan for residents to have good light from windows and also off-street parking, they will be much happier, safer, and also will have a far easier time trying to find employment.*

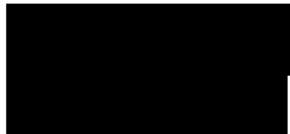
***Why not aim for a better designed building with parking -- at least for some of the residents?***

Almost 575 concerned neighbors have signed our Change.org petition calling for a redesign of the building to include off-street parking. It is a major concern for this neighborhood.

I'll close with a link to the \ petition.

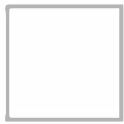
Thanks, Ira, for your consideration of my comments.

Janet Noble



(link below to our neighborhood petition with 572 signatures)

[www.change.org/p/preserve-parking-in-the-piedmont-avenue-neighborhood?source\\_location=search](https://www.change.org/p/preserve-parking-in-the-piedmont-avenue-neighborhood?source_location=search)



**Sign the Petition**

PRESERVE PARKING IN THE PIEDMONT AVENUE  
NEIGHBORHOOD



**From:** [Stephanie Pascal](#)  
**To:** [Haynes, Khalilha](#)  
**Cc:** [Stephanie Pascal](#)  
**Subject:** Missing middle concerns on housing in Oakland  
**Date:** Tuesday, April 25, 2023 6:05:19 PM

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[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

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These are several of many concerns off the top of my head:

1. Because the city council has quite literally stripped all landlords of all rights, such that housing providers have to house mentally ill people, or people breaking their leases who are wealthy and can pay but just don't like rules (my ongoing issue is smoking—I can't evict my six-figure-earner smoker because the moratorium was "one size fits all" many ADU builders have chosen to leave their ADUs empty once their aging parents pass. Or after they built it and realized they can never EVER get a bad tenant off their own land. I myself did want to build an ADU and won't not for similar reasons.
2. Oakland wants us individual owners to solve the housing crises that THEY created. (Like ADU.) And yet, despite what they tout or advertise the soft costs are still \$100k before you even break ground. There's no incentive. I can fast-track if I build 750 or less sq ft and under 2 stories. BUT I want to ADD housing—real genuine housing with impact, and I'm surrounded in every direction by two-story commercial buildings higher than 15 feet. There's no room for nuance and the soft costs are too high.
3. I wanted to apply for "2 houses, 1 lot" specifically so I can build behind my house and NOT be a landlord and my architect explained all the ways the city makes THAT impossible. (And no, it's not hillsides or fire zones, it's a large lot in the flats that screams for housing.)
4. I'm a Rockridge YIMBY.
5. The city screws builders time and time again such that they never want to ever come back to Oakland. If you don't believe me please call me [REDACTED] and I'll hook you up with the 58 Vernon builders and 6105 San Pablo. They've bankrupted themselves because of OFD, PG&E, and EBMUD delays that the city could get ahead of/be on top of/solve. This will affect small-time builders like I want to be.

**From:** [Seth Mazow](#)  
**To:** [Haynes, Khalilha](#)  
**Subject:** Missing middle housing in Oakland  
**Date:** Tuesday, April 25, 2023 4:37:08 PM

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[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

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- I support the Missing Middle program and think Oakland should make it easier to build duplexes, small apartments, and other housing that will add density to every neighborhood.
- I want Oakland to add an Affordable Housing Overlay to encourage the building of subsidized, affordable housing throughout the City.
- Oakland should increase the density of zoning on College Avenue as proposed. We should also upzone Telegraph, North Shattuck, and Piedmont Avenue.
- High-income neighborhoods like Rockridge should be zoned for greater density everywhere, not just on busy commercial streets.

Thanks,  
Seth Mazow



**From:** [Jonathan Singh](#)  
**To:** [Haynes, Khalilha](#)  
**Subject:** Apr. 25 Town Hall on Zoning Changes  
**Date:** Tuesday, April 25, 2023 3:25:01 PM

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[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

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Hello Khalilha,

I am an Oakland resident who rents a home near Telegraph and 40th Street. There are several great zoning changes proposed as a part of this update to the Zoning Map and Planning Code. I want Oakland to make it easier to build dense housing across the city. I look forward to seeing these changes take effect soon.

I am particularly excited about the Missing Middle Program. Oakland should implement this. My wife and I are concerned that we will never be able to buy a home in Oakland. More missing middle housing could open up more opportunities for us to buy a market rate home that costs less than a detached single family home (and without spending taxpayer dollars).

I strongly support the Affordable Housing Overlay. Please implement this and strengthen the program. Let's not allow opposition from wealthy homeowners to water this down. I want affordable, subsidized housing to be feasible in every neighborhood in Oakland.

I also strongly support upzoning on College Avenue. I'll add that Oakland should allow denser development on every major commercial corridor, like Telegraph where I live, Piedmont Avenue, and North Shattuck. Let's put more homes where we already have transit service and other amenities.

Thank you,  
Jonathan

--

Jonathan Singh

Email: [REDACTED]

--

Jonathan Singh

Cell: [REDACTED]

**From:** [Joaquin Carbonell](#)  
**To:** [Haynes, Khalilha](#)  
**Subject:** Oakland Zoning Map and Planning Code  
**Date:** Tuesday, April 25, 2023 9:18:56 AM

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Dear Khalilha Haynes,

I'm an Oakland resident (Temescal) writing to express my support for the following priorities in Oakland's Zoning Map:

- I support the Missing Middle program and think Oakland should make it easier to build duplexes, small apartments, and other housing that will add density to every neighborhood.
- I want Oakland to add an Affordable Housing Overlay to encourage the building of subsidized, affordable housing throughout the City.
- Oakland should increase the density of zoning on College Avenue as proposed. We should also upzone Telegraph, North Shattuck, and Piedmont Avenue.
- High-income neighborhoods like Rockridge should be zoned for greater density everywhere, not just on busy commercial streets.

As someone who struggles to afford housing in Oakland and someone who wants Oakland to welcome new neighbors from all backgrounds, not just the wealthy, I strongly urge you to support these priorities. We need to build more in the higher-income, high-opportunity parts of the city. Every part of Oakland needs to do its part in adding housing and creating subsidized, affordable housing.

Best,

Joaquín R. Carbonell IV

**From:** [Ena](#)  
**To:** [General Plan](#)  
**Subject:** Feedback on Proposed Zoning Changes in Rockridge Neighborhood  
**Date:** Tuesday, April 18, 2023 6:15:24 PM

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I recently reviewed a map illustrating proposed zoning changes to the area around the Rockridge BART station and along that area of College Ave. The proposed changes are disproportionate. They are too aggressive and will result in potential future developments that will destroy the character of the neighborhood. Although density and creating more housing is desired, going from a 35' height limit to 175' in some areas is outrageous. Development should be limited to the general heights of the existing buildings - using Market Hall as an example - with moderate height growths. And/or a stepped approach enforced (if you are building next to a bungalow the new project should not dwarf the existing unit.)

Allowing excessively large projects to be constructed next to bungalows and other single family housing places an undue burden on the homeowners in the neighborhood who face reduced housing values and reduced quality of life due to less access to daylight and views (when they are blocked by large developments) and possible additional noise pollution.

Creating more housing with affordable housing is important. Creating mixed use development is important. However, there are opportunities to do so without unduly disrupting existing neighborhoods; opportunities to compliment the neighborhood fabric. Updates to zoning make sense provided they are proportional. Opportunities to address specific sites on a case-by-case basis (based on specific neighborhood context) should be considered. These proposed updates are not proportional, they are excessive.

Thank you.  
Ena Murphy  
Oakland, CA 94611



**SIERRA CLUB**  
SAN FRANCISCO BAY

**NORTHERN ALAMEDA COUNTY GROUP**

ALAMEDA ALBANY BERKELEY EMERYVILLE OAKLAND PIEDMONT SAN LEANDRO

March 15, 2023

Planning Commissioners on Zoning Update Committee  
Oakland, CA

To [TSShiraziOPC@gmail.com](mailto:TSShiraziOPC@gmail.com), [tlimon.opc@gmail.com](mailto:tlimon.opc@gmail.com), [jrenkopc@gmail.com](mailto:jrenkopc@gmail.com)  
CC [generalplan@oaklandca.gov](mailto:generalplan@oaklandca.gov)

**RE: Planning code amendments to reduce impacts from heavy-duty truck-related businesses in the City of Oakland**

Zoning Update Committee Members:

On behalf of the Northern Alameda County group of the Sierra Club San Francisco Bay Chapter, I am writing in support of the Planning Code Amendments to limit the impact of truck-related businesses in East Oakland.

Industrial and truck related businesses near homes causes East Oaklanders to experience poor health outcomes. These Planning Code Amendments are an important step to minimizing the harm caused by the close proximity of industrial and residential uses.

Thank you,

Respectfully,

Melinda Howard-Herrarte

Chair, Sierra Club Northern Alameda County Group



3/14/23

Dear Zoning Update Committee Member,

The Sierra Club supports the Planning Code Amendments to limit the impact of truck-related businesses in East Oakland. Trucks are a leading cause of nitrogen oxide (NOx) and particulate matter (PM) pollution. These pollutants affect cognition, respiratory, and cardiovascular illness—which is why residents deserve high standards to control and stop air pollution. Industrial and truck related businesses near homes causes East Oaklanders to experience poor health outcomes. These Planning Code Amendments are an important step to minimizing the harm caused by the close proximity of industrial and residential uses.

Thank you,

Yassi Kavezade, Sierra Club  
Senior Campaign Representative, My Generation

**From:** [Lujain Al-Saleh](#)  
**To:** [tlimon.opc@gmail.com](mailto:tlimon.opc@gmail.com); [SShiraziOPC@gmail.com](mailto:SShiraziOPC@gmail.com); [jrenkopc@gmail.com](mailto:jrenkopc@gmail.com)  
**Cc:** [General Plan](#)  
**Subject:** City of Oakland Planning Code Amendments  
**Date:** Wednesday, March 15, 2023 10:32:13 AM  
**Attachments:** [Outlook-dabidtng.png](#)

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Dear Zoning Update Committee Member,

I am writing on behalf of Communities for a Better Environment (CBE), a leading environmental justice organization in the state of California. As CBE's East Oakland Clean Air Project Coordinator and Oakland resident, I support the Planning Code Amendments **to limit the impact of truck-related businesses in East Oakland**.

Industrial and truck related businesses near homes are one of the leading causes of air pollution in East Oakland and negatively impacts the health of communities across East Oakland. These Planning Code Amendments are an important step towards minimizing the harm caused by the close proximity of industrial and residential uses and advancing the Community Emissions Reduction Plan in East Oakland. We urge you to support the adoption of the Planning Code Amendments to improve and protect community health for all.

Thank you for your time and consideration.

Sincerely,

Lujain Al-Saleh

**Lujain Al-Saleh, MPH (she/her)**

East Oakland Clean Air Project Coordinator  
Communities for a Better Environment &  
CBE Action, a project of Tides Advocacy

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Become a [member](#) to build political power of frontline communities!

COMMUNITIES  
FOR A BETTER  
ENVIRONMENT  
established 1978



**From:** [Gabrielle Sloane Law](#)  
**To:** [tlimon.opc@gmail.com](mailto:tlimon.opc@gmail.com); [TSShiraziOPC@gmail.com](mailto:TSShiraziOPC@gmail.com); [jrenkopc@gmail.com](mailto:jrenkopc@gmail.com)  
**Cc:** [General Plan](#)  
**Subject:** Statement in support of amendments to planning code regarding truck-intensive industrial activities  
**Date:** Tuesday, March 14, 2023 9:32:43 PM

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Dear members of the Zoning Update Committee,

I am a member of the East Oakland AB 617 Community Emissions Reduction Plan (CERP) Community Steering Committee and a resident of East Oakland. I support the Planning Code Amendments to limit the impact of truck-related businesses in East Oakland, especially those described in the proposed section entitled, “17.103.065 Truck-Intensive Industrial Activities,” plus any related/dependent amendments and definitions.

Industrial and truck-related businesses near homes inflict a myriad of health issues on the people of East Oakland—like asthma, heart disease, stroke, cancer and other devastating health problems.

These Planning Code Amendments are insufficient to address decades of environmental racism, but they are an important step towards mitigating some of the harm caused by the close proximity of industrial land to East Oakland homes, schools, parks, and businesses.

Everyone deserves to breathe clean air, and for this reason I implore you to adopt these amendments.

Thank you,

Gabrielle Sloane Law