



## ATTACHMENT B

17 May 2022

Dear Director Gilchrist and Staff of the 2045 General Plan Update,

The Board of the Dimond Improvement Association is writing today to provide input on the upcoming Housing Element of the 2045 General Plan Update.

The Dimond District is a resource-rich neighborhood in Oakland that is complete with high-quality transit service, park space, schools, access to grocery stores and restaurants, a library, and a post office. More Oaklanders should have access to the resources we currently enjoy. The Dimond Improvement Association has outlined the goals we wish to achieve for the 6th Housing Element Cycle to ensure strong equitable growth of our neighborhood.

### High Level Goals

1. Develop without displacement
  - a. Focus upzonings on commercial properties and single-family homes. Do not upzone multifamily buildings that are subject to rent control (i.e. multifamily buildings built before 1983).
  - b. Continue to enforce the Housing Crisis Act of 2019 (SB 330) to ensure that any loss of rent controlled units is met with the addition of a corresponding number of new affordable units.
2. Encourage redevelopment in locations on and near transit lines in and around the Dimond to reduce vehicle miles traveled (VMT).
  - a. In general, *increase* the number of people in the Dimond, but *decrease* the number of cars
3. Focus on mixed use developments in the Dimond Business District (DBD) and other commercial properties in and around the Dimond

### Focused Goals

1. Eliminate parking minimums for new housing construction in the DBD and all areas in the Dimond within 1 mile of transit stops.
2. Establish parking maximums for new housing developments in the DBD of less than 0.1 parking space per dwelling unit.
3. Establish bicycle parking minimums of 3 spaces per dwelling unit.
4. Establish a base height limit of 55 ft in the DBD
  - a. Upzone Opportunity Sites to a max height of 65 ft.
  - b. Make exceptions for rent controlled (built prior to 1983) multifamily housing.
  - c. Structure zoning changes such that newly constructed housing does not interfere with current and future business license permitting requirements (eg., liquor, cannabis dispensary, restaurant licenses, etc).



- d. Developments seeking additional height and density may do so through the State Density Bonus Law.
5. Upzone all transit corridors in and around the Dimond to 55 ft (MacArthur Blvd, Park Blvd, Fruitvale Ave, Lincoln Ave, etc).
  - a. Make exceptions for rent controlled (built prior to 1983) multifamily housing.
  - b. Modify zoning changes to within allowable density limits in high severity fire zones.

### **Small Lots**

1. Draft clear rules for increasing density on smaller lots with different housing types (eg, apartments, bungalow courts, townhouses, etc), that allow for ministerial approvals.
2. Allow for six (6) units by-right for any lot that allows ADUs. Allow for ten (10) if two (2) are deed-restricted for affordable housing (subject to fire and building codes).
  - a. Limit public hearings to only one (1) if, and only if, the appearance of the lot is changed from the street view.
3. Legalize Accessory Commercial Units (ACUs) wherever ADUs are permitted to lower the barrier to entry for small-scale commercial businesses and encourage walkability within neighborhoods.
  - a. Draft rules guiding the permitting process of ACUs that allow for ministerial approvals.
  - b. Limit public hearings to only one (1) if, and only if, the appearance of the lot is changed from the street view.

### **Potential Opportunity Sites for Redevelopment with a focus on Mixed Use**

1. Empty lot at MacArthur Blvd and Dimond Ave, 2114 MacArthur Blvd
2. Bank of America, 2154 MacArthur Blvd
3. Wells Fargo and Chase Bank, 3450-3438 MacArthur Blvd
4. Giant Burger, 2055 MacArthur Blvd
5. Safeway, 3500 Fruitvale Ave
6. 7-11, 2411 MacArthur Blvd
7. CVS, 3320 Fruitvale Ave
8. Old "Hopkinstown" intersection and strip mall, at MacArthur Blvd and Coolidge Ave (2809-2833 MacArthur Blvd, including 2828 MacArthur, 2846 Georgia St.)
9. Diamond Market building, 2979-2973 MacArthur Blvd
10. Solar Car Wash, 3092 MacArthur Blvd
11. Oakland Imported Cars, 3200 MacArthur Blvd

### **Suggested Project Homekey Sites**

1. Highlander Motel, 3255 MacArthur Blvd
2. The Oaks Motel, 3250 MacArthur Blvd



We hope you will take our wishes into consideration for the Housing Element process and serve us by meeting all State requirements during this cycle.

Thank you

  
Ryan Romaneski

Chair, Dimond Improvement Association



October 14, 2022

Director William Gilchrist  
Department of Planning and Building  
City of Oakland  
350 Frank Ogawa Plaza  
Oakland, CA 94610

RE: Preliminary Zoning Proposals - Draft Housing Element 6th Cycle (2023-2031)

Dear Director Gilchrist,

We write to provide comments on Oakland's Preliminary Zoning Proposals (Proposals) as part of the Draft Housing Element for the 6th Planning Cycle (2023 - 2031). We welcome the power and extent of the proposed Affordable Housing Overlay. However, we have identified significant issues with the missing middle program, the sites identified to affirmatively further fair housing in Rockridge and elsewhere, commercial corridor rezonings, and the continued non-inclusion of promising, underutilized sites in low-VMT and high-resource tracts.

In terms of process, we notice Oakland identifies key feedback from community outreach for the general plan and housing element updates at the start of the proposals, but it is unclear how or where this feedback is reflected in the respective rezoning parts of the Proposals, or even whether they all represent suggestions the city has opted to take up. Please consider revising the Proposals to clearly identify how the key feedback is connected to and accomplished in the rezonings.

We summarize our comments as follows:

1. Revise the Missing Middle Program to ensure high-resource neighborhoods allow four units on most lots in practice, including providing setback relief and reducing/eliminating off-street parking minimums.

## Preliminary Zoning Proposals

2. The proposed Rockridge rezoning sites have significant issues related to feasibility, equity and displacement risk; zoning a wider swath of land rather than picking a handful of sites would be more effective.
3. Choosing to leave in place current heights in Rockridge along College Avenue and Claremont Avenue, while miles of MacArthur Boulevard and International Boulevard in East Oakland are rezoned to allow significantly more height and development, is reinforcing patterns of spatial segregation. Oakland needs to be more ambitious with North Oakland standards to affirmatively further fair housing as required by state law.
4. Oakland should undo the 2011 downzoning along the high and moderate-resource Shattuck Avenue commercial corridor and increase heights to 45'.
5. We make various suggestions to improve the proposed Affordable Housing Overlay, including removing the exemption for height bonuses for prospective Areas of Primary Importance that are formed after the effective date of the rezoning.

### **Missing Middle Program**

The proposed Missing Middle Program, while making some noteworthy changes, overall does not go far enough to meet the goals of the Missing Middle referral from CM Rebecca Kaplan and the Oakland City Council. In certain instances, *Oakland's draft Missing Middle Program represents a downzoning from the SB9 development capacity.*

Currently 2-4 units is the baseline set by state housing law. Oakland should be pursuing a framework that allows **more** than that baseline on a majority of single-family lots. Staff's proposal provides greater certainty by removing conditional use permits for residential zones, but does not provide sufficient density and development-standard relief for these opportunities to be reliable and straightforward - a necessity for any significant use of the opportunities. Few projects will be able to take advantage of a by-right process because density limits for standard lot sizes of 4,000-6,000 square feet are still too low. Furthermore, unchanged setbacks, especially the 15' front and rear setbacks in most zones, severely constrains the feasibility of 3- and 4-unit developments.

We believe this program can be revised to facilitate the production of attainable and affordable middle housing. We recommend Oakland consider the following:

- **Sixplexes:** Sixplexes are more likely to be both feasible in the context of high land values and produce middle income housing ([see study from San Jose](#); attached as Exhibit A). Consider allowing up to six units by right in certain high-opportunity residential zones, as well as on corner lots and lots over 5,000 square feet.
- **Minimum Lot Sizes and Lot Splits:**
  - Please confirm explicitly that lot splits in residential zones will be approved ministerially.

## Preliminary Zoning Proposals

- The minimum lot size in residential zones should be reduced from 2,500 to 2,000 square feet. Under SB9 the minimum lot size post-split is 1,200 square feet. While we appreciate Oakland reducing minimum lot sizes across residential zones, the 2,500 square foot minimum is twice that of the SB9 baseline. Moreover, 4,000 square feet is a common Oakland lot size, perhaps the most common. A 2,000 square foot minimum lot size would facilitate lot splits in most cases, whereas a 2,500 square foot minimum would largely exclude them. *As it stands, the proposed minimum lot sizes constitute a downzoning of development capacity in residential zones from SB9 and should be revised.*
- Lower Rockridge and Temescal:
  - To ensure Lower Rockridge and Temescal allow fourplexes in practice, consider rezoning them to RM-4. Lower Rockridge and Temescal typical lots are roughly 4,000 square feet. The proposed rezoning of these high-resource and low-VMT areas requires 1,500 square feet of land per unit. In practice this means only 2 units are allowed, which is the bare minimum under SB9. Moreover, 2 units does not meet the goals of Oakland City Council to allow at least 4 units in residential zones, and reduces owner incentives to add those units (these projects will often be complex and expensive). Rezoning these areas to RM-4 would require 1,000 square feet of land per unit, which would allow 4 units per lot by right in most or all cases.
- Adams Point: The zoning map shows a rezoning of the center of Adams Point from RM-1 to RM-2. This neighborhood is already full of medium-sized apartment buildings (see Figure 1 below, taken from the Oakland Map Atlas) These zoned capacity should match the existing built environment to allow for 4-8 story apartments. Alternatively, consider rezoning this area to RM-4.
- High Resource Areas: Bushrod, Santa Fe, Trestle Glen, Crocker Highlands are all high-resource or moderate-resource areas that are untouched by the proposed Missing Middle Program rezonings. These are also low-VMT neighborhoods with easy non-car access to jobs, parks and schools. They should be rezoned to at least RM-2. (Also in Figure 1 below).
- Heights: RM-1 should allow 3 stories by right.
- Parking: The current requirement of 1 unit of off-street parking requirement in most Oakland greater than ½ mile from transit makes most missing middle projects infeasible. The off-street parking requirements should be fully eliminated. Alternatively, the city could match the California ADU standard by eliminating off-street parking requirements within one (1) mile of any bus stop, but if so should require no more than 0.5 spaces per unit elsewhere.
- Setbacks:
  - As written, the Missing Middle Program offers no reduction in setbacks. As we have seen in Minneapolis and other places the failure to reduce lot coverage and setback rules in tandem with upzoning for 2-4 units will result in few to any construction. The existing RM front setback of 15-20' is a nonstarter for middle housing development.

## Preliminary Zoning Proposals

- Consider reducing RM setbacks to 10' for front setbacks (or average of immediately adjacent neighboring buildings, whichever is less), 4' on all sides, and 0' for inner side or street side on lots less than 50' wide.
- Increase lot coverage to allow 50% lot coverage in all residential zones for projects seeking 3 or more units.
- Some zones have not only minimum lot area but minimum average width and minimum frontage. Those should be reduced in tandem with minimum lot areas.
- High-resource/Low-VMT gradation:
  - In order to reduce patterns of spatial segregation, Oakland should make special effort to ensure that 2-4 unit development is feasible in high-resource residential neighborhoods. The high land values of these neighborhoods also makes it harder for 2-4 residential uses to outbid luxury single-family homes. Therefore, we have previously written to Oakland suggesting that additional density beyond 4 units and additional setback relief be offered in high-resource areas. The proposed Missing Middle Program makes no effort in that regard. We recommend Oakland revise the program to confer additional density (baseline 5 units) and additional setback relief in high-resource residential zones.
  - In order to reduce VMT, Oakland should allow additional density and setback relief in residential zones near BART stations.
- Mills College:
  - Please clarify the reasoning behind rezoning Mills College at Northeastern University from RM-3 to RM-4. Plans for student housing on the actual Mills site should be tailored to student housing; RM-4 is a residential neighborhood standard. Without additional context, this appears to be a paper upzoning that will result in no new housing.
- Accessory Commercial Units:
  - The Proposals' key points from community engagement cites the need to attract retailers in food deserts. In many Oakland neighborhoods, especially East Oakland, the distance between commercial corridors where retail uses are permitted exceeds easy walking distance. Moreover commercial floor plates are often too big or expensive for many start-up or would-be retailers.
  - All RM zones in the current intent section include "and neighborhood businesses where appropriate", but in practice all subzones except RM-5 make food sales, restaurants, cafes, and retail sales require conditional use approval, and alcohol sales are only allowed if grandfathered. Consider allowing a wider range of commercial businesses as permitted in any space less than 600 square feet in all RM and RU zones ("Accessory Commercial Units") to facilitate greater food access, increased walkability and low impact diversity of uses.

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### Rockridge Rezonings

We appreciate that Oakland's Proposals include specific rezoning for Rockridge in response to our comments and those of HCD. Unfortunately, as discussed below, the rezonings as written have significant issues in terms of spatial equity, horizontal equity, feasibility and displacement. We are also concerned that staff continue to avoid rezoning soft sites near Rockridge BART that could easily be rezoned to further fair housing and reduce VMT.

- Commercial Corridor:
  - As noted below, commercial corridors throughout West and East Oakland are having their heights increased. These include commercial corridors close to BART and high-frequency bus (Fruitvale, West Oakland, Coliseum, and Telegraph Avenue near MacArthur BART) as well as on BRT lines (International Boulevard in San Antonio and between 73rd Avenue and Durant Avenue) and also some corridors miles from BART (Dimond District and Laurel District). All the while, heights for the commercial corridor of College Avenue near Rockridge BART remain untouched at 35' in CN-1 zones.
  - While Oakland proposes to rezone eight sites along College Avenue and Claremont Avenue, there are significant issues with many of these sites (see below). Moreover, it is concerning that Oakland seems perfectly willing to increase heights along miles of MacArthur and International boulevards but cannot countenance allowing more than two parcels to go up to 65' on College Avenue.
  - While we support height increases in commercial corridors generally, we are concerned about the horizontal inequity of excluding College Avenue and Claremont Avenue. Why should a strong commercial corridor in the Laurel District, over 2 miles from Fruitvale BART, be rezoned from 35' to 65', while College Avenue, within ½ mile of Rockridge BART, remains at 35'? Why should commercial land in Deep East Oakland in Elmhurst along International Boulevard go from 75' to 95' while Claremont Avenue near Rockridge is stuck at 35'? Are the existing commercial uses in Rockridge simply more valuable to Oakland than the existing commercial uses in East Oakland?
  - ***This concentration of multifamily development potential in lower income and non-white neighborhoods, especially in East Oakland, while preserving the height limits of commercial land in high-income and mostly white Rockridge is reinforcing, not reversing, existing patterns of spatial segregation.***
  - Oakland, in order to affirmatively further fair housing, should increase heights along College Avenue and Claremont Avenue to 55'.
- RM Zoning: As noted above, Lower Rockridge needs to go from RM-2 to RM-4 in order to allow for 3- or 4-unit development to occur - or the entire RM zone needs to allow 3- or 4-unit development both by right and in practice.
- DMV: Does Oakland have written confirmation that DMV plans to redevelop its property on Claremont? The use of state-owned land for redevelopment must be accompanied by a



firm commitment by the Department of General Services to redevelop the site within the eight year planning period.

- 5248 Claremont Avenue: Site 5 on Figure 4 is a 3-story, 42-unit apartment building constructed in 1959 called Claremont Park Apartments. It is highly likely that this property is subject to Oakland's rent control ordinance. In any case, this property should not be rezoned. ***If it remains as a rezoning site either: 1) no redevelopment will occur due to the costs associated with SB330/SB8 replacement, relocation and right to return requirements; or 2) redevelopment will occur and 42 units of rent-controlled housing will be destroyed when vacant, commercial and owner-occupied sites abound nearby. Oakland should not be in the business of designating rent-controlled housing in high-resource areas for upzoning and redevelopment.*** Please remove this site.
- Trader Joe's parking lot: This is a high-volume grocery store with two surface parking lots. It is highly unlikely either the store itself or the parking lot fronting College Avenue will be redeveloped. The Miles Avenue fronted surface parking lot may be feasible for redevelopment, but it will be difficult given that the CN-1 standards only permit approximately 40 units.
- 5264 Claremont and 5256 Claremont: These sites include approximately four residential units. Under the CN-1 density standards and unchanged 35' height limit these sites could yield 9 units at most each. If there are existing low-income tenants on-site then 1 or 2 of 9 units will be required to be replaced with deed-restricted units. Does Oakland have a track record of producing developments with less than 10 units and on-site affordable housing in this manner? If not, they should be considered for higher density or removed.
- 6209 College: This site has an existing banking use and surface parking lot. Under the CN-1 standards it can yield at best 20 units. It is unlikely that 42 dwelling units per acre will outbid the existing banking use.
- 5220 Claremont: This site has an existing pediatric use that is part of UCSF Benioff Hospital. Has Oakland obtained written evidence that the property owner intends to discontinue this use within the eight year planning period?
- Unpicked Sites: As seen above, there are significant issues with Oakland's Rockridge rezoning sites. There are many sites that Oakland could identify for rezoning that would be more feasible for housing while minimizing displacement.
  - The vacant site at Pleasant Valley/51st Street and Broadway - This is a large vacant site near BART and Lines 51A and 18. It is in a high-resource tract and has easy access to health services, grocery stores and open space.
  - Claremont flatiron - This vacant parcel at Claremont and College is currently zoned to only allow 18 units. It was also a very popular site in the city's survey data. Consider rezoning to allow 75 dwelling units per acre.
  - Gas Stations - There are several gas stations that could be rezoned within Rockridge.
  - 51st Street - This is a 75' wide residential street with bus service and is within a ½ mile of Rockridge BART. It is proposed to be rezoned to RM-2. It should be rezoned to allow for multifamily housing with heights of 45' and up to 55 dwelling units per

- acre. The existing uses of mostly owner-occupied single family homes and a few duplexes would reduce the impacts of potential displacement and relocation costs.
- In practice, most development usually occurs in places outside those designated in housing elements, because for- and non-profit developers evaluate prospects in different ways from planning professionals and often come to different conclusions. In addition to trying to pick winners among sites, the city should consider a broader upzoning to 6+ stories and 75+ units per acre in a one-mile radius of Rockridge BART.

### **Commercial Corridors**

We understand that many of Oakland's proposed commercial corridor rezonings are meant to reconcile planning code with building typologies. In addition, the Proposals increase heights in commercial corridors in several key areas near transit (excluding College Avenue and Claremont Avenue in Rockridge). While these heights increases are certainly helpful for increasing housing feasibility and lowering VMT we are concerned about the lack of height increases in key areas.

- **Park Boulevard**: Heights along the commercial sections of Park Boulevard in Eastlake and Glenview should be increased.
- **Shattuck Avenue**:
  - This section was downzoned in 2011 to 35' in response to housing development in the mid-2000s. Homeowners in these high-resource areas pushed to downzone the corridor due to concerns about development exceeding existing zoning (through use of State Density Bonus Law) but within the general plan designations; the groups supporting the downzoning cited impacts to "sunlight, privacy and appearance." [[Oakland Planning Commission staff report, July 14, 2010](#); attached as Exhibit B]. This was a poor justification for downzoning a high-resource, low-VMT transit corridor and should be undone.
  - In February 2021 a 45' multifamily development project at 6501 Shattuck Avenue (½ mile from Ashby BART) that had submitted an application prior to the 2011 35' downzoning was appealed and delayed for months by nearby homeowners and landlords. The appeal was ultimately rejected but such appeals add risk and cost to housing development.
  - Recently, a proposal was submitted for an apartment building at 6341 Shattuck Avenue. Consistent with the zoning, it is limited to 3 stories; allowing 4 stories would likely enable a 30-40% increase in new homes built.
  - Consider increasing heights along Shattuck Avenue back to 45' or more to facilitate housing development in this high-resource and low-VMT neighborhood.

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### Affordable Housing Overlay

Overall we are highly encouraged by the Affordable Housing Overlay (AHO) proposal. We believe it has the potential to open up more residential land for affordable housing development, including in high-resource areas. The by-right provisions of this rezoning program can provide needed greater certainty to affordable housing developers. The AHO, if implemented with care, can deliver more low and moderate income housing and help reverse patterns of spatial segregation.

We offer the following suggestions:

- Co-ops and CLTs: Make sure the ordinance explicitly allows co-ops and land trusts to use the AHO.
- Relax open space requirements: convert open space per unit into open space per residential living space, so that more density does not penalize them in terms of open space requirements. For further context, the CN zone already has lower requirements for efficiency units but residential zones do not.
- Cohousing: Allow cohousing with shared bathrooms and shared kitchens.
- Historic Districts: Not allowing +20ft height in historic areas, aka Areas of Primary Importance (APIs), is inequitable. Some of the high-resource areas affected include most of the rectangle between Alcatraz, Woolsey, College, & Telegraph; as well as the entire CCA site at 5200 Broadway. A historical building is *not* demeaned or diminished by having a taller building next to it.
  - We strongly request that Oakland does not allow newly formed, prospective APIs at the effective date of the rezoning to be exempted from AHO height bonuses.
- Roof Heights: Many zones like RM currently allow 5 feet more roof height than wall height to allow for pitched roofs. But when this proposal adds 20 feet that +5 feet often vanishes. What is the rationale for this? Pitched roofs can work in taller buildings too. Consider allowing +5 feet for pitched roof in every AHO zoning category.
- DBL Consistency: Clarify the meaning of 100% affordable in terms of income levels that the units must be restricted to. At a minimum, 100% affordable projects under the definition of State Density Bonus Law (AB1763), which are defined as 20% moderate-income, 80% extremely, very low or low-income, and one manager's unit, should qualify under the city AHO. Additionally, the city could consider allowing more than 20% of units to be moderate-income-restricted to open more options.
- Parking: Off-street parking requirements represent significant hard costs and opportunity costs for low-income housing. Parking requirements are a binding constraint on development of multifamily housing that reduces site viability. AB2097 and other state bills have reduced parking requirements within ½ mile of transit and in low-VMT areas. Oakland should go further and require no off-street parking for AHO projects anywhere.
- Fire Zones: The Very High Fire Severity Zones (VHFSZs) are exempted from the AHO. While there are valid safety concerns related to fire risk and escape we would be remiss not to point out the inequity of exempting high-resource and historically exclusionary

## Preliminary Zoning Proposals

VHFSZs. Oakland should explore allowing AHO projects in VHFSZs with hardening and other mitigations.

Thank you for considering these comments. We are available to discuss them via phone or video conference, if necessary.

Sincerely,

John Minot  
Jonathan Singh  
EB4E Co-Executives

Victor Flores  
Resilience Manager, East Bay  
Greenbelt Alliance

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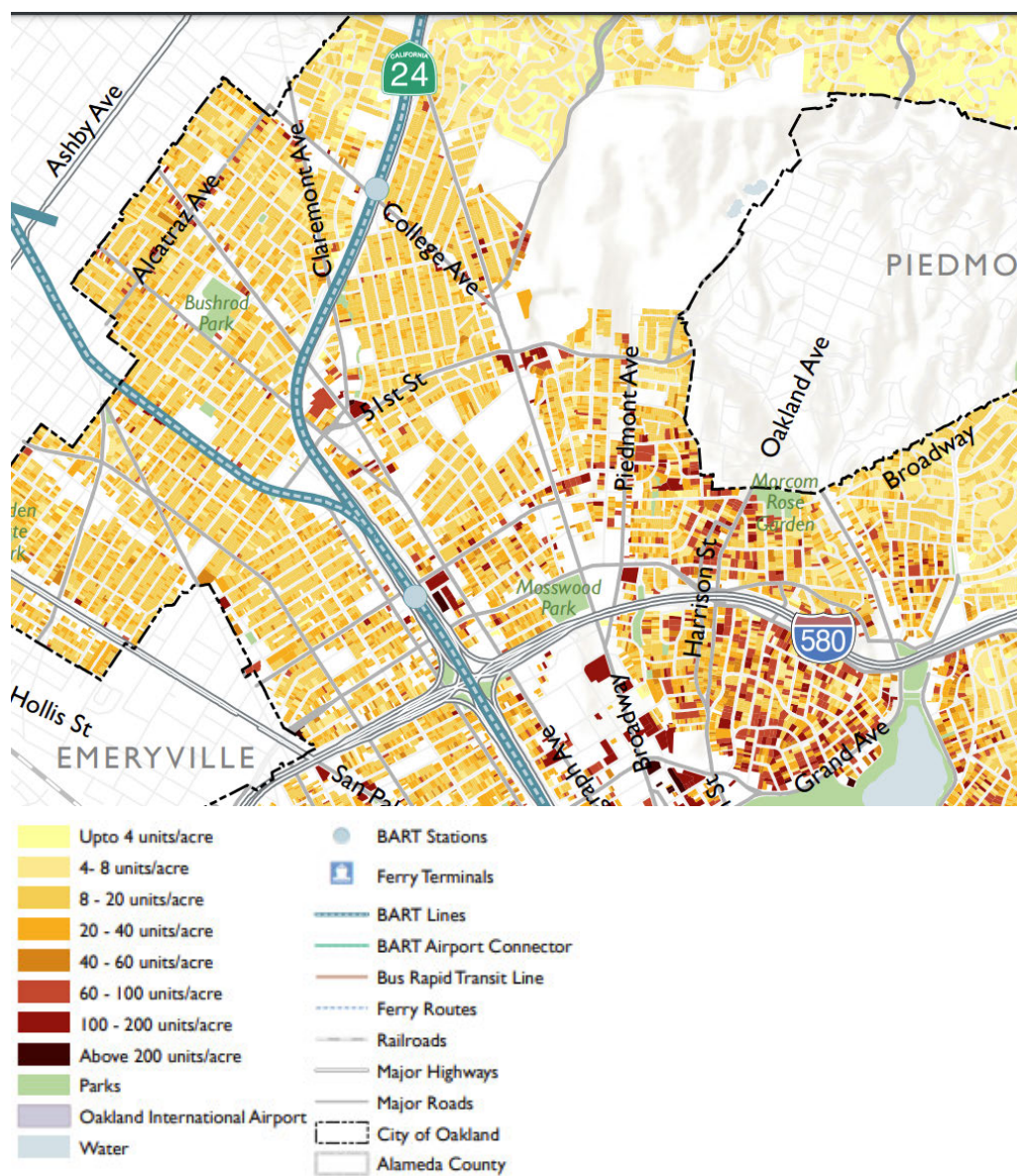
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cc:  
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## Preliminary Zoning Proposals

Figure 1: Existing Residential Density, Central and North Oakland Inset (from Oakland Map Atlas, Figure 2-6)



The goal of this figure is to show that:

- the triangle of Adams Point in the lower right of the figure is already densely full of medium- and some large apartment buildings - the densest census tracts in Oakland outside downtown - yet is mostly zoned RM out of keeping with its current environment, and the proposed rezonings only move a small chunk of it up one level within RM. It should be a high-density zoning designation that allows the same buildings that exists now - not RM or even RU.
- Rockridge, Temescal, and other parts of North Oakland are nearly a single-family monoculture, while the proposed rezonings only increase the density in that large, high-opportunity by a small degree.



December 4, 2022

Director William Gilchrist  
Department of Planning and Building  
City of Oakland  
350 Frank Ogawa Plaza  
Oakland, CA 94610

RE: Revised Draft Housing Element 6th Cycle (2023-2031) dated 11/29/22

Dear Director Gilchrist,

We write to provide comments on Oakland's Revised Draft Housing Element for the 6th Planning Cycle (2023 - 2031) released on November 29, 2022 ("Revised Draft").

Overall we are pleased with the direction of the Revised Draft and appreciate the incorporation of many of the comments from the East Bay for Everyone, YIMBY Law, HAC, Greenbelt Alliance and East Bay YIMBY letter dated October 14, 2022.

The Missing Middle Program is significantly improved by reductions in setbacks, reductions in parking requirements, and increase in allowable density for high-resource areas like Rockridge and Adams Point. We are also happy to see an increase in commercial corridor heights along Claremont and College as well as the inclusion of additional, more viable opportunity sites in Rockridge.

We are also encouraged to see the City of Oakland commit to studying single exit aka "single stair" reform. We disagree, however, that the City of Oakland is unable to implement changes at the local level. The City of Seattle, for example, has adopted local building code changes for a single exit up to five stories that meet NFPA 101 mitigation requirements, including a maximum of four units per floor, automatic sprinklers, one hour-rated walls around the core and half hour-rated walls between units. Oakland could similarly adopt amendments to its local code or establish an alternative means and methods process for four story single stair structures.

We offer the following comments on the Revised Draft:

1. For Missing Middle Housing, we appreciate the reduction of off-street parking requirements to 0.5 in residential areas and zero in the ½ mile radius of major transit stops, but we believe it would be more productive if zero-parking missing middle were allowed across significant transit corridors, rather than merely near BART stations, BRT stops, and

the (rare) intersection of two bus corridors each with up to 15-minute peak headways. We propose instead zero parking requirements within ½ mile radius of bus stops of lines running with at least 30-minute peak headways, which would allow not only Telegraph, Broadway, San Pablo, and MacArthur, but also Grand.

We also suggest a planned check-in midway through the planning period to examine whether missing middle standards are in fact being used at scale, and to amend further if not.

2. Table C-17 “Lower- Income Projects on Small Sites 2018 - 2021” describes projects less than ½ acre developed as low-income housing. Three of the five projects identified in this table are acquisition projects, including Project Homekey sites. Acquisition of sites for low-income housing less than ½ acre is an important goal for preserving and creating affordability but it does not address the underlying need for deeper analysis of building low-income housing on small sites as required under HCD guidance.

The purpose of additional analysis for low-income housing development for small sites less than ½ acre is to identify that the jurisdiction has a track record of developing new construction of low-income housing on such sites. This is important because smaller sites are difficult to finance through the Tax Credit Allocation Committee and other funding sources. Small sites are also more difficult to construct due to parking, circulation, second egress and other requirements. Please remove the acquisition sites and provide additional analysis of Oakland might pursue additional policy changes, including single stair reform, to increase the viability of low-income housing development on small sites.

3. We appreciate the broad reduction to parking standards in a range of zones, not just residential-only, reflecting Oakland's Transit First policy and climate goals. In light of recent counterproductive proposals of parking garages or overparked apartment complexes in transit-oriented areas of Oakland, this direction could be enhanced by:
  - a. Applying revised CBD parking maximums to apply equally to a ½-mile radius of all major transit stops;
  - b. Making new paid parking, structured or surface (as opposed to off-street parking serving another use) require conditional use permits; and
  - c. Require all structured parking be built to be convertible to non-parking uses in the future; currently their standard angled floors make it impossible to do anything else without demolishing.
4. We appreciate and are excited at the proposal to remove CUP requirements for small commercial establishments in residential zones (Accessory Commercial Units) and, in food deserts, for grocery stores. However, we suggest careful objective definition of "food desert," and to err on the side of an expansive definition, such as the USDA half-mile standard (as opposed to a 1-mile standard).

Thank you for considering these comments. We appreciate the City of Oakland's ongoing efforts to refine and deliver a compliant and equitable Housing Element.

Sincerely,

John Minot  
Jonathan Singh  
EB4E Co-Executives

cc:  
CA Department of Housing and Community Development

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December 6, 2022

*By electronic transmission*

General Plan Team, Lakshmi Rajagopalan, Audrey Lieberworth  
City of Oakland Bureau of Planning and Zoning  
250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612

**Subject: November 2022 Revised Draft Housing Element**

Dear General Plan Team:

Oakland Heritage Alliance is still studying the revised November, 2022 draft Housing Element, including the appendices, so the following comments are preliminary and subject to future modification and expansion.

**A. Housing Element main document.**

1. The 11/22 draft now commits the City to specific zoning revisions in specific areas, such as Action 3.2.1's provision for reducing minimum lot sizes in Detached Unit and Mixed Housing Type Residential Zones to 2000 ft.<sup>2</sup>. These kinds of provisions are appropriate to state in general terms as part of a General Plan element and/or as proposals for consideration, but when presented with the draft's level of specificity causes the draft to read more as a zoning ordinance rather than a general plan element. Such levels of specificity should be normally reserved for the zoning amendments. Related to this, the preliminary draft zoning amendments in Appendix J should be understood as just that – a preliminary draft that the City has not yet committed to. **Action 3.4.1, Bullet 8 regarding Appendix J should reflect this by adding “preliminary draft” before “proposal”.**
2. It is our understanding that an Environmental Impact Report (EIR) will be prepared for the zoning amendments implementing the Housing Element, rather than for the Housing Element itself. Therefore, **what will be the environmental review determination for the Housing Element?** If the Housing Element includes specific upzoning provisions, such as discussed above, an EIR or at a least negative declaration would appear necessary.
3. Action 3.4.3 states that, among other things, Action 3.4.8 will “create objective design review standards and... allow for streamlined ministerial approval”. However, Action 3.4.8 actually provides only for objective design standards and says nothing about ministerial approval. **The term “ministerial approval” needs to be explained.** It often

means over the counter approval, with no public notification, review or appeal. But **there still needs to be public notification and review to help ensure that staff application of objective standards is performed correctly.** OHA reviews numerous design review applications and has found many cases where existing zoning standards and/or design review criteria were not applied correctly or fell through the cracks.

In addition, “ministerial approval” indicates that such projects are exempt from environmental review. Such projects if located in historic areas could adversely impact the architectural integrity of these areas, which would normally constitute a “significant effect” under the California Environmental Quality Act (CEQA). **Therefore, if no project level environmental review will be conducted for ministerial projects, the environmental impacts of such projects must be considered as part of the Housing Element** which enables the projects, or at least in conjunction with the zoning amendments to implement the Housing Element. **If no EIR or negative declaration will be prepared for the Housing Element, Housing Element provisions such as requiring ministerial approval of projects must be presented with sufficient generality and caveats to clearly communicate that these provisions are subject to the zoning amendments or other follow up regulatory action that receives environmental review.**

4. **Use alpha-numeric designations to facilitate reference, rather than bullets,** especially for provisions that are part of the Goal/Policy/Action statements such as Actions 3.4.1, 4.1.4 and 5.2.9.

## **B. Specific problematic provisions in Appendix J.**

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 architecturally disrupt the streetscape. 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. **Retain the conditional use permit requirements for projects with five or more regular units,** since projects with five or more regular units allowed by right are eligible for a density bonus under the State Density Bonus Law that 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 of the ADUs could be designated as deed-restricted affordable, accomplishing the State Density Bonus Law objective.

4. **Table 2 – 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 – 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 and zoning incentive programs. 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, in addition, the AHO should not apply to APIs and ASIs, 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.**

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. The Housing Element can include a provision stating this.

Thank you for the opportunity to comment. Please contact Christopher Buckley at (510) 523-0411 or [cbuckleyaicp@att.net](mailto:cbuckleyaicp@att.net) or Naomi Schiff at (510) 835-1819 or [Naomi@17th.com](mailto:Naomi@17th.com) if you would like to discuss these comments.

Sincerely,



Mary Harper  
President

CC: William Gilchrist, Ed Manasse, Catherine Payne, Karen August, Betty Marvin, City Planning Commission, City Council, Landmarks Preservation Advisory Board

## Rajagopalan, Lakshmi

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**From:** Ryan Lester [REDACTED]  
**Sent:** Tuesday, December 6, 2022 8:08 PM  
**To:** General Plan  
**Subject:** Re: Oakland General Plan Update: Revised Draft of Housing Element Now Available for Public Review!

[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.

Oakland Planning Department,

While the changes to the Oakland 2045 General Plan are commendable, I am disappointed that some of the most resource and transit rich neighborhoods in Oakland are not being upzoned significantly.

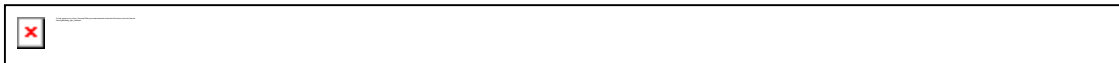
While Rockridge and North Oakland are being targeted (rightly) for additional housing density, the MacArthur Blvd Corridor in East Oakland (near Laurel and Dimond) neighborhoods are not being targeted for almost any additional density. This corridor is well served by numerous local and transbay bus lines, has abundant high-quality employment, food/grocery, park and school options but is currently almost exclusively single family only zoned. Housing built close to 580 is far away from the WUI and fire danger and would be a prime candidate to increase density in, so that all parts of Oakland affirmatively further fair housing.

I respectfully ask that the City of Oakland provide more access for residents who are not millionaires to live above 580 by providing housing options in these neighborhoods that are more than just single family only residences.

Respectfully,

Ryan Lester

On Tue, Nov 29, 2022 at 2:41 PM Lakshmi Rajagopalan <[generalplan@oaklandca.gov](mailto:generalplan@oaklandca.gov)> wrote:



## GENERAL PLAN UPDATE

### Housing Element Public Hearing Draft Released!



### Housing Element Public Hearing Draft Available for Public Review!

The City of Oakland has released the [2023-2031 Housing Element Public Hearing Draft](#). This revised draft of the Housing Element addresses community feedback received from June 2022 to mid-October 2022 and fulfills requirements for compliance with state law.

The Public Hearing Draft includes several new components:

1. An executive summary
2. A substantially updated Chapter 4: Housing Action Plan
3. Appendix J: Proposed Rezoning Changes
4. Appendix K: City of Oakland Response to the Findings Letter from State HCD, dated 9/28/22
5. Appendix L: Response to Public Comments.

The [Housing Element Public Hearing Draft](#) is also being shared with State Housing and Community Development (State HCD) department today. Pursuant to AB 215, the Housing Element Public Hearing Draft will be formally submitted to State HCD on December 7, 2022, after the seven-day public review period (Nov. 30 to Dec. 6). Comment letters received prior to the formal submittal will be included in the formal submittal package. Comment letters received after the formal submittal will be forwarded to State HCD at the time the comments are received.

After the seven-day public review period, the public can continue to provide feedback on the Housing Element Public Hearing Draft **until December 29, 2022**. Comment letters received after December 6, 2022 will be forwarded to State HCD at the time the comments are received and will be included as a supplemental document to the agenda reports for the Planning Commission and City Council public hearings beginning in January 2023.

Please see the project milestone dates below for an overview of the process moving forward:

- November 29, 2022 – Publication of Public Hearing Draft Housing Element
- November 30, 2022 - December 6, 2022 – Seven-day public review period, pursuant to AB 215
- December 7, 2022 – Submittal to State HCD
- December 29, 2022 – End of the comment period for the Housing Element Public Hearing Draft
- January 2023 – Public Hearings for Housing Element Adoption (Dates TBD)

## How to Comment on the Housing Element

There are several ways to comment on the 2023-2031 Housing Element before it is adopted by City Council in early 2023:

1. Email feedback to: [generalplan@oaklandca.gov](mailto:generalplan@oaklandca.gov)
2. Participate in community events posted on our [website](#)
3. Attend upcoming public hearings at the Planning Commission and City Council on the Housing Element, beginning in January 2023. An email will be sent out when the public hearing dates are scheduled.

## Questions?

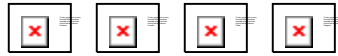
For more information and to find out how to get involved, visit the [General Plan Update website](#) or please contact Lakshmi Rajagopalan at [generalplan@oaklandca.gov](mailto:generalplan@oaklandca.gov).

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The Planning & Building Department oversees the regulations for the City's growth and development. Through reviewing project plans, enforcing local ordinances, developing neighborhood plans, and responding to public concerns, we work to create a built environment that supports the health and welfare of all Oaklanders.

**IMPORTANT NOTE:** You are receiving this message because you have expressed interest in receiving updates on the General Plan Update with the Planning & Building Department. This is a courtesy notice to inform you of

important updates in relation to your business with the city. If you do not wish to receive future messages, please click on the "Unsubscribe" link below.



City of Oakland, Planning & Building Department  
250 Frank Ogawa Plaza, 2nd Floor, Oakland, CA 94612

City of Oakland, 1 Frank H Ogawa Plaza, Oakland, CA 94612

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Ryan Lester



Alameda-Contra Costa Transit District

## Oakland Housing Element Letter

Laura Kaminsky

[GeneralPlan@Oaklandca.gov](mailto:GeneralPlan@Oaklandca.gov)

Dear Ms. Kaminsky and Housing Element staff:

Thank you for the opportunity to comment on the Oakland Housing Element, 2023-2031. AC Transit has long been a strong supporter of transit-oriented housing and commercial development in Oakland and throughout our district. Transit-oriented development along AC Transit's frequent service corridors contributes to the goal of improving non-automotive access throughout Oakland. It also contributes to increasing AC Transit ridership. We wish to raise one concern about the current draft of the Element.

As you know, Oakland is required under state law to assure that it has zoned capacity allow an additional 26,000 housing units by 2031. This is an ambitious goal that must include adding zoned capacity along major AC Transit routes. We are pleased to see that the Element, as detailed in Appendix J, plans to add zoned capacity in segments along a number of these corridors. Portions of College Avenue., Broadway, International Blvd., Foothill Blvd., and Telegraph Avenue south of 55<sup>th</sup> Street are proposed for up zonings to higher density zones, or for increases in permitted heights in their existing zones.

Two segments of key bus transit corridors appear to have been overlooked: 'Upper' Telegraph Avenue north of SR 24 to the Berkeley border. Another is Martin Luther King Junior Way between 40<sup>th</sup> St. and 47<sup>th</sup> St. These areas are not proposed for up zoning or height limit increases in the current draft Housing Element.

There are several reasons why the Telegraph segment is appropriate for allowing increased density. AC Transit, in conjunction with the City of Oakland, is planning to make capital improvements along this (line 6) corridor. This segment has a number of single-story commercial sites which could be reused for housing. In addition, this segment has travel demand going south into central Oakland, and north to Alta Bates Hospital, the University of California, and Downtown Berkeley.

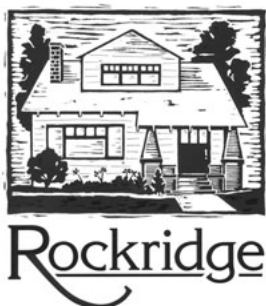
The shorter segment on Martin Luther King Junior Way also has frequent bus service. It also has low intensity commercial uses which could be reused for housing. It is well-located between Children's' Hospital and Macarthur BART.



We understand that the Element's proposals must be codified in changes to Oakland's zoning code. We urge that Upper Telegraph Avenue be considered for intensified housing development through appropriate changes to the zoning code.

Thank you for your consideration.

Ajay Martin *Ajay Martin*  
acting for Robert Del Rosario



Oakland Planning Commission  
[By Email]

Re: Adoption of Final City of Oakland Housing Element

January 10, 2023

Dear Planning Commissioners:

The Rockridge Community Planning Council (RCPC) is supportive of the latest draft of the City of Oakland Housing Element and urges the Planning Commission to recommend adoption of the Element to the City Council, with one recommended change and one noted concern as outlined below.

RCPC is appreciative of the addition of the Ridge site to the Element's inventory of housing sites. We are supportive of the upzoning of the College Avenue Transit Corridor to facilitate potential development of upper story housing there in the future. We are also supportive of higher heights proposed for the Rockridge BART station site, as BART, the City and neighborhood stakeholders begin the process of discussing a potential housing development project there.

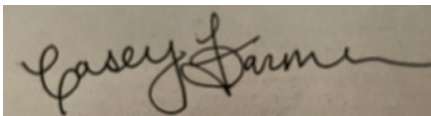
We note and are supportive of the proposal to increase the permitted density in most of Rockridge's residential areas to an RM-4 zone. However, we note that some areas of Rockridge are only proposed for RM-3 or less. We don't understand the reason for this discrepancy and would like the whole area to be moved to RM-4.

In addition, with respect to the Ridge site we call the Commission's attention to Action 3.4.10 on page 88 of the draft. This zoning implementation action would require sites included on the Housing Sites Inventory to be developed as majority-residential use. We very much appreciate this, as it would alleviate our worry that this critical site could be developed with an inappropriate non-residential use. However, the concern here is that it may take a number of months or even years for the Council to adopt this zoning change and in the meantime a currently code-compliant non-residential use could be proposed for the site. We urge the

Commission to recommend to the Council some means of protecting the Ridge site as a housing site in the short term.

We extend our thanks to the Planning Department staff for a difficult job well done!

Sincerely,

A handwritten signature in black ink on a light-colored background. The signature is written in a cursive style and reads "Casey Farmer".

Casey Farmer  
Chair, RCPC Board of Directors

A handwritten signature in black ink on a light-colored background. The signature is written in a cursive style and reads "Kenneth Rich".

Ken Rich  
Chair, RCPC Land Use Committee



January 11, 2023

*By electronic transmission*

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

**Subject: November 2022 Revised Draft Housing Element**

Dear Chair Fearn and City Planning Commissioners:

The following comments modify and expand upon our December 6, 2022 comments to the general plan team that were also previously provided to you. The changes are limited to Items A.1 and A.2.

**A. Housing Element main document.**

1. The 11/22 draft now commits the City to specific zoning revisions in specific areas, such as Action 3.2.1's provision for reducing minimum lot sizes in Detached Unit and Mixed Housing Type Residential Zones to 2000 ft.<sup>2</sup>. These kinds of provisions are appropriate to state in general terms as part of a General Plan element and/or as proposals for consideration, but when presented with the draft's level of specificity causes the draft to read more as a zoning ordinance rather than a general plan element. Such levels of specificity should be normally reserved for the zoning amendments.

**The statements committing the City to specific zoning revisions should therefore be revised so they don't read as commitments but rather as proposals subject to review and refinement as part of the ordinances implementing the zoning amendments,** using words such as "consider" and/or "may" rather than "will", thereby reserving the final determination of whether to proceed with these changes to the ordinances implementing the zoning amendments.

Related to this, the preliminary draft zoning amendments in Appendix J should be understood as just that – a preliminary draft that the City has not yet committed to.

**Action 3.4.1, Bullet 8 regarding Appendix J should reflect this by adding "preliminary draft" before "proposal".**

See attached marked-up pages from the Housing Element and Appendix J for specific wording reflecting the above.

2. **The environmental determination that adoption of the Housing Element is exempt from the California Environmental Quality Act (CEQA) is inappropriate.** The 11/22 draft's commitment to specific zoning revisions as discussed in Item A .1 above allowing denser development will result in a variety of substantial adverse impacts as defined by CEQA, including but not limited to, conversion of pervious to impervious surfaces (increasing stormwater runoff and straining the capacity of the City's already overtaxed storm sewer system), the architectural integrity of CEQA-defined historical resources (including historic districts and neighborhoods), and reductions in the urban tree canopy, impairing air quality and wildlife habitat.

However, it is our understanding that an Environmental Impact Report (EIR) will be prepared for the zoning amendments implementing the Housing Element, rather than for the Housing Element itself. Therefore, if the 11/22 draft language committing the City to specific zoning amendments is revised as recommended in Item A.1, the zoning amendment EIR can be relied on for CEQA purposes and the Housing Element's environmental determination should therefore refer to the zoning amendment's EIR as part of the Housing Element's exemption determination.

See also the environmental review discussion regarding ministerial approval in Item A.3 below.

3. Action 3.4.3 states that, among other things, Action 3.4.8 will "create objective design review standards and... allow for streamlined ministerial approval". However, Action 3.4.8 actually provides only for objective design standards and says nothing about ministerial approval. **The term "ministerial approval" needs to be explained.** It often means over the counter approval, with no public notification, review or appeal. But **there still needs to be public notification and review to help ensure that staff application of objective standards is performed correctly.** OHA reviews numerous design review applications and has found many cases where existing zoning standards and/or design review criteria were not applied correctly or fell through the cracks.

In addition, "ministerial approval" indicates that such projects are exempt from environmental review. Such projects if located in historic areas could adversely impact the architectural integrity of these areas, which would normally constitute a "significant effect" under CEQA. **Therefore, if no project level environmental review will be conducted for ministerial projects, the environmental impacts of such projects must be considered as part of the Housing Element** which enables the projects, or at least in conjunction with the zoning amendments to implement the Housing Element. **If no EIR or negative declaration will be prepared for the Housing Element, Housing Element provisions such as requiring ministerial approval of projects must be presented with sufficient generality and caveats to clearly communicate that these provisions are subject to the zoning amendments or other follow up regulatory action that receives environmental review.**

4. **Use alpha-numeric designations to facilitate reference, rather than bullets**, especially for provisions that are part of the Goal/Policy/Action statements such as Actions 3.4.1, 4.1.4 and 5.2.9.

## **B. Specific problematic provisions in Appendix J.**

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 architecturally disrupt the streetscape. 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. **Retain the conditional use permit requirements for projects with five or more regular units**, since projects with five or more regular units allowed by right are eligible for a density bonus under the State Density Bonus Law that 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 of the ADUs could be designated as deed-restricted affordable, accomplishing the State Density Bonus Law objective.
4. **Table 2 – 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 – 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 and zoning incentive programs. 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, in addition, the AHO should not apply to APIs and ASIs, 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.**

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. The Housing Element can include a provision stating this.

Thank you for the opportunity to comment. Please contact Christopher Buckley at (510) 523-0411 or [cbuckleyaicp@att.net](mailto:cbuckleyaicp@att.net) or Naomi Schiff at (510) 835-1819 or [Naomi@17th.com](mailto:Naomi@17th.com) if you would like to discuss these comments.

Sincerely,



Mary Harper  
President

Attachment: Marked-up pages from the 11-22 Draft Housing Element and Appendix J.

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



City of Oakland Housing Element Update: 2023-2031

The Oakland Housing Authority will continue targeting vouchers to support the development of extremely-low-income Housing through the award of project-based vouchers and/or other Oakland Housing Authority funds.

**Responsible Agency:** *Oakland Housing Authority*

**Timeline:** *Ongoing, 2023-2031*

**Potential Funding Source:** *Federal Section 8 vouchers, VASH vouchers, and/or other Oakland Housing Authority funds.*

**Objective:** *As vouchers or funds are available, at least 20 percent of units in assisted developments will be deed restricted as extremely-low-income.*

### **POLICY 3.2 CREATE A MORE DIVERSE MIX OF HOMES TO MEET COMMUNITY NEEDS**

**Action 3.2.1: Develop zoning standards to encourage missing middle and multi-unit housing types in currently single-family-dominated neighborhoods, including flats, duplexes, triplexes, fourplexes, townhomes/rowhouses, and ADUs.**

The City will review and amend the Planning Code and implement objective design standards to encourage missing middle-density housing typologies, including flats, duplexes, multiplexes (triplexes, and fourplexes), bungalow courts, rowhouses/townhomes, and ADUs. The City will work to reduce pre-development costs and expedite the planning approval process for missing middle housing types resulting from both new construction and the conversion of existing structures.

*Consider reducing*  
The City will develop zoning standards that allow for two, three, and four units on parcels in Detached Unit Residential (RD) Zones and additional multi-unit housing types in Mixed Housing Type Residential (RM) Zones. The City will also ~~reduce~~ the minimum lot size in Detached Unit Residential and Mixed Housing Type Residential lots to 2,000 square feet to remove constraints on lot splitting. The City will permit a variety of building types (attached, detached, bungalow courts) to maximize flexibility, neighborhood scale and potential opportunities for homeownership (split lots and condominiums) in parallel with Policy 3.4 and Policy 5.1. See Appendix J for a summary of missing middle zoning amendments. *possible*

Under Action 3.4.1, the City will revise development standards, including allowable building heights, densities, open space and setbacks requirements.

Under Action 3.4.8, the City will develop objective design standards at the neighborhood level to ensure that multi-unit neighborhood scale housing types designed in a manner that is compatible with the scale of existing residential housing forms in these zoning districts is permitted ministerially. *and architectural character*

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees, SB2 Grant for Objective Design Standards*

**Timeframe:** *June – July 2023*



**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *Mid-cycle (2027)*

**Objective:** *Identify and monitor adequate sites available for development, and increase the baseline of affordable units in high-resource areas.*

## **POLICY 3.4. REFORM ZONING AND LAND USE TO ADDRESS COMMUNITY PRIORITIES**

**Action 3.4.1: Revise development standards, including allowable building heights, densities, open space and setback requirements.**

The City will allow additional building heights and densities in certain corridors and districts. These changes include:

- **Zoning for diverse housing types:** As discussed in Action 3.2.1, the City will develop revised zoning standards for a diversity of housing types in lower density neighborhoods, including but not limited to duplexes, triplexes, and fourplexes in zoning districts such as the RD Detached Unit Residential, RM Mixed Housing Type Residential, and RU-1 and RU-2 Urban Residential Zones. Zoning changes will include revised standards for building heights, densities, open space, lot coverage, and setbacks. The City will also reduce minimum lot sizes to facilitate the subdivision of existing lots. The City will permit a variety of building types (attached, detached, bungalow courts) to maximize flexibility and potential opportunities for home ownership (split lots and condominiums). *map*
- **Elimination of Conditional Use Permits for Density:** Under Action 3.4.3, the City will also eliminate all conditionally permitted densities throughout Planning Code to permit multi-unit buildings according to objective criteria such as by building type and development size, without subjecting multi-unit residential projects to CUPs. *To the extent required by State law*
- **Objective Design Standards:** Under Action 3.4.8, the City will also develop objective design standards at the neighborhood level to ensure that such missing-middle housing is designed in a manner that is compatible with existing residential housing forms in these zoning districts.
- **Increased Heights and Densities along Corridors:** The current building height map and permitted densities along key corridors such as International, Foothill, College, Claremont, and MacArthur Boulevards does not always allow residential projects to meet their full potential. Consistent with the housing sites map, the City will undertake zoning map revisions to allow increased heights and densities. The City will also increase heights and densities on interior residential streets within close walking distance of key corridors.
- **Increased Heights and Densities in Transit-proximate areas:** Alongside efforts to increase missing-middle housing (see Action 3.2.1), the City will increase allowed height and density in areas in close proximity to high-capacity transit, including areas near Rockridge BART and International Boulevard BRT Stations.
- **Increased Heights and Densities in Resource-rich areas:** Oakland's high resource neighborhoods are typically lower-density and have historically been exclusive – both economically and racially. Allowing higher density multi-unit buildings in these areas that are rich in services will help increase the competitiveness of affordable housing projects for State funding, as well as the feasibility of developing significant numbers of housing units within these neighborhoods. Zoning

changes ~~will~~ include permitting residential densities above 30 dwelling units per acre by right in designated areas for affordable housing projects and height increases along College and Claremont Avenue. This will help further fair housing objectives by increasing the availability of affordable housing, in high resource areas.

- **Utilizing Senate Bill 10 Provisions:** Under Senate Bill 10 (Weiner) provisions, the City will identify parcels located in transit-rich areas and/or in Racially Concentrated Areas of Affluence (RCAAs) to allow up to ten units of residential density and increased heights, and provide additional opportunity for infill housing within high-resource areas. *(being considered)*
- See Appendix J for the City's ~~proposed~~ rezoning changes to increase housing production capacity and unlock additional opportunities for affordable and "missing middle" housing in high-resource neighborhoods and affirmatively further fair housing by opening up exclusionary neighborhoods such as Rockridge, Trestle Glen, and Crocker Highlands.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *June-July 2023*

**Objective:** *Reduce constraints to development to significantly increase production of housing to match housing need. Create additional opportunities for development along transit-rich areas and in urban infill sites to significantly increase production of housing to match housing need and to affirmatively further fair housing.*

#### **Action 3.4.2: Study the Relationship Between Zoning and Racial Segregation as Part of the Phase 2 General Plan Update.**

The City is updating the 2023-2031 Housing Element as part of a comprehensive update to the General Plan. The General Plan Update (GPU) is undertaken in two phases in order to meet deadlines mandated by State law. Phase 1 focuses on updates to the Housing and Safety Elements, as well as preparation of a Racial Equity Impact Analysis, Zoning Code and Map update, and creation of a new Environmental Justice (EJ) Element. Subsequently, Phase 2 will include the update of the Land Use and Transportation (LUTE) Element; Open Space, Conservation and Recreation (OSCAR) Element; Noise Element, and the creation of a new Infrastructure and Facilities Element which are slated to be completed by the end of 2025.

As part of the LUTE update, the City will study the impact of historic and contemporary zoning restrictions, especially single-family zoning, on ongoing patterns of racial segregation. Existing data on historic zoning patterns highlights the racial disparities in homeownership and rental patterns. The City will utilize this study to direct zoning changes in the LUTE as part of Phase 2 of the GPU.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *Study complete by mid-2025*

**Objective:** *Through this study, inform zoning and land use designation changes to promote inclusive, equitable and diverse housing patterns.*



## Appendix J. Summary of Preliminary Draft Missing Middle, Other Planning Code Amendments, and Zoning Map Amendments to Facilitate More Housing Proposal

As part of its Housing Action Plan, the City has identified several zoning reforms that would further increase housing production capacity and unlock additional opportunities for affordable and “missing middle” housing in high resource neighborhoods and affirmatively further fair housing by opening up exclusionary neighborhoods, and reducing the exposure to air pollution, toxic and other environmental hazards in environmental justice communities. Below is a summary of the proposed rezonings from the Housing Action Plan that will go to City Council for adoption in June/July of 2023. The proposed changes are also available as an interactive map and

### PURPOSE

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

1. **Affordable Housing Overlay (AHO) Zone:** The proposed Affordable Housing Overlay (AHO) Zone is intended to create and preserve affordable housing restricted for extremely low, very low, low, and/or moderate-income households (as defined in California Government Health and Safety Code Sections 50093, 50105, and 50106 50052.5 and in Oakland Planning Code Section 17.107.020). By-right approvals for 100% affordable housing projects will apply in the AHO Zone.
2. **Housing Sites Overlay Zone:** The City is proposing through Action 3.4.10 to permit sites identified in the 4th and 5th RHNA cycles as part of the Housing Element’s Housing Sites Inventory (identified in Table C-26 in Appendix C) that build 20 percent or more of the units as affordable to lower-income households to be subject to by-right approval. In addition, the City will also look at ways to incentivize developers to build affordable housing on newly included sites identified through the 6th RHNA cycle in the Housing Sites Overlay. This could include by-right approval and/or other incentives to be further evaluated. All parcels within the Housing Sites Overlay Zone (whether they were in the 4th or 5th cycles or new in the 6th RHNA cycle), if redeveloped, will be required to be developed as a majority-residential use. A 100% non-residential use will not be allowed in this overlay.

The proposed missing-middle Planning Code amendments will:

- Reduce minimum lot size and setback standards where appropriate throughout the Planning Code to facilitate small lot development.