

Oakland General Plan Update: Phase I Zoning Amendments Town Hall Meeting

APRIL 25, 2023

Prepared for

The City of Oakland

Prepared by

DYETT & BHATIA
Urban and Regional Planners

Table of Contents

Project Background and Meeting Objectives	3
Location and Format.....	3
Q&A Themes.....	4
Appendix A. Zoom Chat Transcript.....	6
Appendix B. Questions and Answers.....	8

Project Background and Meeting Objectives

The City of Oakland is preparing a comprehensive update of its General Plan, which will serve as a blueprint for land use, development, zoning, policy, and investment decisions in the City for the next 20 years. Oakland's current General Plan was adopted over 20 years ago, and the City and its broader context have changed dramatically since. The General Plan presents an opportunity for the community to create a shared vision for how the will grow in the next two decades. The General Plan also provides a framework to begin the work of acknowledging and eliminating inequities, particularly those that impact communities of color, caused by past governmental and planning practices, and to integrate the principle of fairness into today's planning policies.

This General Plan update process is separated into two phases. Phase I involves the update of the City's Housing and Safety elements, as well as the preparation of a new State-mandated Environmental Justice Element, a new Industrial Lands Policy Element, and a corresponding Environmental Impact Report and zoning code and map updates.

The City of Oakland (City) adopted its 2023-2031 Housing Element on January 31, 2023, as part of Phase 1 of the Oakland 2045 General Plan Update (GPU) process. The 2023-2031 Housing Element includes a Housing Action Plan (HAP) that presents the updated goals, policies, and actions critical to respond to increasing housing pressures in Oakland. The HAP includes several zoning proposals as implementation actions intended to reduce and eliminate constraints to, and incentivize the construction of, affordable housing. More information on the General Plan can be found on the City's website: <https://www.oaklandca.gov/topics/general-plan-update>.

The purpose of the Phase 1 Zoning Amendments Town Hall was to provide an overview of proposed amendments to the Planning Code, answer any questions from the public, and seek feedback with an eye toward refinement before decisionmaker hearings. The amendments are intended to implement actions in the 2023-2031 HAP, further fair housing, advance environmental justice, remove constraints to housing development, and help streamline the Planning approval process. The proposed revisions are intended to encourage a variety of multi-unit housing types in Oakland (duplexes, triplexes, fourplexes, etc.); incentivize affordable housing; reduce constraints on housing development; add housing in areas well served by transit and resources that have historically been exclusionary; and reduce environmental burden on populations that are already affected by pollution. The draft zoning text amendments were published on the City's General Plan Update Website on March 3, 2023, at: <https://www.oaklandca.gov/topics/oakland-2045-general-plan-zoning-amendments>.

Detailed responses from the Q&A and the Zoom chat transcript are located in the appendices.

Location and Format

The Town Hall took place on Thursday, April 25, 2023, from 6:00pm to 7:30pm online via Zoom. Over 60 community members attended the Town Hall.

The planning team gave a short presentation that included a general overview of zoning, its link to the Housing Element, and the purpose of each of the three major components of the zoning amendments, including ‘Missing Middle’ housing type changes and upzoning/height changes; the two overlay zones, including the Affordable Housing Overlay and Housing Sites Overlay; and Industrial Lands changes. Participants could use the Q&A function throughout the presentation, and at the conclusion of each section, staff responded to live questions or answered submitted questions. The questions and answers are included in Appendix B.

Q&A Themes

KEY TAKEAWAYS

- **Inclusionary Housing Requirements and Affordability.** Participants were concerned that missing middle-focused zoning changes will not lead to the development of affordable housing inventory for low- and very-low-income levels due to the influence of market forces. Some participants suggested that the City implement an inclusionary affordable housing requirement, including requirements for moderate income levels.

However, others countered that high inclusionary requirements can make projects infeasible to build and cited research that proposes capping inclusionary requirements at 12-16 percent. In response to questions about how zoning amendments might affect building in areas with high land costs, such as Rockridge, Staff described how allowing more units in these areas would proportionally reduce land costs per unit, therefore encouraging affordability.

- **Affordable Housing Overlay and State Density Bonus.** Several participants sought clarification on how the Affordable Housing Overlay incentives differed from the State Density Bonus (SB 35), and in what instances developers would use this overlay. Staff clarified that a developer may choose between the two and explained that the City has not received many SB 35 projects because it has several more restrictive requirements that have limited its utilization in Oakland. Other participants voiced concerns related to affordable housing incentives for projects on smaller lots, indicating that the City may not have the resources to monitor affordable housing deed restrictions within these smaller projects.
- **Parking Mandates and Transit Proximity.** Participants questioned if the city had considered expanding its definition of transit proximity for reduced parking mandates and suggested that certain transit corridors along major along AC Transit routes will not be covered by the current standard. Staff explained that this will be examined more closely in Phase 2 of the Land Use and Transportation Element, and informed participants that the City’s definition of “Major transit stop” is derived from the California Public Resources Code.

- **Truck Traffic and Industrial Uses.** While the proposed zoning changes applied to new businesses, participants questioned how the city might address existing uses with negative impacts on sensitive areas. Staff noted that if businesses are non-conforming, there are additional restrictions that may be applied. Other participants inquired about increasing the buffer to over 500 feet; staff responded this number was developed in consultation with the Bay Area Air Quality Management District.
- **Environmental Review.** Participants expressed concern about environmental review exemptions as an incentive for affordable housing development through the overlay, and questioned if this would make affordable housing vulnerable to environmental pollution and hazards.

Staff clarified that environmental review generally examines the impact of a building on the environment, rather than the impact of environmental conditions on the development/its residents. However, the City also has a number of standard conditions of approval that must be met by all projects, regardless of if they are exempt from CEQA. For example, one standard condition of approval requires any sensitive land use within a certain proximity of an air pollutant must incorporate appropriate measures into the project design to reduce the potential health risk due to exposure to toxic air contaminants.

- **Other Comments and Questions.** Participants questioned when the overlays will go into effect, and staff clarified that they will be implemented as soon as they receive decisionmaker approval. Other participants voiced concerns about applicability of the Affordable Housing Overlay in areas of high fire risk, and staff indicated that the Fire Department and Emergency Management Services Division were working closely with the Planning Team to make this determination.

Appendix A. Zoom Chat Transcript

Khalilha Haynes, City of Oakland:

<https://www.oaklandca.gov/topics/oakland-2045-general-plan-zoning-amendments>

Lakshmi Rajagopalan, City of Oakland (she/her):

Submit comments to generalplan@oaklandca.gov

Lakshmi Rajagopalan, City of Oakland (she/her):

There will also be an LPAB meeting on May 1, 2023

Lakshmi Rajagopalan, City of Oakland (she/her):

<https://www.oaklandca.gov/meeting/landmarks-preservation-advisory-board-meeting-13>

Lakshmi Rajagopalan, City of Oakland (she/her):

Housing Element Racial Equity Impact Analysis - https://cao-94612.s3.amazonaws.com/documents/Housing-Element-REIA-1.6.23_Final.pdf

Lakshmi Rajagopalan, City of Oakland (she/her):

Please post your questions using the Q&A feature

Lakshmi Rajagopalan, City of Oakland (she/her):

You can also use the Q&A feature to post your comments

Khalilha Haynes, City of Oakland:

One point of correction, on last slide, RM-3 proposal is: For 5 or more units – 1 unit per 1,250 sf. of lot area

Rajeev Bhatia, Dyett & Bhatia:

https://cao-94612.s3.amazonaws.com/documents/Oakland-Adopted-Housing-Element-Ch-1-4-21023_2023-02-17-213804_ddow.pdf

Lakshmi Rajagopalan, City of Oakland (she/her):

If we are unable to respond today, we will include responses as part of the meeting notes and publish them on the website

Khalilha Haynes, City of Oakland:

<https://www.oaklandca.gov/topics/oakland-2045-general-plan-zoning-amendments>

Lakshmi Rajagopalan, City of Oakland (she/her):

Jeff, this is what the proposed language says - If a project is proposed on a parcel included in the Housing Sites Inventory and is not a Prior

Housing Element Sites parcel, the project shall be subject to By Right Approval if, for each income category, the project proposes at least as many units as described as the realistic capacity for the parcel, and at least one of the following conditions applies:

- A. One hundred percent (100%) of the housing units, other than manager's units, are restricted to very low, low and moderate-income residents;
- B. At least twenty percent (20%) of the housing units are restricted to very low-income households;
- C. At least twenty-five percent (25%) of the housing units are restricted to lower income household;
- D. At least forty percent (40%) of the housing units are restricted to moderateincome households.

Rajeev Bhatia, Dyett & Bhatia:

https://cao-94612.s3.amazonaws.com/documents/Industrial-Lands-Focus-Group-Memo_Aug2022.pdf

Lakshmi Rajagopalan, City of Oakland (she/her):

In addition, the Public Review Drafts of Environmental Justice and Safety Elements Available for Public Review until June 22, 2023. <https://www.oaklandca.gov/topics/general-plan-update>

Lakshmi Rajagopalan, City of Oakland (she/her):

See Chapter 17.107 for the Density Bonus and Incentive Procedure - https://library.municode.com/ca/oakland/codes/planning_code?nodeId=TIT17PL_CH17.107DEBOINPR

Lakshmi Rajagopalan, City of Oakland (she/her):

If you have any additional comments, please write to us at generalplan@oaklandca.gov

Appendix B. Questions and Answers
