ATTACHMENT A

CALIFORNIA
AIR RESOURCES BOARD

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)[1] 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)[2]. 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 [3] 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

[1] Chapters 17.114, 17.134, 17.103
[2] The Community Air Protection Program was established to direct the implementation of *Assembly Bill (AB) 617 (C. Garcia, Chapter 136, Statutes of 2017)*
[3] 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*.

Sincerely,

Femi Olaluwoye

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>

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]

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 [redacted]
Brian Beveridge [redacted]
Nicole Merino Tsui [redacted]
Diana Ruiz [redacted]
Alicia Parker [redacted]
Beth Altshuler Muñoz [redacted]

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;

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.² 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

PORT OF OAKLAND

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

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 Avigation Easement Zone as depicted in the ALUCP. An avigation easement dedicated to the Port as a condition for any discretionary local approval of any residential or non-residential development within the Avigation 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 leasers 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 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 or Anjana Mepani, AICP, Acting Port Environmental Supervisor at amepani@portoakland.com with any follow-up questions and responses.

Sincerely,

Colleen Liang

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,

[redacted]

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]

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 activiities (e.g. dining), and the need to provide better more un-emcumbered 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

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]

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]

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.² 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>

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
[redacted]
Oakland CA 94611

OAKLAND HERITAGE ALLIANCE

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,

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

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 5th Cycle (2015-2022) and is already on track to exceed the above moderate-income target for the 6th 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 6th 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 5th 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,

Jeffrey P. Levin
Senior Director of Policy

Oakland General Plan Zoning Amendments

Hillary Russak [redacted]
Tue 5/9/2023 2:56 PM

To: General Plan <generalplan@oaklandca.gov>

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>

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;

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 ½ mile of a transit stop.

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

Sincerely,

Arlinda Befort
[redacted]

Comments on Oakland rezoning plans

NOBLE janet <[redacted]>
Tue 5/2/2023 11:21 AM

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

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 densitybonus. 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 th
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?***

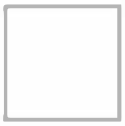
Almost 575 concerned neighbors have signed our Change.org
petition calling for a redesign of the building to include off-street
parking. It is a major concern for this neighborhood.

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

Thanks, Ira, for your consideration of my comments.

Janet Noble
[redacted] (link below to our neighborhood petition with 572 signatures)

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

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 "ons 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 the 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

- 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
[redacted]

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

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

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

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, tlimon.opc@gmail.com, jrenkopc@gmail.com
CC 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

From: Lujain Al-Saleh
To: tlimon.opc@gmail.com; SShiraziOPC@gmail.com; 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

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
[redacted]
Donate to support frontline organizing!
Become a member to build political power of frontline communities!

COMMUNITIES FOR A BETTER ENVIRONMENT
established 1978

OAKLAND HERITAGE ALLIANCE

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 Christo pher Buckley at [redacted] or Naomi Schiff at [redacted] if you would like to discuss these comments

Sincerely,

Mary Harper

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.

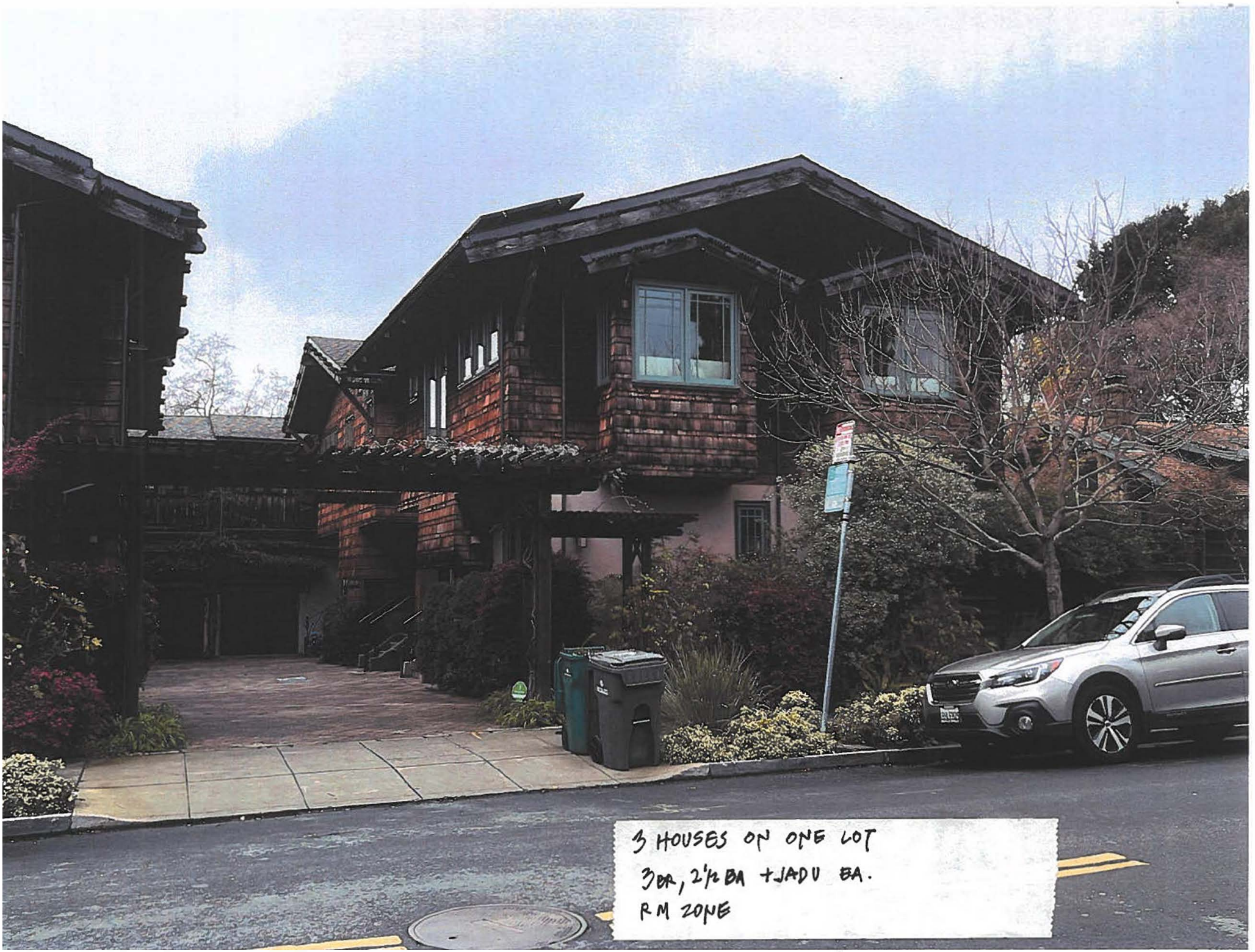
Environmental issues
*Air pollution- promote all electric to replace gas- heating, appliances, vehicles...
*Coordinate the local zoning requirements with the States T-24 requirements, especially locally generated roof top solar, simple clean energy at the point of use.
*Coordinate height limits with 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]

NEW MODULAR HOUSING
ADJACENT TO RM ZONE


3 HOUSES ON ONE LOT
3 BR, 2½ BA + JADU BA.
RM ZONE

SIERRA CLUB

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:	Gabrielle Sloane Law
To:	tlimon.opc@gmail.com; TSShiraziOPC@gmail.com; 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

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

Staff Response to Public Comments

The public comment period for the Phase 1 Draft Zoning Amendments began on March 6, 2023. We received a total of 39 comments, comment letters, and emails during the comment period. Thank you to all those who submitted public comments and attended public meetings. A summary of each comment is included in the table below, organized by date received. Additionally, staff has prepared responses to comments.

Click the TOC below to jump to a response.

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Letter #	Name/ Organization/ Agency/Meeting	Date	Comment	Focus Area	Staff Response to Comment
1	**California Air Resources Board (CARB)**	5/11/23	**Support** • Planning code amendments related to reducing health impacts of heavy-duty truck traffic • Amendments directly implement WOCAP strategies	Industrial planning code amendments	Comments noted. We appreciate your support.
2	**Lowen Baumgarten, Oakland Resident**	5/10/23	**Support** • Missing Middle program and making it easier to build duplexes, small apartments, and other units to add density to every neighborhood. • Increase the density of zoning on College Avenue as proposed. • Upzone other wealthy areas along major bus routes, such as Telegraph, North Shattuck, Piedmont Avenue, Lakeshore Blvd, Mandana Blvd, Park Blvd, etc. • High-income neighborhoods like Rockridge should be zoned for greater density everywhere, not just on busy commercial streets. • Affordable Housing Overlay to encourage the building of subsidized, affordable housing throughout the City.	Missing Middle AHO	Comments noted. We appreciate your support. Phase 2 of the General Plan Update (GPU) will include the Land Use and Transportation Element (LUTE) which will be accompanied by a comprehensive zoning update.
3	**West Oakland Community Action Plan Steering Committee**	5/9/2023	**Support** • Planning Code Amendments to address truck-intensive activities in Exhibits 3 and 4 • Planning Code Amendments 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.	Industrial planning code amendments	Comments noted. We appreciate your support.

Letter #	Name/ Organization/ Agency/Meeting	Date	Comment	Focus Area	Staff Response to Comment
4	**Sanford Forte, Oakland Resident**		**Concerns** • Minimum lot size of 2,000 sq. ft., • Wall heights increase from 25' to 35' • 55' height for 100% affordable projects • Vacant property owners capitalizing on new development standards • Loss of neighborhood character due to reductions in heights and setbacks • Lack of ability for neighbors to challenge tall projects **Questions** • 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?	Missing Middle	Comments noted. These changes in development standards are intended to implement policies in the adopted and certified Housing Element that further fair housing and facilitate housing projects throughout the city.
5	**Port of Oakland**	5/9/2023	**Concerns** • Height increases proposed along Hegenberger Rd., south of I-880 have an adverse impact on Airport operations. • Existing height of 160 feet on the southernmost end of Hegenberger Rd. is problematic for the Airport's operation. **Suggestions** • 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.	Height increases	Comments noted and will be further discussed.
6	**Piedmont Avenue Neighborhood Improvement League (PANIL)**		**Suggestions** • General Plan should require public open space based on density and within a walkable proximity of all new residences (1/4 mile) • Ratio between housing sq. footage and open space square footage of approximately 20/1. • 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	AHO Other – Open Space	Comments noted.

Letter #	Name/ Organization/ Agency/Meeting	Date	Comment	Focus Area	Staff Response to Comment
			minimum width of sidewalk should be 6 feet when contiguous to a curb or 5 feet when separated by a planting strip. • Significantly increase affordable housing in-lieu fees on new development by 50-75% to • Promote more inclusion of low-cost units within new construction • 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."		
7	**Marvin Yee, Oakland Resident**		**Concerns** • Minimum lot size of 2,000 sq. ft., • Wall heights increase from 25' to 35' • 55' height for 100% affordable projects • Vacant property owners capitalizing on new development standards • Loss of neighborhood character due to reductions in heights and setbacks • Lack of ability for neighbors to challenge tall projects	Missing Middle	Comments noted. These changes in development standards are intended to implement policies in the adopted and certified Housing Element that further fair housing and facilitate housing projects throughout the city.
8	**James Marrow, Oakland Resident**	5/9/2023	**Concerns** • AB 2097 exemption of on-site parking contributing to parking congestion and parking burden, for example in robust commercial areas like Piedmont Ave. • Mass transit not appropriate solution for most people to give up cars **Suggestions** • Provide housing and parking to preserve neighborhood quality of life. • Require parking in new construction in those neighborhoods with chronic and acute parking space shortage.	Missing Middle	Comments noted.
9	**Nancy Nadel, West Oakland Neighbors**	5/9/2023	**Concerns** • Removal of parking requirements, reductions in lot size + setbacks, and increases in heights diminish quality of life in areas of West Oakland where parking is already difficult	Missing middle development standards	Comments noted. These changes in development standards are intended to implement policies in the adopted and certified Housing Element that further fair housing and facilitate housing projects throughout the city.

Letter #	Name/ Organization/ Agency/Meeting	Date	Comment	Focus Area	Staff Response to Comment
			• Changes are only happening to West Oakland and not to Rockridge		
10	**Mary Harper, via Naomi Schiff, Oakland Heritage Alliance**	5/9/2023	**Concerns** • Moving away from two-tiered height system in residential zones will create / maximize visual bulk of larger buildings • Reductions in front setbacks will cause new buildings to "stick out" and disrupt the streetscape architecturally. • Upzoning that allows for 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. • Increased heights in APIs and ASIs will disrupt neighborhood character and incentivize demolition • AHO makes residential parcels in APIs and ASIs eligible for state density bonus • Upzoning will increase property values and therefore the cost of affordable housing development • State law does not appear to preclude public notice and comment for ministerial projects **Suggestions** • Use ADUs, especially in existing buildings to increase density. Some or all such ADUs could be designated as deed-restricted affordable, accomplishing the State Density Bonus Law objective. • Housing Element zoning amendments should defer to the DOSP regarding height limits within the DOSP area. • Limit development in APIs and ASIs • Allow public comment for by-right projects **Questions** • Has the City Attorney verified that projects using the S 13 bonuses are ineligible for the state density bonus?	Missing middle development standards AHO	Comments noted. There are ways to address visual bulk of larger buildings through design standards. We are in the process of developing objective design standards for commercial and residential projects. Additionally, the RD, RH-4, and RM-1 and RM-2 zones retain this 2-tiered height system. The AHO is a part of our comprehensive strategy to address our housing crisis and meeting the commitments we outlined in the Housing Element. Incentivizing ADUs, which we are also doing, is a part of this strategy. It cannot be the only part. The DOSP process is a separate project for

Letter #	Name/ Organization/ Agency/Meeting	Date	Comment	Focus Area	Staff Response to Comment
11	**Jefferey Levin, East Bay Housing Organizations (EBHO)**	5/9/2023	**Support** • For the most part, EBHO supports the proposed Affordable Housing Overlay (AHO) Zone for 100% affordable projects, with the following comments and suggestions. **Concerns** • AHO: 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 – 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. • AHO: wholesale exclusion of the entire Very High Fire Hazard Severity Zone (VHFHSZ) raises significant racial and economic equity issues –excluding this area altogether is contrary to the City's equity goals and to the State requirement to AFFH • HSO: Do 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 5th Cycle (2015-2022) and is already on track to exceed the above moderate-income target for the 6th Cycle. There is no need to incentivize housing that the market is already producing at historic record rates. • HSO: Securing approval for development does not appear to be an obstacle to meeting the City's need for above moderate-income housing – City should not provide further incentives	Missing Middle AHO HSO	Comments noted. AHO: • We have heard from affordable housing developers throughout this process that sites less than 15,000 square feet would be unable to support the density needed for a 100% affordable housing project, so this provision is to ensure affordable housing development on smaller sites. • We have studied this and will be revising the AHO boundary to include some areas of the Very High Fire Hazard Severity Zone (VHFHSZ). • We will improve the language in Section 17.95.020 to be clearer. HSO: • To gain ministerial approval for new Housing Element sites requires proposed projects to meet 100% of the realistic capacity of units identified for the parcel and provides either 20% very low income units; 25% low income units; or 40% moderate income units. This is part of our strategy aimed at getting more moderate income units on the market. • We will revise language in the HSO chapter to make Section 17.96.070 clearer.

Letter #	Name/ Organization/ Agency/Meeting	Date	Comment	Focus Area	Staff Response to Comment
			• HSO: Developers exempt from affordable housing impact fees • Income targeting of HSO does not align with City's priorities to house the unhoused and lower-income households. Upper limit of low-income ($70-$100K) is way above Oakland's median income • HSO: Housing impact fees generally yield more affordable units, and certainly deeper levels of affordability; City should not adopt policies and programs that make achievement of its priority housing goals more difficult. • HSO: Triggering No Net Loss state provisions **Suggestions** • AHO: Permit development by right for projects where 100% of the units are affordable to lower income household • Publish a chart showing how the provisions of the AHO compare to incentives and rights already in existing law (SB 35, AB 1763, density bonus) • AHO: Revise language in the first paragraph of 17.95.020 should be revised to ensure continuing and appropriate affordability restrictions. • 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)). • 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. • HSO: Section 17.96.70 should be deleted, and the City should limit the site overlay to what is required by State law. • HSO: Section 17.96 should have language clearly defining the required income and affordability		

Letter #	Name/ Organization/ Agency/Meeting	Date	Comment	Focus Area	Staff Response to Comment
			restrictions, similar to the language proposed above for Section 17.95. • HSO: Create tracking system for use of these provisions, including updates in the APR **Questions** • 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. • 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. • 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.		
12	**Hillary Russak**	5/9/2023	**Concerns** • Reducing setbacks will pack houses in, resulting in reduced quality of life and architectural disruption	Missing Middle	Comments noted. These changes in development standards are intended to implement policies in the adopted and certified Housing Element that further fair housing and facilitate housing projects throughout the city.
13	**Bernadette Rossi, Oakland Resident**	5/9/2023	**Concerns** • State law exempting builders from providing on-site parking will contribute to parking congestion, impacting quality of life, and increasing carbon emissions (due to drivers circling neighborhoods) and parking burden, for example in robust commercial areas like Piedmont Ave. • Mass transit not appropriate solution for most people to give up cars	Missing Middle Parking	Comments noted.

Letter #	Name/ Organization/ Agency/Meeting	Date	Comment	Focus Area	Staff Response to Comment
			• 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. **Suggestions** • Solutions must be found to provide both housing and parking, • Require parking in new construction in those areas with parking space shortage.		
14	**Arlinda Befort, Oakland Resident**	5/9/2023	**Concerns** • 4185 Piedmont project is an ugly piece of architecture that is two stories too high for the neighborhood + long-term issues that will arise from eliminating on-site parking in an already congested neighborhood • Having on-site parking is a necessary safety issue for many tenants. • Government will not get people to give up their cars • Lack of housing with on-site parking could result in job commute issues for low-income residents who may be more car dependent; elderly and disabled also may be more car dependent • Public transit use unfeasible for many day to day tasks (laundry, grocery) **Suggestions** • Start 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. • Revisit this on-site parking reduction at five-year intervals to see if it is effective both for city/state goals and tenant needs. • 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	Missing Middle Parking	Comments noted.

Letter #	Name/ Organization/ Agency/Meeting	Date	Comment	Focus Area	Staff Response to Comment
			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 ½ mile of a transit stop.		
15	**Janet Noble, Oakland Resident, email**	5/2/2023	**Concerns** • Increasing density at all costs without thinking through consequences on quality of life • Reduced parking requirements **Questions** • For a housing project to have a "density bonus," what is the minimum percent that needs to be affordable? ○ 15-unit building being proposed for 4185 Piedmont Avenue will have just two affordable units -- or only15% -- 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? **Other** • Petition for 4185 Piedmont to have off street parking: www.change.org/p/preserve-parking-in-the-piedmont-avenue-neighborhood?source_location=search	Missing Middle	Comments noted. These changes in development standards are intended to implement policies in the adopted and certified Housing Element that further fair housing and facilitate housing projects throughout the city.
16	**Michael Littleton, Oakland Resident, email**	4/26/2023	**Support** • My wife Catherine and I fully support the policy positions put forward by East Bay for Everyone, particularly as they relate to Rockridge and Piedmont Avenue which we live close to.	Missing Middle	Comment noted.
17	**Stephanie Pascal, Real Estate Professional**	4/25/2023	**Concerns** • City council has stripped landlords of all rights with a one size fits all moratorium • Oakland wants individual owners to solve the housing crises (like through ADUs) – ADUs are very expensive with soft costs near $100k before you even break ground. There's no incentive. • No opportunities for small builders – can't build behind home due to City making that impossible • City screws builders time and time again such that they never want to ever come back to Oakland, e.g., 58	Other – challenges for landlords / small builders	Comments noted.

Letter #	Name/ Organization/ Agency/Meeting	Date	Comment	Focus Area	Staff Response to Comment
			Vernon builders and 6105 San Pablo have bankrupted themselves because of OFD, PG&E, and EBMUD delays that the city could get ahead of/be on top of/solve.		
18	**Seth Mazow, Oakland Resident, email**	4/25/2023	**Support** • Missing Middle program should make it easier to build duplexes, small apartments, and other housing that will add density to every neighborhood. • Affordable Housing Overlay to encourage the building of subsidized, affordable housing throughout the city. **Suggestions** • 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.	Missing Middle	Comments noted. Phase 2 of the General Plan will include the Land Use and Transportation Element which will comprehensively look at zoning throughout the city. These targeted zoning amendments in Phase 1 are intended to implement immediate actions in the adopted Housing Element.
19	**Jonathan Singh, Oakland Resident, email**	4/25/2023	**Support** • Overall, great zoning changes proposed to make it easier to build dense housing across the city. • Particularly excited about the Missing Middle Program. 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). • Strongly support the Affordable Housing Overlay. Please and affordable, subsidized housing to be feasible in every neighborhood in Oakland. • Strongly support upzoning on College Avenue and denser development on every major commercial corridor, like Telegraph where I live, Piedmont Avenue, and North Shattuck	Missing Middle AHO	Comments noted.
20	**Joaquín R. Carbonell IV, Oakland Resident, email**	4/25/2023	**Support** • 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.	Missing Middle AHO	Comments noted. Thank you for your support.

Letter #	Name/ Organization/ Agency/Meeting	Date	Comment	Focus Area	Staff Response to Comment
			• 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.		
21	**Ena Murphy, Oakland Resident, email**	4/18/2023	**Concerns** • Zoning changes to the area around the Rockridge BART station and along that area of College Ave are disproportionate + too aggressive and will result in potential future developments that will destroy the character of the neighborhood. • Development should be limited to the general heights of the existing buildings • 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.	Missing Middle Height increases	Comments noted. These changes in development standards are intended to implement policies in the adopted and certified Housing Element that further fair housing and facilitate housing projects throughout the city.
22	**Alfred Twu, email**	4/15/2023	**Support** • The height limit in the RM zones next to the BART could be raised. Given the high property values in the neighborhood, more height is needed to make redevelopment feasible.	Height increases	Comments noted. Phase 2 of the General Plan will include the Land Use and Transportation Element which will comprehensively look at zoning throughout the city. These targeted zoning amendments in Phase 1 are intended to implement immediate actions in the adopted Housing Element.
23	**Carrie Austin, Oakland Resident, email**	3/19/2023	**Support** • I'm writing to express my support for increasing housing density and affordable housing. I support increasing density, such as the proposal: allowing up to	Missing Middle	Comments noted. Thanks for your support.

Letter #	Name/ Organization/ Agency/Meeting	Date	Comment	Focus Area	Staff Response to Comment
			four units on lots larger than 4,000 square feet, three units on 3,000 square feet, and two on anything else • I especially support building more affordable housing units, such as the proposal to allow: "projects with 100% affordable units would be automatically approved without special permits, and in most cases allowed to be built much taller and denser than otherwise permitted for development in a given neighborhood. Areas considered at high fire-risk by the state—a large swath of the hills above I-580—would not be included, nor would historic landmark sites."		
24	**Valerie W., Oakland Resident, 3/15 ZUC**	3/15/2023	**Concerns** • Points raised by Oakland Heritage Alliance • Affordable housing with no parking is a dilemma, as residents need trucks to carry their tools to jobsites • Impact of density on infrastructure (lives in Piedmont neighborhood next to a culvert that was filled with raging water during January storms.	Missing Middle AHO	Comments noted. Phase 2 of the General Plan will include the development of a new Capital Facilities and Infrastructure Element that will address planning for the infrastructure needs to meet Oakland's population growth.
25	**Stuart Flashman, Oakland Resident, 3/15 ZUC**		**Support** • A lot of good in the proposal but a lot that is not so good, especially state HCD dictated changes. **Concerns** • Side setbacks were put in face for fire safety. Upzoning in Rockridge and Temescal is not viable as the land costs there are so high, they will just increase. The only way to stop them from increasing is to keep what is there. Also, there is a creek under Rockridge and the BART station.	Missing Middle	Comments noted. The fire code requires a 3 feet side yard setback if you want to provide windows and for less than 3 feet there has to be a fire wall.
26	**Ronnie Spitzer, Oakland Resident, email and in person at 3/15 ZUC**	3/15/2023	**Questions** • What exactly is the proposed height along College Ave. In the first line of Table 3, page 18 of the staff report, 35 ft is listed as proposed maximum building height for existing 35 ft CN zones. College Ave. has CN-1 zoning. However, a maximum 55 ft. is shown in Figure 3. • For any AHO project implemented in the College Ave CN-1 zone, will the maximum height be 75' if 55' is the maximum allowed height?	Missing Middle Height increases AHO	Responses to questions below. • The proposed height increase along College Ave will be 55' as shown in Figure 3. So in Table 3 - the applicable row would be Row 3 with 55' • The maximum proposed height as proposed in Draft Chapter 17.95 is 75'.

Letter #	Name/ Organization/ Agency/Meeting	Date	Comment	Focus Area	Staff Response to Comment
			• Can you please clarify section 17.95.020 in the AHO S-13 zone? I interpret it as stating parcels less than 15,000 sq. ft are eligible for the 100% AHO provisions if the development includes 20% moderate income units. In short, smaller parcels can qualify to use the AHO provisions and that is what "100% affordable" means for those parcels. Is this correct? • For the RM-4 commercial uses in notes L4 and L9, which are the application code sections of 17.114 that are superseded? The proposed zoning doesn't state that information.		• It is supposed to be 40% total. There was a typo and the language is supposed to read as projects on parcels less than 15,000 sq.ft should meet the following criteria. We will update and republish for the April 12, 2023 ZUC meeting. • Limitation L4 referring to code section 17.114 have not changed (Page 24 of 86 in Exhibit -1 Missing Middle). Limitation L9 does not refer to 17.114. For the existing code section 17.114: Non Conforming Uses, see https://library.municode.com/ca/oakland/codes/planning_code?nodeId=TIT17PL_CH17.114NOUS
27	**Naomi Schiff, Oakland Heritage Alliance, 3/15 ZUC**	3/15/2023	**Concerns** • Reiterated comments in OHA letter.	Missing Middle AHO	Comments noted.
28	**Michael Martinez, 3/15 ZUC**	3/15/2023	**Concerns** • Reducing constraints is not good. Don't eliminate front setbacks. These proposals will make Oakland a housing dump.	Missing Middle	Comments noted. These changes in development standards are intended to implement policies in the adopted and certified Housing Element that further fair housing and facilitate housing projects throughout the city.
29	**Melinda Howard-Herrarte, Sierra Club Northern Alameda County Group, email**	3/15/2023	**Support** • 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.	Industrial planning code amendments	Comments noted. Thank you for the support.

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30	**Lujain Al-Saleh, Communities for a Better Environment, email**	3/15/2023	**Support** • On behalf of Communities for a Better Environment (CBE), a leading environmental justice organization in the state of California, 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.	Industrial planning code amendments	Comments noted. Thank you for the support.
31	**Kurt Petersen, Oakland Resident, 3/15 ZUC**	3/15/2023	**Concerns** • Given lack of funding for arts, cultural programming, and transportation, how will we protect quality of life for people as density increases? We can't afford the poor.	Other – funding for resources	Comments noted.
32	**Art Man, 3/15 ZUC + email**	3/15/2023	**Question** • Why is the S-15 W not including in the AHO?	AHO	This was a mapping error. Staff intends for the AHO to include the S-15 W zone.
33	**Alicia Parker, BAAQMD, 3/15 ZUC**	3/15/2023	**Support** • Supports the zoning amendments that addresses truck-intensive uses, Nonconforming uses and CUP timelines. Section 17.103.064 is essential to managing heavy duty trucks and implementing strategies in the West Oakland Community Action Plan (WOCAP).	Industrial planning code amendments	Comments noted. Thank you for the support.
34	**Aaron Eckhouse, East Bay for Everyone, 3/15 ZUC**	3/15/2023	**Support** • Excited about missing middle changes, proposal to increase heights along transit corridors, especially College, Shattuck, and N. Telegraph, and AHO. **Concerns** • Concerned about the exclusion of historic districts from AHO. Concerned about the rhetoric from others that	Missing Middle AHO	Comments noted. Thank you for the support.

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			apartment buildings are incompatible next to single family homes.		
35	**Yassi Kavezade, Sierra Club, email**	3/14/2023	**Support** • 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 Planning Code Amendments are an important step to minimizing the harm caused by the close proximity of industrial and residential uses.	Industrial planning code amendments	Comments noted. Thank you for the support.
36	**Mary Harper, Oakland Heritage Alliance, email and 3/15 ZUC**	3/14/2023	**Concerns** • Moving away from two-tiered height system in residential zones will create / maximize visual bulk of larger buildings • Reductions in front setbacks will cause new buildings to "stick out" and disrupt the streetscape architecturally. • Upzoning that allows for projects with five or more regular units will trigger State Density Bonus Law and waivers and concessions for height limits, setbacks and other standards, potentially resulting in architectural disruptions to existing neighborhoods. • Increased heights in APIs and ASIs will disrupt neighborhood character and incentivize demolition • AHO makes residential parcels in APIs and ASIs eligible for state density bonus • Upzoning + changes in dev. standards will increase property values and therefore the cost of affordable housing development • State law does not appear to preclude public notice and comment for ministerial projects **Suggestions** • Use ADUs, especially in existing buildings to increase density. Some or all such ADUs could be designated as deed-restricted affordable, accomplishing the State Density Bonus Law objective. • Use Deed-Restricted ADUs to achieve intent of state density bonus	Missing Middle AHO	Comments noted.

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			• Housing Element zoning amendments should defer to the DOSP regarding height limits within the DOSP area. • Limit development in APIs and ASIs • Allow public comment for by-right projects **Concerns** • 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.		
37	**Glen Jarvis, Architect, email and 3/15 ZUC**	3/14/2023	**Support** • 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. **Concerns** • 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. • Reduction in open space / lot coverage requirements results in small backyards • State's "by-right approval" ministerial process without notices and appeal does strips residents of rights and has final decisions being made by un-elected staff **Questions** • 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. **Suggestions** • *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.	Missing Middle Other – climate change	Comments noted.

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			• *Review soil bearing capacity in the proposed height districts. • *Review the new General Plan Elements with rising sea levels.		
38	**Gabrielle Sloane Law, East Oakland AB 617 Community Emissions Reduction Plan (CERP) Community Steering Committee, email**	3/14/2023	**Support** • 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. **Concerns** • 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.	Industrial planning code amendments	Comments noted. Thank you for the support. The Environmental Justice Element in Phase 1 and the Land Use and Transportation Element in Phase II will address further changes to reducing environmental disparities in Oakland.
39	**John Minot, East Bay for Everyone, email**	3/8/2023	**Concerns** • Bad idea to require design review for demolition. Limiting demolition for renter-occupied housing is one thing (which SB 330 already does), but when owners wish to redevelop, I see no reason not to make it fully by-right if the city intends this ordinance to be at all productive. Small developers do not have lobbyists on call to manage committee hearings. **Questions** • Could you please direct me to the relevant sections that show how design review would work in these new missing middle cases?	Missing Middle	Comments noted. Updates to Chapter 17.136 will be done as a separate process so staff will remove any references to ministerial design review in the revised documents.