

**From:** [Andrew Alden](#)  
**To:** [ifearnopc@gmail.com](#); [jrenkopc@gmail.com](#); [vsugrueopc@gmail.com](#); [jahrensopc@gmail.com](#); [nataliesandovalopc@gmail.com](#); [alexrandolph.oak@gmail.com](#); [SShiraziOPC@gmail.com](#); [Payne, Catherine](#); [Rajagopalan, Lakshmi](#); [Gilchrist, William](#); [Manasse, Edward](#)  
**Cc:** [Fortunato Bas, Nikki](#); [Kalb, Dan](#); [Fife, Carroll](#); [Ramachandran, Janani](#); [Gallo, Noel](#); [Jenkins, Kevin](#); [Reid, Treva](#); [Kaplan, Rebecca](#); [Office of the Mayor](#); [City Administrator's Office](#)  
**Subject:** Earthquake considerations justify full support for the Housing Element in the General Plan Update Phase 1 FEIR  
**Date:** Monday, July 31, 2023 11:39:21 AM

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Hello Commissioners,

I write in full support of the Final Environmental Impact Report for Phase 1 of the General Plan Update, particularly its Housing Element.

I am the author of *Deep Oakland: How Geology Shaped a City*, as well as the writer of the "Oakland Geology" blog, started in 2007. I have always advocated for earthquake preparedness, given that Oakland's location on the Hayward Fault makes it the single most vulnerable city in the Bay Area. One of the most effective steps the Planning Commission can take at this time is to promote new earthquake-resistant housing throughout the city, with as little delay as possible.

While I dearly cherish Oakland's rich architectural heritage, too much of our housing supply is past its prime and beyond the capacity of its owners to renovate to current building standards. When the next version of the great earthquake of 1868 strikes, our neighborhoods of long-past-expiration housing stock will be largely destroyed despite all efforts to declare them "architecturally rich." That decrepit heritage will be cold comfort to the thousands of residents displaced at that time.

Thanks,

Andrew Alden

**From:** [Carter Lavin](#)  
**To:** [ifearnopc@gmail.com](mailto:ifearnopc@gmail.com); [jrenkopc@gmail.com](mailto:jrenkopc@gmail.com); [vsugrueopc@gmail.com](mailto:vsugrueopc@gmail.com); [jahrensopc@gmail.com](mailto:jahrensopc@gmail.com); [nataliesandovalopc@gmail.com](mailto:nataliesandovalopc@gmail.com); [alexrandolph.oak@gmail.com](mailto:alexrandolph.oak@gmail.com); [SShiraziOPC@gmail.com](mailto:SShiraziOPC@gmail.com); [Payne, Catherine](#); [Rajagopalan, Lakshmi](#); [Gilchrist, William](#); [Manasse, Edward](#); [info@oaklandheritage.org](mailto:info@oaklandheritage.org); [Fife, Carroll](#); [Kaplan, Rebecca](#); [Office of the Mayor](#); [City Administrator's Office](#)  
**Subject:** Supporting the Housing Element of the General Plan  
**Date:** Monday, July 31, 2023 11:30:38 AM

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Dear Planning Commissioners, City Councilmembers, and City Staff,

I'm writing about the proposed revisions to zoning maps and text to help implement the recently adopted Housing Element of the General Plan. Providing more housing is crucial to helping solve many of the challenges Oakland faces and the more Oaklanders we have, the more we can share our architecturally rich neighborhoods with others.

Please do NOT slow down housing growth with unnecessary red tape like requiring a public notice of projects eligible for "by-right" approval. If it's By-right, then it doesn't have to go through the rigamarole of public comment and instituting a public comment period on something that's legally getting approved anyway would just give false hope to naysayers and invite division. Most people wouldn't notice a few newer buildings in their neighborhood.

Also-- as an Adam's Point resident who lives in an apartment building with seniors and people with disabilities, I see first hand how important it is to have more housing options throughout the city so people can better find places they can afford that fit their needs.

Thank you for the work you are doing!

Sincerely,

--

Carter Lavin  


**From:** [Chris Hatfield](#)  
**To:** [ifearnopc@gmail.com](mailto:ifearnopc@gmail.com); [jrenkopc@gmail.com](mailto:jrenkopc@gmail.com); [vsugrueopc@gmail.com](mailto:vsugrueopc@gmail.com); [jahrensopc@gmail.com](mailto:jahrensopc@gmail.com); [nataliesandovalopc@gmail.com](mailto:nataliesandovalopc@gmail.com); [alexrandolph.oak@gmail.com](mailto:alexrandolph.oak@gmail.com); [SShiraziOPC@gmail.com](mailto:SShiraziOPC@gmail.com); [Payne, Catherine](#); [Rajagopalan, Lakshmi](#); [Gilchrist, William](#); [Manasse, Edward](#); [Fortunato Bas, Nikki](#); [Kalb, Dan](#); [Fife, Carroll](#); [Ramachandran, Janani](#); [Gallo, Noel](#); [Jenkins, Kevin](#); [Reid, Treva](#); [Kaplan, Rebecca](#); [Office of the Mayor](#); [City Administrator's Office](#)  
**Cc:** [preservation@oaklandheritage.org](mailto:preservation@oaklandheritage.org); [Oakland Heritage Alliance](#)  
**Subject:** Oakland Housing Element Zoning Amendments SUMMARY: OAKLAND HERITAGE ALLIANCE RECOMMENDATIONS AND CONCERNS  
**Date:** Monday, July 31, 2023 11:35:37 AM

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**Dear Planning Commissioners, City Council members, and City Staff,**

**I'm writing about the proposed revisions to zoning maps and text to help implement the recently adopted Housing Element of the General Plan. While it is important to provide more housing, it is also important to preserve Oakland's architecturally rich neighborhoods.**

**Please:**

**A. Provide public notice of projects eligible for "by-right" approval, and allow comments from the public, so that communities are aware of these projects, and can help ensure that applicable objective design standards and regulations are followed.**

**B. Expand the S 13 (Affordable Housing Overlay) Zone's provisions for Areas of Primary Importance (APIs) to Areas of Secondary Importance (ASIs) and apply the API demolition protections to PDHPs rated "A" or "B". (Demolition protections in APIs and ASIs could be limited to contributing and potentially contributing buildings.)**

**Together, we can provide needed residential units in a manner compatible with our historic neighborhoods.**

**Thank you for the work you are doing!**

**Sincerely,**

**Christina Hatfield**



**From:** [Maya Markovich](#)  
**To:** [ifearnopc@gmail.com](mailto:ifearnopc@gmail.com); [jrenkopc@gmail.com](mailto:jrenkopc@gmail.com); [vsugrueopc@gmail.com](mailto:vsugrueopc@gmail.com); [jahrensopc@gmail.com](mailto:jahrensopc@gmail.com); [nataliesandovalopc@gmail.com](mailto:nataliesandovalopc@gmail.com); [alexrandolph.oak@gmail.com](mailto:alexrandolph.oak@gmail.com); [SShiraziOPC@gmail.com](mailto:SShiraziOPC@gmail.com); [Payne, Catherine](#); [Rajagopalan, Lakshmi](#); [Gilchrist, William](#); [Manasse, Edward](#); [Fortunato Bas, Nikki](#); [Kalb, Dan](#); [Fife, Carroll](#); [Ramachandran, Janani](#); [Gallo, Noel](#); [Jenkins, Kevin](#); [Reid, Treva](#); [Kaplan, Rebecca](#); [Office of the Mayor](#); [City Administrator's Office](#)  
**Cc:** [preservation@oaklandheritage.org](mailto:preservation@oaklandheritage.org); [info@oaklandheritage.org](mailto:info@oaklandheritage.org)  
**Subject:** Preserving our last few remaining historic Oakland areas  
**Date:** Monday, July 31, 2023 12:04:32 PM

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**Dear Planning Commissioners, City Councilmembers, and City Staff,**

**I'm writing about the proposed revisions to zoning maps and text to help implement the recently adopted Housing Element of the General Plan. While it is important to provide more housing, it is also important to preserve Oakland's architecturally rich neighborhoods.**

**Please:**

**A. Provide public notice of projects eligible for "by-right" approval, and allow comments from the public, so that communities are aware of these projects, and can help ensure that applicable objective design standards and regulations are followed.**

**B. Expand the S 13 (Affordable Housing Overlay) Zone's provisions for Areas of Primary Importance (APIs) to Areas of Secondary Importance (ASIs) and apply the API demolition protections to PDHPs rated "A" or "B". (Demolition protections in APIs and ASIs could be limited to contributing and potentially contributing buildings.)**

**Together, we can provide needed residential units in a manner compatible with our historic neighborhoods.**

**Thank you for the work you are doing!**

**Sincerely,  
Maya Markovich**



**From:** [Marvin Yee](#)  
**To:** [ifearnopc@gmail.com](#); [jrenkopc@gmail.com](#); [vsugrueopc@gmail.com](#); [jahrensopc@gmail.com](#); [nataliesandovalopc@gmail.com](#); [alexrandolph.oak@gmail.com](#); [SSHiraziOPC@gmail.com](#); [Payne, Catherine](#); [Rajagopalan, Lakshmi](#); [Gilchrist, William](#); [Manasse, Edward](#); [Fortunato Bas, Nikki](#); [Kalb, Dan](#); [Fife, Carroll](#); [Ramachandran, Janani](#); [Gallo, Noel](#); [Jenkins, Kevin](#); [Reid, Treva](#); [Kaplan, Rebecca](#); [Office of the Mayor](#); [City Administrator's Office](#)  
**Cc:** [preservation@oaklandheritage.org](#); [info@oaklandheritage.org](#)  
**Subject:** Proposed General Plan Zoning Changes  
**Date:** Monday, July 31, 2023 1:00:17 PM

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**Dear Planning Commissioners, City Councilmembers, and City Staff,**

**I'm writing about the proposed revisions to zoning maps and text to help implement the recently adopted Housing Element of the General Plan.**

**While it is important to provide more housing, it is also important to preserve Oakland's architecturally rich neighborhoods.**

**Please:**

**A. Provide public notice of projects eligible for "by-right" approval, and allow comments from the public, so that communities are aware of these projects, and can help ensure that applicable objective design standards and regulations are followed.**

**B. Expand the S 13 (Affordable Housing Overlay) Zone's provisions for Areas of Primary Importance (APIs) to Areas of Secondary Importance (ASIs) and apply the API demolition protections to PDHPs rated "A" or "B". (Demolition protections in APIs and ASIs could be limited to contributing and potentially contributing buildings.)**

**Together, we can provide needed residential units in a manner compatible with our historic neighborhoods.**

**Thank you for the work you are doing!**

**Sincerely,**

**Marvin Yee**



**From:** [Ann Del Simone](#)  
**To:** [ifearnopc@gmail.com](mailto:ifearnopc@gmail.com); [jrenkopc@gmail.com](mailto:jrenkopc@gmail.com); [vsugrueopc@gmail.com](mailto:vsugrueopc@gmail.com); [jahrensopc@gmail.com](mailto:jahrensopc@gmail.com); [nataliesandovalopc@gmail.com](mailto:nataliesandovalopc@gmail.com); [alexrandolph.oak@gmail.com](mailto:alexrandolph.oak@gmail.com); [SShiraziOPC@gmail.com](mailto:SShiraziOPC@gmail.com); [Payne, Catherine](#); [Rajagopalan, Lakshmi](#); [Gilchrist, William](#); [Manasse, Edward](#); [Fortunato Bas, Nikki](#); [Kalb, Dan](#); [Fife, Carroll](#); [Ramachandran, Janani](#); [Gallo, Noel](#); [Jenkins, Kevin](#); [Reid, Treva](#); [Kaplan, Rebecca](#); [Office of the Mayor](#); [City Administrator's Office](#)  
**Cc:** [preservation@oaklandheritage.org](mailto:preservation@oaklandheritage.org); [Oakland Heritage Alliance](#)  
**Subject:** Proposed Revisions to Oakland Zoning Maps  
**Date:** Monday, July 31, 2023 11:15:26 AM

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**Dear Planning Commissioners, City Councilmembers, and City Staff,**

**I'm writing about the proposed revisions to zoning maps and text to help implement the recently adopted Housing Element of the General Plan. While it is important to provide more housing, it is also important to preserve Oakland's architecturally rich neighborhoods.**

**Please:**

**A. Provide public notice of projects eligible for "by-right" approval, and allow comments from the public, so that communities are aware of these projects, and can help ensure that applicable objective design standards and regulations are followed.**

**B. Expand the S 13 (Affordable Housing Overlay) Zone's provisions for Areas of Primary Importance (APIs) to Areas of Secondary Importance (ASIs) and apply the API demolition protections to PDHPs rated "A" or "B". (Demolition protections in APIs and ASIs could be limited to contributing and potentially contributing buildings.)**

**Together, we can provide needed residential units in a manner compatible with our historic neighborhoods.**

**Thank you for the work you are doing!**

**Sincerely,  
Ann Del Simone**



**From:** [Emily S. Mendel](#)  
**To:** [jfearnopc@gmail.com](#); [jrenkopc@gmail.com](#); [vsugrueopc@gmail.com](#); [jahrensopc@gmail.com](#); [nataliesandovalopc@gmail.com](#); [alexrandolph.oak@gmail.com](#); [SShiraziOPC@gmail.com](#); [Payne, Catherine](#); [Rajagopalan, Lakshmi](#); [Gilchrist, William](#); [Manasse, Edward](#)  
**Cc:** [preservation@oaklandheritage.org](#); [info@oaklandheritage.org](#)  
**Subject:** proposed zoning changes  
**Date:** Monday, July 31, 2023 11:20:40 AM

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I'm writing about the proposed revisions to zoning maps and text to help implement the recently adopted Housing Element of the General Plan. While it is essential to provide more housing, it is also important to preserve Oakland's architecturally rich neighborhoods.

Please:

A. Provide public notice of projects eligible for "by-right" approval, and allow comments from the public so that communities are aware of these projects, and can help ensure that applicable objective design standards and regulations are followed.

B. Expand the S 13 (Affordable Housing Overlay) Zone's provisions for Areas of Primary Importance (APIs) to Areas of Secondary Importance (ASIs) and apply the API demolition protections to PDHPs rated "A" or "B." (Demolition protections in APIs and ASIs could be limited to contributing and potentially contributing buildings.)

Together, we can provide needed residential units in a manner compatible with our historic neighborhoods.

Thank you for your work.

Regards,  
*Emily S. Mendel*





**From:** [REDACTED]  
**To:** [jfearnopc@gmail.com](mailto:jfearnopc@gmail.com); [jrenkopc@gmail.com](mailto:jrenkopc@gmail.com); [vsugrueopc@gmail.com](mailto:vsugrueopc@gmail.com); [jahrensopc@gmail.com](mailto:jahrensopc@gmail.com); [nataliesandovalopc@gmail.com](mailto:nataliesandovalopc@gmail.com); [alexrandolph.oak@gmail.com](mailto:alexrandolph.oak@gmail.com); [SShiraziOPC@gmail.com](mailto:SShiraziOPC@gmail.com); [Payne, Catherine](#); [Rajagopalan, Lakshmi](#); [Gilchrist, William](#); [Manasse, Edward](#); [Fortunato Bas, Nikki](#); [Kalb, Dan](#); [Fife, Carroll](#); [Ramachandran, Janani](#); [Gallo, Noel](#); [Jenkins, Kevin](#); [Reid, Treva](#); [Kaplan, Rebecca](#); [Office of the Mayor](#); [City Administrator's Office](#)  
**Cc:** [preservation@oaklandheritage.org](mailto:preservation@oaklandheritage.org); [info@oaklandheritage.org](mailto:info@oaklandheritage.org); [jane.gabel@gmail.com](mailto:jane.gabel@gmail.com)  
**Subject:** Proposed Zoning Changes: Potential Impacts on Oakland's Historic Neighborhoods  
**Date:** Monday, July 31, 2023 5:16:10 PM

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Attn: City of Oakland Planning Commission & Staff  
Oakland City Council, Oakland Mayor & Staff

Cc: Oakland Heritage Alliance

Dear Planning Commissioners, City Councilmembers and City Staff:

We have been Oakland residents since 1983 and have enjoyed knowing that many of Oakland's historic buildings and neighborhoods have survived and thrived, thanks to longstanding efforts by ordinary citizens in our communities to make their voices heard when it counts.

This is one of those times. We're writing about the proposed revisions to zoning maps and text to help implement the recently adopted Housing Element of the General Plan. While it is important to provide more housing, it is also important to preserve Oakland's architecturally rich neighborhoods.

**Accordingly, we \*strongly urge\* you to:**

- Provide public notice of projects eligible for "by-right" approval and allow comments from the public, so that communities are aware of these projects and can ensure that applicable objective design standards and regulations are followed.
- Expand the S 13 (Affordable Housing Overlay) Zone's provisions for Areas of Primary Importance (APIs) to Areas of Secondary Importance (ASIs) and apply the API demolition protections to PDHPs rated "A" or "B". (Demolition protections in APIs and ASIs could be limited to contributing and potentially contributing buildings.)

Together, we can provide needed residential units in a manner compatible with our historic neighborhoods.

Thank you.



Sincerely yours,

Matthew & Jane Gabel

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**From:** [Margaret Dollbaum](#)  
**To:** [ifearnopc@gmail.com](#); [jrenkopc@gmail.com](#); [vsugrueopc@gmail.com](#); [jahrensopc@gmail.com](#); [nataliesandovalopc@gmail.com](#); [alexrandolph.oak@gmail.com](#); [SShiraziOPC@gmail.com](#); [Payne, Catherine](#); [Rajagopalan, Lakshmi](#); [Gilchrist, William](#); [Manasse, Edward](#); [Fortunato Bas, Nikki](#); [Kalb, Dan](#); [Fife, Carroll](#); [Ramachandran, Janani](#); [Gallo, Noel](#); [Jenkins, Kevin](#); [Reid, Treva](#); [Kaplan, Rebecca](#); [Office of the Mayor](#); [City Administrator's Office](#)  
**Cc:** [Oakland Heritage Alliance](#)  
**Subject:** Revisions to zoning maps and text to help implement the recently adopted Housing Element of the General Plan.  
**Date:** Monday, July 31, 2023 2:00:08 PM

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Honorable Members of the Planning Commission of the City of Oakland, City Council Members and Mayor, and City Staff,

**Think about Bread and Roses.**

**Preserving Oakland's architecturally and culturally rich neighborhoods is essential while also increasing housing for Oaklanders.**

**Help Oakland achieve BOTH goals: preservation and progress are not incompatible.**

Please take these 2 important actions:

#1. PROVIDE PUBLIC NOTICE: When projects eligible for "by-right" approval are under consideration, let Oaklanders know. Allow comments from the public, so that communities are aware of these projects, and can help ensure that applicable objective design standards and regulations are followed.

#2 PROTECT HISTORIC AREAS. Expand the S 13 (Affordable Housing Overlay) Zone's provisions for Areas of Primary Importance (APIs) to Areas of Secondary Importance (ASIs) and apply the API demolition protections to PDHPs rated "A" or "B". Demolition protections in APIs and ASIs could be limited to contributing and potentially contributing buildings.

Together, we can provide needed homes without sacrificing the built character of Oakland's neighborhoods.

Thank you for considering these comments as you undertake this important work.

Sincerely,

--Margaret

Margaret Dollbaum

Voter, District 1

**From:** [Linda Andrade](#)  
**To:** [preservation@oaklandheritage.org](mailto:preservation@oaklandheritage.org)  
**Cc:** [jfearnopc@gmail.com](mailto:jfearnopc@gmail.com); [jrenkopc@gmail.com](mailto:jrenkopc@gmail.com); [vsugrueopc@gmail.com](mailto:vsugrueopc@gmail.com); [jahrensopc@gmail.com](mailto:jahrensopc@gmail.com); [nataliesandovalopc@gmail.com](mailto:nataliesandovalopc@gmail.com); [alexrandolph.oak@gmail.com](mailto:alexrandolph.oak@gmail.com); [SShiraziOPC@gmail.com](mailto:SShiraziOPC@gmail.com); [Payne, Catherine](#); [Rajagopalan, Lakshmi](#); [Gilchrist, William](#); [Manasse, Edward](#); [preservation@oaklandheritage.org](mailto:preservation@oaklandheritage.org); [info@oaklandheritage.org](mailto:info@oaklandheritage.org); [Fortunato Bas, Nikki](#); [Kalb, Dan](#); [Fife, Carroll](#); [Ramachandran, Janani](#); [Gallo, Noel](#); [Jenkins, Kevin](#); [Reid, Treva](#); [Kaplan, Rebecca](#); [Office of the Mayor](#); [City Administrator's Office](#); [preservation@oaklandheritage.org](mailto:preservation@oaklandheritage.org); [info@oaklandheritage.org](mailto:info@oaklandheritage.org)  
**Subject:** Proposed zoning revisions  
**Date:** Monday, July 31, 2023 2:41:58 PM

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**Dear Planning Commissioners, City Councilmembers, and City Staff,**

**I'm writing about the proposed revisions to zoning maps and text to help implement the recently adopted Housing Element of the General Plan. While it is important to provide more housing, it is also important to preserve Oakland's architecturally rich neighborhoods.**

**Please:**

**A. Provide public notice of projects eligible for "by-right" approval, and allow comments from the public, so that communities are aware of these projects, and can help ensure that applicable objective design standards and regulations are followed.**

**B. Expand the S 13 (Affordable Housing Overlay) Zone's provisions for Areas of Primary Importance (APIs) to Areas of Secondary Importance (ASIs) and apply the API demolition protections to PDHPs rated "A" or "B". (Demolition protections in APIs and ASIs could be limited to contributing and potentially contributing buildings.)**

**Together, we can provide needed residential units in a manner compatible with our historic neighborhoods.**

**Thank you for the work you are doing!**

**Sincerely,**  
Linda Andrade

Sent from my iPhone

**From:** [Pat Jelley](#)  
**To:** [jfeanopc@gmail.com](#); [jrenkopc@gmail.com](#); [vsugrueopc@gmail.com](#); [jahrensopc@gmail.com](#); [nataliesandovalopc@gmail.com](#); [alexrandolph.oak@gmail.com](#); [SShiraziOPC@gmail.com](#); [Payne, Catherine](#); [Rajagopalan, Lakshmi](#); [Gilchrist, William](#); [Manasse, Edward](#)  
**Cc:** [Pat Jelley](#); [ubaoakland@gmail.com](#)  
**Subject:** Oakland General Plan 2045  
**Date:** Tuesday, August 1, 2023 1:52:42 PM

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**Attention.....**  
**Planning Commission and City Council,**

**Several proposals in the above Plan are very concerning.**

**I am NOT in favor of "By Right" provisions.**

**Community input is vital to developments in our own areas.**

**I am NOT in favor of streamlining and simplifying the development approval process.**

**I am a Taxpayer. I am a Voter. Please pay attention to my voice.**

**Sincerely,**  
**Patricia Jelley**

**From:** [Karen Fleming](#)  
**To:** [jfeanopc@gmail.com](#); [jrenkopc@gmail.com](#); [vsugrueopc@gmail.com](#); [jahrensopc@gmail.com](#); [Gilchrist, William](#); [Manasse, Edward](#); [nataliesandovalopc@gmail.com](#); [alexrandolph.oak@gmail.com](#); [SShiraziOPC@gmail.com](#); [Payne, Catherine](#); [Rajagopalan, Lakshmi](#)  
**Subject:** Re: IMPORTANT INFO regarding the Oakland General Plan Update  
**Date:** Tuesday, August 1, 2023 2:07:46 PM

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**Attention.....  
Planning Commission and City Council,**

**Several proposals in the Plan below are very concerning.  
I am NOT in favor of "By Right" provisions.  
Community input is vital to developments in our own areas.**

**I am NOT in favor of streamlining and simplifying the development approval process.**

**I am a Taxpayer. I am a Voter. Please pay attention to my voice.  
Sincerely,  
Karen Fleming**

---

**From:** Upper Broadway Advocates <[ubaoakland@gmail.com](mailto:ubaoakland@gmail.com)>  
**Reply-To:** <[ubaoakland@gmail.com](mailto:ubaoakland@gmail.com)>  
**Date:** Tuesday, August 1, 2023 at 1:33 PM  
**To:** Karen Fleming <[kef@bampton.com](mailto:kef@bampton.com)>  
**Subject:** IMPORTANT INFO regarding the Oakland General Plan Update

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# Upper Broadway Advocates

## Oakland General Plan Update



Dear Neighbors,

The City of Oakland 2045 General Plan Update Team has issued its final report which will now go to the Planning Commission and City Council. The Planning Commission hearing is **THIS WEDNESDAY, AUGUST 2**, at 3:00 PM. If you are interested in having your voice heard regarding how your neighborhood will look if this passes, please attend the meeting or send an email to the Planning Commission members (see below for how to reach them). Note that this meeting will be held in person ONLY, at City Hall in downtown Oakland. You may view it online but you will not be able to comment.



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1. Create new zoning standards in low-density residential zones like Rockridge.
2. Increase heights in commercial zones along corridors and near BART stations (CN, CC, CR, and S-15 Zones); and increase heights and densities along existing transit corridors such as San Pablo, International, Foothill, Shattuck, Telegraph, College, Claremont, and MacArthur, and in areas near high-capacity transit, near BART and Bus Rapid Transit (BRT) Stations. See pages 19-22 of this document for more details: <https://acrobat.adobe.com/id/urn:aaid:sc:US:c27eb11e-1940-46d4-a3ee-6f548e8e3842>
3. Create ministerial approvals (so called "by right" approvals) for affordable housing developments and incentivize affordable housing through a new Affordable Housing Overlay (AHO) zone and new Housing Sites Overlay zone.
4. Reduce environmental burden due to pollution impacts on sensitive receptors, such as residential areas, schools, hospitals, etc.
5. Facilitate the production of special housing types by updating special housing regulations to comply with State Law.
6. Streamline and simplify the development approval process.

To see the full report go to: <https://www.oaklandca.gov/topics/general-plan-update?hsmi=267861705>

UBA has specific concerns regarding some of the proposed changes. While we are happy to see more density and incentives for affordable housing development, we are concerned that the "by right" provisions will eliminate ANY community input regarding proposed developments. Eliminating all public comment is too extreme. We support having a public hearing where neighbors are allowed to weigh in.

Additionally, there needs to be more careful thought when implementing these proposed changes in Areas of Primary Importance (such as the CCA Campus) and other properties with historic structures that deserve protection.

If you are concerned about how these proposals may change your neighborhood, we urge you to attend the hearing this Wednesday or send an email to all the Planning Commission members and staff:

jfearnopc@gmail.com,  
jrenkopc@gmail.com,  
vsugrueopc@gmail.com,  
jahrensopc@gmail.com,



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cpayne@oaklandca.gov,  
LRajagopalan@oaklandca.gov,  
wgilchrist@oaklandca.gov,  
emanasse@oaklandca.gov

And please cc ubaoakland@gmail.com

More information about the meeting is available here:

<https://www.oaklandca.gov/meeting/planning-commission-meeting-22>

Thank you

UPPER BROADWAY ADVOCATES

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August 1, 2023

*By electronic transmission*

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

**Subject: Proposed Planning Code amendments to implement the Housing Element  
(Item 1 on City Planning Commission's August 2 agenda)**

Dear Commissioners:

The following comments restate, modify and expand our March 14, 2023 comments to the Zoning Update Committee, May 9, 2023 comments to staff and July 18, 2023 comments to the City Council. As before, they apply primarily to historically 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). See the Attachment 1 photographs of ASIs that will be at risk under the proposed Planning Code amendments.

We are still reviewing the latest draft amendments released on July 28, so we may further modify and/or supplement our comments prior to the August 2 City Planning Commission meeting. Unfortunately, the July 28 draft was not redlined to reflect changes to the previous draft. This significantly increases the time required to review the July 28 draft and inhibits our ability to provide timely comments.

- 1. Avoid upzonings that allow projects with five or more regular dwelling units within APIs and ASIs**, since such projects are eligible for a state density bonus. The proposed upzonings include density increases in the RM and RU zoning districts and some nonresidential districts that will allow five or more regular units on a lot. The increases exceed even the currently allowed conditionally permitted densities in these zoning districts.

Density bonus projects are allowed waivers for height limits, setbacks and other standards, potentially resulting in much larger buildings than allowed by the proposed upzonings, and architecturally disrupting historic neighborhoods. Density bonus projects of seven or eight stories are being developed in Oakland, Berkeley and elsewhere on parcels where the height limit is only four stories. See Attachment 2 for examples.

- 2. If more density is desired, provide it in the form of more accessory dwelling units (ADUs) (which don't count toward the five-unit density bonus trigger), especially ADUs within existing buildings. Also consider allowing rooming houses within existing buildings in the RD zoning districts.** Constructing units within existing buildings appears to be a very cost-effective strategy for providing affordable housing and is therefore "affordable by design." Unused raised basements and attics 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 PDHPs are eligible for the California Historical Building Code (CHBC), which could facilitate ADUs within existing buildings. The CHBC 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.

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

3. **Expand the S-13 Affordable Housing Overlay (AHO) Zone’s (Chapter 17.95) API provisions to ASIs and apply the S-13 demolition protections to PDHPs rated “A” or “B”.** However, the demolition protections in APIs and ASIs could be limited to contributing and potentially contributing buildings. It is good that the AHO zone would not apply to City, State and Federal Historic Landmarks, that demolition protections are provided to APIs and the height additions would not apply to APIs.

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”** (Note: although Chapter 17.95 refers to “Federal Historic Landmark”, Section 17.136.023 refers to “National Landmark“. Chapter 17.95 and Section 17.136.023 should use consistent terminology.)

4. **Allow public comment for projects eligible for “by-right” approval.** The proposed definition in Section 17.09.040 for “By Right Residential Approval” states that projects eligible for “by-right residential approval” are not subject to public notice, public hearing nor appeal (except applicant-requested review before the City Planning Commission’s Design Review Committee). But public notice and an opportunity for public comment and appeal should still be allowed with the condition that any public comments must be limited to whether the project conforms with the applicable objective standards, including objective design standards. Public notice and comment should not cause significant delay in project review given the modest 10 days currently allowed, which could be folded into the overall processing time.

Oakland Heritage Alliance has reviewed numerous design review applications and has found that staff occasionally 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 preclude 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.**

As discussed in Item 1, some of the projects that would be eligible for by-right approval include state density bonus projects that could be massively out of scale with neighboring buildings. **It is unwise to establish a process in which the first notice neighbors receive is when demolition or construction crews show up.**

Related to this, Section 17.136.023 states that projects “proposed on a site with a City, State, or National landmark or within an S-7 or S-20 zone or an Area of Primary Importance (API)” are

not eligible for “By Right Residential Approval under Chapter 17.95 or 17.96”. **So are such projects are still subject to design review unless exempted by state law?**

5. **Do not apply the AHO height changes to the Downtown Oakland Specific Plan (DOSP) area.** The AHO height changes essentially preempt the height limit discussion that has been ongoing for five years as part of the DOSP process 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. In the RD, RM-1 and RM-2 residential zones, the existing 20' required minimum front setbacks are proposed to be reduced to 15'. Extensive portions of these zones have architecturally cohesive groups of buildings with front setbacks of 20' or more.

**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.

Reduced front setbacks will further intensify the intrusiveness of a new building if the building is taller than and/or architecturally inconsistent with neighboring buildings. The nonavailability of the currently incomplete objective design review standards is a wild card to this analysis, since the ability of the objective standards to mitigate the potential intrusiveness of buildings with reduced setbacks and potentially greater height (especially with the increased height and further reduced setbacks available under the state density bonus law) is not yet known.

**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.**

7. **Retain existing height limits in nonresidential and RU-zoned APIs and ASIs.** In most cases, the existing limits were structured to avoid out-of-scale new buildings. The increased densities now proposed in these zoning districts will enable more state density bonus projects that will likely result in further building height increases. As noted in the staff report, 95' (eight story) building heights are now considered the sweet spot for developers. We expect any reduced construction costs obtained from a 95' building height to be at least partially offset by increased land costs.

In addition, **the increased height limits, residential densities, reduced setbacks and other upzonings could have unintended consequences, so need to be more carefully targeted, especially in APIs and ASIs.** The upzonings will likely increase property values, and therefore land costs for affordable housing development. Potential affordable housing sites will tend to be preempted by market rate development, given the increased profit potential from the upzonings, and promote gentrification. The primary beneficiaries of the upzonings will be existing property owners. This would not just affect “high resource” areas, but wide swaths of West and East Oakland. Increased property values may exacerbate pressures on renters in Oakland’s less wealthy neighborhoods. The massive 2009 upzoning of much of downtown Oakland triggered extensive development of market-rate housing, but woefully insufficient affordable housing, accompanied by major increases in property values. The proposed upzonings risk repeating this problematic outcome on a citywide scale.

Finally, the June 29 staff report to the City Council said that the Landmarks Preservation Advisory Board provided feedback on the text amendments by stating they wished to “encourage affordable and denser housing and adaptive reuse of existing buildings”. This is garbled. In the recording of the May meeting, the recommendation is to **encourage affordable and denser housing *through* adaptive reuse of existing buildings**.

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

Sincerely,



Mary Harper  
President

Attachments: (1) Photographs of ASIs  
(2) Examples of projects exceeding the height limit by using the state density bonus law.

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

## ASI Photos for Discussion at Oakland Planning Commission 8/2/2023

Cleveland Heights ASI, Newton Ave.:



Clinton Park ASI, 3<sup>rd</sup> Avenue



Telegraph-Grove-Shafter ASI, 32<sup>nd</sup> St.,



Merrimac ASI, 28<sup>th</sup> St., Telegraph/28<sup>th</sup>





Castello-Cordova ASI, Castello St.



Trestle Glen-Lakeshore ASI, Longridge Rd.



Rockridge/Woodlawn Park ASI – Ocean View Dr.



San Pablo Commercial ASI





**Examples of Oakland and Berkeley projects  
using the state density bonus to exceed height limits**



2601 San Pablo, Berkeley  
79 1/2' (7 stories)  
50' height limit



2301 Telegraph Ave., Oakland  
78' (7 stories)  
45' height limit



2440 Shattuck Ave., Berkeley  
87' (8 stories)  
Two stories above height limit

Prepared by Oakland Heritage Alliance  
7-30-23



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

August 1, 2023  
**Via Email Submission**

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**Re: Agenda Item No. 1: Phase I Oakland 2045 General Plan Update (SCH Number 2022030800)**

Dear Chair Fearn, Commissioners, Ms. Rajagopalan, Mr. Branson:

This letter is submitted on behalf of the Building & Construction Trades Council of Alameda County (“BTCA”) regarding City of Oakland (“City”) Planning Commission Agenda Item No. 1, the Phase I Oakland 2045 General Plan Update (“GP Update”). The Planning Commission will conduct a public hearing to consider recommending that the City Council adopt staff’s proposed amendments to the General Plan, proposed Planning Code, Zoning Map, and General Plan Text and Map amendments, and certify the Final Environmental Impact Report (“FEIR”).

BTCA consists of over twenty affiliated Building Trades Unions that represent over three thousand Oakland households. BTCA works to ensure that skilled workers are employed on construction projects in Alameda County, that labor standards are upheld, that community benefits created by development projects include local jobs, and to promote union apprenticeship programs to train the next generation of skilled construction workers.<sup>1</sup>

BCTA submitted written comments on May 19, 2023<sup>2</sup> asking the City to:

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<sup>1</sup> See <https://www.btcamedia.org/about/> (last visited 7/29/23).

<sup>2</sup> BCTA’s letter appears in the FEIR at pp. 4-18 to 4-25.

- (1) adopt construction workforce standards for buildout projects in the GP Update Housing Overlay Zones as community benefits in exchange for the extensive benefits and development incentives being provided to private housing developers, to ensure that construction workers are protected by the Housing Element with basic labor standards, not exploited by it.
- (2) incorporate construction workforce conditions as standard conditions of approval (“SCAs”) in the FEIR pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Sections 15183 and 15183.3 to reduce the non-environmental effects of buildout projects on construction workers;<sup>3</sup> and
- (3) incorporate construction workforce standards in the GP Update to support the findings required by CEQA that “employment opportunities for highly trained workers” warrant the adoption of a statement of overriding considerations to address the GP Update’s significant and unavoidable environmental and public health impacts.<sup>4</sup>

BCTA’s letter explained that, without conditions regulating construction worker standards for General Plan buildout projects, housing developers are more likely to utilize low wage, poorly trained construction workers in order to maximize profits. BCTA provided substantial evidence demonstrating that projects which do not utilize a local, skilled construction workforce, and do not provide health benefits for their workers, can result in poorly built projects which threaten the safety of future residents, and perpetuate income inequality in the construction industry, which has many low-income workers.

On July 11, 2023, the City’s Community and Economic Development (“CED”) Committee directed staff to work with BCTA to discuss possible mechanisms for incorporating labor standards in the GP Update. During their subsequent July meeting with BCTA,<sup>5</sup> City staff raised concerns that BCTA’s request for labor standards was not warranted because the GP Update’s proposed Overlay Zones did not provide benefits or concessions for market rate housing beyond existing law. That is incorrect.

The FEIR also failed to respond to BCTA’s comments, despite their relevance to the City’s mandatory CEQA approval findings. Instead, the FEIR states that “[BCTA’s] comment will be addressed in the Staff Report for the Proposed Project.”<sup>6</sup> However, the Staff Report does not respond to any of BCTA’s comments. Responses to public comments on the Phase 1 Draft Zoning Amendments state that staff is “working in a comprehensive manner in the context of the Community Workforce Agreement negotiations and Measure U discussions.”<sup>7</sup> However, this comment is unrelated to the GP Update and, contrary to the direction of the CED Committee, fails to discuss any mechanisms for incorporating labor standards into the GP Update.

**The City’s failure to incorporate construction workforce standards in the GP Update is a major flaw in City’s long-term planning process for the development of the tens of thousands of new Oakland residences.**

**BCTA urges the Planning Commission to direct City staff to follow the direction of the CED Committee by proposing construction workforce standards to be incorporated in the GP Update *before* bringing the GP Update to the City Council for consideration.**

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<sup>3</sup> SCA’s for non-environmental effects are discussed at FEIR, p. 4.0-4.

<sup>4</sup> CEQA requires that any statement of overriding considerations be supported by an analysis of: “Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities for highly trained workers.” (Pub. Res. Code § 21081(a)(3), (b)). Without that analysis, the City lacks substantial evidence to support a statement of overriding considerations.

<sup>5</sup> Staff have declined BCTA’s requests for additional meetings.

<sup>6</sup> FEIR, p. 4-18.

<sup>7</sup> See Planning Commission Staff Report (“Staff Report”), Attachment 26, pp. 5-6.

## A. The GP Update Fails to Consider Its Construction Workforce

Housing construction is a fundamental component of the GP Update. The Staff Report’s proposed approval findings explain that “*construction would be a reasonably foreseeable future outcome of the update.*”<sup>8</sup> The General Plan Buildout Program anticipates approximately 41,458 new housing units would be developed under the GP Update during the projection period ending in 2030.<sup>9</sup> This substantial amount of new construction will require a large, skilled and healthy construction workforce.

The GP Update’s Housing Element Implementation (“HEI”) component proposes Planning Code, Zoning Map, and General Plan text and map amendments to implement the Housing Element.<sup>10</sup> The purpose of the HEI is “[t]o ensure a path for construction of Oakland’s Regional Housing Needs Assessment (RHNA) assigned production target by 2031.”<sup>11</sup> The proposed Planning Code amendments provide development incentives and concessions to housing developers in order to “incentivize the construction of affordable housing.”<sup>12</sup> However, the GP Update fails entirely to consider the impacts on the residential construction workers who will build the housing.

Studies show that construction projects which do not utilize a local, skilled construction workforce and do not provide health benefits to construction workers, perpetuate income and healthcare inequality, and fail to ensure the safety of new developments. For example:

- Low wage employment is a problem in both the residential +and commercial construction markets. Fifty-five percent of Alameda County construction workers’ households are Extremely Low Income, Very Low Income, or Low Income.<sup>13</sup>
- Jobsite Health, Healthcare and Safety:
  - Construction trade workers experience exceptionally high rates of serious injury on the job, especially on sites with inadequately trained workers.
  - One of every five serious workers’ compensation insurance claims which involve death, permanent total disability or major permanent partial disability - is related to a construction employee, despite the fact that construction jobs account for less than one out of every 25 California jobs.
  - For a working life in construction, the risk of fatal injury is approximately one death per 200 full-time-equivalent employees according to a recent study in the American Journal of Industrial Medicine.
  - Construction workers who live in Alameda County are uninsured at rates 3-4 times higher than the rate of non-construction workers. The under-performance of California contractors in providing health care security to employees constrains the supply of skilled construction labor. A peer-reviewed study in 2010 found that only 35 percent of blue-collar construction workers who are not covered by collective bargaining agreements had health insurance paid for at least in part by an employer. This same study found that health insurance funded through collectively bargained employer contributions to plans that are portable within the construction industry increased industry-retention rates by up to 40 percent compared to baseline retention rates of construction workers without any health insurance coverage.<sup>14</sup>

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<sup>8</sup> See Staff Report, Attachment A, Section II; FEIR, p. 1-2 (emphasis added).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* (emphasis added).

<sup>12</sup> *Id.*; FEIR, p. 2-3.

<sup>13</sup> Analysis of U.S. Census, ACS 2015-2019 Microdata.

<sup>14</sup> (2019). Rebuilding California: The Golden State’s Housing Workforce Reckoning. Smart Cities Prevail. pp. 23-25. Downloaded 3/26/2021 via <https://www.smartcitiesprevail.org/wpcontent/>



The scale of such impacts in Oakland would be substantial given the amount of residential development planned in the GP Update. Yet, it does not include *any* construction workforce standards to ensure that these inequities do not occur in Oakland. In particular, the GP Update does not provide any apprenticeship opportunities, nor does it require local hire or healthcare commitments for its residential construction workers. This omission would have a detrimental effect on Oakland’s construction workforce for decades.

BCTA proposed a list of workforce standards for the GP Update housing overlay zones which included detailed apprenticeship requirements and proposals for healthcare expenditures for housing construction workers.<sup>15</sup> The Staff Report fails to respond to, or incorporate, *any* of these proposals. BCTA urges the Planning Commission to consider and incorporate these workforce standards into the GP Update’s conditions of approval.

## **B. The Proposed S-14/Housing Sites Inventory Zones Include Market-Rate Housing Units**

While the proposed Affordable Housing Overlay Zone (S-13 zone) addresses By Right approval for 100% affordable housing projects, the proposed Housing Sites Overlay Zones (S-14 zone / Housing Sites Inventory) would authorize By Right approval and development incentives for projects which contain up to 80% market rate housing units.<sup>16</sup>

The GP Update’s proposed Chapter 17.96, *S-14 Housing Sites Combining Zone Regulations*, would allow By Right approval for (1) housing projects proposed on a Prior Housing Element Sites parcel with at least twenty percent (20%) of the project’s units are affordable,<sup>17</sup> and for (2) projects proposed on a parcel included in the Housing Sites Inventory in Appendix C of the Housing Element, but *which were not* a Prior Housing Element Sites parcel, and provide between twenty to one hundred percent (20-100%) affordable units,<sup>18</sup> as follows:

Under proposed OMC Sec. 17.96.060, if a project is proposed on a Prior Housing Element Sites parcel and at least twenty percent (20%) of the project’s units will be made available to lower income households, the project would be subject to By Right Approval. This means that up to 80% of the housing units may be market rate.<sup>19</sup>

Under proposed OMC Sec. 17.96.070, if a project is proposed on a parcel included in the Housing Sites Inventory in Appendix C of the Housing Element and is not a Prior Housing Element Sites parcel, the project would be subject to By Right Approval if, for each income category, the project proposes at least as many units as described as the realistic capacity for the parcel, and at least *one of the following conditions* applies:

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

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uploads/2019/01/SCP\_HousingReport.0118\_2.pdf

<sup>15</sup> See BCTA Comments (5/19/23) pp. 4-8, Attachment A.

<sup>16</sup> See FEIR, p. 3-38 (“To implement HAP Action 3.4.10, a Housing Sites Overlay Zone is proposed to permit affordable housing by right with at least 20 percent affordable housing units for all sites identified in the Housing Sites.”)

<sup>17</sup> Proposed OMC Sec. 17.96.060 (By Right Residential Approval for Prior Housing Element Sites).

<sup>18</sup> Proposed OMC Sec. 17.96.070 (By Right Residential Approval for Sites not used in Prior Housing Elements).

<sup>19</sup> Proposed Muni Code Section [17.96.020](#): “Prior Housing Element Sites” means sites included in the Housing Sites Inventory and also included in the previously adopted 2007-2014 or 2015-2023 Housing Elements, as identified in [column O of Table C-26 of the City of Oakland 2023- 2031 Housing Element](#) as either “Used in Prior Housing Element – Non-Vacant” or “Used in Two Consecutive Prior Housing Elements – Vacant.”

D. At least forty percent (40%) of the housing units are restricted to moderate-income households.<sup>20</sup>

The remaining units, 80%, 75%, and 60% respectively, may therefore be market rate and By Right Approval would still apply. And, while the housing sites under proposed OMC Sec. 17.96.060 were included as Prior Housing Element Sites,<sup>21</sup> the housing sites under proposed OMC Sec. 17.96.070 were not.

### C. Construction Workforce Standards Should Be Included in the GP Update

#### 1. Construction Workforce Standards Should Be Included in the GP Update as Community Benefits in Exchange for Concessions Provided to Housing Developers

Unlike the City's concurrently proposed Downtown Oakland Specific Plan ("DOSP"),<sup>22</sup> the draft GP Update's Housing Sites Overlay Zones do not include any community benefits in exchange for the development concessions and permit streamlining offered to housing developers. This is a major omission given the equity deficit identified in the City's Housing Element from creation of these zones.

The Racial Equity Impact Assessment ("REIA") prepared for the Housing Element concluded that allowing up to 80% of housing units in the Housing Sites Overlay Zones to be market rate was a "Barrier to Equity" which would not adequately alleviate the City's affordable housing crisis and "may still result in displacement."<sup>23</sup> To resolve this inequity, the Housing Element REIA recommended increasing the minimum affordability for by-right development in these zones to 30 percent deeply affordable in high-resource areas and 50 percent affordable in low-resource areas.<sup>24</sup> The GP Update's proposed Chapter 17.96 (S-14 Housing Sites Overlay Zones) *does not* implement this recommendation, thus leaving an equity deficit which should be addressed through additional community benefits.

The only community benefit requirement referenced in the FEIR is the Housing Element's existing requirement to negotiate community benefits during development agreement approvals for major entitlements and the use of City land.<sup>25</sup> However, this requirement would not apply to new housing developments in the Overlay Zones due to their ministerial by-right permitting and development standard exceptions.

It is therefore critical that community benefits, including construction workforce standards, be built into the GP Update's Overlay Zones before the GP Update is approved.

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<sup>20</sup> Proposed OMC Sec. 17.96.070.

<sup>21</sup> See e.g. 2023-2031 Adopted Housing Element, Appendix C, Sites Inventory, available at [https://cao-94612.s3.amazonaws.com/documents/Appendix-C-Sites\\_Inventory-2.9.23\\_2023-02-17-214143\\_drit.pdf](https://cao-94612.s3.amazonaws.com/documents/Appendix-C-Sites_Inventory-2.9.23_2023-02-17-214143_drit.pdf).

<sup>22</sup> Oakland Downtown Specific Plan available at <https://www.oaklandca.gov/topics/downtown-oakland-specific-plan>. City of Oakland, *Downtown Oakland Specific Plan (DOSP): Zoning Amendments FAQ 2* (October 12, 2022), <https://cao-94612.s3.amazonaws.com/documents/2022-10-12-DOSP-Zoning-Amendments-FAQ-Final-1.pdf>, p. 3 (community benefits to include on-site affordable housing units; below market-rate ground floor commercial space; streetscape, open space, and other culturally-relevant neighborhood improvements; public Restrooms in building lobby; and in lieu fees or other mechanism for job training and/or job placement support programs).

<sup>23</sup> See 2023-2031 Adopted Housing Element, Racial Equity Impact Analysis for the Housing Element Update ("Housing Element REIA"), available at [https://cao-94612.s3.amazonaws.com/documents/Housing-Element-REIA-1.6.23\\_Final.pdf](https://cao-94612.s3.amazonaws.com/documents/Housing-Element-REIA-1.6.23_Final.pdf), at p. 11 ("Barriers to Equity...Ensuring 20 percent of units in market rate housing are affordable may not be a sufficient threshold to alleviate the affordable housing crisis and may still result in displacement.").

<sup>24</sup> *Id.*; see Staff Report, Attachment 27, p. 5, Action 3.4.10, REIA Recommendation.

<sup>25</sup> DEIR, 4.12-14 (Housing Element Policy 1.1 (Tenant Protections and Anti-Displacement), includes this community benefit requirement as Action 1.1.13).



## **2. Construction Workforce Standards Can Be Included as Standard Conditions of Approval**

The GP Update includes existing and proposed SCAs pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 (and now Section 15183.3).<sup>26</sup> The SCAs address three aspects of buildout projects: (1) general administrative aspects of the project approval; (2) environmental protection measures that are incorporated into a project and are designed to, and will, substantially mitigate environmental effects; and (3) other SCAs containing requirements to reduce non-environmental effects of the buildout projects.<sup>27</sup> SCAs are mandatory City requirements for GP Update buildout projects.<sup>28</sup>

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

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

## **3. Construction Workforce Standards Are Consistent with City Policies and Environmental Justice Element Goals and Are Necessary to Ensure Equity for the City's Construction Workforce**

Oakland Municipal Code (“OMC”) Section 2.29.170.1 specifies that “the City of Oakland will intentionally integrate, on a Citywide basis, the principles of ‘fair and just’ in all the City does in order to achieve equitable opportunities for all people and communities.”<sup>29</sup> The GP Update’s draft Environmental Justice (“EJ”) Element implements this policy, as well as State law requirements to address environmental justice in local agencies’ general plans.<sup>30</sup>

The draft EJ Element contains workforce goals and policies which would be directly implemented by adopting construction workforce standards for the GP Update which focus on local hire, use of apprentices, and access to healthcare for construction workers and their families. These include:

### **Goal EJ-9: Expand economic development, income equality, and opportunity for all Oaklanders Workforce Development and Training**

**Policy EJ-9.6: Labor Force Skills Development.** Partner with educational institutions, employers, and community based organizations to develop a local labor force with skills to meet the needs of the area’s businesses and industries. Continue and expand local-hire initiatives, training, apprenticeships, and partnerships with employers.

**Policy EJ-9.7: Barriers to Workforce Participation.** Collaborate with regional and local partners to identify and address barriers to workforce participation and access to training. Solutions to explore may include:

- Two-generation programs that link education, job training, and career-building for low-income parents with supports for their children;
- Bridge programs that prepare people with low academic skills for further education and training; and

<sup>26</sup> DEIR, pp. 3-39; Table 2-1 (pp. 2-10 to 2-89); 4 0-4.

<sup>27</sup> *Id.*

<sup>28</sup> DEIR, p. 4.0-4.

<sup>29</sup> OMC Sec. 2.29.170.1.

<sup>30</sup> SB 1000 ([https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB1000](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1000)).

- Transitional jobs programs that provide short-term subsidized employment or training for formerly incarcerated individuals.<sup>31</sup>

Apprenticeship programs are a primary pathway for providing disadvantaged workers good-paying construction-career opportunities.<sup>32</sup> The California Department of Apprenticeship Standards requires every apprenticeship program to include an equal opportunity program with an affirmative action plan to recruit women and minority applicants.<sup>33</sup> Contractors that do not participate in apprenticeship programs are not subject to these requirements. More than two-thirds of participants in union apprenticeship programs are people of color and 95 percent of apprenticeship graduates are produced by union programs.

Construction workforce standards which require use of apprentices, as proposed by BCTA, would promote “fair and just” treatment of Oakland’s construction workforce and would provide the types of programs identified in the EJ Element to train the local construction labor force and directly link education to jobs in the construction trades. This is consistent with the City’s reasoning in proposing Goal EJ-9, which recognizes that “workforce development that is not tied to a guaranteed job after completion of training with flying colors may not lead to improved economic livelihoods.”<sup>34</sup>

The construction workforce standards proposed by BCTA are also consistent with the EJ Element’s REIA recommendation to:

***Establish high road partnerships that go beyond standard worker training/retraining to include*** plant modernization and market development help for employers, ***targeted assistance for minority and women jobseekers***, technology-testing operations, and high school equivalency and English as a second language (ESL) education to ensure a just transition of the workforce.<sup>35</sup>

A critical driver of economic inequity in Oakland has been the recent massive infusion of development capital and the high expectation investors have for the return on their investment. Construction has become a bifurcated industry, split into two business models: the “high-road” model in which companies compete on productivity, efficiency, timeliness and quality of work, and the “low-road” model in which companies compete primarily by paying their workforce as little as possible.

This disparity impacts workers of color the most, especially in the non-union residential sector, which makes up the majority of construction hours.

Among construction workers:

- Latino workers are paid, on average, 38% less than white workers.
- Asians are paid 52% less than white workers.
- African-Americans are paid 38% less than white workers.

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<sup>31</sup> See 2045 General Plan Environmental Justice Element, July 2023 Hearing Draft, Goal EJ-9, available at [https://cao-94612.s3.amazonaws.com/documents/EJ-Element\\_Public-Hearing-Draft\\_073123.pdf](https://cao-94612.s3.amazonaws.com/documents/EJ-Element_Public-Hearing-Draft_073123.pdf); see also REIA for EJ Element, pp. 74-75,

<sup>32</sup> See e.g. Cypress Mandela Training Center (<https://www.cypressmandela.org/> and <https://www.cypressmandela.org/programs>), providing free training for construction careers. In 2000, Cypress Mandela Training program received the Civil Rights Partnership Award from the United States Department of Transportation’s Federal Highway Administration for outstanding efforts in bringing more minorities and women into the construction trades.

<sup>33</sup> Cal.Code.Reg. tit. 8, § 215; see also Labor Code Section 1777.5 (f).

<sup>34</sup> REIA for EJ Element, p. 75.

<sup>35</sup> REIA for EJ Element, p. 76 (emphasis added).

This low-road residential construction model also contributes to the unequal impact on communities of color by limiting access of Black and Brown workers to apprenticeship opportunities in the Trades. With few exceptions, residential contractors in Oakland do not employ apprentices enrolled in State of California approved Joint Labor-Management Apprenticeship Program (“JATC”) programs. As a result, hundreds of apprenticeship opportunities in Oakland have been lost. Without these potential slots to fill in the region’s JATCs, programs like Rising Sun and Cypress Mandela have limited opportunity to place at-risk Oakland workers into a middle-class career pathway.

The UC Berkeley Labor Center has identified three key principles to equitable workforce development<sup>36</sup>:

- Ensure jobs with family-supporting wages, benefits, career paths and safe and healthy working conditions.
- Support prevailing wage and skilled workforce standards.
- Increase access to career-track jobs for workers from disadvantaged communities.

Incorporating construction workforce standards in the GP Update would improve safety and efficiency outcomes of Oakland’s new housing developments by ensuring the use of a well-trained workforce, while at the same time increasing equity for minority and low-income construction workers through local hire provisions, job training and support of apprenticeship programs, and ensuring payment of family-supporting wages and the provision of healthcare and retirement benefits. Workforce standards provide an effective framework to address wage and benefit inequities that women, workers of color, and immigrants often face in the non-unionized workplace.<sup>37</sup> This is due largely to the standardized training, wages and workplace rules that level the playing field for all employees.

BCTA’s proposed construction workforce standards promote high-road contracting and are consistent with those equitable workforce development principles.

#### **D. The Proposed Statement of Overriding Considerations Is Inadequate Because the GP Update Fails to Consider Employment Opportunities for Highly Trained Workers**

BCTA’s May 2023 letter explained that the City must adopt a statement of overriding considerations pursuant to CEQA because the Project has environmental and public health impacts which the FEIR finds to be significant and unavoidable.<sup>38</sup> This requirement reflects the policy that public agencies must weigh a project’s benefits against its unavoidable environmental impacts, and may only find the adverse impacts acceptable if the benefits outweigh the impacts.<sup>39</sup>

To adopt the statement of overriding considerations for the GP Update, the Planning Commission and City Council must consider whether the GP Update presents specific overriding economic, legal, social, technological, or other benefits which outweigh the significant effects on the environment, including whether the project provides *“employment opportunities for highly trained workers.”*<sup>40</sup>

The entire GP Update – staff reports, FEIR, draft code sections, plan amendments – is silent on whether *any* employment opportunities will be provided to highly trained workers, including specifically residential construction

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<sup>36</sup> UC Berkeley Labor Center, *Advancing Equity in California Climate Policy: A New Social Contract for Low-Carbon Transition* (2016) at p. 45, available at <https://laborcenter.berkeley.edu/pdf/2016/Advancing-Equity.pdf>.

<sup>37</sup> Thomason & Bernhardt, UC Berkeley Center for Labor Research and Education, *The Union Effect in California #2: Gains for Women, Workers of Color, and Immigrants* (June 2018) at p. 1.

<sup>38</sup> BCTA Comments (5/19/23), pp. 7-8; Pub. Resources Code, § 21081(b); CEQA Guidelines §§ 15043, 15093(a), (b).

<sup>39</sup> Pub. Res. Code § 21081(b); CEQA Guidelines, § 15093(a), (b).

<sup>40</sup> Pub. Res. Code § 21081(a)(3) and (b) (emphasis added).

workers. The GP Update does not require local hire, does not include any apprenticeship program requirements or healthcare security for construction workers, and does not take any other steps to ensure employment of highly trained and skilled craft workers for the GP Update's buildout projects.

Incorporating BCTA's proposed workforce conditions would support a finding that the GP Update will provide such employment opportunities to highly trained workers.

#### **E. Conclusion**

BCTA respectfully requests that the Planning Commission direct City staff to follow the direction of the CED Committee by proposing construction workforce standards to be incorporated in the GP Update before bringing the GP Update to the City Council for consideration.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Andreas Cluver', is positioned above the typed name.

Andreas Cluver, Secretary-Treasurer  
Building & Construction Trades Council of Alameda County

## **ATTACHMENT A**

### **PROPOSED WORKFORCE STANDARDS**

#### **Apprenticeship Requirements**

- a. During the duration of construction of each Overlay Zone housing project (“Covered Project”), each Contractor shall do at least one of the following:
- i. participate in a Joint Labor-Management Apprenticeship Program;
  - ii. participate in an apprenticeship program approved by the State of California Division of Apprenticeship Standards that has a graduation rate of 50% or higher and has graduated an average of at least thirty (30) apprentices annually for the five (5) years immediately preceding the start of construction date on the Covered Project. The Contractor will also maintain at least the ratio of apprentices required by California Labor Code section 1777.5 for the duration of the Covered Project. Any change in program participation must be immediately provided to the City; or
  - iii. make hourly contributions on a monthly basis to the California Apprenticeship Council for every hour worked by any Covered Construction Worker in any Apprenticeable Craft or Trade on the Covered Project of at least the apprenticeship contribution rate for the classification of “plumber, pipefitter, steamfitter” in Alameda County.
- b. A Contractor without covered construction worker employees shall comply with this Section by showing a contractual obligation that its subcontractors comply with this Section.
- c. Applicants shall ensure that the Apprenticeship requirement in this Section is included in all construction contracts for the performance of the Covered Project.

#### **Health Care Expenditures**

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

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

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

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

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

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

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

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

A declaration must be signed by the Applicant at the time of permit issuance for the Covered Project, attesting to compliance with this Chapter under penalty of perjury ("Applicant Declaration"). By signing the Applicant Declaration, the Applicant commits to ensuring that all Contractors on the Covered Project have and will comply with the apprenticeship and health care expenditures requirements of this condition, including by ensuring that all contracts for the performance of the Covered Project so require, requiring all Contractors to complete the statements established by this Section, and submitting all Contractor statements to the City within seven (7) days of receipt.

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

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

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

### **Implementation and Enforcement**

#### **a. Issuance and Revocation of Permits**

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

#### **b. Community Benefits Agreement Exception**

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

#### **c. Collective Bargaining Agreement Exception**

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

d. City Enforcement.

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

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

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



**From:** [Nancy Nadel](#)  
**To:** [ifearnopc@gmail.com](mailto:ifearnopc@gmail.com); [jrenkopc@gmail.com](mailto:jrenkopc@gmail.com); [vsugrueopc@gmail.com](mailto:vsugrueopc@gmail.com); [jahrensopc@gmail.com](mailto:jahrensopc@gmail.com); [nataliesandovalopc@gmail.com](mailto:nataliesandovalopc@gmail.com); [alexrandolph.oak@gmail.com](mailto:alexrandolph.oak@gmail.com); [SShiraziOPC@gmail.com](mailto:SShiraziOPC@gmail.com); [Payne, Catherine](#); [Rajagopalan, Lakshmi](#); [Gilchrist, William](#); [preservation@oaklandheritage.org](mailto:preservation@oaklandheritage.org); [Kalb, Dan](#); [Fife, Carroll](#); [Ramachandran, Janani](#); [Gallo, Noel](#); [Jenkins, Kevin](#); [Reid, Treva](#); [Kaplan, Rebecca](#); [Office of the Mayor](#); [City Administrator's Office](#); [Fortunato Bas, Nikki](#)  
**Subject:** Protecting livability of older home neighborhoods  
**Date:** Tuesday, August 1, 2023 3:48:11 PM

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

**Dear Planning Commissioners, City Councilmembers, and City Staff,**

**I agree with the Oakland Heritage Alliance comments about the proposed revisions to zoning maps and text to help implement the recently adopted Housing Element of the General Plan and have added some additional comments below (C).**

**While it is important to provide more housing, it is also important to preserve Oakland's architecturally rich neighborhoods.**

**Please:**

**A. Provide public notice of projects eligible for "by-right" approval, and allow comments from the public, so that communities are aware of these projects, and can help ensure that applicable objective design standards and regulations are followed.**

**B. Expand the S 13 (Affordable Housing Overlay) Zone's provisions for Areas of Primary Importance (APIs) to Areas of Secondary Importance (ASIs) and apply the API demolition protections to PDHPs rated "A" or "B". (Demolition protections in APIs and ASIs could be limited to contributing and potentially contributing buildings.)**

**C. Keep our communities liveable and by that I mean**

- 1. Don't remove setbacks and front gardens**
- 2. Provide backyards that can hold a garden**
- 3. Limit heights to allow original neighbors to get solar panels**
- 4. Encourage porches so that as we walk out neighborhoods which is healthy to do, (necessary to do as we age), we can greet and get to know out neighbors.**

**That is what makes safe and liveable communities.**

**When parks and streets are filled with homeless camps that don't appear to be changing anytime soon, when diseases like covid make people feel trapped in their homes, we need private outdoor space for our sanity, growing food and gardens.**

**Instead of ruining the wonderful feeling of our single family home**

**neighborhoods, please convert unused office space to housing for additional units.**

**Together, we can provide needed residential units in a manner compatible with our historic neighborhoods.**

**Thank you.**

**Sincerely,**

Nancy Nadel

Chair

West Oakland Neighbors



Creating & Preserving Affordable Housing

August 1, 2023

Planning Commission  
City of Oakland  
1 Frank H. Ogawa Plaza  
Oakland, CA 94612

**Re: Item 1, Proposed Affordable Housing Overlay Zone and By Right Residential Approval process for 100% Affordable Housing**

Dear Planning Commissioners:

On behalf of Resources for Community Development (RCD), I am writing to express our support for the proposed Affordable Housing Overlay (AHO) zone and By Right Residential Approval process, as well as to provide minor technical suggestions on the ordinance text.

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

We appreciate the clarification in the latest ordinance draft that all 100% affordable housing projects would be eligible for By Right Residential Approval throughout the City, regardless of whether they utilize the local incentive program. However, it is confusing that the language authorizing By Right Residential Approval was inserted into Chapter 17.136 (Design Review). Design review is only one of the things impacted by By Right Residential Approval. Use permission procedures – such as the requirement for a CUP in certain zoning districts – are also waived under the By Right Residential Approval process, but this is unclear due to the placement and wording of the ordinance text. We recommend that staff instead create a separate Affordable Housing Residential Development use type in Chapter 17.10 (Use Classifications), using the definition of Affordable Housing located in Chapter 17.04 (Definitions), and specify that these projects are subject to By Right Residential Approval.

We also appreciate the latest additions to the local incentive program, which now provides three flexible incentives. To ensure the local program offers novel benefits, data on the usage of the local incentive program should be reported as part of the Housing Element Annual Progress Report (APR). The City should commit to revising the local incentive program to provide additional benefits if data show it is not being extensively utilized by the 2025 APR.

Finally, we reiterate our previous comment from our July 18 letter that the City should codify the same entitlement processing timelines as Senate Bill (SB) 35 for the By Right Residential Approval procedure defined in Section 17.09.040. The specific, statutorily required timelines in

SB 35 are a huge part of the reason why this bill has been so effective at speeding up affordable housing entitlement approvals. Mandating the same timeline for the By Right Residential Approval process would ensure that affordable housing applications move forward in a timely manner as intended.

Thank you for your consideration of our comments.

Sincerely,

Courtney Pal  
Policy Manager  
Resources for Community Development

**From:** [REDACTED]  
**To:** [At Large; Kalb, Dan; Fortunato Bas, Nikki; District 3; District 4; Gallo, Noel; District 6; District 7; Office of the Mayor; jahrensopc@gmail.com; nataliesandovalopc@gmail.com; alexrandolph.oak@gmail.com; SShiraziOPC@gmail.com; Payne, Catherine; Rajagopalan, Lakshmi](#)  
**Cc:** [Manasse, Edward; Gilchrist, William](#)  
**Subject:** new zoning to promote housing development  
**Date:** Tuesday, August 1, 2023 4:33:49 PM  
**Attachments:** [OHA Summary HousingEl Zoning7-31-23.pdf](#)

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Dear Mayor Thao, City Council Members and Planning Commission Members:

I have attached the recommendations and concerns of the Oakland Heritage Alliance. As an architect living and working in Oakland since 1977, I want to make it known to you that I am in full support of the OHA's recommendations and particularly their concerns. To preface my concerns, I am a lifelong advocate for all housing production and particularly affordable housing. My firm has produced somewhere in the range of 3000 multi-family housing units in Oakland since its beginnings in 1984. But upzoning low-density neighborhoods will have consequences that will not create the outcomes intended for more housing production at a scale that is desperately needed at this time. I believe that efforts to increase the needed quantities of housing should focus on commercial corridors and arterials where larger parcels already exist and where economies of scale can be achieved necessary to meet today's needs.

These allowances for upzoning in low density neighborhoods (primarily single-family neighborhoods) will dramatically increase the value of land. For example, purchasing just 3 houses to produce, say 15 units, will be a slow and arduous task and will face purchase prices between \$.5-\$1.5 million, even in lower priced areas. Owners will want to cash in on the new zoning. To pay \$3 million for the land for just 15 units will cost each new home \$200,000 just for the land. Even if 30 units were built in place of the 3 homes (and we've seen the hideous consequences of this scale dropped into our neighborhoods during the 1950s and 60s) this will still be at least \$100,000 per unit for the land. Also, a 15-30-unit project does not achieve the economies of scale that, say, 100-150 units could achieve along a commercial corridor. The latter is costing around \$600,000/unit to build today so at only 15-30 units, the cost of construction could easily require about \$1 million dollars per unit. So, the 15-30 units will most likely start at about \$1 million each if put up for sale, and if for rent, the monthly housing rents will be many, many thousands. The resulting housing will only be for Oakland's wealthiest, or wealthy newcomers who will be displacing long time residents, and further escalating the surrounding values to the point where subsequent new construction will yield even higher sales and rents.

I urge you to slow down and reconsider these zoning changes, and to focus upzoning in other locations that could yield greater amounts of housing and at more reasonable costs. The upzoning of low-density single-family neighborhoods will not only be woefully inefficient for producing housing, but it will be much more expensive, and the social consequences will be shocking to you and to residents of the historic flatland neighborhoods.

.....  
Michael Pyatok, FAIA

[REDACTED]

[REDACTED]

[REDACTED]



**From:** [Nico Nagle](#)  
**To:** [Rajagopalan, Lakshmi](#)  
**Cc:** [Gilchrist, William](#); [Goldman, Zach](#); [Danino, Shawn@HCD](#)  
**Subject:** Oakland 2045 General Plan Update  
**Date:** Tuesday, August 1, 2023 5:13:59 PM  
**Attachments:** [HAC - Oakland 2045 General Plan Update comments.pdf](#)

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Ms. Rajagopalan,

I am writing you on behalf of the Housing Action Coalition (HAC) regarding recent developments with Oakland's 2045 General Plan Update. While we appreciate and support much of the proposed zoning implementation, we have several concerns, which we have outlined in the attached letter.

We would appreciate the opportunity to meet with you to discuss these concerns prior to final adoption.



555 Montgomery Street  
Suite 720  
San Francisco, CA 94111  
(415) 541.9001  
info@housingactioncoalition.org  
housingactioncoalition.org

August 1, 2023

Lakshmi Rajagopalan <via e-mail only - LRajagopalan@oaklandca.gov>  
Planner IV  
Planning Department  
City of Oakland

RE: Oakland 2045 General Plan Update

Ms. Rajagopalan,

The Housing Action Coalition (HAC) writes to you regarding recent developments with the Oakland 2045 General Plan Update, Land Use Transportation Element (General Plan Update). HAC has actively participated in the General Plan Update and Housing Element Update process since 2021. We have consistently advocated for policies that increase housing choice and streamline housing delivery for market-rate and deed-restricted affordable housing, including early support for the Affordable Housing Overlay and high-resource rezonings. HAC supports many aspects of the proposed zoning implementation as part of Phase I of the General Plan Update.

We are concerned, however, by recent comments made at the July 18, 2023 Oakland City Council meeting and July 11, 2023 Community and Economic Development Committee meeting. City council members indicated a desire to reduce proposed height increases, reduce missing middle upzoning, and reduce relaxation of development standards for housing. These comments were focused on particular neighborhoods and council districts.

To the extent the Planning Department is considering these changes, HAC requests a meeting to discuss such reductions in developable housing capacity. We are especially interested in discussing any reductions to proposed developable housing capacity as it pertains to parcels in moderate, high and highest-resource census tracts.

HAC is not alone in such concerns. The California Department of Housing and Community Development (HCD), in its September 28, 2022 response declining to approve Oakland's June 30, 2022 draft housing element, wrote: "[p]rograms to [Affirmatively Further Fair Housing] should go beyond status quo actions, include **specific commitment, timing, geographic targeting and metrics or numerical targets and should generally address housing mobility, encourage new housing choices in higher resource areas....**" [emphasis added].



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[housingactioncoalition.org](http://housingactioncoalition.org)

We recently learned, from an obtained internal Planning Department memorandum, that the Planning Department has decided to defer high-resource rezonings it has committed to under its HCD-approved adopted housing element to Phase 2 of the General Plan Update to be completed in 2025. The Planning Department's stated reasoning is that higher-resource areas such as Rockridge and Piedmont Avenue are not served by "high-quality transit" and have "narrow streets" compared to commercial areas in East Oakland set to be re-zoned under Phase I. While we disagree with these conclusions we understand that the demands on the Planning Department and available resources may merit deferral.

For these reasons, we believe it is critical that the Planning Department refrain from any further reductions in proposed height increases, missing middle upzoning or relaxation of development standards, or deferrals in zoning implementation committed to under its HCD-approved and adopted housing element targeted at increasing housing opportunities in moderate, high, and highest-resource census tracts.

It has also come to our attention that suggested changes to the conditions of approval associated with the Affordable Housing Overlay could add significant cost for projects, potentially rendering affordable housing projects infeasible. Given the need for this type of housing, we urge a feasibility study be conducted before adding any provisions that could drive up housing production costs.

Additionally, we are concerned that the provision prohibiting by-right approvals of projects over 100,000 square feet unless it is a 100% affordable project. Large, mixed-income projects are a key piece of the solution and should be approved by-right.

We look forward to continuing to engage with you on these critical issues.

Sincerely,

Nico Nagle  
Housing Action Coalition

cc:  
William Gilchrist, Planning and Building  
Zach Goldman, Office of the Mayor  
Shawn Danino, HCD

**From:** [Jeffrey Levin](#)  
**To:** [Jonathan Fearn](#); [jrenkopc@gmail.com](mailto:jrenkopc@gmail.com); [jahrensopc@gmail.com](mailto:jahrensopc@gmail.com); [nataliesandovalopc@gmail.com](mailto:nataliesandovalopc@gmail.com); [alexrandolph.oak@gmail.com](mailto:alexrandolph.oak@gmail.com); [Shahar Shirazi](#); [vsugrueopc@gmail.com](mailto:vsugrueopc@gmail.com)  
**Cc:** [Gilchrist, William](#); [General Plan](#); [Rajagopalan, Lakshmi](#); [Reid, Treva](#); [Fife, Carroll](#); [Gallo, Noel](#); [Kalb, Dan](#); [Fortunato Bas, Nikki](#); [Kaplan, Rebecca](#); [Jenkins, Kevin](#); [Ramachandran, Janani](#)  
**Subject:** Comment Letter: Planning Commission Aug 2, 2023 Agenda Item 1, Housing Element Planning Code Revisions  
**Date:** Wednesday, August 2, 2023 7:23:50 AM  
**Attachments:** [EBHO Comments to PC re Planning Code amendments from Housing Element 2023-08-02.pdf](#)

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Dear Oakland Planning Commission Chair Fearn and Planning Commissioners:

Attached please find updated and amended comments from East Bay Housing Organizations regarding item 1 on today's Planning Commission Agenda - Housing Element Planning Code Revisions. We look forward to your discussion and deliberation regarding these critical issues.

---

Jeff Levin, Senior Director of Policy

**NOTE: I am generally working only on Monday afternoons and all day on Tuesday and Thursday, so I may not be able to reply to your e-mail right away.**

**East Bay Housing Organizations (EBHO)**  
538 Ninth Street, Suite 200 | Oakland, CA 94607  
510-663-3830 ext. 316 | [jeff@ebho.org](mailto:jeff@ebho.org)

*Thank you for supporting our efforts to protect, preserve and create affordable housing for all! Visit us at [www.EBHO.org](http://www.EBHO.org) and follow us on [Facebook](#) and [Twitter](#)*



August 2, 2023

*By electronic transmission*

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

**Subject: Proposed Planning Code amendments to implement the Housing Element  
(Item 1 on City Planning Commission's August 2 agenda)**

Dear Commissioners:

I am writing on behalf of East Bay Housing Organizations. EBHO is a nonprofit, membership-based organization working to produce, preserve and protect affordable housing opportunities for low-income communities throughout the East Bay. First founded in 1984, EBHO has grown to 400+ individual and organizational members fighting for an economically and racially just world where everyone has a safe, stable, and affordable home.

We appreciate the opportunity to submit comments on the Proposed Planning Code amendments, which implement changes that were introduced in the recently adopted 6<sup>th</sup> Cycle Housing Element for 2023-2031. These comments restate, expand, and modify comments that we previously submitted in writing and verbally to City staff, the Community and Economic Development Committee, and the City Council.

Chapter 17.95 - Affordable Housing Overlay (AHO)

- **Decoupling By Right Approval from the other provisions of the Affordable Housing Overlay Zone**

As originally proposed, by right approval for 100% affordable housing projects was limited to the geographic area of the AHO, rather than extending citywide. In addition, the draft language indicated that projects utilizing the provision of Chapter 17.95 could not use other incentives, such as State Density Bonus. We understand the desire to not layer different incentive programs here, but the language also meant that affordable projects either had to choose by right approvals with the AHO incentives or forego by right approvals in order to take advantage of the Density Bonus incentives.

We are happy to see that this has now been changed so that by right approval for affordable housing is a more general provision, with fewer geographic limitations and not restricted to the AHO incentives.

We support incentives/enhanced development standards that are in the AHO, including the provisions in Section 17.95.070 to provide three additional incentives other than height or reduced setbacks to further enhance the effectiveness of the AHO.

- **Relocate the provision for by right approval to a different section of the Planning Code**

We are concerned that burying the language regarding by right approval for 100% affordable housing in Chapter 17.136 – Design Review Procedures, as is now proposed, is not the best place for this provision.

- As an alternative we propose creating a new activity type in Section 17.10, “Affordable Housing Activities,” defined as a residential or mixed-use facility in which 100% of the units (other than units reserved for a resident manager) qualify as “Affordable Housing” (as defined in 17.09.040), and stating that they are subject to the By Right Residential Approval provisions contained in 17.09.040. Placing this provision here makes it easier for developers and the public to find and treats it in the same way that by right provisions are structured for Supportive Housing Residential Activities (17.10.114) and Emergency Shelter Activities (17.103.015).

If the provisions for by right approval of 100% affordable housing are spelled out in this manner, it is then no longer necessary to restate them in Chapter 17.95. Instead, that chapter, dealing with the AHO, can focus on the development standards/incentives that are available in that zone as an alternative to Density Bonus, but no longer needing to be linked to by right approval, which stands on its own.

- **Better targeting of by-right approval provisions**

We have previously commented that there should be stronger income targeting provisions as part of by right zoning and incentives provided through the AHO. In particular rental housing and ownership housing should be treated differently.

- For rental housing, by-right approval and AHO incentives should be focused exclusively on lower income housing, where the bulk of the City’s rental housing needs are concentrated, and should include a requirement for at least some deeply affordable housing, similar to existing City funding policies that require at least 20% of units to be affordable to households making less than 20% of



median income. Moderate income households have far lower rates of rental cost burden and other housing problems; their most significant housing barrier is the inability to move into homeownership

- For owner occupied housing, by right approval and AHO incentives should include moderate income with the specific intent of incentivizing and increasing the feasibility of moderate income homeownership, since there are extremely limited funding resources for this purpose and income group.

#### Chapter 17.96 - Housing Sites Combining Zone

- **Section 17.96.060 - By right approval for sites identified in prior housing element cycles.**

As staff has noted, State law requires by right development for “recycled sites” – housing element inventory sites that were used as inventory sites in prior housing elements. As such, Section 17.96.060 simply implements a statutory requirement.

- We note that this provision alone affects 150 sites identified in the housing element site inventory (Table C-26) with an estimated capacity for 5,789 units, but an estimated capacity for only 697 lower income units. Providing by right approval for these sites, conditioned on at least 20% of the units being restricted to lower income, might result in a greater number of lower income units.
  - At the same time, we note that many of these sites are in low income communities of color and areas experiencing significant gentrification and displacement pressures. The City should monitor carefully how the provisions of Section 17.96.060 are utilized and whether this results in increased development of market-rate, above moderate income housing with low percentages of affordable housing that could exacerbate displacement.
- **Section 17.06.070 – By right approval for sites not identified in prior housing element cycles.**  
This Section should be deleted in its entirety. We want to reiterate here our previous objections to extending by right approval to housing that is not 100% affordable (other than for those covered by Section 17.06.070, which are required by statute).
  - According to housing element table C-26, this section would apply to 348 parcels with an estimated total capacity of 13,120 units, of which approximately half are designated as lower income. A total of 108 parcels are designated as exclusively

lower income with capacity for 4,787 units. These sites would be covered by the by right approval provisions for 100% affordable housing.

Given the substantial number of sites covered by Section 17.06.070, we see no necessary reason to grant additional parcels by right approval with as little as 20 percent affordable housing. It would be better to see how the provisions of Section 17.06.070 play out before voluntarily extending significant streamlining benefits to predominantly market rate housing.

- Projects that utilize the proposed by right approval provisions would be exempt from paying the City's affordable housing impact fee, which provides for waiver of fees on market rate units if as little as 5% of the units in a project are restricted to extremely low income, or 10% are restricted to either low or moderate income. Data from the Dept of Housing and Community Development shows that impact fees produce more units, deeper affordability, and more three- and four-bedroom apartments than would be provided under these provisions. Reducing the City's Housing Impact Fee revenue would negatively impact the City's ability to meet its RHNA goals and housing needs for low, very low and extremely low income households and the City should not be incentivizing developments that have this impact.
- The City does not need to further streamline approval of predominantly market-rate housing, even if it contains a relatively small amount of affordable housing. Obtaining land use entitlements does not appear to be a barrier to development of higher end housing for above moderate income households. In the prior housing element cycle, the City not only approved, but issued building permits, for over 200% of its RHNA target for above moderate income housing. In addition, according to the recently adopted 6<sup>th</sup> cycle housing element, at the very beginning of this eight-year cycle the City had already provided land use approvals for projects that will provide 85% of the City's greatly-increased RHNA target for above moderate income, and additional 45% were in the application or pre-application stage and treated as potential development projects.

- **Exhibit 8: West Oakland Zoning and Height Area Map Changes**

The proposed height changes for the West Oakland area include substantial areas that are within the Downtown Oakland Specific Plan (DOSP) boundaries. We strongly object to any height changes in the DOSP area.

- The City has repeatedly represented to stakeholders, the Community Advisory Group, and the public that there would be no change to the base densities or

heights in the DOSP area, and additional height and density would be available only through the DOSP's proposed Zoning Incentive Program (ZIP). Now the City is pulling back from those assurances and is preparing to increase the base zoning in these areas without any associated community benefits. There should be no changes to zoning in the DOSP area outside of the specific plan process for that area.

- **General Planning Code Amendments**

There are several provisions that are being added to other sections of the Planning Code that we want to highlight.

- Section 17.09.040 – Definitions adds much needed definitions for such terms as “Affordable Housing,” “Affordable Housing Cost,” “Affordable Rent,” “Moderate-, Low- and Very Low-Income Households.” These definitions are particularly important to ensure consistency with the City’s affordable housing funding programs as well as other provisions in the Planning Code and provide much needed clarity and detail as to what qualifies as affordable housing, including the requirement for long-term recorded covenants to enforce affordability requirements.
- Modify the definition of “Affordable Housing” to provide for third-party enforcement of affordability restrictions, similar to provisions that already exist in places in State law. The definition of “Affordable Housing” includes requirements for the recording of written agreements as covenants running with the land to ensure that affordability restrictions remain in place and are enforceable for the entire term of those restrictions. We have previously proposed that this language should include a provision for third-party enforcement of the affordability agreements to allow tenants and affordable housing organizations to enforce affordability restrictions in the event the City is unwilling or unable to do so. Our proposed changes are shown below in *italics*.

The written agreement shall be recorded against the units as covenants running with the land, senior in priority to any private liens or encumbrances except as provided below and shall be enforceable by the City, *a resident of the housing development project, a person who would be eligible to apply for residency in the housing development project, or a housing organization* against the applicant or the applicant’s successors-in-interest to the property for the full affordability term.

- We want to call attention to and support the proposal in many places to change the requirement for public noticing to include occupants as well as owners when noticing is required. Given the racial dimension of housing tenure, such a change not only ensure that renters, and not just homeowners and landlords, will be notified and given the opportunity to comment, it also serves to affirmatively further fair housing by providing more opportunities for people of color to be involved in the hearing and public comment process.
- Relocate the language in the new Section 17.136.023 - Projects subject to By Right Residential Approval. These provisions should be located elsewhere and structured as a new definition for “Affordable Housing Activities.” As we noted above in our comments on Section 17.96, we propose the following:

Create a new activity type in Section 17.10, “Affordable Housing Activities,” defined as a residential or mixed-use facility in which 100% of the units (other than units reserved for a resident manager) qualify as “Affordable Housing” (as defined in 17.09.040), and state that they are subject to the By Right Residential Approval provisions contained in 17.09.040. Placing this provision here makes it easier for developers and the public to find and treats it in the same way that by right provisions are structured for Supportive Housing Residential Activities (17.10.114) and Emergency Shelter Activities (17.103.015).

Thank you for the opportunity to comment on these important updates to the City’s Planning Code. Please feel free to contact me at (510) 663-3830 x316 or [jeff@ebho.org](mailto:jeff@ebho.org) if you have any questions or wish to discuss these comments.

Sincerely,



Jeffrey Levin  
Senior Director of Policy

cc: William Gilchrist, General Plan Team, Lakshmi Rajagopalan, City Council

**From:** [Rockridge Manor HOA](#)  
**To:** [Oakland Planning Commission](#); [Rajagopalan, Lakshmi](#)  
**Subject:** Proposed Planning Code amendments to implement the Housing Element (Item 1 on City Planning Commission's August 2 agenda)  
**Date:** Tuesday, August 1, 2023 9:54:52 PM  
**Attachments:** [Zoning Map 2-3 N Oakland&N Oakland Hills 4-12-2023.PNG](#)  
[Assessor's map of RMHOA 0131135.00 7-31-2023.PDF](#)

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Dear Commissioners:

The Rockridge Manor HOA objects to the zoning revision from RU-3 to RU-4 because high rises are permitted on R4- zoned properties.

The property we are referring to is bounded by Pleasant Valley Ave, Gilbert St and Whitmore St.(see 2 attachments).

Thank you for the opportunity to comment. Please contact Joe Johnston (510) 420-1390

--

Rockridge Manor HOA  
Board Secretary







**From:** [Leslie](#)  
**To:** [ifearnopc@gmail.com](mailto:ifearnopc@gmail.com); [jrenkopc@gmail.com](mailto:jrenkopc@gmail.com); [vsugrueopc@gmail.com](mailto:vsugrueopc@gmail.com); [jahrensopc@gmail.com](mailto:jahrensopc@gmail.com); [nataliesandovalopc@gmail.com](mailto:nataliesandovalopc@gmail.com); [alexrandolph.oak@gmail.com](mailto:alexrandolph.oak@gmail.com); [SShiraziOPC@gmail.com](mailto:SShiraziOPC@gmail.com); [Payne, Catherine](#); [Rajagopalan, Lakshmi](#); [Gilchrist, William](#); [Manasse, Edward](#); [Oakland Planning Commission](#)  
**Subject:** Zoning Revisions  
**Date:** Wednesday, August 2, 2023 8:00:33 AM

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To the Planning Commissioners:

Please note that I also support the OHA position:

"While we support the goal of providing more housing, particularly affordable housing, we also must preserve our architecturally rich neighborhoods, particularly Areas of Primary and Secondary Importance (APIs and ASIs), and potentially designated historic properties (PDHPs). The proposed zoning changes could promote intrusive new buildings that will architecturally disrupt historic neighborhoods, with increased height limits and reduced setbacks, among other things.

We also request public notice of projects eligible for "by right" processing. The proposed by-right procedures exempt eligible projects from public notice and hearings, even though some of these projects could be quite large. Recently approved projects have been up to seven stories; larger projects are possible."

In addition, it is very troubling that such a major project as rezoning should be given almost NO public notice and very little time or opportunity for any public comment or participation. For such major changes there must be at least one public hearing before the Planning Commission. Then there must be another with the City Council. We must ensure that genuinely affordable and deeply affordable housing be built in Oakland, but not by ignoring CEQA and destroying the very character of neighborhoods which make them livable and desirable in the first place. With good planning and public participation we can achieve both affordable and environmentally and aesthetically desirable results. Please ensure that the people of Oakland have adequate ability to be informed and to provide input in such a major change to our City.

With great appreciation,  
L. Correll  
Coronado Avenue  
94618

**From:** [Naomi Schiff](#)  
**To:** [Abdur-Rasheed, Haneefah](#); [Payne, Catherine](#)  
**Cc:** [Gilchrist, William](#); [Manasse, Edward](#); [General Plan](#); [Rajagopalan, Lakshmi](#); [Kaminski, Laura](#); [Lieberworth, Audrey](#); [Marvin, Betty](#); [Mulry, Brian](#); [Lehmer, Aaron](#)  
**Subject:** Re: Comment Letter: Agenda Item 1, Housing Element Planning Code Revisions, 8-1-23 meeting  
**Date:** Wednesday, August 2, 2023 9:53:15 AM  
**Attachments:** [2023-8-2HsngElCdeChngs CPC OHA supp.pdf](#)

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Dear Chair Fearn and Planning Commissioners,

Attached is a supplement to the Oakland Heritage Alliance letter previously sent, showing examples of setbacks in API and ASI areas. Thank you for your diligent work!

Naomi Schiff  
For Oakland Heritage Alliance

-----  
Naomi Schiff  
510-910-3764 (cell)  
528 Jean St.  
Oakland, CA 94610  
[naomi@17th.com](mailto:naomi@17th.com)



August 2, 2023

*By electronic transmission*

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

**Subject: Proposed Planning Code amendments to implement the Housing Element (Item 1 on City Planning Commission's August 2 agenda)**

Dear Commissioners:

The attached photographs supplement Comment #6 in our August 1, 2023 letter by showing:

1. Examples of API and ASI street frontages with uniform front setbacks of at least 20 feet; and
2. Examples of newer buildings with reduced setbacks that break the established setback line.

The uniform 20' minimum setbacks in the API/ASI examples contribute to the architectural cohesiveness of these frontages. The frontages are currently all zoned for 20' minimum setbacks, but the proposed zoning amendments will reduce the minimum setbacks to 15'. This risks new construction with visually intrusive reduced setbacks that would disrupt the architecturally cohesive frontages and erode the integrity of the APIs/ASIs.

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

Sincerely,

Mary Harper  
President

Attachment: Photographs of APIs/ASIs with consistent 20' minimum setbacks and of frontages with buildings that project beyond the established setback line.

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

**1. Examples of API/ASI frontages with consistent front setbacks of 20 feet or more.** These well-ordered frontages are now zoned for 20' minimum front setbacks but the proposed zoning amendments would reduce the minimum setback to 15'. This raises the possibility of new construction with intrusive reduced setbacks that would erode the architectural integrity of the API or ASI.

10th Ave API



Fairview Park API





Havenscourt ASI 2500 block of Havenscourt Blvd.



Oakland Point API Peralta St. 1000 block



Trestle Glen/Lakeshore ASI Longridge





**2. Examples of intrusive newer buildings with reduced setbacks that break the setback line established by the older buildings.**







**From:** [Steve Cook](#)  
**To:** [Oakland Planning Commission](#)  
**Subject:** August 2 hearing re 2045 Planning Update  
**Date:** Wednesday, August 2, 2023 10:25:03 AM  
**Attachments:** [Letter to Planning Commission re 2045 Update.docx](#)

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Dear Commissioners:

The revisions to the Oakland Planning Code proposed for the 2045 Update include several provisions that are greatly disturbing. In particular are those permitting “ministerial” approvals, and those which eliminate requirements for public hearings.

As the Washington Post says in its motto, “Democracy Dies in Darkness.”

Public participation is a cornerstone of democracy. Please do not accept or permit any revisions that would restrict or eliminate it. I note that thousands of housing units and other projects have been build in Oakland over the past 10 years. While public participation may be an inconvenience for some, it clearly has not been an impediment.

Very truly yours,

Steven Cook



August 2, 2023

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

Subject: 2045 General Plan Update

Dear Commissioners:


The revisions to the Oakland Planning Code proposed for the 2045 Update include several provisions that are greatly disturbing. In particular are those permitting “ministerial” approvals, and those which eliminate requirements for public hearings.

As the Washington Post says in its motto, “Democracy Dies in Darkness.”

Public participation is a cornerstone of democracy. Please do not accept or permit any revisions that would restrict or eliminate it. I note that thousands of housing units and other projects have been build in Oakland over the past 10 years. While public participation may be an inconvenience for some, it clearly has not been an impediment.

Very truly yours,

Steven Cook



**From:** [Nicole Lazzaro](#)  
**To:** [Jonathan Fearn](#); [jrenkopc@gmail.com](#); [vsugrueopc@gmail.com](#); [jahrensopc@gmail.com](#); [nataliesandovalopc@gmail.com](#); [alexrandolph.oak@gmail.com](#); [Sahar Shirazi](#); [Payne, Catherine](#); [Rajagopalan, Lakshmi](#); [Gilchrist, William](#); [Manasse, Edward](#)  
**Cc:** [Upper Broadway Advocates](#)  
**Subject:** Comments on Oakland's General Plan Update for Today's Hearing  
**Date:** Wednesday, August 2, 2023 10:31:18 AM

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Dear Oakland Planning Commission Chair Fearn and Commissioners,

I am writing to you to voice my concerns on the proposed update to the City Plan **released 3 days ago**. I am still reviewing the 100 page document. While I applaud the commission's efforts for supporting more housing, especially workforce housing, I am concerned about the possibility it allows for approvals of significantly overscaled and architecturally incongruous projects lacking amenities without a public comment period. Similarly, the plan itself is quite technical in nature without an overview for ordinary citizens to be informed about proposed changes to their neighborhoods.

It feels like the proposed plan serves Oakland up as a buffet for developers. It also lacks detailed guidance on improving the livability such increase in population requires.

With increased density comes the responsibility of providing more amenities such as open space and parks. There are infrastructure expenses such as improving sewers to handle doubling or quadrupling the density in areas. Have these been considered as well?

Additionally, the City promised to design new variations of slow streets (installed during the pandemic) and other ways for neighbors to socialize and recreate outdoors. Have these been included in the plan?

For example, widening the sidewalks for outdoor dining (an extension of the parklet idea during the pandemic) , more bike lanes, and planting more trees to humanize the scale of larger buildings.

Furthermore, I have deep concerns that the "by right" provisions will eliminate time for public comment and undermine neighbors democratic rights to participate in planning for their neighborhoods. For areas with numerous historic structures it would be great to plan for more density with a requirement for architectural designs that enhance and reflect the architectural features of the neighboring buildings. Oakland is a treasure trove of great architecture from 100 years ago. It is possible to deliver those same design principles at scale.

Otherwise as Gutred Stein once famously said, "There is no there there."

We need to have public hearings on this plan for all of Oakland. That way each neighborhood can have a say in the changes happening in it. Without a plan we will get more luxury apartment towers made of glass towering over 1 story homes and no trees.

Thank you for your attention and providing adequate format for informing the public and gathering their feedback. Oakland has a rich heritage unless we act, we will become a sterile

city of skyscrapers. If we wanted that we'd move to SF.

Sincerely, a concerned 30 Oakland resident and business owner,

Nicole

Nicole Lazzaro | President

**XEO**Design, Inc.

[REDACTED]

[REDACTED]



**From:** [mayersbrewer@gmail.com](mailto:mayersbrewer@gmail.com)  
**To:** [ifearnopc@gmail.com](mailto:ifearnopc@gmail.com); [jrenkopc@gmail.com](mailto:jrenkopc@gmail.com); [vsugrueopc@gmail.com](mailto:vsugrueopc@gmail.com); [jahrensopc@gmail.com](mailto:jahrensopc@gmail.com); [nataliesandovalopc@gmail.com](mailto:nataliesandovalopc@gmail.com); [alexrandolph.oak@gmail.com](mailto:alexrandolph.oak@gmail.com); [SShiraziOPC@gmail.com](mailto:SShiraziOPC@gmail.com); [Payne, Catherine](#); [Rajagopalan, Lakshmi](#); [Gilchrist, William](#); [Manasse, Edward](#)  
**Subject:** Comments on 2045 General Plan Update  
**Date:** Wednesday, August 2, 2023 11:16:02 AM

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Dear Planning Commission:

Thank you for the opportunity to comment on the proposed 2045 General Plan update. I appreciate the work that has gone into this process to date.

While I approve the efforts around increasing density and affordability, some of the proposed changes are flawed:

1. The proposed height increase to 95' does not make economic sense in that it triggers a more expensive type of construction (concrete) which many developers cannot afford. Nonprofit developers (the only ones producing any significant affordable and mid-income housing) would be incapable of obtaining the funding necessary to complete these projects. In light of the fact the Oakland has done an extremely poor job of encouraging and approving true affordable projects, it is unwise to increase the height in this manner. An 85' height limit is a much better option – one that would give nonprofit developers a better opportunity to build the housing we NEED.
2. The "By-Right" provision is just plain wrong and will result in lawsuits against the City and developers. Staff seems to assume that any comments from residents and other affected parties will stymie the development process. In my experience, community input that is robust makes projects better. There are many examples of previous developments that fell under erroneous and downright wrong interpretations of the relevant codes. Oftentimes, residents have great ideas to make projects better and to mitigate problems that will negatively impact the surrounding neighborhoods. For example, I live near Merrill Gardens (Broadway and 51<sup>st</sup>). There are several misapplications of the planning and building codes, that staff did not catch. The local neighbors have to live with those consequences. Eliminating ALL community input without commensurate community benefit is a bad precedent. I recommend at least one public comment period before both the Planning Commission and the City Council.

Thank you for the opportunity to voice my concerns. -Janis Brewer (Coronado Ave, Oakland)



**From:** [pbcullinane](#)  
**To:** [jfearnopc@gmail.com](#); [jrenkopc@gmail.com](#); [vsugrueopc@gmail.com](#); [jahrensopc@gmail.com](#); [nataliesandovalopc@gmail.com](#); [alexrandolph.oak@gmail.com](#); [SShiraziOPC@gmail.com](#); [Payne, Catherine](#); [Rajagopalan, Lakshmi](#); [Gilchrist, William](#); [Manasse, Edward](#)  
**Cc:** [Upper Broadway Advocates](#)  
**Subject:** Zoning Changes  
**Date:** Wednesday, August 2, 2023 4:47:07 PM

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As you act to destroy the livability and quality of life in the Rockridge neighborhood by invading residential areas vs. true development along major arteries, you should be giving your attention to getting affordable housing, really as currently defined a joke for most people, at the two huge sites at 51st and Broadway and the large site at Claremont and College. In addition, you should be promoting the conversion of one-story businesses on College Ave. into multiple story structures to promote retail on the street level and housing above.

Anything less is a waste of time and money and further losses of confidence in the ability of Oakland to do anything right about housing.

Patrick Cullinane

**From:** [Jan Klingelhofer](#)  
**To:** [jfeanopc@gmail.com](#); [jrenkpoc@gmail.com](#); [vsugrueopc@gmail.com](#); [jahrenscopc@gmail.com](#); [natalieandovalopc@gmail.com](#); [alexrandolph.oak@gmail.com](#); [sshiraziopc@gmail.com](#); [Payne, Catherine](#); [Rajagopalan, Lakshmi](#); [Gilchrist, William](#); [Manasse, Edward](#)  
**Cc:** [opreservation@oaklandheritage.org](#); [info@oaklandheritage.org](#)  
**Subject:** Oakland General Plan: Housing Element  
**Date:** Wednesday, August 2, 2023 4:26:35 PM

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Dear Planning Commissioners,

I'm writing about the proposed revisions to zoning maps and text to help implement the recently adopted Housing Element of the General Plan. While it is important to provide more housing, it is also important to preserve Oakland's architecturally rich neighborhoods.

Please:

A. Provide public notice of projects eligible for "by-right" approval, and allow comments from the public, so that communities are aware of these projects, and can help ensure that applicable objective design standards and regulations are followed.

B. Expand the S 13 (Affordable Housing Overlay) Zone's provisions for Areas of Primary Importance (APIs) to Areas of Secondary Importance (ASIs) and apply the API demolition protections to PDHPs rated "A" or "B". (Demolition protections in APIs and ASIs could be limited to contributing and potentially contributing buildings.)

Together, we can provide needed residential units in a manner compatible with our historic neighborhoods.

Thank you for the work you are doing!

Sincerely,

Jan Klingelhofer



**From:** [Warren Logan](#)  
**To:** [fearnopc@gmail.com](mailto:fearnopc@gmail.com); [jrenkopc@gmail.com](mailto:jrenkopc@gmail.com); [vsugrueopc@gmail.com](mailto:vsugrueopc@gmail.com); [jahrensopc@gmail.com](mailto:jahrensopc@gmail.com); [nataliesandovalopc@gmail.com](mailto:nataliesandovalopc@gmail.com); [alexrandolph.oak@gmail.com](mailto:alexrandolph.oak@gmail.com); [sahar shirazi](#); [Payne, Catherine](#); [Manasse, Edward](#); [Rajagopalan, Lakshmi](#); [Gilchrist, William](#)  
**Subject:** Oakland Planning Commission - Public Comment on West Oakland Upzoning  
**Date:** Wednesday, August 2, 2023 2:50:59 PM

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Good afternoon Commissioners,

I would like to share the following feedback about the proposed upzoning in the West Oakland neighborhood:

Overall, I am **incredibly enthusiastic to see taller height limits proposed throughout the area**. However, there are some locations where I believe the City should propose even more relaxed restrictions on height.

I strongly encourage the Planning Commission and the Planning Department to consider even taller heights on these corridors:

- 1) West Grand Avenue
- 2) Mandela Parkway
- 3) San Pablo Avenue
- 4) Adeline Street

Additionally, I encourage the Planning Commission and Planning Department to consider taller heights at these nodes:

- 1) Mandela Parkway at West Grand Avenue and Peralta
- 2) San Pablo at 27th
- 3) San Pablo at West Grand
- 4) Adeline at West Grand

Thank you for considering my recommendations,  
Warren Logan  
West Oakland neighbor

**From:** [Seung-Yen Hong](#)  
**To:** [Rajagopalan, Lakshmi](#)  
**Cc:** [jfearnopc@gmail.com](#); [Josie Ahrens](#); [alexrandolph.oak@gmail.com](#); [jrenkopc@gmail.com](#); [nataliesandovalopc@gmail.com](#); [SShiraziOPC@gmail.com](#); [vsugrueopc@gmail.com](#); [Abigail Thorne-Lyman](#); [Carli Paine](#); [Tim Chan](#)  
**Subject:** BART comment on the Planning Code Amendment (Item #1 of the 8/2 Planning Commission Hearing agenda).  
**Date:** Wednesday, August 2, 2023 2:40:27 PM  
**Attachments:** [OaklandGPU ZoningUpdate BART 8-2-2023.pdf](#)

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Hi Lakshmi,

Attached, please see BART's comments on the Oakland General Plan and Planning Code Amendments. (Item #1 of the 8/2 Planning Commission Hearing agenda).

Regards,  
Seung-Yen

In office: Monday, Tuesday, Wednesday  
Remote: Thursday, Friday

Seung-Yen Hong, LEED Green Associate  
Senior Planner, Station Area Planning  
BART Planning & Development  
2150 Webster St, 8th Floor  
Oakland, CA. 94612  
[Seung-yen.hong@BART.gov](mailto:Seung-yen.hong@BART.gov)  
M: 510-230-3429



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT  
2150 Webster Street, P.O. Box 12688  
Oakland, CA 94604-2688  
(510) 464-6000

2023

August 2, 2023

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City of Oakland Bureau of Planning  
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Oakland, CA 94612  
Email: [generalplan@oaklandca.gov](mailto:generalplan@oaklandca.gov)

## RE: Phase 1 General Plan Zoning Code Amendments

Dear Ms. Rajagopalan:

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

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

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

this time, it is possible that either development program may need to change in response to the ever-changing market conditions as the projects get built out. It is unclear whether there is a process that the City would employ for a TOD that may need to pivot and adjust its development program. With the proposed zoning change, if a TOD project failed to deliver 100% of the housing units included in the approved entitlements, no commercial component can be developed, even if it was entitled.

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

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

Sincerely,



Tim Chan  
Group Manager, Station Area Planning

Cc:

Chair Jonathan Fearn, [jfearnopc@gmail.com](mailto:jfearnopc@gmail.com)  
Commissioner Josie Ahrens, [jahrensopc@gmail.com](mailto:jahrensopc@gmail.com)  
Commissioner Alex Randolph, [alexrandolph.oak@gmail.com](mailto:alexrandolph.oak@gmail.com)  
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**From:** [Sanford Forte](#)  
**To:** [Nancy Nadel](#); [jfearnopc@gmail.com](mailto:jfearnopc@gmail.com); [jrenkopc@gmail.com](mailto:jrenkopc@gmail.com); [vsugrueopc@gmail.com](mailto:vsugrueopc@gmail.com); [jahrensopc@gmail.com](mailto:jahrensopc@gmail.com); [nataliesandovalopc@gmail.com](mailto:nataliesandovalopc@gmail.com); [alexrandolph.oak@gmail.com](mailto:alexrandolph.oak@gmail.com); [SShiraziOPC@gmail.com](mailto:SShiraziOPC@gmail.com); [Payne, Catherine](#); [Rajagopalan, Lakshmi](#); [Gilchrist, William](#); [preservation@oaklandheritage.org](mailto:preservation@oaklandheritage.org); [Kalb, Dan](#); [Fife, Carroll](#); [Ramachandran, Janani](#); [Gallo, Noel](#); [Jenkins, Kevin](#); [Reid, Treva](#); [Kaplan, Rebecca](#); [Office of the Mayor](#); [City Administrator's Office](#); [Fortunato Bas, Nikki](#)  
**Subject:** Build more housing to delight new and current neighborhood residents - i.e. to human scale.  
**Date:** Wednesday, August 2, 2023 2:23:16 PM

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**Dear Planning Commissioners, City Councilmembers, and City Staff,**

**I'm entirely in agreement with the Oakland Heritage Alliance's concerns regarding proposed revisions to zoning maps. I am also in agreement with the Oakland Heritage Alliance's commentary and analysis regarding the recently passed Housing Element of the General Plan.**

**My further suggestions follow:**

**Oakland needs more housing. That said, it's vitally important that**

**1) Impacts of shadowing be considered on adjacent housing. Height limits on new construction must take into consideration the height limits of adjacent housing so as not to impinge on current housing resident's ability to deploy solar panels. High structures will create shadowed "dead zones" on adjacent properties, thus preventing the installation of solar panels on currently-existing structures or severely limit the power-generation capacity of solar panels on homes where solar panels have already been installed.**

**2) Insist that the public be provided notice of all projects that fall under the category of "by right" approval in the proposed plan. Public commentary can be held to a reasonable range and serious objections taken up in a timely manner by the Planning Commission and Oakland City Council so as not to impinge on development schedules. Appropriate, reasonable changes can and should be considered by developers. (Note: many of the property developments that would fall under the 'by right' category have been purposely kept from development by speculators for years (some, decades). It's important to note that the latter group have \*contributed\* to the shortage of housing in Oakland (by keeping property off-,arket) and in many cases ignored their properties in ways that contributed (and \*still\* contributes) to neighborhood blight. Providing *carte blanche* "by right" access to development to speculators who stand to profit from their prior negligence of years-long-held property is a slap in the face to Oakland citizens who want (and have for years, wanted) more housing and yet at the same time have had to endure the blight caused by property speculators who (for lack of a better way to say it) "haven't given a damn" about the neighborhoods they currently want to build in. Why should this latter group of speculators now obtain "by right" status, giving them the right to build whatever they think is appropriate for the very neighborhoods that they have neglected for years, with no input from neighbors?**

**3) Maintain the ability of new residents to grow gardens in their front and back yards,**

**thus removing from the proposed plan the ability of any developer to build 'no setback' structures. Urban gardens, especially food-growing urban gardens experiencing a resurgence; they help to prevent food-insecurity; improve physical and mental health; and, beautify neighborhoods. Monolithic "no setback" structures will prevent this very human scale and \*growing\* human activity.**

**4) Downtown office space in Oakland and several other major Bay Area cities will never recover from the 'work from home" revolution that was sparked by the COVID pandemic. Please give serious consideration to revitalizing our downtown and converting office space to housing.**

**Lets build more needed housing in our residential neighborhoods, but at the same time give voice to neighbors who would otherwise have to live with the impacts of "pure for-profit" designs at the cost of a true improvement in community.**

**Very Best Regards,  
Sanford Forte  
Co-Chair  
West Oakland Neighborhood Association**

**From:** [Jennifer McElrath](#)  
**To:** [nataliesandovalopc@gmail.com](#); [alexrandolph.oak@gmail.com](#); [SShiraziOPC@gmail.com](#); [Payne, Catherine](#); [Rajagopalan, Lakshmi](#); [Gilchrist, William](#); ["emanasse@oaklandca.gov"](#); [Manasse, Edward](#); [jfearnopc@gmail.com](#); [jrenkopc@gmail.com](#); [vsugrueopc@gmail.com](#); [jahrensopc@gmail.com](#); [nataliesandovalopc@gmail.com](#)  
**Subject:** Reflections and questions on 2045 General Plan Update  
**Date:** Wednesday, August 2, 2023 2:08:23 PM

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Dear Oakland Planning Commission,

I very much appreciate the work you are doing to address housing needs in Oakland. In general I support the intent and most, but not all, of the recommendations.

One of my biggest concerns overall is for the lack of a 75' or 85' option for RU4 and RU5 construction. That height would allow developers to maximize the building height with less expensive, non-steel construction, at sites more suited for high-density projects, where steel-supported high-rises would not be appropriate.

Two other major concerns are the narrowing of the side setbacks, mostly due to fire concerns, and the creation of an urban heat desert with the removal of trees and lessening of all set backs across Oakland.

I admit I still need to review Chapter 17.136 for the applicable design review procedure for RM buildings, but hope that designs must take into account most of the elements, such as those deleted under 3.a-d on page 34 of the proposed planning code. Otherwise, neighborhoods will cease to be neighborhoods and interesting destinations to visit, if all building is homogenous.

I would like to concur that the 5700 block of Broadway BLVD going from RM2 to RM3 and targeted for low-income housing is likely not so controversial since it is already mixed use with a church, day care, gas station, some professional businesses, and the like. The 5900 block of Broadway BLVD should be fine going from RD2 to RM3 since there are multiple apartment buildings already in place.

However, as the resident of 6016 Rockridge BLVD I have issues with the East side of the 5800 block of Broadway BLVD which consists of four single-family homes and the side/backside of the house at 6000 Rockridge BLVD, going from RD to RM2 designation, for two personal reasons - *parcel layout* and *topography* - for new construction:

- I don't see where the plan takes into account a triangular lot, like that at 6000 Broadway BLVD. Our house is only 3.5 feet from the property line on the side of our house. Could we end up with a 35-foot tall building only 7.5 feet (3.5+4) from our house? Their back yard is on the opposite side of our fence, but it's a triangular lot. So what's the definition? How do you determine what is the back or side for setback purposes. I could live with 13.5 feet if that is the determination for new construction, especially if there was a stepback on the upper stories. This may seem theoretical, but it very well might not be.
- Furthermore, the house at 5826 Broadway, is right behind us, on a hill. Our house is only 15.5' from the property line and theirs is only about 10' as is. Due to the hill, their

first story is level with our second story. If a new 35-foot-height property were constructed there, we would essentially have a 45-foot wall with windows towering over us.

I find it hard to imagine what it would be like to be "walled in" on two sides. Two of our other neighbors - at 6024 and 6032 - also have their properties backed up to the homes on the Broadway hill slated to become RM3, and would have a lesser, though similar fate.

I realize not every situation can be addressed. Thank you for your consideration of the general concerns raised and those that could affect my husband and me personally. I'm sure we're not the only ones with some of these issues.

Best regards,

Jennifer McElrath



**From:** [Som Konar](#)  
**To:** [jfeanopc@gmail.com](#); [jrenkopc@gmail.com](#); [vsugrueopc@gmail.com](#); [jahrensopc@gmail.com](#); [nataliesandovalopc@gmail.com](#); [alexrandolph.oak@gmail.com](#); [SShiraziOPC@gmail.com](#); [Payne, Catherine](#); [Rajagopalan, Lakshmi](#); [Gilchrist, William](#); [Manasse, Edward](#)  
**Subject:** Oakland General Plan update  
**Date:** Wednesday, August 2, 2023 2:07:08 PM

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> With reference to the subject, please note our comments below. We have been living in Rockridge for 45 years about a block below college Avenue on Desmond Street.

>

> We are not against new housing development in or near our neighborhood. We totally understand the need to house the unhoused and provision of affordable housing below market rate for working class and retired people. Our general comment is that the Oakland General Plan does not address these urgent needs, instead it is catering to the greed of profiteering developers by silencing the voice of people while potentially downgrading the quality of living in Rockridge area.

Our particular concern is that bypassing of the neighborhood review process of any new new development tramples on the basic rights in a democratic society.

Downgrading the environmental requirements for expediting development is a major concern for us. This is totally against the better environment movement now ongoing worldwide. It's akin to denying the effect of climate change. If the well established environmental and safety review process is downgraded then there will be untold misery in the narrow corridor of College Avenue, which cannot be widened. As it is, even now there are issues of fire trucks serving the area. Everyday vehicular traffic and associated noise and pollution are increasing in the area even without any new development.

>

> We want the new development be sensibly done befitting the character of the neighborhood. There is the huge empty old Safeway space at 51St and Broadway and also at College and Claremont. Why not incorporating some creative solution to add affordable housing there in the General Plan?

>

> We want that no building within this development should be higher than 5 stories. We understood that the general plan aims to increase height limits for this area. Even at the present height, it causes severe shadows where we live on Desmond Street. We will essentially lose the morning sun. We request shadow studies to be done, showing the impact to the east and west of the development.

>

> The development must abide by all environmental rules, with due considerations given to traffic and the building exhausts.

>

> Approaches to the development must allow easy access for the fire trucks.

>

> Development must have adequate parking so that overflow parking does not exacerbate already difficult parking condition in the neighborhood.

>

> At least 10% of the housing in the development should be affordable to single people making \$75,000 or less per year and 20% of the housing for a couple making \$150,000 or less per year. 5% of the new housing should be reserved for currently unhoused people.

>

> Overall the design should be pleasing to the eye, not out of proportion and stand out as an good example for urban housing design.

>

> There are many retired residents and older residents like us in this neighborhood. Please do not ignore our voices.

If any of you have visited the area lately you would see many homeowners are adding affordable cottages in their backyard increasing the housing density. Building tall box type housing is neither affordable nor does provide the feeling of community living.

Again, please do not silence our voices to cater to the developers.

> We are extremely worried about the by-right provision in the plan, which to us says, it's free for all - anybody can build anything they wish without any input from the people who live in the area and whose life will be impacted.

> Debby and Som Konar

> [REDACTED]

> Sent from my iPhone



**From:** [ROCKRIDGE MANOR HOMEOWNERS](#)  
**To:** [jfearnopc@gmail.com](mailto:jfearnopc@gmail.com); [jrenkopc@gmail.com](mailto:jrenkopc@gmail.com); [vsugrueopc@gmail.com](mailto:vsugrueopc@gmail.com); [jahrensopc@gmail.com](mailto:jahrensopc@gmail.com); [nataliesandovalopc@gmail.com](mailto:nataliesandovalopc@gmail.com); [alexrandolph.oak@gmail.com](mailto:alexrandolph.oak@gmail.com); [SShiraziOPC@gmail.com](mailto:SShiraziOPC@gmail.com); [Payne, Catherine](#); [Rajagopalan, Lakshmi](#); [Gilchrist, William](#); [Manasse, Edward](#)  
**Subject:** Today's Commission Meeting at 2pm  
**Date:** Wednesday, August 2, 2023 12:51:19 PM

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Dear Planning Commission,

Rockridge Manor HOA has specific concerns regarding some of the proposed changes. While we are happy to see more density and incentives for affordable housing development, we are concerned that the "by right" provisions will eliminate ANY community input regarding proposed developments. Eliminating all public comment is too extreme. We support having a public hearing where neighbors are allowed to weigh in.

Additionally, there needs to be more careful thought when implementing these proposed changes in Areas of Primary Importance (such as the CCA Campus) and other properties with historic structures that deserve protection.

Sincerely,

Charles Blakeney  
Rockridge Manor HOA Manager  


bcc: Board Members