

Staff Responses to Public Comments on Phase 1 Draft Zoning Amendments

The public comment period for the Phase 1 Draft Zoning Amendments began on March 6, 2023. We received a total of 43 comments, comment letters, and emails during the comment period. Seven (7) additional comment letters were submitted after the comment period, in advance of the July 11th Community Economic Development (CED) Committee meeting and the July 18, Special City Council Meeting, for a total of 43 comments. Thank you to all those who submitted public comments and attended public meetings. A summary of each comment is included in the table below, organized by date received. Additionally, staff has prepared responses to comments.

Click the TOC below to jump to a response.

Table of Contents

- 1. ***Nancy Nadel, Oakland Resident* 3**
- 2. ***Oakland Heritage Alliance (OHA)* 3**
- 3. ***Resources for Community Development (RCD)* 4**
- 4. ***East Bay Housing Organizations (EBHO)*..... 4**
- 5. ***Terner Center* 5**
- 6. ***San Francisco Bay Area Rapid Transit District (BART)* 5**
- 7. ***Building & Construction Trades Council of Alameda County (BCTA)*..... 5**
- 8. ***California Air Resources Board (CARB)* 6**
- 9. ***Lowen Baumgarten, Oakland Resident* 6**
- 10. ***West Oakland Community Action Plan Steering Committee* 6**
- 11. ***Sanford Forte, Oakland Resident*..... 7**
- 12. ***Port of Oakland*..... 7**
- 13. ***Piedmont Avenue Neighborhood Improvement League (PANIL)*..... 8**
- 14. ***Marvin Yee, Oakland Resident* 8**
- 15. ***James Marrow, Oakland Resident*..... 8**
- 16. ***Nancy Nadel, West Oakland Neighbors*..... 9**
- 17. ***Mary Harper, via Naomi Schiff, Oakland Heritage Alliance* 9**

18. <i>Jefferey Levin, East Bay Housing Organizations (EBHO)</i>	10
19. <i>Hillary Russak</i>	12
20. <i>Bernadette Rossi, Oakland Resident</i>	13
21. <i>Arlinda Befort, Oakland Resident</i>	13
22. <i>Janet Noble, Oakland Resident, email</i>	14
23. <i>Michael Littleton, Oakland Resident, email</i>	14
24. <i>Stephanie Pascal, Real Estate Professional</i>	15
25. <i>Seth Mazow, Oakland Resident, email</i>	15
26. <i>Jonathan Singh, Oakland Resident, email</i>	15
27. <i>Joaquín R. Carbonell IV, Oakland Resident, email</i>	16
28. <i>Ena Murphy, Oakland Resident, email</i>	16
29. <i>Alfred Twu, email</i>	17
30. <i>Carrie Austin, Oakland Resident, email</i>	17
31. <i>Valerie W., Oakland Resident, 3/15 ZUC</i>	17
32. <i>Stuart Flashman, Oakland Resident, 3/15 ZUC</i>	17
33. <i>Ronnie Spitzer, Oakland Resident, email and in person at 3/15 ZUC</i>	18
34. <i>Naomi Schiff, Oakland Heritage Alliance, 3/15 ZUC</i>	18
35. <i>Michael Martinez, 3/15 ZUC</i>	19
36. <i>Melinda Howard-Herrarte, Sierra Club Northern Alameda County Group, email</i>	19
37. <i>Lujain Al-Saleh, Communities for a Better Environment, email</i>	19
38. <i>Kurt Petersen, Oakland Resident, 3/15 ZUC</i>	19
39. <i>Art Man, 3/15 ZUC + email</i>	19
40. <i>Alicia Parker, BAAQMD, 3/15 ZUC</i>	20
41. <i>Aaron Eckhouse, East Bay for Everyone, 3/15 ZUC</i>	20
42. <i>Yassi Kavezade, Sierra Club, email</i>	20
43. <i>Mary Harper, Oakland Heritage Alliance, email and 3/15 ZUC</i>	20
44. <i>Glen Jarvis, Architect, email and 3/15 ZUC</i>	21
45. <i>Gabrielle Sloane Law, East Oakland AB 617 Community Emissions Reduction Plan (CERP) Community Steering Committee, email</i>	22
46. <i>John Minot, East Bay for Everyone, email</i>	23

Letter #	Name/ Organization/ Agency/Meeting	Date	Comment	Focus Area	Staff Response to Comment
Comments received after formal comment and before 7.11.23 CED Meeting and 7.18.23 City Council Meeting.					
1	Nancy Nadel, Oakland Resident	7/18/23	<p>Concerns</p> <ul style="list-style-type: none"> • Zoning amendments will eliminate what makes a neighborhood livable, such as street setbacks for front gardens and pleasant walking, lot sizes that allow for gardening space, and building heights that allow people to have solar panels unimpeded by extra floors of new buildings. • New tall structures with tiny setbacks that cost millions of dollars. • Removal of appeal process is undemocratic. • Plans will lead to gentrification. 	Missing Middle	Comments noted.
2	Oakland Heritage Alliance (OHA)	7/17/23	<p>Concerns</p> <ul style="list-style-type: none"> • LPAB said “encourage affordable and denser housing through adaptive reuse of existing building.” • Increased height limits, residential densities, reduced setbacks and other upzonings in the proposed Planning Code amendments will likely increase property values, and therefore land costs for affordable housing development. <p>Suggestions</p> <ul style="list-style-type: none"> • Ensure that historic Areas of Primary and Secondary Importance (APIs and ASIs) be given special care. • Avoid upzonings that allow projects with five or more regular units within APIs and ASIs, since such projects are eligible for a density bonus under the State Density Bonus Law. • AHO height additions should not apply to ASIs • Allow public comment for projects eligible for “by-right” approval. • Do not apply the proposed front setback reductions if the reduced setbacks are less than the prevailing front setback of the block face. • Do a review of Oakland historic properties. 	Missing Middle AHO	Comments noted.

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3	Resources for Community Development (RCD)	7/17/2023	<p>Support</p> <ul style="list-style-type: none"> AHO and the ministerial approval process for affordable housing provided by the AHO. <p>Concerns</p> <ul style="list-style-type: none"> AHO prohibits developers from also using State Density Bonus Law. AHO substitutes relaxed development standards in lieu of flexibly concessions and waivers, which allow projects to nimbly negotiate development standards. <p>Suggestions</p> <ul style="list-style-type: none"> Oakland AHO Zone to implement the same required timelines for ministerial approval as SB 35 ministerial approval process. Revise AHO regulations so that they are more beneficial to affordable housing development. 	AHO	Comments noted.
4	East Bay Housing Organizations (EBHO)	7/11/2023 7/18/2023 (updated letter)	<p>Support</p> <ul style="list-style-type: none"> Missing Middle - increased heights and density on commercial corridors in high opportunity areas and changes to permit 2-4 units on currently single-family lots. Increased heights and densities along existing transit corridors. <p>Concerns</p> <ul style="list-style-type: none"> AHO: exclusion of Very High Fire Hazard Severity Zone (VHFHSZ). HSO: Oppose extending by-right provisions to projects that are not 100% affordable. HSO: streamlined approvals for 20% affordable projects would exempt projects from paying impact fees. No streamlined approvals for projects with only 20% low-income housing and high-end housing. No changes to downtown should happen outside of Downtown Oakland specific (DOSP) area. Ability to combine AHO and Density Bonus. Density bonus provides more flexible incentives. By-right provisions should apply with either program. 	Missing Middle AHO HSO	<p>Attachment C- Exhibit D has been updated to expand by-right approval to all 100% affordable projects in the city and to include an updated affordable housing definition (See Sections 17.09.040 and Section 17.136.025)</p> <p>Our RHNA allocation requires that we provide a set number of units for all income levels. We need to make sure we are able to provide and get credit for housing at all income categories, including moderate. We are trying to promote mixed-income buildings since moderate income units do not get any subsidies.</p> <p>The provision to allow 40% affordable housing for lots 15,000 sf or smaller is based on feedback we received from affordable housing developers that lots that small are infeasible for 100% affordable housing projects. This provision also allows us to incentivize mixed-income housing, especially in high-resource neighborhoods.</p>

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			<p>Suggestions</p> <ul style="list-style-type: none"> AHO: By-right approval for 100% affordable housing in all areas of the city, including VHFHSZ. AHO: By-right zoning for rental housing should focus only on lower income housing and for moderate income should focus only on owner occupied housing. AHO: exclusion of phased projects and projects greater than 100,000 sf should not apply to 100% affordable projects. AHO+HSO: strengthen language on the affordability restrictions. 		The HSO exclusion clause will be updated so it doesn't apply to 100% affordable projects.
5	Turner Center	7/11/23	<p>Suggestions</p> <ul style="list-style-type: none"> Replicate San Diego's ADU Density Bonus Program to allow for unlimited bonus ADUs in Transit Priority areas and by-right ministerial approvals. 	Other - ADUs	Comment noted. This set of zoning amendments is of limited scope, intended to implement the actions in the adopted Housing Element.
6	San Francisco Bay Area Rapid Transit District (BART)	7/10/2023	<p>Support</p> <ul style="list-style-type: none"> Increased heights in commercial zones along corridors and near BART stations. Increased heights and densities along existing transit corridors. <p>Concerns</p> <ul style="list-style-type: none"> HSO: Meeting 75% or 100% of assigned housing capacity (256 units) for BART-owned parcels at Rockridge BART station. HSO: Flexibility to change development program of West Oakland and Lake Merritt Transit-Oriented Development (TOD) projects. Requesting Overlay not apply to these projects. Other: Measure U program does not prioritize funding for TOD projects 	Missing Middle HSO Other – Measure U	<p>Comments noted. We appreciate the support for "Missing Middle" changes.</p> <p>The proposed realistic capacity for the sites is 198 units at any affordability level. Staff will meet again with BART to clarify any additional questions.</p> <p>There is a separate process the City is undertaking to have further discussions around Measure U.</p>
7	Building & Construction Trades Council of Alameda County (BCTA)	5/19/2023	<p>Suggestions</p> <ul style="list-style-type: none"> Adopt construction workforce standards for all buildout projects in the AHO and HSO in City's standard conditions of approval. Participation in or support of approved Apprenticeship Program. 	AHO HSO	Comments noted. Staff met with BCTA (per CED request) to provide an overview of the AHO and the Sites Overlay and its intent, gain clarity around BCTA's proposal, and lay the groundwork for future discussions. We are working in a comprehensive manner in

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			<ul style="list-style-type: none"> Covered health care expenditures. 		the context of the Community Workforce Agreement negotiations and Measure U discussions.
Comments received during formal comment period (March 3, 2023 – May 9, 2023).					
8	California Air Resources Board (CARB)	5/11/23	Support <ul style="list-style-type: none"> Planning code amendments related to reducing health impacts of heavy-duty truck traffic. Amendments directly implement WOCAP strategies. 	Industrial planning code amendments	Comments noted. We appreciate your support.
9	Lowen Baumgarten, Oakland Resident	5/10/23	Support <ul style="list-style-type: none"> Missing Middle program and making it easier to build duplexes, small apartments, and other units to add density to every neighborhood. Increase the density of zoning on College Avenue as proposed. Upzone other wealthy areas along major bus routes, such as Telegraph, North Shattuck, Piedmont Avenue, Lakeshore Blvd, Mandana Blvd, Park Blvd, etc. High-income neighborhoods like Rockridge should be zoned for greater density everywhere, not just on busy commercial streets. Affordable Housing Overlay to encourage the building of subsidized, affordable housing throughout the City. 	Missing Middle AHO	Comments noted. We appreciate your support. Phase 2 of the General Plan Update (GPU) will include the Land Use and Transportation Element (LUTE) which will be accompanied by a comprehensive zoning update.
10	West Oakland Community Action Plan Steering Committee	5/9/2023	Support <ul style="list-style-type: none"> Planning Code Amendments to address truck-intensive activities in Exhibits 3 and 4 Planning Code Amendments implement strategies 5, 7 and 9 of the WOCAP. As recommended in the WOCAP, Exhibit 4 contains important updates to non-conforming uses and conditionally permitted truck-related businesses that will help with transitioning these businesses located near schools and homes to more compatible uses. Section 17.103.065 in Exhibit 4 is essential to responsibly managing the impacts of heavy-duty trucks. The proposed new conditional use permit requirement and specific criteria and performance standards gives the City authority to 	Industrial planning code amendments	Comments noted. We appreciate your support.

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			review potential impacts related to new industrial businesses and provides objective criteria to evaluate the applicant's plans for truck management. Exhibit 3 contains important updates to the permitted industrial businesses that will better harmonize industrial uses near homes throughout the I-880 corridor.		
11	Sanford Forte, Oakland Resident	5/8/2023	<p>Concerns</p> <ul style="list-style-type: none"> • Minimum lot size of 2,000 sq. ft., • Wall heights increase from 25' to 35' • 55' height for 100% affordable projects • Vacant property owners capitalizing on new development standards • Loss of neighborhood character due to reductions in heights and setbacks • Lack of ability for neighbors to challenge tall projects <p>Questions</p> <ul style="list-style-type: none"> • Why is there no serious affordable housing planned in Piedmont or Rockridge? • Why aren't we looking at dead-industrial zone areas for multi-unit affordable construction? 	Missing Middle	Comments noted. These changes in development standards are intended to implement policies in the adopted and certified Housing Element that further fair housing and facilitate housing projects throughout the city.
12	Port of Oakland	5/9/2023	<p>Concerns</p> <ul style="list-style-type: none"> • Height increases proposed along Hegenberger Rd., south of I-880 have an adverse impact on Airport operations. • Existing height of 160 feet on the southernmost end of Hegenberger Rd. is problematic for the Airport's operation. <p>Suggestions</p> <ul style="list-style-type: none"> • A sampling of height restriction points in the area near Hegenberger Rd. and Doolittle Dr. indicates that the building height limitations should be a maximum 103 feet. The Port is requesting that the City decrease the maximum building height to avoid impacting the Airport operations. 	Height increases	Comments noted and the City has made specific reductions to the proposed corridor height limit increases to ensure compatibility with the Alameda County Airport Land Use Compatibility Plan.

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13	Piedmont Avenue Neighborhood Improvement League (PANIL)	5/9/2023	<p>Suggestions</p> <ul style="list-style-type: none"> • General Plan should require public open space based on density and within a walkable proximity of all new residences (1/4 mile) • Ratio between housing sq. footage and open space square footage of approximately 20/1. • Minimum width of a sidewalk should be 10 feet between a curb and a building when in urban and rural main street place types. For all other locations the minimum width of sidewalk should be 6 feet when contiguous to a curb or 5 feet when separated by a planting strip. • Significantly increase affordable housing in-lieu fees on new development by 50-75% to • Promote more inclusion of low-cost units within new construction • The Housing Plan should be modified to state, “The Oakland Commercial Corridor Design Guidelines be applied to all commercial districts in the city of Oakland.” 	AHO Other – Open Space	Comments noted.
14	Marvin Yee, Oakland Resident	5/9/2023	<p>Concerns</p> <ul style="list-style-type: none"> • Minimum lot size of 2,000 sq. ft., • Wall heights increase from 25’ to 35’ • 55’ height for 100% affordable projects • Vacant property owners capitalizing on new development standards • Loss of neighborhood character due to reductions in heights and setbacks • Lack of ability for neighbors to challenge tall projects 	Missing Middle	Comments noted. These changes in development standards are intended to implement policies in the adopted and certified Housing Element that further fair housing and facilitate housing projects throughout the city.
15	James Marrow, Oakland Resident	5/9/2023	<p>Concerns</p> <ul style="list-style-type: none"> • AB 2097 exemption of on-site parking contributing to parking congestion and parking burden, for example in robust commercial areas like Piedmont Ave. • Mass transit not appropriate solution for most people to give up cars <p>Suggestions</p> <ul style="list-style-type: none"> • Provide housing and parking to preserve neighborhood quality of life. 	Missing Middle	Comments noted.

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			<ul style="list-style-type: none"> Require parking in new construction in those neighborhoods with chronic and acute parking space shortage. 		
16	Nancy Nadel, West Oakland Neighbors	5/9/2023	<p>Concerns</p> <ul style="list-style-type: none"> Removal of parking requirements, reductions in lot size + setbacks, and increases in heights diminish quality of life in areas of West Oakland where parking is already difficult Changes are only happening to West Oakland and not to Rockridge 	Missing Middle	Comments noted. These changes in development standards are intended to implement policies in the adopted and certified Housing Element that further fair housing and facilitate housing projects throughout the city.
17	Mary Harper, via Naomi Schiff, Oakland Heritage Alliance	5/9/2023	<p>Concerns</p> <ul style="list-style-type: none"> Moving away from two-tiered height system in residential zones will create / maximize visual bulk of larger buildings Reductions in front setbacks will cause new buildings to “stick out” and disrupt the streetscape architecturally. Upzoning that allows for projects with five or more regular units , since such projects are eligible for a density bonus under the State Density Bonus Law. This can trigger waivers and concessions for height limits, setbacks and other standards, potentially resulting in architectural disruptions to existing neighborhoods. Increased heights in APIs and ASIs will disrupt neighborhood character and incentivize demolition AHO makes residential parcels in APIs and ASIs eligible for state density bonus Upzoning will increase property values and therefore the cost of affordable housing development State law does not appear to preclude public notice and comment for ministerial projects <p>Suggestions</p> <ul style="list-style-type: none"> Use ADUs, especially in existing buildings to increase density. Some or all such ADUs could be designated as deed-restricted affordable, accomplishing the State Density Bonus Law objective. 	Missing Middle AHO	Comments noted. There are ways to address visual bulk of larger buildings through design standards. We are in the process of developing objective design standards for commercial and residential projects. Additionally, the RD, RH-4, and RM-1 and RM-2 zones retain this 2-tiered height system. The AHO is a part of our comprehensive strategy to address our housing crisis and meeting the commitments we outlined in the Housing Element. Incentivizing ADUs, which we are also doing, is a part of this strategy. It cannot be the only part. The DOSP process is a separate project and the DOSP height limits were provided as a reference.

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			<ul style="list-style-type: none"> Housing Element zoning amendments should defer to the DOSP regarding height limits within the DOSP area. Limit development in APIs and ASIs Allow public comment for by-right projects <p>Questions</p> <ul style="list-style-type: none"> Has the City Attorney verified that projects using the S 13 bonuses are ineligible for the state density bonus? 		
18	Jefferey Levin, East Bay Housing Organizations (EBHO)	5/9/2023	<p>Support</p> <ul style="list-style-type: none"> For the most part, EBHO supports the proposed Affordable Housing Overlay (AHO) Zone for 100% affordable projects, with the following comments and suggestions. <p>Concerns</p> <ul style="list-style-type: none"> AHO: Do not support the provisions of Section 17.95.020 that extend eligibility to primarily unrestricted projects on parcels less than 15,000 square feet – unnecessary incentive for projects that consist mostly of market-rate units affordable only to above moderate-income households and apart from the by-right approval provision, presumably the additional incentives would also be available under State Density Bonus Law. AHO: wholesale exclusion of the entire Very High Fire Hazard Severity Zone (VHFHSZ) raises significant racial and economic equity issues –excluding this area altogether is contrary to the City’s equity goals and to the State requirement to AFFH HSO: Do not support extending such by-right approval to new housing element inventory sites with only a small percentage of affordable housing. Section 17.96.070 should be omitted entirely. We see no necessary reason to streamline or further incentivize housing that will be primarily market-rate housing for above moderate-income households. Oakland issued building permits for more than 200% of its Regional Housing Needs Allocation (RHNA) for above moderate-income housing in the 5th Cycle (2015- 	Missing Middle AHO HSO	<p>Comments noted.</p> <p>AHO:</p> <ul style="list-style-type: none"> We have heard from affordable housing developers throughout this process that sites less than 15,000 square feet would be unable to support the density needed for a 100% affordable housing project, so this provision is to ensure affordable housing development on smaller sites. We have studied this and will be revising the AHO boundary to include some areas of the Very High Fire Hazard Severity Zone (VHFHSZ). We will improve the language in Section 17.95.020 to be clearer. <p>HSO:</p> <ul style="list-style-type: none"> To gain ministerial approval for new Housing Element sites requires proposed projects to meet 100% of the realistic capacity of units identified for the parcel and provides either 20% very low income units; 25% low income units; or 40% moderate income units. This is part of our strategy aimed at getting more moderate income units on the market.

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			<p>2022) and is already on track to exceed the above moderate-income target for the 6th Cycle. There is no need to incentivize housing that the market is already producing at historic record rates.</p> <ul style="list-style-type: none"> • HSO: Securing approval for development does not appear to be an obstacle to meeting the City’s need for above moderate-income housing – City should not provide further incentives • HSO: Developers exempt from affordable housing impact fees • Income targeting of HSO does not align with City’s priorities to house the unhoused and lower-income households. Upper limit of low-income (\$70-\$100K) is way above Oakland’s median income • HSO: Housing impact fees generally yield more affordable units, and certainly deeper levels of affordability; City should not adopt policies and programs that make achievement of its priority housing goals more difficult. • HSO: Triggering No Net Loss state provisions <p>Suggestions</p> <ul style="list-style-type: none"> • AHO: Permit development by right for projects where 100% of the units are affordable to lower income household • Publish a chart showing how the provisions of the AHO compare to incentives and rights already in existing law (SB 35, AB 1763, density bonus) • AHO: Revise language in the first paragraph of 17.95.020 should be revised to ensure continuing and appropriate affordability restrictions. • The City should also include provisions for third-party enforcement of these restrictions by lower income residents eligible to apply for residency in the development, or a qualified housing organization, similar to the provisions of the Housing Accountability Act (Government Code 65589.5(k)). • City should focus on expanding tools and incentives to ensure that sites designated as having capacity for 100% lower and moderate income housing are 		<ul style="list-style-type: none"> • We will revise language in the HSO chapter to make Section 17.96.070 clearer.

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			<p>developed as projected and with same income mix as shown in the site inventory's Table C-26.</p> <ul style="list-style-type: none"> • HSO: Section 17.96.70 should be deleted, and the City should limit the site overlay to what is required by State law. • HSO: Section 17.96 should have language clearly defining the required income and affordability restrictions, similar to the language proposed above for Section 17.95. • HSO: Create tracking system for use of these provisions, including updates in the APR <p>Questions</p> <ul style="list-style-type: none"> • NOTE: The language in the second half of 17.95.020 is confusing and may be in error. Paragraph (A) requires that at least 20% of the units be affordable to very low-income or lower income households, and Paragraph (B) requires that at least 20% of the units be affordable to moderate income households. Did the City intend to have the same thresholds for lower income and moderate income? This departs from standard practice. • In the event the City does move forward with Section 17.96.070, further clarification is needed. This section requires that a project meet one of four conditions. We are unclear on what distinguishes condition A; it appears that any project that is 100% affordable would qualify already under conditions B, C or D. • The final paragraph of Section 17.96.070 states that a project "may satisfy the requirements for above moderate-income units by providing very low-, low-, or moderate-income units." However, there are no requirements for above moderate-income units so this clause appears to be unnecessary. 		
19	Hillary Russak	5/9/2023	<p>Concerns</p> <ul style="list-style-type: none"> • Reducing setbacks will pack houses in, resulting in reduced quality of life and architectural disruption 	Missing Middle	Comments noted. These changes in development standards are intended to implement policies in the adopted and certified Housing Element that further fair housing and facilitate housing projects throughout the city.

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20	Bernadette Rossi, Oakland Resident	5/9/2023	<p>Concerns</p> <ul style="list-style-type: none"> • State law exempting builders from providing on-site parking will contribute to parking congestion, impacting quality of life, and increasing carbon emissions (due to drivers circling neighborhoods) and parking burden, for example in robust commercial areas like Piedmont Ave. • Mass transit not appropriate solution for most people to give up cars • Parking shortage weighs most heavily on the elderly, the disabled, and workers with long commutes or late shifts. For these, the use of mass transit is not feasible, and often dangerous. <p>Suggestions</p> <ul style="list-style-type: none"> • Solutions must be found to provide both housing and parking, • Require parking in new construction in those areas with parking space shortage. 	Missing Middle Parking	Comments noted.
21	Arlinda Befort, Oakland Resident	5/9/2023	<p>Concerns</p> <ul style="list-style-type: none"> • 4185 Piedmont project is an ugly piece of architecture that is two stories too high for the neighborhood + long-term issues that will arise from eliminating on-site parking in an already congested neighborhood • Having on-site parking is a necessary safety issue for many tenants. • Government will not get people to give up their cars • Lack of housing with on-site parking could result in job commute issues for low-income residents who may be more car dependent; elderly and disabled also may be more car dependent • Public transit use unfeasible for many day to day tasks (laundry, grocery) <p>Suggestions</p> <ul style="list-style-type: none"> • Start with 75% on-site parking requirement to meet residents with the most pressing parking needs and provide time for public transit to provide for possible increased ridership. 	Missing Middle Parking	Comments noted.

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			<ul style="list-style-type: none"> Revisit this on-site parking reduction at five-year intervals to see if it is effective both for city/state goals and tenant needs. On-site parking prioritized on a “needs” basis: targeting workers who require vehicles to get to their jobs in a safe and/or timely manner. For those require the use of a vehicle intermittently, like the elderly or disabled, there could be a number of short-term hourly rental cars on-site or daily rentals nearby, moped/motorcycle parking, and bicycle storage/parking for those who are willing to take transit if augmented by bicycling to ultimate destination. Parking should NOT be automatically excluded in a rental package just because someone lives within ½ mile of a transit stop. 		
22	Janet Noble, Oakland Resident, email	5/2/2023	<p>Concerns</p> <ul style="list-style-type: none"> Increasing density at all costs without thinking through consequences on quality of life Reduced parking requirements <p>Questions</p> <ul style="list-style-type: none"> For a housing project to have a "density bonus," what is the minimum percent that needs to be affordable? <ul style="list-style-type: none"> 15-unit building being proposed for 4185 Piedmont Avenue will have just two affordable units -- or only 15% -- and my neighbors and I do not understand why this is considered to be enough for the density bonus. Isn't the minimum % twenty percent? <p>Other</p> <ul style="list-style-type: none"> Petition for 4185 Piedmont to have off street parking: www.change.org/p/preserve-parking-in-the-piedmont-avenue-neighborhood?source_location=search 	Missing Middle	Comments noted. These changes in development standards are intended to implement policies in the adopted and certified Housing Element that further fair housing and facilitate housing projects throughout the city.
23	Michael Littleton, Oakland Resident, email	4/26/2023	<p>Support</p> <ul style="list-style-type: none"> My wife Catherine and I fully support the policy positions put forward by East Bay for Everyone, 	Missing Middle	Comment noted.

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			particularly as they relate to Rockridge and Piedmont Avenue which we live close to.		
24	Stephanie Pascal, Real Estate Professional	4/25/2023	<p>Concerns</p> <ul style="list-style-type: none"> City council has stripped landlords of all rights with a one size fits all moratorium Oakland wants individual owners to solve the housing crises (like through ADUs) – ADUs are very expensive with soft costs near \$100k before you even break ground. There’s no incentive. No opportunities for small builders – can’t build behind home due to City making that impossible City screws builders time and time again such that they never want to ever come back to Oakland, e.g., 58 Vernon builders and 6105 San Pablo have bankrupted themselves because of OFD, PG&E, and EBMUD delays that the city could get ahead of/be on top of/solve. 	Other – challenges for landlords / small builders	Comments noted.
25	Seth Mazow, Oakland Resident, email	4/25/2023	<p>Support</p> <ul style="list-style-type: none"> Missing Middle program should make it easier to build duplexes, small apartments, and other housing that will add density to every neighborhood. Affordable Housing Overlay to encourage the building of subsidized, affordable housing throughout the city. <p>Suggestions</p> <ul style="list-style-type: none"> Increase the density of zoning on College Avenue as proposed. We should also upzone Telegraph, North Shattuck, and Piedmont Avenue. High-income neighborhoods like Rockridge should be zoned for greater density everywhere, not just on busy commercial streets. 	Missing Middle	Comments noted. Phase 2 of the General Plan will include the Land Use and Transportation Element which will comprehensively look at zoning throughout the city. These targeted zoning amendments in Phase 1 are intended to implement immediate actions in the adopted Housing Element.
26	Jonathan Singh, Oakland Resident, email	4/25/2023	<p>Support</p> <ul style="list-style-type: none"> Overall, great zoning changes proposed to make it easier to build dense housing across the city. Particularly excited about the Missing Middle Program. More missing middle housing could open up more opportunities for us to buy a market rate home that costs less than a detached single-family home (and without spending taxpayer dollars). 	Missing Middle AHO	Comments noted.

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			<ul style="list-style-type: none"> Strongly support the Affordable Housing Overlay. Please and affordable, subsidized housing to be feasible in every neighborhood in Oakland. Strongly support upzoning on College Avenue and denser development on every major commercial corridor, like Telegraph where I live, Piedmont Avenue, and North Shattuck 		
27	Joaquín R. Carbonell IV, Oakland Resident, email	4/25/2023	<p>Support</p> <ul style="list-style-type: none"> I support the Missing Middle program and think Oakland should make it easier to build duplexes, small apartments, and other housing that will add density to every neighborhood. I want Oakland to add an Affordable Housing Overlay to encourage the building of subsidized, affordable housing throughout the City. Oakland should increase the density of zoning on College Avenue as proposed. We should also upzone Telegraph, North Shattuck, and Piedmont Avenue. High-income neighborhoods like Rockridge should be zoned for greater density everywhere, not just on busy commercial streets. 	Missing Middle AHO	Comments noted. Thank you for your support.
28	Ena Murphy, Oakland Resident, email	4/18/2023	<p>Concerns</p> <ul style="list-style-type: none"> Zoning changes to the area around the Rockridge BART station and along that area of College Ave are disproportionate + too aggressive and will result in potential future developments that will destroy the character of the neighborhood. Development should be limited to the general heights of the existing buildings Allowing excessively large projects to be constructed next to bungalows and other single family housing places an undue burden on the homeowners in the neighborhood who face reduced housing values and reduced quality of life due to less access to daylight and views (when they are blocked by large developments) and possible additional noise pollution. 	Missing Middle Height increases	Comments noted. These changes in development standards are intended to implement policies in the adopted and certified Housing Element that further fair housing and facilitate housing projects throughout the city.

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29	Alfred Twu, email	4/15/2023	<p>Support</p> <ul style="list-style-type: none"> The height limit in the RM zones next to the BART could be raised. Given the high property values in the neighborhood, more height is needed to make redevelopment feasible. 	Height increases	Comments noted. Phase 2 of the General Plan will include the Land Use and Transportation Element which will comprehensively look at zoning throughout the city. These targeted zoning amendments in Phase 1 are intended to implement immediate actions in the adopted Housing Element.
30	Carrie Austin, Oakland Resident, email	3/19/2023	<p>Support</p> <ul style="list-style-type: none"> I'm writing to express my support for increasing housing density and affordable housing. I support increasing density, such as the proposal: allowing up to four units on lots larger than 4,000 square feet, three units on 3,000 square feet, and two on anything else I especially support building more affordable housing units, such as the proposal to allow: "projects with 100% affordable units would be automatically approved without special permits, and in most cases allowed to be built much taller and denser than otherwise permitted for development in a given neighborhood. Areas considered at high fire-risk by the state—a large swath of the hills above I-580—would not be included, nor would historic landmark sites." 	Missing Middle	Comments noted. Thanks for your support.
31	Valerie W., Oakland Resident, 3/15 ZUC	3/15/2023	<p>Concerns</p> <ul style="list-style-type: none"> Points raised by Oakland Heritage Alliance Affordable housing with no parking is a dilemma, as residents need trucks to carry their tools to jobsites Impact of density on infrastructure (lives in Piedmont neighborhood next to a culvert that was filled with raging water during January storms. 	Missing Middle AHO	Comments noted. Phase 2 of the General Plan will include the development of a new Capital Facilities and Infrastructure Element that will address planning for the infrastructure needs to meet Oakland's population growth.
32	Stuart Flashman, Oakland Resident, 3/15 ZUC		<p>Support</p> <ul style="list-style-type: none"> A lot of good in the proposal but a lot that is not so good, especially state HCD dictated changes. <p>Concerns</p>	Missing Middle	Comments noted. The fire code requires a 3 feet side yard setback if you want to provide windows and for less than 3 feet there has to be a fire wall.

Letter #	Name/ Organization/ Agency/Meeting	Date	Comment	Focus Area	Staff Response to Comment
			<ul style="list-style-type: none"> Side setbacks were put in face for fire safety. Upzoning in Rockridge and Temescal is not viable as the land costs there are so high, they will just increase. The only way to stop them from increasing is to keep what is there. Also, there is a creek under Rockridge and the BART station. 		
33	Ronnie Spitzer, Oakland Resident, email and in person at 3/15 ZUC	3/15/2023	<p>Questions</p> <ul style="list-style-type: none"> What exactly is the proposed height along College Ave. In the first line of Table 3, page 18 of the staff report, 35 ft is listed as proposed maximum building height for existing 35 ft CN zones. College Ave. has CN-1 zoning. However, a maximum 55 ft. is shown in Figure 3. For any AHO project implemented in the College Ave CN-1 zone, will the maximum height be 75' if 55' is the maximum allowed height? Can you please clarify section 17.95.020 in the AHO S-13 zone? I interpret it as stating parcels less than 15,000 sq. ft are eligible for the 100% AHO provisions if the development includes 20% moderate income units. In short, smaller parcels can qualify to use the AHO provisions and that is what "100% affordable" means for those parcels. Is this correct? For the RM-4 commercial uses in notes L4 and L9, which are the application code sections of 17.114 that are superseded? The proposed zoning doesn't state that information. 	Missing Middle Height increases AHO	<p>Responses to questions below.</p> <ul style="list-style-type: none"> The proposed height increase along College Ave will be 55' as shown in Figure 3. So in Table 3 - the applicable row would be Row 3 with 55' The maximum proposed height as proposed in Draft Chapter 17.95 is 75'. It is supposed to be 40% total. There was a typo and the language is supposed to read as projects on parcels less than 15,000 sq.ft should meet the following criteria. We will update and republish for the April 12, 2023 ZUC meeting. Limitation L4 referring to code section 17.114 have not changed (Page 24 of 86 in Exhibit -1 Missing Middle). Limitation L9 does not refer to 17.114. For the existing code section 17.114: Non Conforming Uses, see https://library.municode.com/ca/oakland/codes/planning_code?nodeId=TIT17PL_CH17.114NOUS
34	Naomi Schiff, Oakland Heritage Alliance, 3/15 ZUC	3/15/2023	<p>Concerns</p> <ul style="list-style-type: none"> Reiterated comments in OHA letter. 	Missing Middle AHO	Comments noted.

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35	Michael Martinez, 3/15 ZUC	3/15/2023	Concerns <ul style="list-style-type: none"> Reducing constraints is not good. Don't eliminate front setbacks. These proposals will make Oakland a housing dump. 	Missing Middle	Comments noted. These changes in development standards are intended to implement policies in the adopted and certified Housing Element that further fair housing and facilitate housing projects throughout the city.
36	Melinda Howard-Herrarte, Sierra Club Northern Alameda County Group, email	3/15/2023	Support <ul style="list-style-type: none"> Planning Code Amendments to limit the impact of truck-related businesses in East Oakland. Industrial and truck related businesses near homes causes East Oaklanders to experience poor health outcomes. These Planning Code Amendments are an important step to minimizing the harm caused by the close proximity of industrial and residential uses. 	Industrial planning code amendments	Comments noted. Thank you for the support.
37	Lujain Al-Saleh, Communities for a Better Environment, email	3/15/2023	Support <ul style="list-style-type: none"> On behalf of Communities for a Better Environment (CBE), a leading environmental justice organization in the state of California, I support the Planning Code Amendments to limit the impact of truck-related businesses in East Oakland. Industrial and truck related businesses near homes are one of the leading causes of air pollution in East Oakland and negatively impacts the health of communities across East Oakland. These Planning Code Amendments are an important step towards minimizing the harm caused by the close proximity of industrial and residential uses and advancing the Community Emissions Reduction Plan in East Oakland. 	Industrial planning code amendments	Comments noted. Thank you for the support.
38	Kurt Petersen, Oakland Resident, 3/15 ZUC	3/15/2023	Concerns <ul style="list-style-type: none"> Given lack of funding for arts, cultural programming, and transportation, how will we protect quality of life for people as density increases? We can't afford the poor. 	Other – funding for resources	Comments noted.
39	Art Man, 3/15 ZUC + email	3/15/2023	Question <ul style="list-style-type: none"> Why is the S-15 W not including in the AHO? 	AHO	This was a mapping error. Staff intends for the AHO to include the S-15 W zone.

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40	Alicia Parker, BAAQMD, 3/15 ZUC	3/15/2023	<p>Support</p> <ul style="list-style-type: none"> Supports the zoning amendments that addresses truck-intensive uses, Nonconforming uses and CUP timelines. Section 17.103.064 is essential to managing heavy duty trucks and implementing strategies in the West Oakland Community Action Plan (WOCAP). 	Industrial planning code amendments	Comments noted. Thank you for the support.
41	Aaron Eckhouse, East Bay for Everyone, 3/15 ZUC	3/15/2023	<p>Support</p> <ul style="list-style-type: none"> Excited about missing middle changes, proposal to increase heights along transit corridors, especially College, Shattuck, and N. Telegraph, and AHO. <p>Concerns</p> <ul style="list-style-type: none"> Concerned about the exclusion of historic districts from AHO. Concerned about the rhetoric from others that apartment buildings are incompatible next to single family homes. 	Missing Middle AHO	Comments noted. Thank you for the support.
42	Yassi Kavezade, Sierra Club, email	3/14/2023	<p>Support</p> <ul style="list-style-type: none"> The Sierra Club supports the Planning Code Amendments to limit the impact of truck-related businesses in East Oakland. Trucks are a leading cause of nitrogen oxide (NOx) and particulate matter (PM) pollution. These Planning Code Amendments are an important step to minimizing the harm caused by the close proximity of industrial and residential uses. 	Industrial planning code amendments	Comments noted. Thank you for the support.
43	Mary Harper, Oakland Heritage Alliance, email and 3/15 ZUC	3/14/2023	<p>Concerns</p> <ul style="list-style-type: none"> Moving away from two-tiered height system in residential zones will create / maximize visual bulk of larger buildings Reductions in front setbacks will cause new buildings to “stick out” and disrupt the streetscape architecturally. Upzoning that allows for projects with five or more regular units will trigger State Density Bonus Law and waivers and concessions for height limits, setbacks and other standards, potentially resulting in architectural disruptions to existing neighborhoods. 	Missing Middle AHO	Comments noted.

Letter #	Name/ Organization/ Agency/Meeting	Date	Comment	Focus Area	Staff Response to Comment
			<ul style="list-style-type: none"> Increased heights in APIs and ASIs will disrupt neighborhood character and incentivize demolition AHO makes residential parcels in APIs and ASIs eligible for state density bonus Upzoning + changes in dev. standards will increase property values and therefore the cost of affordable housing development State law does not appear to preclude public notice and comment for ministerial projects <p>Suggestions</p> <ul style="list-style-type: none"> Use ADUs, especially in existing buildings to increase density. Some or all such ADUs could be designated as deed-restricted affordable, accomplishing the State Density Bonus Law objective. Use Deed-Restricted ADUs to achieve intent of state density bonus Housing Element zoning amendments should defer to the DOSP regarding height limits within the DOSP area. Limit development in APIs and ASIs Allow public comment for by-right projects <p>Concerns</p> <ul style="list-style-type: none"> Increased height limits, residential densities, reduced setbacks and other upzonings in the proposed Planning Code amendments will likely increase property values, and therefore land costs for affordable housing development. 		
44	Glen Jarvis, Architect, email and 3/15 ZUC	3/14/2023	<p>Support</p> <ul style="list-style-type: none"> Missing Middle: Endorse the 2 to 4 units, reduced required yards, reduced parking, and 35' height limit. That will allow more than double the units in these zones. <p>Concerns</p> <ul style="list-style-type: none"> Rear yard option: Piedmont uses the same setback for the rear yard as the side yards. Oakland could adapt the same requirement along with a 45% sloping height reduction based on a 15' height at the rear property line. 	Missing Middle Other – climate change	Comments noted.

Letter #	Name/ Organization/ Agency/Meeting	Date	Comment	Focus Area	Staff Response to Comment
			<ul style="list-style-type: none"> Reduction in open space / lot coverage requirements results in small backyards State's "by-right approval" ministerial process without notices and appeal does strips residents of rights and has final decisions being made by un-elected staff <p>Questions</p> <ul style="list-style-type: none"> Can we see an illustration of the proposed zoning and how it fits on a typical 40' x 100' lot with an existing house? and then with the AHO overlay. <p>Suggestions</p> <ul style="list-style-type: none"> *Air pollution- promote all electric to replace gas-heating, appliances, vehicles ... *Coordinate the local zoning requirements with the States T-24 requirements, especially locally generated roof top solar, simple clean energy at the point of use. *Coordinate height limits with shading on main streets, and street widths, 2 lanes vs 4 lanes. *Review soil bearing capacity in the proposed height districts. *Review the new General Plan Elements with rising sea levels. 		
45	<p>Gabrielle Sloane Law, East Oakland AB 617 Community Emissions Reduction Plan (CERP) Community Steering Committee, email</p>	3/14/2023	<p>Support</p> <ul style="list-style-type: none"> I support the Planning Code Amendments to limit the impact of truck-related businesses in East Oakland, especially those described in the proposed section entitled, "17.103.065 Truck-Intensive Industrial Activities," plus any related/dependent amendments and definitions. <p>Concerns</p> <ul style="list-style-type: none"> These Planning Code Amendments are insufficient to address decades of environmental racism, but they are an important step towards mitigating some of the harm caused by the close proximity of industrial land to East Oakland homes, schools, parks, and businesses. 	Industrial planning code amendments	Comments noted. Thank you for the support. The Environmental Justice Element in Phase 1 and the Land Use and Transportation Element in Phase II will address further changes to reducing environmental disparities in Oakland.

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46	John Minot, East Bay for Everyone, email	3/8/2023	<p>Concerns</p> <ul style="list-style-type: none"> Bad idea to require design review for demolition. Limiting demolition for renter-occupied housing is one thing (which SB 330 already does), but when owners wish to redevelop, I see no reason not to make it fully by-right if the city intends this ordinance to be at all productive. Small developers do not have lobbyists on call to manage committee hearings. <p>Questions</p> <ul style="list-style-type: none"> Could you please direct me to the relevant sections that show how design review would work in these new missing middle cases? 	Missing Middle	<p>Comments noted. Updates to Chapter 17.136 will be done as a separate process so staff will remove any references to ministerial design review in the revised documents.</p>