

The second meeting of the Residential Technical Advisory Group was held on April 29, 2009 from 5:30pm to 7:30pm to solicit feedback about the Residential Zoning Framework Options developed by City staff. The following meeting notes summarize TAG member comments and questions.

## **I. Presentation Introduction**

Staff opened the meeting with introductions and an overview of the second round of community meetings which were held at the end of February.

Staff provided information about the zoning update schedule. The TAG was also informed that the Planning Commission had recently recommended Council approval of the proposed new zoning for the Central Business District. This action is scheduled to go before the Community and Economic Development (CED) Committee of City Council in late May or early June. Staff mentioned that they planned to hold a community meeting focusing on hillside zoning issues in mid June, as well as additional Residential Technical Advisory Group (TAG) meetings in late July and late August. A third round of community meetings is tentatively scheduled for late September. Staff emphasized that the meetings planned to date did not preclude additional future meetings to be organized on other topics, such as historic preservation, development and design standards and permitted uses, among other topics.

The remaining portion of the meeting was dedicated to staff's presentation of the Residential Zoning Framework Options and to TAG members' feedback. TAG members were provided with the following:

- Meeting agenda
- Table 1. Residential General Plan Land Use Designations and Corresponding Zones and Regulations
- Table 2. Existing Zones that are Currently Mapped in Each General Plan Category
- (6) Maps showing existing General Plan residential land use designations and existing zoning
- Map showing existing General Plan residential land use designations and "Maintain and Enhance" areas per 1998 General Plan Land Use and Transportation Element (LUTE)
- Residential Zoning Framework Options

## II. Summary of TAG Member Comments on Residential Zoning Framework Options

### A. Hillside Residential General Plan

Staff presented two options for the Hillside Residential Zones.

- Can you show areas where lots are/or will be potentially divisible?  
*Staff response – We can try to show that in the analysis.*
- Should relate areas with narrow roads to minimum lot size with the potential of subdividing.  
*Staff response – We can try to show that in the analysis.*
- Why was 8,000 square feet selected for the minimum lot size?  
*Staff response – This is the policy put forth in the 1998 General Plan LUTE regarding areas designated as Hillside Residential.*
- How did you get the parcel data?  
*Staff response – We get our parcel data from the County Assessor.*
- Why does the minimum square feet of site areas per unit refer only to 'new lots'?  
*Staff response – The reference to “new lots” is to distinguish that the minimum lot size requirement would not be applicable to the many existing legal lots that are below the minimum lot size (legal nonconforming with respect to lot size).*
- Can you explain Urban Residential [category in Table 2]? Why is the Urban Residential category the only one that is labeled as “Maintain and Enhance” and not the others?  
*[Note: this comment was in reference to page 2 of the handout called “Table 2. Existing Zones that are Currently Mapped in each General Plan Category” where the table heading “Urban Residential” was followed by “Maintain and Enhance” in parentheses]*  
*Staff response – The intention of the note in the parentheses was to indicate that the information only pertained to the parcels designated as General Plan Urban Residential **and** also shown to be “Maintain and Enhance” areas in the 1998 General Plan (as opposed to “Grow and Change” areas). The fact that all the other Residential General Plan designation headers in Table 2 were not also labeled as “Maintain and Enhance” was not intended to suggest that those areas were not to be “maintained and enhanced”.*
- What is the designation of the area along Telegraph Avenue north of 51<sup>st</sup>? Is it “maintain and enhance” or “grow and change”? Urban Residential or Commercial?

*Staff response – Telegraph Ave is Urban Residential north of Highway 24. Strategy Diagram says “Maintain and Enhance.”*

- We need to protect the neighborhoods that are discussed in General Plan.
- Why are some areas “Growth and Change” and others not?  
*Staff response – This came out of the 1998 General Plan which includes a “Strategy Diagram” showing areas of the city as either “Grow and Change” and “Maintain and Enhance”. The “Grow and Change” areas are primarily along major transportation corridors, Downtown, the waterfront and the airport.*
- Why aren’t we dealing with commercial zones? I understand why you did it this way, but it’s hard to address corridors without considering their impact on neighborhoods (i.e., transitioning from tall buildings and density to adjacent single family).
  - *Staff response* Currently, the Commercial TAG is starting with this topic. It is a fluid process and potentially the commercial and residential TAG may pool their ideas later.
- How would slope density work?  
*Staff response – Generally, slope density formulas use the average slope as a factor to restrict subdivision potential. Different cities have different ways of determining the slope or density threshold. We will get into more detail about these methods at future meetings, starting with the upcoming Hillside Zoning Issues community workshop.*
- Have you determined the number of lots that could potentially be divided today, vs those that would be dividable after such a formula is applied?
  - *Staff response – This task will be completed in the coming months, as various ideas are fleshed out and tested. We have lot size and slope data for the hills and can use GIS to explore appropriate thresholds*
- *TAG member responds to the previous question:* You can determine the number of lots mathematically. But if we do this, will it mean more or less density - that’s the bottom line? Is the goal to increase or decrease density?
  - *Staff response – We do not have a predetermined goal. We are just beginning to analyze the implications of the various proposed zoning structure options. We will bring the results of our analysis back for further TAG discussion at subsequent meetings.*
- Where are these areas generally? It is critical we know where the affected parcels are. Are they narrow lots on winding roads, etc.? If so, I don’t want to increase density there. Also try to avoid creating incentives for tear-downs by increasing allowable densities on already developed (R-10) lots in the hills.

- I am encouraged by this [proposal that reduces existing hillside residential zones from] 4 zones to 3. [The proposed] R-10 and R-20 merger seems logical.
- What does the General Plan say about Hillside Residential?
- There is a bigger difference than net versus gross density than is suggested by the staff calculation.
- What about the overlay zones? S-10, S-11, etc.
  - *Staff response* - We are concentrating on updating the base zones first; then we will address overlay zones.

## **B. Detached Unit Residential**

Staff presented a proposal for two zones to replace the current R-30 and R-35 zones.

- Does it make sense to downzone areas that are zoned R-50 or higher now?
- Future zoning of Detached Unit Residential should reflect existing density.
- The General Plan is over 10 years old, so new zoning should reflect the need for density (*Not all TAG members agreed with this statement.*)
- Ensure that regulations in this area conserve historic housing stock and don't encourage teardowns.
- How does existing zoning differentiate single family and duplex?
- Isn't the goal to synch up the General Plan and the Zoning?
- Can we get rid of the RD-2 zone because it only shows up in one place? 73<sup>rd</sup> Avenue.
- SB375 and AB32 have been passed since 1998. We're going to get in trouble if we downzone pedestrian-oriented neighborhoods.
  - *Another TAG member agrees.* R-50 – unwise to downzone so many lots in neighborhoods developed on a grid street pattern.
- The point of the General Plan vision was to downzone some of the single family neighborhoods. Many are overzoned (i.e., zoned R-50) today.
- We should be achieving conformity with the General Plan.

### C. Mixed Housing Type

Staff presented two options for corresponding zones for the Mixed Housing Type General Plan designation.

- We need to include a zone that achieves the General Plan maximum density (1 unit/1,089 square feet).
- Reducing the number of zones to 3 is okay. We should maintain the existing housing stock and put density on corridors. We need to recognize and preserve the housing on the inner blocks. I like Option 1. Whether you have 2-3 units should deal with lot size. Also parking requirements drive the development capacity (not just lot size).
- We should transition from density on the corridors and include transitional development between higher density and single-family.
- I second the concern about directing growth to corridors, but how do you define corridor? Can you point to one on the map? We need to focus. Also, we need to recognize the oversupply of retail. Don't spread retail along corridors. Fruitvale may be a corridor – but it's the same zone for areas much further away.
- I have the same issue as previous speaker. Also, density is not appropriate on Oak Knoll unless they provide transit. Also, regarding zoning nomenclature, we should use "RM" for Mixed Housing Type– drop the H because it could be confused with 'Hillside Residential (RH).'
- There are steep areas throughout the City—not just in areas designated as Hillside Residential.
- Why are you downzoning some of the MHT areas?
- MHT should be corridor based. High on corridors. Intermediate between that and the neighborhoods.
- Appropriate density for corridor is 100 UPA (units per acre).

*Staff response: The Commercial TAG is dealing with transit-served corridors where these kinds of densities are appropriate.*

- 1 unit per 1,089 square feet. We were told that was the maximum density [for Mixed Housing Type]. R-50 is a problem in one single family neighborhood. I'm concerned you're going to apply this new R-50 plus on single family lots and incentivize teardowns and loss of historical resources.

## D. Urban Residential

Staff presented 3 zoning structure options for the Urban Residential General Plan land use designation. Staff noted that initially, the Residential TAG would be focusing on the areas that were both designated Urban Residential and shown as “Maintain and Enhance” on the General Plan City Structure Map. The Commercial TAG would focus on Urban Residential areas shown as “Grow and Change” on the Structure Map. These typically consist of areas that are commercially zoned and are located along the City’s major transportation corridors.

- Any downzoning of Urban Residential areas will push density to other areas – be careful and responsible.
- Field check existing conditions to place higher density in right areas.
- Include a unified low height zone around Lake Merritt shoreline.
- Residential/Commercial “sub-committee” may need to address the fact that the city is overzoned for retail. Why are you requiring retail on ground floor in so many areas? You should allow store fronts to function as live-work units until the demand for retail evolves. Many corridors aren’t ready for retail yet. Building in black glass walls won’t help the street. Stay flexible. Allow “eyes on the street.”
- Don’t encourage taller buildings on the east side of the Lake. Don’t chase development to the other side of the Lake as you limit in CBD.
- No R-80 in the east side of the Lake.
- Regarding Lake Merritt: maintain low-scale to avoid domino principle.
- Keep options on the table for density around the Lake; otherwise, you’re putting that burden on other neighborhoods. Keep an eye on it – but don’t freeze things as-is.
- Recognize Piedmont Avenue is a stable neighborhood, don’t upzone it.
- R-70/UR areas are much smaller than R-50. Will require finer grained mapping because of the context. However, R-50 changes will have more impact on terms of number of units. How many high density zones coincide with Areas of Primary and Secondary Importance?

## E. Additional issues

Staff presented additional issues identified that related to the overall zoning framework such as how to address commercial uses that currently exist within General Plan residential General Plan land use designations. Options staff presented included permitting a limited number of commercial uses subject to certain restrictions within residential zones, developing a mixed use zone, or retaining the existing structure of having small commercial zones within areas that are designated by the General Plan as residential (e.g. similar to existing C-10 zone). TAG members gave feedback about options staff presented, as well as added issues that staff should consider.

- Allow some commercial use in RMH-4. Give some examples, where are these?
- Make smaller offices legal.
- Make it easy and collect business tax.
- Look around at how they are being used now – maybe allow them with a use permit.
- Maintaining C-10 is too rigid. Need to do something more flexible. First option is the best. It is most flexible. Accommodate live/work.
- Perhaps allow these uses but only for a limited period of time. Maybe do time-limited CUPs.
- Home occupation is one of Oakland’s great assets. Anyone can do it as long as they don’t generate impacts. Maybe we can step it up – walk-in-trade, accessory buildings, employees (home occupation “plus”). We should extend permission for home occupation to accessory buildings – maybe in all zones except Hillside Residential (and allow employers with a CUP).
- Prefer Option 3. Apply “Residential-Commercial” RC to an existing use. Use R-1/RC. I would be in favor of us establishing a uniform zone around the perimeter of the Lake. Also, clarify why the area by Grizzly Peak is R-10 when its General Plan designation is RCA (Resource Conservation Area).

*Staff response* – That area is UC Berkeley. The City zones the area even though it does not have jurisdiction over land uses—similar to Port of Oakland owned lands.

- At community meetings there has been a lot of support for allowing former commercial uses in residential areas to be commercial (Forest/Claremont in Rockridge).

- What happened to the Historic Preservation? Eric said we could have a separate meeting about historic preservation issues.
- Allow 'flex space' on the ground floor on corridors – with residential allowed for a limited time in space designed as potential storefront.
- For commercial uses in residential areas, we should:
  - Permit limited number of commercial uses in residential zones (less rigid).
  - Home occupation 'enhanced' (vs. A/B)
  - Include "RC zone.
- Include visual examples (photos)
- Can we get minutes?
- It would be helpful to build a library of photo images showing where identified issues occur.
- Provide larger scale maps.