

**Notes from Oakland Zoning Introductory Meeting #1
Beebe Memorial Church (District 1)
September 25, 2008**

Introduction and “Zoning 101”

Staff (Eric Angstadt) led an overview of the Zoning Update and described the fundamentals of zoning. A question and answer period with the community followed.

Q1: What determines whether a project is reviewed by staff or reviewed by a Planning Commission?

Staff explained the difference between a minor and major CUP, a minor and major Variance, etc. Staff noted that there were multiple factors that determined whether a project was reviewed by staff vs. the commission—but size was probably the most basic.

Q2: What impact will the Housing Element of the General Plan have on the zoning update? What, if any, is their relationship?

Staff indicated that the city appeared to have adequate capacity to meet its RHNA numbers and therefore the Housing Element would not trigger upzoning (or rezoning non-residential land for housing). Staff also explained that the 1998 General Plan set high number of housing units.

Q3: How is the carrying capacity of the land taken into consideration when you rezone? The City should not be upzoning land if parking and traffic capacity are being exceeded.

Staff noted that the purpose of the General Plan Environmental Impact Report (EIR) was to identify the impacts of increased density in targeted areas. New zoning was not going to exceed the limits tested by the General Plan. Staff noted that General Plan EIR was being used for this process, with updating as needed for transportation. Staff noted that a citywide traffic study was underway. Staff also noted that parking was not a CEQA issue.

Q4: I saw a downtown parking study that said 30% of all traffic was related to cars circling for parking, so it's hard to say parking is not a CEQA issue.

Q5: I'm concerned that historic preservation concerns are being “thrown out the window” on Linda Avenue. There are old houses being threatened.

Staff explained that this was the purview of the Landmarks Preservation Advisory Board and explained the Advisory Board's role.

Q6: Two points: (a) I'm having a hard time downloading the General Plan from the CEDA website; (b) Can you tell me what recourse neighborhoods have when they are under-served by open space? Will the zoning be used to create more open space? Will the city use eminent domain to create new parks?

Staff responded that (a) most of the General Plan was available on-line; and (b) the OSCAR Element of the General Plan included policies on creating new parks. Staff suggested the commenter might also talk with the Department of Parks and Recreation about plans for additional parks.

Q7: Will all future meetings be held at this site? Can you hold other meetings that are more convenient to the neighborhoods?

Staff replied that there would be many meetings in many neighborhoods.

Q8: Is there anything in the General Plan that says how much open space should be provided per capita?

Staff noted that this was not really a zoning issue—it was a General Plan issue.

Q9: What is happening to the overlay zones, especially the historic overlays?

Staff responded that most of the overlays, including the S-7 and S-20, will be retained.

Q10: What will happen to the parking requirements?

Parking standards would be updated in 2010, and the City would be processing variances in the interim to keep pace with trends in parking (such as vertical lifts).

Q11: A few years ago, the ZUC held meetings in Temescal and deleted some of the C-28 restrictions—but they weren't ever adopted. Will those changes be implemented now?

Staff explained that the work done previously will be carried forward. Staff stated that the work done in Temescal was the leading edge of the work now being done in other parts of the city—that the rest of the city was now catching up to where Temescal was.

Q12: Variances and General Plan Amendments are too easy to get now. Will they be given so liberally after the new zoning is in place?

It was clarified that many variances were granted, but General Plan Amendments were very rare. Most zoning was well below the maximums specified by the General Plan, and amendments were rarely needed.

Residential and Commercial Zoning

Alisa Shen presented an overview of the residential zoning update. Neil Gray presented an overview of the commercial zoning update.

Q1: (to Neil) When you say “we” are going to all figure this out together, who is “we”?

Staff replied that this would be an iterative process, with much community and stakeholder involvement, as well as the Zoning Update Committee and Planning Commission hearings.

Q2: I am nervous about your proposal to combine zones. Some of us worked very hard to craft C-31 on College Avenue.

Staff replied that C-31 probably would not change.

Q3: Are you saying definitively you're not changing Rockridge?

Staff replied that they were not prepared to state definitively—but it was unlikely.

Q4: C-30 and C-40 are located adjacent to single family neighborhoods in some corridors, creating land use conflicts. Will the new zoning address this?

Staff replied that the zones ending in a “0” were original to the 1965 ordinance and tended to be the most outdated. On the other hand, C-28 and C-31 are more contemporary and had fewer problems. But all of the commercial zones are mixed use zones, and will continue to be.

Q5: In 2005, we spent a lot of time developing TOD zoning. Is this going to be carried forward?

Staff replied that it was. The General Plan envisions density on corridors. The zoning update process will look at a range of densities for corridors.

Q6: The maps are very rigid—high density, low density, etc. I live ½ block from a corridor on a street with one story bungalows. Putting 5-story buildings on the corridor is not compatible with this scale. How can you improve the transitions between high and low density?

Staff acknowledged that this was a very important issue, and there were design methods to transition from high to low density.

Q7: I agree with the last speaker. There is no buffer between our backyards and the corridors. I don't want to look up in my backyard and see an 8-story building.

Q8: I live ½ block from Telegraph in a home built in 1896. My neighborhood is a well established low density area. Please don't turn it into Adams Point, with tall buildings mixed in. The single family homes were here first, and this is visually a single family area.

Q9: I am concerned about how the broad categories in the residential section of the General Plan, especially Mixed Housing Type, will be translated into zoning. When the General Plan was done, we were promised that Mixed Housing Type would have multiple zones. Please don't lump R-35 and R-60 together. Also, I don't think the existing zoning is confusing. The problem is that the General Plan and zoning are often in conflict, and there are so many interim controls.

Staff responded by confirming that there will in fact be multiple zones in each General Plan category. Additionally, this topic will be discussed in the zoning update process. Also discussed will be items such as setbacks, heights, and landscaping.

Q10: We had 12 Temescal meetings—and the issues were never resolved. It seems like we are now reopening old wounds without resolving the basic issue, which is that we don't want more density on this corridor. The Fruitvale Transit Village is touted as the model for TOD, but it is a failure. I believe that the existing low rise buildings lend themselves better to revitalization than high-rises would.

Q11: I live off San Pablo Avenue...we had a 4-story scale on the avenue, and now we are getting 8 story buildings next door to one story homes. We have no height limits at all on our avenue (its zoned C-40). I was unaware of the General Plan update in 1998—what can we do now to limit tall buildings on San Pablo?

Q12: We're starting a big fight tonight. You're proposing massive changes, but only giving us 2 meetings to absorb it. How are we going to break this down to make it easier for people to understand and make it accessible? Also, there does not appear to be a big vision guiding this effort...in some cases, the map may have been wrong. We need to go lot by lot to see what we need to protect.

Staff noted that this was a good segue to the next item, which was the presentation on mapping.

General Plan Corrections and Zoning Maps

Barry Miller provided an overview of the mapping program, including the General Plan Corrections/ Clarifications, and the Zoning Map preparation. Barry said that most of the city would not see substantive changes. Major change areas were downtown, the waterfront, and corridors. There would also be some downzoning of single family areas, and very limited upzoning.

Q1: Are you telling us you might not change the zoning designation on the map, but you may redefine the standards for that zone—which effectively are a change after all?

Staff replied that the answer depended on the location—in most cases there would not be substantive changes to the zone, but it was too soon to tell.

Q2: Can we amend the General Plan Map through this process?

Staff replied that this was a question for the City Council and not something staff could decide.

Q3: What is the process of the meetings? Where are the meeting locations?

Staff responded that there will be two citywide introduction meetings and many others spread throughout the city.

Q4: Are you working with AC Transit on corridors?

Staff answered that land use and transportation issues are very important and Planning staff is working on improving its relationship and communication with AC Transit.

Next Steps

Staff walked through the process and timeline and stated there would be future meetings in the Temescal neighborhood as the zoning proposals were fleshed out.

**Notes from Oakland Zoning Introductory Meeting #1
Coliseum Academy (District 6)
October 4, 2008**

Introduction and “Zoning 101”

Staff (Eric Angstadt) provided an overview of the Zoning Update and described the fundamentals of zoning. A question and answer period with meeting attendees followed.

Q1: Can we get a copy of the powerpoint?

Staff indicated that the presentation was available on the Planning Department website.

Q2: What is going to will happen to Broadway Auto Row? As the auto dealers leave, is it going to be commercial? residential? mixed use?

Staff noted that a Specific Plan process is underway to determine the future land use mix for Auto Row. Mixed use is likely, and the corridor is seen as a good location for retail and housing.

Q3: What are the boundaries of the Estuary Specific Plan?

Staff explained that the area extended from 9th Avenue to 55th Avenue, between 880 and the waterfront.

Q4: How will you deal with existing non-conforming uses and businesses with no permits? Is this process going to be used to eliminate those uses?

Staff noted that these were enforcement issues, and the city is short-staffed on enforcement. Non-conformities and unpermitted businesses are investigated as complaints are received.

Q5: How can zoning address “creeping density” as garages are illegally converted to living space and other units are illegally constructed?

Staff noted that this too was an enforcement issue, and that zoning set the laws but a separate process was necessary to enforce them.

Residential and Commercial Zoning

Alisa Shen presented an overview of the residential zoning update. Neil Gray presented an overview of the commercial zoning update.

Q1: How are schools, community centers, and halfway houses being addressed in this process?

Staff replied that this would be determined over the course of the project, as permitted and conditional uses were defined for each zone. Staff noted that these types of uses were permitted in many zones.

Q2: I have 17 churches in my neighborhood, and many are in storefront locations. When church services occur, there is a lot of traffic from outside the area on our streets—and the rest of the time, these are dead zones that hinder our goal of pedestrian-friendly shopping districts. Can we do a better job regulating storefront churches?

Staff concurred that this was an issue and a challenge, but also noted that federal law pre-empted the city from limiting churches in many of the city's shopping districts.

Q3: Many of the changes you're describing sound great in theory, but how can the city actually attract this kind of development to Oakland? Our building process is still inefficient.

Staff stated that this was a good time to do long-range planning, since the market was depressed and there was not a lot of development going on. Staff also noted that part of the zoning update process was to address barriers and problems with the current process. Staff commented that one of the benefits of zoning is that it could prescribe the desired form of development along the corridors. However, the General Plan was very generous with densities, which limited the extent to which density bonuses could be offered as "carrots" for developers to provide extra amenities. Financial incentives from Economic Development and the Redevelopment Agency would help bringing more developers into the city.

Q4: The permit process needs to be streamlined and the public should be educated about planning application submittal requirements.

Q5: My neighborhood is all residential, but has a pre-existing night club that creates problems for neighbors. Is there a place in the city where this use can be relocated, i.e., an entertainment district?

Staff noted that group assembly was permitted or conditionally permitted in certain zones and not in others—another issue was that such uses required cabaret licenses. Staff further added that there is no designated "entertainment zone" in the city.

Q6: What percentage of variance requests are approved?

Staff replied that the percentage was very high (about 90%), in part because the zoning was so outdated.

Q7: It sounds like you're proposing to simplify the zoning by merging categories. When does neighborhood context kick in? How can we be assured that the zones won't be aggregated in a way that the highest density applies everywhere?

Staff reiterated that although there would be some merging of zones, there would still be multiple zones in most categories. Staff explained that there would be follow-up meetings in neighborhoods to look at which zones were the best fit, considering the General Plan designation and existing development. Staff further noted that overlays would be used to reflect the differences between neighborhoods.

General Plan Corrections and Zoning Maps

Barry Miller provided an overview of the mapping program, including the General Plan Corrections/ Clarifications, and the Zoning Map preparation. Barry said that most of the city would not see substantive changes. Barry described the process through which zones will be mapped.

Q1: Is there a map showing all the inconsistencies between the General Plan and zoning?

Staff replied that this information was available on line, and the city's on-line GIS tools could be used by any web-user to identify these areas.

Q2: Is there a document that explains what all the existing zones are?

Staff indicated that brochures for each zone were available at the Planning Department, and that the whole zoning code was on-line.

Q3: What is the timing for making these changes? This sounds like a 2-3 year process.

Staff noted that this process has actually been going on for several years, and was scheduled for completion by the end of 2009.

Q4: How does the work done around Lake Merritt fit into this process?

Staff noted that the work on the downtown side of the lake was being incorporated into the Central Business District zoning update and urban residential zoning now underway, and work on the other two sides of the lake would be reflected in the maps for those neighborhoods (Eastlake, Adams Point, Haddon Hill).

Q5: I live in a Mixed Housing Type Residential area, and have R-50 zoning, but all the houses on my block are single family. We'd like to be downzoned—how do we make this happen?

Staff replied that one approach was to request a General Plan Amendment, but a more practical approach would be to petition for a rezoning to something equivalent to R-35 or R-40, which would still be consistent with the Mixed Housing Type classification but more in line with the existing fabric. The neighborhood would have to take the initiative to do this, however.

Q6: What is the basis for determining new zones?

Staff explained that the General Plan is a big factor determining new zones since the zoning update process is to minimize the discrepancies between Zoning and General Plan maps. In order to be adopted, however, the City Council must approve the new zones.

Q7: Can residents sign a petition for a downzoning? How can residents participate in the zoning update process?

Residents must participate in the community meetings to voice their concerns, either by directly participating or sending neighborhood representative(s). Also, residents can express their concerns by email (zoning update hotline email address is available in the zoning update website).

Next Steps

Eric walked through the process and timeline and stated there would be future meetings as the zoning proposals were fleshed out. A question was raised about when all the downtown housing would be occupied (and why additional housing was being planned when there was so much that was vacant now). Staff noted that this was a long-term, future-oriented process. Staff reiterated that the zoning in most of the city will not see substantive change.