

This first meeting of the Residential Technical Advisory Group was convened to identify and discuss issues associated with the existing residential zoning in the City. City staff presented five key issues and asked TAG members to identify other issues. The following meeting notes summarize TAG member comments about residential zoning issues.

I. Presentation Introduction

Staff began the presentation by explaining the Citywide Zoning Update process and the framework for the zoning update which includes the General Plan vision and policies. The existing context was illuminated including the four General Plan Residential Land Use Classifications and the existing residential zoning districts. The remaining presentation included a discussion of the five key residential zoning issues. A summary of this discussion follows.

II. Summary of TAG Member Comments about Presentation Introduction and Issues

- Since both TAGs are able to sit in on each other's meeting, can you send us announcements and let us know when they meet?
 - *Staff response* – Yes.
- The Guiding Principles were not in the handout, can we get them?
 - *Staff response* – We will send you the link to the PowerPoint presentation so you have a copy.
- Some of the information in the issue paper is very good, but some of it has errors of fact. How can I convey these to you?
 - *Staff response* – Please email us your comments.

Issue 1. Framework of Residential Zoning Regulations

Staff presentation:

- Reviewed the approach and staff's intent.
 - Make zoning correlate to General Plan more cleanly.
 - Use tables rather than prose to make zoning code easier to use.
 - Density ranges; R-50/Mixed Housing Type disconnect; in some cases R-50 should go up, in others cases it should go down
 - Lower number of zones.
- Not sure how you are going to rectify the R-50 and Mixed Housing Type disconnect. It's not clear.
 - We could use two huge maps for this group. We need a big zoning map as well as a General Plan map.

- *Staff response* – A PDF map which includes both the General Plan and zoning information is available online. TAG members can also look at a searchable map with General Plan and zoning information. Staff will provide TAG members with information about these websites and directions on how to use the interactive map. TAG members can look at smaller scale maps of particular areas. It is easier to comprehend the General Plan and zoning information at a neighborhood scale rather than citywide scale.
- We need a map of the Areas of Primary Importance (API) and Areas of Secondary Importance (ASI) areas.
- The R-50 zone in some cases was an urban renewal device to get higher density into single family neighborhoods. We should look at actual densities to determine the new zoning.
- Units per acre used to be an adequate way to define density but it's not anymore now that we have 7,500 square foot houses (houses the size of apartment buildings). Consider other measures of density.

Issue 2. Development standards

Staff presentation:

- Our hillside zone doesn't have lot coverage maximums so you can get huge houses. Maybe FAR or lot coverage could be used – we will explore.
- "Motel" style building problems described.
- R-36 "problem" with narrow lots, frequent variances needed.
- Paving of backyards.

Issue 3. New development in older neighborhoods is often perceived as incompatible with the prevailing historic context

Staff presentation:

- Fourplexes out of character with single family homes.
- What else can city do to protect neighborhood context?

Issue 4. Many of Oakland's residential areas were developed before zoning regulations were adopted, and as a result have a small amount of non-residential uses. Some of these uses are currently "nonconforming" and may create problems; others may be compatible and are consistent with General Plan goals

Staff presentation:

- Nonconforming uses, four different aspects.

Issue 5. Adequate Design Standards are lacking for high density housing located in the urban residential classification

Staff presentation:

- Example shown of existing (inadequate) high density housing design guidelines.
- Good examples of high density housing displayed and discussed.

III. TAG Comments about Additional Issues

- TAG member suggestion: (to TAG members) go out with your digital camera and send staff the problem sites. Send Alisa Shen examples that you like and ones you hate.
- General philosophy should be discussed because our tastes are all different. Oakland depends on density and the parcel transfer tax. Are we going through this exercise to generate revenue or to address quality of life?
- Correlate issues of parking with zoning. The backyard paving issue is related to parking. Tenants in low income neighborhoods end up paying a lot of parking tickets because the areas are under-parked.
- People will resist upzoning if they don't know what the parking standards are.
 - *Staff response* – As of now, our intent is to address updating the base zones first and then address parking standards as a second phase of the zoning update. We realize that parking is a huge issue. Today's parking standards will continue to apply until the revisions are made in 2010.
- Is the vision in the General Plan clear enough to know how to proceed, i.e., the desire to minimize nonconforming uses? Where did that come from?
 - *Staff response* – It is the General Plan that provides the basic direction to update the zoning regulations. Within that framework, further guidance is provided by the elements of the existing zoning regulations that work, as well as community input and good planning practice.
- Are we changing the threshold for variances? Right now, the Planning Commission issues too many variances and justifies them by citing disconnects between zoning and the General Plan.
 - *Staff response* – We are revisiting the zoning code in part to see what changes we need to make to reduce the number of variances.
- I support including FARs in more dense areas. Good idea.

- A lot of the city has the General Plan classification Mixed Housing Type residential. People use the R-50 to do “backyard buildings” behind single family homes, which is a privacy issue. We need a limit on lot coverage and we need an impervious surface coverage limit. This is a green issue also.
- Why do many of the bulk/ coverage requirements not apply to lots over 20% slope? If you are on a 60% slope, you have an outrageous height. The City is building more and more on ridiculously steep slopes – tunneling into slopes. City says you can do anything.
- Go look at Castle Drive in Montclair.
- To what extent will design guidelines be integrated into zoning? The current 1-2 unit design manual encourages putting buildings below grade. The City needs to look at slopes in the flatlands as well. We need to combine safety and architectural issues.
- The answer isn't to say you can't build on steep slopes – it's to develop and enforce appropriate development standards. We built a house on a slide to protect the houses on adjacent lots. The house anchored the soil preventing further erosion.
- We need to do a lot merger ordinance so substandard lots under same owner are merged. We used to have one – what happened to it?
- It would be good to give developers of high density projects more certainty about the development review process. However, the City should not dictate aesthetics. Leave that to architects. Avoid cookie cutter solutions.
- Are there going to be guidelines on building materials? There should be a ban on vinyl windows, permeable pavement should be encouraged and trees should be allowed between buildings. Where will we deal with those kinds of design issues?
- Can we explore wider setbacks in the hill zones; 5' on each side is too narrow.
- Are you suggesting combining R-35 and R-50 in terms of number of units per property, and making them all 1,089 sf/unit per General Plan?
 - *Staff response* – No, not at all. General Plan (and Issue Paper) both call for a range of zoning districts in the Mixed Housing Type General Plan category.
- Questions about the zoning nomenclature: I don't like the idea of calling things Mixed Unit 1, Mixed Unit 2, etc. I prefer R1, R2, R3, R4, etc.
- We need to redefine “dwelling unit.” A supposedly one-unit building may actually contain multiple units (rooms with kitchens with microwaves).

- Include clearer language on Potentially Designated Historic Properties (PDHPs) and historic districts, etc. The language on the San Antonio area is wrong. Some of the units *do* rise to the level of preservation district status.
- How can people appeal their zone?
- We had someone apply for R-90 and we had to hire a lawyer to fight this.
- What has the experience been with the S-20 overlay zone in West Oakland? Is it working? Can we try it in East Oakland?
 - TAG member response - It's working well, more projects are coming to Landmarks Preservation Advisory Board and we are developing more creative solutions.
- Will you post these notes/minutes online?
 - *Staff response* – Yes.
- What is the future schedule?
 - *Staff response* – We are planning to hold the second round of community meetings in early February. After staff has had a chance to review all public input, we will have a second TAG meeting in March.
- We need a meeting between now and March.
 - *Staff response* – We are planning to have additional TAG meetings after the second round of community meetings, after staff has had time to review all public comments, and develop options based on these comments to which TAG members can react.
- I suggest that the community meeting be a more roll-up-your-sleeves and stand around tables to go over issues with maps.
- What are you hoping to achieve at the community workshop? What format will you use, presentation, charrette, stations? Are these meetings just to hear gripes?
- It is much easier if you show us options. These groups can give you feedback on options.
- Will you incorporate feedback from tonight's meeting in the community workshop?
 - *Staff response* – Yes, part of what we are asking the TAG is to help inform what should be presented at the next round of community meetings.

- Oak Knoll charettes were a “charade” – feedback wasn’t used.
 - *Staff response* – Send us your ideas for community meeting format.