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Director Gilchrist,

East Bay for Everyone is a membership organization committed to building just cities through land use, transit and housing policy. We write to provide the following principles and policy suggestions as Oakland prepares an update to its 6th Cycle Housing Element.

### **High Level Goals**

1. Encourage new housing in affluent, high-resource and low vehicle miles traveled (VMT) areas currently zoned low-density.
  - a. Most lower-resource neighborhoods in Oakland already allow apartment buildings. This change makes zoning more equitable.
2. Development without displacement
  - a. Focus upzonings on commercial properties and single-family homes. Do not upzone multifamily buildings that are subject to rent control (i.e. multifamily buildings built before 1983).
3. Provide opportunities for longtime and multi-generational Oaklanders to realize the increased value of their property without selling their property and leaving the city.
4. Create more ADA accessible, family-sized and deed-restricted affordable units.
5. Create significant construction of new, lower-cost housing.
  - a. Small unit development permitted by-right makes providing ADU-like units more flexible and accessible to people with disabilities. Simple construction and permitting for multi-family housing opens urban home-building to smaller, local contractors, property owners, and land trusts.
  - b. This “missing middle” housing type can satisfy moderate-income housing needs, allowing the city to concentrate affordable housing funds on the most needy.
6. Allow for a variety of housing types and sizes, including townhomes, small apartment buildings, and bungalow courts.

With these goals in mind, we suggest the following the policies for consideration within the draft housing element:

### Small Lot Development

- Four (4) units by-right on any lot that allows ADUs. Six (6) units allowed if near transit, up to ten (10) units near transit if two (2) are deed-restricted for low-income households. All approvals should be ministerial.
  - Additional ADUs are discouraged by generous lot coverage rules. Two extra market units for 20% low-income affordable units follows state density bonus law.
  - The fire and building codes effectively limit the number of units based on lot size and shape, so a very small lot wouldn't actually be able to put up 10 units.
  - Four units trigger the ADA's requirement of at least one accessible unit.
  - Any existing structure may be split into multiple units, even if the existing structure is non-conforming, and the additional units may expand the existing structure's total floor area by up to 20% notwithstanding other planning rules. If the resulting units are rent-controlled, up to six (6) by-right.
  - No public hearings if the appearance from the street is unchanged.
  - One public hearing for input if appearance from the street changes significantly.
- Rules should be crafted with multiple housing types in mind: small apartment buildings, bungalow courts, and townhouses. Modular or pre-fabricated construction should be encouraged. Planning staff should consult with architects, engineers and contractors to conform policy design with current and expected building industry standards.
- As part of the code update, Planning develops a pre-approved plan for a four-unit dwelling that would work on the vast majority of residential lots and uses standard-sized construction materials. Architectural ornamentation and exterior finishes can accommodate neighborhood and owner preference.
- Parking and setback requirements should be the same as ADUs. 3-story, 40-foot height limit. Eliminate lot coverage and FAR restrictions to make unit count and ADA compliance feasible, but only if four (4) or more units are built, or a lot is very small, to prevent monster homes. Reduce front and side setback minimums to five (5) feet. Consider form-based zoning.
- Allow lot splits/condo mapping for newly-built units (not house conversions), outside of Oakland's condo conversion impact area. Inside the impact area, condo mapping is only allowed if replacing a single or non-residential unit (not newly allowed if duplex or ADU -> fourplex).
- Single-family houses built before 1983 of less than 1800 square feet without a Category I ADU may be demolished. Non-residential structures of any size, or those built in 1983 or later, may be demolished. Structures in the state historic registry may be exempted.

### High and Moderate-Resource and Low-VMT Focus for Rezoning

- Prioritize rezoning in tracts that are resource-rich (Highest, High, and Moderate on the Tax Credit Allocation Committee Opportunity Maps) & low-VMT.

- Within one mile of BART stations such resource rich and low-VMT rezonings should include parcels currently zoned for RM-1, RM-2 and RD-1 that are currently occupied by SFHs.
- All commercial corridors within resource rich and low-VMT geographies should be rezoned for mixed-use structures, for a minimum of 4 stories of housing.
- Apply a base height of 55 feet within one mile of BART stations on commercial corridors and arterials in resource rich areas. Applicants seeking additional height, density or development standard waivers can seek up to three additional stories through the State Density Bonus Law. These heights conform to current practices of light wood frame construction and emergent practices of mass timber construction.
- Eliminate parking minimums throughout the city.
- Institute parking maximums for low-VMT areas.

#### Affordable Housing Overlay

- Adopt an affordable housing overlay in certain low-VMT geographies throughout the city to increase low and moderate-income housing production.
  - Cambridge, MA, Berkeley, Culver City and other cities are moving forward with such an approach in order to advance affordable housing production and reverse patterns of spatial segregation.
- Institute 40 feet height limits, unlimited density and reduced off-street parking requirements for qualifying projects in low-VMT areas.
- Although such an overlay cannot be used in the Sites Inventory, it can be a policy or program to reduce obstacles to development and affirmatively further fair housing.

#### Ministerial Approval Process

- Adopt an ordinance for fully ministerial approval of qualifying housing developments, modeled on the one recently adopted in Sacramento. This would facilitate faster & more cost effective construction of needed homes, while reducing the burden on staff & commissions of processing discretionary approvals.
  - Qualifying developments should be zoning compliant. Oakland may also consider as requirements a maximum development size (in Sacramento this is 200 units; square footage may make sense as an alternative) and electing for on-site Affordable Housing rather than an in-lieu fee.
- Include a menu of commonly chosen density bonus concessions that could be used in this ministerial process for qualifying developments.

#### Tenant Protections

- Audit enforcement of demolition protections, no net loss and right to return required by SB330 within the planning process. Incorporate these standards directly into Oakland law, as well as permit application forms.
- Coordinate with Oakland's Department of Housing and Community Development to provide clear processes for tenant right to return required by SB330.

- Create a local rental registry in order to capture rental data and enforce tenant protections, including demolition protections.

We look forward to continuing to engage with the City of Oakland in the 6th Cycle Housing Element Update.

Sincerely,

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Co-Executive

East Bay for Everyone

Sid Kapur

Chapter Lead

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