



December 4, 2022

Director William Gilchrist  
Department of Planning and Building  
City of Oakland  
350 Frank Ogawa Plaza  
Oakland, CA 94610

RE: Revised Draft Housing Element 6th Cycle (2023-2031) dated 11/29/22

Dear Director Gilchrist,

We write to provide comments on Oakland's Revised Draft Housing Element for the 6th Planning Cycle (2023 - 2031) released on November 29, 2022 ("Revised Draft").

Overall we are pleased with the direction of the Revised Draft and appreciate the incorporation of many of the comments from the East Bay for Everyone, YIMBY Law, HAC, Greenbelt Alliance and East Bay YIMBY letter dated October 14, 2022.

The Missing Middle Program is significantly improved by reductions in setbacks, reductions in parking requirements, and increase in allowable density for high-resource areas like Rockridge and Adams Point. We are also happy to see an increase in commercial corridor heights along Claremont and College as well as the inclusion of additional, more viable opportunity sites in Rockridge.

We are also encouraged to see the City of Oakland commit to studying single exit aka "single stair" reform. We disagree, however, that the City of Oakland is unable to implement changes at the local level. The City of Seattle, for example, has adopted local building code changes for a single exit up to five stories that meet NFPA 101 mitigation requirements, including a maximum of four units per floor, automatic sprinklers, one hour-rated walls around the core and half hour-rated walls between units. Oakland could similarly adopt amendments to its local code or establish an alternative means and methods process for four story single stair structures.

We offer the following comments on the Revised Draft:

1. For Missing Middle Housing, we appreciate the reduction of off-street parking requirements to 0.5 in residential areas and zero in the ½ mile radius of major transit stops, but we believe it would be more productive if zero-parking missing middle were allowed across significant transit corridors, rather than merely near BART stations, BRT stops, and

the (rare) intersection of two bus corridors each with up to 15-minute peak headways. We propose instead zero parking requirements within ½ mile radius of bus stops of lines running with at least 30-minute peak headways, which would allow not only Telegraph, Broadway, San Pablo, and MacArthur, but also Grand.

We also suggest a planned check-in midway through the planning period to examine whether missing middle standards are in fact being used at scale, and to amend further if not.

2. Table C-17 “Lower- Income Projects on Small Sites 2018 - 2021” describes projects less than ½ acre developed as low-income housing. Three of the five projects identified in this table are acquisition projects, including Project Homekey sites. Acquisition of sites for low-income housing less than ½ acre is an important goal for preserving and creating affordability but it does not address the underlying need for deeper analysis of building low-income housing on small sites as required under HCD guidance.

The purpose of additional analysis for low-income housing development for small sites less than ½ acre is to identify that the jurisdiction has a track record of developing new construction of low-income housing on such sites. This is important because smaller sites are difficult to finance through the Tax Credit Allocation Committee and other funding sources. Small sites are also more difficult to construct due to parking, circulation, second egress and other requirements. Please remove the acquisition sites and provide additional analysis of Oakland might pursue additional policy changes, including single stair reform, to increase the viability of low-income housing development on small sites.

3. We appreciate the broad reduction to parking standards in a range of zones, not just residential-only, reflecting Oakland's Transit First policy and climate goals. In light of recent counterproductive proposals of parking garages or overparked apartment complexes in transit-oriented areas of Oakland, this direction could be enhanced by:
  - a. Applying revised CBD parking maximums to apply equally to a ½-mile radius of all major transit stops;
  - b. Making new paid parking, structured or surface (as opposed to off-street parking serving another use) require conditional use permits; and
  - c. Require all structured parking be built to be convertible to non-parking uses in the future; currently their standard angled floors make it impossible to do anything else without demolishing.
4. We appreciate and are excited at the proposal to remove CUP requirements for small commercial establishments in residential zones (Accessory Commercial Units) and, in food deserts, for grocery stores. However, we suggest careful objective definition of "food desert," and to err on the side of an expansive definition, such as the USDA half-mile standard (as opposed to a 1-mile standard).

Thank you for considering these comments. We appreciate the City of Oakland's ongoing efforts to refine and deliver a compliant and equitable Housing Element.

EB4E - Oakland Revised Draft HE 11/29

Sincerely,

John Minot  
Jonathan Singh  
EB4E Co-Executives

cc:  
CA Department of Housing and Community Development

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