

**Oakland Housing Element Zoning Amendments**  
**SUMMARY: OAKLAND HERITAGE ALLIANCE**  
**RECOMMENDATIONS AND CONCERNS**  
**July 30, 2023**

The following recommendations and concerns apply primarily to historically significant areas designated as Areas of Primary or Secondary Importance (APIs and ASIs) and are intended to minimize or avoid adverse impacts of the zoning changes on the architectural integrity of these areas. They also apply in some cases to Designated Historic Properties (DHPs) and Potential Designated Historic Properties (PDHPs).

- 1. Avoid residential density increases in APIs and ASIs that add to the number of lots where projects with five or more regular units would be permitted, since such projects are eligible for a State Density Bonus.**
  - If more density is desired, provide it in the form of more accessory dwelling units (ADUs) (which don't count toward the five-unit bonus trigger), especially ADUs within existing buildings.
- 2. Expand the S 13 (Affordable Housing Overlay) Zone's API provisions to ASIs and apply the demolition protections to PDHPs rated "A" or "B".** However, the demolition protections in APIs and ASIs could be limited to contributing and potentially contributing buildings.
- 3. Allow public notice and comment for projects eligible for "by-right" approval.**
- 4. Do not apply the AHO (Affordable Housing Overlay) height changes to the Downtown Oakland Specific Plan (DOSP) area.** Any downtown height changes should be considered as part of the almost-completed DOSP process, rather than as part of the Housing Element.
- 5. Front setback reductions should not be applied if the reduced setbacks are less than the prevailing front setback of the block face.**
- 6. Retain existing height limits in nonresidential and RU-zoned APIs and ASIs.** In most cases, the existing height limits were structured to avoid out-of-scale new buildings.

These recommendations are intended to mitigate historic preservation impacts due to densification.

In addition, we are concerned that the increased height limits, residential densities, reduced setbacks and other upzonings will trigger unintended consequences, including:

- a. Increased property values, triggering higher land costs for affordable housing projects and more displacement pressure on renters.
  - The upzonings are thus likely to promote gentrification, including gentrification of wide swaths of West and East Oakland, not just "high resource" areas.

- The primary beneficiaries of the upzonings will be existing property owners, through the resulting financial windfall.
- b. Preemption of potential affordable housing sites by market rate development, given the increased profit potential from the upzonings.
- c. The massive 2009 upzoning of much of downtown Oakland triggered extensive development of market-rate housing, but woefully insufficient affordable housing, accompanied by major increases in property values. The proposed upzonings risk repeating this problematic outcome on a citywide scale.