



Commissioners Present: Adhi Nagraj, Chris Pattillo, and Emily Weinstein

Staff Present: Ed Manasse, Laura Kaminski, and Keira Williams

Broadway Valdez District Specific Plan, Zoning Code

Laura Kaminski presented a PowerPoint slide show going over the proposed changes for the Planning Code, General Plan, Zoning Maps, and Height Area Maps of the Specific Plan.

Comments from the public and Commissioners

Naomi Schiff

I really just wanted to first of all thank the staff for their interesting approach on parking incentives to historic preservation. On behalf of Oakland Heritage Alliance I would appreciate any incentive to historic preservation that we can get. I have distributed a map that includes the areas that we are really concerned about. We remain very concerned with areas around Harrison & Waverley that occupied by 80 rental units now. We don't see Harrison as a retail street; it has never been now and probably won't start now actually. And we do think there have been some opportunities for retail that have not been found by the staff and identified as such. I would just briefly say they are at the corner of Broadway & West Grand where there is small office building surrounded by Kaiser I think and surrounded by a very large surface lot that the YMCA the people always belly ache because in a way it is a low area that is occupied by offices that could become very easily some kind of retail by simple way of moving some office functions. I have been to meetings there it's actually not that intensively used. Lastly, I have had a number of conversations with many people that find it absolutely astounding that city might subsidize a parking lot instead of using a lot that it just purchased for retail and we would suggest that it would be a good retail lot. Let's get more creative with parking and preserve some areas of housing. And lastly I am not sure what the right zoning category is there at Weaver & Harrison where there historic buildings are, but I think it should permit residential, that it should remain low, that there should be incentives for historic preservation, it might be good to allow some small scale adaptive use for commercial there, that there may be some opportunities for surface lots for higher mixed use, residential and commercial uses. The city council's desire ten years ago, this is not withstanding an appropriate big box retail site or medium box or small box, whatever they are calling it. I want to make one another remark, the allure of Whole Foods. It seems to me that staff & consultants have been overly impressed by the allure of Whole Foods. I would just like to state some history, that it was only through extreme long effort by neighborhood people and Oakland Alliance that we don't have a big box on that site now. There are different stories that you can tell about urban development and one story you can tell about Whole Food is that what a great place to put big box next to it. But other story you can tell is look what a community did to keep something of great urban texture and interesting visual value intact, let's build on that value instead of simply cozying up next to something that is already generating a bunch of income. You know I was part of twenty years of belly aching about that site and we worked really hard to keep some shred of the historic fabric, not enough to get it on National Register. But still I think there is a general agreement that it works and that we should be looking at the adjoining neighborhood at light. Rather than saying, look there is an old building let's cozy up to it and put another damn Crate & Barrel. I really think we have an opportunity to capitalize what is unique and interesting about Oakland and we really should not blow it now. Thank You.

Commissioner

I have two questions I think. On the parking ratios, I previously asked in prior commission meetings that the ratio you talk about are minimums as opposed to standards, so if the developer chose to have a lower parking count they are allowed to. Is there a counter argument to that that I heard you articulate now is if that you end up leaving that location while that very low parking ratio might be worse for that operator. It might become very hard to lease to a future operator. Is that the reason against having parking maximum ratios where developer can go under this?

Laura Kaminski

The reason we did the upper floor, lower floor because currently, right now we have different standards for different uses and that is really broken up quite a bit. So initially a project can be built to something that doesn't need lot of parking, but a restaurant comes in later that requires a lot of parking, so the restaurant can't come in because it can't provide parking at that point. So, that's really why we are looking at that.

Commissioner Weinstein

Can you go back to height limit slide? I was just trying to correlate, at least the numbers on the staff packet on the areas are pretty clear. Are the numbers in feet, the height limits? I thought I heard you say as you go farther north you want to scale down the heights, but I see it going up 135 to 200, can you help me reconcile?

Laura Kaminski

Also as you go closer to 580, the height goes up as well. So it is sort of the middle between 580 and downtown that it gets lowest really in the middle.

Commissioner

I have a couple of things. Have these been presented to Bicycle Collation people yet and have they commented on this?

Laura Kaminski

We didn't have yet at that time the proposed full draft chapter. We proposed the increased bike parking, which is actually something they proposed at the meeting. This is something that we ended up doing after that meeting. So we haven't come back to them with that with this proposal.

Commissioner Pattillo

But they have seen the original and you are moving in that direction? That actually, just an observation. There have been a number of public hearings on various aspects of this plan and it's my impression that we are basically looking at the same graphics same materials from different vantage points and comments that have been made previously either by commission members or members of the audience, are reflected in what we are looking at currently. But isn't that true that it doesn't necessarily mean that you are listening, hearing and once you go through this series of hearings, the comments will be in fact integrated in the plan. Is this correct?

Laura Kaminski

Right, as far as the height tables, zoning districts we have not changed them since the draft plan. This is still all a series of hearings that we have been having on the draft. And the idea is that after this meeting has been finished we will take all the comments that we got and make the additional changes for the final document.

Commissioner 2

Also, I thought that it is noteworthy that you pointed out heights by feet instead of number of stories. I wanted to ask if this is going to be a city wide practice? Is this something we are changing city wide or we are changing just for this for some reason?

Laura Kaminski

So, right now we are proposing for this district. And obviously, the part of what we are doing is that when we do a specific plan we can be really specific and try new ideas and regulations within a specific plan and see if they work. And if they work well then they can be expanded to other areas of the city as well. So number of these ideas with the parking and so forth are newer ideas, the things we have been looking at doing, overall parking requirement for the city and these are some of the things that we were looking at doing for the city. Because this is coming up first, we have decided that this would be a good area to try these new ideas.

Commissioner 2

And briefly explain the rationale behind why you want to change the way we measure the heights of buildings.

Ed Manasse

The clear intent of the minimum height was to encourage multi-story buildings. But instead we have seen that people trying to build a one story, stretch the parapet to meet the requirement minimum 25' you can get with the CUP. So this we are looking at a more clear intent, what we are looking for is multi-story buildings. Being just more clearer about what we are trying to achieve.

Brian Geiser

I want to start with large, medium and small. I want to remind everybody that 1960 Kaiser moved from downtown to a curved building over lake and it really destroyed downtown, and it actually really diminish the lake. Just recently Planning Commission gave approval of the redevelopment of it, Broadway and 51st for the Safeway project. That's going to be a regional shopping center that's going to have chain stores, shopping stores, and it is going to suck money out of the area. I appreciate what staff is doing and the issues with Broadway Valdez. But I have a bad feeling that it is really going to be another regional shopping center, national chains that really going to suck money out of our communities. Another bad thing, I really want you to think about this. Now you are book ending that areas on Broadway that used to have mom & pop stores and right now half of those things are sitting empty, gosh it would be great to have those full! But if these projects go forward as proposed, they are not gonna fill, they are gonna die. This is a more large scaled thing, I mentioned how everything has moved away from Downtown.

Now let's talk about the medium level thing, I am gonna call heights, and this is almost going to penciling. Everybody is going to say that if we don't have certain heights especially close to downtown. They are not going to build, blah blah blah. As you guys know there was a presentation here recently. MTC gave a grant to an economist firm and they did a whole things and I guess you guys saw that. Basically give guidelines to private developer and bankers to take advantage of the citizens of Oakland. That's the way I see it. But it is not true, I mean it is a true because the world we live in , but it doesn't have to be that way. But to be honest, would you have these tall heights, my background is architecture I have lived in many cities, what happens is if you have 275 height zone. The first one that comes get that height, but they suck all the development out for all future ones. That one will sit there like we go back to Kaiser in downtown. I walk through the area between the two is dead zone and it will always be unless it's done properly, the development get suck down. I want to talk about the small level actually the micro level.

I was personally disappointed with what happened an year ago with micro units. We got through that by sticking a big paragraph about the signage in the Broadway area. But at least I understood it is supposed to be a test thing, it's only going to be for a small area in Broadway Valdez . But now that I learn that it apparently going to be expanding, I am very worried about it, because I know , I personally know , because I deal with clients about the sizes. People don't know how small these are, they are dorm rooms at the best. It really don't work, we are told that this is about making it cheaper for college students who are going to live here. But the prices are still going to be too high and what will happen is that all the money these people have, the disposable income is going to go towards these. Personal thought about these, there is no kitchens, so are these people going to be out in the community spending their money. The problem is they are not going to have money to spend and they will end spending life in these prison cells. This is the reality of what is going to happen.

Gloria Bruce

I just want to come and speak on one very specific point. The specific issue I wanted to address is the height limits. I wanted to point out that the previous speaker talked something about the development being sucked out of the area, which is an interesting point. Basically what we would like you to consider is an approach which seems a little bit counter intuitive which is not going up which is not going up to these much higher heights as the buy rights maximum for these areas, particularly in the north end. And the reason for that is because of all the community benefit and affordable housing types of incentives that we discussed in the plan and were brought up to you before. So its going to be really hard to implement any of those if there is something to trade with developers in particular the height and density. We are all in favor of taller buildings and more stories along the corridor in particular along the north end. The basic profile of what things look like here is not an issue. The concern is that if you zone it now with 85, 135 and 200 with the status of current market, it really gives away all of the value of up zoning and there is nothing at least for trade at least for many many years. So what we are asking is what this counter intuitive land value recapture approach perhaps you can consider staying with as the buy right the current height limits in the north end with additional stories, something that can earned with a range of incentives worked out. But that is essentially what we are asking you to consider. We think it is a good idea and our developer partners thinks it's really crucial, just don't give away all the value now. It isn't such a crazy approach, its exactly the approach which is being considered for retail priority sites, where the buy right is 45 and if you provide that community benefit then you get more stories. We are just saying let's consider a similar approach for other community priority such as residential or other community benefits and let's just not give away all the benefits upfront.

Joel Devalcourt

I am happy and surprised with some of the changes in the plan. Why don't I start with the happy stuff: I think the staff should be rewarded for being responsive to our Coalition. Grappling with very challenging issues, development is difficult in Oakland and making sure the balance of a complete community is realized is no easy feat. So, we are very happy that in-lieu fee program is in there for the parking. I also think it's a great area for open space, but in particular for parking that is really fantastic, we think that is best practice to how to reduce the amount of total parking we have and also providing a public funding source for parking and now relying on general fund is another way of paying for it. I think it is a fantastic idea. It also phases in parking when it is appropriate. I am also very happy about the requirement for unbundled parking. I think it is happening around the region, there is no reason why it shouldn't be in there, it's better for everybody. Also, I am happy to see there is a good healthy discussion that should happen around parking minimums and maximums. There is a great book that came out and I wish I could remember the name now. It something like Parking Requirements made easy or something like that and it is put up by Island Press. They argue back and forth about minimums vs maximums and I am glad that minimums have been reduced for both commercial and residential. I would like to see a more healthy dialogue along the final plan, something that could be made really great for Oakland. I am also

happy to see the idea of stories vs the feet . It's a creative approach to meet the kind of compact development in Oakland and I look forward to more details on that.

Just a few things that we still are concerned about. Along with what Gloria is mentioning zoning being tied specific to public benefits and written in the plan, there needs to more concern paid to the other list of public benefits. And when they call benefits , its confusing what is public benefits or community benefits and retail is a public benefit that provide sales tax. But there are other community benefits like housing, job etc. that can really be an asset to Oakland's residents. We want that there is a healthy dialogue of what those are, they don't need to be there before final plan. We would like to see some language, it was in our letter, about how to create that and a more systematic approach to these benefits. We would also like to see more flexible ground floor for key residential sites, not all of the places. We understand that we are trying to create a balance of the right kind of retail on the ground floor with residential above. But residential thrive retail market and that is known nationally. So we want to ensure there are opportunities for housing in this area. We do meet that 1800 units and we do create great communities. So there is already a horizontal mixed use in the area. So perhaps in the north we can have a percentage of blocks that have residential on the ground floor , but they wouldn't break a feeling of ground floor retail environment. Just one particular idea, and of course there are plenty of other. In terms of the retail priority sites, we really want to make sure there are evaluation mechanisms in place. So that if it is not working we can retake that policy in a few years giving staff the opportunity to experiment. We have had these discussions before and we have done some research and it can encourage creative thinking, but we want to make sure that Oakland gets something great out of this. And also triple check the numbers to see what exactly is required to build residential above retail because those numbers have not changed. They went through retail brokers and retail analysts, but I don't think they are seen by residential developers. Those are the people who would want to build over the retail, so we really want to make sure they are included in the conversation. I have great fortune of going to Kitchener Oakland, a commercial kitchen, in one of the retail priority sites on 24th & Valdez corner. It's a fantastic entrepreneurial spirit, they are going to put in applications to have a permanent retail frontage for food service. We really like ideas like that and we want to encourage ideas like that. There is a lot of cool stuff happening in Oakland. Having a clear understanding, I really appreciate comments about Moms & Pops store. What's going to happen with moms and pops store in priority sites. How can we make sure those people aren't going to be displaced and loose the kind of exciting business creation that's happening in Oakland right now.

Ann Killebrew

I want to ask few questions about mixed use. The presentation has to do with these restrictions in different zones. And on ground floor in one area you can't do this and in another area there are even more restrictions and in other area there are fewer restrictions. It was just by accident that I drove through Berkley and passed a number of shops. There are doctors' offices on ground floor, fitness centers, fine restaurants, shops to buy any kind of retail you can imagine, there are designers and architects. There are so many people on the ground floor and I want that. Old kind of medical building that was there on 17th or 9th on Franklin. I used to drop people and people used to go to all those small medical offices. I really want you to revisit the prohibitions to various kinds of ground floor. I think a huge mix draws people. You draw person going to dentist and he wants to grab an ice cream right after that. You have people going to exercise and they want to buy some new clothes. If you have a huge mix, its more creative.

Keira Williams

Just wanted to reiterate that national, regional, and locally owned retail is not mutually exclusive and gets on very well when it's all done together. And we are trying to create a regional destination, so I am sure there will be retail but there are lot of things that can exist on the upper floor they don't need to be on ground floor. They can be on a non-major retail street. In Union Street you don't see a Dennis opposite Stockton or Post. When we did a retail strategy a few years ago, we heard from people that they need chain retail and independent retail and I don't think this is capable of

becoming Emeryville, there might be some change but we are not starting from a place like Emeryville did where they cleared everything and built new. Obviously, we are going to have lot of existing buildings, adaptive reuse, we have quite a few surface lots and we don't want there to be continuing surface parking, we want to have structured parking. We'll have a mix of everything. Actually the vacancy of retail in downtown have been lowest in decades. Retail is coming to Oakland.

Commissioner Emily Weinstein

I think a lot of my comments are going to echo the comments that I made in previous meetings. I want to echo the concern around increased height. We need to be careful as we increase heights of various parts of the site that we don't lose the leverage that Gloria spoke about because one of the ways is that we are going to get the amount of retail and affordable housing and open space and preservation is going to be that give and take with the developers around density bonuses and increasing the height. I think what has made it hard to evaluate EIR and plans are what the incentive structure is going to be. So if there is a way to present what incentive benefit package will be for different part of the site, it will be really really helpful. Benefit around parking, affordable housing, open spaces, some way of showing that at different parts of the site. I still have concerns and I am not sold at the idea of 24th as being this connection street from downtown Broadway area to the whole foods. I don't see Whole Food as an anchor. A lot of ways that Whole Food is used is for groceries or for small shops as they are walking. So as far as drawing people to Whole Foods, I don't see that as a natural pattern. So I am still struggling to understand why Waverly which has residences is zoned as a Retail Priority Site. I still don't understand the justification for that except that there is a need to put some anchor stores, but it is an intact residential neighborhood. My other comment is similar around retail priority. I do think that we need to examine the retail opportunity sites on regular basis, because it's one thing to have an innovative policy and hope that it works. We don't want to hold it out for any kind of organic growth that we are seeing in Oakland because we are set on this idea that retail priority sites are supposed to be a big regional draw.

Commissioner Adhi Nagraj

The presentation is great, I think it has more nuance, more detail, I like discussion about retail, residential incentives and linkages. The setbacks, the parking I think real good. I also see some integration of public comments. A few things, Gloria's comments, Gloria emailed a letter about heights that tie to incentives. That really resonates with me. I have great respect and appreciation for financial risk that small developers take and don't want to burden them with fees and incentives. But when I think of developers that will build in the higher density, I don't think of smaller developers, I think of larger institutional developers that has in-house sophistication to horse trade with incentives and additional units. I really like that notion of trading up for additional density for broad community benefits whether it is parks or schools or affordable housing. I could imagine some of their fees goes for additional off-site improvements for future investment to be drawn into the site. I have same hesitation about Whole Foods and Art murmur, which is an evening activity and Whole Foods is a day activity. So that doesn't seem where the connection can be made. When I think of Broadway I think of greater Broadway so I still share the hesitation at looking at these two general maps on page 4. It is very clear that thrust of the change is extending up the CBD into the plan area. And that presents the challenge of the existing neighborhood that's there and I could see that's the emphasis of staff because of Whole Foods and vicinity closer to the lake and higher street values towards the eastern side of the Broadway. I guess there has to be a way against the impact it has on the existing neighborhood and that is still something I am hesitant about. I also see on page 4 assuming each of these rectangles are parcels there are so many individual parcels that any developer has to aggregate to make a large 25,000 sq ft print and there are a few larger sites going all the way north on Broadway and I am wondering if we can have the retail priority sites on the larger areas that would be easier for developer to purchase. Could have electric vehicles to stub out, but not necessarily put in plugs.

Commissioner Chris Pattillo

I find all this zoning a little overwhelming. First, with regards to the Whole Foods I think I am willing to buy into the concept that it is a draw, it is an anchor. Two perspectives, I did once walk the site with a developer and he did specifically say that it is already acting that way. And just from personal observation, that is my route home every night, something about that corner is truly, notably dynamic and every day I drive by it. So it is really believable to me that it is going to be an anchor and it's easy for me to visualize what's being proposed. I agree with commissioner Weinstein and other speakers. I am not ready to let go the residential in that area. For all the reports, if you make a comparison it's easy to see them placed on opposite pages. Even if that means we have to insert blank pages. I appreciate very specific provisions of benefits in here to promote the adaptive reuse of historic buildings. What I see in this document is stronger and clearer than what I have seen in my time in the commission. You specifically asked us to comment on requirements for electric vehicles, I have no idea what to say other than that's the future, my thinking would be to push the envelope and require more than less. That was interesting I went to Kaiser hospital and pulled and there was a sign that said electrical vehicles only, so I thought this is it this is the future. And then finally on page 15, you are talking about the requirements in these micro units and there is specifically comment about a shared kitchen at each floor. I think it should simply say at least one kitchen. Depending upon how many units and how big the floor.