

March 30, 2021

Alice Mitinger, Chairwoman, Zoning Board of Adjustment
Department of City Planning
Via electronic mail

RE: Zone Case 200 of 2020 525 Yarrow St (28-H-271)

Dear Chairwoman Mitinger and Members of the Zoning Board:

I submit testimony on behalf of Oakland Planning and Development Corporation (OPDC), a community-based organization whose mission is to build a better Oakland and help neighbors thrive. OPDC, in partnership with the Oakland community members and stakeholders, steward implementation of *The Oakland 2025 Master Plan: A Vision for Sustainable Living and Mobility*. OPDC serves on the Oakland Plan Steering Committee and is a signatory to the recently-completed Interim Development Goals letter. This document states concerns around the high cost of housing and the potential for new development to exacerbate displacement of long-term residents. These concerns are relevant to the proposed project in this zone case. As Oakland's Registered Community Organization, we communicate development proposals to the public and host Development Activities Meetings to ensure community input. We appreciate the board continuing the hearing on this proposal to allow for additional community discussion, which we detail below.

OPDC **opposes** the applicant's request for variances due to the negative impact the proposal would have on the surrounding community. The proposal does not meet the provisions in the Zoning Code for approval. Put simply, the proposal is too dense for the site; this concern has not changed even though there has been community discussion about the project. The requested variance for minimum lot size and the requested variance for height

- 1) In terms of the site's physical conditions, it is regular in shape and standard in size compared to other lots in the area and around the city. Thus, it does not meet the test of unique physical conditions.
- 2) It is possible for the site to be developed in conformity with the provisions of the Zoning Code. The variance is not necessary to enable reasonable use of the property.
- 3) We assert that if the applicant argues unnecessary hardship, that he has created that hardship himself. Property speculation is not a reason for zoning relief. The applicant knew the zoning for the property prior to purchase.
- 4) The requested variances would alter the essential character of the Panther Hollow neighborhood and harm adjacent neighbors. The vernacular building stock is primarily two- and three-story structures. The proposal for six four-story

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structures is denser than what is allowed by right and would harm the neighborhood in terms of traffic, parking, noise, trash, and light/shading. The minimum lot size requirement in the Zoning Code is an important tool to regulate density of development.

- 5) The variances, especially the minimum lot size and height requests, do not represent a minimum variance to allow the property to be developed. Developing the number of units permitted by zoning could allow parking reconfiguration that removed the need for parking in the structure, thus relating to the height variance.

The applicant presented plans to OPDC and neighborhood residents at two monthly all-Oakland meetings, May 29, 2019 (36 in attendance), and November 26, 2019 (18 in attendance). At both meetings, residents expressed concern that properties will not stay owner-occupied. The applicant has not made any commitments to ensure owner-occupancy beyond the first owners, and no assurances that first buyers would be owner occupants, despite strong community requests. In both meetings and a subsequent feedback survey, residents made it clear that requested variances will damage the neighborhood's essential character.

The applicant presented plans at an Oakland-wide community meeting hosted by OPDC on February 23, 2021 (83 in attendance). During the meeting, residents continued to express concern about the project's height and number of units/density, as well as the number of curb cuts needed in the final project. The applicant mentioned discussing with OPDC adding the property to the Oakland Community Land Trust, and therefore ensuring permanent owner-occupancy. The applicant reported to the community that they declined to pursue this opportunity.

OPDC has a feedback form on our website; as of 3/29/2021 we received 10 responses. Out of those 10 responses, there were nine Oakland residents and one visitor. Four marked that they had attended the Oakland-wide meeting, another four marked they did not attend, and the two remaining respondents marked they had attended the meeting in part or watched the recording respectively. Most of the feedback on the project's constraints, the proposed plan, and developer feedback was negative. Most of the feedback on the project's impacts on the community was also negative, with only one resident expressing a positive view of the project. When asked for more details, respondents expressed concern about landslide mitigation at the site and concern of the units being turned into rentals as there is no control to prohibit this. Overall, the feedback form showed a very negative response from community members.

The application for four variances should be **denied** because the applicant has not demonstrated that the proposal satisfies the applicable review criteria. I urge the Zoning Board of Adjustment to deny this application.

Sincerely,



Wanda E. Wilson
Executive Director