

## Development Activities Meeting Report (Version: 06/24/2020)

This report created by the Neighborhood Planner and included with staff reports to City Boards and/or Commissions.

Logistics	Stakeholders
<b>Project Name/Address:</b> Zoning map change/ 234-262 McKee Pl.	<b>Groups Represented (e.g., specific organizations, residents, employees, etc. where this is evident):</b>
<b>Parcel Number(s):</b> 28-F-314, 28-F-310, 28-F-308, 28-F-306, 28-F-304, and 28-F-302	Oakland Business Improvement District (OBID) Oakland Planning & Development Corporation (OPDC)
<b>ZDR Application Number:</b> DCP-MPZC-2024-00046	Councilperson Charland's office Councilperson Strassburger's office
<b>Meeting Location:</b> Zoom	Walnut Capital (developer) Area stakeholders/residents
<b>Date:</b> Monday, February 12, 2024	Department of City Planning (DCP) staff
<b>Meeting Start Time:</b> 5:30 pm	
<b>Applicant:</b> Councilperson Bob Charland (District 3)	<b>Approx. Number of Attendees:</b> 34
<b>Boards and/or Commissions Request(s):</b> Planning Commission review	

### How did the meeting inform the community about the development project?

<p><b>From Project Applicant (Councilperson Bob Charland)</b></p> <p>Councilperson Bob Charland began with an overview of the proposed zone change. This proposed zoning change originated under the previous Councilman, Bruce Krauss. Councilperson Charland is supportive and intends to advance the proposal. The site parcels are currently zoned UC-E, Urban Center-Employment. These properties are currently nonconforming as they are residential. In order to make these parcels conforming, we would like to change them from UC-E (Urban Center- Employment) to R-MU (Residential-Mixed Use). Charland's office looked into other options, such as amendments to the UC-E standards, but a map changed ended up making the most sense.</p> <p>Introduced by the councilperson, Mike Madden, representing the Pittsburgh Innovation District, offered comments in support of the zoning change and believes the change makes sense and will amplify what is already occurring in Oakland. The Fifth and Forbes corridor is critical to our region's Eds and Meds economy, and we are open to a reimaged way that this part of Oakland can be used.</p> <p>Introduced by the councilperson, a representative from Walnut Capital, Jonathan (Jon) Kamin, the developer who currently has site control over the subject parcels, offered comments. Jon shared the current Zoning map and explained the context of the UC-E and R-MU zoning districts. The applicant is proposing an extension of the existing R-MU to apply to the subject parcels. These parcels are intended for residential units and possibly some ground floor retail. The maximum height permissions will remain the same, since the height map is independent of the Zoning District boundaries. In this district, 10% affordable housing is required and there will be an affordable housing component. The developer is still in the conceptual phase and plans to hold final decisions related to the project until they receive a zoning change. This zoning change is the first step to creating new residential units. While the current zoning, UC-E, is focused on employment uses, the applicant believes the best and highest use for these properties is residential.</p>
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**From the Department of City Planning (DCP)**

The Neighborhood Planner for Oakland, Christian Umbach, provided an overview of the Oakland Plan (official neighborhood plan adopted 2022) and its Land Use Strategy, which informed the current zoning. An extensive process of broad community engagement informed the Oakland Plan’s land use strategy, which envisions future land uses over a ten plus year horizon. The subject parcels were identified by the Land Use Strategy (and corresponding future land use map) as intended to contribute to the “Innovation District” land use area, with a focus on supporting employment uses within the life sciences, healthcare, and other related sectors. The boundary of the Innovation District land use area does extend south of its Fifth/Forbes core, ending at Louisa St, and includes blocks that currently contain residential uses. The rationale for this was backed by the plan’s existing conditions reports, produced by subject matter expert consultants. The findings of such reports suggested that with the limited amount of development space in Oakland, residential (specifically student housing) has and would continue to block out employment uses within the Fifth/Forbes Innovation District. In addition, lab and research & development uses require large floor plates, and the additional land south of Forbes Ave was needed to accommodate such development. The Oakland Plan, as a whole, promotes dense multi-family housing in many other portions throughout the community, including the area directly south of Louisa St, which the land use strategy identifies for Higher Density Residential.

Joe Fraker, Senior Planner (Zoning), provided additional context related to the current (UC-E) and proposed (R-MU) zoning classifications. One key item described was the difference in use permissions for multi-unit housing between each district. Multi-unit residential proposed in the UC-E must include 100% of units as affordable, or the residential proportion of units must be less than 50% of the entire development (i.e. a majority non-residential development is permissible without the affordability requirement). In the R-MU, multi-unit residential is permitted by right. For both the UC-E and R-MU districts, inclusionary zoning requires that all 20+ unit developments must include 10% affordable units. Since the maximum height will not change with the rezoning, the max heights standards would remain as follows: 85 ft; with option up to a max of 120 ft with the application of Performance Point height bonuses.

**Input and Responses**

Questions and Comments from Attendees	Responses from Applicants
Why just these 6 Walnut Capital owned parcels? If the rationale is that UC-E makes them non-conforming since they are largely residential now, then why aren't similar parcels which Oakland Plan rezoned on Meyran, Semple, and Atwood being considered? Also, some properties on Craft Ave?	These sites are currently positioned for redeveloped and moving these parcels forward made the most sense from the perspective of Walnut Capital. The future development potential of the other parcels in unknown at this time. Additionally,
While I'm glad to see official acknowledgement that City Planning and the Oakland Plan was flawed, but this process of spot zoning with very little residential input into the redesign is arguably worse. We residents put hundreds of hours and great effort to learn terminology and zoning concepts only to have a number of things shoved down our throats. Now here it comes again. The map clearly shows other lots where there are HOUSES rezoned as UC-E, that should remain less intensive uses.	This site is not spot zoning because these parcels will be attached to an existing zoning district (R-MU) and will act as an extension of this district. It's not spot zoning when the proposed rezoning is attached to an existing zoning district. Second, things change as things are being looked at for redevelopment.

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<p>The previous Oakland Crossings came by way of the Mayor. We were told that it was not the correct process. and we were told that this Oakland Crossings procedure would not be done ever again. But here we have it again. This is not the correct process. Right?? should not come from council . should come from planning</p>	<p>The city's code provides Council with the authority to propose zone change legislation.</p>
<p>Does District 3 believe there are not sufficient opportunities for redevelopment in the areas currently zoned R-MU?</p>	<p>Councilperson Charland: My concern is that these parcels do not conform with the current zoning designation (I.e. the existing residential uses on the site are not permitted within the UC-E zoning). The current classification would only permit this project if it was 100% affordable, which is unrealistic. This is the only way forward for these parcels to move forward with the goal of increasing the residential capacity in Oakland.</p>
<p>So we can propose other changes that satisfy my residential neighbors better??</p>	<p>Councilperson: Yes, we (council office) can propose things to the Planning Commission for consideration. For these parcels, I believe this is the best use for this process.</p>
<p>A. So to clarify, the Councilperson believes it's not possible to develop these sites within the constraints of the UC-E zoning? What are the obstacles?</p> <p>B. So you are saying there are no commercial uses with residential components that could be developed here? Why completely change something permanently for current market needs and uses? There are other areas/parcels zoned R-MU that could be used. This was an intentional zoning to support commercial uses.</p> <p>C. Why is it that we are justifying undoing all of the work of the Oakland Plan and rezoning something in perpetuity to suite the needs that are perceived in this very particular moment in the market, when there are a great deal of RM-U zoned parcels that are available for redevelopment. The intention of the Oakland Plan was to carve out a space particularly for commercial uses and support the innovation district.</p>	<p>A. It is not possible to develop these parcels as residential in U-CE unless they are 100% affordable or a LITHC project. The LITHC program frowns upon 100% affordable unless there is a specific component such as being veteran housing. Such processes are highly competitive and would take many years to be developed.</p> <p>B. The market would not support it. At this time, there is no market for life sciences and office buildings. It is not possible for these parcels or any parcels in the U-CE to develop residential.</p> <p>C. There is ample space along Fifth and Forbes for those particular commercial/employment uses. We are talking about only rezoning 6 parcels, adjacent to the R-MU, and not a wholesale shift away from the UC-E. We think that the market right now supports residential use.</p>
<p>Can we ask for the affordable housing to be more that the defined percentage? and last longer than 35-year?</p>	<p>DCP: Such a proposal is not applicable at this time.</p>
<p>Comment: Again, pointing out that "market forces" drove the lab/office on Halket, and the extension of what was OPR to be UC-E, and this was supposed to be a 10-year plan that fell apart almost immediately. Walnut Capital owns the rest of that side of McKee.</p>	
<p>Walnut had the rest of McKee to develop right? Why change one area when they have lots of other property to develop.</p>	<p>Yes, there are other areas that Walnut owns, but we want to focus on this particular area. It is the most immediate and relevant for us to start. We have been looking to</p>

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	upgrade the housing stock in the area and this looks like this is the best way to start.
<p>Since this ignores the public process that got the rezoning in the Oakland Plan, what is the public process from this point forward?</p>	<p>DCP: This Development Activities Meeting is the first step in the public process for a council-proposed zone change. This proposal will go to Planning Commission for a briefing and public hearing. The community can provide comment at the public hearing. It will then move along the City Council for a final decision.</p> <p>Note: The land use strategy map aligns with the recently adopted Zoning Districts (i.e. the Innovation District land use area aligns with the UC-E Zoning District). As the Planning Commission reviews the proposed zone change, they will also review an amendment to the Oakland Plan's land use strategy, so that both may be aligned.</p>
<p>A request to Councilman Charland that everyone in this meeting gets timely notification of Planning Comm dates.</p>	<p>Yes, we will make sure that such information is shared publicly and distributed via the RCOs.</p>
<p>Comment: Why pretend that the residential community has any input? We wasted 3 years on Oakland Plan and got no benefit for our community... terribly disappointed for a person who is already a resident.</p>	

**Planner completing report:** Christian Umbach, Neighborhood Planner & Adriana Bowman, Neighborhood Planner