

## Overview of Stakeholder Feedback

*Updated November 15, 2021*

This document provides a summary of stakeholder feedback received during the original engagement period for the Industrial Lands Planning Amendments proposal. The [project website](#) explains the proposal to which the community provided the following feedback and also includes the [FAQ](#) which was published as a response to questions and comments raised by stakeholders early on.

This summary includes feedback received during the stakeholder meetings listed below, as well as feedback received via email. Feedback is grouped according to key themes for ease. Key themes are presented in alphabetical order.

### Stakeholder Meetings in Chronological Order

1. West Oakland Community Action Plan (WOCAP) Land Use Subcommittee, 6/23/21
2. Healthy Development Guidelines (HDG) Project Management Team, 6/28/21
3. Communities for a Better Environment (CBE), 7/27/21
4. East Oakland Collective, 8/11/21
5. East Oakland Stadium Alliance, 8/23/21
6. WOCAP Land Use Subcommittee, 8/25/21
7. Jobs Housing Coalition, 8/31/21
8. Harbor Trucking Association (HTA), 9/7/21
9. West Oakland Neighbors (WON), 9/16/21
10. Asian Pacific Environmental Network (APEN), 9/21/21
11. CBE, 10/5/21
12. Oakland Metropolitan Chamber of Commerce, 10/6/21
13. Prescott Neighborhood Council, 10/14/21
14. Port of Oakland Seaport Stakeholders' Roundtable, 10/27/21

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## Conditional Use Permit (CUP) Application

1. How many businesses will be affected by the CUP? How many non-conforming businesses will the CUP create?
2. Does the CUP apply to new businesses only? What are the specifics for what is considered a new business?
3. When does the CUP requirement apply? Does the CUP apply to businesses' that want to expand or update facilities? What about businesses that change ownership?
4. Can you quantify the amount of industrial land in the proposed buffer?
5. The type of businesses affected by the CUP are not regularly seen in East Oakland. Why this list and is there potential to add to it? E.g. new Amazon distribution warehouse proposed in East Oakland should fall under CUP.

## **CUP – 500' Buffer**

1. We know of health worker violations; these businesses have impacts beyond 500 feet; will you consider increasing the distance requirement?
2. Why 500 feet buffer? CARB recommends buffer of 1000 feet. ABI Foundry – chromium deposits up to 0.5 mile away.
3. The proposed 500 ft. buffer near 3<sup>rd</sup> St. and MLK Jr. should be removed.

## **CUP – Alternative Options**

1. Are you looking at benzene emissions, which are a major emitter from diesel trucks?
2. If a business uses clean trucks can it be exempt from CUP requirement?
3. HBX zoning district was created as a buffer between residential and industrial. HBX represented a large amount of land taken out of heavy industrial.

## **CUP – Business Concerns**

1. CUP requirements may make financing business difficult.
2. Why was the CUP selected? This introduces risk into the investment prospective.
3. CUP requirement will negatively impact property values for existing property owners who are running truck-related industries.
4. City needs to better understand the industrial requirements for users (i.e., industrial businesses).
5. The requirement for a CUP will drive industry (logistics) out of the area; no company will sign a lease with the uncertainty involved in going through discretionary CUP process.
6. Existing businesses will not be able to realistically make site design changes to, for example, relocate loading docks. How does this practically get implemented with existing businesses? There will likely not be much new construction type of activity, rather, it will be renovating existing facilities for new businesses. There are real constraints to re-designing facilities to meet the proposed criteria for emissions reduction.
7. Re: reduction of CUP timeframe to 6 months: 6 months is not enough time to enter into a lease; it might have the unintended consequence of making the owner enter into a lease with a business that neither the business owner nor the City wants.

## **CUP – Environmental Justice Concerns**

1. How can we challenge existing polluting uses/businesses (since this proposal will only apply to new businesses)? City needs a different kind of strategy for existing facilities, which may not be a planning code amendment.
2. Are there any new protections being added for residential areas already in or next to heavy impact industrial areas? E.g. money for indoor filtration for residences next to high impact areas/businesses? There is a big gap here: the existing people and sensitive receptors being exposed to emissions are not addressed.

3. What are existing mitigation strategies that existing businesses can be required to incorporate (clean practices, plant trees, etc.)?
4. City needs to take drastic action to clean up industrial activity if environmental justice is a goal. Consider amortization (i.e., proactively closing businesses) policies that other cities, like National City have adopted.

## **CUP – Industrial / Residential Compatibility**

1. Can the City's process to review residential projects be updated so that the buffer applies both ways (i.e. applies to possible residential projects proposed adjacent to industrially zoned land)?
2. Will there be a parallel "restriction" for not allowing housing to impact industrial? Or requirement to adopt "compatibility measures" (similar to those proposed for Howard Terminal) and "disclosures" in which the Planning & Building Dept. would require notices to residents that they are moving near an industrial zone so they can't complain later?
3. What about the example of Arcadia Park in which industrial land was rezoned for housing and which placed housing adjacent to container storage facilities? Will there be a parallel "restriction" for not allowing housing to impact industrial?
4. Pulte Homes development 98<sup>th</sup> St. and San Leandro was cited by heavy industry (and major logistics facilities) despite community opposition and impact to residents (soot accumulated on window sills and trees died).

## **Emissions & Monitoring**

1. What is the comparative pollution burden from mobile sources of air pollution over the Bay Bridge relative to stationary sources?
2. Are there requirements for air quality monitoring at new buildings?
3. Disappointed that City is not addressing direct emissions from stationary sources. Point sources create lots of frustration as the Air District allows businesses that meet their pollution thresholds and the City allows the business to pollute because land is zoned that way. So "gray area" allows lots of stationary emissions.

Concerned that the political support is towards industry not residents.

## **General Plan**

1. Why is this effort ahead of the 2023 comprehensive industrial lands policy update?
2. How does this proposal connect to the General Plan update? It's confusing to community members to have this proposal ahead of the industrial lands policy work that will be initiated as part of the General Plan.
3. What is the urgency of doing this now rather than waiting for the overall General Plan update? Worried that when we get to General Plan, people might think we already did an industrial land policy update.

## **Industrial History**

1. Who came first, industrial land or residential uses?

2. City needs a historical perspective for the industrial / environmental justice connection and history, supported by focus group.
3. Federal policy, not local land use policies shifted manufacturing landscape, e.g. 2005 industrial lands protection act (Nancy Nadel). No one wants to pay for manufacturing in Oakland and West Oakland, it has never paid off. Good Eggs is the only manufacturing business. There are only trucking and containers here; no one is building anything on Mandela; no one wants to build tech campus.
4. Consider Gateway Industrial District Design Guidelines.

## Legal Non-Conforming Uses

1. Legal Non-Conforming Uses pose a concern – “many loopholes,” that allow them to continue and expand. E.g. Argent Materials has been expanding – created a whole new lot, dust everywhere. Planning Commission found them not as heavy industrial use. Air district exempted them. They’re permitted for 30 lbs. of PM a day. And there are others.
2. City needs to figure out how to strengthen enforcement & be more proactive about legal non-conforming uses.
3. How can City better track compliance?

## Maps

1. Need to be able to view granular detail of the maps.
2. Howard Terminal should be shown as part of the “Port Prime Lands Overlay” on the online map.

## Miscellaneous

1. Can San Leandro Blvd be identified as Green Zone?
2. Is Rule 1118 of relevance?
1. How has OakDOT been involved?
2. What is the plan for workforce development in industrial sector and development of new and sustainable industries? Investment in neighborhoods historically marginalized
3. What is the plan for new (sustainable) industries?

## Port Prime Lands Overlay

1. What does “establish the importance of industrial land and set the tone for the future General Plan policy work” entail?
2. Why does the overlay not include Howard Terminal?

## Specific Concerns – East Bay Asian Local Development Corporation

1. Planning code amendments, as proposed, will make it more difficult, and in some cases impossible, to convert industrial land to residential or commercial use, impacting affordable housing crisis and achievement of RHNA goals.

2. Prioritizing industrial use over residential use will reduce supply of available land for housing development, increasing development costs and difficulty of financing both market rate and affordable housing. Increased scarcity of housing leads to increasing rents and pricing out of low and moderate income families.
3. Strengthening industrial zones and implementing voluntary emission reductions measures will only serve to increase pollution and particulate matter within existing neighborhoods.
4. City should prioritize the health of residents in neighborhoods surrounding industrial zones, including their access to amenities. If the proposed amendments were in place, residents of West Oakland would not have access to recreational amenities like the new Pacific Pipe Climbing Gym as the development would not have been permitted.
5. Proposal seems premature and rushed and should be included as part of General Plan Update process.

### **Specific Concerns – Port of Oakland**

1. Port has to go inland to thrive – connections are critical, Port relies on a network of uses (warehouses, storage facilities, logistics centers and transportation) that support Port operations that go beyond their jurisdictional boundaries.
2. City needs to promote industries that support Port's mission.

### **Specific Concerns – West Oakland Prescott Neighborhood**

1. Schools should be allowed in Peralta and Mandela areas.
2. Proposal should focus on strengthening residential not industrial zones.
3. Should allow schools/gyms; a warehouse converted to a rock-climbing gym was good for the neighborhood.
4. Prescott residents should not have to drive to places for their children to get daycare and for residents to enjoy activities.
5. Strengthened industrial zones reinforces racism.
6. Based on the map in the online presentation, It looks like the “strengthened industrial zones” includes Raimondi Park. There are new residential developments planned near there.
7. Proposal does not consider the needs, values, and ambitions of the Prescott community.
8. The City needs to pair any proposal to protect industrial land with upzoning. Otherwise it will lead to more truck yards, recycling centers, and warehouses which create limited new jobs and are detrimental to surrounding environment.
9. The right upzoning could create the significant local and regional retail, professional, and commercial growth that could contribute to thousands of jobs and much needed services in West Oakland.
10. Need less industrial, less pollution in the neighborhood.

11. Will less intensive industrial uses that replace heavy-industrial manufacturing uses accelerate gentrification?

## Stakeholder Engagement

1. Will this proposal be brought to the Port Board or Airport Land Use Commission?
2. The City needs to do a better job of outreaching to the trucking community; the Trucker Work Group at the Port is a good avenue.
3. West Oakland residents should be included in development of proposal and have a seat at the table.
  - Current proposal framing is confusing to stakeholders. Specify that it is focused on truck-attracting businesses and not all industrial uses for increased clarity when presenting to stakeholders.

## Strengthened Industrial Zones

1. How many non-conforming uses will the rule create (to restrict schools, etc. in certain industrial zones)?
2. How are you strengthening industrial lands when you are restricting uses in the buffer?
3. Have schools been notified?
4. What does “minimize land use conflicts by restricting incompatible uses” mean exactly? What is the plan to create those restrictions?

## Relationship to Other Activities

### *Howard Terminal*

1. How is City addressing Howard Terminal? Howard Terminal will introduce residential into industrial area.
2. Does the CUP buffer affect Howard Terminal?
3. How is this proposal being sequenced with conversations around Howard Terminal?

### *Cannabis*

4. How do these rules intersect with cannabis? There is a large concentration of grow houses in W. Oakland; fear that as heavy industrial leaves, a lot of those warehouses will be converted to grow houses.
5. Can we move cannabis green houses (that are low job generators) to airport flight path zone (that has height limit) and use the warehouses that the cannabis industry updated for industrial uses?

### *Other Plans and Processes*

6. Does this proposal conflict with the proposal for the Downtown Specific Plan?
7. How is the truck management plan working; are you coordinating with that process?

8. Are you in coordination w/ City's Equitable Climate Action Plan (ECAP)?
9. How does the proposal connect to the City's Encampment Management policy?

## **Truck Parking and Enforcement**

1. Community don't have a clear picture about how much truck parking is available; confusion about where and how much trucking is available.
2. Illegal truck yards are popping up: e.g. 13<sup>th</sup> and Mandela and Panoramic Partners (temporary lease from EBMUD).
3. Trucks are idling, driving, and parking all over neighborhoods and enforcement isn't happening.
4. Can City / Port work together around conversion of "yard hostlers?"
5. A lot of entitled property that has never been developed and instead the property owners are parking trucks; need to pass legislation to force entitled property to move forward with development.

## **Unhoused Population**

1. How were the transient and unhoused population considered in this proposal?
2. What is the air quality/emissions impact for people living outdoors?
3. Industrial "curb space" is often where the unhoused find space to live; need to find ways to sanction this.