

## **APPENDIX L-1**

### **1. COMMENT LETTERS RECEIVED ON THE DRAFT 2023-2031 HOUSING ELEMENT MAY 12, 2022- SEPTEMBER 30, 2022**



April 21, 2022

Dear Oakland City Council:

We are writing on behalf of **YIMBY Law** and **Greenbelt Alliance** regarding Oakland's 6th Cycle Housing Element Update. **YIMBY Law** is a legal nonprofit working to make housing in California more accessible and affordable through enforcement of state law. **Greenbelt Alliance** is an environmental nonprofit working to ensure that the Bay Area's lands and communities are resilient to a changing climate.

We are writing to remind you of Oakland's obligation to include sufficient sites in your upcoming Housing Element to accommodate your Regional Housing Needs Allocation (RHNA) of **26,251 units**.

In the Annual Progress Reports that Oakland submitted to HCD, we observe the following trend of housing units permitted in the last four years:

Year	Housing units permitted
2018	4,617
2019	2,154
2020	1,107
2021	1,667
<b>Average, 2018–2021</b>	<b>2,386</b>

To meet the 6th cycle RHNA target, the rate of new housing permits in Oakland would need to increase from **2,386 units per year** in 2018–2021 to **3,281 units per year** in the next 8 years. This is a 38% increase from recent years. **If the current pace were to continue, Oakland would meet only 73% of its new housing target.**

Based on these trends, it is unlikely that Oakland's existing realistic zoning capacity is sufficient to meet its 6th cycle RHNA target. According to HCD's Housing Element Site Inventory Guidebook, housing elements must analyze the realistic capacity of their sites, which may include considerations of "[l]ocal or regional track records", "past production trends", and "the rate at which similar parcels were developed during the previous planning period". A housing element that does not include a significant rezoning component is therefore unlikely to be compliant with state law.

We urge Oakland to include a major rezoning component in its Housing Element—a rezoning large enough to close the gap between recent housing production trends and the RHNA target. The rezoning should be within existing communities and should comply with the city's obligation to Affirmatively Further Fair Housing. We also urge Oakland to ease any other constraints, such as discretionary approval processes or impact fees, that may impede the rate of development on your city's housing sites.

Thank you,

**Sid Kapur**, East Bay YIMBY (sidharthkapur1@gmail.com)

**Rafa Sonnenfeld**, YIMBY Law (rafa@yimbylaw.org)

**Zoe Siegel**, Greenbelt Alliance (zsiegel@greenbelt.org)



17 May 2022

Dear Director Gilchrist and Staff of the 2045 General Plan Update,

The Board of the Dimond Improvement Association is writing today to provide input on the upcoming Housing Element of the 2045 General Plan Update.

The Dimond District is a resource-rich neighborhood in Oakland that is complete with high-quality transit service, park space, schools, access to grocery stores and restaurants, a library, and a post office. More Oaklanders should have access to the resources we currently enjoy. The Dimond Improvement Association has outlined the goals we wish to achieve for the 6th Housing Element Cycle to ensure strong equitable growth of our neighborhood.

### **High Level Goals**

1. Develop without displacement
  - a. Focus upzonings on commercial properties and single-family homes. Do not upzone multifamily buildings that are subject to rent control (i.e. multifamily buildings built before 1983).
  - b. Continue to enforce the Housing Crisis Act of 2019 (SB 330) to ensure that any loss of rent controlled units is met with the addition of a corresponding number of new affordable units.
2. Encourage redevelopment in locations on and near transit lines in and around the Dimond to reduce vehicle miles traveled (VMT).
  - a. In general, *increase* the number of people in the Dimond, but *decrease* the number of cars
3. Focus on mixed use developments in the Dimond Business District (DBD) and other commercial properties in and around the Dimond

### **Focused Goals**

1. Eliminate parking minimums for new housing construction in the DBD and all areas in the Dimond within 1 mile of transit stops.
2. Establish parking maximums for new housing developments in the DBD of less than 0.1 parking space per dwelling unit.
3. Establish bicycle parking minimums of 3 spaces per dwelling unit.
4. Establish a base height limit of 55 ft in the DBD
  - a. Upzone Opportunity Sites to a max height of 65 ft.
  - b. Make exceptions for rent controlled (built prior to 1983) multifamily housing.
  - c. Structure zoning changes such that newly constructed housing does not interfere with current and future business license permitting requirements (eg., liquor, cannabis dispensary, restaurant licenses, etc).



- d. Developments seeking additional height and density may do so through the State Density Bonus Law.
5. Upzone all transit corridors in and around the Dimond to 55 ft (MacArthur Blvd, Park Blvd, Fruitvale Ave, Lincoln Ave, etc).
  - a. Make exceptions for rent controlled (built prior to 1983) multifamily housing.
  - b. Modify zoning changes to within allowable density limits in high severity fire zones.

### **Small Lots**

1. Draft clear rules for increasing density on smaller lots with different housing types (eg, apartments, bungalow courts, townhouses, etc), that allow for ministerial approvals.
2. Allow for six (6) units by-right for any lot that allows ADUs. Allow for ten (10) if two (2) are deed-restricted for affordable housing (subject to fire and building codes).
  - a. Limit public hearings to only one (1) if, and only if, the appearance of the lot is changed from the street view.
3. Legalize Accessory Commercial Units (ACUs) wherever ADUs are permitted to lower the barrier to entry for small-scale commercial businesses and encourage walkability within neighborhoods.
  - a. Draft rules guiding the permitting process of ACUs that allow for ministerial approvals.
  - b. Limit public hearings to only one (1) if, and only if, the appearance of the lot is changed from the street view.

### **Potential Opportunity Sites for Redevelopment with a focus on Mixed Use**

1. Empty lot at MacArthur Blvd and Dimond Ave, 2114 MacArthur Blvd
2. Bank of America, 2154 MacArthur Blvd
3. Wells Fargo and Chase Bank, 3450-3438 MacArthur Blvd
4. Giant Burger, 2055 MacArthur Blvd
5. Safeway, 3500 Fruitvale Ave
6. 7-11, 2411 MacArthur Blvd
7. CVS, 3320 Fruitvale Ave
8. Old "Hopkinstown" intersection and strip mall, at MacArthur Blvd and Coolidge Ave (2809-2833 MacArthur Blvd, including 2828 MacArthur, 2846 Georgia St.)
9. Diamond Market building, 2979-2973 MacArthur Blvd
10. Solar Car Wash, 3092 MacArthur Blvd
11. Oakland Imported Cars, 3200 MacArthur Blvd

### **Suggested Project Homekey Sites**

1. Highlander Motel, 3255 MacArthur Blvd
2. The Oaks Motel, 3250 MacArthur Blvd



We hope you will take our wishes into consideration for the Housing Element process and serve us by meeting all State requirements during this cycle.

Thank you

  
Ryan Romaneski

Chair, Dimond Improvement Association

## Housing Plan Comments

Jesse Boudart <[REDACTED]>

Thu 5/19/2022 10:55 AM

To: General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hello,

My general comment for the plan is the following:

Remove restrictions / increase incentives for developers and people to construct housing such as large buildings and/or ADUs

Cheers,

Jesse

[REDACTED]

# Oakland Draft HE: Brooklyn Basin

Derek Sagehorn <[REDACTED]>

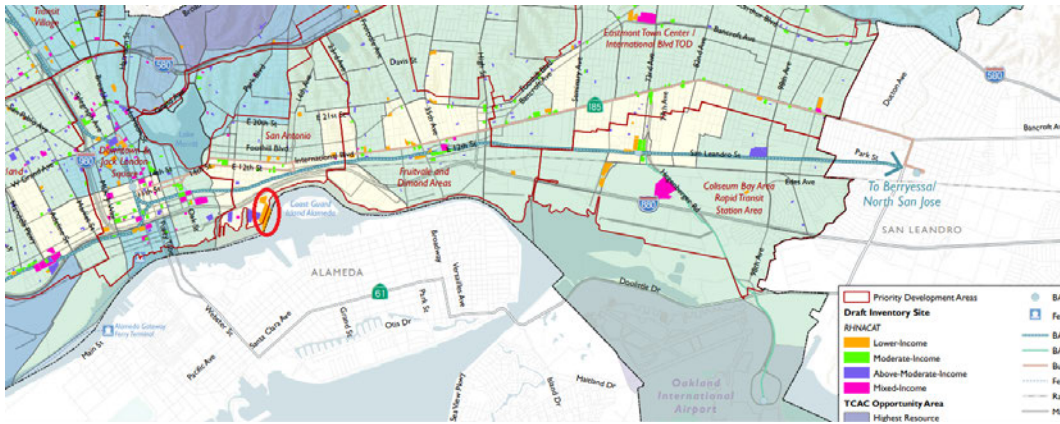
Sat 5/21/2022 9:58 AM

To: General Plan <generalplan@oaklandca.gov>

Cc: HousingElements@hcd.ca.gov <HousingElements@hcd.ca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

The draft housing element lists 288 9th Avenue (APN 018 046500204) as a low-income site zoned for 254 units.



This is park space that contains Township Park and Rocky's Market. Both were built in the past 5 years.



Please remove this site from the site inventory. I would encourage you to re-allocate the 254 low-income units to high-resource sites such as the Claremont/College flatiron or new sites like 5354 Claremont Ave.

--  
Derek Sagehorn

## Oakland Draft HE: Dimond

Bret Peterson <bretnpeterson@gmail.com>

Sun 5/22/2022 11:29 AM

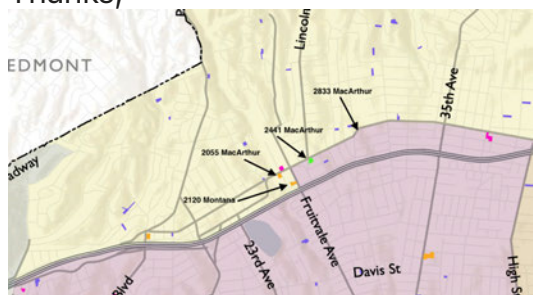
To: General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

The draft HE fails to list 3 sites that are mapped on the pg 7 "Housing Sites Inventory" map. These sites are 2441 MacArthur Blvd, 2055 MacArthur Blvd, and 2120 Montana St. 2441 and 2055 MacArthur should be listed as official sites, as they are underutilized lots. Since 2120 is a current gas station, it is unclear if it could be developed in the next 8 years.

It is also strange that 2833 MacArthur has been left off the DHE. It is a dying strip mall with vacant storefronts and should be redeveloped for housing to reinvigorate the neighborhood. It is also on the MacArthur transit corridor and across the street from a public school.

Thanks,







**Date:** May 23, 2022

**To:** Lakshmi Rajagopalan, Project Manager, Oakland General Plan Update

**From:** Oakland Cultural Affairs Commission

**Topic:** Cultural Affairs Commission Initial Recommendations for the General Plan

*Equity is the driving force.*

*Culture is the frame.*

*Belonging is the goal.*

Above are the tenets of the Oakland Cultural Development Plan that guide the work of the Cultural Affairs Commission in its mission to advise the Mayor, City Council, and City Administrator on all matters pertaining to cultural development and vitality in Oakland.

With this front of mind, the Commission seeks to bring its voice and that of local culture keepers to the General Plan Update as its policies will shape the health and well-being of the soul of Oakland for decades to come. The culture of Oakland is generated by its people—their lives and livelihoods. The General Plan sets the conditions for ensuring there is sufficient and accessible shelter, thriving diverse businesses, and vibrant neighborhoods and gathering spaces that reflect and are for those very people.

For years, we have seen multi-generational Oaklanders pushed out of their homes, culture makers and keepers priced out of their spaces, and the tragic loss of life of those who are merely trying to keep a toehold in their city and a space to express and share their creativity and sense of community. This has to stop. We believe that for the cultural health of Oakland, we must have policies that support Oaklanders to exercise their right to feel they belong in their city and that their city belongs to them. To this end, we advocate for all Oaklanders' ability to:

- Stay in their homes
- Return from residential and business displacement
- Have spaces that facilitate cultural production and allow for exchange and innovation
- Maintain and create thriving, culturally-rooted local businesses and organizations (particularly of historically marginalized communities)
- Create and activate public and private spaces in which to negotiate and build community that are culturally-equitable, safe, and healthy



### Recommendations

The following recommendations, based on the general principles articulated above, are put forth by the Cultural Affairs Commission for consideration by the Oakland Planning and Building Department, Dyett & Bhatia, Deeply Rooted, and the City Council. The Commission provides these recommendations as its first of several during the general planning process. Additional recommendations will be provided as forthcoming plan elements are considered.

#	Recommendation	Pg
<b>Theme 1: Live/Work and Work/Live</b>		
1A	Incentivize the development of affordable live/work and work/live units.	3
1B	Provide guiding language in the general plan and policies in the Zoning regulations for live/work and work/live units to reduce absorption into residential-only uses.	4
1C	Track live/work and work/live units as a category within the planning department.	5
1D	Codify policies in the general plan that ease the process and reduce expenses to get non-conforming spaces into code.	5
1E	Adopt policies in the general plan to protect cultural workers and workspaces at risk of displacement or affected by cannabis manufacturing, cultivation and other cannabis businesses.	7
<b>Theme 2: Cultural Infrastructure</b>		
2A	Expand the use of zoning regulations being piloted in the Downtown Oakland Specific Plan to increase first-floor cultural spaces to Districts 6 & 7.	9
2B	Establish a working group to make recommendations to the City Council for the timely development and implementation of a Cultural Facilities Policy.	10
<b>Theme 3: Cultural Equity Impact Assessment</b>		
3A	Establish the use of a Cultural Equity Impact Assessment as a condition of California Environmental Quality Act (CEQA) review	11
<b>Theme 4: Right of Return</b>		
4A	Codify guiding preference policy in the general plan to allow displaced Oaklanders the right of return.	12



**Theme 1: Live/Work and Work/Live**

**Recommendation 1A: Incentivize the development of affordable live/work and work/live units.**

*Benchmark: Increase number of affordable units available*

*Guiding Principles: Have spaces that facilitate cultural production and allow for exchange and innovation*

Rationale	Resources
<p>Cultural infrastructure and cultural characteristics of cities have a demonstrated positive impact on a city’s economy and vibrancy<sup>1</sup>. The presence of artists, cultural workers, and makers in a community is critical to that end and part of Oakland’s “secret sauce”<sup>2</sup>. Many cultural workers in Oakland are at risk of displacement as illustrated by a 2015 survey<sup>3</sup> administered to creatives by the Mayor’s Artist Housing and Workspace Task Force. Affordable live/work units fill an important gap which benefits a wide variety of residents including artists, cultural workers, and makers (particularly from historically marginalized communities) and aims to maintain Oakland’s cultural vibrancy. The availability of space that is affordable, physically appropriate for makers, code-compliant, and blends the needs of housing and workspace into one unit creates increased financial stability for this demographic and has a demonstrated positive cultural and economic impact on the region.<sup>4</sup></p> <p><b>Sub-Recommendation from the White Paper<sup>5</sup></b></p> <ul style="list-style-type: none"> <li>• 1.1A — Tying conditional permits to the provision of affordable live/work housing in Community Commercial (CC) neighborhoods, including CC-3 where residential is not currently allowed.</li> </ul>	<p><a href="#"><u>Belonging in Oakland: A Cultural Development Plan</u></a></p> <p><a href="#"><u>White Paper: Strategies for Protecting and Creating Arts &amp; Culture Space in Oakland</u></a></p> <p><a href="#"><u>Oakland’s Art and Cultural Economy: Appendix to Belonging in Oakland</u></a></p>

<sup>1</sup> “Cultural and Creative Cities and Regional Economic Efficiency: Context Conditions as Catalysts of Cultural Vibrancy and Creative Economy.” *Sustainability* 13, no. 13 (2021): 7150. <http://dx.doi.org.libproxy.berkeley.edu/10.3390/su13137150>.

<sup>2</sup> “Belonging in Oakland: A Cultural Development Plan,” Spring 2018. <https://cao-94612.s3.amazonaws.com/documents/Cultural-Plan-9.24-online.pdf>.

<sup>3</sup> “Strategies for Protecting and Creating Arts and Culture Space in Oakland,” Spring 2016. <http://www2.oaklandnet.com/oakca1/groups/ceda/documents/agenda/oak062138.pdf>.

<sup>4</sup> “Belonging in Oakland: A Cultural Development Plan,” Spring 2018. <https://cao-94612.s3.amazonaws.com/documents/Cultural-Plan-9.24-online.pdf>.

<sup>5</sup> “Strategies for Protecting and Creating Arts and Culture Space in Oakland,” Spring 2016. <http://www2.oaklandnet.com/oakca1/groups/ceda/documents/agenda/oak062138.pdf>.



**Recommendation 1B:** Provide guiding language in the general plan and policies in the Zoning regulations for live/work and work/live units to reduce absorption into residential-only uses.

*Benchmark 1: Guiding language added to general plan*

*Benchmark 2: Policies added to Zoning regulations*

*Guiding Principles: Stay in their homes, Have spaces that facilitate cultural production and allow for exchange and innovation*

Current code has several different working requirements for different live/work and work/live units.<sup>6</sup>

- Joint Living and Work Quarters (JLWQs): At least one resident must maintain a Business Tax Certificate and work out of the unit
- Residentially Oriented JLWQs: No requirement to have a tenant working in the unit
- HBX and D-CEs: At least one resident of a work/live unit must maintain a Business Tax Certificate and work out of the unit. No working activities are required to be performed in live/work units.

Live/work and work/live units are limited and incredibly valuable to Oakland’s cultural workers and contribute to the cultural vibrancy of the city.<sup>7</sup> Requirements to use these spaces should be adjusted to reduce residential-only or digital economy uses that only require a home office while also preventing displacement of people in those spaces.

Consideration of a cultural worker certification process similar to the cities of Boston, MA or NYC may be a preferable alternative. It could improve enforcement of the policy which is currently weak. Intermediaries like Safer DIY Spaces and Vital Arts may be interested in piloting such a program.

Coordination of policy language with the Division of Cultural Affairs is recommended to avoid unintended exclusion of important segments of the cultural worker demographic.

[Zoning Code Bulletin on work/live and live/work Housing](#)

[Belonging in Oakland: A Cultural Development Plan](#)

[Artist Housing Certification - Boston, MA](#)

[Artist Certification - NYC](#)

[Safer DIY Spaces](#)

[Vital Arts](#)

<sup>6</sup> City of Oakland Community and Economic Development Agency. “Zoning Code Bulletin,” May 2020. <https://cao-94612.s3.amazonaws.com/documents/Zoning-Bulletin-2020-2-Live-Work-May-18-2020.pdf>.

<sup>7</sup> “Belonging in Oakland: A Cultural Development Plan,” Spring 2018. <https://cao-94612.s3.amazonaws.com/documents/Cultural-Plan-9.24-online.pdf>.



**Recommendation 1C: Track live/work and work/live units as a category within the planning department.**

*Benchmark: Planning department begins tracking live/work and work/live as a category*  
*Guiding Principle: Have spaces that facilitate cultural production and allow for exchange and innovation*

The stock and production of these categories is not tracked.<sup>8</sup> It is valuable for the city to know existing quantities and uses so that it can be utilized for future planning purposes.

**Recommendation 1D: Codify policies in the general plan that ease the process and reduce expenses to get non-conforming spaces into code.**

*Benchmark: Adoption of approaches that increase code compliance and reduce harm*  
*Guiding Principle: Stay in their homes, Have spaces that facilitate cultural production and allow for exchange and innovation*

The Ghost Ship tragedy exposed the lack of affordable space available for cultural production as well as the risks and spectrum of non-conforming living spaces in Oakland. Bringing unregulated spaces up to code is a better and less expensive alternative than tenant displacement from a non-conforming space and into houselessness. Organizations like Safer DIY Spaces have saved as much as 1 million square feet for \$0.50/sqft.<sup>9</sup>

The zoning regulations are fuzzy and leave a lot up to interpretation. Codifying policies in the general plan that reduce the expenses and red tape for conversion and lead to clear zoning regulations would be a great step.

The following ideas surfaced from a UCLA Masters thesis by Megan Wissing Healy (linked in resources) and a conversation with Tom Dolan of Safer DIY Spaces :

1. Reorient code enforcement to adopt a harm reduction approach

[Secondary Units for Whom? Assessing interventions into Informal Housing in San Francisco and Oakland](#)

[Safer DIY Spaces](#)

<sup>8</sup> Werth, Alex. "Statement of Methodology: Economic Impact Analysis and Cultural Asset Map," Spring 2018.

<https://oaklandca.s3.us-west-1.amazonaws.com/oakca1/groups/ceda/documents/report/oak071452.pdf>

<sup>9</sup> Tom Dolan, interview by Claire Pelley, April 26, 2022



2. Strengthen the role of intermediaries
3. Expand financing opportunities for essential life safety upgrades
4. Offer property owners amnesty while legalizing units
5. Recommended Building Code Changes
  - a. Seismic retrofitting not required to get spaces into code
  - b. Allow the use of less expensive sprinkler systems (plastic pipes, utilize same meter as home, etc)
  - c. If a space has no walk-in trade or employees, make it exempt from ADA retrofitting
  - d. Automatically consider all buildings more than 50 years historic to provide exemption from Title 24
  - e. If there are two means of egress on a floor, remove the need for a bedroom window



**Recommendation 1E: Adopt policies in the general plan to protect cultural workers and workspaces at risk of displacement or affected by cannabis manufacturing, cultivation and other cannabis businesses.**

*Benchmark: Policies that protect cultural workers and spaces in industrial areas*

*Guiding Principles: Stay in their homes, Have spaces that facilitate cultural production and allow for exchange and innovation, Maintain and create thriving, culturally-rooted local businesses and organizations (particularly of historically marginalized communities)*

The implementation of legal cannabis production in the industrial zones has created unintended consequences for Oakland’s cultural workers. Cannabis-related manufacturing, cultivation and other cannabis businesses are competing for space with artist live/work, work/live units and other industrial spaces serving artists and makers causing displacement. Cannabis uses often conflict with live/work spaces, due to industrial noise, increased pollution, and generally compromising the quality of life. While recent policy adoption has lessened these impacts by restricting approvals on properties used for work/live or residential purposes, there continue to be conflicts and displacement<sup>10</sup> exposing a gap that needs to be filled in order to protect Oakland’s creative workforce.

One potential solution is to create a new cannabis-related land use category in the Planning Code, to allow the Planning and Building Department to have more regulatory oversight over Cannabis uses, and allow potential land use conflicts to be assessed and mitigated before a cannabis business receives permits.

Another idea would be to alter the borders of the cannabis green zone to protect existing clusters of artists and makers, including live/work space, from displacement by cannabis businesses. The process would include identifying clusters of live/work, work/live, and artist workspace in the industrial zone and

[Oakland’s Cultural Assets map](#)

[Cannabis Facilities Permitted Zones Map](#)

[Cannabis Ordinance Changes Sept. 18, 2020](#)

<sup>10</sup> KQED. “A Denver-Based Firm Is Using Huge Diesel Generators to Grow Cannabis in East Oakland. Now the City Is Trying to Shut Them Down.” Accessed May 8, 2022. <https://www.kqed.org/news/11908979/a-denver-based-firm-is-using-huge-diesel-generators-to-grow-cannabis-in-east-oakland-now-the-city-is-trying-to-shut-them-down>.



removing those areas from the cannabis green zone. The Cultural Assets map linked in resources is a starting place, but it is not complete. Live/work is not tracked as a category by the planning department.

The Cultural Affairs Commission is open to alternative options that further protect cultural workers impacted by cannabis manufacturing, cultivation and other cannabis businesses.





**Theme 2: Cultural Infrastructure**

**Recommendation 2A: Expand the use of zoning regulations being piloted in the Downtown Oakland Specific Plan to increase first-floor cultural spaces to Districts 6 & 7.**

*Benchmark: Zoning regulations added to more districts*

*Guiding Principle: Maintain and create thriving, culturally-rooted local businesses and organizations (particularly of historically marginalized communities), Return from being displaced from Oakland, Create and activate public and private spaces in which to negotiate and build community that are culturally-equitable, safe, and healthy*

Rationale	Resources
<p>The Downtown Oakland Specific Plan (DOSP) will be piloting the use of a new cultural building category and requiring new developments to designate 50% of the ground floor storefront to be used as cultural space. Districts 6 and 7 lack cultural infrastructure relative to other districts<sup>11</sup> and would benefit from similar stimulation and incentives to increase and promote vibrancy.</p> <p>If the same tools cannot be expanded to other areas, consider alternatives that can also improve cultural infrastructure like a development fee to invest in city-owned cultural assets such as libraries, recreation centers, and open space.</p> <p>The Cultural Affairs Commission should be consulted on the definition of “cultural activity” to ensure it does not exclude important cultural stakeholders.</p>	<p><a href="#"><u>White Paper: Strategies for Protecting and Creating Arts &amp; Culture Space in Oakland</u></a></p> <p><a href="#"><u>Belonging in Oakland: A Cultural Development Plan</u></a></p> <p><a href="#"><u>The Downtown Oakland Specific Plan: Planning Code Amendments</u></a></p> <p><a href="#"><u>Oakland’s Cultural Assets map</u></a></p>

<sup>11</sup> “Cultural and Creative Cities and Regional Economic Efficiency: Context Conditions as Catalysts of Cultural Vibrancy and Creative Economy.” *Sustainability* 13, no. 13 (2021): 7150. <http://dx.doi.org.libproxy.berkeley.edu/10.3390/su13137150>.



**Recommendation 2B: Establish a working group to make recommendations to the City Council for the timely development and implementation of a Cultural Facilities Policy.**

*Benchmark 1: Working group established*

*Benchmark 2: Cultural Facilities Policy added to general plan*

*Guiding Principle: Have spaces that facilitate cultural production and allow for exchange and innovation, Create and activate public and private spaces in which to negotiate and build community that are culturally-equitable, safe, and healthy*

The City of Oakland lacks a comprehensive and cohesive cultural facilities policy which could among other things:

1. Preserve cultural spaces and prevent loss
2. Provide guidance on type and geographies of needed cultural facilities development
3. Improve equitable access to cultural facilities
4. Increase stock of cultural facilities

The working group should include collaborators from the Division of Cultural Affairs, the Planning Department, the Department of Parks, Recreation and Youth Development, and Oakland Public Library.

The goal and North Star of the working group should be to create a cultural facilities policy which can be integrated into the general plan. Special attention should be focused on city-owned properties.

[\*Belonging in Oakland: A Cultural Development Plan\*](#)



**Theme 3: Cultural Equity Impact Assessment**

**Recommendation 3A: Establish the use of a Cultural Equity Impact Assessment as a condition of California Environmental Quality Act (CEQA) review**

*Benchmark: Addition of Cultural Equity Impact Assessment to CEQA review process*

*Guiding Principle: Stay in their homes, Maintain and create thriving, culturally-rooted local businesses and organizations (particularly of historically marginalized communities), Create and activate public and private spaces in which to negotiate and build community that are culturally-equitable, safe, and healthy*

Rationale	Resources
<p>A Cultural Equity Impact Assessment would codify a process within the Department of Planning and Building to understand potential harms on culture and equity of proposed developments. Furthermore it recognizes the City of Oakland’s responsibility to practice “equity in city practices that eliminates all forms of discrimination in City activities” as outlined in the establishment of the Department of Race and Equity. A Cultural Equity Impact Assessment can identify:</p> <ol style="list-style-type: none"> <li>1. Potential loss of cultural vibrancy</li> <li>2. Impacts on marginalized communities</li> <li>3. Impacts of additional housing units on public facilities and open space</li> <li>4. Threats of displacement</li> <li>5. Ways to mitigate these potential harms</li> </ol>	<p><a href="#"><u>Belonging in Oakland: A Cultural Development Plan</u></a></p> <p><a href="#"><u>Department of Race and Equity</u></a></p> <p><a href="#"><u>Hawaii SB 987 requiring environmental impact statements assess effects on cultural practices</u></a></p>



**Theme 4: Right of Return**

**Recommendation 4A: Codify guiding preference policy in the general plan to allow displaced Oaklanders the right of return.**

*Benchmark: Preference policy added to General Plan*

*Guiding Principle: Return from residential and business displacement*

Rationale	Resources
<p>Systemic and historic housing policy injustices, escalating rents, housing unaffordability, and gentrification are all significant contributors to the Oakland housing crisis as well as the residential and business displacement of Oaklanders.<sup>12</sup> The Cultural Affairs Commission urges the adoption of a preference policy to protect Oaklanders impacted by displacement. A right of return policy will add value to the various measures aimed at protecting and maintaining Oakland’s diversity and cultural vibrancy.<sup>15</sup></p>	<p><a href="#">Belonging in Oakland: A Cultural Development Plan</a></p> <p><a href="#">Portland, OR preference policy</a></p> <p><a href="#">Austin, TX resolution for a preference policy</a></p>

<sup>12</sup> Deeply Rooted. “Housing and Environmental Justice Workshop.” April 2022. [https://cao-94612.s3.amazonaws.com/documents/DR-April-Workshop-Housing-EJ-slides\\_2022\\_0408-1.pdf](https://cao-94612.s3.amazonaws.com/documents/DR-April-Workshop-Housing-EJ-slides_2022_0408-1.pdf).

<sup>13</sup>“Belonging in Oakland: A Cultural Development Plan,” Spring 2018. <https://cao-94612.s3.amazonaws.com/documents/Cultural-Plan-9.24-online.pdf>.



June 01, 2022

RE: City of Oakland Draft Housing Element FY 2023-31

Dear Lakshmi Rajagopalan,

Thank you for the opportunity to help inform the City of Oakland's General Plan Housing Element. **We are writing to highlight the housing needs of families with young children and early care and education professionals living in Oakland and Alameda County.** The City of Oakland can invest in supports for families with young children and the early care and education (ECE) workforce through investments that promote the *structural conditions associated with child wellbeing*, including kindergarten readiness, a predictor of 3<sup>rd</sup> grade success which is itself a proxy for long term academic, career, and life outcomes.

Healthy, thriving communities are crucial for developing young minds and family well-being. [Science](#) tells us that there is a direct link between early childhood development, community and family conditions, and our city and county's stability and prosperity. Our biennial [Kindergarten Readiness Assessment](#) (KRA) consistently finds that kindergarten readiness is strongly linked to family access to basic needs, with housing at the center. This year, upon surveying over 3,000 people in the county – parents, early childhood educators, TK and kindergarten teachers, and with the guidance of our community-led Research Advisory Group, **housing and basic needs emerged as a top priority.** The study included 475 parents with Oakland addresses, 70 K/TK Oakland Unified School District teachers, and 150 ECE professionals in Oakland. [These findings build on the evidence highlighting that the cost of living in Oakland and Alameda County has far outpaced families' abilities to make ends meet](#), and those structural inequities result in disparate outcomes for families of color and those with low incomes.

We support and encourage the city to prioritize policies, practices, and investments that:

- 1. Increase the supply of affordable housing options for families with young children to support child health and well-being and prevent displacement of Black families and families disproportionately impacted by inequitable policies with racist and classist underpinnings.** Housing costs result in little or no disposable income for many families—putting pressure on families to decide between other basic needs like child care, food, and diapers.
  - 50% of renters in Alameda County pay more than one-third of their income for rent. For families of young children, the cost of child care creates an additional financial burden and contribute to financial instability. See more in our [Data for Action](#) guide.
- 2. Adopt housing policies that support and advance the workforce of professionals who support our families including the ECE workforce, navigators, case workers, and family resource providers.** The high-cost of living in Alameda County also impacts our local community workforce. For example, the ECE workforce has historically earned lower wages than other educators in the public system. Affordable housing is a particularly pressing need for the population of mostly women small business owners who operate local family child cares homes;

without affordable and stable housing, family child care providers who provide home-based care face this risk of losing their business, and our community faces the risk of losing the critical service they provide. In [Alameda County](#):

- Fifty-nine (59%) of family child care providers reported earning less than \$15 per hour and struggle to meet their basic needs including covering the cost of rent or mortgage. In Oakland, approximately 40% of center directors and family child care providers rent their facility/home (192 of 481 child care programs).
- Eighty-seven (87%) of ECE professionals, 79% of whom identify as Black, Indigenous, or other women of color, are considered very low-income for the county.
- In our recent ECE facilities needs assessment survey we found:
  - 87% of Oakland center directors and family child care providers expressed interest in expanding their program to serve more children but have not been able to due to lack of resources and support.
  - 69% of Oakland center directors and family child care providers reported at least one component of their center or home as “inadequate or substandard”

**3. Expand and prioritize supports for unhoused pregnant people and families with young children.**

The high costs of housing and population growth have made Alameda County a hot spot for housing instability and homelessness in the state of California. According to the [Department of Housing and Urban Development](#), *the first year of life is when people are most likely to enter shelter and transitional housing programs, followed by ages one to five*. Pregnant women and families with young children are particularly at risk when they face housing instability. Currently in our county, families with newborns cannot leave the hospital without a car seat, but they can leave without a home.

- One in five pregnant women who are homeless give birth prematurely, according to research findings cited in the [California Health Report](#).
- In 2018, the homeless management information system showed 969 families with 2,917 members as homeless in Alameda County, including 433 children ages 0-5. We know these numbers do not reflect the true extent of the issue as many families do not come forward to ask for assistance out of fear and live in their vehicles or with friends instead.

**4. Support place-based investments to promote family friendly neighborhoods.**

As part of the [Neighborhoods Ready for School](#) (NRFS) strategy, First 5 Alameda funds trusted community organizations and family resource centers to build an ecosystem of support for families in the community. Three of our four NRFS grantees are in Oakland - Lincoln, San Antonio Family Resource Center, and Roots Community Health Center are working with partners to promote neighborhood conditions where families can thrive. These grantees quickly pivoted at the start of the pandemic to provide basic needs, health and safety supplies, and other family resources via trusted messengers in community. The city could build upon such place-based investments in a coordinated effort to support family friendly neighborhoods - including access to basic needs, affordable housing, child care, transportation, neighborhood libraries, and safe, green and accessible schools, parks, playgrounds. In our [latest KRA](#) we found that:

- Connection to resources (i.e. family navigation to economic supports and basic needs, including housing) was significantly correlated to higher kindergarten readiness

- Families who resided in a higher-income neighborhoods reported higher readiness, and neighborhood assets (i.e. safety, parks/playgrounds, libraries) were correlated with readiness, regardless of family income
- Families want policies that invest in the local economic development to support job creation and advance living wages particularly for Black and Brown communities

Our mission at First 5 Alameda County is to build an early childhood system of care that cultivates the community and family conditions needed to support children’s kindergarten readiness; as a funder, partner, administrator, and advocate, we prioritize policies, programs, and investments that narrow disparities and improve the lives of children from birth to age five, their families, and their caregivers. We partner with community-based organizations to ensure that families and providers have the resources they need for children to thrive—including basic needs, connections to services and information, and peer support to promote mental health and well-being. Through our work, we seek to improve underlying structural conditions and outcomes.

For these reasons, we urge the City of Oakland to consider the needs of families with young children and the early care and education workforce in the 2023-2031 Housing Element Plan. We look forward to the opportunity to partner with the City of Oakland to advance investments that make Oakland a city where all families and children can thrive.

Sincerely,



Kristin Spanos  
Chief Executive Officer  
First 5 Alameda County

6/1/22

## EBHO Oakland Committee Meeting

- Liana
  - What are some concrete action items that have already been agreed upon?
  - RHNA numbers – how does the City anticipate being able to meet RHNA goals?  
Explanation of buffer
  - Constraints – noted that staff mentioned high fees as a constraint, but from what Liana hears, fees aren't high enough
- Jeff
  - Fees – need to distinguish btwn planning and building fees, the extent to which the fees are barriers, impact vs permitting fees
  - Please include an executive summary of the HE – organization and content
  - Sites – map of sites across the city with council districts, distinguish sites for lower income housing/market rate. Sites inventory needs to be sent to HCD can that be available to the public. Map sites against areas of concentration race/income - higher income and largely white neighborhoods; extent to which we are putting multifamily and aff housing into those areas. What share of lower income housing sites are going into high opportunity/high segregation areas?
  - How is the ADU production/affordability generated?
  - Maps from state maps – RECAP – not a terribly useful way of looking at segregation
  - HAP – is the list of new programs in the HE anywhere? Plan/study/consider - proposed policies with respect to inclusionary zoning will be presented to the Council for consideration by a specific date so that we are not endlessly studying. Policies will in fact reduce the racial disparities in housing opportunity/outcomes/conditions identified in the fair housing assessment
- Melody
  - What are some of the plans for seniors?



6/1/22

## Planning Commission Meeting Notes

- Comments
  - Commissioner - Why didn't we build on opportunity sites from the previous cycle(s)?
  - WG - What will induce a developer to build housing? Those elements may not have been in place; obstacles were not always removed to induce a developer to build housing on the site
    - Moved regulations to having zoning allow housing by-right on those sites via state law
    - Hindsight analysis about areas where opportunity sites were / were not developed
  - Jeff Levin – 1999-2014, the city averaged less than 1,000 units per year. What actions is the city taking to encourage affordable housing development as a result of SB9? Five year impact fee study – when will this occur?
  - Daniel Gregg - Encourage development of local construction labor, apprenticeship programs, workable local hire, workforce necessary to build housing we desperately need
  - Michael Gabriel – lean toward objectivity. Action 2.2.8 investigate TOPA/COPA. Action 1.1.3 - strengthen ellis act – strengthen is an advocacy word. Implement, evaluate, monitor might be better words. Lacking information and education about how to follow rules on the landlord's side. Action 1.1.8 - rental registry – evaluate the value of instead of advocacy. Limit condo conversions – evaluate or impact instead
  - Tuan Ngo – TOPA/COPA - consider public input, change on p57 to reference this as an approach; moving private properties into social housing; will negatively impact small mom and pop owners. This policy is not effective; richmond city council unanimously voted to halt this program. Affordable housing directly into hands of low income tenants, provide downpayment assistance to homebuyers
  - Lucky Thomas – resident in west oakland. Member of In it together Oakland. Housing can be provided in many different ways/forms than just TOPA/COPA, shouldn't just be the GPU. Housing plan needs to be objective, shouldn't be advocacy for a political view or position. We should look at how do we best preserve our city, support mom and pops, small property owners, all of the rights/abilities to operate one's property. Remove TOPA/COPA. Explore condo conversions, cooperatives, etc
  - Chair Manus – statements about objectivity vs objectivity in the Housing Element, what does WG think?
  - Commissioner Shirazi – thorough and thoughtful HE. Map of sites – Rockridge area does not have any identified sites – is this because of rezoning program?
  - Chair Manus – convergence of building typology in the zoning. Having those who build / develop as a part of the assumptions about where upzoning is logical – make sure building code updates are reflected. Changing building type from Type 3 to Type 4
  - Commissioner Fearn – is there cliff notes version of what the State wants to see related to AFFH thresholds in the HE? Housing should be located in high resource areas,

increase investments in low resource areas. Are we leaning on our policies to ensure we meet RHNA bc we're not locating housing in opportunity sites

- Commissioner Sugrue - Conversations with market rate and affordable housing types affordable within a 5-10 year range? Townhomes are the most lucrative products now. How can we be as predictable as possible?
  - Haven't specifically heard about what types of housing developers want to build, but we've heard that they want zoning to allow for a mix of housing types
- Commissioner Shirazi – Map in appendix C. Sites Inventory is just a tool to demonstrate we can meet our numbers. AFFH helps us determine beyond the Sites Inventory where we want to pursue development. It seems more equitable now looking at these maps together. Working with Economic Development and HCD to ensure that displacement pressures are mitigated / working with other existing plans and policies to align?
- Daniel Gonzalez – TOPA/COPA HE – in the current version of that ordinance, it also allows for a 50% rent increase on tenants in a 5 year period. Policy isn't well thought out yet, shouldn't be a part of the HE
- Jeff Levin – RHNA and regional efforts to reduce racial disparities – Oakland's share of regional housing need has declined bc we advocated to ensure that the suburbs get more of the share of housing production. Product types – map zoning to production types; sweet spot is 4-5 stories on top of concrete podium, height limit of 70 ft. AFFH – sites need to show we are breaking down patterns of segregation – are we also providing opportunities in racially segregated areas, specifically white affluent part of town. Place-based strategies in investing in non-housing like infrastructure and facilities – must be coupled with investing in lower income neighborhoods. Policies need to show that we will reduce racial disparities in housing and metrics.
- Commissioner Renk – HAP – we already know we need to expand City resources, so how do we think about taking all of these goals, policies, and actions and turn them into reality? How do we do this when staff are already low capacity? Is there a step where some of this is winnowed down?
  - We are already working toward implementation
- Commissioner Jones – how does city see growing trend of integrating ADUs in townhomes – how does this contribute to HE as a whole? Innovation in the market place
- Commissioner Sugrue – receptivity of the GPU has been incredible based on emails and input he's received thus far
- Commissioner Shirazi – overarchingly, all of these policies are either proven to be positive or good to study in Oakland since we are not quite sure yet about some policies. Implementation is the next step – iterative, we should think about a midway point in the cycle, which would ultimately save us time and resources. Action 2.2.3 residential demolition – current ordinance may not be living up to what the goals were; we should look broader. Limit condo conversions – has good intentions, but may unintentionally limit housing purchase opportunities



June 7, 2022

Director William Gilchrist  
Department of Planning and Building  
City of Oakland  
350 Frank Ogawa Plaza  
Oakland, CA 94610

RE: Draft Housing Element 6th Cycle (2023-2031)

Director Gilchrist,

We write to provide comments on Oakland's Draft Housing Element for the 6th Planning Cycle (2023 - 2031). Overall there are many strong programs proposed in the Programs and Policies within this draft. Conversely, we have identified issues with sites within the site inventory, including the Affirmatively Further Fair Housing (AFFH) supplemental sites, related to likelihood of development, location and the non-inclusion of promising, underutilized sites in low-VMT and high-resource tracts.

Our comments, summarized, mainly fall along the following lines:

1. There are significant issues with the location, feasibility, documented landowner disinterest and development standards with the Supplementary AFFH. Some of the Supplementary AFFH sites are actually located in low-resource tracts, which runs counter to the text and spirit of HCD's AFFH guidance.
2. Several vacant and underutilized sites in high-resource tracts, especially near Rockridge BART, were not identified as Low-Income RHNA sites despite strong support from the community via the City of Oakland's own Maptionnaire survey tool. The City of Oakland's reasoning for not increasing the allowable height and density is questionable and inconsistent with actions taken elsewhere within the Draft Housing Element.
3. The City of Oakland has proposed many sorely needed actions within its Policies and Programs, including plex development in R-1 zones, an affordable housing overlay, and transit/high-resource rezoning. We provide comments on how to ensure these policies are crafted to meet their stated goals.

### **Site inventory**

1. 288 9th Avenue (APN 018 046500204) - This site is on top of Township Park and Rocky's Market. It is unlikely this site will discontinue use within the eight year planning period. Please re-allocate these 274 units of low-income to another site or sites.

2. 514 Shattuck Avenue (APN 013 115400905) - This site is a low vacancy strip mall in Temescal and tagged as an supplementary AFFH site. The prescribed 182 units are unlikely to outbid the existing profitable uses.
  - a. Does the City of Oakland have documentation from the landowner demonstrating interest in developing this site within the next eight years?
  - b. There are nearly a dozen businesses renting on this site. Will those leases run beyond the planning period?
  - c. The City of Oakland should consider increasing the allowable density above 182 units and increasing allowable heights to ensure this site is actually developed within the planning period.
3. 6039 and 6029 College Avenue (APNs 014 126800100; 014 126800100) - These are two adjacent vacant parcels in a high-resource tract very close to Rockridge BART. Collectively these sites of .4 acres will yield 26 units under existing zoning and development standards. Despite being  $\frac{1}{4}$  mile from Rockridge BART, the City of Oakland imposes a 35' height limit on this site.
  - a. In the notes for these parcels, the City of Oakland says it will not designate these parcels as Low-Income RHNA sites and re-zone them because they are below a .5 acre adequacy threshold for Low-Income sites per HCD Guidance.
  - b. These sites received some of the highest Maptionnaire Site Selections within the city's survey tool designed to solicit community feedback for siting housing as part of the Housing Element. Collectively these parcels received 23 recommendations for additional housing.
  - c. The NIMBY group Rockridge Community Planning Council has tried to get the City of Oakland to buy these parcels and create a park for years in order to prevent mixed-income or affordable housing development at the site.
  - d. The City of Oakland's reasoning for not designating this site as Low-Income and re-zoning is inconsistent with its other actions within the Draft Housing Element. For example, 4225 Broadway is a .15 acre site that is designated as a Low-Income site. 4225 Broadway is far below the .5 acre adequacy threshold for Low-Income sites provided by HCD guidance. By contrast, 6039 and 6029 College Avenue are only a 1/10th of an acre below this same threshold. In addition, 4225 Broadway has existing uses that would need to be demolished whereas 6039 and 6029 College Avenue are currently vacant. 6039 and 6029 College Avenue are also closer to Rockridge BART and are in higher-resource tracts compared to 4225 Broadway and are more likely to be feasible for construction provided additional height and density.
  - e. The City of Oakland should designate 6039 and 6029 College Avenue Low-Income sites. In addition, the City of Oakland should rezone and relax development standards to allow for at least 75 DUAs and 55' of height. This density and height is typical for sites in close proximity to BART stations. Given the wide range of small lot infill in Oakland over the past ten years as well as the prime location for TCAC

scoring, the City of Oakland should be able to provide additional analysis to meet HCD's scrutiny of Low-Income sites below the .5 acre threshold.

- f. In the alternative, the City of Oakland should retain 6039 and 6029 College Avenue as Moderate-Income sites and rezone and relax development standards to allow for at least 75 DUAs and 55'. This density and height is typical for sites in close proximity to BART stations.
  - g. **As discussed below, every BART station in Oakland apart from Rockridge has been host to specific plans to facilitate transit-oriented development. The City of Oakland's failure to identify 6039 and 6029 College Avenue as sites for Low-Income or otherwise increase the allowable height and density perpetuates a pattern or practice of the City of Oakland excluding low-income and multi-family housing from this high-resource and heavily segregated neighborhood.**
4. 4400 Telegraph (APN 013 109902600) - This site is proposed for 24 units of Low - Income RHNA housing at a site owned by Critical Resistance, an abolitionist non-profit.
- a. An August 12, 2019 article from KQED describes how the prior owner of this parcel sold it to Critical Resistance after rejecting offers from "condo developers."
  - b. Does the City of Oakland have documentation of interest from the property owner in developing this parcel within the eight year planning period?
5. 525 21st Street (APN 008 064503301) - This site is owned by the Department of Veterans Affairs and is proposed for 137 Low-Income units per RHNA. This site is coded as an AFFH supplementary site in a "moderate-resource" census tract.
- a. Does the City of Oakland have documentation of interest from the property owner in developing this parcel within the eight year planning period?
  - b. The Draft Housing Element claims this site is in a moderate-resource tract. The 2022 TCAC Opportunity Map, however, shows this site as a low-resource tract. Given the concentration of low-income housing, supportive services, particulate matter from 980 and 580, lack of access to grocery stores and other resources, few Oaklanders would consider siting low-income housing at 525 21st Street as affirmatively furthering fair housing.
  - c. Provided the Department of Veterans Affairs has expressed written interest in developing the site within the eight year planning period, this site should remain in the site inventory but should not be counted as a supplemental AFFH site. We have provided several sites in moderate and high-resource tracts below where these Low-Income RHNA units could be accommodated.
6. 4225 Broadway (APN 012 100200900) - This .15 acre site projected at 8 units of Low-Income RHNA housing is coded as a supplementary AFFH site.
- a. This site falls below the .5 acre adequacy threshold per HCD guidance. The City of Oakland provides zero analysis or justification as to why this small site would be developed or the city's track record of developing low-income housing on these sites.

- b. TCAC will not finance 8 unit low-income projects with tax credits. How does the City of Oakland expect a low-income housing developer to finance new construction at this site?
  - c. There are several vacant and underutilized parcels surrounding 4225 Broadway that could be consolidated to create a more feasible low-income development opportunity site. Why weren't these sites included?
- 7. 4200-4224 Broadway (various APNs) - This supplementary AFFH site is in a good location and would replace underutilized commercial uses and parking lots. The 60 DUAs, however, are unlikely to outbid existing commercial uses. Consider increasing allowable density to 75 DUAs.
- 8. 6028 Claremont Avenue (APN 014 126803501) - This site is proposed for 23 Low-Income RHNA units in Rockridge on top of an existing office building. It is less than a ¼ mile from Rockridge BART. The site does not include adjacent parking lots that appear to serve the subject office building. The site is subject to a 35' height limit.
  - a. The decision to include the office building, but not the parking lots that serve it is bizarre. The former Dreyer's headquarters, of which the subject site is part of, are owned by a single owner. Why would the owner demolish an existing office building to be rebuilt into 23 units of low-income housing but retain the surrounding parking lots that serve that office?
  - b. 23 units of low-income housing will not outbid an office use so close to BART, especially with a 35' height limit.
- 9. 3875 Telegraph Avenue (APN 012 096800301) - This supplementary AFFH site is proposed for 35 Low-Income RHNA units. The existing use is a surgery center that is close to MacArthur BART, on a commercial corridor and is underutilized relative to its land value.
  - a. The owners of this site previously refused rezoning between 2006 and 2008 as part of the MacArthur BART Transit Village PUD.
  - b. The owners previously expressed interest in expanding the surgery use as recently as 2017.
  - c. Given the owners' prior resistance to rezoning the site for housing, the City of Oakland must provide written proof of interest from the landowner in development of the site within the eight year planning period.
  - d. This site, 1/8 of a mile from MacArthur BART, can accommodate much more density than 75 DUAs. If the owner provides written proof of interest in development, please consider increasing allowable density to 125 DUAs.

In order to effectively meet the demand for additional sites, especially in moderate to high-resource areas with low-VMT, we have provided a list of additional sites we ask you to consider.

#### Suggested Site Inventory

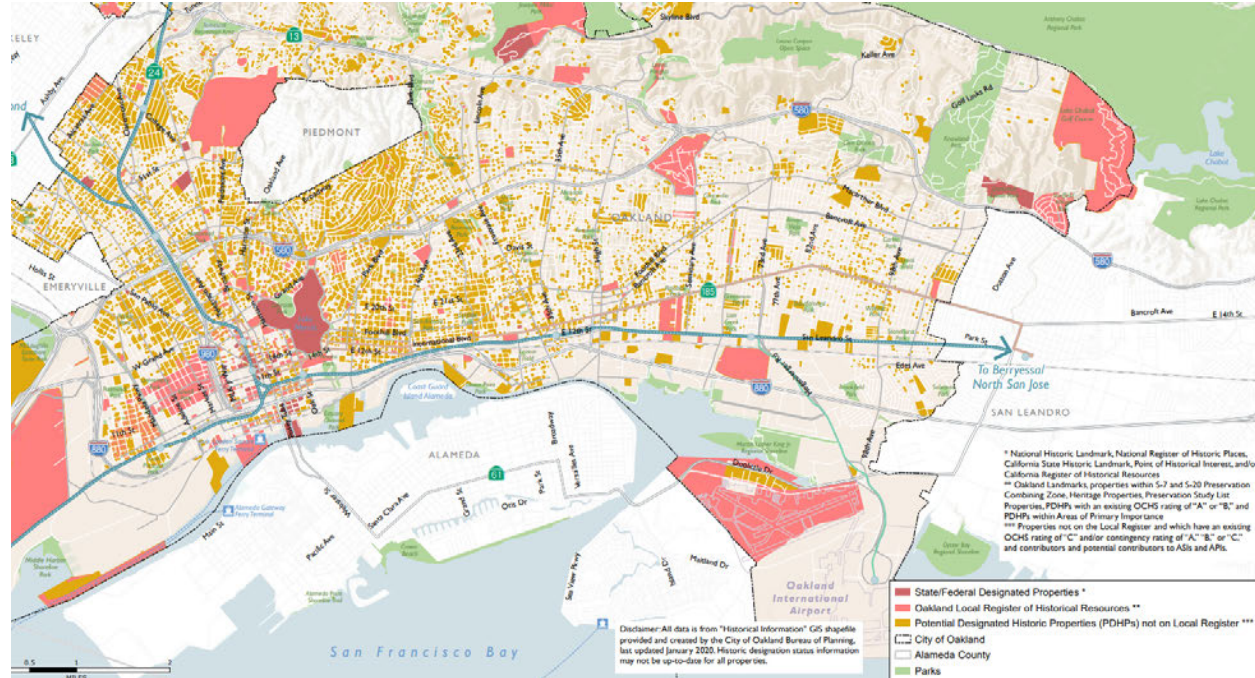
1. 501 MacArthur - underutilized commercial use at the corner of two commercial corridors.

2. 5352 Claremont Avenue - 1.5 acre underutilized commercial use surrounded by a large parking lot.
3. 3901 Broadway - underutilized fraternal lodge and parking lot.
4. 5216 Broadway - one of two Shell Gas stations within ½ mile of each in a high-resource neighborhood.
5. 6046 Claremont - .6 acre surface parking lot near Rockridge BART.
6. APN 14-1268-9-1 - .5 acre surface parking lot near Rockridge BART.

### **Programs and Policies Program**

We are excited to see many bold programs and policies. We offer the following comments:

- Action 3.2.1 - Plex upzoning in single-family neighborhoods
  - Consider using five units as the base permitted density to allow for projects opt-in to the State Density Bonus Law and provide deed-restricted units on-site.
  - Consider allowing up to six units for larger lots and corner lots.
  - Provide a ministerial approval process so that small developers and property owners with lower risk tolerances can participate in the program.
- Action 3.3.5 - Affordable Housing Overlay
  - Please do not exempt historic districts from this policy. Historic districts and potential designated historic properties (PDHPs) tend to exist in high-resource areas that have historically excluded low-income housing. For reference, Oakland PDHPs are most highly concentrated in Rockridge, Trestle Glen and other high-resource neighborhoods that historically excluded low-income housing. By contrast there are relatively few PDHPs in low-resource places like East and Deep East Oakland where many low-income housing units have been developed historically.



- 
- In case the City of Oakland decides to allow historic districts to be exempted from an Affordable Housing Overlay that exemption should only apply to historic districts that existed as of January 1, 2022. This will prevent the sort of defensive, dubious landmarking that we have seen from high-resource areas such as St. Francis Wood and Pasadena in direct response to the passage of SB9.
- Action 3.4.1 - Revise development standards, including allowable building heights, densities, open space and setbacks requirements
  - Transit-proximate zoning areas
    - The following BART station areas within Oakland have been subject to a specific plan to allow for transit-oriented development on public and/or private land nearby: Coliseum, Fruitvale, Lake Merritt, West Oakland, 12th Street, 19th Street, MacArthur. Tens of thousands of units have been constructed or in the process of being developed within these specific plan areas.

**The only BART station area in Oakland that has not had a specific plan developed and implemented is Rockridge.** This station area contains some of the highest-resource tracts in Oakland and is one of the most “whites-only” census tracts in Alameda County, according to the Haas Institute for a Fair and Inclusive Society.

The last low-income housing development constructed in Rockridge was the Otterbein Manor (SAHA Homes) in 1973. This development was completed one year prior to the 1974 Rockridge Downzoning. The 1974 Downzoning was an explicitly racist downzoning movement reacting to



state and federal fair housing laws, the perceived encroachment of Black families into the neighborhood and plans for transit-oriented development near the newly constructed BART station.

**Any transit-proximate rezoning and revision of development standards must include the Rockridge station area. If the City Oakland fails to include the Rockridge station area with transit-proximate revision of zoning and development standards, it would perpetuate an existing pattern or practice of the City of Oakland of excluding low-income and multi-family housing from this high-resource and heavily segregated neighborhood.**

- Additional height and density should be allowed at least a ½ mile of heavy rail stations and within ¼ mile of high frequency bus stops. This represents the watershed for most transit users. Where areas have access to both rail and high-frequency bus transit access overlap, such as in North Oakland, greater additional height and density should be allowed.
- For these rezonings priority should be given to vacant or underutilized commercial land and owner-occupied residential land. Consider limiting rezonings on top of filtered or rent-controlled rental housing.
- Resource-rich areas
  - Consider providing setback and other development standard relief in addition to permitting 30 DUAs by-right in resource rich areas.
- Corridors
  - Foothill Boulevard, MacArthur Boulevard and International Boulevard are all commercial corridors in East Oakland that are specifically called out by name as requiring additional height and density for development to work. While we support additional height and density along these corridors, it is frustrating that similar corridors with low height limits remain unmentioned despite having similar issues with height and density.

For example, Shattuck Avenue in North Oakland was downzoned to a 40' height from 50' in 2011. In 2021 a development application at 6300 Shattuck for housing at 50' (grandfathered in from a deemed complete application from 2010) was appealed by nearby property owners. This stretch of Shattuck Avenue is within easy walking/cycling distance to Ashby BART and near several bus routes and is in a high-resource tract. The appeal was dismissed by the Planning Commission, but it exemplifies how badly-needed multi-family housing near transit and low-VMT in higher-resource neighborhoods is often opposed and delayed by homeowners and property owners. The homeowners and property owners in higher-resource tracts have also historically been able to downzone

heights and densities on their corridors while allowable heights and densities on corridors in lower-resource areas of Oakland are increased.

The City of Oakland should commit to increasing heights and densities on commercial corridors in moderate and high-resource neighborhoods by name. Exemplar commercial corridors: Shattuck Avenue, Piedmont Avenue, upper Broadway, upper Telegraph Avenue, 51st Street, College Avenue, Grand Avenue, Lakeshore Avenue and Claremont Avenue.

- Action 3.4.2 - Revise Conditional Use Permit (CUP) requirements
  - While we support the removal of CUPs for multifamily housing development in RD-2 and RM zones, we request the City of Oakland please extend this action to include RD-1 zones as well.
- Action 3.4.3 - Revise citywide parking standards
  - Consider removing all parking minimums for housing development. At the very least, expand the ability to zero out parking minimums to all low-VMT areas.
  - Consider instituting parking maximums for residential development to reduce VMT and prevent overparking in downtown high-rise development.
- Action 3.5.3 - Advocate for statewide legislation on social housing
  - We are happy to see support for our sponsored legislation AB2053. Please consider sending a letter of support on behalf of the City of Oakland ahead of AB2053's June 21, 2022 Senate Housing Committee hearing.
- Action - 3.5.4: Evaluate acquisition and development opportunities for moderate- and middle-income households
  - While we support efforts to acquire and develop moderate-income housing we must caution against the use of bond-financed JPAs such as CalCHA for this task. These entities command high fees and underwrite risky debt.
  - The City of Oakland should consider creating and capitalizing an arms-length corporation to develop limited-equity cooperatives for moderate-income households, including public sector and essential workers.
- Action 3.7.5 - Encourage different sizes of housing for larger families – including affordable housing with courtyards, multigenerational housing
  - The City of Oakland should commit to studying the impact of second egress requirements for the feasibility of small and medium lot development of multifamily housing with 3 and 4 bedroom units.
    - The requirement of a second stairwell for purposes of egress reduces the usable floor plate for living space. The additional circulation forces many designers to arrange units along double-loaded corridors with internal hallways. This layout reduces the ability to provide natural light for more than 1 or 2 bedrooms (access to light or a light well is required for a habitable bedroom). The requirement for a second stair is a key driver in the relative overproduction of studios and 1 bedroom units compared to family-sized units.

- The US is one of two developed countries in the world that doesn't allow single stair multifamily construction for at least four to five story buildings. Other developed countries provide a second means of egress via a fire ladder or other means.
    - Single stair multifamily buildings can also provide better access to light as well cross-ventilation. This makes it easier for new housing to meet passivehouse standards and reduce operational energy demands. In addition, because less circulation space allows for more floor space to be dedicated to group open space like courtyards or private open space like balconies or decks.
  - The City of Seattle passed and implemented local building code amendments in 1975 to allow a single stair as means of egress for buildings up to six stories. The current code caps such single stair structures to four units per floor, requires automatic fire sprinklers and imposes other fire-rated and corridor requirements. The City of New York also allows single stair buildings with similar mitigations. <https://secondegress.ca/>
  - The City of Oakland should study local building code amendments to allow up to six stories with single stairs with mitigations for fire, life and safety.
  - The City of Oakland should commit to supporting state legislation to direct the California Building Standards Commission to study allowing single stair multifamily housing up to six stories with proper fire, life and safety mitigations.
- Action 3.3.14 - Evaluate the creation of a leveraged acquisition fund or debt/equity funds for small sites to support site acquisitions for affordable housing
  - Under Section 2.41.020 of the OMC, the City Administrator must seek City Council approval for purchases of any land valued at over \$100,000. There is no parcel in Oakland with development or anti-displacement utility valued at \$100,000 in 2022. This authority should be increased to, at least, \$1,000,000 (pegged at CPI) to allow Oakland HCD staff to move quickly when the opportunity and funding present themselves for land acquisition.
- Action 1.1.8 - Create and maintain a rental housing registry
  - This policy is critical for the enforcement of SB330/SB8 tenant demolition and right to return policies. Oakland HCD needs this tool to be able to coordinate with Oakland Planning on evaluating development applications that propose to demolish protected housing and ensuring compliance with relocation and right of first refusal policies post-entitlement.
- Action 2.2.5 - Extend local replacement unit provisions
  - We appreciate Oakland's commitment to codifying these provisions locally beyond the current 2031 sunset. That codification must be paired with more proactive enforcement of SB330/SB8 demolition protections. In November 2021, EB4E notified Oakland Planning that an application for development at 469 40th Street did not include sufficient replacement units under SB330. The application was eventually re-submitted and approved with the necessary replacement units.

Projects should not be put out to public notice unless they have clearly demonstrated they have complied with SB330/SB8 demolition protections and provision of replacement units.

- We request that Oakland Planning work proactively with Oakland HCD to create internal processes to help ensure displaced tenants are not lost in the post-entitlement and demolition process.

Thank you for considering these comments. We are available to discuss them via phone or video conference, if necessary.

Sincerely,

John Minot  
Jonathan Singh  
EB4E Co-Executives

cc:  
CA Department of Housing and Community Development  
YIMBY Law  
California Renters Legal Advocacy & Education Fund

## Re: Housing element - alternative to blanket upzoning

Rajeev Bhatia <[REDACTED]>

Wed 6/8/2022 10:13 PM

To: Stuart Flashman <[REDACTED]>

Cc: Ranelletti, Darin <[REDACTED]>; General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hello Stuart,

Thanks for your input. Great suggestion, and the the short answer is Yes. There is a specific program in the Draft Housing Element for this; see page 68 of the draft:

### **Action 3.3.5: Implement an affordable housing overlay.**

The City will create an affordable housing overlay to streamline the approval of affordable housing by right. Potential features of this overlay could include ministerial approval of 100 percent affordable housing projects, increased height and density allowances, waiver of parking requirements, and reduction of zoning barriers. The City will study the feasibility of broadly applying this overlay, except for areas in the very high fire severity zone and protected historical sites/districts. The City will also study the possibility of extending the streamlined approval provisions of the affordable housing overlay to mixed income projects that qualify for the super density bonus and/or other strategies to augment the City's density bonus program.

The element does not contain the program itself, and your suggested examples and ideas could definitely be part of what goes into this as details are fleshed out.

Thanks for your continued engagement and participation!

**Rajeev Bhatia, AICP**  
Principal

**DYETT & BHATIA**  
Urban and Regional Planners

1330 Broadway, Suite 604  
Oakland, CA 94612

[dyettandbhatia.com](http://dyettandbhatia.com)

On Jun 8, 2022, at 10:05 PM, Stuart Flashman <[REDACTED]> wrote:

Has the city considered the alternative of an affordable housing overlay district for high resource areas, rather than a blanket up-zoning?

A blanket up-zoning will act as an invitation for market-rate housing projects, while an affordable housing overlay will encourage projects that meet the overlay district's affordability requirement (which should be higher than what is required for the state's density bonus).

The affordability overlay could also allow for multiple levels of affordability to meet its threshold - i.e. 3% extremely low income, 5% very low income, 10% low income, 20% moderate income, with multipliers based on level of affordability - i.e., 4x for extremely low, 3x for very low, and 2x for low. Thus the suggested project would get  $3 \times 4 = 12$  points +  $5 \times 3 = 15$  points +  $10 \times 2 = 20$  points +  $20 \times 1 = 20$  points, for a total of 67 points. The threshold for triggering the overlay district's density and height levels might be 55 points. a standard 15% very low income density bonus project would only get 45 points - not enough. The overlay could allow more height and density than the state density bonus, encouraging developers to "go the extra mile" to qualify. A mixed-income project would also provide a healthier mix of different income levels than the standard 15% very low income, 85% market rate project.

Please think about this idea.

<PastedGraphic-1.png>

## 4035 Park Blvd missing from Housing Element Site Inventory

Kevin Morsony <[REDACTED]>

Wed 6/8/2022 6:02 PM

To: General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hello,

I am writing to express concern that 4035 Park Blvd in Glenview was not included in the site inventory in the Oakland Housing Element. This .2 acre site is an empty lot (remediated former gas station) in a high resource area served by both local and transbay bus lines that both stop in front of this location. It is adjacent to a 7 unit apartment building (on a lot half the size). At minimum, this lot should support at least 14 units even if only zoned for current capacity. This lot has been vacant for 30 years as owners have failed to develop it due to personal issues. It is exactly the type of location that the city should use their power of eminent domain to acquire and turn over to low income housing developers to ensure that high resource neighborhoods have low income housing. This is a ready to build location that should be included in the site inventory and the housing element.

I look forward to hearing from you soon,

Sincerely,

Kevin Morsony

## Comments on the "City of Oakland 2023-2031 Housing Element Draft - Public Review May, 2022

Annette Rahbek Floystrup <[REDACTED]>

Wed 6/8/2022 11:22 PM

To: Lieberworth, Audrey <[REDACTED]>; General Plan <generalplan@oaklandca.gov>

📎 1 attachments (508 KB)

Comments on the Housing Element 1.docx;

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

These comments on the "**City of Oakland 2023-2031 Housing Element Draft - Public Review May, 2022**" are in response to a request from Audrey Lieberworth [REDACTED] and are also directed to [generalplan@oaklandca.gov](mailto:generalplan@oaklandca.gov).

=====  
=====

The "othering" of the Rockridge neighborhood of north Oakland is on full display in this document. The Summary of Community Outreach Activities, Page 19, shows that Rockridge has been omitted from the list of neighborhoods contacted for input on the Housing Element Draft – even though Rockridge will be deeply affected by the final version.

There is a popular opinion of what Rockridge is and always has been which is historically inaccurate. Rockridge is perceived as rich, white and elitist, **but Rockridge is the one neighborhood in Oakland which, as dominantly working class and diverse, recovered from the devastation of urban renewal policies.** Yet somehow, it has become popular to make this neighborhood the scapegoat for current urban housing ills instead of a role model for how to recover and thrive from governmental policy driven destruction.

Some basic facts:

- This is one of the most densely populated single-family housing areas in Oakland. About 45% of the people who live here are renters.
- This is the only neighborhood in the United States to fund and build its own branch library, running a successful volunteer political campaign to form a special taxation district
- This neighborhood built the first off-leash dog park in Oakland
- This neighborhood funded, built and partially maintains a new city children's park, the FROG Park, and the Rockridge-Temescal Greenbelt
- This neighborhood originated the all-in-one Disaster Recovery Center in response to the loss of 3,000 units of housing during the Oakland Firestorm, which is now the model for FEMA nationwide
- This neighborhood originated the C-31 special pedestrian oriented retail commercial zoning, now CN-1 in 1972. Rockridge has been a major economic engine for all of Oakland ever since. And activists from this neighborhood have helped five other neighborhoods throughout Oakland to adopt the pedestrian oriented retail shopping zoning and become economically successful.
- This neighborhood pioneered Neighborhood Watch in response to becoming the highest crime area of Oakland in the late 1960s. Neighborhood Watch is now a global phenomenon
- This neighborhood has its own Non-Profit organization, formed to fundraise for the library. If you live within the boundaries, renter or owner, you are a member with a vote and a voice.



- This neighborhood has a small, self-funding and award winning newsletter published continuously for almost 34 years. It comes out the first week of every month, and is 16 pages of community, land use and school news.

In the early 1960's demolition began for construction of the Grove-Shafter freeway (Hwy 24) and BART. 1,400 properties were demolished, mostly single family dwellings. College Avenue was bisected and almost brought to its commercial knees. Construction lasted for years, and the traffic disruption coupled with the loss of population, steadily eroded the commercial base. Store after store closed its doors, until finally 50% of the businesses stood empty with storefronts boarded up. Crime in the area skyrocketed and Rockridge became Oakland's highest crime neighborhood. We have never gotten any financial help from the City of Oakland to recover; the success you see is the result of thousands of volunteer hours through almost 50 years.

A lot of people have roots here going back multiple generations. Most people who live here could never afford to buy their homes here again. The neighborhood has gentrified around us, in part due to our hard work to make it a more livable neighborhood (see above), in part due to easy freeway access and transit options. We are now being heavily pressured by tech money from SF that has doubled the asking price of small bungalows through insane overbids and severely diminished our diversity.

It is sad to see knee-jerk assumptions about an entire area based on the often expensive and trendy regional dining and shopping you see on College Avenue. Most of us are not buying the \$600 jeans or eating in the pricier restaurants, but the business taxes generated do fund city services for all Oakland. I am very alarmed by the now rapid gentrification of all of Oakland, and the resultant loss of diversity this city has experienced as young, affluent, tech workers, dominantly white, have displaced both the working class people who made this neighborhood a success and the many non-white neighbors we used to have.

My classmates at Peralta Elementary were Black, Hispanic, Asian and immigrants as well as white. The same was true at Claremont Junior High, as it was then, and Oakland Tech – in the 1960s, the only fully representationally integrated high school in Oakland. **If you are looking for the all-white high school at that time, it was Skyline High, built to exclude non-whites, the boundaries of which were carefully drawn around even single houses owned by non-whites to ensure their exclusion.** As an immigrant from an all white country, I know my life was immeasurably enriched by the racially and culturally diverse neighbors and classmates I had. (I am Row 3, 3<sup>rd</sup> from the right)

Housing Element Draft, Page 63:

### **"POLICY 3.2 CREATE A MORE DIVERSE MIX OF HOMES TO MEET COMMUNITY NEEDS**

"Action 3.2.1: Develop zoning standards to encourage missing middle and multi-unit housing types in currently single-family-dominated neighborhoods, including flats, duplexes, triplexes, fourplexes, townhomes/rowhouses, and ADUs.

Oakland has a huge need for affordable housing, but nothing in this policy element addresses the building of affordable housing as defined by HUD, but rather will exclusively encourage the building of market-rate, luxury-class housing dominated by studio and 1-bedroom apartments/condos.

According to the National Low Income Housing Coalition, housing is affordable if it costs no more than 30 percent of one's income. Renters who pay more than this are considered "cost-burdened;" those who pay more than 50 percent are "severely cost-burdened." In Oakland, 59 percent of residents are renters, with the median income of these households around \$40,000, more than half of them qualify as very low income.

However, due to the high cost of Bay Area housing, even households that bring in as much as six figures can be designated as “low income,” as set by the Department of Housing and Urban Development (HUD). Its threshold is set for those earning incomes at or below 80 percent of area median income (AMI). In Oakland, 80 percent of AMI is very high — \$73,100 for a single person; and for a 4-person household, \$104,400.

### **Housing Cost Burdens Have Stark Racial Impacts**

In Oakland, African American households face the highest housing cost burden, with 63 percent devoting more than 30 percent of their income to housing (according to the PolicyLink National Equity Atlas). Overall, 59 percent of households of color are housing-cost-burdened, compared to 42 percent of white households. Between 2000-2010, the City of Oakland lost 34,000 African American residents (a 24 percent decline). This included 10,000 OUSD students. Lack of affordable housing fuels the fire of Oakland’s ongoing and dramatic exodus of African American and other POC households.

### **Is it really Affordable?**

The need for genuinely affordable housing in Oakland is very high, but are proposed developments in Rockridge going to meet these affordability standards? The cost of land in Rockridge means that the answer is generally, no. For example, the multistory tower proposed for the CCA property would consist of ~467 residential units, 10 percent of which would be “affordable”. That sounds good until you realize that here affordable is defined to mean “moderate-income” households, with eligibility defined as **120 percent of area median income (AMI)**.

For 2020, that was \$109,600 (1-person household) and \$156,600 (4-person household). In other words, there would not be one single unit of affordable housing, as defined by HUD, created by the project and available to low-income renters.

Affordable housing is desperately needed in Oakland if we are to retain housing stock for low-income workers, seniors, and the disabled. About 93 percent of new construction in Oakland is market-rate developments geared to luxury class apartments like the 40 story Atlas Tower downtown. While rents dropped significantly during the initial COVID lock down, rents have rebounded and none fall into the affordable range. The number of available and genuinely affordable units is almost non-existent. The demand far outstrips the supply. Current building costs have risen steeply in the past years in response to Trump Administration tariffs on Canadian lumber and COVID slowed production of building materials.

**Much of the newly proposed and /or built housing is also singularly family unfriendly.** Few apartments are 2-bedrooms or more, and the vast majority are studio and 1-bedroom. It is assumed that people will not have private cars, but if you have two or three children who each require a different size car seat, Uber and Lyft cannot accommodate you. If you have a mobility impaired family member, someone in a wheelchair or one who uses adaptive tools to enter and exit a car from a walker, you also cannot be accommodated by ride-share or gig-vehicles within minutes of a phone call. These are wider issues of societal sustainability that are going utterly unaddressed by this housing element. But they eventually impact the lives of most of us.

**For low to moderate income residents, housing is difficult at best, but as currently conceived, the new housing is also inadequately meeting the needs of child families, multigenerational families, and the disabled of higher income levels as well.**

In summary, land and building costs are very high and rising, making public-private partnerships and government-subsidized construction perhaps the surest ways to add more truly affordable housing in Oakland — and particularly here in Rockridge.

### **Lack of inclusion in the process**

The Summary of Community Outreach Activities, Page 19, shows that Rockridge has been omitted from the list of neighborhoods contacted for input on the Housing Element Draft – even though Rockridge will be deeply affected by the final version.

There is an organization that represents Rockridge, a registered 501(c)3, the Rockridge Community Planning Council (RCPC). It is usual for RCPC to schedule local town hall meetings on topics of importance, which the Housing Element Draft certainly is. The City could have easily arranged with RCPC for a meeting and notified residents through RCPC's monthly newsletter, The Rockridge News. Instead, a small number of poorly publicized Zoom meetings were held.

The exclusion of the RCPC, the most significant citizen institution in Rockridge, which has been reshaping the neighborhood since the early 1970s, when a resurrected RCPC led the way to obtaining funding from the Department of Housing and Urban Development (HUD) for planning studies which resulted in the City of Oakland adopting a new zoning designation C-31, currently CN-1, for College Avenue in 1973, consisting of pedestrian oriented retail with mixed use upper stories is remarkable and inexcusable. It argues for a total lack of knowledge about the neighborhood by City staff.

**It cannot have gone unnoticed that in the past 30 years, RCPC has directly brought in excess of \$7 million into the City and the neighborhood, can it?** A new branch library funded by a citizen originated Mello-Roos taxation district, FROG Park, Hardy Dog Park, hundreds of thousands in traffic mitigation funds negotiated from CalTrans (4<sup>th</sup> Bore), Dreyer's and Safeway projects, and \$3 million in environmental mitigation funds obtained by through litigation by the 4<sup>th</sup> Bore Coalition, a coalition of Oakland and Berkeley neighborhood groups organized and led by RCPC. Those \$3 million dollars were used to add enhanced HVAC and filtration systems, sound dampening windows and environmental plantings to the two schools in the RCPC catchment, Chabot Elementary and Claremont Middle School severely impacted by the particulate, fume and noise pollution resulting from their locations within less than 100 feet of Hwy 24. A registered non-profit creating that much benefit to the City of Oakland should have been contacted, in particular when planning and zoning have been the primary focus of the organization for more than 50 years.

The "Introduction of the Housing Element Draft" on Page 5 has a heading:

**"CHARTING AN EQUITABLE, INCLUSIVE FUTURE"**

It is not equitable to exclude some neighborhoods from the process of producing the Housing Element Draft. It is not equitable to promote the building of market-rate housing which does not produce truly affordable housing but does produce profits for private real-estate developers. And it is not equitable to unduly burden a neighborhood that already brought itself back from an earlier round of governmental policy originated destruction.

Annette R. Floystrup

[REDACTED]  
[REDACTED]

These comments on the “**City of Oakland 2023-2031 Housing Element Draft - Public Review May, 2022**” are in response to a request from Audrey Lieberworth [REDACTED] and are also directed to [generalplan@oaklandca.gov](mailto:generalplan@oaklandca.gov).

The “othering” of the Rockridge neighborhood of north Oakland is on full display in this document. The Summary of Community Outreach Activities, Page 19, shows that Rockridge has been omitted from the list of neighborhoods contacted for input on the Housing Element Draft – even though Rockridge will be deeply affected by the final version.

There is a popular opinion of what Rockridge is and always has been which is historically inaccurate. Rockridge is perceived as rich, white and elitist, **but Rockridge is the one neighborhood in Oakland which, as dominantly working class and diverse, recovered from the devastation of urban renewal policies.** Yet somehow, it has become popular to make this neighborhood the scapegoat for current urban housing ills instead of a role model for how to recover and thrive from governmental policy driven destruction.

Some basic facts:

- This is one of the most densely populated single-family housing areas in Oakland. About 45% of the people who live here are renters.
- This is the only neighborhood in the United States to fund and build its own branch library, running a successful volunteer political campaign to form a special taxation district
- This neighborhood built the first off-leash dog park in Oakland
- This neighborhood funded, built and partially maintains a new city children’s park, the FROG Park, and the Rockridge-Temescal Greenbelt
- This neighborhood originated the all-in-one Disaster Recovery Center in response to the loss of 3,000 units of housing during the Oakland Firestorm, which is now the model for FEMA nationwide
- This neighborhood originated the C-31 special pedestrian oriented retail commercial zoning, now CN-1 in 1972. Rockridge has been a major economic engine for all of Oakland ever since. And activists from this neighborhood have helped five other neighborhoods throughout Oakland to adopt the pedestrian oriented retail shopping zoning and become economically successful.

- This neighborhood pioneered Neighborhood Watch in response to becoming the highest crime area of Oakland in the late 1960s. Neighborhood Watch is now a global phenomenon
- This neighborhood has its own Non-Profit organization, formed to fundraise for the library. If you live within the boundaries, renter or owner, you are a member with a vote and a voice.
- This neighborhood has a small, self-funding and award winning newsletter published continuously for almost 34 years. It comes out the first week of every month, and is 16 pages of community, land use and school news.

In the early 1960's demolition began for construction of the Grove-Shafter freeway (Hwy 24) and BART. 1,400 properties were demolished, mostly single family dwellings. College Avenue was bisected and almost brought to its commercial knees. Construction lasted for years, and the traffic disruption coupled with the loss of population, steadily eroded the commercial base. Store after store closed its doors, until finally 50% of the businesses stood empty with storefronts boarded up. Crime in the area skyrocketed and Rockridge became Oakland's highest crime neighborhood. We have never gotten any financial help from the City of Oakland to recover; the success you see is the result of thousands of volunteer hours through almost 50 years.

A lot of people have roots here going back multiple generations. Most people who live here could never afford to buy their homes here again. The neighborhood has gentrified around us, in part due to our hard work to make it a more livable neighborhood (see above), in part due to easy freeway access and transit options. We are now being heavily pressured by tech money from SF that has doubled the asking price of small bungalows through insane overbids and severely diminished our diversity.

It is sad to see knee-jerk assumptions about an entire area based on the often expensive and trendy regional dining and shopping you see on College Avenue. Most of us are not buying the \$600 jeans or eating in the pricier restaurants, but the business taxes generated do fund city services for all Oakland. I am very alarmed by the now rapid gentrification of all of Oakland, and the resultant loss of diversity this city has experienced as young, affluent, tech workers, dominantly white, have displaced both the working class people who made this neighborhood a success and the many non-white neighbors we used to have.

MRS. VIOLICH 2nd & 3rd

PERALTA SCHOOL

APRIL 1958



My classmates at Peralta Elementary were Black, Hispanic, Asian and immigrants as well as white. The same was true at Claremont Junior High, as it was then, and Oakland Tech – in the 1960s, the only fully representationally integrated high school in Oakland. **If you are looking for the all-white high school at that time, it was Skyline High, built to exclude non-whites, the boundaries of which were carefully drawn around even single houses owned by non-whites to ensure their exclusion.** As an immigrant from an all white country, I know my life was immeasurably enriched by the racially and culturally diverse neighbors and classmates I had. (I am Row 3, 3<sup>rd</sup> from the right)

Housing Element Draft, Page 63:

**“POLICY 3.2 CREATE A MORE DIVERSE MIX OF HOMES TO MEET COMMUNITY NEEDS**

“Action 3.2.1: Develop zoning standards to encourage missing middle and multi-unit housing types in currently single-family-dominated neighborhoods, including flats, duplexes, triplexes, fourplexes, townhomes/rowhouses, and ADUs.

Oakland has a huge need for affordable housing, but nothing in this policy element addresses the building of affordable housing as defined by HUD, but rather will exclusively encourage the building of market-rate, luxury-class housing dominated by studio and 1-bedroom apartments/condos.

According to the National Low Income Housing Coalition, housing is affordable if it costs no more than 30 percent of one’s income. Renters who pay more than this are considered “cost-burdened;” those who pay more than 50 percent are “severely cost-burdened.” In Oakland, 59 percent of residents are renters, with the median income of these households around \$40,000, more than half of them qualify as very low income.

However, due to the high cost of Bay Area housing, even households that bring in as much as six figures can be designated as “low income,” as set by the Department of Housing and Urban Development (HUD). Its threshold is set for those earning incomes at or below 80 percent of area median income (AMI). In Oakland, 80 percent of AMI is very high — \$73,100 for a single person; and for a 4-person household, \$104,400.

### **Housing Cost Burdens Have Stark Racial Impacts**

In Oakland, African American households face the highest housing cost burden, with 63 percent devoting more than 30 percent of their income to housing (according to the PolicyLink National Equity Atlas). Overall, 59 percent of households of color are housing-cost-burdened, compared to 42 percent of white households. Between 2000-2010, the City of Oakland lost 34,000 African American residents (a 24 percent decline). This included 10,000 OUSD students. Lack of affordable housing fuels the fire of Oakland’s ongoing and dramatic exodus of African American and other POC households.

### **Is it really Affordable?**

The need for genuinely affordable housing in Oakland is very high, but are proposed developments in Rockridge going to meet these affordability standards? The cost of land in Rockridge means that the answer is generally, no. For example, the multistory tower proposed for the CCA property would consist of ~467 residential units, 10 percent of which would be “affordable”. That sounds good until you realize that here affordable is defined to mean “moderate-income” households, with eligibility defined as **120 percent of area median income (AMI)**.

For 2020, that was \$109,600 (1-person household) and \$156,600 (4-person household). In other words, there would not be one single unit of affordable housing, as defined by HUD, created by the project and available to low-income renters.

Affordable housing is desperately needed in Oakland if we are to retain housing stock for low-income workers, seniors, and the disabled. About 93 percent of new construction in Oakland is market-rate developments geared to luxury class apartments like the 40 story Atlas Tower downtown. While rents dropped significantly during the initial COVID lock down, rents have rebounded and none fall into the affordable range. The number of available and genuinely affordable units is almost non-existent. The demand far outstrips the supply. Current building costs have risen steeply in the past years in response to Trump Administration tariffs on Canadian lumber and COVID slowed production of building materials.

**Much of the newly proposed and /or built housing is also singularly family unfriendly.**

Few apartments are 2-bedrooms or more, and the vast majority are studio and 1-bedroom. It is assumed that people will not have private cars, but if you have two or three children who each require a different size car seat, Uber and Lyft cannot accommodate you. If you have a mobility impaired family member, someone in a wheelchair or one who uses adaptive tools to enter and exit a car from a walker, you also cannot be accommodated by ride-share or gig-vehicles within minutes of a phone call. These are wider issues of societal sustainability that are going utterly unaddressed by this housing element. But they eventually impact the lives of most of us.

**For low to moderate income residents, housing is difficult at best, but as currently conceived, the new housing is also inadequately meeting the needs of child families, multigenerational families, and the disabled of higher income levels as well.**

In summary, land and building costs are very high and rising, making public-private partnerships and government-subsidized construction perhaps the surest ways to add more truly affordable housing in Oakland — and particularly here in Rockridge.

**Lack of inclusion in the process**

The Summary of Community Outreach Activities, Page 19, shows that Rockridge has been omitted from the list of neighborhoods contacted for input on the Housing Element Draft – even though Rockridge will be deeply affected by the final version.

There is an organization that represents Rockridge, a registered 501(c)3, the Rockridge Community Planning Council (RCPC). It is usual for RCPC to schedule local town hall meetings on topics of importance, which the Housing Element Draft certainly is. The City could have easily arranged with RCPC for a meeting and notified residents through RCPC's monthly



newsletter, The Rockridge News. Instead, a small number of poorly publicized Zoom meetings were held.

The exclusion of the RCPC, the most significant citizen institution in Rockridge, which has been reshaping the neighborhood since the early 1970s, when a resurrected RCPC led the way to obtaining funding from the Department of Housing and Urban Development (HUD) for planning studies which resulted in the City of Oakland adopting a new zoning designation C-31, currently CN-1, for College Avenue in 1973, consisting of pedestrian oriented retail with mixed use upper stories is remarkable and inexcusable. It argues for a total lack of knowledge about the neighborhood by City staff.

**It cannot have gone unnoticed that in the past 30 years, RCPC has directly brought in excess of \$7 million into the City and the neighborhood, can it?** A new branch library funded by a citizen originated Mello-Roos taxation district, FROG Park, Hardy Dog Park, hundreds of thousands in traffic mitigation funds negotiated from CalTrans (4<sup>th</sup> Bore), Dreyer's and Safeway projects, and \$3 million in environmental mitigation funds obtained by through litigation by the 4<sup>th</sup> Bore Coalition, a coalition of Oakland and Berkeley neighborhood groups organized and led by RCPC. Those \$3 million dollars were used to add enhanced HVAC and filtration systems, sound dampening windows and environmental plantings to the two schools in the RCPC catchment, Chabot Elementary and Claremont Middle School severely impacted by the particulate, fume and noise pollution resulting from their locations within less than 100 feet of Hwy 24. A registered non-profit creating that much benefit to the City of Oakland should have been contacted, in particular when planning and zoning have been the primary focus of the organization for more than 50 years.

The "Introduction of the Housing Element Draft" on Page 5 has a heading:

"CHARTING AN EQUITABLE, INCLUSIVE FUTURE"

It is not equitable to exclude some neighborhoods from the process of producing the Housing Element Draft. It is not equitable to promote the building of market-rate housing which does not produce truly affordable housing but does produce profits for private real-estate developers. And it is not equitable to unduly burden a neighborhood that already brought itself back from an earlier round of governmental policy originated destruction.

Annette R. Floystrup



10:04:25 From Matt Weber to Everyone:  
Matt Weber – Ellis Partners

10:04:29 From Keith Diggs to Everyone:  
Keith Diggs (Yes In My Back Yard / YIMBY Law)

10:04:30 From Nicole Merino Tsui to Everyone:  
Morning all! Nicole Merino Tsui, WOEIP

10:04:30 From Darbi Howard, East Oakland Collective to Everyone:  
Darbi Howard, East Oakland Collective

10:04:33 From Trisha Barua, she/they to Everyone:  
Good morning! Trisha Barua, Policy Analyst, Oakland Starting  
Smart and Strong

10:04:36 From David Wooley, UC Berkeley Goldman School to Everyone:  
David Wooley, UC Berkeley Goldman School

10:04:36 From Rajeev Bhatia, Dyett & Bhatia to Everyone:  
Rajeev Bhatia, Dyett & Bhatia

10:04:37 From Raul Maldonado to Everyone:  
Raul Maldonado – East Bay YIMBY Colead

10:04:38 From Nora (she/her/ella) to Everyone:  
Nora Martinez (she/her/ella)– Parent Voices Oakland (PVO)

10:04:40 From Lakshmi Rajagopalan, City of Oakland to Everyone:  
Please add your name in the chatbox with your organization

10:04:42 From Aaron Eckhouse (California YIMBY) to Everyone:  
hello! I'm Aaron Eckhouse (he/him), with California YIMBY &  
also East Bay for Everyone

10:04:46 From Sarah Karlinsky, SPUR (she/her) to Everyone:  
HI Everyone, this is Sarah Karlinsky, SPUR

10:04:49 From Warren Logan to Everyone:  
Warren Logan, Transport Oakland

10:04:49 From Courtney Welch to Everyone:  
Courtney Welch, CaRLA

10:04:54 From Susie Criscimagna to Everyone:  
Susie Criscimagna, with Eden Housing

10:04:59 From Lakshmi Rajagopalan, City of Oakland to Everyone:  
<https://www.oaklandca.gov/topics/oakland-general-plan-2045-housing-element>

10:05:09 From Nico Nagle (he/him) – HAC to Everyone:  
Nico Nagle, Housing Action Coalition

10:05:25 From Jeff Levin, EBHO to Everyone:  
Good morning – Jeff Levin, Policy Director with East Bay  
Housing Organizations

10:06:20 From Charles Reed to Everyone:  
Charles Reed WOEIP/Emerald New Deal

10:06:23 From María Domínguez ACPHD Health Equity (she/ella) to  
Everyone:  
Good morning, buenos días. María D. Domínguez, local policy  
coordinator with the Alameda County Public Health Department– Health  
Equity, Policy and Planning (HEPP) team.

10:06:30 From Tracey Nails–Bell to Everyone:  
Tracey Nails–Bell, Housing service provider for A Diamond in  
the Ruff Incorporated

10:07:05 From Lakshmi Rajagopalan, City of Oakland to Everyone:  
Please mute yourself if you are not speaking

10:07:05 From Laura Kaminski, City of Oakland to Everyone:  
Laura Kaminski, Strategic Planning Manager, City of Oakland

10:07:28 From Beth Altshuler Munoz to Everyone:  
Beth Altshuler Munoz, Consultant to the West Oakland Community  
Action Plan AB 617 Process (BAAQMD & WOEIP)

10:08:41 From Beth Altshuler Munoz to Everyone:  
Will you be sharing the slides?

10:08:54 From Lakshmi Rajagopalan, City of Oakland to Everyone:  
Beth, we can share the slides after this meeting

10:09:02 From Beth Altshuler Munoz to Everyone:  
thanks Lakshmi!

10:11:26 From Jeff Levin, EBHO to Everyone:  
Oakland's RHNA increase is actually a lower percentage than  
the region as a whole.

10:11:34 From Charles Reed to Everyone:  
Despite the increase how do we assure that the disenfranchised  
needs are met.

10:12:28 From Lakshmi Rajagopalan, City of Oakland to Everyone:  
If you just joined, please add your name in the chat with your  
organization

10:12:48 From Lakshmi Rajagopalan, City of Oakland to Everyone:  
The draft housing element is available here: [https://  
www.oaklandca.gov/topics/oakland-general-plan-2045-housing-element](https://www.oaklandca.gov/topics/oakland-general-plan-2045-housing-element)

10:13:08 From Charles Reed to Everyone:  
Who do we target, and how do we penalize them when lower  
income needs are not met?

10:15:11 From Lakshmi Rajagopalan, City of Oakland to Everyone:  
An overview presentation summarizing the draft Housing Element  
is also available on the City Website - [https://www.oaklandca.gov/  
topics/oakland-general-plan-2045-housing-element#draft-housing-  
element-resources](https://www.oaklandca.gov/topics/oakland-general-plan-2045-housing-element#draft-housing-element-resources)

10:16:26 From Lakshmi Rajagopalan, City of Oakland to Audrey  
Lieberworth, City of Oakland(Direct Message):  
Should we post the interactive map here?

10:16:39 From Audrey Lieberworth, City of Oakland to Lakshmi  
Rajagopalan, City of Oakland(Direct Message):  
idk, I think we should wait until we hear from Ed, as per your  
guidance earlier

10:16:44 From Audrey Lieberworth, City of Oakland to Lakshmi  
Rajagopalan, City of Oakland(Direct Message):  
I mean, I would like it

10:16:59 From Lakshmi Rajagopalan, City of Oakland to Audrey  
Lieberworth, City of Oakland(Direct Message):  
this is a small group

10:17:12 From Lakshmi Rajagopalan, City of Oakland to Audrey  
Lieberworth, City of Oakland(Direct Message):  
not citywide

10:17:25 From Lakshmi Rajagopalan, City of Oakland to Audrey

Lieberworth, City of Oakland(Direct Message):  
so maybe we can share it out via email along with the presentation

10:17:36 From Lakshmi Rajagopalan, City of Oakland to Audrey Lieberworth, City of Oakland(Direct Message):  
after the discussion group is done

10:17:40 From Audrey Lieberworth, City of Oakland to Lakshmi Rajagopalan, City of Oakland(Direct Message):  
I can post the link if you think it's appropriate now

10:17:47 From Sarah Karlinsky, SPUR (she/her) to Everyone:  
Are the state-mandates on site size for low income housing, or for all housing that can count towards RHNA requirements?

10:17:49 From Audrey Lieberworth, City of Oakland to Lakshmi Rajagopalan, City of Oakland(Direct Message):  
I doubt folks will look at the map as much after this meeting ends

10:18:18 From Lakshmi Rajagopalan, City of Oakland to Audrey Lieberworth, City of Oakland(Direct Message):  
ok - you can just state that the table C-25 is visually represented in this interactive map

10:18:28 From Aaron Eckhouse (California YIMBY) to Everyone:  
Sarah, I believe they are specific to Lower Income sites, but cities can also use small sites for their Lower Income Inventory if they can point to a track record of development on similar sites

10:18:54 From Sarah Karlinsky, SPUR (she/her) to Everyone:  
Thnx

10:19:27 From Charles Reed to Everyone:  
Identifying sites is a first step, but it means nothing without meaningful accountability measures with quantifiable financial repercussions for non compliance.

10:19:46 From Audrey Lieberworth, City of Oakland to Everyone:  
Here is a link to an interactive map of the draft sites inventory (from Table C-25, Appendix C): <https://oakgis.maps.arcgis.com/apps/mapviewer/index.html?webmap=6e5a81ace7ce4a9b906da42f75b4ddd4>

10:22:12 From Lakshmi Rajagopalan, City of Oakland to Everyone:  
@sarah the guidance is for affordable housing for sites between 0.5 and 10 acres. For sites less than 0.5 ac and larger than 10 ac, we have to demonstrate a track record like Aaron mentions

10:22:35 From Sarah Karlinsky, SPUR (she/her) to Everyone:  
Thank you.

10:23:16 From Lakshmi Rajagopalan, City of Oakland to Everyone:  
The guidance from the State is here: [https://www.hcd.ca.gov/community-development/housing-element/docs/sites\\_inventory\\_memo\\_final06102020.pdf](https://www.hcd.ca.gov/community-development/housing-element/docs/sites_inventory_memo_final06102020.pdf)

10:26:43 From Lakshmi Rajagopalan, City of Oakland to Everyone:  
RD, RM zones

10:27:22 From Alison Moore (Dyett & Bhatia) to Everyone:  
Matt- you can check out Action 3.2.1, which addresses missing middle housing through zoning standards

10:27:53 From Alison Moore (Dyett & Bhatia) to Everyone:  
<https://oakland.konveio.com/draft-2023-2031-general-plan-housing-element>

10:28:37 From Aaron Eckhouse (California YIMBY) to Everyone:  
does the city have a published methodology for when to count new market housing as Moderate Income? I know San Jose does

10:29:00 From Audrey Lieberworth, City of Oakland to Lakshmi Rajagopalan, City of Oakland(Direct Message):  
we don't right? re: Aaron's comment

10:29:21 From Lakshmi Rajagopalan, City of Oakland to Audrey Lieberworth, City of Oakland(Direct Message):  
I don't think so but we can get back to him

10:29:36 From Lakshmi Rajagopalan, City of Oakland to Audrey Lieberworth, City of Oakland(Direct Message):  
I cannot confirm 100%

10:31:45 From Jeff Levin, EBH0 to Everyone:  
TOPA/COPA combines a right of first offer with a right of first refusal, but does not require a discounted price

10:35:12 From Audrey Lieberworth, City of Oakland to Everyone:  
@Aaron - I'll follow up and check to see if the City has a published methodology

10:35:49 From Aaron Eckhouse (California YIMBY) to Everyone:  
thanks! I think it will be important for Oakland to find a way to produce Moderate Income housing without subsidies/deed restriction

10:41:36 From Jeff Levin, EBH0 to Everyone:  
Aaron - I believe that historically the City has only counted moderate income housing if its deed restricted as it has not tracked rental rates or sales prices on newly produced housing.

10:41:48 From Sarah Karlinsky, SPUR (she/her) to Everyone:  
Thank you so much for the responses to my questions. On the upzoning contemplated, is that discussed explicitly anywhere in the document beyond Policy 3.4? If you could let me know, I would appreciate it.

10:41:58 From Trisha Barua, she/they to Everyone:  
First 5 Alameda County letter on Oakland Housing Element:  
<http://www.first5alameda.org/files/Comment%20Draft%202023%20to%202031%20General%20Plan%20Housing%20Element.pdf>

10:42:07 From David Wooley, UC Berkeley Goldman School to Everyone:  
One other point: I am pleased to see parts of the Element devoted to remediation of environmental contaminated sites. Urge the city to consider that housing located near freeways, Oakland Ports and other heavy duty trucking concentrations to be included in definition of a contaminated sites and to help building owners in those locations to retrofit air filtration to reduce exposure of residents to transport related emissions. David Wooley, UC Berkeley, Goldman School davidwooley@berkeley.edu

10:43:28 From Keith Diggs to Everyone:  
that's what I want to know too

10:45:00 From Aaron Eckhouse (California YIMBY) to Everyone:

I agree that table would be a great resource!

10:45:32 From Audrey Lieberworth, City of Oakland to Alison Moore (Dyett & Bhatia)(Direct Message):  
Could you answer the last of Warren's questions? Let them know we are working on this

10:47:28 From Alison Moore (Dyett & Bhatia) to Audrey Lieberworth, City of Oakland(Direct Message):  
There's a table by tract, I will share that

10:47:59 From Lakshmi Rajagopalan, City of Oakland to Everyone:  
Table C-21

10:49:17 From Jeff Levin, EBHO to Everyone:  
Yes, a summary analysis of what C-21 actually tells us would be useful

10:49:45 From Sarah Karlinsky, SPUR (she/her) to Everyone:  
+1 on summary of C-21. Thank you!

10:50:18 From Aaron Eckhouse (California YIMBY) to Everyone:  
yes, very hard to parse C-21 on a parcel by parcel basis

10:51:02 From Brent Bucknum to Everyone:  
I want to strongly second David Wooley's comments. We should not be putting housing next to freeways and we need to have a fund to in the GP to retrofit existing near road housing exposures.

10:53:21 From Warren Logan to Everyone:  
One more comment: please consider ALL of AC Transit's Rapid corridors, not just the BRT line, when considering upzoning opportunities.

10:54:06 From Aaron Eckhouse (California YIMBY) to Everyone:  
+1

10:56:06 From Raul Maldonado to Everyone:  
+1 to @Brent. I'd be careful about exclusively putting housing next to freeways, as noise & car pollution on minority communities is a concern. I do love the alternative mentioned, @Warren's comment, which is above ^^ - upzoning opportunities near **\*\*all\*\*** transit corridors.

10:57:51 From Darbi Howard, East Oakland Collective to Everyone:  
Agreed and current developers have already been violating current zoning rules and not being held to their proposals approved.

10:58:13 From Darbi Howard, East Oakland Collective to Everyone:  
For decades...

11:01:13 From Charles Reed to Everyone:  
with all the new buildings being built that impact fee account should at least be 300 million by now

11:01:32 From Raul Maldonado to Everyone:  
+1 to Charles feelings. From attending some housing projects, I would say homeowners do block housing projects that have between 15-40% BMR housing w/MR. It's hard to get that diversification, and thus we get mostly >95% BMR or MR buildings we see today :/

11:03:30 From Lakshmi Rajagopalan, City of Oakland to Everyone:  
We do not have a map yet

11:03:41 From Lakshmi Rajagopalan, City of Oakland to Everyone:  
we are working on identifying the areas

11:03:51 From Beth Altshuler Munoz to Everyone:  
What can the city do to improve the funding tools and flexibility of local lenders / CDFI's for affordable housing?

11:04:36 From Sarah Karlinsky, SPUR (she/her) to Everyone:  
+1 on upzoning the flatiron parcel and upzoning in Rockridge in general.

11:06:28 From Ms.Margaret Gordon to Everyone:  
need to leave for my other meeting

11:07:20 From Warren Logan to Everyone:  
+1 everything Aaron said

11:08:34 From Raul Maldonado to Everyone:  
+1 To Aaron's notes, as well.

11:09:04 From Nico Nagle (he/him) – HAC to Everyone:  
+1 to Aaron

11:10:29 From Audrey Lieberworth, City of Oakland to Lakshmi Rajagopalan, City of Oakland(Direct Message):  
i missed susie's second question. was it about what potential projects mean?

11:10:55 From Charles Reed to Everyone:  
Is there a way for the public to monitor the impact fee account?

11:11:08 From Lakshmi Rajagopalan, City of Oakland to Audrey Lieberworth, City of Oakland(Direct Message):  
am gonna ask

11:13:58 From Beth Altshuler Munoz to Everyone:  
I'm not a super housing expert tracking all the Oakland policies....BUT I remember hearing that in 2008 Oakland removed the requirement to break ground after 18 months of approval bc of the recession. has that rule been put back into place?

11:15:08 From Tracey Nails–Bell to Everyone:  
So A Diamond in the Ruff is working with The Oakland Community Land Trust on a project for more affordable housing overlay with ADU'S. Is there a certain number of units that can be placed on the current acquisition of land? Which may include the Zoning in that part of Oakland? Which is right off Seminary

11:16:37 From Lakshmi Rajagopalan, City of Oakland to Everyone:  
Comment from Charles: Is there a way for the public to track who paid impact fee's, for what, and where and how are those funds being used?

11:16:54 From Sonja Trauss to Everyone:  
+1 AFFH is not just an analysis

11:17:19 From Charles Reed to Everyone:  
Transparency is paramount

11:19:18 From Aaron Eckhouse (California YIMBY) to Everyone:  
+1 to this comment from Jeff

11:20:24 From Trisha Barua, she/they to Everyone:  
+1 for Jeff's comment

11:21:08 From Christina Mun, Oakland HCD to Everyone:  
Impact fees are reported on annually as informational reports to CED and Council. It will go to 6/28 CED for this year, here is last

year's: <https://oakland.legistar.com/LegislationDetail.aspx?ID=4769988&GUID=9F0A7046-EED8-4631-A4D1-BF5FFC1CA301&Options=&Search=>

11:23:30 From Audrey Lieberworth, City of Oakland to Everyone:  
email comments to [generalplan@oaklandca.gov](mailto:generalplan@oaklandca.gov)

11:25:35 From Darbi Howard, East Oakland Collective to Everyone:  
I agree Sonja- The poor air and no green space is a disadvantage to improvements

11:27:13 From Darbi Howard, East Oakland Collective to Everyone:  
Nico- this speaks to many issues with the City in terms of getting things actually done or more of the same!

11:27:29 From Raul Maldonado to Everyone:  
+1 to Nico on kudos to AH overlay, and providing Berkeley as an example.

11:27:40 From Audrey Lieberworth, City of Oakland to Everyone:  
@Tracey - can you send us an email about the project so that we can better understand the project and the zoning for the site?  
[generalplan@oaklandca.gov](mailto:generalplan@oaklandca.gov)

11:28:39 From Tracey Nails-Bell to Audrey Lieberworth, City of Oakland(Direct Message):

Yes, I will definitely send you a email!

11:28:41 From Jeff Levin, EBH0 to Everyone:  
AH overlay - allowing approval by-right for affordable housing should be citywide anywhere that the project is consistent with zoning, including density bonus

11:29:06 From Audrey Lieberworth, City of Oakland to Tracey Nails-Bell(Direct Message):

Great! I think you already have my email, but you can message me at [ALieberworth@oaklandca.gov](mailto:ALieberworth@oaklandca.gov)

11:29:21 From Lakshmi Rajagopalan, City of Oakland to Everyone:  
<https://www.oaklandca.gov/events/general-plan-update-housing-element-workshop-4>

11:29:29 From Jeff Levin, EBH0 to Everyone:  
Please ensure that the next draft includes an Executive Summary and a clear table on NEW policies

11:29:33 From Aaron Eckhouse (California YIMBY) to Everyone:  
agree with Jeff, and I think the city should move to ministerial approval generally

11:29:47 From Aaron Eckhouse (California YIMBY) to Everyone:  
thank you for convening this meeting!

11:29:54 From Laura Kaminski, City of Oakland to Everyone:  
<https://www.oaklandca.gov/documents/city-of-oakland-annual-impact-fee-reports>

11:30:22 From Laura Kaminski, City of Oakland to Everyone:  
I included a link to impact fee reports, included are reports on the collection of the fees

11:30:25 From Nico Nagle (he/him) - HAC to Everyone:  
Thank you for convening as well! And +1 to ministerial approval

11:31:01 From Sarah Karlinsky, SPUR (she/her) to Everyone:  
I need to leave now. Thank you so much for holding this



meeting it was very helpful and I learned alot.

11:31:14 From Raul Maldonado to Everyone:

Need to leave now; Thank you!

11:31:16 From Tracey Nails-Bell to Everyone:

Thank you for today's information!

17:03:26 From Lakshmi Rajagopalan, City of Oakland to Everyone:  
Can those who did not go use the "Raise Hand" feature

17:04:13 From Diana Benitez to Everyone:  
Share you name and one word to describe how your feeling  
today.

17:05:17 From Lakshmi Rajagopalan, City of Oakland to Everyone:  
Best of luck Iris

17:05:30 From Iris Quach (she/her) to Everyone:  
thank you, Lakshmi!!!

17:05:36 From Bethsaida Ruiz, Ohlone/Huchiun Territory to Everyone:  
Thank you

17:09:53 From Lakshmi Rajagopalan, City of Oakland to Everyone:  
Going off video for a bit to grab something to eat

17:15:24 From Lakshmi Rajagopalan, City of Oakland to Everyone:  
<https://city-of-oakland-general-plan-update-oakgis.hub.arcgis.com/>

17:15:29 From Lakshmi Rajagopalan, City of Oakland to Everyone:  
<https://www.oaklandca.gov/topics/general-plan-update>

17:15:52 From Audrey Lieberworth, City of Oakland to Everyone:  
Also sharing a link to public review draft housing element:  
<https://www.oaklandca.gov/topics/oakland-general-plan-2045-housing-element>

17:16:08 From Diana Perez-Domencich to Lakshmi Rajagopalan, City of Oakland(Direct Message):  
Thanks Lakshmi!

17:16:15 From Diana Perez-Domencich to Lakshmi Rajagopalan, City of Oakland(Direct Message):  
for the hub announcement

17:20:03 From Lakshmi Rajagopalan, City of Oakland to Everyone:  
All the documents are here on the website: <https://www.oaklandca.gov/topics/oakland-2045-general-plan-project-documents>

17:20:09 From Lakshmi Rajagopalan, City of Oakland to Everyone:  
Equity baseline

17:20:39 From Lakshmi Rajagopalan, City of Oakland to Agnes Cho, Just Cities(Direct Message):  
Agnes, can you also copy all the links and share it out with the groups if you are taking notes

17:21:07 From Lakshmi Rajagopalan, City of Oakland to Everyone:  
The Environmental Justice Interactive Hub - <https://city-of-oakland-general-plan-update-oakgis.hub.arcgis.com/>

17:21:27 From Agnes Cho, Just Cities to Lakshmi Rajagopalan, City of Oakland(Direct Message):  
Yup, i'm copying the links in our notes and will make sure that they're included in the follow up notes.

17:21:51 From Lakshmi Rajagopalan, City of Oakland to Agnes Cho, Just Cities(Direct Message):  
Thank you

17:22:31 From Lakshmi Rajagopalan, City of Oakland to Agnes Cho, Just Cities(Direct Message):  
To subscribe to General Plan Updates: <https://>

www.oaklandca.gov/topics/general-plan-update#general-plan-e-mail-updates

17:28:07 From Audrey Lieberworth, City of Oakland to Everyone:  
Diana - you're muted

17:28:13 From William Gilchrist to Everyone:  
Diana we cannot hear you!!!

17:28:24 From West Oakland Cultural Action Network to Everyone:  
@Diana - we cant hear you

17:28:32 From William Gilchrist to Everyone:  
You cannot hear us either

17:28:49 From Diana Benitez to Everyone:  
Sorry about that!

17:32:05 From liz suk, she/they to Everyone:  
5

17:32:14 From Esther Goolsby she.they to Everyone:  
5

17:32:14 From West Oakland Cultural Action Network to Everyone:  
5

17:32:19 From Shina R (she/her) to Everyone:  
5

17:32:19 From Nora-they/them to Everyone:  
5

17:32:28 From Sandra Ue, OACC to Everyone:  
5

17:32:28 From Angela Laureano to Everyone:  
5

17:32:30 From Iris Quach (she/her) to Everyone:  
5

17:32:33 From Champ Green to Everyone:  
5

17:32:37 From Naru Kwina to Everyone:  
5

17:33:00 From Reinaldi G to Everyone:  
5

17:33:09 From Arthur Shanks to Everyone:  
5

17:33:26 From Cathy Eberhardt, EBHO RCOP to Everyone:  
5

17:33:38 From Esther Goolsby she.they to Everyone:  
sorry I'm late. meeting ended late

17:33:49 From Nora-they/them to Everyone:  
Love Ayodele

17:36:24 From Diana Perez-Domencich to Everyone:  
Beautiful, thank you.

17:36:39 From Lakshmi Rajagopalan, City of Oakland to Everyone:  
Thank you sharing

17:37:01 From liz suk, she/they to Everyone:  
Ayodele! Oakland's Poet Laureate

17:37:12 From liz suk, she/they to Everyone:



17:39:36 From Lakshmi Rajagopalan, City of Oakland to Everyone:  
There is a community workshop on the Housing Element tomorrow:  
<https://www.oaklandca.gov/events/general-plan-update-housing-element-workshop-4>

17:48:08 From Lakshmi Rajagopalan, City of Oakland to David Harris - Urban Strategies Council(Direct Message):  
Do you want us to respond?

17:48:54 From Lakshmi Rajagopalan, City of Oakland to David Harris - Urban Strategies Council(Direct Message):  
most of this information is included in the introduction chapter

17:48:55 From Shina R (she/her) to Everyone:  
the city has a vacancy tax right? they should be tracking vacancy somehow

17:49:46 From Lakshmi Rajagopalan, City of Oakland to Diana Benitez(Direct Message):  
Do you want me to respond? most of this information is included in the introduction chapter

17:52:35 From Liana Molina to Everyone:  
Generally speaking, I agree with the community input & analysis. I didn't get a chance to read Ch 1, only Ch 3-4. ;)

17:54:54 From Bethsaida Ruiz, Ohlone/Huchiun Territory to Everyone:  
Hey everyone, sorry I have to leave early today, I have a previous engagement I could not reschedule. See you all soon. Looking forward to more connection. thank you

17:55:19 From Alison Moore (Dyett & Bhatia) to Everyone:  
Any way we can make things clearer, or things we may have missed, we are here to listen, thank you!

17:55:56 From David Harris - Urban Strategies Council to Everyone:  
I agree about capital access for BIPOC communities, but Black communities have been disproportionately impacted over all other communities of color

17:55:57 From Liana Molina to Everyone:  
will we get to see the draft outreach materials?

17:56:50 From David Peters, WOCAN to Everyone:  
@David - Absolutely agree

18:00:22 From David Harris - Urban Strategies Council to Everyone:  
Please excuse my needing to leave early. I welcome you to visit the AARC website and sign up for information and updates about future meetings: <https://africanamericanresponse.org/>

18:01:16 From David Harris - Urban Strategies Council to Everyone:  
COVID is still very active in our communities and adversely impacting our people the most.

18:08:47 From Liana Molina to Everyone:  
those were super helpful examples, Diana.

18:09:00 From Liana Molina to Everyone:  
EMP, moratorium etc

18:11:08 From Liana Molina to Everyone:  
where are the input not included going to be noted, if at all, in the housing element? which chapter or appendix?

18:11:46 From Diana Benitez to Everyone:

I want to note that our initial Deep Listening survey is asking specific questions on housing and environmental health, but we have been hearing feedback on many of the element topics and have been saving them to track and analyze the other elements.

18:13:08 From Lakshmi Rajagopalan, City of Oakland to Everyone:

The Environmental and Racial Equity Baseline also highlights the issues you mentioned David

18:13:25 From Lakshmi Rajagopalan, City of Oakland to Everyone:

[https://cao-94612.s3.amazonaws.com/documents/Equity-Baseline\\_revised4.15.22.pdf](https://cao-94612.s3.amazonaws.com/documents/Equity-Baseline_revised4.15.22.pdf)

18:15:57 From Liana Molina to Everyone:

yes, and to be clear, I was asking the question about criteria more broadly, assuming we will continue to hear about input that wasn't included. didn't mean to take up so much time with all this.

18:16:14 From William Gilchrist to Lakshmi Rajagopalan, City of Oakland(Direct Message):

I am going to have to go to another meeting. Are you ok to continue?

18:16:18 From Lakshmi Rajagopalan, City of Oakland to William Gilchrist(Direct Message):

yes

18:16:22 From Lakshmi Rajagopalan, City of Oakland to William Gilchrist(Direct Message):

thank you

18:19:15 From David Peters, WOCAN to Everyone:

moderate income is the lowest

18:19:34 From Liana Molina to Everyone:

what do you mean, david?

18:19:44 From David Peters, WOCAN to Everyone:

2.8%

18:19:48 From Liana Molina to Everyone:

oh, i see.

18:19:49 From Liana Molina to Everyone:

yes

18:19:58 From Liana Molina to Everyone:

where the city fell short?

18:20:27 From David Peters, WOCAN to Everyone:

yes

18:21:45 From Liana Molina to Everyone:

they failed to meet rhna goals across the board except market rate

18:21:51 From Lakshmi Rajagopalan, City of Oakland to Everyone:

Annual Progress Reports - <https://www.oaklandca.gov/documents/housing-element-annual-progress-reports>

18:23:04 From David Peters, WOCAN to Everyone:

yes. its a formula for driving increasing wealth and income disparity in our City - only rich and low income

18:24:41 From Sandra Ue, OACC to Everyone:

so the number of permits does NOT reflect on actual built

units? the 1k under very low income might in actuality be less?  
18:25:32 From Shina R (she/her) to Everyone:  
it is unacceptable!  
18:25:33 From Liana Molina to Everyone:  
that's my understanding, Sandra. Can city staff re-confirm  
this? ^^  
18:25:38 From Shina R (she/her) to Everyone:  
is there a way to find actual units built?  
18:26:11 From Lakshmi Rajagopalan, City of Oakland to Diana Perez-Domencich(Direct Message):  
would you be able to respond?  
18:26:30 From Diana Perez-Domencich to Lakshmi Rajagopalan, City of Oakland(Direct Message):  
Sorry, to what?  
18:26:34 From David Peters, WOCAN to Everyone:  
^^ Great question, Shina  
18:26:44 From Lakshmi Rajagopalan, City of Oakland to Diana Perez-Domencich(Direct Message):  
the question from Sandra  
18:27:00 From Sandra Ue, OACC to Everyone:  
so basically some developments are stalled and that isn't captured... is there another table that reflects actually built #s?  
18:28:27 From Diana Benitez to Everyone:  
Just Cities did an analysis of built units (based on a sample) and we can share that two pager with you all after this call.  
18:28:31 From David Peters, WOCAN to Everyone:  
That's a great point, Diana  
18:29:24 From Agnes Cho, Just Cities to Everyone:  
Annual Progress Reports - <https://www.oaklandca.gov/documents/housing-element-annual-progress-reports>  
18:29:30 From Lakshmi Rajagopalan, City of Oakland to Everyone:  
Annual Progress Report - <https://www.oaklandca.gov/documents/housing-element-annual-progress-reports>  
18:33:05 From Sandra Ue, OACC to Everyone:  
thx... my concern is folks looking at the "approved permits" data might misunderstand that as the actual # of available housing. if a lot of projects get stalled it would not be an accurate indication  
18:33:46 From Diana Benitez to Everyone:  
Thank you Sandra. We can make sure that the education material makes it clear.  
18:33:50 From Liana Molina to Everyone:  
probably equity permits re: cannabis  
18:34:05 From Liana Molina to Everyone:  
there are a bunch of streamlining action steps outlined in Ch  
4  
18:34:49 From Alison Moore (Dyett & Bhatia) to Everyone:  
Here's an action that might be of interest: Action 3.6.1: Streamline the City permitting process, especially for low-income and nonprofit builders.  
The City will work with developers and housing stakeholders,

particularly low-income and nonprofit builders, to review current processes and fees to identify actions to reduce costs and streamline the planning approval and building permit processes for small infill development. These actions could involve developing simplified CEQA compliance through qualified exemptions, implementing objective design standards as described in Action 3.4.7, and/or increasing staffing at the Planning and/or Building Bureau to reduce permit processing time. The City will regularly review and update its website to improve navigation and make information such as fee schedules, application forms, zoning ordinances, and other information available on the City's website, along with other educational information to facilitate the permit process.

18:35:44 From David Peters, WOCAN to Everyone:

Thanks, Alison!

18:36:28 From Diana Perez-Domencich to Everyone:

Sandra --- That is correct, "Approved Permits" means a building permit has been issued, this means that construction can begin --- but a developer may not begin construction right away. To understand how many housing units have been completed and are ready for folks to move in, you'd want data on "Certificates of Occupancy" issued. That is the data Audrey showed. It is reported in the Housing Element Annual Progress Report. Diana B. mentioned that they summarized all of this information for you as well. <https://www.oaklandca.gov/documents/housing-element-annual-progress-reports>

18:37:27 From David Peters, WOCAN to Everyone:

I'm also thinking about permit fees for lower-income homeowners. I understand there is a fee schedule that imposes a minimum set permit fee even if you scrounged materials and did the work yourself

18:39:00 From Esther Goolsby she.they to Everyone:

they are vague, how? Only policy change will help here.

18:42:37 From Sandra Ue, OACC to Everyone:

Even if an easier permit approval process is developed & rolled out, it doesn't address issues that may cause the project being stalled. can we include consideration on obstacles to projects being completed

18:44:22 From Audrey Lieberworth, City of Oakland to Everyone:

@Sandra - yes, we identify and outline the constraints to the development of housing in Appendix F: Constraints here: [https://cao-94612.s3.amazonaws.com/documents/Appendix-F-Housing-Constraints\\_Clean.pdf](https://cao-94612.s3.amazonaws.com/documents/Appendix-F-Housing-Constraints_Clean.pdf)

18:47:08 From Esther Goolsby she.they to Everyone:

the goals name them but not how the protect would happen, how preserving will happen and so on

18:47:33 From Audrey Lieberworth, City of Oakland to Everyone:

Some of the identified constraints include: zoning regulations, development standards, fees, and processing and permitting times. I've captured your comment to make sure that the constraints speak to projects that are stalled, as well

18:50:32 From Lakshmi Rajagopalan, City of Oakland to Everyone:

@david - Action 3.7.1: Incentivize the development of senior housing and provide financial assistance to developers of housing for seniors and persons with special needs.

18:50:51 From Lakshmi Rajagopalan, City of Oakland to Everyone:  
Action 3.7.4: Implement the sponsor-based Housing Assistance Program.

The City will continue to work with the Oakland Housing Authority to assist households that otherwise might not qualify for or be successful in the traditional Public Housing and/or Section 8 programs by partnering with agencies to provide service-enriched housing options that increase housing choice for special needs populations. The City will explore options to find more landlords willing to participate in the program.

18:51:08 From Alison Moore (Dyett & Bhatia) to Everyone:  
That's great framing @david, elders as culture keepers

18:51:38 From David Peters, WOCAN to Everyone:  
thx.....

18:51:49 From liz suk to Everyone:  
Curious if the chat will be shared or included with the notes and slides?

18:52:35 From Lakshmi Rajagopalan, City of Oakland to Everyone:  
An overview of the Housing Element is here: [https://cao-94612.s3.amazonaws.com/documents/2022.06.07\\_HE-Summary.pdf](https://cao-94612.s3.amazonaws.com/documents/2022.06.07_HE-Summary.pdf)

18:54:08 From Esther Goolsby she.they to Everyone:  
was all most done

18:58:36 From Alison Moore (Dyett & Bhatia) to Everyone:  
One of the challenges is lack of data, yes

19:01:02 From Alison Moore (Dyett & Bhatia) to Everyone:  
regarding priority groups

19:01:13 From Shina R (she/her) to Everyone:  
its hard to rank, but would like to include low-income non english speakers as having a barrier to accessing housing

19:01:37 From Liana Molina to Everyone:  
i can stay 5 more min

19:01:46 From Sandra Ue, OACC to Everyone:  
agree @shina

19:01:58 From Audrey Lieberworth, City of Oakland to Everyone:  
@Shina - thank you, captured this in our list of comments

19:02:04 From Agnes Cho, Just Cities to Everyone:  
I'll give folks another 30 seconds to finish the poll

19:02:17 From Liana Molina to Everyone:  
i just wanted to note the result of the previous survey where 9 - 18% respondents disagreed or strongly disagreed re: goal 4 mtg community need

19:02:41 From Esther Goolsby she.they to Everyone:  
Black Americans have all barriers to accessing housing





June 9, 2022

Lakshmi Rajagopalan, AICP, Planner IV  
City of Oakland  
Bureau of Planning  
250 Frank H Ogawa Plaza  
Suite 3315  
Oakland, CA 94612

Re: City of Oakland 2023 – 2031 Housing Element Update, Oakland

Dear Ms. Rajagopalan:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the 2023-2031 Housing Element Update in the City of Oakland's General Plan, which encompasses the entire City of Oakland (City). EBMUD commented on the Notice of Preparation of a Draft Environmental Impact Report for Phase 1 of the Oakland 2045 General Plan Update on April 14, 2022. EBMUD's original comments (see enclosure) apply to the 2023-2031 Housing Element Update regarding water service, geology, wastewater service, water recycling, and water conservation. EBMUD has the following additional comments.

## **GENERAL**

EBMUD appreciates the City's efforts to achieve its Regional Housing Needs Allocation (RHNA) through identifying opportunity sites where additional development could occur. As noted in the Housing Element Update, these opportunity sites include both vacant and non-vacant sites. It is important that the City consider existing surrounding uses so that those uses may continue after new housing is developed. In particular, EBMUD has its main offices in Downtown Oakland and additional administrative offices and service yards in West Oakland near Grand Avenue and Adeline Street. In addition, EBMUD is developing a service yard at Willow Street and 24th Street, and its wastewater treatment plant is located at West Grand Avenue and Wake Avenue. Finally, EBMUD has a facility along Oakport Street in East Oakland as well as numerous water and wastewater facilities that support the community and provide essential services to residents and business owners throughout the City.

## **WASTEWATER SERVICE**

The projected number of housing units within the City of Oakland as described in the Housing Element Update are higher than the quantities used by EBMUD in recent long-term planning efforts, and result in population growth rates higher than EBMUD assumed. The differences in EBMUD's assumptions and the Housing Element Update will not

necessarily result in a capacity deficiency, however, EBMUD will monitor the increase in flows over time and requests that the City continue to closely coordinate with EBMUD to ensure that implementation of the Housing Element Update proceeds as projected.

In addition, wet weather flows are a concern. The East Bay regional wastewater collection system experiences exceptionally high peak flows during storms due to excessive infiltration and inflow (I/I) that enters the system through cracks and misconnections in both public and private sewer lines. EBMUD has historically operated three Wet Weather Facilities (WWFs) to provide primary treatment and disinfection for peak wet weather flows that exceed the treatment capacity of the MWWTP. Due to reinterpretation of applicable law, EBMUD's National Pollutant Discharge Elimination System (NPDES) permit now prohibits discharges from EBMUD's WWFs. Additionally, the seven wastewater collection system agencies that discharge to the EBMUD wastewater interceptor system ("Satellite Agencies") hold NPDES permits that prohibit them from causing or contributing to WWF discharges. These NPDES permits have removed the regulatory coverage the East Bay wastewater agencies once relied upon to manage peak wet weather flows.

A federal consent decree, negotiated among EBMUD, the Satellite Agencies, the Environmental Protection Agency (EPA), the State Water Resources Control Board (SWRCB), and the Regional Water Quality Control Board (RWQCB), requires EBMUD and the Satellite Agencies to eliminate WWF discharges by 2036. To meet this requirement, actions will need to be taken over time to reduce I/I in the system. The consent decree requires EBMUD to continue implementation of its Regional Private Sewer Lateral Ordinance ([www.eastbaypsl.com](http://www.eastbaypsl.com)), construct various improvements to its interceptor system, and identify key areas of inflow and rapid infiltration over a 22-year period. Over the same time period, the consent decree requires the Satellite Agencies to perform I/I reduction work including sewer main rehabilitation and elimination of inflow sources. EBMUD and the Satellite Agencies must jointly demonstrate at specified intervals that this work has resulted in a sufficient, pre-determined level of reduction in WWF discharges. If sufficient I/I reductions are not achieved, additional investment into the region's wastewater infrastructure would be required, which may result in significant financial implications for East Bay residents.

To ensure that the proposed project contributes to these legally required I/I reductions, the lead agency should require the project applicant to comply with EBMUD's Regional Private Sewer Lateral Ordinance. Additionally, it would be prudent for the lead agency to require the following mitigation measures for the proposed project: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines to ensure that such systems and lines are free from defects or, alternatively, disconnect from the sanitary sewer system, and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent I/I to the maximum extent feasible while meeting all requirements contained in the Regional Private Sewer Lateral Ordinance and applicable municipal codes or Satellite Agency ordinances.

Lakshmi Rajagopalan, AICP, Planner IV  
June 9, 2022  
Page 3

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,



David J. Rehnstrom  
Manager of Water Distribution Planning

DJR:KTL:grd

sb22\_108. Oakland Draft 2023-2031 General Plan Housing Element NOA Response

Enclosure: EBMUD's April 14, 2022 Response to the Notice of Preparation of a Draft EIR for the Phase 1 of the Oakland 2045 General Plan Update

April 14, 2022

Lakshmi Rajagopalan, AICP, Planner IV  
City of Oakland  
Bureau of Planning  
250 Frank H Ogawa Plaza  
Suite 3315  
Oakland, CA 94612

Re: Notice of Preparation of a Draft Environmental Impact Report for Phase I of the  
Oakland 2045 General Plan Update, Oakland

Dear Ms. Rajagopalan:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for Phase I of the Oakland 2045 General Plan Update, which encompasses the entire City of Oakland (City). EBMUD has the following comments.

### **WATER SERVICE**

Effective January 1, 2018, water service for new multi-unit structures shall be individually metered or sub-metered in compliance with California State Senate Bill 7 (SB-7). SB-7 encourages conservation of water in multi-family residential, mixed-use multi-family and commercial buildings through metering infrastructure for each dwelling unit, including appropriate water billing safeguards for both tenants and landlords. EBMUD water services shall be conditioned for all development projects within the General Plan Update that are subject to SB-7 requirements and will be released only after the project sponsor has satisfied all requirements and provided evidence of conformance with SB-7.

Main extensions that may be required to serve any specific developments within the General Plan Update to provide adequate domestic water supply, fire flows, and system redundancy will be at the project sponsor's expense. Pipeline and fire hydrant relocations and replacements due to modifications of existing streets, and off-site pipeline improvements, also at the project sponsor's expense, may be required depending on EBMUD metering requirements and fire flow requirements set by the local fire department. When the development plans are finalized for individual projects within the General Plan Update, project sponsors for individual projects should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions of providing water service to the development. Engineering and installation of new and relocated pipelines and services require substantial lead time, which should be provided for in the project sponsor's development schedule.

Project sponsors for individual projects within the General Plan Update should be aware that EBMUD will not install piping or services in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may be hazardous to the health and safety of construction and maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping or services in areas where groundwater contaminant concentrations exceed specified limits for discharge to the sanitary sewer system and sewage treatment plants. The project sponsor must submit copies to EBMUD of all known information regarding soil and groundwater quality within or adjacent to the project boundary and a legally sufficient, complete, and specific written remediation plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of contaminated soil and groundwater.

EBMUD will not design piping or services until soil and groundwater quality data and remediation plans have been received and reviewed and will not start underground work until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists, or the information supplied by the project sponsor is insufficient, EBMUD may require the project sponsor to perform sampling and analysis to characterize the soil and groundwater that may be encountered during excavation, or EBMUD may perform such sampling and analysis at the project sponsor's expense. If evidence of contamination is discovered during EBMUD work on the project site, work may be suspended until such contamination is adequately characterized and remediated to EBMUD standards.

## **GEOLOGY**

On Page 3 of the NOP, under Existing Conditions, it states that the greater Oakland area is vulnerable to seismic hazards including earthquake-inducing landslides, liquefaction, and ground shaking. When the project sponsor applies for water service for individual projects within the General Plan, they will need to provide EBMUD with any proposed landslide mitigation measures for the developments so that no landslide impact hazard is posed to proposed water main extensions that will serve the projects.

## **WASTEWATER SERVICE**

EBMUD's Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to accommodate the proposed wastewater flows from this project and to treat such flows provided that the wastewater generated by the project meets the requirements of the EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. The East Bay regional wastewater collection system experiences exceptionally high peak flows during storms due to excessive infiltration and inflow (I/I) that enters the system through cracks and misconnections in both public and private sewer lines. EBMUD has historically operated three Wet Weather Facilities (WWFs) to provide primary treatment and disinfection for peak wet weather flows that exceed the treatment capacity of the MWWTP. Due to

reinterpretation of applicable law, EBMUD's National Pollutant Discharge Elimination System (NPDES) permit now prohibits discharges from EBMUD's WWFs. Additionally, the seven wastewater collection system agencies that discharge to the EBMUD wastewater interceptor system ("Satellite Agencies") hold NPDES permits that prohibit them from causing or contributing to WWF discharges. These NPDES permits have removed the regulatory coverage the East Bay wastewater agencies once relied upon to manage peak wet weather flows.

A federal consent decree, negotiated among EBMUD, the Satellite Agencies, the Environmental Protection Agency (EPA), the State Water Resources Control Board (SWRCB), and the Regional Water Quality Control Board (RWQCB), requires EBMUD and the Satellite Agencies to eliminate WWF discharges by 2036. To meet this requirement, actions will need to be taken over time to reduce I/I in the system. The consent decree requires EBMUD to continue implementation of its Regional Private Sewer Lateral Ordinance ([www.eastbaypsl.com](http://www.eastbaypsl.com)), construct various improvements to its interceptor system, and identify key areas of inflow and rapid infiltration over a 22-year period. Over the same time period, the consent decree requires the Satellite Agencies to perform I/I reduction work including sewer main rehabilitation and elimination of inflow sources. EBMUD and the Satellite Agencies must jointly demonstrate at specified intervals that this work has resulted in a sufficient, pre-determined level of reduction in WWF discharges. If sufficient I/I reductions are not achieved, additional investment into the region's wastewater infrastructure would be required, which may result in significant financial implications for East Bay residents.

To ensure that future projects following adoption of the City's General Plan Update contribute to these legally required I/I reductions, the lead agency should require all future housing project applicants to comply with EBMUD's Regional Private Sewer Lateral Ordinance. Additionally, it would be prudent for the lead agency to require the following mitigation measures for future proposed projects: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines to ensure that such systems and lines are free from defects or, alternatively, disconnected from the sanitary sewer system, and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent I/I to the maximum extent feasible while meeting all requirements contained in the Regional Private Sewer Lateral Ordinance and applicable municipal codes or Satellite Agency ordinances.

## **WATER RECYCLING**

EBMUD's Policy 9.05 requires that customers use non-potable water, including recycled water, for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health, and not injurious to plant, fish, and wildlife to offset demand on EBMUD's limited potable water supply.

Some portions of the City's boundaries fall within and around the service area of the East Bayshore Recycled Water Project transmission and distribution pipeline infrastructure. Although the housing element is residential in nature, many housing projects and any related non-residential developments present opportunities for recycled water uses. Appropriate recycled water uses range from landscape irrigation, toilet flushing, cooling, and other non-potable commercial and industrial applications. These could be served by existing or expanded recycled water pipelines in the future. Therefore, EBMUD recommends that the City and project sponsors maintain coordination and consultation with EBMUD during the planning and implementation of the various projects within the General Plan Update, regarding the feasibility of providing recycled water for appropriate non-potable uses.

### **WATER CONSERVATION**

Individual projects within the General Plan Update presents an opportunity to incorporate water conservation measures. EBMUD requests that the City include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsors should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,



David J. Rehnstrom  
Manager of Water Distribution Planning

DJR:KTL:grd  
sb22\_077 Oakland 2045 General Plan Update NOP Response

## Deeply Rooted Feedback Table (6/10/22)

We only added track changes to section 7.1 of the Oakland HE and included the rest of our feedback in this table where we note which document or policy section we are referring to.

Topic Area	DR Feedback
Engagement and accountability	<p><b>Provided track changes to the Engagement section</b> that includes removing the DR Partners map and adding more detail to the Partners table. Oakland HE_compiled with TOC_DR_2022_0610: Section: 7.1</p> <p><b>Acknowledgement of Community Policy ideas:</b> As we have discussed, the City needs to explain why some of the community policy ideas in the Public Participation section didn't make it to the HAP. We recommend the following columns in the appendix for each community policy idea: policy idea, decisionmaker, issue/ disagreement, consensus, and next steps.</p> <p><b>Community Policy Ideas not in HAP include:</b></p> <ul style="list-style-type: none"> <li>● Create and staff Neighborhood Planning Councils for residents to weigh in on what gets built in their neighborhoods during planning and implementation (i.e. RCPC or Mission group), particularly in areas where rapid displacement is happening. (Policy 5.2)</li> <li>● Citywide Housing Commission to review City's progress on Housing Element actions. (Policy 5.2)</li> </ul>
Health	<p><b>Community Policy Ideas not in HAP include:</b></p> <ul style="list-style-type: none"> <li>● Integrate Healthy Development Guidelines into GP (note under actions where it's come from HDG) (Policy 5.2) Examples include disclosure and reporting on rental unit loss, eviction, and relocation compensation; and displacement impact mitigation.</li> <li>● Human Health/Socioeconomic Impacts Analysis: require public analysis of displacement/homelessness impacts of market rate projects prior to City providing permits or</li> </ul>



	<p>any zoning changes (Policy 1.1)</p> <ul style="list-style-type: none"> <li>● Acknowledge that proactive rental inspections can only be implemented with a new law. (Policy 2.1)</li> </ul>
<p>Tenant Protections</p>	<p><b>Community Policy Ideas not in HAP include:</b></p> <ul style="list-style-type: none"> <li>● A law requiring anti-displacement strategies for the proactive rental inspection program. (Policy 2.1)</li> <li>● Moratorium on market rate development for neighborhoods experiencing rapid gentrification. (Policy 1.1)</li> <li>● Community outreach &amp; enforcement of City's Fair Chance Housing Ordinance (banning housing discrimination of people with criminal records). (Policy 1.1, 5.3)</li> <li>● Cultural Districts will protect existing residents from displacement. (Policy 3.2)</li> <li>● Address needs of undocumented residents, i.e. new local ordinance for removing Social Security Number from housing applications. (Policy 5.3)</li> <li>● Measure KK assessment (low-income homeowners applied and used funds). Update so low-income homeowners will not have to pay the new taxes. (Policy 3.3)</li> </ul>
<p>Housing Production</p>	<p><b>Housing Affordability Densities:</b> City kept as is because it aligns with HCD Site Guidelines. We are concerned that size assumptions are in violation of fair housing laws. (Appendix C pages 50, 80-81; and Oakland HE page 39)</p> <p><b>Use of City-owned land as 100% affordable housing (includes 10+ acre sites as well):</b> Action 3.3.1 discusses prioritizing ELI households on public land, but Table C-16 (Appendix C) in Housing Sites Inventory shows that housing at all income levels is being planning for on public land.</p> <p><b>Community Policy Ideas not in HAP include:</b></p> <ul style="list-style-type: none"> <li>● All public land for 100% affordable housing (includes 10+ acres). (Policy 3.3).</li> <li>● Utilize neighborhood Area Median Income for housing</li> </ul>

	<p>projects. (Policy 3.2)</p> <ul style="list-style-type: none"> <li>● Increase Housing Impact Fees.(Policy 3.3)</li> <li>● Create a real Inclusionary Zoning law. (Policy 3.3)</li> <li>● Link zoning changes for market rate projects to affordability requirements so more affordable housing is built. (Policy 3.4)</li> <li>● Prioritize re-entry housing in City funding applications. (Policy 3.7)</li> <li>● Ensure that TOD projects provide housing that neighborhood residents can afford (Policy 5.2)</li> </ul>
Affordable Housing Preservation	<p><b>Community Policy Ideas not in HAP include:</b></p> <ul style="list-style-type: none"> <li>● A tax on speculators AFTER they purchase the property does not reduce housing speculation and the City already has a registration fee &amp; inspection requirement for speculators. The City should instead evaluate how the current program is working. (Policy 2.2)</li> </ul>
Homelessness	<p><b>Goals, policies, and actions should treat unhoused people with dignity and respect the communities they have built rather than allowing for City evictions under the current Homeless Encampment Management Policy.</b> The current policies focused on unhoused people describes just enhancing operations of the EMP.</p> <p><b>Community Policy Ideas not in HAP include:</b></p> <ul style="list-style-type: none"> <li>● Stopping Encampment Management Policy. (Policy 4.2)</li> <li>● Changing zoning so tiny homes or RV's can be allowed across the City. (Policy 4.3)</li> <li>● No mention of permanent housing and how that aligns with AFFH. (Goal 4. How this Goal AFFH section)</li> </ul> <p>Note: We will be conducting focus groups conversations along with our DR Partners this summer and will have more feedback, including with unhoused communities for these specific policies.</p>
AFFH integration throughout the	<p><b>Missing Special Needs Groups (prioritize housing for them):</b></p>

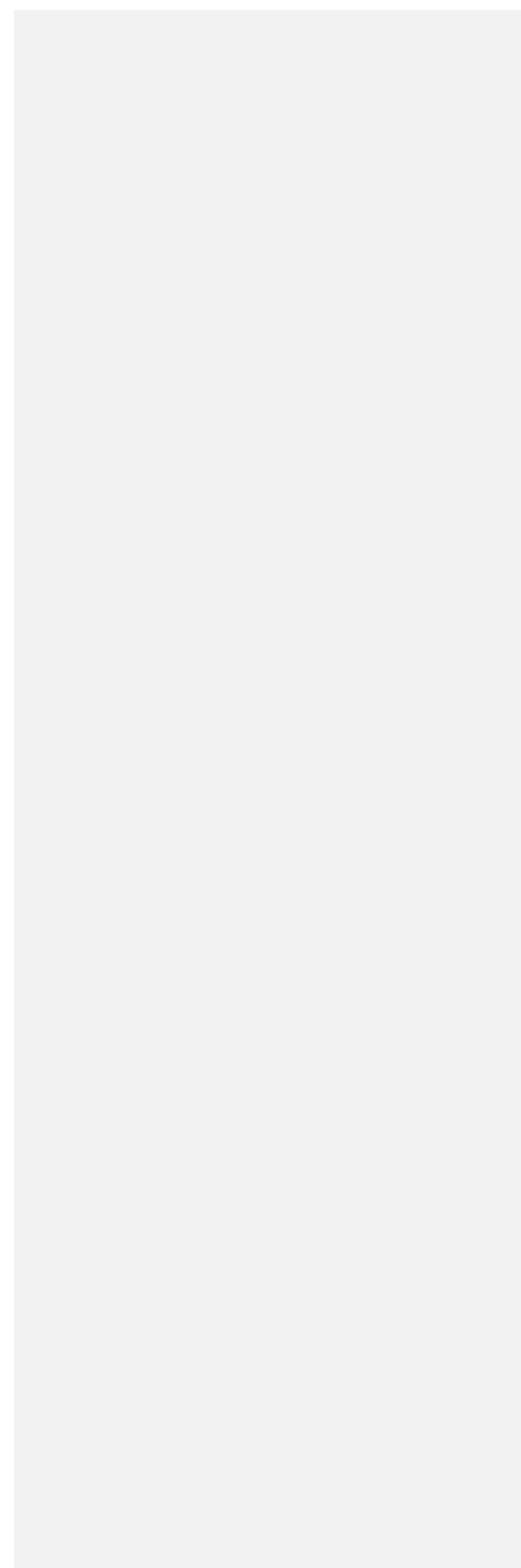
<p>HE</p>	<ul style="list-style-type: none"> <li>● Formerly incarcerated individuals (Policy 1.1, 3.7),</li> <li>● Single parents (not just mother’s) (Policy 1.1, 3.7)</li> <li>● young adults (Policy 1.1, 3.7)</li> <li>● low-income non-english speakers (Policy 1.1, 3.7)</li> <li>● youth aging out of foster care (Policy 1.1, 3.7)</li> <li>● Black Americans (this population particularly in relation to landlord housing discrimination). (Policy 1.1, 3.7)</li> <li>● Teachers (Policy 1.1, 3.7)</li> </ul> <p><b>Need to integrate the following community input into Intro, Housing Needs (Appendix B) and AFFH sections (Appendix D and relevant Oakland HE sections):</b></p> <ul style="list-style-type: none"> <li>● Historic and Current Racism are intentional public policy choices <ul style="list-style-type: none"> <li>○ Including intentional decrease of public housing in neighborhoods like Lower Bottoms. It was another policy choice that exacerbated racialized displacement.</li> </ul> </li> <li>● Facts about ethnic enclaves created in part by racial housing covenants (Chinatown, West and East Oakland).</li> <li>● The negative impacts of California legislature’s Costa Hawkins law</li> <li>● The negative impacts in the 1990s of the tech boom and Mayor Brown’s 10k market rate housing plan to make Oakland attractive for SF tech workers.</li> <li>● Generational economic and housing discrimination impacts Oakland residents.</li> <li>● Market force displacement from lack of sufficient tenant protections</li> <li>● Blighted Housing Conditions: Lower income residents in West and East Oakland are facing unhealthy housing conditions ie. no heat, electrical issues, and faulty plumbing).</li> </ul>
<p>Previous HE Assessment (RHNA and background</p>	<p><b>Mention Housing Equity Roadmap in Appendix A.</b> Lots of community orgs were involved in the development of that document and may not have been involved with HCD’s Strategic Plan so may not see themselves reflected in the Strategic Plan.</p>

	<p><b>More information/data on assessment of previous housing cycle production.</b> A summary of the previous HE assessment should be included in the Oakland HE (main chapters of document) for transparency and framing for the new RHNA goals. Draft HE (Appendix A) has only one sentence on total housing built in the previous cycle. Also include 1) the number of built units by affordability level in the 2015-2023 RHNA table alongside permitted, 2) Table by planning area and income level for built units, and a map of where those sites are by income level. Just Cities ended up doing this analysis with sample data.</p>
--	--

# Table of Contents

<b>I Introduction</b>	11.2
	Purpose of the Housing
Element	71.3
	Oakland’s Housing
Approach	101.4
	Organization of the Housing
Element	121.5
	Relationship to Other General Plan
Elements	131.6
	Sources of
Information	142
	<b>Public</b>
<b>Participation</b>	192.1
	Summary of Community Outreach
Activities	192.2
	Public Participation
Themes	283
	<b>Summary of the Housing Sites</b>
<b>Inventory</b>	333.1
	Regional Housing Needs
Allocation	333.2
	Capacity to Accommodate the
RHNA	333.3
	Assessing Housing Sites Through a Fair Housing
Lens	394
	<b>Housing Action</b>
<b>Plan</b>	454.1 Goals, Policies, and
Actions	45Goal 1. Protect Oakland Residents from Displacement and Prevent
Homelessness	45Goal 2. Preserve and Improve Existing Affordable Housing
Stock	53Goal 3. Expand Affordable Housing
Opportunities	61Goal 4. Address Homelessness and Expand Services for the
Unhoused	95Goal 5. Promote Neighborhood Stability and
Health	1054.2 Quantified
Objectives	116

## Appendices



- Appendix A: Evaluation of the 2015-2023 Oakland Housing Element
- Appendix B: Housing Needs Assessment
- Appendix C: Sites Inventory
- Appendix D: Affirmatively Furthering Fair Housing draft
- Appendix E: Housing Resources and Opportunities
- Appendix F: Housing Constraints
- Appendix G: Opportunities for Energy Conservation
- Appendix H: Glossary
- Appendix I: Reserved for Public outreach Materials

## List of Figures

Figure 1-1: Regional Map	6
Figure 2-1: Deeply Rooted Collaborative	20
Figure 2-2: Interactive Map Survey Snapshot	27
Figure 3-1: City of Oakland 2023-2031 Housing Sites Inventory	36
Figure 3-2: Housing Sites Access to Opportunity, 2022	42

## List of Charts and Tables

<i>Charts:</i>	
Chart 2-1: Oakland 2045 Project Schedule Timeline	25
Chart 2-2: Housing Element Outreach	25
Chart 3-1: Housing Sites Inventory Development Process	40
<i>Tables:</i>	
Table 1-1: Oakland Regional Housing Needs Assessment, 2023-2031	8
Table 2-1: Deeply Rooted Collaborative Community Partner Roles	21
Table 3-1: Oakland Regional Housing Needs Assessment, 2023-2031 RHNA	33
Table 3-2: Summary of Residential Capacity to Accommodate the 2023-2031 RHNA	35
Table 4-1: City of Oakland 2023-2031 Quantified Objectives	116

# I Introduction

This Housing Element presents the City of Oakland’s strategy and commitment for how it will meet the housing needs of the community. In the face of a crushing regional housing crisis, the task is formidable, but essential: to make quality housing opportunities available to all Oakland residents through the Protection, Preservation, and Production of homes, and to address systemic housing inequity.

Preparation of this Housing Element comes at a time of challenge and uncertainty for many Oaklanders. It comes amid a global pandemic, a renewed call for racial justice after the murder of George Floyd, and economic and global security uncertainty. It comes while Oakland has imposed one of the strongest eviction moratoriums in the State, and it comes at a moment where the world moves closer to the tipping point of irreversible climate change. All of these large issues collide to shape how housing does and will look like for individuals and families who call Oakland home.

## 2 LEARNING FROM THE PAST

What does it mean to call Oakland “home”? Oakland’s current housing landscape tells the story of struggle, of systemic forces that have shaped the neighborhood geography of opportunity. To chart an equitable path forward, Oakland’s history must be examined and addressed.

The land that is now Oakland is the ancestral home of the Ohlone indigenous group who were stewards of the oak and redwood forests, grasslands, and marshlands that make up the coastal region of central and northern California for thousands of years. The arrival of Spanish missionaries in the 1760s and subsequent periods of Spanish colonization, Mexican settlement, and American urbanization of the Ohlone region greatly shifted the cultural and physical landscape. Nevertheless, this land continues to be of great importance to the Ohlone people.<sup>1</sup>

Oakland has historically been a destination for working people and immigrants who sought out its abundant industrial jobs and relatively affordable neighborhoods. Many of these places were formed into cultural and ethnic enclaves as a result of segregationist and racially discriminatory policies and practices.<sup>2</sup> Government-sponsored “white flight” suburbanization during the early 1930s, followed by

---

<sup>1</sup> Mitchell Schwarzer, *Hella Town: Oakland’s History of Development and Disruption*, (Oakland: University of California Press, 2021).

<sup>2</sup> City of Oakland, “Environmental Justice and Racial Equity Baseline.” March 2022. Access available at [https://cao-94612.s3.amazonaws.com/documents/Equity-Baseline\\_revised4.15.22.pdf](https://cao-94612.s3.amazonaws.com/documents/Equity-Baseline_revised4.15.22.pdf)

disinvestment and takings in neighborhoods of color, created socioeconomic and geographic lines that were further delineated by redlining (a federally sanctioned practice during the 1930s of denying mortgages in communities of color) and racially restrictive covenants.<sup>3</sup> In the 1950s and 1960s, urban renewal cut through these disinvested areas to build new high-rises and transportation infrastructure that displaced many low-income residents and residents of color.

Since the late 1990s, Oakland has seen an increase in real estate investment, which has had both positive and negative effects. In the years leading up to the 2008 housing crash and Great Recession, banks engaged in a process referred to as “reverse redlining” where predatory lending practices and subprime loans were targeted in the same neighborhoods that were once marked as off-limits for borrowers in the 1950s.<sup>4</sup> This activity resulted in waves of foreclosures in East and West Oakland. A significant number of these foreclosed properties were then acquired by investors, and once-affordable and stable homes flipped overnight into market-rate rentals. An influx of private capital and a 2016 municipal bond for development, in part due to efforts like the City’s 10K plan to revitalize the urban core, has reinvigorated downtown and uptown.<sup>5</sup> At the same time, rising housing prices and a lack of new affordable options created waves of residential and commercial gentrification, especially in North and West Oakland and Chinatown, with growing trends in East Oakland. Massive regional job growth, particularly in the technology sector, coupled with the lack of supply of housing in other cities to keep up, sent waves of new residents to the East Bay in search of more affordable housing.<sup>6</sup> New skyscrapers and midrise buildings sprung up largely targeted toward the upper end of the market in downtown, across North Oakland, along upper Broadway, and in West Oakland, in part driven by rising costs of land and construction. The impacts of lack of regional supply rippled through other residential areas of the city, where communities of color faced greater vulnerability to rising housing costs than white residents.<sup>7</sup>

The direct and indirect displacement of residents in these areas, driven by the heated and inequitable housing market, threatens not only households but the cultural identity and viability of these communities. From 2000 to 2019, Oakland lost nearly 30 percent of its Black population, and significant numbers of long-time Asian Americans residing in ethnic enclaves including Chinatown.<sup>8</sup> Homelessness

---

<sup>3</sup> Just Cities, *East Oakland Displacement Status and Impacts from the BRT Project Summary: A Racial Equity Planning and Policy Justice Report for OakDOT’s East Oakland Mobility Action Plan*, June 2021, [https://drive.google.com/file/d/1sGCZt1uGPaFLroOm8BkGczV\\_vXOGsFTk/view](https://drive.google.com/file/d/1sGCZt1uGPaFLroOm8BkGczV_vXOGsFTk/view), accessed March 16, 2022.

<sup>4</sup> “East Oakland Displacement Status and Impacts from the BRT Project Summary.” n.d. Oakland: Just Cities. <https://cao-94612.s3.amazonaws.com/documents/EOMAP-Appendix-2.pdf>.

<sup>5</sup> *Ibid.*

<sup>6</sup> Mitchell Schwarzer, *Hella Town: Oakland’s History of Development and Disruption* (University of California Press, 2021).

<sup>7</sup> “East Oakland Displacement Status and Impacts from the BRT Project Summary.” n.d. Oakland: Just Cities. <https://cao-94612.s3.amazonaws.com/documents/EOMAP-Appendix-2.pdf>.

<sup>8</sup> American Community Survey (ACS) (2014-2018); U.S. Census 2000, 2010; Urban Displacement Project, 2021.



increased by 90 percent from 2013 to 2019.<sup>9</sup> The COVID-19 pandemic has brought into stark relief and exacerbated racial and economic disparities in housing security and the public health consequences of these conditions.<sup>10</sup> The consequence of this complex history has and continues to shape the city's built environment, including the distribution, types, affordability, and quality of housing in Oakland.

Today, Oakland has grown to be the largest city in Alameda County with the busiest port in Northern California. Neighboring cities include Berkeley and Emeryville to the north, San Leandro to the south, Alameda across the Oakland Estuary, and Piedmont surrounded by Oakland. San Francisco is located just 12 miles west across the San Francisco Bay, connected by Interstate 80 (I-80). Oakland is known for its diverse geography, including 19 miles of bay and estuary coastline to the west, the Oakland/Berkeley Hills to the east, and Lake Merritt, a tidal lagoon lake located within the city's borders.

### **3 CHARTING AN EQUITABLE, INCLUSIVE FUTURE**

With the legacy of inequity top of mind, the City has begun planning for a more equitable future. In 2016, the City established the Department of Race and Equity with a mission “to advance the creation of a city where diversity has been maintained, racial disparities have been eliminated, and racial equity has been achieved.” The Department of Race and Equity is particularly concerned with making a difference in the determinants of equity that lead to creation of a fair and just society, including housing. In 2018, the department published the [Equity Indicators Report](#), which serves as a baseline quantitative framework that can be used by City staff and community members alike to better understand the impacts of policy on racial groups and measure inequities.

The work of the Department of Race and Equity informs the City of Oakland's Department of Housing and Community Development's (HCD) 2021-2023 Strategic Action Plan. This plan is informed by past analyses, planning, and accomplishments such as the 2016 “Oakland At Home: Recommendations for Implementing A Roadmap Toward Equity from the Oakland Housing Cabinet,” and applies a race and equity lens to the City's housing investments and services in wake of the public health, fiscal, and social crises caused by COVID-19. In practice, this includes transparent and regular reporting on outcomes disaggregated by race; Americans with Disabilities Act-compliant, accessible information provided in multiple languages; anti-displacement and housing production programs, policies, and initiatives focused on the most impacted vulnerable populations; and access and opportunity pathways to and for Black, Indigenous, and People of Color (BIPOC) developers, service providers, and other contractors to the resources the City has to offer in the conduct of its housing work. The Strategic Action Plan also

---

<sup>9</sup> *Ibid.*

<sup>10</sup> “City of Oakland HCD 2021-2023 Strategic Action Plan City of Oakland Housing & Community Development Department 2021-2023 Strategic Action Plan.” n.d. Accessed May 9, 2022. <https://cao-24612.s3.amazonaws.com/documents/HCD.final.21-21Strategic-Plan.pdf>.

details a series of specific actions and policies HCD will pursue as part of a broader strategy to protect residents from displacement, preserve existing affordable housing - both subsidized and unsubsidized, and produce new affordable housing.

Community-based organizations, many of whom have been leading housing justice efforts for decades, are also shaping housing goals rooted in racial equity. Oakland residents, community organizations, developers, and government partners created the [Healthy Development Guidelines](#) (HDG) for Oakland’s Planning and Building Department, the first health and racial equity-focused guidelines in the country. Two of the HDG’s goals include enhancing access to affordable housing, particularly for vulnerable populations; and preserving existing affordable housing and protecting residents from involuntary displacement. These guidelines were incorporated into city development review process in 2018. The [East Oakland Neighborhoods Initiative](#), a community plan created out of partnership between the City of Oakland Planning Bureau and twelve community-based organizations focused on equity-based planning for Deep East Oakland, also highlight anti-displacement among their plan goals, noting that improvements recommended in the plan must not drive out existing residents by inadvertently increasing the cost of housing. This is achieved in part through local wealth creation, well-crafted policies, and mainstreaming of affordability vehicles.

The global climate crisis will also have profound impacts on—among other things—housing security and availability in Oakland. To address the climate crisis, the City released the [Oakland 2030 Equitable Climate Action Plan \(ECAP\)](#) in July 2020. The ECAP is the City’s strategy to create a future built on justice, equal opportunity, and environmental protection. Among the list of Transportation and Land Use (TLU) actions in the ECAP is TLU-3, “Take Action to Reduce and Prevent Displacement of Residents & Businesses.” TLU-3 explicitly links anti-displacement efforts to climate equity action, as the City can only achieve its ECAP goals if Oaklanders are able to participate fully in, and benefit from, climate action without fear of displacement and homelessness.

The City is also undertaking an update to its Land Use and Transportation Element, in tandem with this Housing Element, to promote a land use pattern and policies that will help accelerate and target housing production. Like many other Bay Area cities, nearly every property in Oakland has been developed, with few “greenfield” (not yet developed) sites within its limits or at its borders, meaning that housing development will primarily rely on development and redevelopment of “infill” sites. Within the city limit, there are approximately 29,700 acres (46.4 square miles) of land, including residential, commercial, and industrial developments, as well as public facilities, including parks, schools, and an international airport. The Housing Element applies to land within city limits, depicted in Figure 1-1.

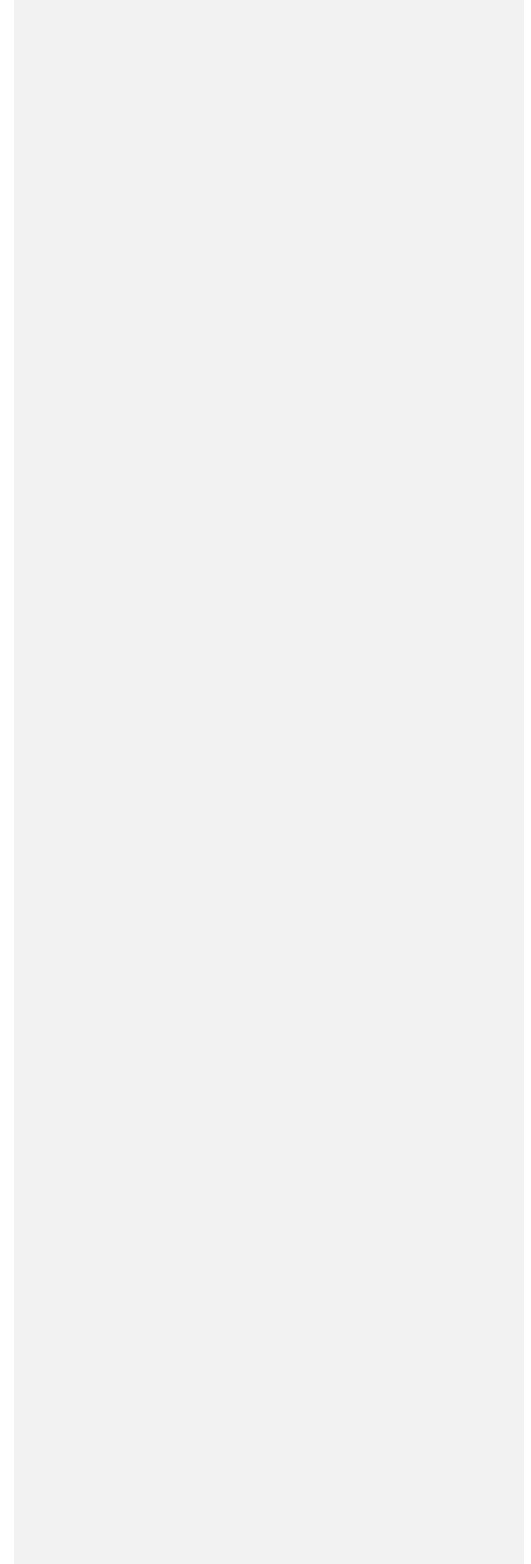
**Callout: Environmental Justice and Racial Equity Baseline**

[The Environmental Justice and Racial Equity Baseline](#), published in March 2022, identifies and details disparities by race and by geography that can be influenced directly or indirectly by the General Plan.

## Chapter 1: Introduction

The findings in the Environmental Justice and Racial Equity Baseline identify environmental justice and racial equity existing conditions and inform conversations between City staff and members of the public. In parallel with the Housing Element, this baseline will be used as a starting place for policymaking related to environmental justice, safe and sanitary housing, and other community equity issues.

**Figure I-1: Regional Map**



## 3.1 Purpose of the Housing Element

---

The 2023-2031 Oakland Housing Element is one component of a larger effort: an update to the City of Oakland General Plan. The General Plan Update will create Oakland’s 2045 General Plan and is a “once-in-a-generation” opportunity for all Oaklanders to work together to create a visionary blueprint for the city’s future over the next 20 years. The Oakland 2045 General Plan will be made up of several “elements” covering a wide range of topics important to the future of Oakland, including environmental justice, land use and transportation, open space, noise, conservation, and safety.

The 2023-2031 Housing Element sets forth the City’s housing priorities and goals—as well as its vision for both short- and long-term development—to create a fair and just city. State law mandates that the Housing Element be updated every eight years to reflect changing conditions, community objectives, and goals. This Housing Element also provides an evaluation of the 2015-2023 Housing Element, including an assessment of prior programs and strategies.

### **HOUSING ELEMENT: COMPONENTS**

In California, all cities must adopt a General Plan composed of at least seven elements, including the Housing Element. All cities must also incorporate environmental justice into the General Plan. Oakland has chosen to adopt an Environmental Justice Element while also incorporating environmental justice goals into each element, including the Housing Element. While the Housing Element is influenced by State law, it is essentially a local document. The Oakland Housing Element, in tandem with the rest of the General Plan Update, is designed to assess and shape the community’s housing progress and needs.

Nonetheless, among all General Plan elements, the State of California has the most extensive set of requirements pertaining to housing elements. In accordance with State law, the Housing Element must include:

- A description of outreach conducted in preparation of the element
- An analysis of progress in implementing the previous Housing Element and effectiveness of its programs and actions
- An assessment of existing and projected housing needs
- An analysis of special housing needs, such as those of older adults and people with disabilities
- An analysis of existing assisted housing units at risk of conversion from affordable to market rate
- An analysis and inventory of resources and constraints relevant to meeting housing needs
- An affirmatively furthering fair housing (AFFH) analysis, which guides the analysis of each set of requirements

- An inventory of adequate sites suitable for construction of new housing sufficient to meet needs at all economic levels
- A program that sets forth specific actions to address housing needs, with identification of responsible agencies and timelines

#### 4 REGIONAL HOUSING NEEDS ASSESSMENT (RHNA)

Oakland’s Housing Element was last updated in 2015 and covered the years 2015-2023. The current Housing Element update reflects the Regional Housing Needs Assessment (RHNA) as determined by the Association of Bay Area Governments (ABAG) for the Sixth Cycle Housing Element update, covering the years 2023-2031. The RHNA is a State-mandated process intended to ensure every city and county plans for enough housing production to accommodate future growth. The State of California Housing and Community Development Department (State HCD) assigns each region of the state an overall RHNA allocation. For the nine-county Bay Area region, ABAG then distributes a “fair share” portion of that allocation to each local jurisdiction. Each city and county must then identify adequate sites with a realistic capacity for development sufficient to meet this RHNA.

For the 2023-2031 period, Oakland must identify sites sufficient to accommodate 26,251 new housing units between 2023 and 2031, with a specific number of units designated as affordable to each income category, as shown in Table 1-1.

A total of 6,511 units must be affordable to households making less than 50 percent of area median income (AMI), 3,750 units must be affordable to households making between 50 and 80 percent of AMI, 4,457 units must be affordable to households making between 80 and 120 percent of AMI, and 11,533 units must be affordable to households making over 120 percent of AMI. The RHNA does not specifically break down the need for extremely-low-income households. As provided by State law, the housing needs of extremely-low-income households, or those making less than 30 percent of area median income (AMI), is estimated as 50 percent of the very-low-income housing need. More detail on the RHNA allocation process is described in Chapter 3 as well as in Appendix C.

**Table 1-1: Oakland Regional Housing Needs Assessment, 2023-2031**

<i>Income Level<sup>1</sup></i>	<i>Income Range</i>	<i>Needed Units</i>	<i>Percent of Needed Units</i>
Very-Low-Income (0-50% AMI)	<\$46,287	6,511	24.8%
Extremely-Low-Income (<30% AM part of Very-Low-Income in previous row) <sup>2</sup>	<\$27,772	3,256	-
Low-Income (51-80% AMI)	\$27,773-\$74,059	3,750	14.3%
Moderate-Income (81-120% AMI)	\$74,059-111,089	4,457	17.0%
Above-Moderate-Income (>120% AMI)	>\$111,090	11,533	43.9%
<b>Total</b>		<b>26,251</b>	<b>100.0%</b>

---

*1. Income levels were determined by county median household income based on 2014-2018 American Community Survey data (Table B19013). The median income in Alameda County during this period was \$92,574.*

*2. Extremely-low-income housing need is assumed to be 50 percent of very-low-income housing need.*

---

Source: ABAG, Final RHNA Plan, December 2021

## **5 HOUSING ELEMENT: STATE CHANGES**

Various amendments have been made to Housing Element law since adoption of the City's current Housing Element, especially since 2017. Some of the key changes for 6th cycle RHNA and Housing Element update include:

- Assembly Bill (AB) 72 (2017) provides additional authority to State HCD to scrutinize housing elements and enforce housing element noncompliance and other violations of state housing laws.
- AB 879 (2017) and AB 1397 (2017) require additional analysis and justification of sites listed on a local government's housing sites inventory, additional explanation of the realistic capacity of those listed sites, and further scrutiny of governmental and nongovernmental constraints that limit the production of housing.
- AB 686 (2018) requires local governments to Affirmatively Further Fair Housing (AFFH) by including in revised housing elements (1) an assessment of fair housing; (2) equitable distribution of housing to meet the needs of households at all income levels and dismantle segregated living patterns with integrated and balanced living patterns; (3) policies and programs that address fair housing barriers and promote fair housing patterns; and (4) a comprehensive, collaborative, accessible, inclusive, and equity-driven public engagement approach.
- AB 215 (2021) extends the housing element compliance review process by requiring local governments to make draft housing elements available for public review prior to submittal to State HCD rather than conducting concurrent review. The draft must be made publicly available for at least 30 days, and the local government must consider and incorporate public comment for at least 10 business days, before sending the draft to State HCD. AB 215 also increased State HCD's review period of the first draft element submittal from 60 to 90 days and within 60 days of its receipt for a subsequent draft amendment or adoption. However, the January 31, 2023, statutory deadline remains the same, even as these new requirements have significantly added to the time a city needs to complete the overall housing element update process.

- AB 1398 (2021) revises the consequences for local governments that miss the deadline for housing element adoption. Local governments must complete rezoning no later than one year from the statutory deadline for adoption of the housing element if that jurisdiction fails to adopt a housing element that State HCD has found to be in substantial compliance with state law within 120 days of the statutory deadline. The City retains the three-year rezoning period if the housing element is adopted within 120 days of the statutory deadline.
- AB 1304 (2021) clarifies that a public agency has a mandatory duty to comply with existing Housing Element Affirmatively Furthering Fair Housing (AFFH) requirements. AB 1304 revises the items to be included in AFFH analysis and requires that analysis to be done in a specified manner. In addition, the housing inventory must analyze the relationship of the sites identified in the inventory to the city's duty to affirmatively further fair housing.

The contents of this Housing Element comply with these amendments and all other requirements of Housing Element law.

#### **ENVIRONMENTAL REVIEW**

The Housing Element update is being accompanied by an Environmental Impact Report (EIR), which analyzes the potential impacts attributable to the Housing Element update, as well as the Safety and Environmental Justice Elements and related Planning Code, General Plan, and Zoning Map amendments.

## **5.1 Oakland's Housing Approach**

---

Two important components of the Housing Element include a plan to address Oaklanders' housing needs, and an inventory of sites suitable for housing development at all income levels, based on Oakland's 6th cycle RHNA.

### **6 HOUSING ACTION PLAN**

This Housing Element identifies a foundational framework of five overarching goals in Chapter 4: Housing Action Plan to comprehensively address the housing crisis and needs of Oaklanders. The goals seek to significantly address disparities in housing needs and in access to opportunity, replace segregated living patterns with truly integrated and balanced living patterns, transform racially and ethnically concentrated areas of poverty into areas of opportunity, foster and maintain compliance with civil rights, and affirmatively further fair housing. The goals were developed through a careful review of community input from each of the outreach and engagement sessions listed in Chapter 2 of the Housing Element.

The goals include:



- 1. Protect Oakland Residents from Displacement and Prevent Homelessness:** Protect Oakland tenants from displacement and create conditions that enable them to remain in their homes and communities.
- 2. Preserve and Improve Existing Housing Stock:** Conserve and improve the affordability of existing housing stock in Oakland and address substandard conditions.
- 3. Expand Affordable Housing Opportunities:** Facilitate the production of housing for extremely low, very low, low, and moderate-income households. In addition to increased production generally, provide a diversity of housing types, ownership opportunities, living arrangements, and features supportive of special needs. Locate new housing to further access to opportunity (while simultaneously investing in and protecting tenants in disinvested communities) and remove constraints to affordable housing development.
- 4. Address Homelessness and Expand Resources for the Unhoused:** Recognize housing as a human right. Reduce homelessness through Housing First approaches and support coordination across the spectrum, from homelessness prevention to transitional housing/shelter and services to permanent housing with resources for long-term support.
- 5. Promote Neighborhood Stability and Health:** Promote resilient development in safe, healthy, and just communities. Increase resources in disinvested communities and create long-time stability through homeownership opportunities.

The goals, policies, and actions form the Housing Action Plan for the 2023-2031 planning period and transform this framework into impactful action.

## **HOUSING SITES INVENTORY**

The Housing Element also presents an inventory of housing sites suitable for new homes in Oakland at all income levels. To do this, the inventory includes:

- Sites where development is underway or approved (known as “pipeline projects”) or otherwise can be credited to meet the RHNA (such as Accessory Dwelling Units and other types); and
- Opportunity sites where additional development could occur. Opportunity sites were selected in a manner consistent with the City’s mandate to affirmatively further fair housing. Housing sites, especially lower-income sites, were selected so as to reduce segregation and increase affordable development in high resource neighborhoods, where possible.

Chapter 3 provides a summary of the inventory approach and Appendix C includes the detailed site inventory.

The Housing Action Plan and Housing Site Inventory remain a work in progress with the intent of soliciting feedback from members of the community and refining the goals, policies, and actions to reflect both local priorities and State obligations.

## 6.1 Organization of the Housing Element

---

The Housing Element is divided into four chapters: an Introduction, a Summary of Public Participation, a Summary of the Housing Sites Inventory, and the Housing Action Plan. In addition, there are several technical appendices that provide extensive detail on a range of topics, including many of the checklist items mandated by state law. This includes an evaluation of the City's 2015-2023 housing element, an assessment of housing needs, resources, and constraints, and the comprehensive housing sites inventory. A summary of the findings from each technical appendix is provided in the main body of the Housing Element. It is organized as follows:

- **Chapter 1 – Introduction:** Provides an overview of State requirements, a summary of the organization of the Housing Element, and an explanation of the Housing Element's relationship to the General Plan.
- **Chapter 2 – Public Participation:** Provides a description of the public participation process and a summary of community outreach activities.
- **Chapter 3 – Summary of the Housing Sites Inventory:** Summarizes the City's ability to accommodate the RHNA on available land, and the selection of sites in light of AFFH requirements.
- **Chapter 4 – Housing Action Plan:** Institutes the goals, policies, and actions of the 2023-2031 Housing Element, and provides quantified objectives.
- **Appendix A – Evaluation of the 2015-2023 Oakland Housing Element:** Summarizes the City's achievements in implementing goals, policies, and actions under the previous Housing Element.
- **Appendix B – Housing Needs Assessment:** Presents community demographic information, including both population and household data, to identify Oakland's housing needs.
- **Appendix C – Sites Inventory:** Outlines the selection and capacity methodology used to identify sites to accommodate the RHNA.
- **Appendix D – Assessment of Fair Housing:** Identifies fair housing issues and solutions to meet Oakland's AFFH mandate.

- **Appendix E – Housing Resources and Opportunities:** Assesses the City’s financial and administrative resources available for future housing development.
- **Appendix F – Housing Constraints:** Analyzes governmental and non-governmental constraints to the development of housing.
- **Appendix G – Opportunities for Energy Conservation:** Presents opportunities to develop housing in a sustainable manner.
- **Appendix H – Glossary**
- **Appendix I – Reserved for Public Outreach Materials**

## 6.2 Relationship to Other General Plan Elements

---

State law requires the Housing Element to contain a statement of “the means by which consistency will be achieved with other general plan elements and community goals” (California Government Code, Section 65583(c)(8)). There are two aspects of this analysis: 1) an identification of other General Plan goals, policies, and programs that could affect implementation of the Housing Element or that could be affected by the implementation of the Housing Element, and 2) an identification of actions to ensure consistency between the Housing Element and affected parts of other General Plan elements.

As described above, the City is undergoing a comprehensive update to the General Plan. The General Plan update is undertaken in two phases in order to meet deadlines mandated by State law. Phase 1 focuses on updates to the Housing and Safety Elements, which are due by the beginning of 2023, as well as preparation of a Racial Equity Impact Assessment, Zoning Code and Map update, and a new Environmental Justice Element. Subsequently, Phase 2 will include the update of the Land Use and Transportation (LUTE) Element; Open Space, Conservation and Recreation (OSCAR) Element; Noise Element, and the creation of a new Infrastructure and Facilities Element which are slated to be completed by 2025.

The Land Use and Transportation Element (LUTE) of the Oakland General Plan was last revised in 1998. The vision and specific policies contained in the LUTE seek to encourage and facilitate the types of infill, re-use, mixed-use, and central city/corridor-oriented residential development that are the focus of the Housing Element and the City’s ability to accommodate its regional housing allocation. Most of the housing to be provided in Oakland will result from the development or redevelopment of underutilized and infill parcels. In addition rezoning will occur in select areas to accommodate additional

density such as parcels around BART stations, along transit corridors, and in existing residential neighborhoods to allow for “missing middle” housing.

The goals, policies, and programs contained within this Housing Element will also inform the strategies included in the updated LUTE. As the Housing Element will be adopted prior to the LUTE update, the general distribution, location and extent of land uses as well as population density and building intensity standards carried out by the current Planning Code are used to determine the City’s ability to accommodate residential development. Some initial amendments to the Land Use Element and Planning and Zoning Code along with initial zoning map changes will allow for upzoning of areas to accommodate additional density on areas near BART stations, along transit corridors, and in existing residential neighborhoods to allow for “missing middle” housing. Anticipated development on these sites is expected to be in compliance with updated policy standards for noise, safety, open space, recreation, and conservation contained in the other General Plan elements.

The policies in the other updated General Plan elements will advance the ability of the City to achieve the objectives contained in the 2023-2031 Housing Element. Likewise, the Housing Element policies will advance the implementation of policies and programs in the other updated General Plan elements. The City has therefore determined that the updated Housing Element is consistent with the General Plan.

### **6.3 Sources of Information**

---

In preparing the Housing Element, various sources of information were utilized. As a starting point, the Element used ABAG-prepared local data and AFFH package pre-certified by State HCD for use in sixth cycle housing elements, which provides the basis for population and household characteristics and affirmatively furthering fair housing resources. Where necessary, several additional and more current sources are used to provide reliable updates of the ABAG data package. The sources used in the ABAG data package and many additional sources are listed below. Public input from members of the public, community-based organizations (CBOs), and community leaders, was also a key source of information for this Housing Element. More details on what information was collected from these partners can be found in Chapter 2.

1. ABAG Pre-Certified Housing Needs Data Package, 2021
  - a. Federal Financial Institutions Examination Council’s (FFIEC) Home Mortgage Disclosure Act loan/application register (LAR) files
  - b. U.S. Census Bureau, Census 2000; Census 2010; American Community Survey 5-Year Data (2005-2009 through 2015-2019)

- c. U.S. Census Bureau, Longitudinal Employer-Household Dynamics, Workplace Area Characteristics (WAC) files, 2002-2018; Residence Area Characteristics (RAC) files, 2002-2018
  - d. U.S. Department of Agriculture, Census of Farmworkers (2002, 2007, 2012, 2017), Table 7: Hired Farm Labor
  - e. U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release
  - f. U.S. Department of Housing and Urban Development (HUD), Continuum of Care (CoC) Homeless Populations and Subpopulations Reports (2019)
  - g. California Department of Developmental Services, Consumer Count by California ZIP Code and Age Group (2020); Consumer Count by California ZIP Code and Residence Type (2020)
  - h. California Department of Education, California Longitudinal Pupil Achievement Data System (CALPADS), Cumulative Enrollment Data (Academic Years 2016-2017, 2017-2018, 2018-2019, 2019-2020)
  - i. California Department of Finance, E-5 series
  - j. California Department of Housing and Community Development (HCD), 5th Cycle Annual Progress Report Permit Summary (2020)
  - k. California Employment Development Department, Local Area Unemployment Statistics (LAUS), Sub-county areas monthly updates, 2010-2021
  - l. California Tax Credit Allocation Committee (TCAC)/California Housing and Community Development (HCD), Opportunity Maps (2020)
  - m. California Housing Partnership, Preservation Database (2020)
  - n. Zillow, Zillow Home Value Index (ZHVI)
2. Freddie Mac, Historical Weekly Mortgage Rates Data, 2015-2021
  3. Home Mortgage Disclosure Act Data, 2012-2020
  4. HUD, CHAS ACS tabulation, 2013-2017 release
  5. HUD, Fair Market Rent, 2019
  6. HUD, AFFHT0006 Table 12, July 2020
  7. U.S. Census Bureau, Census 2000; Census 2010; American Community Survey 5-Year Data (2005-2009 through 2015-2019)
  8. California Department of Finance, P-2 series
  9. California Department of Food and Agriculture, Certified Farmers' Markets by County, January 2022
  10. California Department of Education, CAASPP, Smarter Balanced Summative Assessments, 2018-2019
  11. California Department of Public Health, Licensed and Certified Healthcare Facility Listing, 2022

12. HCD, AFFH Data and Mapping Resources, 2021
13. HCD, State Income Limits, 2021
14. HCD, Qualified Entities, May 2021
15. TCAC, Nine Percent Application, 2022
16. TCAC, Project Staff Reports 2017-2020
17. ABAG-MTC, Existing and Planned Transit Stops, 2021
18. ABAG-MTC, Final RHNA Plan, December 2021
19. Alameda County, Assessor Parcel Data, 2021
20. Alameda County, Historic Assessor Parcel Data, 2014-2015
21. Alameda County, Regional Analysis of Impediments to Fair Housing Choice (AI) for FY 2020/21-2024/25
22. Alameda Housing Authority, Utility Allowance Schedule, 2021
23. EBMUD, Water and Wastewater System Schedules of Rates and Charges, Capacity Charges and Other Fees, July 2021
24. EBMUD, Water Shortage Contingency Plan, 2020
25. City of Oakland, Planning Code, 2022
26. City of Oakland, Staff Reports, 2019-2021
27. City of Oakland, Accela Building and Planning Permits, March 2022
28. City of Oakland, Building Bureau Code Enforcement Division, FY 2020-2021
29. City of Oakland, Building & Planning Department, 2022
30. City of Oakland, Equitable Climate Action Plan, 2020
31. City of Oakland, Housing & Community Development Strategic Action Plan, 2021-2023
32. City of Oakland, Master Fee Schedule and Fee Estimator with Impact Fees, July 2021;
33. City of Oakland, Oakland ADU Initiative, Existing Conditions and Barriers Report, January 2020 (Revised June 2020)
34. City of Oakland, Oakland Equity Indicators Report, 2018
35. City of Oakland, Department of Housing and Community Development, Five Year Strategic Consolidated Plan: Annual Action Plan, 2018-2019
36. City of Oakland, Impact Fee Annual Report, December 24, 2021
37. City of Oakland, Resilient Oakland Playbook, October 10, 2016
38. City of Oakland, 2016-2021 Local Hazard Mitigation Plan (LHMP)
39. Oakland Housing Authority, Draft Making Transitions Work Annual Plan, FY 2023
40. Oakland Department of Transportation, Geographic Equity Toolbox Planning Areas, 2020
41. Oakland Housing Authority, August 2021
42. City of Berkeley, Building Permit Fee Estimator, 2022 and Affordable Housing Mitigation Fee Ordinance, October 2020
43. City of Emeryville, Master Fee Schedule, July 2021 and Development Impact Fees, FY 2020-2021

44. City of Richmond, Master Fee Schedule, July 2020
45. City of San Francisco, Development Impact Fee Register, December 2021 and Planning Department Fee Schedule, August 2021
46. City of San Jose, Planning Application Filing Fee Schedule, August 2021, Building and Structure Permits Fee Schedule, August 2021, and Inclusionary Housing Ordinance Schedule of Fees, April 2021
47. Economic & Planning Systems, Inc., Downtown Oakland Specific Plan: Incentive Program Feasibility Study, July 10, 2020
48. Hausrath Economics Group, Oakland Affordable Housing Impact Fee Five-Year Review, December 23, 2021
49. California Housing Partnership, Preservation Database, February 2022
50. Urban Displacement Project, 2018 and 2019
51. National Association of Realtors Research Group, Downpayment Expectations & Hurdles to Homeownership, April 2020
52. Yelp, 2022
53. Zillow, Mortgage Rates, October 2021
54. Zillow, ZHVI, December 31, 2010, and December 31, 2020

*This page intentionally left blank.*



## 7 Public Participation

Inclusive engagement and public participation have been key to the preparation of Oakland’s Housing Element. Public participation is an ongoing process that will continue to occur as the General Plan is updated. Outreach completed as part of phase 1 of the update process will continue to inform phase 2 of the General Plan update. All community outreach is conducted through a racial equity lens to identify actions to affirmatively further fair housing, increase community assets, decrease pollution exposure, and improve overall health.

The community engagement effort is composed of an extensive outreach process that seeks to engage stakeholders throughout the community, with additional resources dedicated to engaging communities historically underrepresented and excluded from traditional planning processes and often most negatively impacted by City policies. All community input shared will be used to “ground truth” data based on peoples’ lived experience, inform areas of focus for General Plan elements, and guide development of General Plan policies. Outreach that informed the development of this Housing Element is summarized in the following chapter, and materials used in the outreach process are included in Appendix I.

### 7.1 Summary of Community Outreach Activities

---

#### GENERAL PLAN UPDATE OUTREACH

The City, based on feedback received from community members, implemented an innovative approach to collaborating with consultants on the General Plan Update. The City partnered with both a Community Consultant Team – Deeply Rooted Collaborative and a Technical Consultant Team – Dyett and Bhatia, to ensure a planning process that 1) meets state deadlines and requirements for the GPU and 2) dedicates significant resources to deep and meaningful community engagement. The Community and Technical Consultants coordinated closely. The team leads meet weekly, and the entire project team meets biweekly to share key findings and provide feedback. Both Community Consultant and Technical Consultant outreach and feedback is incorporated into all components of the Housing Element. This approach aligns with advancing the City’s critical mission of creating a just and fair City for all (Oakland Municipal Code Section 2.29.170.1).

Community engagement efforts for the General Plan Update include an extensive and inclusive outreach process, engaging stakeholders throughout the community with additional resources dedicated to engaging communities historically underrepresented and excluded from traditional planning processes and most negatively impacted by City policies.

The Deeply Rooted Collaborative focuses on engagement with the following key communities and geographic areas:

- Communities: Unhoused; formerly incarcerated; low-income Asian, Pacific Islander, Black, Latinx, multiracial communities including those experiencing environmental injustices
- Outreach Geographies: Fruitvale, West Oakland, East Oakland, Chinatown, Eastlake, San Antonio

Deeply Rooted has three organizations providing central support through the design and coordination of the overall structure for community engagement, providing technical assistance and community education in planning, and administrative support.

- EastSide Arts Alliance | Cultural Programming Partner
- Just Cities | Technical Assistance/Community Education Partner
- Urban Strategies Council | Administrative Partner

The Deeply Rooted Collaborative in partnership with community partners as shown in Figure 2-1. Deeply Rooted's community partner roles are listed in Table 2-1.

**Figure 2-1: Deeply Rooted Collaborative**

Deleted:

Commented [1]: Remove because this graphic is feeding into the narrative that our engagement is mainly in East Oakland.

**Table 2-1: Deeply Rooted Collaborative Community Partner Roles**

	Community Partner	Community/ Outreach Geography
<b>West Oakland</b>	<i>House/Full of Black Women/ Deep Waters Dance Theater.</i>	<i>West Oakland residents</i>
	<i>West Oakland Environmental Indicators Project.</i>	<i>Environmental Justice   West Oakland</i>
	<i>Black Arts Movement Business District, CDC (BAMBD, CDC)</i>	<i>West Oakland (Lower Bottoms), Artists, flatland communities of color, those invested in the animation of BAMBD, CDC and its stakeholders</i>
<b>Fruitvale</b>	<i>Unity Council</i>	<i>Latinx community   Fruitvale</i>
	<i>CURYJ</i>	<i>Formerly incarcerated, Black and Latinx   Fruitvale.</i>
<b>Chinatown</b>	<i>Oakland Asian Cultural Center (OACC)/ API Cultural Center</i>	<i>Asian American community  Chinatown</i>
<b>East Oakland</b>	The Black Cultural Zone Community Development Corporation	Black Community   East Oakland
<b>Across Oakland</b>	Lao Family Community Development, Inc	Southeast Asian American community
	Malonga Arts Residents Association (MARA)	Black and Brown communities, and partnership with members in Chinatown
	The Village in Oakland	Unhoused curbside communities in North Oakland, West Oakland, Downtown, and East Oakland

**5 Community Engagement and Outreach Summary**

A variety of outreach activities such as workshops, focused discussions, pop-ups, open houses, porch chats, and community hub events are planned throughout the entire process. All community input shared will be used to ground truth data based on peoples’ lived experience, inform areas of focus for the update of General Plan elements, and guide development of General Plan policies.

Input related to housing overlaps with many General Plan topic areas and will be incorporated into both the eight-year Housing Element Update as well as into elements with a longer planning horizon, such as the Land Use and Transportation, Environmental Justice, and Safety Elements. A summary of the General Plan update project schedule is provided in Chart 2-1. Information on all community engagement events, including engagement summaries; workshop and townhall presentations, recordings, meeting summaries; and discussion group summaries, are provided via the General Plan

Formatted: Font: Bold

Deleted: ¶ [1]

Deleted: House/Full of Black Women/ Deep Waters Dance Theater

Formatted: Font: Bold

Formatted Table

Deleted: Oakland Asian Cultural Center (OACC)/ API Cultural Center [2]

Deleted: Asian American community| Chinatown ¶ [3]

Deleted: Unity Council

Deleted: Latinx community | Fruitvale

Deleted: West Oakland Environmental Indicators Project.

Deleted: Environmental Justice | West Oakland

Deleted: Black Arts Movement Business District, CDC (BAMBD, CDC) [4]

Deleted: West Oakland (Lower Bottoms), Artists, flatland communities of color, those invested in the animation of BAMBD, CDC and its stakeholders

Update website at <https://www.oaklandca.gov/topics/meetings-and-events>. A summary of these engagement activities is described below:

- **Popup and Community Hub Events:** Since November 2021 to March 2022, the GPU Deeply Rooted Collaborative has conducted pop-up events in Eastmont, Fruitvale, San Antonio, Chinatown, West Oakland, and Downtown. For example, in West Oakland these events have been porcheside chats and a pop-up at Hoover Elementary. Engagement has also been integrated into larger community events like the Oakland Asian Cultural Center's (OACC) Asian Pacific New Year Celebration and the Black Joy parade. At these community-embedded events, the team has engaged with over 1006 people, with a majority being individuals from communities of color. These events sought to hear community concerns, ideas and solutions through interviews and focus group conversations. Community concerns that rose to the top included affordability, displacement, disinvestment, housing quality, pollution (industry and cars), lack of parks, collisions, and illegal dumping.
- **Townhalls:** Two townhalls were held on March 26, 2022, and April 7, 2022. The townhall on March 26, 2022, introduced the General Plan Update process and gathered community input on a vision for the City in 2045, as well as local issues and opportunities that should be addressed in the General Plan. The townhall on April 7, 2022, focused on equity across all issues, with a special focus on EJ and safety priorities in the City.
- **Community Education Workshops:** Two community education workshops were hosted on April 8, 2022, and April 9, 2022, and organized by the Deeply Rooted Collaborative Community Engagement partner to review the past and present policies that led to today's conditions in housing and environmental justice. Over 100 people attended the workshops. Speakers included Oakland unhoused leader Needa Bee (The Village in Oakland), EJ leader Ms. Margaret Gordon (West Oakland Environmental Indicators Project), Margareta Lin (Just Cities) and Diana Benitez (Just Cities). Attendees shared their frustration regarding ongoing displacement and disinvestment and various community-centered solutions that would bring much needed resources to communities of color in Oakland without displacement.
- **Youth Engagement:** Youth engagement for the GPU will take the form of a Deeply Rooted Fellowship with 15 – 20 fellows. The Fellowship will be a 2-to-3-year commitment and fellows will be provided with a monthly stipend. Planning, design, and training of the fellowship program will be done in coordination with Y-Plan. Fellows will coordinate with the Oakland Youth Advisory Commission (OYAC) and will be engaged in outreach activities such as community-based events, presentations to the community and schools, and social media outreach. Recruitment began in April 2022 with tentative commencement of the Fellowship in May 2022.
- **Neighborhood Group Meetings:** Staff are working with Neighborhood Service Coordinators to present at Neighborhood Crime Prevention Councils (NCPCs) on topics including housing,

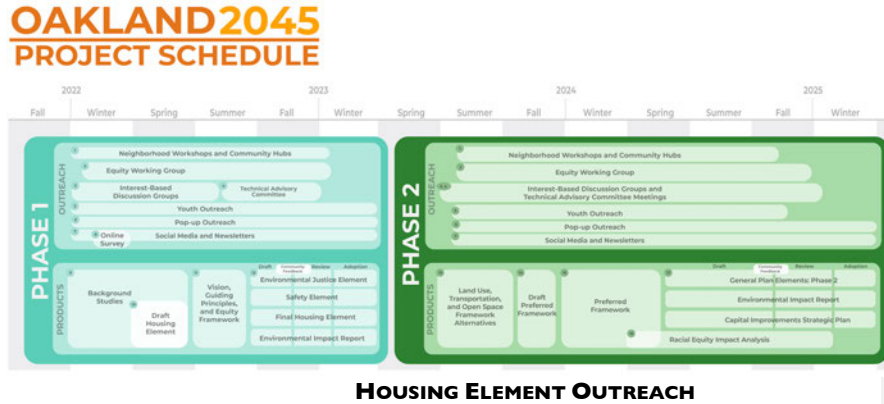
environmental justice, industrial lands and safety and natural hazards and receive feedback. Staff have presented at several NCPCs and will continue to engage and obtain feedback. Staff are presenting to other Neighborhood – Community groups, faith-based organizations, and at other community congregation events as well.

- **Equity Working Group:** Convened by the Deeply Rooted Collaborative, the Equity Working Group (EWG) is comprised of 20 diverse community members who will 1) Identify the major challenges and impacts of the General Plan (housing, safety, environmental justice, land use, transportation, and parks) and 2) Advocate for solutions that advance equitable and healthy communities for Oakland residents. Each member will receive a stipend. 20 EWG members who met the following criteria were selected through an interview process from a total of 66 applicants:
  - Hard to reach communities: People from communities that the City traditionally has trouble engaging with including Indigenous, unhoused, formerly incarcerated, low-income, Asian, Black, Latinx, multiracial, people with disabilities, undocumented, and people experiencing environmental injustices.
  - In target geographic areas of: West Oakland, East Oakland, Chinatown, and Fruitvale.
  - Age diversity: People at different stages of their lives to ensure varied knowledge and experiences.
  - Diversity of gender and sexual orientation: To ensure women's and LGBTQ+ perspectives are included in this process.
  - People who own small businesses in Oakland.
- **Technical Advisory Committee:** The Technical Advisory Committee (TAC) is comprised of internal City department representatives as well as other Oakland-based, neighboring, and regional governmental agency representatives. The TAC serves to advise on key strategies to address Oakland's big issues related to housing, environmental justice, safety, and other topics; review community input collected at key points in the process; and inform, discuss, and provide technical direction on policies and actions. The second TAC meeting was held on March 7, 2022 and TAC members provided recommendations for housing strategies/actions for housing production, preservation, and protections.
- **Study Sessions with Official Decision-Making Bodies:** The Planning Commission, City Council, and various boards and commissions are active participants in the GPU and will have opportunities to provide direction at each Stage in the process. The project team will continue to check in with these decision-making bodies at key milestones to ensure that the project remains on the right track in terms of process, direction, and overall vision. Engagement will take the form of study sessions and informational presentations to review products and generate feedback on drafts. The Planning Commission and Special Community & Economic

## Chapter 2: Public Participation

Development Committee met on February 2nd and February 22nd to discuss potential housing site locations and recommended housing strategies and actions.

**Chart 2-1: Oakland 2045 Project Schedule**



**HOUSING ELEMENT OUTREACH**

To supplement efforts that were part of the General Plan update, a series of targeted activities related to housing were held prior to the release of the public Draft Housing Element. Additional opportunities for feedback will occur after plan release as well. These efforts are summarized in Chart 2-2 and described below:

**Chart 2-2: Housing Element Outreach Timeline**



**Housing Workshops:** The team hosted three virtual housing workshops on February 10, 2022, February 17, 2022, and March 12, 2022, with one additional workshop planned to allow for the opportunity to give feedback on the Draft Housing Element. Approximately 200 people participated in

these three virtual workshops. The first workshop provided background information on the General Plan, the Housing Element, and housing sites inventory requirements. Workshop 2 sought to gather input on potential housing programs. Workshop 3 focused on community input on strategies to preserve existing affordable housing, protect tenants, and prevent displacement. Workshop 4 was held on May 12, 2022, and sought Oaklanders' input on housing sites and proposed strategies included in a public review Housing Element draft before sending it to the California Department of Housing and Community Development (HCD). Summaries of these workshops are included in Appendix I.

**Discussion Groups:** A series of focus group discussions were held on the housing-related topics to solicit targeted feedback from organizations and individuals with direct experience with housing provisions and housing-related services. Discussion participants included organizations that may not have traditionally participated in the past including housing justice advocates, tenant rights organizations, faith-based organizations, and other community organizations.

Summaries of these meetings, including the names of participating groups, are provided in Appendix I; see below for the themes of the discussion groups:

- Focus Group Discussion 1 (February 2, 2022): Housing Sites
- Focus Group Discussion 2 (March 10, 2022): Production, Preservation, and Protections
- Focus Group Discussion 3 (*Forthcoming – placeholder*)

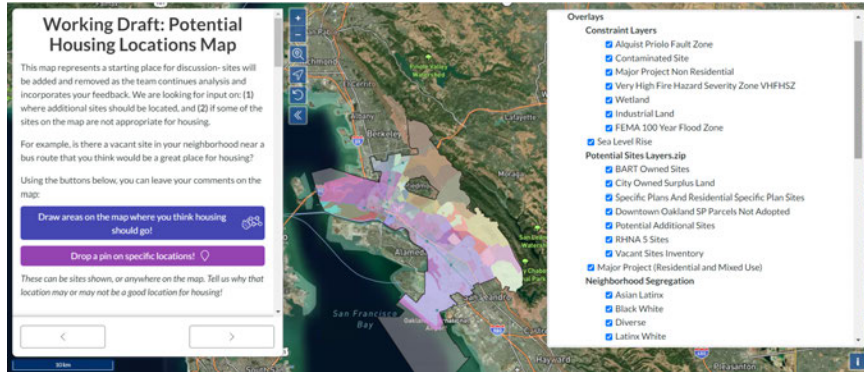
## **6 Housing Element Update Survey**

The Oakland Housing Element Update Survey accompanied the first housing workshop on planning where housing should go. The survey was open from February 11, 2022 through March 7, 2022, received 480 individual responses, and generated a total of 1,976 unique map responses. It included two interactive mapping questions regarding potential locations for future housing in the city of Oakland.

The interactive map in the survey displayed the initial sites under consideration for the Housing Element and focused on identifying community priorities and recommendations for additional locations. See Figure 2-2 below for a snapshot of the interactive map. As an optional component of the survey, respondents were asked to describe their zip code, and race or ethnicity. The results of this survey guided the selection of sites identified in Chapter 3 and Appendix C, and a summary of the survey's findings is provided in Appendix I.



**Figure 2-2: Interactive Map Survey Snapshot**



**ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE**

The assessment of fair housing contained in Appendix D relies in part on outreach done in preparation of Alameda County’s 2020 to 2024 Regional Analysis of Impediments to Fair Housing Choice (AI).<sup>11</sup> Historically, Oakland has prepared its own AI every five years as a U.S. Department of Housing and Urban Development (HUD) requirement. However, in 2020, the City joined various Alameda County cities and Housing Authority agencies to complete a regional AI.

A year-long community engagement process for the 2020 to 2024 AI consisted of three meetings and a seven-page survey between June 2019 – November 2019. The survey was translated into multiple languages and distributed to priority populations (those most impacted by fair housing issues) via local organizations. Priority populations include racial and ethnic minorities, people experiencing homelessness, people with limited English proficiency, people with disabilities, and people residing in Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs). The survey received 3,296 responses. Key data from the 2020 to 2024 AI is used in the Assessment of Fair Housing in Appendix D: Affirmatively Furthering Fair Housing.

<sup>11</sup> Alameda County, “Regional Analysis of Impediments to Fair Housing Choice.” February 2020. Accessible at [https://cao-24612.s3.amazonaws.com/documents/ALAMEDA-COUNTY-REGIONAL-ANALYSIS-OF-IMPEDIMENTS-TO-FAIR-HOUSING-Final-AI\\_Combined\\_2-24-20.pdf](https://cao-24612.s3.amazonaws.com/documents/ALAMEDA-COUNTY-REGIONAL-ANALYSIS-OF-IMPEDIMENTS-TO-FAIR-HOUSING-Final-AI_Combined_2-24-20.pdf)

## 6.1 Public Participation Themes

Across discussion groups, workshops, and other community engagement events, several key themes emerged that informed development of this Housing Element Update’s goals, policies, and actions. This list is not comprehensive, but the key themes listed below are reflected in the overarching goals identified in Chapter 4: Housing Action Plan. The goals, policies, and actions seek to significantly address disparities in housing needs and in access to opportunity, replace segregated living patterns with truly integrated and balanced living patterns, transform racially and ethnically concentrated areas of poverty into areas of opportunity, foster and maintain compliance with civil rights, and affirmatively further fair housing.

- **Address Homelessness: “Housing is a Human Right.”** A common refrain from participants was that Oakland should recognize housing as a human right and focus on addressing the homelessness crisis. As experts from the National Law Center on Homelessness and Poverty note, “a right to adequate housing is not a requirement that states build free housing for the entire population, rather, it devotes resources and protective measures to prevent homelessness, discrimination, and promote permanent stable housing.”<sup>12</sup> Participants expressed distrust with the City and frustration with the current unaffordability of housing and ongoing displacement. They suggested a wide variety of strategies to house the unhoused community, including treating unhoused populations with dignity, stopping the current encampment management policy, more flexible building types, temporary units, permanent supportive housing, RVs/safe parking zones, tiny homes, manufactured housing, and working with the unhoused community to understand their needs and priorities. Participants discussed methods for addressing the homelessness crisis, including a moratorium on market rate housing to balance the speed at which housing is built with the need to ensure that new housing is high-quality, affordable, and habitable, partnering with community groups that work with unhoused communities, and creating housing options that include wrap-around services. The Housing Element incorporates this input in the following ways:
  - **Goals:** 1, 2, 3, 4
  - **Policies:** 1.1, 2.2, 3.1, 3.3, 3.5, 3.6, 3.7, 4.1, 4.2, 4.3
  - **Actions:** 1.1.1 through 1.1.13, 2.2.1 through 2.2.8, 3.1.1, 3.1.2, 3.3.1 through 3.3.7, 3.3.9, 3.3.11 through 3.3.15, 3.3.17, 3.3.18, 3.5.1 through 3.5.3, 3.6.1, 3.6.2, 3.6.5, 3.7.1, 3.7.2, 3.7.4, 3.7.6, 4.1.1 through 4.1.5, 4.2.1 through 4.2.5, 4.3.1 through 4.3.4
- **Protect Oakland Residents from Displacement and Preserve Existing Affordable Housing.** Over the last two decades, housing costs in Oakland have risen dramatically – meaning many Oakland residents cannot afford to buy or rent a home within their own

<sup>12</sup> <https://www.kqed.org/news/11801176/what-would-housing-as-a-human-right-look-like-in-california>

neighborhood. Participants expressed frustration with increasing displacement pressures while the stock of affordable housing throughout the city decreases, including both subsidized housing and “naturally occurring affordable housing” – or unsubsidized housing that is affordable at market prices. Participants also discussed how Oakland’s cultural institutions and history are at risk of loss due to continuing gentrification. To mitigate the pressures of displacement and gentrification, Oakland residents suggested a number of potential anti-displacement strategies, including enhanced rent stabilization measures, stronger just cause for eviction protections, increased enforcement of anti-harassment tenant protections, and historic preservation programs to preserve cultural institutions. Participants also discussed ways to preserve the city’s existing affordable housing stock, including the implementation of a Community/Tenant Opportunity to Purchase Act, innovative solutions to maintain permanent affordability like community land trusts, additional acquisition and conversion to affordable housing efforts, live/work preferences for Oakland residents, and programs to physically rehabilitate homes to allow long-time residents to enjoy new community amenities. Participants also pointed to a need for better data collection to ensure accountability and to better understand and target anti-displacement resources. The Housing Element incorporates this input as through the following goals, policies, and actions:

- **Goals:** 1, 2
- **Policies:** 1.1, 2.1, 2.2, 3.5
- **Actions:** 1.1.1 through 1.1.13, 2.1.1 through 2.1.6, 2.2.1 through 2.2.8, 3.3.12, 3.3.18, 3.5.1, 3.5.2, 3.5.4
- **Focus on Building more Housing Affordable to Extremely Low, Very Low, Low, and Moderate Incomes.** Producing new affordable and deeply affordable housing options was identified as a key strategy to prevent displacement. There were varying opinions about new market rate housing; some participants expressed that the City is currently facing a housing supply shortage, and must add new units of all types, while other participants felt that the City most sorely needs affordable housing and as such should focus explicitly on this type of construction. Groups discussed a wide range of strategies to build more inclusive neighborhoods add more affordable housing units in Oakland, including: legalizing existing nonconforming housing units, inclusionary zoning, changing the zoning to increase density in primarily single-family areas like Rockridge, supporting homeowners in the construction of additional dwelling units (ADUs), City land acquisitions to build new permanently affordable housing and create community land trusts, and reducing the amount of discretionary review required for new housing projects. Other recommendations included creating housing commission and neighborhood planning councils for ongoing resident leadership to decide the kind of housing development. The City of Oakland recognizes the need to increase housing supply generally, and, with priority given to increasing housing affordable to very-low-, low-, and moderate-income households in the following ways:

- **Goals:** 3
- **Policies:** 3.1 through 3.8
- **Actions:** 3.1.1, 3.1.2, 3.2.1 through 3.2.5, 3.3.1 through 3.3.18, 3.4.1 through 3.4.10, 3.5.1 through 3.5.4, 3.6.1 through 3.6.5, 3.7.4 through 3.7.6
- **Address Housing Quality Issues.** Housing quality issues can have detrimental impacts on people’s physical and mental health. Through neighborhood outreach processes, many Oaklanders described housing quality issues they were living with, such as overcrowding, unsafe building conditions, and lack of maintenance, caused by landlord neglect, lack of funds for upkeep or housing burden, or fear of reporting these issues. Community-recommended strategies to address these issues included programs/grants to landlords and homeowners to make repairs; universal design to allow all Oaklanders to remain in their homes as they age, or to help mobility-impaired residents; and tax credits or programs to address other housing habitability concerns, like indoor air quality. The Housing Element addresses housing quality issues in the following ways:
  - **Goals:** 2, 5
  - **Policies:** 2.1, 5.2
  - **Actions:** 2.1.1 through 2.1.6, 3.3.12, 5.2.1, 5.2.5
- **Keep Oakland Communities Together.** All Oakland neighborhoods are deserving of high-quality amenities, more affordable housing, and other public investments, especially in areas that have suffered from disinvestment of the past. However, concerns about gentrification and displacement associated with new investment were top of mind for many Oaklanders. Scores of people expressed how difficult it was to pay the rent in light of rising costs. People who have long generational roots in Oakland have been displaced but continue to come to Oakland to be with community and work. This includes a significant loss (30 percent) of Oakland’s Black population from 2000 to 2019. As some community members noted, Oakland neighborhoods are like villages where people care for and nurture each other, and displacement means these villages are fragmented, and culture is lost. Oaklanders recommended creative ways to bring back displaced people as homeowners, such as support for co-ops, land trusts, and shared multi-unit buildings. Other creative ways to prevent displacement include creation of cultural district/anti-displacement zones, a human health/socioeconomic impacts analysis to analyze displacement and homeless impacts of market rate projects before the City provides permits or zoning changes. Another way they saw keeping Oakland communities together was through investment to the most impacted communities via municipal reparation to redress Oakland’s history of eminent domain and urban renewal and for Black Americans who are descendants of chattel slavery. The Housing Element addresses displacement and cultural preservation in the following ways:

- **Goals:** 1, 2, 5
- **Policies:** 1.1, 2.2, 3.5, 5.1, 5.3
- **Actions:** 1.1.1 through 1.1.13, 2.1.4, 2.2.1 through 2.2.8, 3.2.2, 3.3.8, 3.3.12, 3.3.18, 3.5.1 through 3.5.4, 5.1.1 through 5.1.3, 5.3.1 through 5.3.3
- **Building in Accountability and Success Metrics.** Oaklanders desire more transparency around housing issues and actions in the City, and to be heard by elected officials and City departments stressing the importance of setting transparent and data-driven metrics to measure the success of various housing programs, and building in accountability measures to ensure that the City can meet its goals. The Housing Elements aims to increase transparency and accountability in the following ways:
  - **Goals:** 1 through 5
  - **Policies:** 1.1, 2.1, 3.2, 3.3, 3.7, 4.1, 4.2, 4.3, 5.1, 5.2
  - **Actions:** 1.1.7, 1.1.8, 2.1.3, 3.2.5, 3.3.17, 3.3.13, 3.7.1, 4.1.2, 4.2.4, 4.3.1, 5.1.1, 5.1.2, 5.1.3 5.2.9

*This page intentionally left blank.*

## 7 Summary of the Housing Sites Inventory

The housing element of the general plan must include an inventory of land suitable and available for residential development to meet the city's regional housing need allocation by income level. This inventory is known as the Housing Sites Inventory ("Inventory"). This chapter provides a summary of the full Sites Inventory, available in Appendix C.

### 7.1 Regional Housing Needs Allocation

As required by State housing law, all California cities, towns and counties must plan for the housing needs of all their residents, at various income levels. This number is called the Regional Housing Needs Allocation (RHNA). For the planning period 2023 to 2031 (also known as the 6th housing cycle), Oakland must plan for 26,251 new units, a nearly 77.8 percent increase from the prior cycle's allocation of 14,765 new units. Table 3-1 shows the income breakdown of the RHNA with an additional buffer, as recommended by the State, to account for any loss due to reductions in density.

**Table 3-1: Oakland Regional Housing Needs Assessment, 2023-2031**

Income Level <sup>1</sup>	Needed Units	Needed Units with 15% Buffer	Percent of Needed Units
Very-Low-Income (0-50% AMI)	6,511	7,488	24.8%
Extremely-Low-Income (<30% AMI; part of Very-Low-Income in previous row) <sup>2</sup>	3,256	3,745	-
Low-Income (51-80% AMI)	3,750	4,313	14.3%
Moderate-Income (81-120% AMI)	4,457	5,126	17.0%
Above-Moderate-Income (>120% AMI)	11,533	13,263	43.9%
<b>Total</b>	<b>26,251</b>	<b>30,189</b>	<b>100.0%</b>

1. Income levels were determined by county median household income based on 2014-2018 American Community Survey data (Table B19013). The median income in Alameda County during this period was \$92,574.

2. Extremely-low-income housing need is assumed to be 50 percent of very-low-income housing need, pursuant to Government Code Section 65583(a). Although extremely-low-income housing need is not explicitly projected in the RHNA, this group often requires the most subsidy and assistance to generate a sufficient number of housing units.

Source: ABAG, Final RHNA Plan, December 2021

### 7.2 Capacity to Accommodate the RHNA

Government Code Section 65583.2(c) requires that local jurisdictions determine their realistic capacity for new housing growth by means of a parcel-level analysis of land resources with the potential to accommodate residential uses. The analysis of potential to accommodate new housing growth considered physical and regulatory

### Chapter 3: Sites Inventory Summary

constraints, including: lot area and configuration, environmental factors (e.g. slope, sensitive habitat, flood risk), allowable density, and other development standards such as parking requirements and building height limits.

Based on the City's current General Plan and zoning regulations, there is sufficient capacity to accommodate its RHNA allocation with a buffer. In addition, rezoning will also occur in select areas to accommodate additional density such as parcels around BART stations, along transit corridors, and in existing residential neighborhoods to allow for "missing middle" housing. Sites included in the inventory reflect those that are most likely to develop during the planning period and meet the RHNA; as the development potential of sites newly made available by one of these rezoning efforts is difficult to project, these new sites are not considered as part of this inventory.

The Inventory identifies sufficiently zoned land to accommodate the RHNA at all income levels. The inventory is divided into two major groups:

- Sites where development is underway or approved (known as "pipeline projects") or otherwise can be credited to meet the RHNA (such as Accessory Dwelling Units, or ADUs); and
- Opportunity sites where additional development could occur. This includes 1) potential development projects, where projects may be in pre-approval; sites from the previous RHNA cycle that remain available for development; and new opportunity sites, which includes both vacant and non-vacant sites and consists of City-owned sites, sites owned by Bay Area Rapid Transit (BART), sites located within a specific plan area, and other sites with expressed or potential development interest.

The analysis of nonvacant properties included only those properties with realistic potential for additional development or "recycling", in light of 1) existing uses on the site; 2) prevailing market conditions; 3) recent development trends; 4) expressed interests in housing development from property owners or developers; and 5) regulatory and/or other incentives to encourage recycling or intensification of existing development.

A summary of capacity by housing units to meet the RHNA is provided in Table 3-2, below. The complete 2023-2031 Inventory is provided in Table C25 of Appendix C, and can be seen in Figure 3-1 below.



**Table 3-2: Summary of Residential Capacity to Accommodate the 2023-2031 RHNA**

	Residential Units				<b>Total</b>
	Very-Low-Income <sup>1,2</sup>	Low-Income <sup>1</sup>	Moderate-Income	Above-Moderate-Income	
Total Credits	2,183	2,388	364	9,718	<b>14,653</b>
<i>Pipeline Projects</i>	<i>1,213</i>	<i>1,498</i>	<i>166</i>	<i>9,716</i>	<b><i>12,593</i></b>
<i>Projected ADUs</i>	<i>890</i>	<i>890</i>	<i>198</i>	<i>0</i>	<b><i>1,978</i></b>
<i>Adequate Sites Alternative</i>	<i>80</i>	<i>0</i>	<i>0</i>	<i>2</i>	<b><i>82</i></b>
Potential Development Projects	386	1,354	211	6,525	<b>8,476</b>
<i>Vacant</i>	<i>225</i>	<i>846</i>	<i>27</i>	<i>1,832</i>	<b><i>2,930</i></b>
<i>Non-Vacant</i>	<i>161</i>	<i>508</i>	<i>184</i>	<i>4,693</i>	<b><i>5,546</i></b>
Available 5th Cycle RHNA		714	4,029	688	688
<i>Vacant</i>		<i>23</i>	<i>566</i>	<i>3</i>	<b><i>592</i></b>
<i>Non-Vacant</i>		<i>691</i>	<i>3,463</i>	<i>685</i>	<b><i>4,839</i></b>
New Opportunity Sites		5,425	1,134	2,120	<b>8,679</b>
<i>Vacant</i>		<i>142</i>	<i>200</i>	<i>0</i>	<b><i>342</i></b>
<i>Non-Vacant</i>		<i>5,283</i>	<i>934</i>	<i>2,120</i>	<b><i>8,337</i></b>
<b>Total Capacity</b>		<b>12,450</b>	<b>5,738</b>	<b>19,051</b>	<b>37,239</b>
<b>6th Cycle RHNA</b>		<b>10,261</b>	<b>4,457</b>	<b>11,533</b>	<b>26,251</b>
<b>RHNA + 15% Buffer</b>		<b>11,801</b>	<b>5,126</b>	<b>13,263</b>	<b>30,189</b>
<b>Surplus Over RHNA</b>		<b>2,189</b>	<b>1,281</b>	<b>7,518</b>	<b>10,988</b>
		<b>(121.3%)</b>	<b>(128.7%)</b>	<b>(165.2%)</b>	<b>(141.9%)</b>

1. Low- and very-low-income capacity on opportunity sites is consolidated per default density assumptions as described in Government Code Section 65583.2(c)(3).

2. Extremely-low-income housing need is assumed to be 50% of the total very-low-income housing need, or about 3,256 units.

Source: ABAG, Final RHNA Plan, December 2021; City of Oakland, 2022

**Figure 3-1: City of Oakland 2023-2031 Housing Sites Inventory**

*Source: City of Oakland, 2022; Dyett & Bhatia, 2022*

## **CREDITS TOWARDS THE RHNA**

HCD Guidance provides that the RHNA can be accommodated by looking at 1) projects that are currently in the development pipeline; and 2) by considering alternative means of meeting the RHNA, such as projected accessory dwelling units (ADUs) and a limited number of rehabilitated, converted, or preserved units affordable to lower-income households.

### **Pipeline Projects**

Pipeline projects are projects that have been approved, permitted, or will receive a Certificate of Occupancy during the projection period (June 30, 2022, to December 15, 2030) and can be credited toward the 6th cycle RHNA. Using data from the City's Accela permitting system, 336 pipeline projects with 12,593 units are spread across the city, with the majority in the Downtown, West Oakland, Eastlake/Fruitvale, and North Oakland/Adams Point areas. Based on the affordability levels or projected rents specified on the project proposal, approximately 21.5 percent of pipeline capacity is affordable for lower-income households, while 1.3 percent is affordable for moderate-income households. The remainder is assumed to be affordable for above-moderate-income households. All pipeline projects are shown in Table C-4, Table C-5, and Table C-6, and shown in Figure C-2 in Appendix C.

### **Projected ADUs**

Cities may consider the development potential of ADUs or junior ADUs (JADUs) to meet the RHNA using past building permit approval patterns since 2018. From 2018 to 2021, approximately 247 permits were issued annually. Using a conservative estimate, the City anticipates approximately 1,978 ADUs, or approximately 247 average permits per year times eight years.) Annual ADU approvals are shown in Table C-7 in Appendix C. To estimate affordability during the projection period, the City used the results of its recent online survey of ADU owners.<sup>13</sup> Projected ADU capacity by affordability level is shown in Appendix, Table C-8.

### **Adequate Alternative Sites**

According to HCD, under "limited circumstances" a local government may credit up to 25 percent of their adequate sites requirement per income category through existing units.<sup>14</sup> Limited circumstances refer to sites that are substantially rehabilitated; located on a foreclosed property or in a multifamily complex of three or more units converted from non-affordable to affordable rental; preserved at levels affordable to low- or very-low-income households with committed assistance; or preservation of mobile home parks through acquired spaces.

According to Oakland HCD's 2021-2023 Strategic Action Plan, the City has acquired and converted and/or preserved 600 affordable units between 2018 and 2020. As an ongoing City strategy, there are a number of units

---

<sup>13</sup> This survey was conducted in preparation of the "Oakland ADU Initiative: Existing Conditions and Barriers Report," which was published January 2020 and revised June 2020. There were 56 responses to the question "How much does the current ADU occupant pay in rent per month? If the occupant is staying in the ADU for free, then mark \$0."

<sup>14</sup> More specific conditions that sites included under this option must meet are provided by HCD on their website: <https://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/adequate-sites-alternative.shtml>

that the City will convert and/or preserve during the 2023-2031 planning period. The affordability of these projects reflects the actual affordability levels pursuant to the regulatory agreements that will maintain such income-restricted units. These sites and their capacity are shown in Appendix C, Table C-9.

## **8 OPPORTUNITY SITES**

Opportunity sites included in the Inventory are those likely to redevelop with housing considering recent development patterns as well as a variety of factors that indicate incentives to redevelop. These include both vacant and underutilized land in potential development projects, available 5th Cycle RHNA sites, and new opportunity sites identified as part of this cycle.

### **Potential Development Projects**

While pipeline projects are those that have received planning approval or are in the building permit process, there are also a number of other potential projects at various stages in the planning process, including those in the pre-application stage and those with filed and under review planning permits. Such projects are considered likely to develop. These sites are shown in Appendix C, Table C-14.

### **Available 5th Cycle RHNA Sites**

There are a number of opportunity sites selected as part of the 5th cycle RHNA that did not develop over the 2015-2023 period and are still available for housing. Pursuant to Government Code Section 65583.2(c), sites identified to accommodate a portion of Oakland's lower-income RHNA that were also contained in previous housing element cycles must be zoned at residential densities of at least 30 dwelling units per acre (du/ac) and must also be rezoned to allow for residential use by right for housing developments in which at least 20 percent of the units are affordable to lower income households. The proposed Inventory contains sites identified to accommodate a portion of Oakland's housing need for lower-income households that were included during the previous housing element cycles. Specific sites carried over from prior housing cycles are described in more detail in Appendix C, Table C-15.

### **New Opportunity Sites**

New opportunity sites not included in previous housing element cycles were identified to meet the remaining RHNA. These sites include both vacant and non-vacant sites and consist of City-owned sites, sites owned by BART, sites located within a specific plan area, and other sites with expressed or potential development interest, including interest determined as part of a community mapping exercise. These sites can be found in Appendix C, Table C-16.

## **9 Site Selection and Capacity**

As part of site analysis, a Housing Element also must demonstrate the projected residential development capacity of sites identified that can realistically be achieved. Creation of realistic assumptions involved survey of recently constructed and approved projects by base zone, density, and height; likelihood of residential conversion and infill development rates; and development capacity modifiers such as existing use on a site, and

potential development incentives like low assessed value (AV) ratio (when the value of the land is greater than the existing structure) and low floor area ratio (when a building only takes up a small part of a lot.)

To identify adequate sites and determine realistic capacity, a parcel-based analysis was conducted in accordance with the State site requirements for very-low and low-income sites. Sites that were excluded include non-residential projects already in development; sites without much incentive to redevelop; sites that were environmentally constrained by high fire risk, near fault lines, or within a 100-year flood plain; and sites with known contamination. In addition to these considerations, sites that are sought to be designated as capable of accommodating lower-income housing must meet the State-defined standard of 30 du/ac, known as the “default density”, and they must be between 0.5 and 10 acres. A robust description of the methodology and full table of realistic capacity is provided in Appendix C.

## 9.1 Assessing Housing Sites Through a Fair Housing Lens

---

The City of Oakland is committed to ensuring that all of its actions are “fair and just” and further racial equity in Oakland. At the same time, the Environmental Justice Element of the General Plan seeks to address equity issues—including adequate provision and support of affordable, healthy homes—in environmental justice communities. As explored in the [Environmental Justice and Racial Equity Baseline](#) (March 2022), there are many factors that contribute to the livability of a healthy community, ranging from physical aspects of the natural and built environment to less tangible aspects like historic, socioeconomic, and cultural settings and conditions. By assessing the housing sites inventory against Affirmatively Furthering Fair Housing (AFFH) criteria, the Housing Element is an important step in achieving an equitable future in Oakland.

As described in Appendix D, the site identification requirement in the context of affirmatively furthering fair housing involves not only an analysis of site capacity to accommodate the RHNA, but also whether the identified sites serve the purpose of replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity.<sup>15</sup> Furthermore, this analysis will determine whether programs must be adopted to “make sites available” with appropriate zoning, development standards, and infrastructure capacity to accommodate the new development need.

Chart 3-1 summarizes the development process of the housing sites inventory and demonstrates how the inventory meets the criteria for AFFH. Sites were selected in a manner to further and prioritize investment in historically disadvantaged communities, to decrease displacement pressures, and to increase access to existing higher resourced neighborhoods.<sup>16</sup> More information on each of the steps to identify additional sites for lower-income housing is available in Appendix C.

---

<sup>15</sup> Gov. Code, § 8890.50. subd. (b).

<sup>16</sup> To quantify access to opportunity at the neighborhood level, State HCD and the California Tax Credit Allocation Committee (TCAC) convened to form the California Fair Housing Task Force to develop Opportunity Maps that visualize accessibility of low-income adults and children to resources within a jurisdiction. High Resource areas are those that offer low-income adults and children the best access to a high-quality education, economic advancement, and good physical and mental health.

**Chart 3-1: Housing Sites Inventory Development Process**



The Inventory was developed in a manner consistent with the City’s mandate to affirmatively further fair housing (AFFH), pursuant to State law. Given the City’s inability to meet the 5th cycle RHNA for lower- and moderate-income households (see Appendix A), an emphasis was placed on locating sites appropriate for these income groups – particularly in higher resource areas. However, increasing access to existing high resource neighborhoods represents just one strategy to increase access to opportunity for lower-income households – the City is also committed to investing in “lower resource” neighborhoods to increase opportunity for the existing residents of those neighborhoods – described further in Appendix D and the Housing Action Plan. Many Oakland residents want to remain in the neighborhoods that they call home, and may not want to move to “higher-resource” areas which tend to be predominantly white and higher-income. Many existing ethnic enclaves offer resources like culturally-specific grocery stores, churches, language services, or other key access points that could be difficult to find elsewhere. Thus, efforts to increase access to exclusive neighborhoods must also be coupled with investment, cultural preservation, and anti-displacement efforts in lower-income neighborhoods and Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs). In parallel with housing development, the City must invest in lower resource neighborhoods with a focus on improving opportunity and outcomes for existing residents—especially historically marginalized BIPOC communities—including investments in equitable access to transit, public facilities, food access, and other amenities.

The State and California Fair Housing Task Force use a series of Opportunity maps developed by the Tax Credit Allocation Committee (TCAC) and HCD to define areas of low to high opportunity using a set methodology. These maps, described more fully in Appendix D, indicate that a significant portion of Oakland is considered low resource or high segregation and poverty. As a result, while the RHNA is met for each income category based on pre-established housing sites in the Inventory, lower-income capacity in “moderate” to “highest” resource neighborhoods remained relatively low. Many of these areas are, in fact, in close proximity to Bay Area Rapid Transit (BART) and Alameda-Contra Costa Transit District (AC Transit) lines and are suitable to develop at the densities typically required for lower-income projects. For example, much of the Downtown area—which permits some of the highest densities in the city—is considered low to moderate resource.

Most residential capacity at all income levels is located in the low resource and high segregation and poverty areas, largely due to the fact that over 60.0 percent of land in Oakland is considered lower resource or high segregation

### Chapter 3: Sites Inventory Summary

and poverty per TCAC's Opportunity Scores. The high and highest resource neighborhoods carry a relatively small portion of the total unit allocation – influenced by environmental constraints present in the Oakland Hills including fault zone hazards and fire risks, limited densities reflected in recent development patterns, and active pipeline projects. About 70.1 percent of Oakland's highest resource areas are within a very high fire hazard severity zone, as are about 25.7 percent of the city's high resource areas. Flooding also represents a risk in these areas (.6 percent in highest resource; 6.8 percent in high resource), as do earthquake fault zones (5.0 percent in highest resource; 2.2 percent in high resource) – see Appendix C for additional information. It should also be noted that ADU projections, which estimate significant numbers of units affordable to lower- and moderate-income households, are not included in these estimates. As these units are typically provided in lower-density and higher resource neighborhoods, they will further increase the proportion of lower-income housing available in these neighborhoods. The location of all sites contained in the Inventory compared to TCAC opportunity areas are provided in Figure 3-2 below.

**Figure 3-2: Housing Sites Access to Opportunity, 2022**



Increased provision of affordable housing in existing higher resource neighborhoods is a State priority to ensure that the City meets its requirements to affirmatively further fair housing. Therefore, the City undertook the additional effort to locate suitable supplemental sites appropriate for lower-income development in higher resource neighborhoods beyond the preliminary sites inventory – which already met the RHNA in each income category. As discussed in Appendix C, the preliminary sites inventory consisted of active pipeline projects, projects with expressed developer interest, and other City- and community-identified underutilized sites without known environmental constraints and near amenities like transit. To identify supplemental sites, the City started with the entire universe of parcels in Oakland, and filtered out sites based on objective physical constraints and opportunity metrics. More information on these constraints and metrics can be found in Appendix C.

From this list of sites filtered by physical suitability characteristics, other important decision factors were applied, including: sites within moderate to highest resource TCAC Opportunity Areas, within Priority Development Areas (PDAs), within a half-mile of a BART station, and within a “transit-rich” area as defined by the Metropolitan Transportation Commission (MTC).<sup>17</sup> After completing this exercise, an additional 70 potential sites were identified – generally in the North Oakland/Adams Point, Eastlake/Fruitvale, Glenview/Redwood Heights, North Oakland Hills, and Downtown areas. Among these, 15 parcels sites were identified as supplemental sites that would further AFFH objectives. Feasibility of future residential development on these additional sites were “ground-truthed” by City staff based on underutilization, local knowledge of the sites, and aerial images of the current state of the property. Figure C-7 in Appendix C maps the locations of these supplemental “AFFH sites.”

An affirmative effort was made to locate affordable housing in higher resource neighborhoods to reduce patterns of exclusion and segregation, and the City remains committed to increasing opportunity in neighborhoods that have experienced historic disinvestment. Providing opportunity for lower-income households must be a multipronged approach – the provision of affordable housing in areas that are already higher resourced must be coupled with continued investments in place-based strategies for historically marginalized neighborhoods. As outlined in Appendix D, the production of affordable housing and other strategies that enhance opportunity and housing security where lower-income residents already live—including gentrifying neighborhoods that face significant displacement pressures—must complement strategies to locate additional affordable housing in existing high-opportunity areas.

These actions, as outlined in the Housing Action Plan (Chapter 4) will ensure that lower-income housing does not become concentrated in neighborhoods without active efforts to provide the needed place-based strategies to let historic Oakland neighborhoods thrive. Further, rezoning actions included in the Housing Action Plan will increase the number of sites viable for lower-income housing in high resource neighborhoods; however, since the City is able to meet the RHNA under existing zoning and due to the difficulty associated with projecting the affordability and capacity of sites newly made available for housing during the planning period, sites resulting from these actions are not considered in the sites inventory. Further, the City remains committed to enacting

---

<sup>17</sup> A transit-rich area is defined by MTC as one in which 50 percent of the area is within one half-mile of the following: an existing rail station or ferry terminal (with bus or rail service); a bus stop with peak service frequency of 15 minutes or less; and a planned rail station or planned ferry terminal (with bus or rail service) in the most recently adopted fiscally-constrained Regional Transportation Plan.

### Chapter 3: Sites Inventory Summary

strong tenant protections and anti-displacement strategies to ensure that the same market forces that promote market rate development in gentrifying neighborhoods do not lead to the displacement of residents who call that neighborhood home.

# I Housing Action Plan

## 4.1 Goals, Policies, and Actions

---

This chapter includes the City of Oakland’s goals, policies, and actions critical to respond to increasing housing pressures in Oakland. First, this Housing Element identifies a foundational framework of five overarching goals to comprehensively address the housing crisis and needs of Oaklanders. The goals seek to significantly address disparities in housing needs and access to opportunity, replace segregated living patterns with truly integrated and balanced living patterns, transform racially and ethnically concentrated areas of poverty into areas of opportunity, foster and maintain compliance with civil rights, and affirmatively further fair housing. The five goals are:

1. Protect Oakland Residents from Displacement and Prevent Homelessness
2. Preserve and Improve Existing Housing Stock
3. Expand Affordable Housing Opportunities
4. Address Homelessness and Expand Resources for the Unhoused
5. Promote Neighborhood Stability and Health

While these five goals provide an overall framework for addressing the multifaceted housing crisis, the policies and actions specify the means for implementing those goals. Actions include both programs currently in operation as well as new actions needed to address the city’s housing needs.

### **Goal I. Protect Oakland Residents from Displacement and Prevent Homelessness**

---

The San Francisco Bay Area is decades into an extreme housing crisis, and Oakland is at the center of that crisis. Housing production, and particularly affordable housing production, has not kept pace with the region’s economic growth. Because Oakland’s rental and housing market has traditionally been less expensive than other Bay Area cities, Oakland residents experience disproportionately high displacement pressure. As a result, many Oakland residents cannot afford to buy or rent a home within their own

neighborhood.<sup>18</sup> As households displaced from more expensive Bay Area communities search for more affordable housing options in Oakland and higher-income households continue to move into the city, Oakland’s existing residents continue to bear the brunt of the Bay Area’s housing crisis.<sup>19</sup> Community investment, including building new housing, is crucial for all Oakland neighborhoods to prevent displacement.<sup>20</sup> With demand outpacing the limited housing supply, competition for finite units and the resulting rising rents may create displacement pressure on low-income residents. Research by the Changing Cities Research Lab at Stanford University and the Federal Reserve Bank of San Francisco on credit score data shows that lower income residents who move from historically Black neighborhoods tend to move to neighborhoods with lower housing values and health scores, suggesting movement under constrained circumstances; over time, fewer of these low-income movers stayed within Oakland or moved into Oakland as affordable options declined.<sup>21</sup> Rising rents are a factor in increasing rates of homelessness. According to a 2019 survey, 11 percent of unsheltered Oakland residents report that rent increases were a primary cause of homelessness, in addition to job loss (13 percent) and other money issues (10 percent).<sup>22</sup>

Oakland is committed to enabling renters and owners to stay in their homes and communities, eliminating all involuntary moves out of the city. Goals and policies that are part of a comprehensive protection strategy are designed to prevent displacement and homelessness, and to ensure that low-income renters and homeowners have supports they need to stay in their homes and communities as increased neighborhood investment occurs.

### **HOW THIS GOAL AFFIRMATIVELY FURTHERS FAIR HOUSING**

To meet the City’s equity goals and mandate to affirmatively further fair housing, this goal—including the policies and actions contained within—will advance the City’s commitment to reducing racial and economic disparities across Oakland. This goal seeks to protect from displacement pressures and prevent homelessness, both of which disproportionately impact Black, Indigenous, and People of Color (BIPOC) communities throughout Oakland. For instance, enhanced tenant protections will crack down on tenant-based racial discrimination in the housing market. This will be particularly important as the

---

<sup>18</sup> Policy Link, “A Roadmap Toward Equity: Housing Solutions for Oakland, California.” 2015.

<sup>19</sup> Urban Displacement Project, “Mapping Displacement, Gentrification, and Exclusion in the San Francisco Bay Area.” 2018. Available at <https://www.urbandisplacement.org/maps/sf-bay-area-gentrification-and-displacement/>.

<sup>20</sup> Office of Policy Development and Research, U.S. Department of Housing and Urban Development, “Displacement of Lower-Income Families in Urban Areas Report.” May 2018. Available at <https://www.huduser.gov/portal/sites/default/files/pdf/DisplacementReport.pdf>.

<sup>21</sup> Hwang, Jackelyn, and Vineet Gupta. “Residential and Neighborhood Instability in Oakland.” 2021. Available at <https://crl.stanford.edu/publications/residential-and-neighborhood-instability-in-oakland>.

<sup>22</sup> City of Oakland, “Homelessness County & Survey: Comprehensive Report.” 2019. Available at [https://everyonehome.org/wp-content/uploads/2019/12/2019HIRDRReport\\_Oakland\\_2019-Final.pdf](https://everyonehome.org/wp-content/uploads/2019/12/2019HIRDRReport_Oakland_2019-Final.pdf).

eviction moratorium established during the COVID-19 pandemic eventually comes to an end, and further pressure is exerted on the residential rental market.

Rent stabilization and just cause protections also ensure that as more amenities are added to a neighborhood (and it becomes higher resource), the existing diverse residents are able to stay. Residents of historically disinvested neighborhoods should be able to remain in their homes and enjoy the results of improved amenities and increased services. In the long-term, this will enhance access to opportunity for historically marginalized and disadvantaged communities. Further, by pursuing live/work preferences for Oakland residents and taking actions to assist tenants at risk of eviction, Oakland helps tenants avoid displacement or concentration in disadvantaged neighborhoods.

Through more robust data collection efforts, the City will also be able to better identify and correct barriers to opportunity. These efforts include the creation of a rental registry and other displacement measure tracking. More accurate data will also ensure that the City is able to better target its existing and future housing resources to generate the maximum impact.

**POLICY 1.1. TENANT PROTECTIONS AND ANTI-DISPLACEMENT**

**Action 1.1.1: Continue to Implement the Rent Adjustment Program (RAP).**

The RAP limits rent increases on units covered by the Rent Adjustment Ordinance (Chapter 8.22 of the Oakland Municipal Code) based on a formula tied to increases in the Consumer Price Index. These provisions were further strengthened in 2017. The City will continue to implement the RAP and enforce the Rent Adjustment Ordinance. The City also enforces AB 1482 rent increase caps and just provisions for certain units not covered by the City’s ordinances.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Annual Rent Adjustment Fee*

**Timeframe:** Ongoing, 2023-2031

**Objective:** *All tenant rights and protections under applicable City and State law will be enforced.*

**Action 1.1.2: Enforce Just Cause for Eviction measures.**

Just Cause for Evictions protections are enforced as part of the RAP, and are contained within Chapter 8.22, Article II of the Oakland Municipal Code. The City will continue to enforce just cause measures and will expand tenant protections as feasible—including clarifying and limiting the definition of nuisance or other just cause evictions.

**Responsible Party:** *Oakland Planning & Building Department; Oakland Public Works Department; Oakland Department of Housing and Community Development; Oakland Department of Transportation*

**Potential Funding Source:** *Annual Rent Adjustment Fee*

**Timeframe:** *Ongoing, 2023-2031*

**Objective:** *All tenant rights and protections under applicable City and State law will be enforced.*

### **Action 1.1.3: Strengthen Ellis Act Ordinance protections.**

The Ellis Act is statewide law that permits property owners to terminate tenancy when withdrawing residential units from the rental market. Although the City cannot prohibit Ellis Act evictions, it has adopted the Ellis Act Ordinance (Chapter 8.22, Article III of the Oakland Municipal Code) to set specific requirements that must be followed when removing a property to discourage violations of the Act and prevent the displacement of renters. The City will continue to enforce the Ordinance and strengthen renter protections—including proactive enforcement of eviction protections—in case of an Ellis Act eviction where feasible. The City will also join neighboring Bay Area cities to advocate for statewide reform to the Ellis Act to stabilize rental housing.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Annual Rent Adjustment Fee*

**Timeframe:** *Ongoing, 2023-2031*

**Objective:** *All tenant rights and protections under applicable City and State law will be enforced.*

### **Action 1.1.4: Implement and expand tenant relocation measures.**

On January 16, 2018, the City of Oakland passed the Uniform Residential Tenant Relocation Ordinance (Ord. No. 13468) to establish a uniform schedule of relocation payments which are now extended to tenants evicted when the owner or qualifying relative moves in and for other “no tenant fault” evictions. The Uniform Relocation Ordinance (Ordinance) requires owners to provide relocation payments to tenants displaced by code compliance activities, owner or relative move-ins, Ellis Act activity, and condominium conversions. The City will continue to implement and enforce the Ordinance, adjusting base payments for inflation annually on July 1st. Additional relocation payments shall be required for tenant households in rental units that include lower-income, elderly or disabled tenants, and/or minor children.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Annual Rent Adjustment Fee*

**Timeframe:** *Ongoing, 2023-2031*

**Objective:** *All tenant rights and protections under applicable City and State law will be enforced.*

**Action 1.1.5: Provide eviction defense and implement a right to counseling.**

The City will explore the feasibility of implementing a tenant right to counsel, where all tenants who receive an eviction notice or have been served with an unlawful detainer lawsuit have right to free legal representation. This may include partnering with nonprofit organizations to provide those services.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Private donations or other local, State or federal sources as available*

**Timeframe:** *Ongoing, 2023- 2031*

**Objective:** *As funding permits, all tenants facing eviction will be provided with counsel to represent them during eviction proceedings.*

**Action 1.1.6: Expand rent control in a limited manner to maintain affordability.**

Rent control measures are outlined in Oakland’s Rent Adjustment Ordinance and enforced through the RAP. Units are covered by the Rent Adjustment Ordinance if they are within a building built prior to 1983 and there are two or more units in the building. The City will consider a limited expansion of the number of units subject to rent control to maintain affordability.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Annual Rent Adjustment Fee*

**Timeframe:** *Ongoing, 2023-2031*

**Objective:** *To the extent permitted by State law, Oakland will expand renter protections.*

**Action 1.1.7: Monitor neighborhood displacement risk factors.**

As the effects of the COVID-19 pandemic continue to unfold and eviction moratoriums lift, there is an urgent need to monitor displacement pressures. The City will regularly monitor displacement risk factors—including rising housing costs, rapid demographic changes, neighborhood instability, and trends in out- and in-migration across neighborhoods in Oakland—to understand local displacement

risk. This data will be used to better target anti-displacement programs and prioritize neighborhoods with a high risk of displacement. This data will also be used to better understand the causes of displacement and help tailor City programs to meet existing housing needs. The City will carry out the bi-annual Resident Mini Pulse Survey on the state of housing security as part of these monitoring efforts.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Annual Rent Adjustment fee*

**Timeframe:** *Ongoing, 2023-2031*

**Objective:** *The City of Oakland will include displacement-related statistics in a broader housing or community dashboard available on the City website.*

**Action 1.1.8: Create and maintain a rental housing registry.**

A rental housing registry is a database of all rental units within Oakland and would be used to track properties subject to rent control provisions, Just Cause for Eviction measures, and other property-specific policies and requirements. RAP staff have been studying the effectiveness of a rental housing registry in Oakland and plan to present initial findings to City Council during the summer of 2022. The City could use data collected in the rental housing registry to monitor and understand neighborhood change at a more granular level, to better target anti-displacement policies, and ensure that rent increases are compatible with tenant protection law.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Annual Rent Adjustment Fee*

**Timeframe:** *Ongoing, 2023-2031*

**Objective:** *By 2023, the City will design and implement a rental housing registry.*

**Action 1.1.9: Continue and expand the Tenant Protection Ordinance (TPO).**

The TPO (Chapter 8.22, Article V of the Oakland Municipal Code) is meant to deter harassment by property owners and provide tenants legal recourse if they are harassed by the property owner. The TPO provides civil remedies for violations and implements tenant anti-harassment actions. The City will continue to enforce the TPO and expand anti-harassment protections, including tenant protections in ADUs.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Annual Rent Adjustment Fee*

**Timeframe:** *Ongoing, 2023-2031*



**Objective:** *All tenant rights and protections under applicable City and State law will be enforced.*

**Action 1.1.10: Enforce the tenant right to return.**

Currently, through the Tenant Move Out Agreement Ordinance, Oakland renters have the right to return to their rental unit after certain no-fault evictions, such as code compliance evictions after the repairs are completed or Ellis Act evictions if the units are re-rented. Further, State law (SB 330) requires that property developers provide the right to return for low-income renters when a property is demolished and redeveloped, and that the charged rent must be affordable. The City will increase awareness of State and local requirements and will enforce affordability requirements in new development projects. Further, pursuant to Action 2.2.5 the City will extend this right beyond the sunset date of SB 330.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Annual Rent Adjustment Fee*

**Timeframe:** *Ongoing, 2023-2031*

**Objective:** *All tenant rights and protections under applicable City and State law will be enforced.*

**Action 1.1.11: Provide a local preference in affordable housing projects.**

The City will continue to implement a preference for Oaklanders who have been displaced, neighborhood residents, Oakland residents and Oakland workers in the selection of tenants or homebuyers for affordable housing projects and programs assisted by City housing Notice of Funding Availability (NOFA) funds.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Annual Rent Adjustment Fee*

**Timeframe:** *Ongoing, 2023-2031*

**Objective:** *The City will continue to provide Oakland residents and workers a preference for City-funded affordable housing to the extent allowed by law and the constraints of other involved funding sources.*

**Action 1.1.12: Negotiate for appropriate community benefits during development**

**agreement approvals for major entitlements and use of City land.**

While negotiating development agreements with developers for large scale market-rate and non-residential projects on City land or development agreements requiring complex, multi-phase entitlements, the City will advocate for appropriate community benefits to mitigate any displacement pressures that result from the development. This may include increased levels of required affordable housing units. The City will consult with community-based organizations and residents impacted by developments to evaluate the extent of community benefits required to properly mitigate displacement impacts.

**Responsible Party:** *Oakland Planning & Building Department, Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Permit fees*

**Timeframe:** *Ongoing, 2023-2031*

**Objective:** *Significantly reduce displacement pressures through negotiating appropriate community benefits during the development agreements process.*

**Action 1.1.13: Prevent Oakland residents from becoming homeless/Fewer people become homeless.**

Keep Oakland Housed (a public-private partnership), the federally funded Emergency Rental Assistance Program (ERAP), and Lifelong Medical Care Services that help renters from becoming homeless through rental assistance, legal advice, housing counseling, and case management.

The City will continue to support and align City, Alameda County, and private partners (such as community-based and faith-based organizations that have roots in communities whose members are disproportionately at risk of homelessness) to strengthen their capacity to prevent displacement and respond effectively when people are experiencing a housing crisis, as well as expanding these types of programs and designing new ones that identify, assist, and prioritize funding for those who are most at risk of becoming homeless. In addition, the City will continue to make information about tenant protection, anti-displacement, rental assistance, and homelessness services available on the City's website and at City facilities and strive to improve public awareness of these programs. These efforts are especially key in the wake of the COVID-19 crisis and the eventual end of the eviction moratorium. Additional tenant protection actions are included in Actions 1.1.1-1.1.10.

**Responsible Party:** *Oakland Human Services Department; Oakland Housing and Community Development Department*

**Potential Funding Source:** *Federal ERAP funds, private contributions, other local, State, and federal resources as available*

**Timeframe:** *Ongoing, 2023-2031*

**Objective:** *100% of available rent relief and eviction prevention funds are spent according to funder guidelines.*

## **Goal 2. Preserve and Improve Existing Affordable Housing Stock**

---

Oakland’s existing affordable housing stock is an important resource for the city’s lower- and moderate-income population. Housing preservation means retaining existing built affordable housing and extending its affordability for current and future tenants. Preventing the loss of valuable existing affordable units is a cost-effective way of maintaining this resource as well as keeping existing residents who may be more vulnerable to increasing cost pressures in their homes.

Preservation, improvement, and maintenance also have health and equity co-benefits—addressing housing habitability issues can help to narrow inequitable racial and ethnic gaps in substandard housing conditions and reduce the burden of maintenance challenges for lower-income homeowners. This goal includes policies and actions that conserve and improve existing housing stock.

### **HOW THIS GOAL AFFIRMATIVELY FURTHERS FAIR HOUSING**

This goal sets forth several policies and actions that will advance fair housing in Oakland. Actions that physically rehabilitate housing units and make other safety improvements to the existing housing stock reduce displacement and ensure longtime residents are able to enjoy new community amenities. This physical rehabilitation also improves the environmental determinants of health, thereby advancing the City’s Environmental Justice goals. Further, as discussed in Appendices B and D, BIPOC residents of Oakland are disproportionately impacted by substandard housing issues. Actions contained within this goal will reduce the prevalence of these substandard housing issues citywide. Universal design strategies will also increase housing access for seniors and people with disabilities.

Further, actions that preserve the affordability of existing homes also play a key role in preventing displacement and allowing lower-income and BIPOC tenants to remain in place despite the gentrification of their neighborhoods. These actions include range from resale controls to demolition and conversion protections. A Community Opportunity to Purchase/Tenant Opportunity to Purchase Act, if adopted, would allow for tenants to access the wealth building and stability of benefits of

homeownership. Historic preservation actions also preserve cultural institutions and history that would otherwise be at risk of loss due to gentrification.

**POLICY 2.1 EXISTING HOUSING STOCK IMPROVEMENT**

**Action 2.1.1: Support home rehabilitation programs.**

The City will continue to provide housing rehabilitation assistance to very low- and low-income homeowners and homeowners with special housing needs to address code violations, repair to major building systems in danger of failure, abatement of lead-based paint hazards, minor home repairs for seniors, and emergency repairs:

- Home Maintenance & Improvement Program (HMIP) Deferred Loan Program
- Emergency Home Repair Program Loan Program
- Weatherization and Energy Retrofit Loan Program
- Alameda County Minor Home Repair Grant Program
- Lead Hazard Control and Paint Program
- Neighborhood Housing Rehabilitation Program
- Access Improvement Program

The City will engage local partners and fair housing experts to help promote awareness of, and broad participation in these programs. The City will continue to implement, annually review, and revise, as needed, program guidelines for housing rehabilitation assistance. The City will target resources, as possible, to expand opportunities throughout the community, including in lower-income and lower resource areas, and will strive to build community capacity and technical know-how by connecting homeowners with local labor to carry out home rehabilitation projects. This assistance will be particularly targeted to neighborhoods experiencing or at severe risk of displacement and gentrification. The City will also commit to explore additional funding sources for rehabilitation work beyond limited CDBG funds, which provides funding for many of Oakland HCD's programs.

**Responsible Party:** *Oakland Department of Housing and Community Development, Residential Lending Division*

**Potential Funding Source:** *Community Development Block Grants and potentially other funding sources as available*

**Timeline:** *Ongoing throughout the 2023-2031 period and beyond*

**Objective:** *As funding is available, the City of Oakland will continue to fund and operate home rehabilitation programs. At current funding trends, this will allow for approximately 80 rehabilitation projects each year.*

**Action 2.1.2: Promote healthy homes and lead-safe housing.**

The City will continue implementation of the Lead-Safe Homes Program to assist low- and moderate-income homeowners with lead paint identification and remediation, prioritizing resources for disadvantaged communities with high rates of asthma. The City will also continue to partner with the Alameda County Community Development Agency’s Healthy Homes Department to provide education, lead-safety skills training, and on-site consultations for Oakland property owners and conduct lead poisoning prevention and asthma trigger interventions for Oakland residents. In accordance with Oakland’s Equitable Climate Action Plan 2030, transition away from natural gas appliances, which has been proven to increase development of asthma in children by 24 percent.

**Responsible Party:** *Oakland Department of Housing and Community Development, Residential Lending Division*

**Potential Funding Source:** *Community Development Block Grants and potentially other funding sources as available*

**Timeline:** *Ongoing throughout the 2023-2031 period and beyond*

**Objective:** *As funding becomes available, the City of Oakland will implement programs to reduce health hazards from lead and natural gas appliances.*

**Action 2.1.3: Conduct proactive rental inspections.**

The City will develop a proactive, data-driven housing inspection program to track code compliance, with focus on safety, and housing quality among the City’s rental stock. The City will work with community partners to develop appropriate enforcement mechanisms, including tenant protection and anti-displacement mechanisms to ensure tenants are not displaced as a result of proactive inspections turning up housing habitability issues and/or raising rents due to the cost of fixing habitability issues. Further, the City will prioritize inspections in areas with older housing stock and health disparities and seek funding to streamline the inspection/rehabilitation process by connecting property-owners to technical and financial assistance for safety and accessibility improvements at the time of inspection.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge, permit fees*

**Timeline:** *2023-2025*

**Objective:** *The City will develop a proactive rental inspections program to significantly improve housing safety and quality and address housing needs, particularly in areas with older housing stock and communities experiencing health disparities.*

**Action 2.1.4: Support historic preservation and rehabilitation.**

The City will support the preservation and rehabilitation of both the existing historic housing stock and adaptively reused non-residential structures through a variety of strategies, including continued implementation of Mills Act Contracts and the Oakland Community Buying Program. The City will support the preservation of historic, archaeological, and tribal cultural resources and their incorporation into project site planning where feasible. As described in Action 3.2.4, the City will also promote adaptive reuse to promote historic preservation.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge, permit fees*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *The City will continue to implement the Mills Act and the Oakland Community Buying Program to support to help support historic preservation.*

**Action 2.1.5: Implement universal design strategies.**

The City will initiate community engagement to understand the need for universal design strategies, including with seniors, people experiencing disabilities, and community-based organizations with insight and experience with accessibility issues. The City will consider the adoption of a Universal Design Ordinance, which would help close loopholes, ensure good faith compliance of ADA provisions, ensure that accommodations are built into new developments, and allow Oaklanders to age in place.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge, permit fees*

**Timeline:** *2025-2027*

**Objective:** *The City will consider adopting a Universal Design Ordinance to address housing needs and improve housing conditions for seniors, people experiencing disabilities, and other communities with accessibility issues.*

**Action 2.1.6: Explore funding for improved indoor air quality.**

The City will explore State and federal funding sources to provide financial assistance to property owners and very low- and low-income homeowners to offset some of the cost of investing in better ventilation and air filtration systems (e.g., MERV filter systems) to improve indoor air quality in existing single- and multifamily residential units, with a priority for homes in high air pollution areas such as near freeways.

**Responsible Party:** *Oakland Public Works Department, Environmental Services Division*

**Potential Funding Source:** *State and Federal Environmental Health Agencies*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *Significantly improve indoor air quality and address housing need in existing single- and multifamily residential buildings.*

**POLICY 2.2 PRESERVE THE AFFORDABILITY OF EXISTING HOMES**

**Action 2.2.1: Continue to implement resale controls on assisted housing.**

The City will continue to use financing agreements for both City-assisted ownership and rental development projects to ensure that units remain permanently affordable through covenants running with the land.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *HOME, HUD, CALHFA, County, misc. State/Federal housing programs, AHP private funds*

**Timeframe:** *Ongoing, 2023-2031*

**Objectives:** *100% of City-assisted homeownership and rental units will have their affordability covenants effectively enforced.*

**Action 2.2.2: Enforce, monitor, and preserve affordable housing covenants with an emphasis on “at-risk” units.**

The City will proactively monitor and enforce affordable housing covenants, and will conduct outreach to the owners of assisted units that are at risk of conversion to market-rate housing. The City will prioritize the preservation of units at some level of risk of converting in the next 10 years by actively working with and encouraging the owners of those properties to extend their covenants.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *HOME, HUD, CALHFA, County, misc. State/Federal housing programs, AHP private funds*

**Timeframe:** *Ongoing, 2023-2031*

**Objectives:** *As funding becomes available, deed-restricted affordable housing units at risk of losing their affordability will be protected from a loss of affordability protections.*

**Action 2.2.3: Enforce residential demolition and conversion restrictions for residential hotels.**

Residential hotels, also referred to as single-room occupancy (SRO) units, provide an important source of deeply affordable housing in City. As such, Oakland has enacted regulations to limit the demolition, conversion, and rehabilitation to charge higher rents of existing residential hotel units. The City has recently amended these regulations (Chapter 17.153 of the Oakland Planning Code) to strengthen protections for residential hotels and will continue to enforce these protections to preserve their affordability.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeframe:** *Ongoing, 2023-2031*

**Objectives:** *Continue to enforce Single-Room Occupancy (SRO) regulations to preserve affordability and meet housing need.*

**Action 2.2.4: Limit condominium conversions.**

The conversion of rental housing to condominiums provides a risk to the affordability of Oakland’s housing stock. The City recently amended its condominium conversion regulations to require replacement rental housing for the conversion of two or more housing units, to remove the provision allowing the generation of conversion rights when the units are offered as rental units for seven or more years, to acknowledge the applicability of the Oakland Just Cause for Eviction Ordinance and the



Oakland Rent Adjustment Ordinance, and to afford greater rights and protections to existing tenants. The City will strictly enforce these recently adopted regulations to preserve Oakland’s rental housing supply.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeframe:** *Ongoing, 2023-2031*

**Objectives:** *Continue to enforce condominium conversion regulations to preserve rental housing supply and prevent displacement.*

**Action 2.2.5: Extend local replacement unit provisions.**

State law (SB 330) mandates that “protected units” are replaced with comparably affordable units when a residential building is demolished and redeveloped. The City will codify and extend replacement provisions pursuant to State law beyond the established sunset date. Further, the City will engage in strict monitoring and enforcement of the law to ensure replacement units are provided. This will include active outreach to developers to ensure they are aware of and comply with replacement unit provisions. The City will require that any demolition proposals include sufficient relocation assistance and right to return to the new replacement units.

**Responsible Party:** *Oakland Planning & Building Department; Oakland Department of Housing and Community Development*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeframe:** *Ongoing, 2023-2031*

**Objectives:** *Codify and extend local replacement unit provisions to ensure compliance and prevent displacement.*

**Action 2.2.6: Reduce housing speculation.**

Housing speculation can cause housing costs to increase, leading to higher rates of displacement and increased exclusivity in higher resource neighborhoods. To curb the negative effects of speculation, the City will consider implementing an anti-speculation tax, which would apply a fee when a property is sold shortly after purchase. The City will conduct a market study to understand the potential impacts of such a tax and its appropriateness within Oakland. As discussed in Action 2.2.8, the City will also explore a possible Tenant Opportunity to Purchase/Community Opportunity to Purchase Act.

**Responsible Party:** *Oakland Department of Finance*

**Potential Funding Source:** *General Plan Fund for the study; self-funding, if implemented*

**Timeframe:** *2026*

**Objectives:** *Study and consider implementing an anti-speculation tax to prevent displacement.*

**Action 2.2.7: Provide additional subsidy for residential hotels.**

The City will consider allowing owners of residential hotels that agree to restrict occupancy to lower-income residents to transfer development rights to create an endowed source of funding for an internal subsidy for such residents, or for maintenance/facility upgrades that do not increase rents.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeframe:** *2025-2027*

**Objectives:** *Preserve SROs and meet housing need.*

**Action 2.2.8: Investigate a Tenant/Community Opportunity to Purchase Act.**

A Tenant/Community Opportunity to Purchase Act, referred to as TOPA/COPA, gives tenants and nonprofit organizations the opportunity to purchase their home when it goes up for sale, thereby preserving that housing unit as affordable. TOPA/COPA policies are under development in multiple Bay Area cities, including Oakland and the neighboring City of Berkeley. The City will study the effectiveness of a TOPA/COPA model suited to local conditions, which may include targeted TOPA/COPA in certain neighborhoods, equity-building mechanisms, racial equity impact considerations, or other approaches that may be appropriate to Oakland.

**Responsible Agency:** *City Council; Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Impact fees, General Fund, infrastructure bond funds, HOME, CDBG, and other local, State, and federal funding as available*

**Timeline:** *Investigate and, if applicable, implement a TOPA/COPA policy (if appropriate) by 2024-2025*

**Objective:** *Oakland will study, and if appropriate implement, a TOPA/COPA policy by 2025.*

### **Goal 3. Expand Affordable Housing Opportunities**

---

General production of housing is one of the most important strategies in addressing Oakland's housing crisis. Thoughtfully adding housing at every level can help reduce market competition for existing homes, a primary driver in displacement and homelessness. What the community needs most, however, is a concerted effort to increase production of homes that are affordable to very-low-, low-, and moderate-income households. In particular, Oakland needs more deeply affordable housing, particularly housing affordable to extremely-low-income residents, and housing that remains permanently affordable. One of the key objectives in producing more housing is overcoming patterns of discrimination and opening up neighborhoods that have historically been exclusionary to communities of color and low-income residents, while simultaneously refocusing resources and protections in historically disinvested neighborhoods (see Policy 2.2).

During the previous RHNA cycle, the City permitted more above-moderate-income housing than required by the RHNA. However, it fell short of meeting its lower- and moderate-income need, which has nearly doubled during the current 6th cycle RHNA. The shortfall is largely due to market constraints such as the cost of land, building materials and construction labor, as well as a lack of funding for affordable housing development. Other constraints are discussed in Appendix C. To meet the increased need for affordable housing, the City will identify new funding sources, expand existing programs and introduce new strategies to further incentivize high quality and abundant affordable housing development.

Like other Bay Area cities, one of the major challenges to developing permanent affordable housing in Oakland is the extremely high cost of development, especially the cost of land, labor, and materials. As California's housing crisis continues into another decade, new and innovative models for the development and maintenance of permanently affordable housing are needed to overcome these obstacles and meet Oakland's increased housing needs. Recognizing the limited resources that staff already operate with, the City will welcome models that are community-based and are eligible for external funding. For the next eight years and beyond, the City will cultivate an atmosphere that encourages new approaches to meet Oakland's affordable housing needs. The City will also encourage models that emphasize community ownership of land and housing to promote permanent affordability.

Oakland also has very little vacant land available for development and is reliant primarily on reuse of existing sites for development. The vacant parcels that do exist, however, can often provide significant opportunities for residential development. Further, vacant residential and commercial buildings and units could provide potential sources of additional housing supply that are not currently available. As part of this goal, the City will enact a variety of strategies to incentivize active residential uses on vacant land and units.

Although housing is largely provided by the private and nonprofit sectors, the City has one major tool to influence development patterns and increase housing development of affordable housing and allow for other housing types: the Planning Code. To ensure that the Planning Code is responsive to housing policies and programs, the City will need specific zoning amendments that meet Oakland’s changing needs and remove identified constraints to residential development. The suite of amendments the City will undertake range from short- to long-term solutions, some of which will be carried out alongside the update of the Housing Element and others as part of the comprehensive update to the City’s General Plan that includes the Land Use and Transportation Element and will continue through 2025 after the Housing Element adoption.

The length and cost of the permitting process—which are ultimately reflected in a unit’s selling price—are also generally within the City’s control. An onerous and lengthy review process can be one of the most significant barriers to housing construction because some developers may decide that the cost of project review and its potential delays simply overcomes the revenue of new housing, particularly in the case of projects that may be only marginally financially feasible and/or profitable. Recognizing that long permitting processes are a statewide issue, a slate of new legislation, including SB 35, SB 330, AB 2162, and SB 1483, has introduced new requirements that are intended to facilitate the production of affordable housing through a streamlined residential permitting process.

The City of Oakland currently operates both an online permit center and an in-person “one-stop” permit center with counter services staffed by the Departments of Planning and Building, Fire, and Transportation. However, there are opportunities to better steward small nonprofit and BIPOC developers, homeowners looking to add additional units, affordable housing developers, and other community partners through the residential development process.

This goal will encourage the production of affordable housing and guide development of a more diverse range of housing choices for households of all types, incomes, and special needs; and promote changes to City tools like permitting processes and the zoning code to make it easier and faster to build affordable housing.

### **HOW THIS GOAL AFFIRMATIVELY FURTHERS FAIR HOUSING**

Though Oakland is one of California’s most diverse cities overall, there is significant racial segregation between the city’s neighborhoods. As a result of past practices such as mortgage redlining, disinvestment in neighborhoods of color, racially restrictive covenants on housing development, exclusionary zoning, destructive urban renewal, highway development and predatory lending in neighborhoods of color, many of Oakland’s BIPOC residents live in neighborhoods that lack access to quality amenities or upward mobility. As higher income people move to Oakland, low-income neighborhoods of color are also more susceptible to gentrification and continue to bear the burden of the city’s increased housing supply. In contrast, some high-resource areas remain disproportionately white in their racial composition

because they are zoned primarily for single-family homes, and the exclusion of lower cost housing types prevents BIPOC and lower-income families from moving to these neighborhoods. See Appendices B and D for additional detail on these patterns of segregation. The City must work towards breaking down barriers towards accessing high-opportunity neighborhoods for those who choose to live there, while simultaneously investing in “lower resource” neighborhoods. Increasing affordability and expanding the housing types permitted in high-opportunity neighborhoods will be key to ensuring that currently exclusive neighborhoods become inclusive.

During the outreach process, many community members expressed desire to see Oakland be more inclusive and retain and strengthen its diversity with a wider array of housing choices, such as duplexes, fourplexes, cottage courts, and garden apartments throughout the city. These smaller, “missing middle” housing types<sup>23</sup> tend to be more affordable by design—compared to single-family homes—and thus provide additional options for first-time homebuyers, single people, and moderate-income households. These housing types can also increase the housing stock in previously built-out neighborhoods, and as such are an important factor for Oakland to meet its moderate-income RHNA target. Accessory dwelling units – also known as ADUs, granny flats, secondary units, in-law units, and backyard cottages – are another important strategy to increase the supply of affordable housing. ADUs offer an alternative for people who want to rent but do not want to live in larger apartment complexes, and tend to be located in lower-density and higher resource neighborhoods that often contain few other smaller affordable rental options. As described in Appendix C, the majority of ADUs in Oakland are estimated to have rents affordable to lower-income households. The community also expressed a desire to see increased housing typologies and affordable housing throughout the city, including existing working-class neighborhoods that are currently low-resource due to systemic racism and disinvestment. Efforts specifically aimed at increasing affordable housing production are included in Policy 3.3.

In March 2021, the City Council directed the Planning Bureau to explore criteria for allowing four units on all residential parcels citywide, including in areas that are zoned to only allow single-family homes—prior to the passage of SB 9.<sup>24</sup> Zoning reform actions under this goal will expand on this direction and help to open up exclusionary neighborhoods. Further, other housing development reforms—like permit streamlining and ADU promotion—will also help expand housing options in traditionally exclusionary neighborhoods.

Further, certain segments of the population face greater challenges when finding decent, affordable housing due to special characteristics. Such characteristics may include one’s employment and income,

---

<sup>23</sup> Missing Middle Housing is a range of house-scale buildings with multiple units (e.g., duplexes, triplexes, fourplexes, cottage courts, and multiplexes) that are compatible in scale and form with detached single-family homes and are located in a walkable neighborhood. More information is available at [missingmiddlehousing.com](http://missingmiddlehousing.com).

<sup>24</sup> SB 9, in effect as of January 1, 2022, permits increased density on single-family lots through duplexes and lot splits.

family characteristics, disability, or other conditions. Thus, some residents face greater housing cost burden, overcrowding, or other housing problems.

State Housing Element law defines “special needs” groups to include persons with disabilities (including developmental disabilities), the elderly, large households, female-headed households, homeless people, and farmworkers. Many households within these special needs groups also fall within the extremely-low-income category. The special needs of individuals within these groups are wide ranging; in addition to affordable and accessible housing opportunities in proximity to transportation and other services, individuals with disabilities or who are experiencing homelessness may need on-site support and services. Meanwhile, female-headed households benefit from on-site childcare, and universal design elements such as zero-step entrances and single floor living are important considerations for senior housing.

Special needs housing is an important component of Oakland’s commitment to just and fair treatment of all individuals. It is critical that housing conditions foster an environment where everyone can participate, prosper, and reach their full potential. Actions contained within this goal will expand funding sources for affordable housing, including bonus points for serving special needs populations, will together allow for the expansion of affordable opportunities for special needs populations in high-opportunity neighborhoods. Actions related to expanding affordable housing options that are accessible to extremely-low-income households are also contained under Policy 3.1.

**POLICY 3.1 FACILITATE PRODUCTION OF DEEPLY AFFORDABLE HOUSING<sup>25</sup>**

**Action 3.1.1. Develop a project-based rental or operating subsidy program for extremely-low-income residents.**

Create either a capitalized operating subsidy or a rental housing subsidy for extremely-low-income households. This will help promote the financial viability of extremely-low-income housing.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Timeline:** *Program will be launched by December 2023*

**Potential Funding Source:** *State of California Permanent Local Housing Allocation*

**Objective:** *This program will fund project-based rental or operating subsidy for at least 16 units of extremely-low-income housing per year, for a total of at least 56 extremely-low-income units by 2031.*

---

<sup>25</sup> Deeply Affordable housing for persons at 30% area median income or below.

**Action 3.1.2. Align and target Oakland Housing Authority Section 8 Vouchers for permanent supportive housing and extremely-low-income units.**

The Oakland Housing Authority will continue targeting vouchers to support the development of extremely-low-income Housing through the award of project-based vouchers.

**Responsible Agency:** *Oakland Housing Authority*

**Timeline:** *Ongoing, 2023-2031*

**Potential Funding Source:** *Federal Section 8 and/or VASH vouchers.*

**Objective:** *As vouchers are available, at least 20% of units in assisted developments will be deed restricted as extremely-low-income.*

**POLICY 3.2 CREATE A MORE DIVERSE MIX OF HOMES TO MEET COMMUNITY NEEDS**

**Action 3.2.1: Develop zoning standards to encourage missing middle and multi-unit housing types in currently single-family-dominated neighborhoods, including flats, duplexes, triplexes, fourplexes, townhomes/rowhouses, and ADUs.**

The City will review and amend the Planning Code and implement objective design standards to encourage missing middle-density housing typologies, including flats, duplexes, multiplexes (triplexes, and fourplexes), bungalow courts, rowhouses/townhomes, and ADUs. The City will work to reduce pre-development costs and expedite the planning approval process for missing middle housing types resulting from both new construction and the conversion of existing structures.

The City will develop zoning standards that allow for two, three, and four units on parcels in Detached Unit Residential (RD) and Mixed Housing Type Residential (RM) zones. The City will also reduce the minimum lot size in Detached Unit Residential and Mixed Housing Type Residential generally to 3,000 square feet to remove constraints on lot splitting. The City will permit a variety of building types (attached, detached, bungalow courts) to maximize flexibility, neighborhood scale and potential opportunities for homeownership (split lots and condominiums) in parallel with Policy 5.1. The City will develop objective design standards at the neighborhood level to ensure that multi-unit neighborhood scale housing types designed in a manner that is compatible with the scale of existing residential housing forms in these zoning districts is permitted ministerially.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees, 2415 fund of the City, SB2 Grant for Objective Design Standards*

**Timeframe:** *2023*

**Objective:** *Significantly increase production of multi-unit housing types (including duplexes, triplexes and fourplexes) in current single-family-dominated neighborhoods to match housing need.*

**Action 3.2.2: Promote live/work housing and housing for artists.**

The City will update development standards and land use regulations to promote artist and live/work units in areas where appropriate under the General Plan. The City will encourage employers, trade groups, and arts and cultural districts to provide housing opportunities that are affordable to artists and similar professionals. The City will continue to allow the conversion of existing commercial nonresidential buildings to joint live/work units in specific commercial/industrial locations while considering the impacts on nearby viable businesses.



**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees, 2415 fund of the City, SB2 Grant for Objective Design Standards*

**Timeframe:** *2025*

**Objective:** *Significantly increase production of live/work housing and housing for artists to match housing need.*

**Action 3.2.3: Promote flexibility in adaptive reuse to increase the housing stock.**

The City will encourage the reuse and rehabilitation of Oakland’s historic building stock to provide additional housing units and housing Oakland residents, keep the neighborhood character, and to preserve the energy embodied in the building’s original construction. The City will amend land use regulations and development standards in the Planning Code to reduce constraints on adaptive reuse of commercial buildings for residential use. Reuse in environmentally sensitive areas—including in warehouses adjacent to industrial uses—will consider health and safety impacts prior to approval.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees, 2415 fund of the City, SB2 Grant for Objective Design Standards*

**Timeframe:** *2025*

**Objective:** *Significantly increase reuse and rehabilitation of historic commercial buildings for residential use to match housing need.*

**Action 3.2.4: Provide financial incentives for older or lower-income homeowners who want ADUs.**

The City will identify potential funding sources and community partners to develop and implement a financial assistance program that would provide loans and/or grants to support low-income and older homeowners who want to construct an ADU. The City may prioritize funding for homeowners who agree to charge rents affordable for lower-income households or rent the ADU to Housing Choice Voucher participants.

**Responsible Party:** *Oakland Planning & Building Department; Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Potential funding for an ADU incentive program could include funding from the State of California’s CalHome program, potential future State funding for ADU development, or local sources*

**Timeframe:** *Ongoing as funding becomes available, 2023-2031*

**Objective:** *If funded, the City anticipates supporting at least 30 low-income and/or senior households with the cost of constructing an Accessory Dwelling Unit. This is based on the 30 loans projected for the existing CalHome grant the City has received to help low-income homeowners build ADUs.*

**Action 3.2.5: Reduce constraints to the development of ADUs.**

On January 18, 2022, the City updated its zoning standards related to ADUs to be consistent with State law. The adopted local ordinance clarified and simplified existing requirements and offered additional allowances to encourage creation of ADUs that go beyond the minimum requirements of State law. These additional allowances include higher maximum heights allowing for two-story ADUs, reduced setbacks in some zones, larger maximum sizes for detached ADUs, and an introduced ADU amnesty from Planning Code requirements allowing homeowners with existing un-permitted ADUs to legalize them. Also, this zoning update removed setback requirements and allowed additional envelope expansion of existing structures to create livable-size ADUs on “small lots” where ADUs would not be feasible under previous requirements.

The City will continue to host pre-approved ADU plans on its website to facilitate reduced applicant cost and expedited review for ADUs. The City will also provide increased staffing capacity to create a “one-stop shop” for information to property owners, contractors, and tenants. The City will invest in community outreach and education to teach property owners about ADU construction, financing, and landlord responsibilities. The City will also consider developing a database through which property owners can find and hire local workers to build ADUs. The City will also study how its implementation of the building code may constrain the legalization of unpermitted ADUs.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees, SB2 Grant for Objective Design Standards*

**Timeframe:** *Ongoing, 2023-2031*

**Objective:** *Significantly increase production of ADUs to match housing need.*

**POLICY 3.3 EXPAND RESOURCES FOR THE CONSTRUCTION OF AFFORDABLE HOMES**

**Action 3.3.1: Sale or ground-lease of City-owned property for affordable housing.**

The City will solicit proposals from interested developers to construct housing on City-owned sites with first consideration given for affordable housing projects, pursuant to the California Surplus Lands Act. If the City does not agree to price and terms with an affordable housing developer and disposes of the surplus land to an entity that develops 10 or more residential units on the property, the City will require the entity to provide at least 15 percent of the developed units at an affordable housing cost or affordable rent to specified income groups, as required by Government Code Section 54233. The City will consider depositing up to 100 percent of net proceeds from such sales or leases to the Affordable Housing Trust Fund. Requests for proposals will be posted on the City's website and distributed directly to developers, including nonprofit housing providers.

**Responsible Agency:** *Oakland Economic & Workforce Development Department; Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Donation of land value*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *City will issue Notices of Availability and/or Requests for Proposals on at least two City-owned surplus sites each year.*

### **Action 3.3.2: Expansion of Section 8 vouchers.**

The City will continue to participate in the HUD-operated Section 8 Housing Choice Vouchers program, and will continue to work with the Oakland Housing Authority to obtain additional funding from the federal government for more Section 8 rental assistance for very-low-income renters by documenting the need for additional housing vouchers and contacting decision-makers at HUD as appropriate. The City will also advocate for additional funding as opportunities such as the American Recovery Act become available. Further, the City will work with nonprofit and community-based partners to educate property owners throughout the city about housing choice vouchers to encourage greater participation and to increase locational choices for voucher holders (see Action 5.2.7).

**Responsible Agency:** *Oakland Housing Authority, Oakland Department of Housing and Community Development*

**Potential Funding Source:** *HUD Section 8 vouchers*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *The City of Oakland Housing Authority will increase the number of vouchers being used in proportion with any future federal expansion of Section 8 or similar programs.*

**Action 3.3.3: City of Oakland Rental Assistance Program.**

As funding allows, the City will build on the success of the Keep Oakland Housed program, a public-private partnership , and the Federal Emergency Rental Assistance program (ERAP) to offer rental assistance grants to distressed tenants, free legal consultation, eviction defense, case management, and employment and financial counseling. The City will work with community partners to expand public awareness of the rental assistance program and tenant rights to ensure access to timely access information.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *State and federal emergency rental assistance funding, private donations, and other local funds as available*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *100% of tenants facing eviction will have access to counsel by the end of the Housing Element cycle. At least 250 households will be provided financial assistance to stay in their housing each year, or more if additional funding becomes available.*

**Action 3.3.4: Develop permanent housing affordable to extremely-low-income (ELI) households on public land.**

Determine the feasibility of developing permanently affordable housing in partnerships with community land trusts mentioned in Action 3.5.1 and other community partners on publicly owned sites that may be designated as surplus property. Assist nonprofit and local developer partners to access public funding and financing to construct and increase the supply of permanently affordable rental units that are designated for extremely-low-income households. Seek public funding resources to advance the development of permanently affordable rental and ownership housing for extremely-low-income households. Ensure that permanently affordable housing for extremely-low-income households is prioritized where services and needs are accessible by transit or walking. For projects seeking City funding, continue to incorporate preference for new construction projects to set-aside at least 20 percent of housing for ELI or below with a homeless household preference.

**Responsible Agency:** *Oakland Department of Housing and Community Development; Oakland Economic & Workforce Development Department; Oakland Human Services Department*

**Potential Funding Source:** *Donation of land value, City subsidy*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *City will issue Notices of Availability and/or Requests for Proposals on at least two City-owned surplus sites each year.*

**Action 3.3.5: Implement an affordable housing overlay.**

The City will create an affordable housing overlay to streamline the approval of affordable housing by right. Potential features of this overlay could include ministerial approval of 100 percent affordable housing projects, increased height and density allowances, waiver of parking requirements, and reduction of zoning barriers. The City will study the feasibility of broadly applying this overlay, except for areas in the very high fire severity zone and protected historical sites/districts. The City will also study the possibility of extending the streamlined approval provisions of the affordable housing overlay to mixed

income projects that qualify for the super density bonus and/or other strategies to augment the City’s density bonus program.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 - 2024*

**Objective:** *Study and consider adopting an affordable and/or moderate-income housing overlay to meet housing need.*

**Action 3.3.6: Access to low-cost financing for development.**

The City currently awards local funding that affordable housing developers leverage to obtain financing for their projects. As funding allows, the City will continue to award funds to affordable housing developers on favorable terms—including simple low interest rate, payment of principal and interest due from excess cash flow from operations after payment of operating costs, senior debt, reserves and developer fee, and a 55-year loan term. The City will also continue to work with affordable developers to set loan terms in a way that will help maximize their ability to leverage funding from banks and other lending agencies. Further, the City will also continue to coordinate with developers to help ensure that they qualify for additional funding from county, State, and federal sources.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Development impact fees, local infrastructure bond funds, HOME funds, and other local, State, and federal funds as available*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *Allocate all budgeted local funding sources (approximately \$12 million annually starting in 2023) to support the construction, acquisition, and/or preservation of deed restricted affordable housing units each year. With \$12 million in local funding forecasted in 2023, approximately 80 units could be created or preserved; of these, approximately 16 would be extremely-low-income. This will result in a total of 640 low-income units over the Housing Element period, including 128 extremely-low-income units, which would increase if more local funds are identified or secured such as a new local bond measure dedicated to funding affordable housing.*

**Action 3.3.7: Study the targeted implementation of an inclusionary housing requirement.**

While the City generally relies on development impact fees to provide local funding for affordable housing developers, targeted inclusionary housing requirements may increase the provision of affordable housing units in higher resource neighborhoods. A study is underway as part of the five-year update to

assess the benefits of impact fees versus inclusionary affordable housing requirements. The study will consider the number of units likely to be produced and likely affordability levels, and implement such requirements, if appropriate.

**Responsible Agency:** *Oakland Planning & Building Department; Oakland Department of Housing and Community Development*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 – 2025*

**Objective:** *Study and consider adopting targeted inclusionary housing requirements to meet housing need.*

**Action 3.3.8: Right-sized development fees on market-rate developments.**

The City levies a number of development impact fees, including affordable housing impact fees, on market-rate projects to ensure that new development pays its fair share toward funding affordable housing, transportation improvements, and capital facilities. The City will regularly monitor its impact fees and ensure that appropriate amounts are set on an annual basis. Pursuant to the Mitigation Fee Act, the City will conduct a comprehensive analysis and make findings every five years for each impact fee along with review of whether to increase fees and if the option of building affordable housing units on-site percentage is set appropriately. The City will explore allowing developments to pay an in-lieu fee equivalent to the public art requirement to build art at affordable housing developments and promote neighborhood cultural preservation/stabilization.

**Responsible Agency:** *Oakland Planning & Building Department; Oakland Department of Housing and Community Development; Oakland Public Works Department; Department of Transportation (DOT)*

**Potential Funding Source:** *General Plan Surcharge, permit fees, and Impact Fees*

**Timeline:** *Ongoing, 2023-2031; initiate next five-year update in 2027*

**Objective:** *Continue to monitor and adjust impact fees.*

**Action 3.3.9: Adjusting or waiving City fees and payment timing for affordable housing developments.**

Affordable housing developers have pointed to the impact of City fees and the timing of fee payment, including both impact fees and building permits, as a constraint to development. The City will explore ways to increase flexibility in payment timing and expand direct financial support to reduce the burden imposed by the collection of City fees.

**Responsible Agency:** *Oakland Planning & Building Department; City Administrator's Office; Oakland Department of Finance*

**Potential Funding Source:** *General Plan Surcharge, permit fees, and General Fund for any reduction of fees*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *Explore methods to reduce cost burden of City fees and payment timing to significantly increase affordable housing development.*

**Action 3.3.10: Consider a citywide Enhanced Infrastructure Financing District (EIFD).**

On December 16, 2021, the Rules and Legislation Committee of the Oakland City Council recommended that the City Administrator study the implementation of a citywide EIFD to fund affordable housing and infrastructure improvements. Upon completion of this study, the City will consider implementing the EIFD to increase available local funding for affordable housing. An EIFD is a special taxing district that directs a portion of future property tax growth towards infrastructure expenses, including affordable housing.

**Responsible Agency:** *City Administrator's Office; Oakland Department of Finance*

**Potential Funding Source:** *An EIFD would be a cost-recovering program for any implementation costs.*

**Timeline:** *By 2028, complete studying the possible implementation of an EIFD.*

**Objective:** *Study and consider implementing an EIFD to significantly increase affordable housing development and fund infrastructure improvements to match need.*

**Action 3.3.11: Support innovations by design.**

The City will support and encourage innovations in construction technology to build more housing in less time, more affordably, and with fewer resources by supporting non-traditional construction methods (such as modular and other offsite construction methods).

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023*

**Objective:** *Significantly increase production of housing using construction innovations to match housing need.*

**Action 3.3.12: Continue the Acquisition and Conversion to Affordable Housing (ACAH) Program.**



#### Chapter 4: Housing Action Plan

The ACAH program provides loans to eligible borrowers for acquisition- and rehabilitation-related costs associated with protecting and preserving long term affordable housing. The City will continue to issue NOFAs as funding is available and work with borrowers—including local community land trusts—to create new affordable housing units and preserve existing ones. The City will also continue to explore additional funding sources for the ACAH program.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Development impact fees, local infrastructure bond funds, HOME funds, and other local, State, and federal funds as available*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *Allocate approximately 25% of available local funding towards continuing the ACAH program.*

**Action 3.3.13: Expand availability of predevelopment funding and low cost debt products for affordable housing development.**

The City will continue to allocate funding to support predevelopment funding for affordable housing projects using its existing local sources, to help relieve the costs associated with the entitlement process especially for emerging and BIPOC affordable developers. The City will also identify and secure low-cost debt products for affordable housing development. To this end, the City has applied to HUD for Section 108 authority to leverage its CDBG allocation to provide low interest debt for affordable housing. Because Section 108 are hard loans that require repayment, the repayments could be revolved to support ongoing pipeline. The City will use a data-informed approach to target its resources towards historically marginalized and redlined areas as well as to support the growth of emerging and BIPOC affordable developers.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Development impact fees, local infrastructure bond funds, HOME and Section 108 funds, and other local, State, and federal funds as available*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *As suitable funding and projects become available, predevelopment funding and low cost debt products will be made available for affordable housing development.*

**Action 3.3.14: Evaluate the creation of a leveraged acquisition fund or debt/equity funds for small sites to support site acquisitions for affordable housing.**

Affordable housing developers indicated during outreach that competing with market rate developers for sites posed a barrier on their ability to acquire sites for development. The City typically provides gap financing commitments during predevelopment, with funds provided at construction finance closing; acquisition is an eligible cost for reimbursement by the City's funding. While directly funding acquisition presents an earlier, riskier, and less efficient investment of the City's limited funds, the City will consider the implementation of a leveraged acquisition fund to allow for faster and more efficient acquisition transactions. The City will also study the creation of debt and/or equity funds to support

small site housing projects. If feasible and funding is available, this new fund may be similar in nature to the City and County of San Francisco's Small Sites Program.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Development impact fees, local infrastructure bond funds, HOME funds, and other local, State, and federal funds as available to leverage philanthropic and other outside resources.*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *By the end of the Housing Element Cycle, the City will be able to report on the practicality of a leveraged acquisition fund, as well as the feasibility and appropriateness of a small sites fund.*

**Action 3.3.15: Continue and expand density bonus incentives.**

Continue to implement the City's density bonus ordinance and seek opportunities to expand the program, which offers developers density bonuses in exchange for the provision of affordable housing. Added provisions could include mixing and matching of low-income category percentages to get an additional bonus. Consider evaluating the density bonus ordinance and deed restrictions needed for the program to make the language more accessible and identify any unnecessary barriers that make it difficult for grassroots organizations and nonprofit developers to navigate this program.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023-2025, Ongoing*

**Objective:** *Significantly expand the City's density bonus program and increase production of density bonus projects to match housing need.*

**Action 3.3.16: Consider revising the Real Estate Transfer Tax.**

The real estate transfer tax, also called a Real Property Transfer Tax (RPTT), is due when a home is sold or gifted. The City will consider the following revisions to the RPTT:

- Make the tax more progressive at higher rates; and
- Use of a portion of the revised tax rate as a dedicated funding stream for affordable housing. This could provide annual revenues at levels significantly higher than current Impact Fee revenue.

**Responsible Party:** *Oakland Department of Housing and Community Development; Oakland Department of Finance*

**Potential Funding Source:** *General Fund for any applicable studies*

**Timeline:** *Conduct the analysis by 2026*

**Objective:** *Complete an analysis by 2026.*

**Action 3.3.17: Support low-income, grassroots, and BIPOC affordable housing developers.**

The City will work with low-income, grassroots, and BIPOC affordable housing developers to identify barriers that prevent BIPOC and small nonprofit developers from accessing City funding and navigating the permitting process, and develop solutions to ensure that the process is transparent, affordable, and accessible for these Emerging Developers, defined by Oakland HCD as “a developer who has less than five (5) years of experience as a developer and/or less than five completed projects.” The City has secured a Breakthrough Grant from the San Francisco Foundation that will dedicate a full time fellow to facilitate this work of identifying and breaking down barriers for BIPOC and emerging developers to develop affordable housing in Oakland.

**Responsible Agency:** *City Administration Oakland Department of Housing and Community Development; Oakland Planning & Building Department*

**Potential Funding Source:** *San Francisco Foundation, General Plan Surcharge, and permit fees*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *The proportion of City funding distributed for affordable housing development to low-income, grassroots and BIPOC affordable housing developers will significantly increase by 2031.*

**Action 3.3.18: Reauthorize Measure KK and release remaining funds.**

Measure KK, a bond measure passed in 2016, has provided a significant source of funding for anti-displacement and affordable housing preservation projects. The City has released remaining Measure KK bond funds for resident-led and community land trust-supported preservation projects and homeless acquisition projects and will seek to reauthorize bond authority to increase the funding available for affordable housing.

**Responsible Party:** *Oakland City Council and Oakland Department of Housing and Community Development*

**Potential Funding Source:** *General Fund and Local Infrastructure Bond Funds post-Measure KK*

**Timeframe:** *Authorize local infrastructure bond by 2025, spend funds as available on an ongoing basis*

**Objectives:** *The size of the new infrastructure bond and the amount set-aside for Affordable Housing is still being determined. For reference, the Measure KK infrastructure bond of \$100 million for affordable housing supported the new construction of over 700 units, the preservation of 420 units, and the acquisition and conversion of over 400 units. New construction projects will be prioritized for setting aside at least 20% of units for extremely-low-income populations.*

**POLICY 3.4. REFORM ZONING AND LAND USE TO ADDRESS COMMUNITY PRIORITIES**

**Action 3.4.1: Revise development standards, including allowable building heights, densities, open space and setbacks requirement.**

The City will allow additional building heights and/or housing densities in certain corridors and districts. These changes include:

- **Zoning Districts** such as the Detached Unit and Mixed Housing Type Residential Zones. As discussed in Action 3.2.1, the City will develop zoning standards for a diversity of housing types in single-family neighborhoods, including duplexes, triplexes, and fourplexes. The City will also reduce minimum lot sizes to facilitate the subdivision of existing lots. The City will permit a variety of building types (attached, detached, bungalow courts) to maximize flexibility and potential opportunities for home ownership (split lots and condominiums). The City will also develop objective design standards at the neighborhood level to ensure that such missing-middle housing is designed in a manner that is compatible with existing residential housing forms in these zoning districts.
- **Corridors** such as International, Foothill, and MacArthur Boulevards. The current building height map and permitted densities along key corridors does not always allow residential projects to meet their full potential. Consistent with the housing sites map, the City will undertake revisions to allow increased heights and densities.
- **Transit-proximate areas.** Alongside efforts to increase missing-middle housing (see Action 3.2.1), the City will increase allowed height and density in areas in close proximity to high-capacity transit, including areas near BART and BRT Stations.
- **Resource-rich areas.** Oakland's high resource neighborhoods are typically lower-density and have historically been exclusive – both economically and racially. Allowing higher density multi-unit buildings in these areas that are rich in services will help increase the competitiveness of affordable housing projects for State funding, as well as the feasibility of developing significant numbers of housing units within these neighborhoods. Zoning changes may include permitting residential densities above 30 dwelling units per acre by right in designated areas for affordable

housing projects. This will help further fair housing objectives by increasing the availability of housing, and particularly more affordable units by design, in high resource areas.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 – 2025*

**Objective:** *Reduce constraints to development to significantly increase production of housing to match housing need.*

**Action 3.4.2: Revise Conditional Use Permit (CUP) requirements.**

Conditional Use Permits are currently required for multifamily buildings in the RD-2 and RM Zones, which can act as a constraint on development – especially for affordable housing. The City will revise regulations to permit multi-unit building according to objective criteria such as building type and development size, without subjecting multi-unit residential projects to CUPs. Under Action 3.4.7, the City will create objective design standards and amend the Planning Code design review procedures to allow for streamlined review and, where appropriate, ministerial approval. The City will also actively promote and support use of SB 35 to streamline 100 percent affordable housing developments. These revised standards will be implemented alongside changes to Oakland’s RD, RM, and RU zones as described in Action 3.2.1.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023*

**Objective:** *Reduce constraints to development to significantly increase production of housing to match housing need.*

**Action 3.4.3: Revise citywide parking standards.**

Parking requirements are a major cost driver in residential development, and often conflict with sustainable development goals that seek to reduce dependence on automobile use. As such, the City recently eliminated residential parking minimums in the downtown area. Continued revisions of Oakland’s parking standards will be undertaken through a comprehensive review of existing residential parking standards and the identification of appropriate new standards to match long-term development and environmental goals. Additionally, for mixed-use development projects (commercial on ground floor and residential uses above), the City will explore flexibility in parking requirements so that additional residential development on these sites is not constrained by any lack of conformance with commercial parking regulations.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023-2026*

**Objective:** *Reduce constraints to development to significantly increase production of housing to match housing.*

**Action 3.4.4: Revise open space requirements.**

Both affordable and market-rate developers have pointed to the relatively high open space standards in Oakland as a constraint to development, especially for higher-density projects. The City will revise common and private open space standards for multi-family developments to increase the feasibility of residential projects.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023-2025*

**Objective:** *Reduce constraints to development to significantly increase production of housing to match housing need.*

**Action 3.4.5: Correct zoning district boundaries that cut through parcels.**

Oakland's Zoning Map includes many zoning district boundaries that cut through individual parcels – meaning that the same parcel is subject to multiple development standards, which can act as a development constraint. In updating the Zoning Map, the City will correct instances of this occurrence and ensure that zoning district boundaries that affect allowed height and density follow parcel boundaries to the maximum extent feasible to remove inconsistencies and ambiguities.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 – 2025*

**Objective:** *Reduce constraints to development to significantly increase production of housing to match housing need.*

**Action 3.4.6: Capture the diversity of existing built fabric in zoning.**

Oakland has a diverse historic urban fabric, some of which no longer conforms to the current Planning Code. To capture and continue this diversity and remove ambiguities, the City will reduce minimum lot sizes and setbacks to allow the creation of small-lot developments, as well as legitimize the many existing small-lot neighborhood patterns in West Oakland and other neighborhoods. The City will conduct a comprehensive review of the Planning Code to identify where current development standards have created non-conformities for older built facilities and amend development standards to reduce or eliminate them where appropriate. The City will also provide flexibility in the objective standards to retain and promote the City's vernacular built environment.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*



**Timeline:** 2023 – 2026

**Objective:** *Reduce constraints to development to significantly increase production of housing to match housing need.*

**Action 3.4.7: Implement objective design standards.**

The City currently requires design review for nearly all residential development, which can significantly lengthen the time required for project approval. To reduce the permitting timeline, the City has initiated a process to develop objective design standards to streamline the approval of residential, mixed-use, and commercial building types, with a particular focus on much-needed affordable housing projects in transit-rich areas. As opposed to "design guidelines," objective design standards will not be subject to interpretation, and result in faster, more predictable approvals of high-quality development that respects Oakland's history and benefits the local community.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge, permit fees, and SB2 Grant for Objective Design Standards*

**Timeline:** *2023 – 2024*

**Objective:** *Reduce constraints to development to significantly increase production of housing to match housing need.*

**Action 3.4.8: Implement new ADU standards that streamline approvals and address unpermitted units.**

In January 2022, the City updated its ADU regulations to comply with changes in State law. To address unpermitted units, the new ADU regulations go beyond minimum compliance with State law and establish an expansive legalization process for unpermitted ADUs addressing not only any existing non-compliance issues with the Building Code but the Planning Code as well. The City has also initiated a program to allow pre-approved construction documents for ADUs that creates a more streamlined approval pathway for many homeowners. The City will continue to implement this legalization and streamlining of ADU permitting processes. The City will study options to alleviate the burden of the building code on the legalization of unpermitted ADUs.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 and Ongoing*

**Objective:** *Reduce constraints to development to significantly increase production of housing to match housing need.*

**Action 3.4.10: Permit sites included in prior RHNA cycles to develop with affordable housing by right.**

Pursuant to State law, the City will permit vacant sites included in two consecutive prior RHNA cycles and non-vacant sites included in at least one prior RHNA to develop with owner-occupied and rental multifamily uses by right for developments in which 20 percent or more of the units are affordable to lower-income households. This means that the City cannot require any form of discretionary review or approval for such projects. These sites are identified in Appendix C, Table C-25.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *Reduce constraints to development to significantly increase production of housing to match housing need.*

### **POLICY 3.5. EXPLORE INNOVATIVE AND ALTERNATIVE HOUSING MODELS**

#### **Action 3.5.1: Support community land trusts and other shared equity models.**

The City has worked with a variety of community land trusts, including East Bay Permanent Real Estate Cooperative, Sogorea Te', Oakland Community Land Trust, Bay Area Community Land Trust and the Northern California Land Trust to provide affordable housing (including ownership housing). Most significantly, the City created the Acquisition and Conversion to Affordable Housing Program, which provides funds through Bond Measure KK to community land trusts to acquire and preserve affordable housing units. The City will continue to offer this program and support community land trusts. The City is also working with a technical assistance provider to determine best practices for land trust ownership units and cooperative units and will implement these practices going forward. Financial or technical assistance may become available from the Bay Area Housing Finance Agency (BAHFA) or possible State programs. The City will prioritize lower-income residents and residents at risk of displacement while supporting shared equity models.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Impact fees, General Fund, infrastructure bond funds, HOME, CDBG, and other local, State, and federal funding as available*

**Timeline:** *Funds will be made available to equity affordability models through the City's annual affordable housing NOEA's on an annual basis (2023-2031)*

**Objective:** *Oakland Department of Housing and Community Development will continue to make funds available to shared equity affordability models as per current practice.*

**Action 3.5.2: Support housing cooperatives, co-living, and cohousing models.**

Formal and informal housing cooperatives, co-living and cohousing models in Oakland have traditionally provided an alternative form of affordable housing, including ownership housing. To further support these initiatives, the City will conduct outreach with community-based organizations and other community partners to identify ways the City can support these models, especially for lower-income residents. The City will prioritize lower-income residents and residents at risk of displacement when supporting these alternative housing models.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Impact fees, General Fund, infrastructure bond funds, HOME, CDBG, and other local, State, and federal funding as available*

**Timeline:** *2031; Oakland Department of Housing and Community Development will be prepared to report back on the status of its cooperative-related engagement by the end of the Housing Element cycle*

**Objective:** *Oakland Department of Housing and Community Development will be prepared to report back on the status of its cooperative-related engagement by the end of the Housing Element cycle.*

**Action 3.5.3: Advocate for statewide legislation on social housing.**

The City of Oakland recognizes that the statewide housing crisis requires statewide solutions. As such, the City will advocate for social housing legislation under consideration in the State legislature, known as the California Social Housing Act or AB 2053. The Act would establish a California Housing Authority (CHA) to produce and preserve social housing – publicly-owned and mixed-income developments that maintain homes as permanently affordable.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *City legislative advocacy will be funded through the existing general fund-supported contract for State legislative representation services.*

**Timeline:** *Ongoing, 2023-2031; the City will continue advocacy for social housing legislation until it is adopted*

**Objective:** *The State of California will successfully adopt social housing legislation.*

**Action: 3.5.4: Evaluate acquisition and development opportunities for moderate- and middle-income households.**

The City will evaluate the merits of acquisition and development models to assist in the construction or preservation of middle-income housing, potentially in partnership with other regional agencies.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *The model could be financed by bond financing underwritten by rental revenue, with relatively shallow subsidies in the form of property tax abatements*

**Timeline:** *Evaluation will be ongoing as opportunities evolve*

**Objective:** *If a suitable opportunity exists to efficiently produce or preserve middle income housing, the City will design a program or participate in a program developed by other public agencies.*

### **POLICY 3.6. STREAMLINE THE APPROVAL OF NEW HOUSING**

#### **Action 3.6.1: Streamline the City permitting process, especially for low-income and nonprofit builders.**

The City will work with developers and housing stakeholders, particularly low-income and nonprofit builders, to review current processes and fees to identify actions to reduce costs and streamline the planning approval and building permit processes for small infill development. These actions could involve developing simplified CEQA compliance through qualified exemptions, implementing objective design standards as described in Action 3.4.7, and/or increasing staffing at the Planning and/or Building Bureau to reduce permit processing time. The City will regularly review and update its website to improve navigation and make information such as fee schedules, application forms, zoning ordinances, and other information available on the City's website, along with other educational information to facilitate the permit process.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 – 2025 and ongoing*

**Objective:** *Significantly increase production of housing projects, specifically by low-income and nonprofit builders, to match housing need.*

#### **Action 3.6.2: Provide increased flexibility in development standards.**

The City will provide increased flexibility in development standards, with a focus on smaller infill residential projects, to ensure that these projects can qualify for streamlined permitting without need for variances. The City will also consider increasing staff-level authority, with clear guidelines, to grant minor

exceptions, which can also reduce project timelines and costs. Alongside efforts described in Actions 3.2.1, this flexibility will increase the capacity of the Planning Bureau to permit a variety of units, more expediently, creating more residential units in traditionally lower-density neighborhoods.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 – 2025 and ongoing*

**Objective:** *Significantly increase production of housing projects, specifically by low-income and nonprofit builders, to match housing need.*

**Action 3.6.3: Expand by-right approvals and implement entitlement reform for affordable housing.**

Through the implementation of objective design standards as described in Action 3.4.7, the City will create a ministerial review pathway for qualifying developments based on project size, type, affordability level, and location. Discretionary design review will still be required for some types of projects and where certain adjustments are requested. As part of the entitlement reform process, the City will consider fee subsidies and/or payment deferrals to better accommodate affordable housing projects and increase the financial feasibility of affordable projects. The City will work with community partners and affordable housing developers to identify and implement appropriate entitlement reform actions.

**Responsible Agency:** *Oakland Planning & Building Department; Oakland Department of Finance*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 – 2025 and ongoing*

**Objective:** *Significantly increase production of housing projects, specifically by low-income and nonprofit builders, to match housing need.*

**Action 3.6.4: Continue SB 35 streamlining.**

SB 35 created a streamlined and ministerial approval process for housing projects that meet siting and construction criteria including being located in communities that have failed to meet their RHNA. The City of Oakland was among the 225 jurisdictions that made insufficient progress towards meeting the RHNA for low- and very-low-income housing at the time of the State’s most recent determination in 2021 and is therefore subject to the streamlining provisions for proposed development in which 50 percent or more of the units will be affordable. The City provides an SB 35 streamlining checklist to facilitate the development of affordable housing, and will actively promote use of SB 35 streamlining for 100 percent affordable projects.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 and ongoing*

**Objective:** *Significantly increase production of housing projects, specifically by low-income and nonprofit builders, to match housing need.*

**Action 3.6.5: Continue one-stop and online permitting services.**

Through the Online Permit Center (Accela Citizen Access), property owners are able to apply for and follow the status of their permits online. The City also operates an in-person One-Stop Permit Center, where the counter services of the Planning & Building Department, Oakland Fire Department, and Department of Transportation have been combined in one location to expedite the permitting process. The City will continue to offer both online and in-person permitting services to reduce permitting timelines. The City will also coordinate with low-income and affordable housing developers to understand and correct the gaps in these services.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 – 2031*

**Objective:** *Significantly increase production of housing projects, specifically by low-income and nonprofit builders, to match housing need.*

**POLICY 3.7. EXPAND OPTIONS FOR SPECIAL NEEDS HOUSING**

**Action 3.7.1: Incentivize the development of senior housing and provide financial assistance to developers of housing for seniors and persons with special needs.**

The City will continue to encourage a wide variety of senior housing opportunities, particularly for lower-income seniors with special needs, through the provision of financial assistance and regulatory incentives as specified in Planning Code. The City will continue to award points in its consideration of housing funding to projects that serve special needs populations, including seniors and homeless individuals. The City will explore options to expand the amount of financial assistance available to developers of housing for seniors and persons with special needs and will commit to transparent reporting of how special needs units are assisted.

**Responsible Agency:** *Oakland Department of Housing and Community Development; Oakland Economic & Workforce Development Department; Oakland Planning & Building Department*

**Potential Funding Source:** *Development impact fees, HOME, local infrastructure bond funds, and other local, State, and federal funding as available*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *The City will continue to provide bonus scoring points for special needs populations as found in current practices.*

**Action 3.7.2: Provide housing for persons with HIV/AIDS.**

The City will continue to provide housing and associated supportive services for persons with HIV/AIDS through a combination of development of new housing, project-based assistance in existing affordable housing developments; and tenant-based assistance to allow households to find their own housing in the private market. The City will enhance outcomes via housing first model under the Alameda County EveryOne Home Plan.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Development impact fees, HOME, HOPWA, local infrastructure bond funds, and other local, State, and federal funding as available*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *The City will continue to provide bonus scoring points for special needs populations as found in current practices.*

**Action 3.7.3: Accessible units in new housing developments.**

The City of Oakland's Housing Development Services unit will promote the inclusion of accessible units for projects receiving City funding and will award extra points to projects that exceed federal minimum requirements for accessible housing for all projects receiving federal funding assistance.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Development impact fees, HOME, local infrastructure bond funds, and other local, State, and federal funding as available*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *The City will continue to provide bonus scoring points for special needs populations as found in current practices.*



**Action 3.7.4: Implement the sponsor-based Housing Assistance Program.**

The City will continue to work with the Oakland Housing Authority to assist households that otherwise might not qualify for or be successful in the traditional Public Housing and/or Section 8 programs by partnering with agencies to provide service-enriched housing options that increase housing choice for special needs populations. The City will explore options to find more landlords willing to participate in the program.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Development impact fees, HOME, local infrastructure bond funds, and other local, State, and federal funding as available*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *The City will continue to provide bonus scoring points for special needs populations as found in current practices.*

**Action 3.7.5: Encourage different sizes of housing for larger families – including affordable housing with courtyards, multigenerational housing.**

The City will continue to reward and incentivize projects that include multi-bedroom units suitable for families in its awards of City funding for housing development and will expand the program to grant points to affordable housing projects that provide different sizes of houses for multigenerational and larger families, such as housing with courtyards or cottages.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Development impact fees, HOME, local infrastructure bond funds, and other local, State, and federal funding as available*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *The City will continue to provide bonus scoring points for special needs populations as found in current practices.*

**Action 3.7.6: Expand areas where residential hotels are permitted by right.**

The City will consider expanding zoning districts where residential hotels and rooming houses are permitted by right. These housing typologies provide an important source of housing for extremely-low-income residents.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 – 2026*

**Objective:** *Significantly increase production of residential hotels to match housing need.*

**POLICY 3.8. CONVERT VACANT LAND AND UNITS TO HOUSING**

**Action 3.8.1: Continue to implement the Vacant Property Tax (VPT).**

On November 6, 2018, Oakland voters approved Measure W, the Oakland VPT. The VPT Act establishes an annual tax of \$3,000 to \$6,000 on vacant property. A property is considered “vacant” if it is “in use less than fifty days in a calendar year,” and not subject to any of 10 exemptions. The City will continue to implement the VPT to encourage active uses on vacant land and regularly monitor the effectiveness of the program. The City will also consider expanding exemptions to the VPT to reduce the impacts of unintended hardships on nonprofit and affordable housing developers.

**Responsible Agency:** *Oakland Department of Finance; Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Self-funding through the vacant property tax*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *Through the vacant parcel tax, seek a 10% reduction in vacant parcels by the end of the Housing Element period.*

**Action 3.8.2: Encourage the conversion of vacant ground floor commercial space to residential uses in appropriate locations.**

Traditional brick-and-mortar commercial and retail businesses have continued to transition to an Internet-based model, which has been further accelerated by the COVID-19 pandemic. As a result, a significant number of ground-floor commercial and retail spaces in Oakland remain vacant. The City will explore opportunities to promote the conversion of vacant ground floor spaces in certain areas to live-work and other residential use, as may be appropriate in the local context. The City will also explore other opportunities to promote the conversion of vacant office or commercial space to housing.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 - 2026*

**Objective:** *Significantly increase conversion of vacant ground floor commercial space to residential uses, where appropriate, to match housing need.*

**Action 3.8.3: Consider a tax on all vacant residential rental units.**

Although housing demand in Oakland remains extremely high, the City experiences a higher vacancy rate than both Alameda County and the Bay Area overall. This results from a variety of factors but may ultimately lead to higher housing costs. Oakland currently has in place vacancy tax on parcels and several types of housing units – including condos, duplexes, and townhome units under separate ownership. The City will consider extending the current vacancy tax to all residential units to encourage active use of residential units and expand the available housing supply.

**Responsible Agency:** *Oakland Department of Finance; Oakland Department of Housing and Community Development*

**Potential Funding Source:** *General Fund*

**Timeline:** *Consider by the end of 2026 whether the vacant parcel tax ought to be revised or expanded*

**Objective:** *By the end of 2026, consider and if appropriate adopt a revision to the vacant parcel tax.*

**Action 3.8.4: Continue the Oakland Community Buying Program and support scattered site acquisition efforts.**

The City currently provides the Community Buying Program, which assists Oakland residents in purchasing vacant or abandoned properties from the Scattered-Site Single Family Acquisition and Rehabilitation Program. These properties have been made available through programs like the Oaktown Roots Affordable Homes pilot program and local community land trusts, like the Oakland Community Land Trust and the Bay Area Community Land Trust. These programs will also help promote long-term affordable homeownership, which will also promote the objectives of Policy 5.1.

**Responsible Agency:** *Oakland Department of Finance; Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Development impact fees, HOME, local infrastructure bond, and other local, State, and federal funding as available*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *As additional funding is available, continue to convert vacant parcels to affordable housing.*

**Action 3.8.5. Partner with Alameda County Tax Collector to redevelop tax defaulted properties.**

Partner with the Alameda County Tax Collector to identify tax-defaulted property suitable for development or preservation as affordable housing. Through use of the Chapter 8 tax sale program, make this property available to affordable housing providers, community land trusts, and related organizations.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Funding:** *Contributory value of the land, impact fees, HOME, other local, State, and federal funds as available*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *By the end of the Housing Element period, at least 40 parcels will be acquired by the City of Oakland or partner organizations that were previously tax defaulted.*

## **Goal 4. Address Homelessness and Expand Services for the Unhoused**

---

The City of Oakland is facing an unprecedented humanitarian crisis of residents who are experiencing homelessness. As the United Nations notes in its mandate on the right to adequate housing, the right to adequate housing is more than having a roof over one’s head, it is the right to live in safety and dignity in a decent home; HUD Secretary Fudge has declared that “housing is a human right.” Ultimately, permanent housing is the solution to homelessness (see Goal 3). Goals, policies, and actions in this Housing Action Plan recognize housing as a human right and support coordination across the spectrum, from homelessness prevention to transitional housing/shelter and services to permanent housing with resources for long-term support.

### **HOW THIS GOAL AFFIRMATIVELY FURTHERS FAIR HOUSING**

Homelessness disproportionately impacts Oakland’s BIPOC residents, particularly the city’s Black residents. Further, special needs households—including extremely-low-income households—tend to be at greater risk of experiencing homelessness. Addressing homelessness and providing high quality services to the unhoused is also a racial equity issue, and must be part of the City’s efforts to affirmatively further fair housing. By expanding access to quality homelessness services across Oakland, and seeking to expand transitional housing options in a citywide manner, the City will work to avoid an overconcentration in homelessness and homelessness-related services in disadvantaged neighborhoods. Further, by expanding economic opportunities for the unhoused, Oakland will help those currently unhoused access housing opportunities in a variety of Oakland neighborhoods. This goal, and the policies and actions that implement it, will address fair housing issues as they relate to homelessness in Oakland.

### **POLICY 4.1 EXPANSION OF HOMELESS SERVICES**

#### **Action 4.1.1: Expand, improve, and maintain crisis response beds.**

Since 2018, the City has expanded its supply of emergency interim housing (community cabins, shelter beds, Safe RV parking) by over 1,000 beds/spaces. This increase is almost entirely funded with one-time funds. The City will use local, county, State, and federal funding to maintain these new resources and to improve the effectiveness of these beds in moving people to permanent housing (for example, by adding rapid rehousing exit resources). In addition, the City will continue to expand the interim housing sites and other forms of housing for people experiencing homelessness in the City. The City will ensure that such housing options include supportive services such as including rapid rehousing assistance, housing navigation, and access to resources via Coordinated Entry. The City will seek to partner with Alameda County to provide mental health and substance use services in interim sites and will partner with mainstream workforce programs to support on site job training programs. The City will coordinate

efficient provision of services and resources from private, nonprofit, local, Alameda County, and State organizations

**Responsible Party:** *Oakland Human Services Department*

**Potential Funding Source:** *Measure Q, ESG, State Homeless Housing Assistance and Prevention Funding, various HUD funding sources, CalAIM (through County)*

**Timeframe:** *FY 2022-2023 – FY 2024-2025*

**Objectives:** *1. Increase the number of people who are experiencing homelessness in Oakland who are sheltered; and 2. Invest in and improve the quality of interim housing programs so that more people exit to permanent housing and more people exit to permanent housing more quickly.*

**Action 4.1.2: Expand, improve, and maintain crisis response beds for unsheltered communities of color.**

Increasing the number of crisis response beds helps to address the disproportionate rates of unsheltered homelessness among communities of color, especially among African American households. Creating additional facilities in many parts of the city will assist households experiencing homelessness to remain in their communities will reduce the number of African American households who are displaced from Oakland. Track data to ensure that African American households are using emergency crisis response beds and exiting to permanent housing at rates that are proportional to their representation in the homeless population.

**Responsible Party:** *Homelessness Division, Office of the City Administrator; Oakland Human Services Department*

**Potential Funding Source:** *Local, State, and federal funding, as available*

**Timeframe:** *Ongoing, 2023-2031*

**Objectives:** *Increase and stabilize people while providing opportunities to improve income they need to avoid entering or returning to homelessness.*

**Action 4.1.3: Expand health and hygiene facilities and services, and improve access to bathrooms and showers.**

Starting in FY 20-21, this intervention has greatly expanded to serve a minimum of 60 curbside sites with porta-potties, handwashing stations, and garbage pick-up. HSD has created two new outreach staff positions whose primary role is to support the encampments which have these interventions with maintaining the services as well as maintaining a level of cleanliness and compliance with the Encampment Management Policy. These City staff also support designated site leadership at each

encampment site. The site leaders ensure that the porta-potties are used appropriately, and keep the units clean in between the official servicing. City staff provide the site leaders with cleaning supplies and stipends for their work. Per Council directive, the goal is to increase to 100 sites and four City outreach staff.

**Responsible Party:** *Homeless Division, Office of the City Administrator; Oakland Human Services Department*

**Potential Funding Source:** *State Homeless Housing Assistance and Prevention Funding, City General Fund*

**Timeframe:** *FY 2022-2023 – FY 2024-2025*

**Objectives:** *More people experiencing unsheltered homelessness have access to services which promote health and dignity.*

**Action 4.1.4: Provide needed support and income to people who have been homeless so they can avoid returning to homelessness.**

Recognizing that a lack of access to living wage jobs is a significant driver of homelessness in Oakland, the City will work with the Oakland Unified School District, higher educational institutions, related nonprofit agencies, business and other partners to create low barrier work opportunities for people who are currently unsheltered. These programs will offer support for development of work-related skills, provide services to address employment barriers specifically targeted to the needs of unhoused residents and increase the co-location and collaboration between providers of homeless assistance and employment programs and services. In addition, the City will work to match small business owners who want to address homelessness with job seekers who are homeless or formerly homeless.

Strategies to include:

- Low barrier work opportunities, for people re-entering the workforce
- Add employment specialist positions in core homeless services/prevention services programs
- Flexible funding pool to support career track training and employment programs
- Benefits advocacy to obtain SSI or other income for which they are eligible

**Responsible Party:** *Oakland Human Services Department; Homelessness Division, Office of the City Administrator*

**Potential Funding Source:** *Local, State, and federal funding, as available*

**Timeframe:** *Ongoing, 2023-2031*



**Objectives:** *Reduction in the number of households which return to homelessness in the two years after obtaining housing.*

**Action 4.1.5: Provide support for domestic violence shelters.**

Recognizing that domestic violence is one of the leading causes of homelessness for women and children, the City will coordinate provision of counseling, case management, healthcare, rapid rehousing assistance, and other wraparound services for survivors of domestic violence within transitional housing programs, emergency shelters, and navigation centers. The City will work with housing and service providers to seek additional grant funding to support survivors of domestic violence. The City will continue to publicize health and wellness resources on its website and will ensure that this information remains up-to-date.

**Responsible Agency:** *Oakland Human Services Department; Homelessness Division, Office of the City Administrator, Department of Violence Prevention*

**Potential Funding Source:** *To be determined*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *The City will significantly increase supportive services (and their publicization) for domestic violence survivors to match need.*

**POLICY 4.2 ENCAMPMENT MANAGEMENT**

**Action 4.2.1: Enhance operations of the City's 2020 Encampment Management Policy.**

The City of Oakland adopted the 2020 Encampment Management Policy. The purpose of this policy is to protect and serve all Oaklanders, sheltered and unsheltered, and to manage the adverse impacts of homeless encampments by balancing the interests of all residents, focusing encampments actions on mitigating negative outcomes as they pertain to public safety, public health, and equity outcomes.

**Responsible Party:** *Homelessness Division, Office of the City Administrator*

**Potential Funding Source:** *Local, State, and federal funding, as available*

**Timeframe:** *2023-2031*

**Objectives:** *The Encampment Management Policy is essential to connecting unsheltered individuals to human services, emergency shelter and long term permanent supportive housing, while executing comprehensive operations focused on managing health and safety conditions of*

*public spaces. The goal is to close areas where encampments are not permitted, provide regular and adequate trash collection from encampments, to ensure that porta-potties and hand-washing stations are services regularly as needed, and that encampments receive regular deep cleanings that ensure that our unhoused residents are not living in conditions that threaten health and/or safety until fully abated.*

*The policy sets forth the following objectives:*

- 1. Designate high-sensitivity areas, where unmanaged encampments are presumed to cause unreasonably high levels of health and safety impacts due to the nature of the location;*
- 2. Designate low-sensitivity areas, where enforcement will not be prioritized;*
- 3. Make findings that will prompt Encampment Management Team intervention; and*
- 4. Provide guidance on addressing unreasonable health and safety risks, promoting voluntary compliance, and strategies to address non-compliance.*

**Action 4.2.2: Lead strategic homelessness response operations and homeless services from the Homelessness Division, Office of the City Administrator.**

Homelessness intersects with multiple departments and agencies, all of which fall under the City Administrator’s purview. Leading from the Office of the City Administrator, the Homelessness Division serves as the primary liaison between the City Administrator’s Office and internal and external agencies, along with other City departments, regarding the City’s homelessness response and provides inter- and intra-agency coordination focusing on the City’s management of its unsheltered population. This division directs the program and operational decision-making in division activities; encampment management response teams and task forces; organizes, manages, and directs the review and implementation of the City’s major projects.

**Responsible Party:** *Homelessness Division, Office of the City Administrator*

**Potential Funding Source:** *Local, State, and federal funding, as available*

**Timeframe:** *2023—2031*

**Objectives:** *Lead the implementation, expansion, and strategic coordination of Homeless Response Operations and Service Delivery across City of Oakland departments, and external public and private partners, organizations, and agencies.*

**Action 4.2.3: Strengthen interdepartmental Encampment Management Team.**

The Encampment Management Team (EMT) is an interdepartmental working group tasked with implementing and administering this policy, consisting of representatives from Oakland’s Public Works Department, Human Services Department, Oakland Policy Department, Oakland Fire Department, the City Administrator’s Office (CAO), and other consulted departments as necessary (e.g., the Mayor’s Office, the City Attorney’s Office, Parks and Recreation). The EMT is facilitated by the CAO via the Homelessness Administrator.

**Responsible Party:** *Homelessness Division, Office of the City Administrator*

**Potential Funding Source:** *Local, State, and federal funding, as available*

**Timeframe:** *Ongoing, 2023-2031*

**Objectives:** *1. The EMT aims to execute duties assigned to their respective departments for the completion of interventions (Health and Safety) prescribed in the 2020 Encampment Management Policy (Health and Hygiene, Deep Cleanings, Partial Closure, and Closure); 2. To channel unsheltered individuals in every encampment to human services, emergency shelter and long term permanent supportive housing; 3. To effectuate the completion of the Encampment Management Policy interventions, each department may promulgate additional specific procedures necessary to effectuate the roles described in this policy under development specific Standard Operating Procedures.*

**Action 4.2.4: Increase the oversight of homelessness strategies, investments, outcomes, and encampment operations with the Homelessness Advisory Commission.**

The City will increase opportunities for leadership and input from people experiencing homelessness in the design, implementation, and evaluation of encampment management and services that respond to unsheltered homelessness. The City will also seek to build trust between law enforcement, social workers, and homeless individuals/families and promote mentorship opportunities for formerly homeless individuals and people recovering from addiction. Further, the City will refine encampment management policies and strategies using qualitative and quantitative data to assess the experience of encampment for BIPOC residents and will implement culturally-specific and anti-racist strategies to better meet the short-term needs of BIPOC unsheltered residents.

**Responsible Party:** *Homelessness Division, Office of the City Administrator*

**Potential Funding Source:** *Local, State, and federal funding, as available*

**Timeframe:** *Ongoing, 2023-2031*

**Objectives:** *Review and make recommendations of existing and new proposals funding homelessness services funded by City of Oakland Measures Q and W.*

**Action 4.2.5: Expand co-governance and partnerships with unsheltered residents in the design and delivery of homelessness services.**

In FY 21-22 the City opened its first co-governed program site. Co-governance is an intervention model where unsheltered residents come to an agreement about how they will live together in a community setting of an encampment. This includes, but is not limited to, selecting site leadership, determining eligibility for participation, developing community expectations for behaviors and for staffing/running the site, holding each other accountable for the agreed upon expectations, and maintaining the health and safety of the community residents. A backbone agency (nonprofit/community-based agency) works alongside residents to support the residents in the design, leadership and operations of the site. The backbone agency is the contracting entity with the City/funder and holds ultimate accountability for ensuring the safety and security of the site. The City, in partnership with unsheltered residents will continue to refine this model and to expand this model as new sites open.

**Responsible Party:** *Oakland Human Services Department; Homelessness Division, Office of the City Administrator*

**Potential Funding Source:** *Homeless Housing Assistance and Prevention funds, City General Fund*

**Timeframe:** *FY 2022-2023 – FY 2024-2025*

**Objectives:** *Increase the number of interim housing sites which have people experiencing homelessness as partners in site design and operations.*

**POLICY 4.3 PROMOTE TRANSITIONAL AND PERMANENT SUPPORTIVE, DEEPLY AFFORDABLE HOUSING FOR UNHOUSED COMMUNITIES**

**Action 4.3.1: Finance the construction and maintenance of permanent supportive and deeply affordable housing for homeless households to expand the supply of deeply affordable and supportive housing for Oakland’s most vulnerable residents.**

The City will secure and advocate for additional funding for building and operation of permanent supportive and deeply affordable housing for homeless households using a combination of State and

federal sources, such as the State Homekey program, the federal HOME-ARP program, and funding from the local Oakland Housing Authority. The City will continue incorporating a preference for City-assisted affordable housing projects that include at least 20 percent of units for vulnerable populations, including but not limited to homeless individuals and families living at or below 20 percent of AMI; as well, the City will increase this homeless set-aside in future NOFAs should operating funding resource availability support the increase. The City will work with residents, service providers, and property owners to ensure adequate and transparent long-term plans for maintenance and service provision within new and existing permanent supportive housing. The City will also pursue the strategic acquisition of hotel, motel, and dorm facilities by and with nonprofit partners to house unsheltered residents. The City will further work to coordinate Oakland Housing Authority's award process with the City's Affordable Housing NOFA process and Homekey opportunities. The City will also work with the State and other partners to explore opportunities to expand the supply of extremely-low-income housing for residents that do not require supportive services.

**Responsible Party:** *Oakland Human Services Department; Oakland Department of Housing and Community Development; Homelessness Division, Office of the City Administrator*

**Potential Funding Source:** *State Homeless Housing Assistance and Prevention Funds*

**Timeframe:** *Ongoing, 2023-2031, as funding is available*

**Objectives:** *Secure funding to significantly increase construction and maintenance of permanent supportive and deeply affordable housing to match need for unboused communities.*

**Action 4.3.2: Streamline approval for modular developments to provide quality shelter quickly to address the scale of the crisis.**

The City will utilize statewide streamlining opportunities, such as categorical CEQA exemptions and Program EIRs, and revise the Planning Code to minimize the need for discretionary review with a ministerial option for projects that utilize objective design standards for approval. The City will also identify and eliminate roadblocks in the review of building permit applications to expedite and increase the production of modular developments and other quick-build shelter solutions on private land in Oakland. The City will also work with other public agencies, including Caltrans, to facilitate and streamline more flexible shelter solutions on public land. The City will ensure that smaller units used as permanent housing units are in compliance with the Building Code to mitigate fire and other public safety hazards.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees, SB2 Grant for Objective Design Standards*

**Timeframe:** *Planning Code changes in 2023; ongoing, 2023-2031*

**Objectives:** *Significantly increase production of modular developments and other quick-build shelter solutions to match need for unhoused communities.*

**Action 4.3.3: Remove regulatory constraints to the development of transitional housing and supportive housing.**

The City will amend the Planning Code to ensure that transitional housing and supportive housing projects are permitted equivalently to similar permanent residential uses in the appropriate zone.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan*

**Timeframe:** *Planning Code changes in 2023*

**Objectives:** *Reduce barriers to the development of transitional and supportive housing.*

**Action 4.3.4: Provide development standards for Low Barrier Navigation Centers.**

Low Barrier Navigation Centers, pursuant to AB 101, are required to be permitted by right and without any discretionary approval. A Low Barrier Navigation Center is a "Housing First," low barrier, temporary, service-enriched shelter that helps homeless individuals and families to quickly obtain permanent housing. The City will amend the Planning Code to include a definition for "low barrier navigation centers" and ensure that such centers are permitted by right, pursuant to State law.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan*

**Timeframe:** *Planning Code changes in 2023*

**Objectives:** *Reduce barriers to the development of housing for persons experiencing homelessness.*

## **Goal 5. Promote Neighborhood Stability and Health**

---

All Oakland residents deserve to live, work, play, and thrive in safe, affordable, healthy, and welcoming communities. In Oakland, this geography of opportunity and health-supporting neighborhoods has been inequitable, with low-income communities and communities of color more likely to live in neighborhoods overburdened by pollution, disinvestment, and other social and environmental injustices. Goals, policies, and actions in the Housing Action Plan can address environmental justice by protecting residential areas from harmful pollution impacts. Additionally, as the City prioritizes investments, infrastructure, building upon existing community assets, and resources to achieve environmental justice in disinvested areas, the Housing Action Plan seeks to ensure that existing residents can stay in their communities and benefit from these increased resources through opportunities for homeownership (see also Goals 1 and 3).

1. Reduce greenhouse gas emissions in the building sector through the promotion of sustainable design principles, energy efficiency, and smart growth principles into residential developments.
2. Encourage higher-density, infill, and mixed-use development near transit to reduce reliance on automobiles.
3. Promote adaptation strategies to improve neighborhood and community resilience to climate change in collaboration with local and regional partners.
4. Leverage State and federal resources to assist with the remediation of environmental constraints on potential housing sites.
5. Limit greater intensification of neighborhoods at very high risk of wildfires. Maintain parking and other regulations to facilitate evacuation when needed.
6. Promote an equitable distribution of housing, including affordable housing, throughout the community, while providing opportunities to those that want to remain in existing neighborhood to maintain local ties.
7. Ensure that programs support development of both rental and ownership opportunities for affordable and middle-income housing.

Homeownership confers a range of benefits – including greater certainty over housing costs, opportunity to stay in one’s chosen neighborhood, ability to make changes to the living environment, privacy, and ability to build financial equity. In addition to tangible economic and other individual

benefits, homeownership also brings substantial social benefits such as a stronger sense of place and belonging, improved community health and safety, and civic participation.

### **HOW THIS GOAL AFFIRMATIVELY FURTHERS FAIR HOUSING**

Oakland has historically experienced patterns of significant inequities – between the hills and the flatlands, west and east, and across race and income. Rising housing costs and displacement pressures continue to disproportionately burden the city’s Black population and other people of color, even as historically Black neighborhoods continue to see disinvestment and relatively high rates of poverty – see Appendix D for further context. The City has made great strides to correct these patterns of discrimination—including through the establishment of the Department of Race and Equity to advance racial equity in 2016—but needs to expand its efforts to eliminate racial disparities and discriminatory housing practices. The City will take steps to correct historic and ongoing patterns of discrimination to create a fair and just city through the simultaneous actions of opening up exclusionary neighborhoods (see Policy 3.4) and focusing resources, funds, tenant protections, and support of existing community assets in disinvested neighborhoods and ethnic enclaves (see Goals 1, 2, and 3).

Further, Oakland has some of the lowest rates of homeownership among major Bay Area cities, rivaled only by San Francisco. About 60 percent of Oaklanders are renters, and with continuously rising housing costs, affordable homeownership remains out of reach for most Oaklanders. This is especially true for the city’s working and middle classes, as traditionally blue-collar neighborhoods have become increasingly expensive in recent years. Homeownership is distributed unevenly by race and ethnicity – while most white households own their homes, the majority of BIPOC households are renters. American Indian or Alaska Native (70.8 percent), Hispanic or Latinx (69.4 percent), and Black or African American (67.8 percent) households are especially likely to be renters. See Appendices B and D for more information.

This goal aims to expand opportunities for homeownership, particularly for low-income communities and communities of color. Along with efforts in Goal 1 and Goal 2, increased affordable and middle-income homeownership opportunities will reduce displacement pressures, and keep Oaklanders in their homes, thereby protecting both individual families and the social fabric of Oakland’s neighborhoods. First-time homebuyer programs can also expand access to historically exclusionary neighborhoods by giving prospective homeowners the resources and tools they need to secure a home wherever they choose to live. Community land trusts and other models of maintaining permanently affordable housing, as outlined in Policy 3.5, also provide opportunities to increase rates of affordable homeownership.

As defined in the Oakland Municipal Code, in addition to safe, affordable, high-quality housing for all people, another determinant of equity is a healthy built and natural environment for all people that includes a mix of land uses that support jobs, housing, amenities and services, trees and forest canopy, and clean air, water, soil, and sediment. In Oakland, low-income communities and communities of color



are more likely to suffer from environmental injustices such as disproportionate exposure to air pollution, toxics and hazardous facilities and substances, contaminated water, and other environmental hazards that have an impact on human health due to a history of systemic racism and social injustices that influence where these communities live. As the impacts of climate change become more severe, these communities are most likely to be impacted first and hardest. As the City adds more housing stock over the course of this Housing Element period, it is imperative that new development sustains a healthy environment by working to “reduce the unique or compounded health risks in disadvantaged communities” and is prepared for the heightened impacts of climate change, especially protecting those who are most at risk. As part of this goal, efforts to align affordable housing development with transit—such as through the State’s Affordable Housing and Sustainable Communities program—and expand access to high opportunity neighborhoods and good jobs are integral to furthering environmental justice through housing.

**POLICY 5.1 SUSTAIN AFFORDABLE FIRST-TIME HOMEOWNERSHIP INCENTIVES**

**Action 5.1.1: Provide first-time homebuyer programs.**

When funding is available, the City has historically provided a number of first-time homebuyer programs – including the First Time Homebuyer Mortgage Assistance Program (MAP), the CalHome Program, and Oaktown Roots Affordable Homes. As funding becomes available—either through State or program-related income—the City will resume these programs. The City also provides first-time homebuyer workshops and promotes workshops hosted by a HUD-approved counseling agency. Although City-sponsored classes are currently suspended due to the COVID-19 pandemic and the absence of funding, the City continues to provide information for other local classes. When the public health emergency subsides, the City will continue to directly offer workshops. Finally, the City maintains a list of deed-restricted below market rate (BMR) homes for sale to assist potential buyer and will continue to maintain this list throughout the planning period. The City will collect data through the first-time homebuyer programs to understand the extent of homeownership need and to identify gaps in the programs. Over time the City has increased the income limits for its first-time homebuyer programs because of the increasing gap between housing prices and incomes. The City will assess the impacts of this approach and the extent to which it may reinforce rather than reverse racial disparities in ownership. Further, as part of Action 5.3.3, the City will engage in targeted outreach in partnership with community-based organizations and fair housing services providers to reach the most impacted communities – including Black and Latinx households.

**Responsible Party:** *Oakland Department of Housing and Community Development – Housing Development Services*

**Potential Funding Source:** *State Housing Funds (CalHFA, HCD), Private Lenders, CFPB, GSFA, FHLB WISH Program, Alameda County AC Boost, and Alameda County Mortgage Credit Certificate*

**Timeframe:** *Ongoing as funding is available, 2023-2031; Annual reporting on first time homebuyer program data as available*

**Objectives:** *If the City of Oakland receives CalHome and other homeownership funding at historic rates, the City expects to support a total of 160 low- and moderate-income households with home purchases over the next Housing Element cycle.*

#### **Action 5.1.2: Expand access to low-cost financing for home purchase.**

Through the first-time homebuyer programs described in Action 5.1.1, the City was able to issue 121 loans totaling approximately \$6.8 million during the previous planning period. With appropriate funding, these low-cost financing options have been very effective in promoting affordable homeownership. The City will continue to seek funding for these programs and provide access to homebuyer resources related to other county, State, or federal level funding – including through the Consumer Financial Protection Bureau (CFPB), California Housing Finance Agency (CalHFA), Golden State Finance Authority (GSFA), Federal Home Loan Bank’s (FHLB) WISH Program, Alameda County AC Boost, and Alameda County Mortgage Credit Certificate.

**Responsible Party:** *Oakland Department of Housing and Community Development – Housing Development Services*

**Potential Funding Source:** *State Housing Funds (CalHFA, HCD), Private Lenders, CFPB, GSFA, FHLB WISH Program, Alameda County AC Boost, and Alameda County Mortgage Credit Certificate*

**Timeframe:** *Ongoing as funding is available, 2023-2031; Annual reporting on first time homebuyer program data as available*

**Objectives:** *If the City of Oakland receives CalHome and other homeownership funding at historic rates, the City expects to support a total of 160 low- and moderate-income households with home purchases over the next Housing Element cycle.*

#### **Action 5.1.3: Provide paths to homeownership for Section 8 voucher holders.**

Oakland HCD has traditionally worked with Section 8 voucher holders as part of the first-time homebuyer programs. Further, the Oakland Housing Authority (OHA) offers the Homeownership Program to eligible residents – which permits participants to apply their housing subsidy towards a

monthly mortgage payment. As funding and capacity permits, the OHA will continue to offer this program and expand eligibility criteria as feasible. Oakland HCD will also continue to work with voucher holders through first time homebuyer programs. OHA will collect data on residents who make use of the Homeownership Program to understand program participants and existing gaps.

**Responsible Party:** *OHA; Oakland Department of Housing and Community Development*

**Potential Funding Source:** *HUD, State Housing Funds (CalHFA, HCD)*

**Timeframe:** *Ongoing as funding is available, 2023-2031; Annual reporting on OHA's Homeownership Program*

**Objectives:** *If funded at historic levels, the City expects to provide 30 low-income Section 8 voucher holders with down payment assistance.*

## **POLICY 5.2. PROMOTE RESILIENT AND SUSTAINABLE DEVELOPMENT**

### **Action 5.2.1: Protect against smoke and wildfire.**

As wildfires become more frequent, it is increasingly important to ensure safe and healthy indoor air quality. The City will require new development follow requirements for indoor air filtration, including the installation of MERV filters, as specified in the California Building Code, and will support property owners in retrofitting their homes to protect inhabitants from wildfire smoke, prioritizing retrofits in communities with disproportionate exposure to air pollution and substandard housing. To reduce the impacts of secondhand smoke, the City will explore amendments to the smoking pollution control ordinance to create smoke-free environments within multifamily housing properties. Further, the City will encourage the addition of clean air centers and resilience spaces within residential areas that can provide emergency services in the event of a wildfire.

**Responsible Party:** *Oakland Public Works Department; Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeframe:** *Ongoing, 2023 - 2031*

**Objectives:** *Significantly improve access to better indoor air quality to protect against smoke and wildfire through methods such as requiring installation of MERV filters in new developments and identifying additional clean air centers and resilience spaces within residential areas.*

**Action 5.2.2: Promote infill, transit-oriented development (TOD), and mixed-use development.**

Expand and allow community-serving uses such as retail, restaurants, and personal services within areas that are primarily residential, and increase opportunities to add multi-family housing in commercial areas that are well-served by transit. Encourage sustainable transportation choices and improve pedestrian activity with new housing development, potentially by reducing vehicular parking requirements in new development and/or requiring transit, cyclist, and pedestrian access design features. Work with Bay Area Rapid Transit (BART) to rezone and facilitate development of high-density multifamily and mixed-use housing on BART-owned sites within the City, per AB 2923. Ensure that new transit-oriented development is accompanied by tenant protection policies described in Policy 1.1.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeframe:** *2023 – 2025 and Ongoing*

**Objectives:** *Significantly increase infill, transit-oriented development and mixed-use development to meet housing need.*

**Action 5.2.3: Study options to provide financing for the remediation of environmentally contaminated sites, with priority for affordable projects.**

The City will study options to provide financial assistance to property owners for the remediation of environmentally contaminated sites, such as former gas stations or auto mechanic shops, which are being developed for housing. Funding priority will go to sites with proposed affordable housing projects.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *State of California’s Equitable Community Revitalization Grant Program, United States Environmental Protection Agency Brownfields Grants program*

**Timeframe:** *Ongoing, 2023-2031 as funding is available*

**Objectives:** *As suitable funding is available, Oakland will study and/or remediate contaminated sites to the maximum feasible extent.*

**Action 5.2.4: Secure funding from the State’s Affordable Housing and Sustainable Communities (AHSC) Program.**

The AHSC program, administered by the Strategic Growth Council and implemented by HCD, distributes Statewide Cap-and-Trade funding for affordable housing developments (new construction or renovation) and sustainable transportation infrastructure projects. Successfully implemented, the AHSC program transforms California cities into places where residents can get everywhere they want to go without having to drive. The City of Oakland will apply directly or support partners such as nonprofit and for-profit housing developers, transportation and transit agencies, and joint powers authorities to apply for AHSC grant funding.

**Responsible Party:** *Oakland Department of Housing and Community Development; DOT; Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeframe:** *Ongoing, 2023 - 2031*

**Objectives:** *Significantly increase affordable housing development through application for AHSC funding to meet housing need.*

**Action 5.2.5: Encourage climate-resilient housing.**

Consistent with the City’s Equitable Climate Action Plan (ECAP) and Ordinance 13632 CMS, all newly constructed buildings in Oakland are prohibited from utilizing natural gas or connecting to natural gas infrastructure. The City will continue to support property owners in building electrification and seismic safety retrofits, prioritizing funding in frontline and disadvantaged communities. The City will work with organizations such as the U.S. Green Building Council to recognize net-zero energy projects with sustainable and resilient design, including passive design and energy- and water-efficient systems. The City will continue to require all projects that meet the Green Building Ordinance for Private Development thresholds comply with green building standards, exceeding CALGreen Standards, and will encourage and promote green features such as durable low-embodied carbon materials, green and cool roofs, electric vehicle charging stations, and others such features during the permitting and entitlements process. The City will continue to require green building certification under BuildItGreen.org’s GreenPoint Rated or LEED Certification systems and give preference to projects scoring higher in the Green Point Checklist, or which meet or exceed LEED Gold level, in the NOFA scoring process. The City can promote and expand existing programs to provide education and incentives to property owners and residents who implement water conservation, energy conservation, waste reduction, and resilient landscaping measures. The City will ensure that new housing development within areas subject to flooding associated with sea level rise encourage placement of life safety,

mechanical, and electrical systems above flood elevations (i.e., second story or higher). The City will also encourage the addition of community spaces within residential areas that can provide emergency services in the event of a natural disaster or power outage.

**Responsible Party:** *Oakland Public Works Department; Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeframe:** *Ongoing, 2023 - 2031*

**Objectives:** *Significantly increase construction of climate-resilient housing to meet housing need.*

#### **Action 5.2.6: Consider adoption of a disaster reconstruction overlay zone.**

The City will consider the adoption of a disaster reconstruction overlay zone to streamline reconstruction following a natural disaster. Such a zone would establish ministerial approvals and streamlined permitting for the reconstruction of homes after a natural disaster, similar to reconstruction zoning created in Santa Rosa following the Santa Rosa Wildfire. This could accelerate reconstruction, require rebuilt homes to adhere to the latest earthquake and fire safety standards, and reduce the impacts of disasters on housing affordability in Oakland.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *State and federal grants, as available*

**Timeframe:** *2023 - 2027*

**Objectives:** *Consider adopting a disaster reconstruction overlay zone to meet housing need in response to potential disasters.*

#### **Action 5.2.7. Encourage new affordable housing in higher resource neighborhoods.**

Affordable housing units, including both publicly-assisted housing and housing choice vouchers, tend to be concentrated in low resource and high segregation and poverty areas, while higher resource neighborhoods have avoided providing their share of affordable units through low-density zoning that has largely prevented development at the scale necessary for affordability. To expand where affordable housing units are located, including both publicly assisted housing and housing choice vouchers, the City will encourage further affordable development in higher resource neighborhoods through allowing for higher densities and streamlined approval for affordable projects. In its annual competitions for the award of housing development funds, the City will continue to give preference to projects in areas which help advance desegregation and are located in neighborhoods with strong educational quality. Further efforts may include working with affordable developers to identify appropriate sites in high resource

neighborhoods and providing direct outreach and resources to Section 8 voucher holders and landlords to find appropriate housing in higher resource areas (see also Action 3.3.2). Actions 3.2.1 and 3.4.1 will also help increase the availability of housing within higher resource neighborhoods.

However, while increasing affordable development in higher-resource neighborhoods is a State priority, it only represents one strategy towards increasing opportunity for historically disadvantaged residents. Many Oakland residents want to remain in the neighborhoods that they call home, and may not want to move to “higher-resource” areas which tend to be predominantly white and higher-income. Many existing ethnic enclaves offer resources like culturally-specific grocery stores, churches, language services, or other key access points that could be difficult to find elsewhere. These neighborhoods are also often rich in transit and service resources tailored to community needs. Thus, efforts to increase access to exclusive neighborhoods must also be coupled with investment, cultural preservation, and anti-displacement efforts in Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs). These efforts are also described in Goal 1 and Goal 2. Oakland HCD’s New Construction Notice of Funding Availability has recently been modified to balance scoring to between being in higher-resource and high performing schools (for family housing) with the goal of seeking to increase investment in areas of the City that have suffered from economic and infrastructural disinvestment, as well as prioritizing affordable housing in areas where low income residents are especially vulnerable to displacement pressures.

**Responsible Party:** *Oakland Department of Housing and Community Development; Oakland Planning & Building Department*

**Potential Funding Source:** *General fund, permit fees, other local, State, and federal funding sources as available*

**Timeframe:** *Ongoing, 2023-2031*

**Objectives:** *Oakland’s residential dissimilarity index (which compares racial segregation across neighborhoods) will decrease by at least 10% by 2031.*

**Action 5.2.8: Promote the development of mixed-income housing to reduce income-based concentration.**

As noted previously, lower-income housing tends to be concentrated in lower resourced neighborhoods. The City will work to promote mixed-income developments to further reduce the geographic isolation of lower-income units and promote increase neighborhood investment in distressed areas. The City will encourage use of the State Density Bonus program, promote mixed-income development in specific plan areas, and access CalHFA bond recycling facility for mixed-income projects.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeframe:** *Ongoing, 2023-2031*

**Objectives:** *Significantly increase production of mixed-income housing and reduce income-based concentration to match housing need.*

**Action 5.2.9: Provide accountability measures for housing programs, including annual monitoring.**

The Housing Element is a living document that provides a roadmap for the next eight years. As such, the City will actively monitor activities undertaken to meet program objectives pursuant to Annual Progress Report requirements. To ensure accountability, the City will solicit annual feedback from the community to understand the effectiveness of individual programs.

**Responsible Party:** *Oakland Planning & Building Department; Oakland Department of Housing and Community Development; Oakland Human Services Department; Oakland Economic & Workforce Development Department; Oakland Public Works Department; DOT*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeframe:** *Ongoing, 2023-2031*

**Objectives:** *Monitor and enforce Housing Element implementation to understand whether individual programs significantly improve Oakland housing conditions and address housing need.*

**POLICY 5.3. PROTECT HOMEOWNERS AND TENANTS FROM DISCRIMINATION**

**Action 5.3.1: Provide fair housing services and outreach.**

The City will continue to partner with fair housing service providers operating within Oakland. As most housing discrimination complaints are related to a disability bias, the City will work with fair housing providers to provide additional educational resources in a variety of languages to both tenants and landlords related to disability rights in housing. The City will publicize fair housing services on its website, in City Hall, and in all housing-related programming. The City will also seek additional State and federal funding to assist fair housing providers.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *CDBG, general fund, other local, State, and federal funding sources as available*

**Timeframe:** *Ongoing, 2023-2031*



**Objectives:** *All stated outreach materials will be created and found online no later than the end of 2023.*

**Action 5.3.2: Enact predatory lending protections.**

Predatory lending practices are a major contributor to racially discriminatory housing patterns and were one of the major factors in the previous decade’s foreclosure crisis. To curb these practices, the City will work with fair housing service providers to provide educational materials and workshops in a variety of languages to inform Oakland residents of best practices. The City will promote fair lending practices to ensure that low-income residents and residents of color have fair access to capital resources needed to acquire and maintain housing.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *CDBG, general fund, other local, State, and federal funding sources as available*

**Timeframe:** *Ongoing, 2023-2031*

**Objectives:** *All stated outreach materials will be created and found online no later than the end of 2023.*

**Action 5.3.3: Provide targeted outreach and support to disproportionately burdened groups and areas.**

Oakland’s Black and Latinx populations experience disproportionately high rates of cost burden and tend to live in neighborhoods with higher rates of overcrowding and other housing issues. The City will work with fair housing service providers to target outreach and programming to Black and Latinx Oaklanders, as well as neighborhoods experiencing high levels of housing issues. The City will regularly monitor housing issues like cost burden, overcrowding, code enforcement complaints, and substandard housing to understand where the highest need for services exists.

**Responsible Party:** *Oakland Department of Housing and Community Development; Oakland Planning & Building Department*

**Potential Funding Source:** *General Fund, permit fees, other local, State, and federal funding sources as available*

**Timeframe:** *Ongoing, 2023-2031*

**Objectives:** *Oakland's residential dissimilarity index (which compares racial segregation across neighborhoods) will decrease by at least 10% by 2031.*

## 4.2 Quantified Objectives

State law requires that quantified objectives be established for new construction, rehabilitation, conservation, and preservation activities that will occur during the Housing Element cycle. Table 4-1 provides Oakland's quantified objectives by income category for the 2023-2031 planning period. New construction estimates include units in pipeline projects, projected accessory dwelling units (ADUs), and the minimum remaining RHNA capacity.

**Table 4-1: City of Oakland 2023-2031 Quantified Objectives**

Income Category	New Construction <sup>1</sup>			Rehabilitation <sup>2</sup>	Conservation/ Preservation <sup>3</sup>
	Pipeline Project	Projected ADUs	Remaining RHNA		
Very-Low-Income <sup>4</sup>	2,176	890	4,422	-	-
Extremely-Low-Income <sup>4</sup>	1,088	445	2,211	-	-
Low-Income	2,388	890	1,035	751	258
Moderate-Income	364	198	4,564	-	-
Above-Moderate-Income	9,152	-	4,111	-	-
<b>Total</b>	<b>14,080</b>	<b>12,020</b>	<b>4,089</b>	<b>-</b>	<b>-</b>

1. New construction objectives represent the City's RHNA for the Sixth Cycle Housing Element update. Estimates include units from pipeline projects and projected accessory dwelling units (ADUs).
2. Estimates are derived from the City's 2020/2021 Consolidated Annual Performance and Evaluation Report.
3. Conservation/preservation estimates are based on the estimated number of assisted units that are at risk of conversion to market rate, as discussed in Appendix B.
4. The extremely-low-income housing need is assumed to be 50% of very-low-income housing need. Quantified objectives for very-low-income housing includes extremely-low-housing objectives.

Source: City of Oakland, 2022; Dyett & Bhatia, 2022

**Page 21: [1] Deleted      Diana Benitez      6/4/22 8:10:00 PM**

**Page 21: [2] Deleted      Diana Benitez      6/4/22 8:10:00 PM**

**Page 21: [3] Deleted      Diana Benitez      6/4/22 8:10:00 PM**

**Page 21: [4] Deleted      Diana Benitez      6/4/22 8:09:00 PM**

# UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA Carpenters Local 713, Alameda County

Mailing Address  
1050 Mattox Road  
Hayward, California 94541-1298



Union Meetings:  
Second and Fourth  
Thursdays

Phone: 510-581-7817

Fax: 510-581-1267 • E-Mail: [carp713@carpenters713.org](mailto:carp713@carpenters713.org) • Dispatch Fax: 510-733-2509 • [www.carpenters713.org](http://www.carpenters713.org)



June 10, 2022

Emailed Only

City of Oakland  
Attn: Catherine Payne  
1 Frank H Ogawa Plaza  
Council Chambers, 3rd Floor  
Oakland, CA 94612  
Via Email: [generalplan@oaklandca.gov](mailto:generalplan@oaklandca.gov)

Re: City of Oakland Housing Element Update

Dear Catherine Payne,

Please accept these comments on the above referenced Housing Element Update on behalf of the members of Carpenters Local 713, which represents working men and women in the city of Oakland and Alameda County. We appreciate the opportunity and look forward to working together on this important endeavor.

To meet the urgent need for housing units outlined in the State's Regional Housing Needs Allocation (RHNA), as well as the policy goals outlined in the City of Oakland Housing Element and larger General Plan, it is vital that the City of Oakland support efforts to build the local construction workforce. Local 713 has long been at the forefront of training the next generation of construction workers, opening pathways to the industry for diverse and traditionally underserved populations, and embracing new technologies and delivery methods to expedite the construction of much needed housing.

The City of Oakland Housing Element notes in its housing constraints analysis that a shortage of construction labor can significantly increase "the time necessary to complete the development of a project."<sup>1</sup> Indeed, the Housing Element Update also outlines that construction workers make up a lower proportion of overall employment in Alameda County than even that of the wider Bay Area,<sup>2</sup> where an acute shortage of housing production and labor is also a pressing, widespread issue.

To be clear, neither Alameda county nor the City of Oakland have enough skilled, highly productive residential construction workers to build the 26,000+ units that the city of Oakland is

<sup>1</sup> Page 609: Oakland Housing Element compiled with appendices.

<sup>2</sup> Page 274: Ibid.

supposed to produce over an 8 year time period.<sup>3</sup> This is itself an almost 80 percent increase from the prior Housing Element cycle's RHNA goals.<sup>4</sup> However, as the housing crisis in our communities has continued to deteriorate in recent years, the number of workers employed in residential building construction in Alameda County has actually decreased by 18% since 2004.<sup>5</sup> A continuously shrinking residential construction workforce cannot build 26,000 units of housing in 8 years.

To support the policy goals of the Housing Element, Local 713 is requesting that the City add local hire and apprenticeship requirements to the General Plan and Housing Element for all residential construction projects larger than 10 units. The standards Local 713 is proposing in this comment letter would help to ensure greater benefits for the broader community, help ensure that construction labor needs are met, and guarantee that new residential development projects within the City are making needed investments in the region's skilled construction industry workforce.

**The City Should Bar Issuance of Building Permits Unless Each Future Residential Development of 10 units or Above has a Viable Apprenticeship Program and Local Hiring Requirements**

The Carpenters propose the following additions to the Municipal Code of the City of Oakland. for any residential project larger than 10 units

Permitting requirements in the Municipal Code of the City of Oakland.

A person, firm, corporation, or other entity applying for a building permit under the relevant section of the Municipal Code of the City of Oakland, California shall be required to comply with the apprenticeship, healthcare, and local hire requirements of the Housing Element and General Plan. Failure to comply with the requirements set forth in this section shall be deemed a violation of this article.

**Apprenticeship:**

For every apprenticeable craft, each general contractor and each subcontractor (at every tier for the project) will sign a certified statement under penalty of perjury that it participates in a Joint Apprenticeship Program Approved by the State of California, Division of Apprenticeship Standards **OR** in an apprenticeship program approved by the State of California Division of Apprenticeship Standards that has a graduation rate of 50% or higher and has graduated at least thirty (30) apprentices each consecutive year for the five (5) years immediately preceding submission of the pre

---

<sup>3</sup> Page 11: Ibid.

<sup>4</sup> Page 330: Ibid.

<sup>5</sup> QCEW data: Difference between 2004 employment and 2020 (latest available) in Private NAICS 2361 Residential building construction for All establishment sizes in Alameda County, California, NSA

qualification documents. The contractor or subcontractor will also maintain at least the ratio of apprentices required by California Labor Code section 1777.5.

#### Local Hire Policy:

Contractor will be required to provide documentation that the contractor will hire a minimum of twenty-five percent (25%) of staff for any job classification with more than four (4) employees employed whose primary residence, which is not a post office box, is, and has been, within Alameda county within 180 days of the expected date of issuance of the Notice to Proceed for the project.

While there has been a remarkable economic expansion in Oakland since 2010, rising inequality and displacement adds to the City's affordability crisis and threatens to undermine the region's strong economy. One of the updated Housing Element's key, stated focuses will be to improve opportunities and outcomes for existing residents in our community.<sup>6</sup> The Housing Element specifically identifies that a lack of access to living wage jobs is a key element of current inequities, and a "significant driver of homelessness in Oakland"<sup>7</sup> itself. There are currently no clear policy antidotes to this. Current projections for our metropolitan area foresee that precarious, low-wage forms of employment, such as in food courier delivery, will far outpace employment growth in residential construction between now and 2028.<sup>8</sup>

Policies that require the utilization of apprentices and a local construction workforce will help counteract such trends. In tandem with programs currently operational by Local 713 outlined below, such policies will help improve local access to the type of living wage job the community needs, and also help ensure that the City meet the goals of the City of Oakland General Plan.

Local 713 has implemented many programs that will enable the City to meet the General Plan and Housing Element goals. These programs include a robust Joint Apprenticeship Training Committee, vigorous utilization of apprentices in the City of Oakland, healthcare coverage for all members and their families, and innovation within the construction industry.

Joint Apprenticeship Training Committees (JATC's), such as the Carpenters Training Committee for Northern California (CTCNC), are a proven method of career training built around a strong partnership between employers, training programs and the government. This tripartite system is financially beneficial not only for the apprentice, but is a major benefit for the employer and the overall economy of the City of Oakland. The CTCNC monitors current market conditions and adjusts the workflow of apprentices to meet the needs of the community, heading off any shortage of skilled workers. History has demonstrated that strong utilization of apprentices throughout the private sector helped California builders produce millions of units of housing.

---

<sup>6</sup> Page 41: Oakland Housing Element compiled with appendices.

<sup>7</sup> Page 94: Ibid.

<sup>8</sup> EDD Long-Term Industry Employment Projections, Oakland-Hayward-Berkeley (2018-28): Couriers and Messengers (+28.4%) vs. Residential Building Construction (+11.4%). <https://data.edd.ca.gov/Employment-Projections/Long-Term-Industry-Employment-Projections/sp6i-lezb/data>.

CTCNC recruitment strategies include robust diversity and inclusionary outreach programs, such as pre-apprenticeship, with proven results in representative workplaces and strong local economies. It is imperative that our underserved populations have supportive and effective pathways to viable construction careers, while ensuring that employers are able to find and develop the best and brightest talent needed to thrive in a competitive economy.

Employer-paid health insurance plans for our members and their families provides preventative services to stay healthy and prevent serious illness. Timely care reduces the fiscal burden for our members and their families, and significantly reduces the utilization of safety-net programs administered by the City of Oakland and Alameda County.

Embracing new technologies and delivery systems will have a significant impact on the construction industry, particularly the residential sector. Increasing housing delivery methods reduces project durations and provides City of Oakland residents housing sooner. Local 713 is at the forefront of ensuring that new construction technologies deliver those benefits while also creating work opportunities for those already in the trades as well as those looking to begin a construction career.

Local 713 is in a unique position to address many of the key ideas outline in the City of Oakland Housing Element Update. By investing in the training and utilization of apprentices, performing outreach to ensure that the workforce closely mirrors the demographics of our local community, providing employer-paid healthcare for our members and their families, and promoting innovation in the residential construction sector, Local 713 is prepared to assist in closing the affordability gap in the City of Oakland and the Bay Area. We look forward to engaging City staff and elected leaders as the Housing Element moves forward and working cooperatively to bridge the needs of the City with the skills and tools of Local 713.

Thank you for your time and consideration of these comments.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Gregg', written in a cursive style.

Daniel Gregg  
Senior Field Representative  
Carpenters Local 713

DG:ans  
opeu #29  
afl-cio

cc: City Clerk: [cityclerk@oaklandca.gov](mailto:cityclerk@oaklandca.gov)

## Comments on the "City of Oakland 2023-2031 Housing Element Draft - Public Review May, 2022"

jongabel@rcn.com <[REDACTED]>

Fri 6/10/2022 10:26 AM

To: Lieberworth, Audrey <[REDACTED]>; General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

I ask that my comments below on the "**City of Oakland 2023-2031 Housing Element Draft - Public Review May, 2022**" be entered into the public record.

I am a 47 year resident of Rockridge, Oakland and a neighborhood activist. My latest effort is a website, [www.PreserveRockridge.com](http://www.PreserveRockridge.com), which is dedicated to (surprise, surprise!) preserving this neighborhood. My website contains some lengthy material which is relevant to my comments below, so I have tried to keep these comments brief and provide links for the details.

I wish to take issue with several aspects of the Housing Element Draft:

### **1. Some of the stated goals in the Housing Element Draft are at odds with City policy, particularly with respect to Rockridge**

As noted in the Housing Element Draft, Chapter 1: Introduction, Page 4:

"In the 1950s and 1960s, urban renewal cut through these disinvested areas to build new high-rises and transportation infrastructure that displaced many low-income residents and residents of color.

"The direct and indirect displacement of residents in these areas, driven by the heated and inequitable housing market, threatens not only households but the cultural identity and viability of these communities."

As long as 100 years ago, Rockridge was a vibrant residential and business district. Construction of the Grove-Shafter freeway (Highway 24) and BART in the 1960's devastated the existing businesses. Half of them closed and crime was rampant. In 1973, the Rockridge Community Planning Council (RCPC) worked with the City of Oakland to rezone College Avenue and Rockridge, which led to its recovery and current prosperity. (For details, see [www.PreserveRockridge.com/UpDownAndUp](http://www.PreserveRockridge.com/UpDownAndUp))

The people of Rockridge responded and brought our neighborhood back. With no funding and little help from the City of Oakland, Rockridge was resurrected after the BART and Highway 24 construction was completed. Old homes, including many Craftsman houses, were preserved and restored. Rockridge funded and built its own branch library. Parental support has helped make local public schools desirable. Strong local activism has resulted in many public benefit projects.

We should be lauded for this (For details, see [www.PreserveRockridge.com/Accomplishments](http://www.PreserveRockridge.com/Accomplishments)). But instead, the City of Oakland has adopted



and supported policies – like SB9 - which threaten the viability of the community which rebuilt Rockridge. Quoting from the home page of [www.PreserveRockridge.com](http://www.PreserveRockridge.com):

“The creation of financial incentives to tear down existing single family houses and replace them with larger market rate buildings would:

- Eventually destroy the beautiful and architecturally historic Craftsman houses that we presently have;
- Push out the community that individually and collectively rebuilt itself after the construction of BART and Highway 24 right through the heart of it;
- Actually be a vehicle for real estate interests to make big profits.”

Again, from the Housing Element Draft, Pages 11-12:

“This Housing Element identifies a foundational framework of five overarching goals in Chapter 4: Housing Action Plan to comprehensively address the housing crisis and needs of Oaklanders... The goals include:

“1. Protect Oakland Residents from Displacement and Prevent Homelessness: Protect Oakland tenants from displacement and create conditions that enable them to remain in their homes and communities.

“2. Preserve and Improve Existing Housing Stock: Conserve and improve the affordability of existing housing stock in Oakland and address substandard conditions.

...

“5. Promote Neighborhood Stability and Health: Promote resilient development in safe, healthy, and just communities. Increase resources in disinvested communities and create long-time stability through homeownership opportunities.”

These stated goals are at odds with the actual performance of the City of Oakland. The passage of SB9 by the State of California has enabled this threat to Rockridge and to other neighborhoods throughout the State. Oakland’s support of SB9 has put it in a tiny minority of California cities.

The following cities supported the passage of SB9:

Alameda, Oakland, and San Diego.

The following cities opposed the passage of SB9:

Arcata, Azusa, Bellflower, Belmont, Beverly Hills, Brea, Brentwood, Burbank, Calabasas, Camarilla, Carpinteria, Carson, Cerritos, Chino, China Hills, Clayton, Clearlake, Clovis, Colton, Corona, Costa Mesa, Cupertino, Cypress, Del Mar, Diamond Bar, Dorris, Downey, Dublin, Eastvale, El Segundo, Escalon, Fillmore, Fortuna, Foster City, Fountain Valley, Garden Grove, Glendora, Grand Terrace, Half Moon Bay, Hesperia, Hidden Hills, Huntington Beach, Indian Wells, Inglewood, Irvine, Irwindale, Kerman, King, La Canada Flintridge, La Habra, La Habra Heights, La Mirada, La Palma, La Quinta, La Verne, Lafayette, Laguna Beach, Laguna Niguel, Lakeport, Lakewood, Lancaster, Lawndale, Lomita, Los Alamitos, Los Altos, Malibu, Martinez, Maywood, Menifee, Merced, Mission Viejo, Montclair, Monterey, Moorpark, Murrieta, Newman, Newport Beach, Norwalk, Novato, Oakdale, Ontario, Orinda, Pacifica, Palm Desert, Palo Alto, Palos Verdes Estates, Paramount, Pasadena, Pinole, Pismo Beach, Placentia, Pleasanton, Poway,

Rancho Cucamonga, Rancho Palos Verdes, Rancho Santa Margarita, Redding, Redondo Beach, Ripon, Rocklin, Rohnert Park, Rolling Hills, Rolling Hills Estates, Rosemead, San Buenaventura, San Carlos, San Clemente, San Dimas, San Fernando, San Gabriel, San Jacinto, San Marcos, San Marino, Santa Clara, Santa Clarita, Santa Monica, Santa Paula, Saratoga, Signal Hill, Simi Valley, South Gate, South Pasadena, Stanton, Sunnyvale, Temecula, Thousand Oaks, Torrance, Tracy, Upland, Vacaville, Ventura, Visalia, Vista, West Covina, Westlake Village, Whittier, Yorba Linda, Yuba City

(For a more detailed discussion of SB9's impact on Rockridge, see [www.PreserveRockridge.com/ZoningBusting](http://www.PreserveRockridge.com/ZoningBusting))

## **2. The Housing Element Draft appears to subscribe to “Trickle-down” housing theory, which is false and similar to “Trickle-down” economics**

Again from the Housing Element Draft, Page 63:

“POLICY 3.2 CREATE A MORE DIVERSE MIX OF HOMES TO MEET COMMUNITY NEEDS  
“Action 3.2.1: Develop zoning standards to encourage missing middle and multi-unit housing types in currently single-family-dominated neighborhoods, including flats, duplexes, triplexes, fourplexes, townhomes/rowhouses, and ADUs.

“The City will review and amend the Planning Code and implement objective design standards to encourage missing middle-density housing typologies, including flats, duplexes, multiplexes (triplexes, and fourplexes), bungalow courts, rowhouses/townhomes, and ADUs. The City will work to reduce pre-development costs and expedite the planning approval process for missing middle housing types resulting from both new construction and the conversion of existing structures.

“The City will develop zoning standards that allow for two, three, and four units on parcels in Detached Unit Residential (RD) and Mixed Housing Type Residential (RM) zones. The City will also reduce the minimum lot size in Detached Unit Residential and Mixed Housing Type Residential generally to 3,000 square feet to remove constraints on lot splitting.”

I believe that there is support locally for allowing single family homes to be converted into duplexes; and ADU conversions are popular under existing statutes. But SB9-style changes which would incentivize tear-downs of existing homes in favor of market rate multiple unit dwellings – with no affordable housing required – is opposed locally by a margin of around 2 to 1. Adoption of Policy 3.2 would be counter to public sentiment here, and would be in contradiction of three of the Chapter 4: Housing Action Plan goals.

The concept that building more market rate housing will result in more affordable housing is called “Trickle-down” housing theory. It is false and is equivalent to “Trickle-down” economics.

“Trickle-down” economics theory, also referred to as “supply side” economics, “Reaganomics”, and (by President George H.W. Bush) “voodoo” economics, is believed by most Americans to be false. However, it is still being promoted by some Republicans. “Trickle-down” housing theory, also referred to as “filtering” or “housing as opportunity”, is based on the same concept as “trickle-down” economics: that increases in the supply of market rate housing will “trickle-down” to provide more affordable housing. Unlike “trickle-down” economics, “trickle-down” housing theory is being promoted by supposedly progressive Democrats.

The basic fallacy of “trickle-down” housing theory is that there is not a single unified housing market. To the contrary, supply and demand are different in different price ranges of housing. The “housing market” actually consists of multiple, non-intersecting sub-markets delineated by price. “Trickle-down” housing theory is not supported by econometric modeling, as shown in “The Maze of Urban Housing Markets: Theory, Evidence, and Policy” by Jerome Rothenberg et al.

Unless upzoning is tied to a requirement for truly affordable housing, it serves developers at the expense of the current residents. (For a detailed discussion of this topic, see [www.PreserveRockridge.com/trickledown](http://www.PreserveRockridge.com/trickledown))

### 3. Lack of inclusion in the process

2.1 Summary of Community Outreach Activities, Page 19, shows that Rockridge has been omitted from the list of neighborhoods contacted for input on the Housing Element Draft – even though Rockridge will be deeply affected by the final version.

There is an organization that represents Rockridge: the Rockridge Community Planning Council (RCPC). It is usual for RCPC to schedule local town hall meetings on topics of importance, which the Housing Element Draft certainly is. The City could have easily arranged with RCPC for a meeting and notified residents through RCPC’s monthly newsletter, The Rockridge News. Instead, a small number of poorly publicized Zoom meetings were held.

Chapter 1: Introduction of the Housing Element Draft, Page 5 has a heading:

“CHARTING AN EQUITABLE, INCLUSIVE FUTURE”

Both the process of producing the “**City of Oakland 2023-2031 Housing Element Draft - Public Review May, 2022**” and its contents are not equitable. Some neighborhoods were excluded from the process. The draft promotes “Trickle-down” housing theory, which does not produce truly affordable housing but does produce profits for real-estate developers. And enabling the destruction of a neighborhood, Rockridge, that brought itself back from an earlier round of destruction is the antithesis of what a City Plan should do.

Sincerely,

Jonathan Gabel



## Housing element feedback

Colin Piethe <[REDACTED]>

Fri 6/10/2022 2:17 PM

To: General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hello, I'm responding as a resident and not in my role as a city employee.

### **POLICY 3.5. EXPLORE INNOVATIVE AND ALTERNATIVE HOUSING MODELS**

- The City should take **a much more proactive approach** to expanding the role of land trusts and other collective ownership strategies that take housing either into the City's, or the community's hands. The words "explore" and "support" are passive words, and don't commit the City to changing how it does business. Merely studying and considering these strategies continues to let primarily private developers make decisions about how the City's housing stock is built, and their decisions are not in the best interests of our residents. We need to move the City away from relying on the whims of the market and let Oakland residents take collective ownership of their land and housing.

*Reduce the police budget* and put it into other City priorities so that we have money in a dedicated housing fund to help subsidize rent for our most underserved residents living paycheck to paycheck. [32% of americans cannot afford a \\$400 emergency](#), and providing our residents with stable housing can help them stay on their feet.

### **Action 3.4.3: Revise citywide parking standards**

- Please implement parking maximums city-wide, or with neighborhood-specific approaches. Developers still think there's a "market demand" for providing more parking than necessary, even in Downtown where we're trying to limit parking. While there's no minimum Downtown, developers are not reducing parking supply, such as at 1919 Webster, where the developer is currently proposing an extra wide driveway which will create conflicts with the future bike lane that's planned for Webster.

Thank you for your time,  
Colin

June 10, 2022

Vice Mayor Rebecca Kaplan  
Council President Nikki Fortunato Bas  
Council President Pro Tempore Sheng Thao  
Councilmember Dan Kalb  
Councilmember Carroll Fife  
Councilmember Noel Gallo  
Councilmember Loren Taylor  
Councilmember Treva Reid

Re: Oakland Housing Element Update – Tenant Opportunity to Purchase Act & Affordable Housing Preservation Funding

Dear Honorable Oakland City Councilmembers:

We are Alliance of Californians for Community Empowerment, Asian Pacific Environmental Network, Causa Justa :: Just Cause, the East Bay Permanent Real Estate Cooperative, the Oakland Community Land Trust, Oakland Tenants Union, PolicyLink, Public Advocates, and Urban Habitat. We urge the City of Oakland to take meaningful action in the 6th Cycle Housing Element update to address the unmet housing needs of low-income households and commit to policies and programs that affirmatively further fair housing. **Specifically, we are calling on the City to commit to (1) passing a strong Tenant Opportunity to Purchase Act by 2023 and (2) reauthorizing Measure KK with significantly increased funding (at least \$350 million) for anti-displacement and affordable housing preservation.** These actions are essential to prevent displacement, stabilize current residents and existing communities, and preserve affordable housing for the long term.

Renters at risk of displacement in Oakland urgently need TOPA so that they can stay in their communities and have a voice in their housing options. Tenant Opportunity to Purchase Act (TOPA) policies give tenants and qualified organizations, like community land trusts and nonprofit affordable housing developers, the right to make the first offer and the right to match competitors' offers so that they can purchase their homes when offered for sale. As a key intervention against speculation, TOPA preserves housing as permanently affordable for future generations. TOPA expands stability and wealth-building opportunities for tenants by creating pathways to homeownership. TOPA does not require landlords to sell their properties or sell for less than market rate.

Both the implementation of a strong TOPA policy and dedicated funding for preservation are essential to actually preserving units as permanently affordable. Funding to support the acquisition and rehabilitation of properties is critical to ensure that TOPA leads to meaningful outcomes. As a package, this policy coupled with much-needed preservation resources will create new permanently affordable housing in Oakland and allow Oakland residents to stay in their current homes, avoiding the disruption and trauma of displacement.

Concrete commitments to pass TOPA on an urgent timeline and increase funding for affordable housing preservation will advance multiple Housing Element requirements. Among these, Oakland is required to address the housing needs of low-income households, identify specific strategies to conserve and improve affordable housing stock, and Affirmatively Further Fair Housing (AFFH). The acquisition and preservation of currently market-rate rental housing stock as permanently affordable housing is a crucial strategy that would help Oakland meet these obligations.

### **Action 2.2.8 Should Commit to More Specific Action on TOPA on a More Urgent Timeline**

“Action 2.2.8: Investigate a Tenant/Community Opportunity to Purchase Act,” as currently drafted,<sup>1</sup> is both insufficient to meet the needs of low-income community members and people of color at risk of displacement and inadequate to meet state statutory requirements. Action 2.2.8 states, “Oakland will study, and if appropriate implement, a TOPA/COPA policy by 2025.”

“Studying” TOPA is unlikely to yield any benefit, and is also unnecessary as City Staff have already been exploring this policy for years, including drafting several different Tenant/Community Opportunity to Purchase ordinances since 2019, at the direction of two different City Council Members.

Moreover, state law requires all Housing Element programs to have beneficial impact within the planning period, including identification of specific actions, which agency or official is responsible for those actions, and a timeline.<sup>2</sup> Programs to affirmatively further fair housing must identify “metrics and milestones for determining what fair housing results will be achieved.”<sup>3</sup> A recent survey of HCD reviews of draft housing actions from Southern California jurisdictions emphasizes that time bound actions with “specific commitments [from local actors], metrics, and milestones” are required and that jurisdictions are expressly discouraged from relying on vague words like “study” or “explore” as such non-specific actions are unlikely to have any real-world impact within the planning period.<sup>4</sup>

Action 2.2.8 should instead commit to passing TOPA by 2023. A TOPA policy should include several key components – a right of first offer and right of first refusal for tenants (and for qualified organizations if tenants assign or waive their rights); sufficient timelines for tenants and qualified organizations to organize, negotiate a contract, secure financing, and close; technical assistance for tenants to understand the process, financing, and different ownership options; permanent affordability restrictions on all TOPA purchases; and clear enforcement mechanisms if owners of covered properties fail to comply with the law.

---

<sup>1</sup> [City of Oakland 2023-2031 Housing Element Draft – Public Review](#), May 2022, p. 57.

<sup>2</sup> Gov. Code § 65583(c).

<sup>3</sup> Gov. Code § 65583(c)(10)(A)(iv).

<sup>4</sup> ABAG, [Affirmatively Furthering Fair Housing \(AFFH\) Policy Tips Memo Learning from Southern California & Sacramento: Early Experiences in Complying with AB686](#).

### **Action 3.3.18 Should Commit to a More Specific Action on Funding for Anti-Displacement and Affordable Housing Preservation**

“Action 3.3.18: Reauthorize Measure KK”<sup>5</sup> should commit to significantly increased funding for anti-displacement and affordable housing preservation. As currently drafted, the objective simply states, “The size of the new infrastructure bond and the amount set-aside for Affordable Housing is still being determined.”<sup>6</sup> It goes on to provide details about the number of units of housing preserved under Measure KK.<sup>7</sup>

Action 3.3.18 should provide additional details and clear commitments about the reauthorization of the infrastructure bond measure, such as the size of the bond, the amount set-aside for affordable housing, and the number of housing units that will be preserved. As discussed above, state law requires all Housing Element programs to include identification of specific actions, and programs to affirmatively further fair housing must identify “metrics and milestones for determining what fair housing results will be achieved.”<sup>8</sup>

Action 3.3.18 should commit to set aside at least \$350 million of the general obligation bond for anti-displacement and affordable housing preservation projects. The 2016 measure only set aside about 16 percent (\$100 million) of the \$600 million general obligation bond for affordable housing. Given the scope of the housing crisis in Oakland, we need more funding for resident-led and community land trust-supported preservation projects. And because low-income tenants lack the financing to purchase their own homes, this consistent funding source dedicated to preservation will be essential to make a TOPA policy effective.

### **TOPA and Affordable Housing Preservation Funding Address Unmet Needs of Low-Income Households**

Housing Element law requires jurisdictions to develop an assessment of housing needs for all income levels and a plan to address these needs.<sup>9</sup> A TOPA policy and enhanced affordable housing preservation funding will clearly address the identified housing needs in Oakland’s draft Housing Element. According to the draft Oakland Housing Needs Assessment, “housing affordability is particularly out of reach for lower-income households.”<sup>10</sup> Nearly half (46.5 percent) of all renters experience some level of cost burden.<sup>11</sup> 11.5 percent of renter occupied households experience overcrowding.<sup>12</sup> Nearly half of all households in Oakland live in tracts at risk of or experiencing gentrification, while almost a quarter live in tracts susceptible to or experiencing displacement.<sup>13</sup>

---

<sup>5</sup> [City of Oakland 2023-2031 Housing Element Draft – Public Review](#), May 2022, p. 74.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Gov. Code §§ 65583(c), (c)(10)(A)(iv).

<sup>9</sup> Gov. Code §§ 65583(a), (b), (c).

<sup>10</sup> [City of Oakland 2023-2031 Housing Element Draft – Public Review](#), May 2022, p. B-37.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.* at B-34.

<sup>13</sup> *Id.* at D-58.

TOPA is a proven strategy to address these unmet needs of low-income renter households – the high rates of cost burdens, overcrowding, and displacement risk. For households facing unaffordable rent increases,<sup>14</sup> doubling up with friends and family, and paying more than 30 percent of their income on rent, the time to “study” proven anti-displacement strategies like tenant opportunity to purchase policies is long overdue. TOPA policies can only effectively address the unmet needs of low-income households when coupled with a dedicated funding source to assist in financing tenant purchases.

### **TOPA and Affordable Housing Preservation Funding Affirmatively Further Fair Housing**

Affirmatively Furthering Fair Housing (AFFH) means taking meaningful actions to address disparities in housing needs and access to opportunity, and that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.<sup>15</sup> Protected characteristics under California law include race, sex, national origin, and disability status.<sup>16</sup> In this Housing Element Cycle, cities and counties are now required to analyze the fair housing issues, including “disproportionate housing needs” and “displacement risk” of members of protected groups, and identify and prioritize concrete actions to remedy these injustices.

The draft Oakland Housing Element correctly identifies that “[m]ost of Oakland is considered vulnerable to displacement pressures.”<sup>17</sup> The City identified “disproportionate housing needs and displacement risk” as a fair housing issue with one of the contributing factors as “high rates of cost burden for renters and BIPOC individuals.”<sup>18</sup> One of the goals and actions the City identified to address this fair housing issue is “implement[ing] affordable housing preservation ... strategies.”<sup>19</sup> This should be a high instead of medium priority.

As communities of color continue to be the primary demographic affected by displacement and lack of affordable housing in Oakland based on local data,<sup>20</sup> Oakland should put forward

---

<sup>14</sup> Oakland rents have risen by 47.3 percent since 2009. [ABAG/MTC Housing Needs Data Report: Oakland](#), April 2, 2021, p. 38.

<sup>15</sup> Gov. Code §§ 65583(c)(5), 8899.50(a)(1).

<sup>16</sup> Gov. Code § 65583(c)(5).

<sup>17</sup> [City of Oakland 2023-2031 Housing Element Draft – Public Review](#), May 2022, p. D-71.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> Since 2000, Oakland’s Black or African American population has decreased by 41,390, resulting in its share of population decreasing from 36.26 percent to 23.23 percent. [City of Oakland 2023-2031 Housing Element Draft – Public Review](#), May 2022, p. B-7. From 2000 to 2018, the Black population in Eastmont experienced a 53 percent decrease. *Id.* at D-57. Communities of color are particularly impacted by displacement as housing costs increase. *Id.* The highest rates of cost burden are experienced by Black or African American and Hispanic or Latinx households. *Id.* at B-37. “Between 2010 and 2017, Black, Hispanic, and Asian or Pacific Islander residents were all being displaced in Oakland and replaced by white residents.” *Id.* at D-58. “Homelessness ... impacts Oakland residents unequally by race/ethnicity ..., the vast majority of unhoused Oakland residents are Black (about 70.0 percent).” *Id.* at B-27. Overcrowding is most prevalent among Hispanic or Latinx households and other race or multiple race



concrete commitments to pass TOPA by next year and significantly expand preservation funding to address these fair housing issues. TOPA policies effectively prevent displacement, preserve existing housing as affordable for the long term, and convert market rate housing into permanently affordable housing stock.

As stated in Oakland’s draft Housing Element, “actions that preserve the affordability of existing homes also play a key role in preventing displacement and allowing lower-income and BIPOC tenants to remain in place despite the gentrification of their neighborhoods... A Community Opportunity to Purchase/Tenant Opportunity to Purchase Act, if adopted, would allow for tenants to access the wealth building and stability of benefits of homeownership.”<sup>21</sup>

### **Oakland Must Incorporate Input from Renters and Low-Income People in the Housing Element Process**

Jurisdictions must make a “diligent effort [...] to achieve public participation of all economic segments of the community in the development of the housing element.” During the public engagement process, low-income residents and community-based organizations representing low-income people and members of protected classes identified housing preservation as a top priority.<sup>22</sup> The City highlighted that a key public participation theme that emerged to mitigate the pressures of displacement and gentrification was preserving the city’s existing affordable housing stock, “including through implementation of a Community/Tenant Opportunity to Purchase Act” and “innovative solutions to maintain permanent affordability like community land trusts.”<sup>23</sup> As we have detailed above, “investigating” a Tenant/Community Opportunity to Purchase Act is an insufficient action to respond to this community-identified priority.

Our local TOPA campaign is deeply rooted in the needs of the community, as this policy aims to support tenants at risk of displacement, facilitate tenant organizing and power-building, stabilize gentrifying neighborhoods, and take property off the speculative market and place it under community control. Oakland residents need the City of Oakland to take concrete steps in the 6<sup>th</sup> Cycle Housing Element to not only meet its legal obligations, but to ensure that every resident can continue to thrive and prosper here without fear of losing their homes.

We look forward to working with the City of Oakland to develop a TOPA program with a consistent funding source. We urge the City to make concrete commitments in the Housing Element update to pass TOPA by 2023 and to reauthorize Measure KK with at least \$350 million

---

households of any ethnicity as 24.5 percent and 22.0 percent of each group experiences overcrowding, respectively. *Id.* at B-35.

<sup>21</sup> [City of Oakland 2023-2031 Housing Element Draft – Public Review](#), May 2022, p. 51.

<sup>22</sup> [City of Oakland 2023-2031 Housing Element Draft – Public Review](#), May 2022, Oakland Housing Element Discussion Group Meeting #2: Production, Preservation, and Protections, March 10, 2022 (“There is a trend of conversion from non-restricted affordable housing to market rate (e.g., condo conversions in northwest and central east Oakland). Rent controlled units are also not permanently affordable and can be demolished. Participants expressed interest in strategies like social housing, TOPA/COPA, community land trusts, and housing cooperatives to reduce conversions and maintain permanent affordability.”)

<sup>23</sup> [City of Oakland 2023-2031 Housing Element Draft – Public Review](#), May 2022, p. 28.

for anti-displacement and affordable housing preservation. These are key strategies that require concrete objectives and urgent timelines. Please reach out to Public Advocates Staff Attorney Suzanne Dershowitz at [sdershowitz@publicadvocates.org](mailto:sdershowitz@publicadvocates.org) or (415) 431-7430 ext. 305 if you have any questions.

Sincerely,

Grace Martinez, Deputy Director  
Alliance of Californians for Community Empowerment

Kenneth Tang, Lead Community Organizer  
Asian Pacific Environmental Network

Alyssia Osorio, Program Director  
Causa Justa :: Just Cause

Ojan Mobedshahi, Finance Director  
East Bay Permanent Real Estate Cooperative

Steve King, Executive Director  
Oakland Community Land Trust

Mark Dias, Co-Chair  
Oakland Tenants Union

Rasheedah Phillips, Director of Housing  
PolicyLink

Suzanne Dershowitz, Staff Attorney  
Public Advocates, Inc.

Ellen Wu, Executive Director  
Urban Habitat

**RE: Alameda County Affordable Housing with Faith Based Orgs**

Elizabeth Rose Wampler [REDACTED] &gt;

Mon 6/13/2022 4:50 PM

To: Lieberworth, Audrey &lt;[REDACTED]&gt;

Cc: Tia Hicks &lt;[REDACTED]&gt;

Super helpful, as always. And I heard from Tia and one of our current cohort members that the workshop last Thursday was excellent!

Re: zoning/densities for the site at 8400 Enterprise Way (City of Refuge), it looks like 5-6 stories, up to 100 units/acre, mixed-use multi-family housing and ground floor services/retail would be ideal. Between now and the fall, COR will be doing more work to further refine a more specific project vision, and I'd love to share where they land with you.

Let me know if you have any questions for us.

Elizabeth

**Elizabeth Wampler | Housing Director**

Bay Area LISC | Local Initiatives Support Corporation

[REDACTED] | [REDACTED]

She, her, hers

Schedule time to connect: <https://calendly.com/ewampler/45min>

---

**From:** Lieberworth, Audrey <ALieberworth@oaklandca.gov>

**Sent:** Thursday, June 9, 2022 12:42 PM

**To:** Elizabeth Rose Wampler [REDACTED]

**Cc:** Tia Hicks [REDACTED]

**Subject:** Re: Alameda County Affordable Housing with Faith Based Orgs

Hi Elizabeth & Tia,

Great! Tia - in case you didn't already do so, make sure to [sign up](#) for the Housing Element workshop tonight.

Yes, the sites inventory is the table on pages 109-116 that you linked to.

Based on community feedback, the City and Housing Element/General Plan Update consultants are already in the process of identifying areas that could potentially be rezoned/upzoned. The City and our consultants will be studying the environmental impact of rezoning/upzoning this summer and into the fall. The zoning amendments will be taken through public hearing alongside of the Housing Element in early 2023.

Please let me know if you have any further questions!

- Audrey

---

**From:** Elizabeth Rose Wampler [REDACTED]  
**Sent:** Tuesday, June 7, 2022 4:34 PM  
**To:** Lieberworth, Audrey <[ALieberworth@oaklandca.gov](mailto:ALieberworth@oaklandca.gov)>  
**Cc:** Tia Hicks [REDACTED]  
**Subject:** RE: Alameda County Affordable Housing with Faith Based Orgs

Hi Audrey,

Sorry for not replying more quickly!

- 1) LOVE the idea of the overlay you mentioned. My colleague Tia Hicks (cc'ing her here) is going to attend the evening workshop on Thursday and we're excited to learn more.
- 2) I finally had a chance to review all of our current cohort member sites, and it looks like everyone besides City of Refuge (8400 Enterprise Way) is in the site inventory. (Just to confirm I'm looking at the right table, I'm seeing them all in the table on pages 109-111 in this document: [https://cao-94612.s3.amazonaws.com/documents/Appendix-C-Sites-Inventory\\_clean\\_2022-05-13-171306\\_rmga.pdf](https://cao-94612.s3.amazonaws.com/documents/Appendix-C-Sites-Inventory_clean_2022-05-13-171306_rmga.pdf))
- 3) We can share some preliminary estimates re: density, heights, and units for the COR site by Monday, but they'll be very early estimates at this stage. I'll be back in touch when we have those numbers.
- 4) Re: 8800 Fontaine (United Lutheran Church of Oakland) – I see is included with a capacity of 53 units. That looks right to me, though of course I would defer to the church representatives.

One more question for you – for the sites listed in the inventory that will need a zoning amendment – do you have a sense of when the City would decide to take on that rezoning task?

Thank you!

**Elizabeth Wampler | Housing Director**  
Bay Area LISC | Local Initiatives Support Corporation  
[REDACTED] | [REDACTED]  
She, her, hers  
Schedule time to connect: <https://calendly.com/ewampler/45min>

---

**From:** Lieberworth, Audrey <[ALieberworth@oaklandca.gov](mailto:ALieberworth@oaklandca.gov)>  
**Sent:** Thursday, June 2, 2022 11:51 AM  
**To:** Elizabeth Rose Wampler [REDACTED]  
**Subject:** Re: Alameda County Affordable Housing with Faith Based Orgs

Great question!

One of the actions included in the Housing Element's Housing Action Plan is to create an affordable housing overlay zone which would apply broadly citywide, except in high fire risk zones and protected historical sites. In this overlay zone, the City is considering streamlining approval of affordable housing by right (could apply to mixed income projects). It could also include ministerial

approval of 100% affordable projects, increased height and density, waiver of parking, and reduction of zoning barriers. This could potentially support faith orgs in your current and future cohorts.

We'll actually discuss the affordable housing overlay (as well as gather general feedback on the draft Housing Element) at our upcoming Housing Element discussion session next Wednesday, June 8<sup>th</sup> from 10-11:30am. Are you interested in joining? I'm happy to send you the calendar invite. I think some members of the Faith and Housing first and second cohort are attending. We may also discuss it at the Housing Element public workshop next Thursday, June 9<sup>th</sup> from 6-8pm, if that time works better for you.

- Audrey

---

**From:** Elizabeth Rose Wampler <[EWampler@lisc.org](mailto:EWampler@lisc.org)>  
**Sent:** Thursday, June 2, 2022 10:24 AM  
**To:** Lieberworth, Audrey <[ALieberworth@oaklandca.gov](mailto:ALieberworth@oaklandca.gov)>  
**Subject:** RE: Alameda County Affordable Housing with Faith Based Orgs

Thanks Audrey! I'll work on this today.

Do you think the City would be open to considering an overlay for all faith-owned land as part of the housing element? We can include the folks we're working with now, but I'm guessing this will come up again for faith organizations in future cohorts.

Elizabeth

**Elizabeth Wampler | Housing Director**  
 Bay Area LISC | Local Initiatives Support Corporation

She, her, hers

Schedule time to connect: <https://calendly.com/ewampler/45min>

---

**From:** Lieberworth, Audrey <[ALieberworth@oaklandca.gov](mailto:ALieberworth@oaklandca.gov)>  
**Sent:** Thursday, June 2, 2022 7:11 AM  
**To:** Elizabeth Rose Wampler [REDACTED]  
**Subject:** Re: Alameda County Affordable Housing with Faith Based Orgs

Hi Elizabeth,

Great, I've added 8400 Enterprise Way to the list of sites/broader areas that we should consider for zoning amendments.

I scrolled back and reviewed Cindy's initial messages with the cohort 1 and 2 spreadsheets she sent over. I saw her note about wanting to upzone 8800 Fontaine Street. For 8400 Enterprise Way, 8800 Fontaine St and any other sites that you would like us to add to the sites inventory and/or consider for upzoning or zoning amendments, could you please share the following info?:

- Desired zoning - base zoning, height, densities, etc
- Updates on project overview, # of units, etc (if it's changed from what's written in the spreadsheet)

This will give Staff a better understanding of what's needed for those sites and perhaps the broader area when we are discussing zoning amendments. I also know that zoning is a bit complicated, so please feel free to reach out if you have any questions or need help navigating the zoning. Our website says the public comment period for the Housing Element closes on Monday, June 13th, but you can still provide feedback afterward.

Thank you for coordinating this!

- Audrey

---

**From:** Elizabeth Rose Wampler [REDACTED]  
**Sent:** Wednesday, June 1, 2022 10:33 AM  
**To:** Lieberworth, Audrey <[ALieberworth@oaklandca.gov](mailto:ALieberworth@oaklandca.gov)>  
**Subject:** RE: Alameda County Affordable Housing with Faith Based Orgs

Thank you! Yes, let me share our cross-checked list. I know we're especially eager to support City of Refuge (who are located at 8400 Enterprise Way), but I want to make sure we aren't missing anyone else.

Appreciate all that you're doing!

**Elizabeth Wampler | Housing Director**  
 Bay Area LISC | Local Initiatives Support Corporation

[REDACTED]  
 She, her, hers

Schedule time to connect: <https://calendly.com/ewampler/45min>

---

**From:** Lieberworth, Audrey <[ALieberworth@oaklandca.gov](mailto:ALieberworth@oaklandca.gov)>  
**Sent:** Wednesday, June 1, 2022 8:38 AM  
**To:** Elizabeth Rose Wampler [REDACTED]  
**Subject:** Re: Alameda County Affordable Housing with Faith Based Orgs

As a quick follow up - it looks like 8400 Enterprise Way is located in the CR-1 zone, or Regional Commercial zone, which prohibits residential activities.

If you can send me a list of any other sites, I will look into them and coordinate with other staff. We are proposing a series of zoning amendments alongside of the Housing Element that could change where residential uses are allowed, so let's continue to touch base and I will keep you in the loop.

- Audrey

---

**From:** Lieberworth, Audrey <[ALieberworth@oaklandca.gov](mailto:ALieberworth@oaklandca.gov)>  
**Sent:** Wednesday, June 1, 2022 8:28 AM  
**To:** Elizabeth Rose Wampler [REDACTED]

**Subject:** Re: Alameda County Affordable Housing with Faith Based Orgs

Hi Elizabeth,

Thank you so much for taking a look! Can you send me the list of all sites that were not included? The only reason I can think that the sites may have been screened out is if they fall in the Very High Fire Hazard Severity Zone, if the site zoning does not allow residential by-right, or something of that nature.

Please let me know and I will make sure to follow up with you about any missing sites. Thank you!

- Audrey

---

**From:** Elizabeth Rose Wampler [REDACTED]  
**Sent:** Wednesday, May 25, 2022 6:22 PM  
**To:** Lieberworth, Audrey <[ALieberworth@oaklandca.gov](mailto:ALieberworth@oaklandca.gov)>  
**Subject:** RE: Alameda County Affordable Housing with Faith Based Orgs

Hi Audrey,

I hope you're doing well! I was looking at the draft Housing Element (congrats on getting a draft out!) and had a question. I noticed that several of the faith-based organizations that we've worked with have their sites listed, which is wonderful. But there were a few missing, and I was wondering if there was a reason for that.

I'm wondering in particular about City of Refuge, located at 8400 Enterprise Way, Oakland, CA 94621.

Let me know if you have any insights? And of course happy to work through official feedback channels as well.

Thank you!  
Elizabeth

**Elizabeth Wampler | Housing Director**  
Bay Area LISC | Local Initiatives Support Corporation

[REDACTED]  
She, her, hers

Schedule time to connect: <https://calendly.com/ewampler/45min>

---

**From:** Lieberworth, Audrey <[ALieberworth@oaklandca.gov](mailto:ALieberworth@oaklandca.gov)>  
**Sent:** Monday, February 28, 2022 2:31 PM  
**To:** Elizabeth Rose Wampler [REDACTED]  
**Subject:** Re: Alameda County Affordable Housing with Faith Based Orgs

Oh, that's so bizarre, I'm not sure what happened there! I am about to send you an email to share with both cohorts, so let me know if there are any issues... Thanks for reaching out!

- Audrey

**From:** Elizabeth Rose Wampler [REDACTED]  
**Sent:** Monday, February 28, 2022 2:12 PM  
**To:** Lieberworth, Audrey <[ALieberworth@oaklandca.gov](mailto:ALieberworth@oaklandca.gov)>  
**Subject:** RE: Alameda County Affordable Housing with Faith Based Orgs

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Audrey, your response below was blank. Just wanted to make sure you didn't send me something to share out!

Elizabeth

**Elizabeth Wampler | Housing Director**  
Bay Area LISC | Local Initiatives Support Corporation

[REDACTED]  
She, her, hers

Schedule time to connect: <https://calendly.com/ewampler/30min>

**From:** Lieberworth, Audrey <[ALieberworth@oaklandca.gov](mailto:ALieberworth@oaklandca.gov)>  
**Sent:** Friday, February 25, 2022 1:26 PM  
**To:** Elizabeth Rose Wampler [REDACTED]  
**Subject:** Automatic reply: Alameda County Affordable Housing with Faith Based Orgs

The information transmitted in this e-mail is intended solely for the individual or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of or taking action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you have received this e-mail in error, please contact the sender and delete the material from any computer.

The information transmitted in this e-mail is intended solely for the individual or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of or taking action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you have received this e-mail in error, please contact the sender and delete the material from any computer.

The information transmitted in this e-mail is intended solely for the individual or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of or taking action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you have received this e-mail in error, please contact the sender and delete the material from any computer.



---

The information transmitted in this e-mail is intended solely for the individual or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of or taking action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you have received this e-mail in error, please contact the sender and delete the material from any computer.

---

The information transmitted in this e-mail is intended solely for the individual or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of or taking action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you have received this e-mail in error, please contact the sender and delete the material from any computer.

---

The information transmitted in this e-mail is intended solely for the individual or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of or taking action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you have received this e-mail in error, please contact the sender and delete the material from any computer.



June 13, 2022

Oakland Planning Department  
250 Frank H. Ogawa Plaza  
Oakland, CA 94612

Re: Recommendation for parking component of Housing Element

Dear Oakland Planning Department,

TransForm is a regional non-profit focused on creating connected and healthy communities that can meet climate goals, reduce traffic, and include housing affordable to everyone. We have been based in Oakland for 22 years and greatly appreciate the collaborative work we have done with the community, city staff and elected leaders on bringing affordable, clean mobility options to equity priority communities

Oakland has been a leader in the Bay Area when it comes to smart parking policy. In 2015, the City eliminated parking minimums in the downtown zone and set parking minimums for residential and commercial development. These changes greatly reduced the financial and physical constraint posed by excessive parking mandates. Also by requiring unbundling for all developments of 10 or more units in the downtown development zone, it is clear Oakland understands the power of implementing many smart parking policies in tandem, a nuance missed by other municipalities.

Oakland's draft 2023-2031 Housing Element includes Action 3.4.3 which will fund a continued review of parking policies after the Housing Element is enacted. We commend this proposed action but are concerned with the lack of specificity in the proposed review. The action speaks to a "review of existing residential parking standards and the identifications of appropriate new standards to match long-term development and environmental goals" and, beyond a reference to exploring flexibility in parking requirements, the action lacks a concrete policy goal.

With the importance of implementing smarter parking policies, especially given our climate and housing affordability crises, we at TransForm want to ensure this funded review has clear goals so it is not ignored or pushed to the next Housing Element cycle. Specifically, we encourage implementing unbundling beyond the downtown development zone, and strengthening TDM by requiring provision of transit passes and bike share memberships to each resident.

To show the tremendous benefits these policies can have, we have used our [GreenTRIP Connect](#) tool to create scenarios for a potential future development site at 7000 Bancroft Ave.



GreenTRIP Connect is recommended by the California Office of Planning and Research as a tool to use while developing General Plans and is especially useful during development of Housing Elements. The tool is free to use whether planning at the site or city-wide level.

By implementing unbundling, and providing bikeshare and transit passes at this site, we saw a 26% decrease in parking and resident transportation savings of \$988 per year. When combined with 100% affordable housing these strategies resulted in an incredible 50% reduction in driving and greenhouse gas emissions for the site, compared to the city average. If an affordable development with smart parking strategies were built on this site each household would drive 5,066 less miles per year creating a greener and safer community.

With a RHNA allocation of 26,251, it is essential that Oakland makes eliminating constraints to housing development such as parking a top priority for this Housing Element. Policies and investments that also maximize the amount of affordable housing will also be critical. These two crucial issues—smart parking strategies and affordable housing—go hand-in-hand and we hope the City defines concrete goals for parking reduction.

Please let me know if you have any questions. TransForm hopes this information clarifies why Oakland should make parking reform and provisions to support affordable housing central priorities in the Housing Element update.

Sincerely,  
Kendra Ma  
Housing Policy Analyst  
[kendrama@transformca.org](mailto:kendrama@transformca.org)

# Comments on draft housing element

Stuart Flashman [REDACTED]

Mon 6/13/2022 12:00 PM

To: General Plan <generalplan@oaklandca.gov>

Cc: Ranelletti, Darin <DRanelletti@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

-----  
To Whom it May Concern:

Attached are annotated copies of the Draft Housing Element and Appendix A to that element. The annotations contain my notes, comments and suggested edits. I am submitting them as an individual Oakland resident for more than thirty years as well as in my capacity as an East Bay land use attorney with thirty-two years' experience who has dealt extensively with housing elements and housing issues in the Bay Area.

Overall, I think that the Draft Housing Element does a good job of identifying what's working, what's not working, and what needs to be done to achieve the element's primary objective (providing housing for all of Oakland's residents – which is, I think, a very appropriate objective). However, as my annotations indicate, there are things that could be said better or more clearly, and there are some proposed actions that you may want to add, delete, or revise to improve the outcome.

**Environmental, Land Use, and Elections Law**  
Serving public interest and private clients since 1990

**Stuart Flashman**  
*Attorney*

The information in this message is confidential information which may also be legally privileged and is intended only for the use of the individual or entity to which it is addressed. Any dissemination, distribution or copying of this communication to anyone other than the party for whom it is intended is prohibited. If you have received this e-mail in error, please notify me immediately by telephone or return e-mail.

# Appendix A: Evaluation of the 2015-2023 Oakland Housing Element

## Table of Contents

<b>A.1</b>	<b>Regional Housing Need Allocation Progress .....</b>	<b>A-2</b>
<b>A.2</b>	<b>Evaluation of Goals, Policies, and Actions .....</b>	<b>A-4</b>
	Assessment of Goals and Policies .....	A-4
	Assessment of Actions .....	A-4

## List of Charts and Tables

### *Charts:*

Chart A-1: Progress Towards Meeting the RHNA, 2015-2020 .....	A-3
---	-----

### *Tables:*

Table A-1: City Progress Report – Evaluating Goals and Policies Since 2015 (Based on 2015-2023 Oakland Housing Element) .....	A-6
Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element) .....	A-13

This appendix provides an evaluation of the City’s previous Housing Element pursuant to State requirements, including the element’s cumulative impact on special needs groups.

The City’s previous Housing Element was adopted December 9, 2014, and covered the period from January 31, 2015, to January 31, 2023. California Government Code Section 65588(a) requires cities and counties to review their housing elements to evaluate:

- The appropriateness of housing goals, objectives, and policies;
- The effectiveness of the housing element in the attainment of the community’s housing goals and objectives; and
- The progress in implementation of the housing element.

## **A.1 Regional Housing Need Allocation Progress**

---

During the 2015-2023 Housing Element period, Oakland’s Regional Housing Need Allocation (RHNA) was 14,629 housing units across all income levels. The City identified sites capable of accommodating a total of 18,009 units (123.1 percent of the RHNA). Capacity was derived from four groups: units constructed between January 1, 2014 and March 27, 2014, units receiving planning approvals, units planned, and additional capacity on opportunity sites. Approximately 21.1 percent of parcels identified to meet the 5th cycle RHNA developed with about 3,511 residential units during the planning period. [REDACTED]

While the City was able to meet its above-moderate-income RHNA, it fell short of meeting its lower- and moderate-income goals. Above-moderate-income permitting during the period reached nearly double the RHNA, and [REDACTED]

[REDACTED] These numbers largely reflect the strong market conditions and high housing prices present since recovery from the Great Recession, [REDACTED]

[REDACTED] It also of course reflects the significant shortfall in funding sources and other incentives available for below market rate housing, and [REDACTED]

[REDACTED] The COVID-19 pandemic is also likely to have a lasting impact on available City resources and housing needs in Oakland – including changes in building patterns and preferences that may increase development costs.

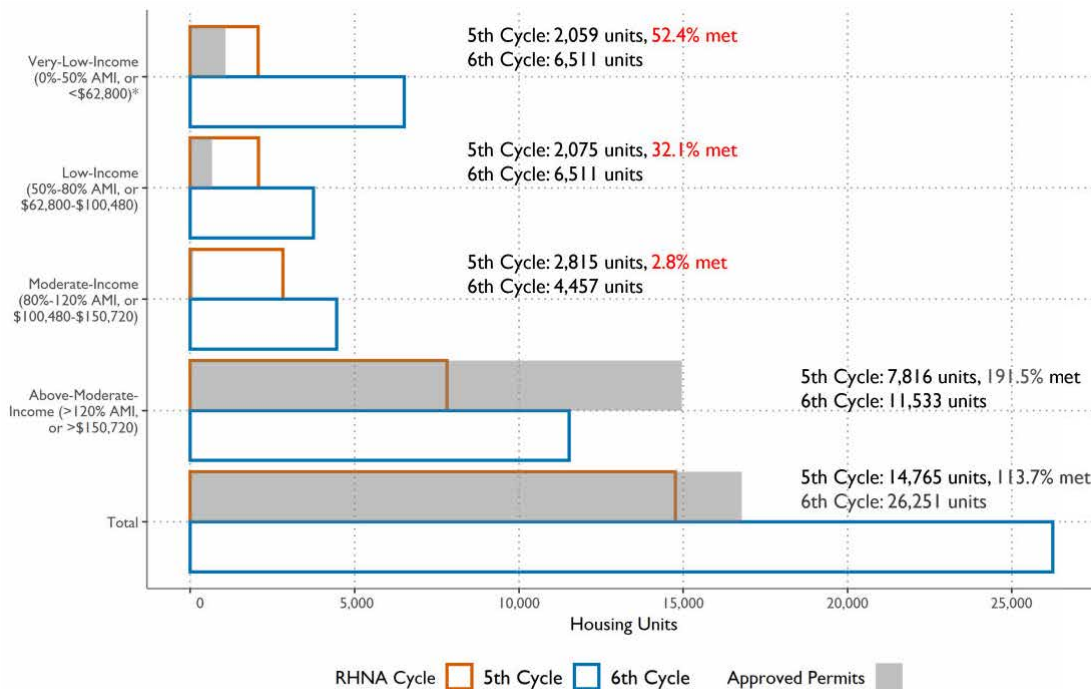
Unfortunately, recent studies have shown that the RHNA process asks cities to plan for more than 10 times the amount of subsidized housing than can be funded with existing funding sources, which must cover escalating land, construction, and labor costs.<sup>1</sup> Further, in line with

---

<sup>1</sup> Paavo et al., A Flawed Law: Reforming California’s Housing Element (2019), UCLA Lewis Center for Regional Policy Studies, available at <https://www.lewis.ucla.edu/research/flawed-law-reforming-california-housing-element/> (last accessed March 30, 2022).

State objectives, the City prioritizes deeper affordability when funding is available, [REDACTED] Nonetheless, Oakland recognizes that more can and should be done to close the gap on affordable housing construction. [REDACTED] and continue to prohibit housing at densities that can support affordable housing, both of which have contributed to exacerbated regional inequality, a protraction of the housing crisis, and very likely has catalyzed gentrification and displacement in Oakland. The Housing Element process is thus critical in ensuring all California cities are doing their part.

**Chart A-1: Progress Towards Meeting the RHNA, 2015-2020**



\*Includes extremely-low-income need, which is assumed to be 50 percent of total very-low-income housing need

Source: State HCD, 5th Cycle Annual Progress Report Permit Summary, 2021; ABAG, Final RHNA Plan, December 2021

In the seven years between 2015 and 2021, the City permitted a total of 1,079 very-low-income units (including extremely-low-income units), 666 low-income units, [REDACTED] and 14,966 above-moderate-income units. These numbers reflect affordability provided specifically through deed restrictions that guarantee the units will remain affordable to the specified category for years to come, but does not take into account newly constructed units that may naturally be affordable to lower income households, nor does it reflect existing units that may become affordable to lower income families due to market conditions and unit age. See Chart A-1 for a comparison of approval rates to the 5th cycle RHNA, as well as a comparison to the increased 6th cycle allocation.

The Bay Area has been in the midst of an acute housing shortage or “crisis” since the end of the Great Recession (late 2009), which has continued unabated as of early 2022. The roots of the crisis lie in the significant mismatch between housing demand and housing production. This is reflected in dramatically increasing housing costs for renters and homebuyers, and increasing overcrowding and homelessness. As is discussed in Appendices B and F, the affordability gap for moderate- and lower-income residents—the gap between existing housing costs and affordable housing costs—is continuing to grow. It is in part exacerbated by the high costs of development and the limited amount of State and local funding for affordable housing – as well as income disparity, the impacts of the tech sector and regional market forces in the Bay Area, and the COVID-19 pandemic among other regional, State, and national factors. Other local factors, including City permitting processes [REDACTED] [REDACTED] have also contributed to constrained housing production rates. However, as noted in Appendix F, the City has permitted lower-income housing at rates comparable to other cities in Alameda County. To further address the housing crisis, the City passed Measure KK in 2016 to help fund affordable housing development – the revenues generated from this bond have already been spent and fully allocated. Further, the Affordable Housing Impact Fee was passed in 2016, and the Race and Equity Department was formed to address racial disparities in Oakland.

## **A.2 Evaluation of Goals, Policies, and Actions**

---

### **ASSESSMENT OF GOALS AND POLICIES**

The 2015-2023 Housing Element outlined seven housing goals with 46 policies and 131 policy actions to be taken to achieve those goals. The accomplishments of the goals and policies of the previous Housing Element is summarized in Table A-1 below. This is a high-level analysis meant to inform broad changes in the City’s goals and policies, and the 2023-2031 Housing Element carries forward and consolidates goals and policies where appropriate.

### **ASSESSMENT OF ACTIONS**

The policy actions contained within the previous Housing Element—131 in total—includes several duplicative or overlapping actions. Some actions do not have discrete timelines and are better suited as higher-level policies. Chapter 4: Housing Action Plan maintains effective actions that are appropriate to the Housing Element and aims to consolidate related actions. A detailed assessment of each housing action is provided in Table A-2 below. The evaluation is based on input from a variety of City departments and agencies – including Oakland Housing and Community Development (HCD), the Planning and Building Department, the Human Services Department, and Oakland Public Works.

While housing actions are individually evaluated in Table A-2, the Housing Element must also assess the cumulative impact of housing actions on special needs groups. Goal 6, and all policies contained within it, addresses fair housing issues and promotes actions to meet the housing needs of statutorily protected groups, many of which are considered “special needs.” Further, policies 2.5, 2.6, 2.9, and 5.4 directly address a variety of special housing needs such



as seniors, large families, extremely-low-income household, and persons experiencing homelessness. There are over 20 actions directly aimed at special needs groups – including persons experiencing homelessness, persons with a disability, the elderly, female-headed households, extremely-low-income households, and persons with HIV/AIDs.<sup>2</sup>

While the majority of these actions have been evaluated as effective, there is still a clear gap in meeting the housing needs of some special needs groups – especially those experiencing homelessness and extremely-low-income households. As indicated in Appendix B, the housing crisis has continued throughout the 2015 to 2023 period and rates of homelessness have drastically increased. Appendix F provides an assessment of the constraints to housing production and identifies potential reasons why the City fell short of meeting its RHNA. While discrete City actions may be effective, more comprehensive steps must be taken to encourage the production of emergency shelters and transitional and supportive housing, as well as housing affordable to lower-income groups. The Permanent Access to Housing (PATH) Framework to address homelessness represents one such approach that the City should continue to implement.<sup>3</sup> Other steps the City will take to adequately meet the needs of special needs groups during the 2023-2031 period are described in the Housing Action Plan.

---

<sup>2</sup> Actions related to special needs groups include the following: 2.5.1, 2.5.2, 2.5.3, 2.6.1, 2.9.1, 2.9.2, 2.9.3, 2.9.4, 2.9.5, 2.9.6, 2.9.7, 2.9.8, 3.1.2, 4.3.2, 4.3.3, 5.4.1, 6.1.1, 6.1.2, 6.1.3, 6.1.4, 6.2.1, 6.2.2, and 6.4.3.

<sup>3</sup> The PATH Framework is the City's updated five-year approach to address homelessness in Oakland, based on the following themes: 1. Prevention strategies to keep people from becoming homeless; 2. Emergency strategies to shelter and rehouse households and improve health and safety on the street and; 3. Creation of affordable, extremely low income and permanent supportive housing units prioritized for households experiencing homelessness. More information is available on the City's website: <https://www.oaklandca.gov/resources/learn-more-about-our-homelessness-strategy>.

**Table A-1: City Progress Report – Evaluating Goals and Policies Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>Goals/Policies</i>	<i>Accomplishments</i>
<b>Goal 1 – Provide Adequate Sites Suitable for Housing for All Income Groups</b>	
<p><i>Policy 1.1 – Priority Development Areas Housing Program.</i> The City will target development and marketing resources in Priority Development Areas (PDAs), and in areas for which Specific Plans have been completed or are underway. See also Policy 7.3.</p>	<p>While Oakland met its overall housing production goals, it did not meet the 5th Cycle RHNA for lower- and moderate-income households. During this period, the City implemented a number of actions to encourage residential development at all income levels. This includes the adoption of the Priority Development Areas, expedited review processes, development along International Boulevard with multiple affordable projects, micro-living units proposed in the Draft Downtown Oakland Specific Plan, residential development in specific plans, and encouragement of alternative housing like ADUs, manufactured housing, and live/work units.</p> <p>Because a significant portion of development occurred on sites that were not identified as opportunity sites in the 5th Cycle, the City has maintained an adequate supply of land to meet its 5th Cycle RHNA. Appendix C identifies additional sites for Oakland’s 6th Cycle RHNA.</p>
<p><i>Policy 1.2 – Availability of Land.</i> Maintain an adequate supply of land to meet the regional housing share under the ABAG Regional Housing Needs Allocation (RHNA).</p>	
<p><i>Policy 1.3 – Appropriate Locations and Densities for Housing.</i> The City’s Strategic Planning Division initiated five Specific Plans and one Area Plan during the 2007-2014 Housing Element period, which will further the housing location and density objectives contained in the recently completed residential and commercial zoning update. The Lake Merritt Station Area (Specific) Plan, Broadway Valdez Specific Plan, West Oakland Specific Plan, Coliseum Area Specific Plan, and Central Estuary Area Plan included extensive community outreach processes and have resulted in specific zoning proposals. These Specific and Area Plans will facilitate the construction of nearly 17,000 new housing units in the City of Oakland.</p> <p>The completion of the Specific and Area Plans will provide these substantial housing gains in two respects: environmental clearance and community buy-in for future housing projects. Each planning process involved extensive community participation which culminated with significant community buy-in to the policies and development framework outlined in the plans, thus minimizing possible community opposition to future housing development projects.</p>	
<p><i>Policy 1.4 – Secondary Units.</i> Support the construction of secondary units in single-family zones and recognize these units as an important source of affordable housing.</p>	
<p><i>Policy 1.5 – Manufactured Housing.</i> Provide for the inclusion of manufactured housing in appropriate locations.</p>	
<p><i>Policy 1.6 – Adaptive Reuse.</i></p>	

**Table A-1: City Progress Report – Evaluating Goals and Policies Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>Goals/Policies</i>	<i>Accomplishments</i>
Encourage the re-use of industrial and commercial buildings for joint living quarters and working spaces.	
<p><i>Policy 1.7 – Regional Housing Needs.</i> The City of Oakland will strive to meet its fair share of housing needed in the Bay Area region.</p>	
<b>Goal 2 – Promote the Development of Adequate Housing for Low- and Moderate-Income Households</b>	
<p><i>Policy 2.1 – Affordable Housing Development Programs.</i> Provide financing for the development of affordable housing for low- and moderate-income households. The City’s financing programs will promote a mix of housing types, including homeownership, multifamily rental housing, and housing for seniors and persons with special needs.</p>	<p>The City has encouraged and promoted affordable housing development through a combination of incentives and funding. City efforts include the release of Notices of Funding Availability (NOFAs), predevelopment loans to non-profits, Oakland Housing Authority resources, first-time homebuyer programs, the Community Buying Program, and other loans. Impact fees, including the Jobs/Housing and Affordable Housing Impact Fee, provide funding to the Affordable Housing Trust Fund. Through the 5th cycle RHNA, there will have been approximately \$150 million in total expenditures on these efforts.</p> <p>Other City incentives include density bonus provisions, impact fee waivers, promotion of City-owned property, geographic equity and quality in NOFA scoring, as well as promoting community land trusts, resale controls, and providing rental assistance.</p>
<p><i>Policy 2.2 – Affordable Homeownership Opportunities.</i> Develop and promote programs and mechanisms to expand opportunities for lower-income households to become homeowners.</p>	
<p><i>Policy 2.3 – Density Bonus Program.</i> Continue to refine and implement programs to permit projects to exceed the maximum allowable density set by zoning, if they include units set aside for occupancy by very-low-, low-, and moderate-income households and/or seniors.</p>	
<p><i>Policy 2.4 – Permanently Affordable Homeownership.</i> Develop mechanisms for ensuring that assisted homeownership developments remain permanently affordable to lower-income households to promote a mix of incomes.</p>	
<p><i>Policy 2.5 – Seniors and Other Special Needs.</i> Assist and promote the development of housing with appropriate supportive services for seniors and other persons with special needs.</p>	
<p><i>Policy 2.6 – Large Families.</i> Encourage the development of affordable rental and ownership housing units that can accommodate large families.</p>	
<p><i>Policy 2.7 – Expand Local Funding Sources.</i></p>	

**Table A-1: City Progress Report – Evaluating Goals and Policies Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>Goals/Policies</i>	<i>Accomplishments</i>
<p>Increase local resources to support affordable housing development and develop new sources of funding.</p>	<p>The City also provides funding for special needs housing and implements the PATH strategy for homelessness.</p>
<p><i>Policy 2.8 – Rental Assistance.</i> Increase the availability of rental assistance for very-low-income households.</p>	
<p><i>Policy 2.9 – PATH Strategy for the Homeless.</i> Expand the City’s Permanent Access to Housing (PATH) Plan to prevent and end homelessness and increase housing opportunities to the homeless through acquisition, rehabilitation and construction of housing, master leasing and short-term financial assistance</p>	
<p><i>Policy 2.10 – Promote an Equitable Distribution of Affordable Housing throughout the Community.</i> The City will undertake a number of efforts to distribute assisted housing widely throughout the community and avoid the over-concentration of assisted housing in any particular neighborhood, in order to provide a more equitable distribution of households by income and by race and ethnicity.</p>	
<p><i>Policy 2.11 – Affordable Housing Preference for Oakland Residents and Workers.</i> Implement the policy enacted by the City Council in 2008 granting a preference to Oakland residents and Oakland workers to buy or rent affordable housing units assisted by City of Oakland funds provided through its annual Notice of Funding Availability (NOFA) process.</p>	
<p><b>Goal 3 – Remove Constraints to the Availability and Affordability of Housing for All Income Groups</b></p>	
<p><i>Policy 3.1 – Expedite and Simplify Permit Processes.</i> Continue to implement permit processes that facilitate the provision of housing and annually review and revise permit approval processes.</p>	<p>The City has undertaken a number of efforts to remove housing constraints. Rectified governmental constraints include aligning City regulations pursuant to State law (e.g., reasonable accommodation, transitional/supportive housing permitting, and emergency shelter permitting), prioritizing affordable housing applications, one-stop permitting, development impact fees, and reliance on specific plan EIRs to expedite review.</p>
<p><i>Policy 3.2 – Flexible Zoning Standards.</i> Allow flexibility in the application of zoning, building, and other regulations.</p>	
<p><i>Policy 3.3 – Development Fees and Site Improvement Requirements.</i> Reduce the cost of development through reasonable and predictable fees, and improvement of project review standards.</p>	
<p><i>Policy 3.4 – Intergovernmental Coordination.</i></p>	

**Table A-1: City Progress Report – Evaluating Goals and Policies Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>Goals/Policies</i>	<i>Accomplishments</i>
<p>Promote intergovernmental coordination in review and approval of residential development proposals when more than one governmental agency has jurisdiction.</p>	<p>Although the City still implements a discretionary design review process, it is currently developing objective design standards.</p>
<p><i>Policy 3.5 – Financing Costs.</i> Reduce financing costs for affordable housing development.</p>	
<p><i>Policy 3.6 – Environmental Constraints.</i> Explore programs and funding sources to assist with the remediation of soil contamination on sites that maybe redeveloped for housing.</p>	<p>The City continues to engage in community outreach, including with East Bay Housing Organizations (EBHO), the Non-Profit Housing Association of Northern California, the Oakland Property Acquisition Collective, and Bay Area For All Table.</p>
<p><i>Policy 3.7 – Community Outreach and Education.</i> Increase public acceptance and understanding of affordable development and related issues through community outreach.</p>	
<p><b>Goal 4 – Conserve and Improve Older Housing and Neighborhoods</b></p>	
<p><i>Policy 4.1 – Housing Rehabilitation Loan Programs.</i> Provide a variety of loan programs to assist with the rehabilitation of owner-occupied and rental housing for very-low- and low-income households.</p>	<p>The City continues to offer rehabilitation loans to lower- and moderate-income households through multiple programs—such as the Home Maintenance and Improvement Program (HMIP)—and responds housing maintenance issues through Code Enforcement Services. Other conservation and improvement efforts include the Community Buying Program, Mills Act Contracts, residential hotel (SRO) preservation requirements, and the Uniform Residential Tenant Relocation Ordinance.</p>
<p><i>Policy 4.2 – Blight Abatement.</i> To improve housing and neighborhood conditions, the City should abate blighting conditions through a combination of code enforcement, financial assistance, and public investment.</p>	
<p><i>Policy 4.3 – Housing Preservation and Rehabilitation.</i> Support the preservation and rehabilitation of existing housing stock with an emphasis on housing occupied by senior citizens, people with disabilities, and low-income populations. Encourage the relocation of structurally sound housing units scheduled for demolition to compatible neighborhoods when appropriate land can be found. Assist senior citizens and people with disabilities with housing rehabilitation so that they may remain in their homes. Continue to implement the Mills Act program.</p>	

**Table A-1: City Progress Report – Evaluating Goals and Policies Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>Goals/Policies</i>	<i>Accomplishments</i>
<p><i>Policy 4.4 – Anti-Displacement of City of Oakland Residents.</i> The City will consider strengthening existing policies and introducing new policies or policy terms to current City policies to help prevent displacement of current Oakland residents and to preserve existing housing affordable to low-income residents, including both publicly-assisted and non-assisted housing that currently has affordable rents.</p>	
<p><b>Goal 5 – Preserve Affordable Rental Housing</b></p>	
<p><i>Policy 5.1 – Preservation of At-Risk Housing.</i> Seek to preserve the affordability of subsidized rental housing for lower-income households that may be at-risk of converting to market rate housing.</p>	<p>There was no conversion of identified “at-risk” units during the period, although one project was destroyed by a fire. The City also continued to provide financial assistance for affordable development and preservation, including through Oakland Housing Authority resources. Other major programs include the Rent-Adjustment Program, the Just Cause for Eviction Ordinance, the Tenant Protection Ordinance, residential hotel (SRO) preservation requirements, limits on conversion of residential to non-residential uses, and limits on condo conversions.</p>
<p><i>Policy 5.2 – Support for Assisted Projects with Capital Needs.</i> Work with owners of assisted projects that have substantial needs for capital improvements to maintain the use of the properties as decent affordable housing.</p>	
<p><i>Policy 5.3 – Rent Adjustment Program.</i> Continue to administer programs to protect existing tenants from unreasonable rent increases.</p>	
<p><i>Policy 5.4 – Preservation of Single Room Occupancy Hotels.</i> Seek mechanisms for protecting and improving the existing stock of residential hotels, which provide housing of last resort for extremely-low-income households.</p>	
<p><i>Policy 5.5 – Limitations on Conversion of Residential Property to Non-Residential Use.</i> Continue to use regulatory controls to limit the loss of housing units due to their conversion to non-residential use.</p>	
<p><i>Policy 5.6 – Limitations on Conversion of Rental Housing to Condominiums.</i> Continue to use regulatory controls to limit the loss of rental housing units due to their conversion to condominiums.</p>	
<p><i>Policy 5.7 – Preserve and Improve Existing Oakland Housing Authority-Owned Housing.</i> Continue to preserve and improve existing Oakland Housing Authority-owned rental housing.</p>	

**Table A-1: City Progress Report – Evaluating Goals and Policies Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>Goals/Policies</i>	<i>Accomplishments</i>
<b>Goal 6 – Promote Equal Housing Opportunity</b>	
<p><i>Policy 6.1 – Fair Housing Actions.</i> Actively support efforts to provide education and counseling regarding housing discrimination, to investigate discrimination complaints, and to pursue enforcement when necessary. Provide a one-stop resource center to address all housing issues faced by Oakland residents.</p>	<p>During the period, the City continued to work with the East Bay Community Law Center and its Fair Housing partner agencies: Centro Legal, Causa Justa: Just Cause, and ECHO Fair Housing to provide fair housing services. Other effective actions related to equal housing opportunity include the Oakland Fair Chance Ordinance, publishing disability access and Affirmative Fair Marketing Procedures &amp; Guidelines on the City’s website, reasonable accommodation procedures, Community Credit Needs Assessments, and the Housing Element Annual Progress Report. The City’s Department of Housing and Community Development’s Community Development &amp; Engagement section also provides resources.</p>
<p><i>Policy 6.2 – Reasonable Accommodations.</i> Provide reasonable accommodations to persons with disabilities in access to public facilities, programs, and services.</p>	
<p><i>Policy 6.3 – Promote Regional Efforts to Expand Housing Choice.</i> Encourage future regional housing allocations by ABAG to avoid over-concentration of low-income housing in communities with high percentages of such housing.</p>	
<p><i>Policy 6.4 – Fair Lending.</i> Work to promote fair lending practices throughout the City to ensure that low-income and minority residents have fair access to capital resources needed to acquire and maintain housing.</p>	
<p><i>Policy 6.5 – Accountability.</i> Work to promote accountability by City to the policies it has slated in the Housing Element.</p>	
<b>Goal 7 – Promote Sustainable Development and Sustainable Communities</b>	
<p><i>Policy 7.1 – Sustainable Residential Development Programs.</i> In conjunction with the City’s adopted Energy and Climate Action Plan (ECAP), develop and promote programs to foster the incorporation of sustainable design principles, energy efficiency and smart growth principles into residential developments. Offer education and technical assistance regarding sustainable development to project applicants.</p>	<p>The City continues to operate the Green Building Resource Center, and enforces the Oakland Green Building Ordinance (first adopted in 2010). Other actions related to sustainability include the promotion of solar energy, collaborations with Energy Upgrade California in Alameda County, Bay Area Regional Energy Network (BayREN), and East Bay Energy Watch (EBEW), and the promotion of mixed-use development, transit-oriented development, and development in PDAs.</p>
<p><i>Policy 7.2 – Minimize Energy and Water Consumption.</i> Encourage the incorporation of energy conservation design features in existing and future residential development beyond minimum standards required by State building code.</p>	
<p><i>Policy 7.3 – Encourage Development that reduces Carbon Emissions.</i> Continue to direct development toward existing communities and encourage infill development at densities that are higher than—but compatible with—the surrounding communities. Encourage</p>	

**Table A-1: City Progress Report – Evaluating Goals and Policies Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>Goals/Policies</i>	<i>Accomplishments</i>
<p>development in close proximity to transit, and with a mix of land uses in the same zoning district, or on the same site, so as to reduce the number and frequency of trips made by automobile.</p>	<p>In 2016, the City released the "Resilient Oakland Playbook," while in July 2020, the City Council adopted the Equitable Climate Action Plan. Further, in 2021 the City adopted a new 2021-2026 Local Hazard Mitigation Plan.</p>
<p><i>Policy 7.4 – Minimize Environmental Impacts from New Housing.</i>                      Work with developers to encourage construction of new housing that, where feasible, reduces the footprint of the building and landscaping, preserves green spaces, and supports ecological systems.</p>	
<p><i>Policy 7.5 – Climate Adaptation and Neighborhood Resiliency.</i>                      Continue to study the potential local effects of climate change in collaboration with local and regional partners, such as BCDC. Identify potential adaptation strategies to improve community resilience to climate change, and integrate these strategies in new development, where appropriate.</p>	



**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
<b>GOAL 1: Provide Adequate Sites Suitable for Housing for All Income Groups</b>						
<b>POLICY 1.1: Priority Development Areas - Housing Program</b>						
ACTION 1.1.1	<i>Site Identification.</i> Conduct an inventory of vacant and underutilized land within the City’s PDAs including the MacArthur BART Station Area, West Oakland, Downtown/Jack London Square Area, Fruitvale/Diamond Area, Eastmont Town Center Area, and the Coliseum BART Station Area, identify sites suitable for housing, including estimates of the number of housing units that those sites can accommodate, and make that information available to developers through a variety of media.	Bureau of Planning	Keep updated inventory on the City’s website, 2016-2023	The City has not yet conducted an inventory of vacant and underutilized land within the City’s Priority Development Areas (PDA). The PDA designations were updated in 2019. The updated PDAs were adopted by the MTC and ABAG executive bodies on July 16, 2020. These updated designations are comprised of relatively minor modifications to existing PDAs that went through extensive community processes in previous years. The 2020 Adopted Priority Development Areas (PDAs) map is available on the City’s website: <a href="https://www.oaklandca.gov/document/priority-development-areas-pdas-1">https://www.oaklandca.gov/document/priority-development-areas-pdas-1</a>  In addition, these updated PDAs can also be found on MTC’s website: <a href="https://mtc.ca.gov/planning/land-use/priority-development-areas-pdas">https://mtc.ca.gov/planning/land-use/priority-development-areas-pdas</a>	This action is an effective method of targeting development and marketing resources in Priority Development Areas (PDAs).	The action is appropriate to the Housing Element.
ACTION 1.1.2	<i>Expedited Review.</i> Continue to expedite the permit and entitlement process for housing developments with more	Bureau of Planning & Bureau of Building	Ongoing, 2015-23	From 2015-2021, Planners in the Bureau of Planning processed planning entitlement applications, including for larger developments in Downtown Oakland. In 2016, two new staff were	The policy is effective. Between 2018-2021 (the period during which State HCD	The action is appropriate to meet Housing Element goals.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
	<p>than 50 units in the Downtown by assigning them to specialized planners, for priority permit processing, management tracking of applications, and scheduling of public hearings for completed applications.</p>			<p>added to the Bureau of Planning to help process entitlements more quickly.</p>	<p>has required that jurisdictions report the number of units issued a completed entitlement for the Annual Progress Report), the City entitled 14 projects with more than 50 units in the Downtown area, or about 3,135 units. In addition, from 2018-2021, 2,323 units were completed in Downtown in developments with more than 50 units. Data from the 2015-2017 period is not readily available due to changes in reporting requirements.</p>	
<p>ACTION 1.1.3</p>	<p><i>Streamline Environmental Review.</i></p>	<p>Bureau of Planning</p>	<p>Ongoing, 2015-23</p>	<p>1) In July 2015, the City of Oakland released a revised set of Standard Conditions of Approval, which are</p>	<p>The action is effective.</p>	<p>The action is appropriate to</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	<p>Advocate for new strategies to streamline the environmental review process under the California Environmental Quality Act (CEQA).</p>			<p>requirements applied to development projects that have the effect of reducing potential environmental impacts, thereby streamlining environmental review;</p> <p>2) The City continues to rely on the EIRs adopted for recent Specific Plans when reviewing the CEQA impacts of individual developments; in many cases, CEQA requirements are met by the Specific Plan EIR, which has the effect of streamlining the environmental review process;</p> <p>3) Staff participated with the State Office of Planning and Research as AB 743 rulemaking proceeded, to replace Level of Service CEQA thresholds with more contemporary methodologies for evaluating potential transportation impacts during the CEQA process. Staff submitted written comments and attended workshops, for a streamlined approach to the review of transportation impacts, and began to work on implementing those revisions to the transportation analysis using VMT, instead of LOS, as directed AB 743; and</p>		<p>meet Housing Element goals.</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
				<p>4) On October 17, 2016, the City of Oakland updated its CEQA Thresholds of Significance Guidelines related to transportation impacts to implement the directive from Senate Bill 743 (Steinberg 2013) to modify local environmental review processes by removing automobile delay as a significant impact on the environment pursuant to CEQA. The new CEQA thresholds help streamline the environmental review process for new infill housing development.</p>		
<p>ACTION 1.1.4</p>	<p><i>International Blvd. Community Revitalization Without Displacement Incentive.</i> An inter-departmental City team is working with residents, businesses, community groups, the County and other public agencies, foundations, private industry and other partners to improve International Blvd. Corridor’s housing, economic development, health, transportation, and public safety conditions, as well as to develop strategies to</p>	<p>Department of Housing &amp; Community Development (DHCD) – Housing Assistance Center/Strategic Initiatives</p>	<p>Policy development starting 2014-15</p>	<p>The City continued its work to revitalize the International Boulevard corridor while also working to increase the availability of affordable housing along the corridor.</p> <p>The following affordable housing projects have completed construction or are currently underway along this corridor:</p> <ul style="list-style-type: none"> <li>• Camino 23, a 37-unit affordable development at 1245 23rd Avenue and International Boulevard, completed construction in 2019.</li> </ul>	<p>This initiative has been an effective means to improve International Blvd. Corridor’s housing, economic development, health, transportation, and public safety conditions, as well as to develop strategies that prevent the displacement of long-time residents and small businesses.</p>	<p>The initiative is appropriate to meet Housing Element goals.</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	<p>prevent the displacement of long-time residents and small businesses. Key parts from the City’s award-winning International Boulevard Transit Oriented Development Plan will be implemented.</p>			<ul style="list-style-type: none"> <li>• Casa Arabella, a 94-unit affordable development adjacent to the Fruitvale BART station and International Boulevard corridor, completed construction in 2019.</li> <li>• Fruitvale Transit Village Phase II-B, a 181-unit affordable development also adjacent to the Fruitvale BART station, is currently under construction.</li> <li>• Ancora Place, a 77-unit affordable development located at 2227 International Blvd, received a commitment of \$4.8 million in City funds, was awarded \$11,740,653 in Multifamily Housing Program (MHP) funds and \$5,602,112 in Infill Infrastructure Grant (IIG) funds from the California Department of Housing and Community Development. The developer also applied for California Housing Accelerator funding in fall 2021 and expects an award in 2022.</li> <li>• 3050 International, a 76-unit proposed affordable development, is applying for</li> </ul>		

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
				<p>                     funding. The developer applied for funding from the City’s New Construction Notice of Funding Available (NOFA) and if awarded, will likely pursue tax credit funding in 2022.                 </p> <ul style="list-style-type: none"> <li>                     A commercial development located at 2700 International was acquired by the Unity Council, who initiated plans to redevelop the property into a mixed-use affordable housing and commercial development. The Unity Council applied for funding from the City’s New Construction NOFA in January 2022.                 </li> </ul> <p>                     In 2020, the City of Oakland, in partnership with the East Oakland Neighborhoods Initiative, was awarded a \$28.2 million Transformative Climate Communities (TCC) Implementation Grant. The funds will be allocated to five community revitalization projects, including one 55-unit affordable housing development. TCC’s 95th &amp; International began construction in 2021.                 </p>		

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
				<p>Oakland Sustainable Neighborhood Initiative (OSNI) engaged in its final year with the State Department of Conservation Grant for promoting socioeconomic equity on International Blvd Corridor, successfully completing the goals as stated in the grant. Along with OSNI collaborative partners and Community Planning Leaders, the following successful outcomes were achieved:</p> <ul style="list-style-type: none"> <li>• Monthly meetings to collaborate on projects, outreach and International Blvd. Bus Rapid Transit construction updates, continuing with monthly meetings through 2018 to continue collaborating with stakeholders on projects, outreach, and small business sustainability.</li> <li>• Establishing a community governance model to help stabilize neighborhoods and ensure that Oakland remains a city for all.</li> <li>• Implementing the BRT Business Assistance Program and Sustainability Fund to mitigate the displacement of</li> </ul>		

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
				<p>long-term small businesses, which conducted outreach to over 1,1151 businesses along the BRT route, providing technical assistance to 874 businesses, and 2 Business Assistance Grants.</p> <ul style="list-style-type: none"> <li>• Supporting HOPE Collaborative with implementation of specific segment of the Elmhurst Healthy Neighborhood Plan developed through a community process.</li> <li>• Continuing to work with partners to increase development of affordable housing.</li> <li>• Maintaining the Catalyst Project Sites for readiness and support in bringing them to fruition.</li> </ul>		
ACTION 1.1.5	<p><i>Consider expanding the existing Micro-living quarters pilot program to the entire Downtown and Jack London Square PDA.</i></p> <p>Micro-living quarters are defined in the Oakland Planning Code as “a</p>	Bureau of Planning	2015-2020	Micro-units are included in the Land Use and Urban Form chapter of the Final Draft Downtown Oakland Specific Plan. As of December 2021, the draft zoning to implement the Downtown Oakland Specific Plan is underway and includes regulations for micro-units.	The policy is still under development, therefore, there is no way to evaluate its effectiveness.	Micro-units are a housing product type that will help to meet the significant demand for housing.



**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
	<p>multiple-tenant building with an average net-floor area of 175 square feet but a minimum size of 150 square feet. Bathroom facilities are included within each living quarter but cooking facilities are not allowed within each living quarter. A shared kitchen is required on each floor, the maximum number units are not prescribed but the size of the units and the FAR shall dictate the limits.” Currently, these facilities may only be located in the Broadway Valdez Commercial Zone, DBV-2 and a small area of the D-BV-3 south of Bay Place and are permitted upon the granting of a Conditional Use Permit.</p>					
<b>POLICY 1.2: Availability of Land</b>						
<p>ACTION 1.2.1</p>	<p><i>Land Inventory (Opportunity Sites).</i> Develop a list of vacant and underutilized sites potentially suitable for higher density housing, particularly affordable</p>	<p>Bureau of Planning</p>	<p>Post to City’s website within 90 days of adoption and final</p>	<p>The City’s Detailed Land Inventory can be found on Section 4 and Appendix C of the 2015-2023 Housing Element, which continues to be posted to the City’s web page: <a href="https://www.oaklandca.gov/resources">https://www.oaklandca.gov/resources</a></p>	<p>This action is an effective method of maintaining an adequate supply of land to meet the regional housing share under the</p>	<p>The action is appropriate to the Housing Element.</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
	housing, and distribute that list to developers and nonprofit housing providers upon request. The availability of the site inventory will be posted on the City’s website after the City Council adopts the Housing Element.		certification (by HCD) of Housing Element	<a href="#">/read-the-2015-2023-housing-element.</a>	ABAG Regional Housing Needs Allocation (RHNA).	
<b>POLICY 1.3: Appropriate Locations and Densities for Housing</b>						
ACTION 1.3.1	<p><i>Broadway Valdez Specific Plan (BVSP).</i></p> <p>Track progress on the approval and completion of the 1,800 housing units included in the development program for the Broadway Valdez Specific Plan (BVSP).</p>	Bureau of Planning	Ongoing, 2015-23	<p>The Broadway Valdez Specific Plan has far exceeded its original goal of enabling the approval and completion of 1,800 new housing units. As of December 2021, there are a total of 4,091 housing units in various stages of completion within the Broadway Valdez District Specific Plan area:</p> <p>Built (Completed) = 2,194 housing units            Under Construction = 450 housing units            Building Permit Filed = 728 housing units            Approved, but no building permits = 322 housing units            Applied for, but not approved = 397 housing units</p>	The Broadway Valdez Specific Plan was very effective in incentivizing housing with an EIR that helped to expedite housing approval as well as letting developers know what the City and the community wanted for this area. The development program that was created for the plan allowed for flexibility with the	The action is appropriate to the Housing Element.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
				<p>The City posts updated maps of proposed projects and developments under construction to the City's Specific Plan website. See "Broadway Valdez Map" at: <a href="https://www.oaklandca.gov/resources/view-the-broadway-valdez-specific-plan-map">https://www.oaklandca.gov/resources/view-the-broadway-valdez-specific-plan-map</a></p>	<p>EIR that different uses could be changed out without having to change the EIR. The number of housing units originally planned for the area was 1,800 units and 2,149 unit have already been built so far. With the additional units under construction, filed for building permits, approved with planning permits, and applied for planning permits there will be a total of 4,091 units.</p>	
ACTION 1.3.2	<p><i>Lake Merritt Station Area Plan (LMSAP).</i> Track progress on the approval and completion of the 4,900 housing units included in the development</p>	Bureau of Planning	Ongoing, 2015-23	<p>The City continues to track the progress of new, residential Major Projects in the Lake Merritt Station Area. As of 2021, a total of 1,591 new dwelling units have been approved, including: 1,230 market rate units, 44</p>	<p>The action is an effective method of tracking progress on the approval and completion of the</p>	<p>The action is appropriate to the Housing Element.</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
	program for the Lake Merritt Station Area (Specific) Plan (LMSAP).			moderate-income units, 138 low-income units, 120 very-low-income units, and 59 extremely-low-income units. For more information, please refer to the City’s Major Development Projects List: <a href="https://www.oaklandca.gov/resources/download-the-city-of-oakland-major-development-projects-list">https://www.oaklandca.gov/resources/download-the-city-of-oakland-major-development-projects-list</a>	4,900 housing units included in the development program for the Lake Merritt Station Area (Specific) Plan (LMSAP). While the City has not yet achieved the goal of 4,900 units in the plan area, housing is in various stages of development and is anticipated to be constructed in the 6th cycle,	
ACTION 1.3.3	<i>West Oakland Specific Plan.</i> Track progress on the approval and completion of the 5,360 housing units included in the development program for the West Oakland Specific Plan (WOSP).	Bureau of Planning	Ongoing, 2015-23	The City continues to track the progress of new, residential Major Projects in the West Oakland Specific Plan (WOSP). As of 2021, a total of 2,442 new dwelling units have been approved, including: 1,819 market-rate units, 156 moderate-income units, 64 low-income units, 300 very-low-income units, and 103 extremely-low-income units. For more information, please refer to the City’s Major Development Projects List: <a href="https://www.oaklandca.gov/resources">https://www.oaklandca.gov/resources</a>	The action is an effective method of tracking progress on the approval and completion of the 5,360 housing units included in the development program for the West Oakland Specific Plan (WOSP).	The action is appropriate to the Housing Element.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
ACTION 1.3.4	<p><i>Coliseum Area Specific Plan (CASP).</i></p> <p>Track progress on the approval and completion of the 5,000 housing units included in the development program for the Coliseum Area Specific Plan (CASP).</p>	Bureau of Planning	Ongoing, 2015-23	<p><a href="#">/download-the-city-of-oakland-major-development-projects-list</a></p> <p>The City continues to post updated maps of proposed projects and developments under construction to the City's Specific Plan website. See "Project Status Map and Brochure for the Coliseum Area Specific Plan" at: <a href="https://www.oaklandca.gov/resources/read-the-general-plan-amendments-for-the-coliseum-area-specific-plan">https://www.oaklandca.gov/resources/read-the-general-plan-amendments-for-the-coliseum-area-specific-plan</a></p>	<p>The action is an effective method of tracking progress on the approval and completion of the 5,000 housing units included in the development program for the Coliseum Area Specific Plan (CASP).</p>	<p>The action is appropriate to the Housing Element.</p>
ACTION 1.3.5	<p><i>Central Estuary Area Plan (CEAP).</i></p> <p>Track progress on the approval and completion of the 400 housing units included in the development program for the Central Estuary Area Plan (CEAP).</p>	Bureau of Planning	Ongoing, 2015-23	<p>The Planning Bureau's interactive major projects GIS map (and associated major projects list) catalogues developments at least 25 units or have at least 10,000 sq. ft. total Residential Floor Area that includes projects in the Central Estuary area. The interactive map is available at: <a href="https://oakgis.maps.arcgis.com/apps/webappviewer/index.html?id=e1357dbaeffc473caa57b1227a7a7739">https://oakgis.maps.arcgis.com/apps/webappviewer/index.html?id=e1357dbaeffc473caa57b1227a7a7739</a></p>	<p>Permitting housing in the non-industrial areas of the Central Estuary is an important mechanism to deliver much-needed housing.</p>	<p>Build out of housing in the non-industrial areas of the Central Estuary is an important mechanism to deliver much-needed housing.</p>
ACTION 1.3.6	<p><i>Promote new housing opportunities in the Estuary Area.</i></p>	Bureau of Planning	Ongoing, 2015-23	<p>Progress continued on the development of 465 units of affordable housing serving households</p>	<p>The City's efforts to promote housing</p>	<p>The objective dovetailed appropriately</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	<p>With the resolution of the legal challenges to the Brooklyn Basin project (formerly Oak-to-Ninth), new housing is scheduled to be built in the timeframe of the 2015-2023 Housing Element where former industrial uses predominated.</p>			<p>between 0-60% of AMI in the Brooklyn Basin development, which will include 3,100 total new units as well as commercial and open space. The affordable units include 258 Project-Based Section 8 vouchers for all phases from the Oakland Housing Authority (OHA), which jointly owns the land with the City. The master developer has proposed adding another 600 units of market rate housing to the overall project (as well as marina space). This request was heard at the March 23, 2022 Design Review Committee meeting. Support for the proposal to add 600 housing units moved forward and will be heard by the Planning Commission.</p> <p>Construction of the 211 affordable units on Parcel F completed in December 2020 and achieved 100% occupancy in 2021. The Parcel F projects included 101 units of family housing (Paseo Estero) and 110 units of senior housing (Vista Estero).</p> <p>MidPen Housing Corporation, Oakland Housing Authority, and the City entered into a Lease Disposition and</p>	<p>opportunities in the Central Estuary Area have borne fruit in the 2015-2023 cycle. 3,100 units of housing, including 465 units of affordable housing, are planned, underway, or completed in the Brooklyn Basin development. The City has carried out extensive efforts, including planning and zoning updates, environmental remediation, and direct financial assistance, to provide mixed-income housing in an amenities-rich environment. The City's policies and programs have been highly effective.</p>	<p>with the City's Central Estuary Plan. As the Brooklyn Basin development nears completion, this goal should be revised in future housing element cycles.</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
				Development Agreement on Project 3 (Foon Lok West) on Parcel A in 2019, and closed their loan for the 130-unit Project 3 and started construction in July 2020, and construction continued throughout 2021. MidPen is assembling its financing for Project 4's (Foon Lok East) remaining 124 units of family housing, and pending awards from the new California Housing Accelerator Fund, is projected to commence construction in 2022. With regards to market-rate housing development of Brooklyn Basin, at the end of 2021: Parcels B, C, D, G, H and J are fully entitled (for a total of 1,843 entitled units; of the entitled units, 241 are constructed and occupied).		
<b>POLICY 1.4: Secondary Units</b>						
ACTION 1.4.1	<i>Secondary Unit – Parking Solutions.</i> Explore parking solutions (tandem parking, compact parking spaces, etc.) for secondary units to enable more secondary units as part of a Planning Code update of the City’s parking regulations. Explore the option of eliminating the	Bureau of Planning	2014-2017	The majority of ADUs created in Oakland do not require additional parking because they are located within the 1/2-mile of transit. Tandem parking is also allowed. This has been positive for most areas, except for areas in the Very High Fire Hazard Severity Zone (VHFHSZ) where lots are steep and often do not have off-street parking, streets are narrow, and reliance on cars is very high. Any	The ADU program has been very effective in creating additional units of housing without adding additional off-street parking spaces.	The goals of this portion of the ADU ordinance are appropriate in creating additional housing units without the burden of additional parking in

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	existing requirement for a separate non-tandem parking space.			additional cars that ADUs bring are forced to park on the narrow streets creating emergency access issues and prompting additional resources for enforcement of the no-parking rules.	The number of ADUs permitted annually can be found in the City’s Housing Element Annual Progress Reports (see Table A3 for APRs 2015-2017, and Tables A and A2 for APRs 2018-2021), which are posted to the City’s webpage: <a href="https://www.oaklandca.gov/documents/housing-element-annual-progress-reports">https://www.oaklandca.gov/documents/housing-element-annual-progress-reports</a>	transit-rich areas where car ownership can be optional. This preserves valuable lot space for housing or as valuable open space instead of using it for parking. However, in VHFHSZ and S-9 Zone where roads are narrow and public transit is lacking, off-street parking or replacement of lost parking is required in some areas, consistent with State law.
ACTION 1.4.2	<i>Secondary Unit – Setback Solutions.</i> Explore relaxing the current prohibition on Secondary Units in the rear setback. If these zoning changes are	Bureau of Planning	2014-2017	The City has been approving ADUs with the regularly required side and rear setbacks according to State law requirements. Existing structures that are converted or rebuilt to ADUs in the same place and to the same	The ADU program has been very effective in creating additional units by converting existing structures	The ADU policy regarding the setbacks is appropriate in creating additional



**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
	<p>implemented it will allow Secondary Units in the side and rear setback, as long as the structure doesn't exceed existing size limits and can meet all the same standards that allow a garage or accessory structure in the same location.</p>			<p>dimensions are allowed to remain in their current footprint without complying with any setbacks. Newly built ADUs are only required to comply with 4' side and rear setbacks, which is significantly less than regularly required by local zoning regulations. A recent ordinance amendment further reduces this setback to 3 feet in some cases.</p>	<p>on a lot to ADUs without any setbacks if they are converted or rebuilt in the same place and to the same dimensions. In addition, the 4' required setbacks make construction of newly built ADUs feasible on almost any residential lot and remove significant barriers to ADU production.</p>	<p>housing by allowing to convert existing structures on a lot into ADUs without any setbacks if they are converted or rebuilt in the same place and to the same dimensions. Otherwise, the required 4' setbacks make construction of newly built ADUs feasible on almost any residential lot and remove significant barriers to ADU production.</p>
<b>POLICY 1.5: Manufactured Housing</b>						
ACTION 1.5.1	<p><i>Factory-Built Housing.</i> Continue to implement City-adopted regulations that allow manufactured housing</p>	Bureau of Planning	Ongoing, 2015-23	The City continues to permit factory-built housing in all residential & commercial districts.	Factory-built manufactured housing becomes more common with the ease of	With the improved process, it is appropriate to allow for

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	in single-family residential districts.			In November 2021, City Council approved the Construction Innovation Ordinance, which amends the Planning Code to allow residential occupancy of recreational vehicles, mobile homes, and manufactured homes in all zoning districts where residential uses are permitted.	construction and the improved appearance and variety of designs.	construction in any zone where single-family residences are permitted.
<b>POLICY 1.6: Adaptive Reuse</b>						
ACTION 1.6.1	<i>Live/Work Conversions.</i> Allow the conversion of existing industrial and commercial buildings to joint live/work units in specific commercial and industrial locations while considering the impacts on nearby viable businesses.	Bureau of Planning	Ongoing, 2015-23	In 2021, the City continues to permit live/work conversions. Thereby allowing the conversion of existing industrial and commercial buildings to joint live/work units in specific commercial and industrial locations while considering the impacts on nearby viable businesses.	Live/work conversions continue to be permitted in Oakland. The State Building Code has been adopted by the City to be applied more uniformly as in other cities.	Given Oakland's extensive stock of formerly industrial and commercial buildings, live/work conversions are appropriate.
<b>POLICY 1.7: Regional Housing Needs</b>						
ACTION 1.7.1	<i>Accommodate 14,765 New Housing Units.</i> Designate sufficient sites, use the City's regulatory powers, and provide financial assistance to accommodate at least	Bureau of Planning	Ongoing, 2015-23	In addition to housing developments which are under construction, approved, or in pre-approval, the 2015-2023 Housing Element identified sites with the capacity and the zoning regulations to allow more units than the Regional Housing Needs Allocation	The City has effectively met its RHNA housing allocation for total number of units to be built, but it has not met the goal of	The policy is appropriate to the Housing Element.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
	<p>14,765 new dwelling units between January 2014 and June 2023. This sum represents the City’s share of the Bay Area region’s housing needs as estimated by the Association of Bay Area Governments (ABAG). The City will encourage the construction of at least 6,919 units for very-low-, low-, and moderate-income households.</p>			<p>for Oakland. Table A2 in Annual Progress Reports provides details on building starts for each calendar year. See also the City's Land Inventory posted to the City's web page: <a href="http://www2.oaklandnet.com/oakca1/groups/ceda/documents/policy/oak051104.pdf">http://www2.oaklandnet.com/oakca1/groups/ceda/documents/policy/oak051104.pdf</a></p>	<p>the percentage of affordable units and exceeded the number of market-rate units built.</p>	
<p><b>GOAL 2: Promote the Development of Adequate Housing for Low- and Moderate-Income Households</b></p>						
<p><b>POLICY 2.1: Affordable Housing Development Programs</b></p>						
<p>ACTION 2.1.1</p>	<p><i>New Construction and Substantial Rehabilitation Housing Development Program.</i></p> <p>Issue annual Notice of Funding Availability (NOFA) for the competitive allocation of affordable housing funds. Points will be assigned for addressing City priorities to ensure that funds are used to further policy objectives.</p>	<p>DHCD – Housing Development Services</p>	<p>Ongoing, 2015-23</p>	<p>From 2015-2021, the City has continued to issue NOFA funds pursuant to funding being available. The City released one Notice of Funding Availability (NOFA) in 2021 for New Construction of Multifamily Affordable Housing, with a funding pot of approximately \$15-20 million. Unlike the 2020 New Construction NOFA, which was limited to "Pipeline" projects—projects that had applied for funding in a previous NOFA round—the latest NOFA, for which applications were due in January 2022, was open for all applicants for new rental</p>	<p>The City's NOFAs are effective as the primary method of delivering affordable housing.</p>	<p>This program is highly appropriate and fully consistent with the Housing Element. In future Housing Element cycles, it may be advisable to clarify that NOFAs may be released on a more or less frequent basis</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
				<p>housing proposals. The City also made funding commitments to projects that applied for funding under a NOFA for Acquisition and Conversion to Affordable Housing (ACAH) of existing non-deed restricted projects that was released in late 2020.</p> <p>The City of Oakland will have spent approximately \$150 million on affordable housing for the 2015-2023 Housing Element. More information about City NOFAs is available here: <a href="https://www.oaklandca.gov/resources/nofa-opportunities">https://www.oaklandca.gov/resources/nofa-opportunities</a></p>		<p>than annually, to the extent that funding is available.</p>
ACTION 2.1.2	<p><i>Housing Predevelopment Loan and Grant Program.</i> Provide loans to nonprofit housing organizations for predevelopment expenses such as preparation of applications for outside funding.</p>	DHCD – Housing Development Services	Ongoing, 2015-23	<p>From 2015-2021, the City has continued to provide predevelopment loans to nonprofit housing organizations for predevelopment expenses. No new projects applied for or received predevelopment loans in 2021.</p>	<p>The City's predevelopment loan program is effective in facilitating predevelopment activities for the construction of affordable housing. Staff may seek adjustments to the maximum loan amount and other terms to</p>	<p>The program is fully appropriate for the development of affordable housing.</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
ACTION 2.1.3	<p><i>Utilize Public Housing Resources for New Development.</i></p> <p>Work with the Oakland Housing Authority to increase housing choices for low-income families by utilizing Making Transitions Work (MTW) voucher flexibilities toward the development of new affordable housing for extremely-low-, very-low-, low-, and moderate-income households.</p>	Oakland Housing Authority	Ongoing, 2015-23	<p>In 2015, under MTW authority, Oakland Housing Authority (OHA) promoted development of affordable housing stock by property acquisition, pre-development and permanent loans to create new units of affordable housing and rehabilitate existing units of affordable housing. During this year OHA completed construction on Lakeside Senior and placed 91 new units in service.</p> <p>Between 2016 and 2018, no public housing resources were utilized for new development activities.</p> <p>The OHA has continued to assist a number of affordable housing developments. In FY 2021, OHA completed construction on the first two phases of Brooklyn Basin closed financing and started construction on Project 3, known as Foon Lok West. An additional 53 units were rehabilitated in OHA’s existing project-based portfolio.</p> <ul style="list-style-type: none"> <li>Brooklyn Basin - OHA in partnership with the City of</li> </ul>	increase its effectiveness.	The action is fully appropriate for the expansion of affordable housing opportunities, as long as “public housing” refers to “affordable housing” and not a specific “public housing” program.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
				<p>Oakland and MidPen Housing Corporation is developing 465 units of affordable housing for low-income families and seniors as part of the Brooklyn Basin master planned community.</p> <ul style="list-style-type: none"> <li>• In FY 2021, Project 3, known as Foon Lok West, which includes 130 units for families and formerly homeless households (65 assisted with PBVs) closed all financing and started construction.</li> <li>• Construction was completed on 211 units (132 assisted with PBVs) at Projects 1 and 2, known as Paseo Estero and Vista Estero. Lease up was completed in 2021 and 101 family units (50 of which are PBV) were leased in Paseo Estero and 110 senior housing units (82 of which are served with PBVs) were leased.</li> <li>• 285 12th Street - OHA is partnering with the East Bay Asian Local Development Corporation (EBALDC) to construct affordable housing to include 65 units and 3,500</li> </ul>	<p>combined total development cost of over \$763M. OHA’s capital contribution to these projects (\$92M) represents 12% of the overall financing required. In addition to providing capital directly to these projects, OHA awarded 719 project-based vouchers (PBVs) using MTW flexibility, which were used to leverage \$75M in additional private debt financing. OHA’s capital contribution and award of PBVs together contributed approximately 22% of the total cost for fifteen major projects.</p>	

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
				<p>square feet of commercial space. The site is currently vacant and centrally located in downtown Oakland near several BART stations. OHA has committed to providing PBVs for 16 units. The project received NEPA clearance during FY 2021.</p> <ul style="list-style-type: none"> <li>• 500 Lake Park Avenue – OHA is partnering with EAH Housing to construct a 53-unit affordable housing building with 2,900 square feet of retail space at 500 Lake Park Avenue in the Grand Lake district of Oakland. The project received NEPA clearance in FY 2021. Also, during FY 2021, OHA acquired the land and provided a loan to EAH to continue funding predevelopment activities for the project.</li> <li>• 6946 Foothill Blvd - OHA and its affiliate OHI conducted predevelopment planning to rehabilitate and preserve 65 units of affordable housing using low-income housing tax credits.</li> </ul>	<p>OHA strategically purchased the land on 13 of the 15 projects to ensure that the housing will remain in reach of a stable public agency committed to the preservation of affordable housing in perpetuity. The disposition of 1,615 units of scattered site public housing at the beginning of the decade has proved especially fortuitous as the value of this real estate combined with low-income housing tax credits (LIHTC) and MTW flexibilities, will allow OHA to facilitate future building and redevelopment of</p>	

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
				<ul style="list-style-type: none"> <li>• 7526 MacArthur Blvd Repositioning – OHA conducted a feasibility study on developing affordable housing on an OHA-owned vacant parcel at 7526 MacArthur Boulevard in order to meet Oakland’s need for additional permanent affordable housing.</li> <li>• Lion Creek Crossing Phase I LP Buyout – OHA exercised its option to purchase the Limited Partner interest in Lion Creek Crossings Phase I.</li> </ul>	<p>new units within these sites at a fraction of the typical cost to develop.</p> <p>As a direct result of OHA’s development activities, over 421 low-income, Section 3 eligible Oakland residents have been newly hired on OHA’s major development projects. Additionally, OHA projects have helped preserve diversity by creating opportunities for low-income residents to live in central locations, also known as high opportunity areas.</p>	

**POLICY 2.2: Affordable Homeownership Opportunities**



**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
ACTION 2.2.1	<p><i>First Time Homebuyer Programs.</i></p> <p>Continue to operate a First Time Homebuyer Program as funding is available (either through State funding or through program-related income).</p>	DHCD – Housing Development Services	Ongoing, 2015-23	<p>The City continued to operate First Time Homebuyer Programs as funding was available (either through State funding or through program-related income). In 2021 the Mortgage Assistance Program (MAP) program made one loan with the last \$15,000 of program funds to assist a first time homebuyer. In 2015-2021 the programs issued 121 loans totaling \$6,782,346.</p>	<p>This program is effective, and is very effective in assisting low- and moderate-income homebuyers to acquire homes, in slowing the effects of gentrification, and in providing equitable opportunities for ownership and wealth-building among disadvantaged communities. The City will continue to fund first time homebuyer loans as funds are available.</p>	<p>The allocation of these first-time homebuyer loans was in alignment with this program's goals as planned and as stated in the Housing Element's policy guidance. The goals are achieved when down payment assistance is provided to assist low- and moderate-income buyers with low access to assets and credit to secure long term affordable housing through ownership, the greater community benefits by retaining a diversity of</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
						homeowners including those earning low to moderate incomes.
ACTION 2.2.2	<p><i>Scattered-Site Single Family Acquisition and Rehabilitation Program.</i></p> <p>City staff and non-profit partners have developed the Oakland Community Buying Program that will address vacant or abandoned housing due to foreclosures or property tax liens. Startup funds for this program have been identified. Funding will be used to provide long term affordability of new housing developed. The final housing products will be single family homes for re-sale, lease-to-own, or for rent and if financially viable and operational capacity exists, will partner with community land trusts or otherwise incorporate resale restrictions to preserve affordability for Oakland</p>	DHCD – Housing Assistance Center/Strategic Initiatives	Program implementation beginning 2014-15	<p>The Oakland Community Buying Program acquired 26 sites in 2017 and of those, 24 were placed for development and sale to moderate-income homebuyers through the Oaktown Roots Affordable Homes pilot program. In calendar year 2021, the Oaktown Roots pilot program received 5 applications. Six households completed purchases of newly built single-family homes that were previously blighted lots. One additional home is nearly complete, and 5 parcels remain to be developed. In the 2015-2021 period there were 18 units developed and closed.</p> <p>Also see Actions 2.2.4 and 4.3.4.</p>	The program has been effective at turning blighted properties to new construction single-family dwelling for larger households.	The mechanism to clear liens and use developer capital to create single-family dwellings remains feasible, however will need review if development costs continue to rise faster than incomes in the area. In 2021 the feasibility was reduced due to steep development cost increases; a boot of subsidy may be needed to maintain feasibility of future projects using this model.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	residents (see also Action 4.3.4).					
ACTION 2.2.3	<p><i>Foreclosure Mitigation Pilot Loan Program.</i></p> <p>Given that the City’s foreclosure crisis is currently (2014) impacting long-time Oakland homeowners, the City has been engaging in new innovative strategies, such as launching a comprehensive program connecting door-to-door outreach with legal and housing counseling services, City escalation with bank officials, and the development of new loan fund programs. In addition, the City has been working on the development of a distressed mortgage notes program in order to purchase delinquent mortgage notes, modify loans of qualified homeowners, assist homeowners who are not able to receive modifications with alternative housing solutions, and then dispose</p>	DHCD – Housing Assistance Center/Strategic Initiatives	Program implementation beginning 2014-15	While the City no longer funds the Foreclosure Mitigation Pilot Loan Program, the City continued operation of its an Anti-Displacement Program (Oakland Housing Secure [OHS]-Homeowner Assistance) from October 2020 through September 30, 2021. Centro Legal de la Raza (program administrator) along with Housing and Economic Rights Advocates (HERA) provided emergency financial assistance to homeowners, legal representation, consultations, workshops, outreach, education, and other services to prevent foreclosure of property. Thirty-two homeowners received financial assistance and 498 homeowners benefitted from other services offered through OHS. This program is closed out as of September 2021. No new funding has been identified for FY 2021/22 and forward.	The demand for this service, particularly emergency mortgage assistance, far exceeded resources available. Legal representation successfully resolved legal matters for more than 50% of homeowners, who also reported improved housing stability through: avoiding an eviction, avoiding homelessness, or securing time and/or money to maintain housing. However, Centro Legal reported that mortgage services are slow and difficult to deal	The scope of Oakland Housing Secure (OHS) to support homeowners is important work, though this was one time funding that ended in September 2021. The City, HERA, Central Legal De La Raza and other agencies provide support for homeowners and renters, and rental assistance work continues under the City’s Keep Oakland Housed (KOH) program.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	of vacant properties to result in new affordable homeownership opportunities.				with, as if little has changed since the foreclosure crisis. During the COVID-19 pandemic, the City’s focus has been on keeping renters housed using Federal Relief funds.	
ACTION 2.2.4	<p><i>Community Buying Program.</i></p> <p>The Community Buying Program seeks to assist Oakland residents (either those people who have lost their homes to foreclosure or tenants residing in foreclosed properties or who have been unable to compete with all cash investors on the open market) to purchase properties from the Scattered-Site Single Family Acquisition and Rehabilitation Program (Action 2.2.2 above) or other similar foreclosed housing. Should public funds be utilized, the City would assure the long-term</p>	DHCD – Housing Assistance Center/Strategic Initiatives	Program implementation beginning 2014-15	<p>The Oakland Community Buying Program acquired 26 sites in 2017 and of those, 24 were placed for development and sale to moderate income homebuyers through the Oaktown Roots Affordable Homes pilot program. In calendar year 2021 the Oaktown Roots pilot program received 5 applications. Six households completed purchases of newly built single-family homes that were previously blighted lots. One additional home is nearly complete, and 5 parcels remain to be developed. In the 2015-2021 period there were 18 units developed and closed.</p> <p>See also Actions 2.2.2 and 4.3.4.</p>	The program has been effective at turning blighted properties to new construction single-family dwelling for larger households.	The mechanism to clear liens and use developer capital to create single-family dwellings remains feasible, however will need review if development costs continue to rise faster than incomes in the area. In 2021 the feasibility was reduced due to steep development cost increases; a boot of subsidy may be needed

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	<p>affordability of these properties through the use of effective resale restrictions in partnership with nonprofit organizations with sufficient operational capacity, including possibly local community land trusts. Assistance to Oakland residents could include the use of loan products such as the Federal Housing Authority 203K loan or other funds available to the City, such as housing rehabilitation or down-payment assistance funds. In addition, the program will build upon the National Community Stabilization Trust’s First Look program.</p>					<p>to maintain feasibility of future projects using this model.</p>
<p>ACTION 2.2.5</p>	<p><i>Home Preservation Loan Program.</i> The Home Preservation Loan Fund Program will provide up to \$50,000 in forgivable loan funds for distressed homeowners.</p>	<p>DHCD – Housing Assistance Center/Strategic Initiatives</p>	<p>Program implementation beginning 2014-15</p>	<p>This program provided financial assistance to 20 households between 2015 and 2016. Since 2016, the program has been administered by Housing and Economic Rights Advocates (HERA).  Funding for this program has been variable – no funding was available in</p>	<p>Effective with sufficient funding – no funds provided in 2021.</p>	<p>Appropriate if and when furnished with appropriate resources to deliver on expected outcome. In the future, this action</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
				<p>2017 and 2020, although funding was available through the National Fair Housing Alliance in 2018 and 2019.</p> <p>Funding for this program was not available in 2021. However, as reported in Action 2.2.3, emergency financial assistance (grants) were provided to 32 homeowners in 2021 through OHS. This program is closed with no funding available for 2022.</p>		<p>should be combined with Action 2.2.3 and renamed as Keep Oakland Housed (KOH).</p>
<b>POLICY 2.3: Density Bonus Program</b>						
ACTION 2.3.1	<p><i>Density Bonus Ordinance.</i> Continue to implement the City’s density bonus ordinance. The City permits density bonuses not exceeding 35 percent for projects that provide at least:</p> <ul style="list-style-type: none"> <li>• Ten percent (10%) of the total Dwelling Units of a Residential Housing Development for Lower Income Households; or</li> <li>• Five percent (5%) of the total Dwelling Units of a</li> </ul>	Bureau of Planning	Ongoing, 2015-23	<p>Although Density Bonus applications beyond 100 percent affordable housing developments were relatively rare in the earlier portion of the reporting time period, applications picked up after 2017, after the City's Affordable Housing Impact Fee came into effect. The Impact Fee included an alternative for incorporating affordable units on-site and adjacent to market-rate developments, and resulted in a modest uptick in Density Bonus applicants. Between 2018-2021 (the period during which State HCD has required that jurisdictions report the number of approved or permitted density bonus projects for the Annual Progress Report) 33 projects were</p>	The City has effectively updated its procedures and ordinances to ensure the orderly application of the Density Bonus law.	The Density Bonus is a provision of State law and does not require a local enabling ordinance. The City has regularly updated its local ordinance to be consistent with State law.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
	Residential Housing Development for Very Low Income Households; or <ul style="list-style-type: none"> <li>• A Senior Citizen Housing Development; or</li> <li>• Ten percent (10%) of the total Dwelling Units in a common interest development as defined in Section 1351 of the California Civil Code, for persons and families of Moderate Income, provided that all units in the development are offered to the public for purchase.</li> </ul>			approved, 10 were permitted, and 8 were completed as the result of a density bonus.		
<b>POLICY 2.4: Permanently Affordable Homeownership</b>						
ACTION 2.4.1	<i>Community Land Trust Program.</i> Continue support of existing Community Land Trust Programs. Support expansion of land trusts if	DHCD	Ongoing support and expansion of Land Trust as	From 2015-2021, the City has worked with a variety of community land trusts, including Oakland Community Land Trust, Bay Area Community Land Trust and the Northern Community Land Trust to provide affordable	This program is effective in promoting homeownership opportunities for very-low-income	DHCD will continue to support the efforts and capacity of the land trusts as

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	land values make it financially feasible. Ownership of the land by a community-based land trust ensures that the housing remains permanently affordable.		funds are available.	housing (including ownership housing). Most significantly, the City created the Acquisition and Conversion to Affordable Housing Program, which provides funds to community land trusts to acquire and preserve affordable housing units. Through this program, the City has provided Bond Measure KK funding in the amount of \$8 million to 5 community land trust projects for a total of 58 units. In addition, approximately \$5 million is currently committed to 4 other community land trust projects that are anticipated to close in 2022.	and low-income homebuyers. The City is working with a technical assistance provider to determine best practices for land trust ownership units and cooperative units.	resources are available and if programming is feasible.
ACTION 2.4.2	<i>Resale Controls.</i> Continue to utilize financing agreements for City-assisted ownership development projects to ensure that units remain permanently affordable through covenants running with the land.	DHCD	Ongoing, 2015-23	The City continues to record long-term affordability restrictions that run with the land on all City-assisted affordable development projects, both rental and ownership.	Resale controls are a critical and effective tool for ensuring that affordable homeownership units remain affordable.	Resale controls are a fundamental component of the City's affordable homeownership program.
<b>POLICY 2.5: Seniors and Other Special Needs</b>						
ACTION 2.5.1	<i>Housing Development Program.</i> Provide financial assistance to developers of housing for	DHCD – Housing Development Services	Ongoing, 2015-23	Housing Development Services continues to circulate a NOFA each year if funding is available, for affordable housing new construction and rehabilitation/preservation of	The City's NOFAs are an effective means of providing financial assistance to properties	The policy is appropriate to the housing element.



**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	seniors and persons with special needs.			existing affordable housing. The New Construction and Acquisition/Rehabilitation NOFAs awards up to five points for rental projects serving special needs populations, and up to ten points for projects containing Permanent Supportive Housing Units for homeless households. The City's Acquisition and Conversion to Affordable Housing NOFA awards up to two points to projects that house vulnerable populations, including seniors.	housing seniors and persons with special needs, achieving the goal as stated in the Housing Element's policy guidance.	
ACTION 2.5.2	<i>Housing For Persons With HIV/AIDS.</i> Provide housing and associated supportive services for persons with HIV/AIDS through a combination of development of new housing, project-based assistance in existing affordable housing developments; and tenant-based assistance to allow households to find their own housing in the private market. Enhance outcomes via housing first model	DHCD; Community Housing Services (DHS)	Ongoing, 2015-23	Throughout the period, the HOPWA (Housing Opportunities for Persons with AIDS) program continued to provide housing assistance. In FY 2020-2021 alone, the HOPWA program provided housing assistance to more than 169 persons living with HIV/AIDS and their families utilizing the housing first model. Seven persons with HIV/AIDS obtained permanent housing. Information and referral services were provided to approximately 772 households for HIV/AIDS housing and other services. 53 persons living with HIV/AIDS received supportive services. 2 new units of HOPWA housing were completed, increasing the Oakland	The HOPWA Program is an effective program providing housing assistance & supportive services to persons living with HIV and AIDS experiencing homelessness.	The Human Services Department will continue to serve persons living with HIV and AIDS through HOPWA funding.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	under the Alameda County EveryOne Home Plan.			HOPWA housing inventory to over 290 units, with 116 in stewardship.		
ACTION 2.5.3	<i>Accessible Units in New Federally-Assisted Housing.</i> All housing assisted with Federal funds (such as HOME and CDBG) must comply with HUD’s accessibility requirements, which require that five percent of all units be made accessible for persons with mobility limitations, and an additional two percent be made accessible for persons with sensory limitations (sight, hearing). The City will ensure that these requirements are met in all projects that receive Federal funds from the City as part of project review and funding approval.	DHCD – Housing Development Services	Ongoing, 2015-23	The City of Oakland's Housing Development Services unit continues to enforce federal requirements for accessible housing for all projects receiving federal funding assistance.  City staff began tracking this data during the 2015-2021 Housing Element period through the Housing & Community Development Department's City Data Services database system and will continue to do so moving forward.	This program is effective.	This program is appropriate for the Housing Element.
<b>POLICY 2.6: Large Families</b>						
ACTION 2.6.1	<i>Housing Development Program.</i> Provide points in competitive funding allocations for projects that include a higher proportion	DHCD – Housing Development Services	Ongoing, 2015-23	Since 2017, the City's New Construction of Multifamily Affordable Housing NOFA requires that at least 15% of units in a family project have three or more bedrooms, and awards up to five points to rental projects that	The policy is an effective means of ensuring that City-assisted affordable units are	The goal is appropriate to the housing element. Goal may need revision to

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
	of units with three (3) or more bedrooms. The City will award points in the ranking process for projects with an average number of bedrooms exceeding the minimum specified in the program guidelines.			<p>exceed this threshold, and up to nine points to ownership projects that exceed this threshold.</p> <p>Projects with affordable units that can accommodate larger families include the Fruitvale Transit Village, Estrella Vista, Redwood Hill Homes, 94th &amp; International, Civic Center TOD, Mural Apartments, and 11th &amp; Jackson.</p>	constructed for large families.	include 2-bedroom units in next cycle.
<b>POLICY 2.7: Expand Local Funding Sources</b>						
ACTION 2.7.1	<p><i>Jobs/Housing Impact Fee.</i></p> <p>Continue to implement the City’s existing Jobs/Housing Impact Fee by collecting fees from new office and warehouse/distribution facilities.</p>	DHCD	Ongoing, 2015-23	<p>Data on the Jobs/Housing Impact Fee is reported in the Impact Fees Annual Report. Impact fee reports are available here: <a href="https://www.oaklandca.gov/documents/city-of-oakland-annual-impact-fee-reports">https://www.oaklandca.gov/documents/city-of-oakland-annual-impact-fee-reports</a></p> <p>Between FY 2016-2021, about \$10,123,162 has been collected/paid towards the Jobs/Housing Impact Fee, while \$23,209,708 has been assessed. Collected funds go into the Affordable Housing Trust Fund.</p> <p>In accordance with Sections 15.72.050 and 15.74.050 of the Oakland Municipal Code (OMC), the Oakland</p>	The policy is an effective means of generating funds for affordable housing.	The action is appropriate to the Housing Element.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
				<p>Planning and Building Department (PBD) has calculated increases to the Affordable Housing, Transportation and Capital Improvement impact fees for FY 2021-22. Under the OMC, the City Administrator may adopt adjustments to these fees for inflation commencing July 1, 2021. As of January 2022, fees remain the same. In order for the fee increases to go into effect the City Administrator’s authorization is required.</p>		
ACTION 2.7.2	<p><i>Consider Implementing Mandatory and/or Voluntary Options for Developer Contributions to Affordable Housing Development by Conducting a Nexus Study and Economic Feasibility Study for Affordable Housing.</i></p> <p>The City is committed to equitable development Citywide—with a focus on Specific Plan Areas, Priority Development Areas (PDAs) and large development projects—that provides housing for a range of economic levels to ensure the development of thriving,</p>	DHCD; Bureau of Planning	Complete nexus study by December 31, 2014	<p>On May 3, 2016, the City Council adopted the Affordable Housing Impact Fees Ordinance. Development projects submitting building permit applications on or after September 1, 2016, are subject to the fees. In December 24, 2021 the City completed the Annual Report for Fiscal Year Ended June 30, 2021. See this link for the report: <a href="https://cao-94612.s3.amazonaws.com/documents/Annual-Impact-Fee-Report-FY-20-21-122421-corrected-page-numbers.pdf">https://cao-94612.s3.amazonaws.com/documents/Annual-Impact-Fee-Report-FY-20-21-122421-corrected-page-numbers.pdf</a></p> <p>Since the Affordable Housing Impact Fees went into effect on September 1, 2016 – \$17,584,503 has been paid and \$33,895,450 in revenue has been</p>	This program has been effective in collecting \$17,584,503 in affordable Housing Impact Fees since 2016 and accessing a total of \$51,479,953 with an expected additional \$33,895,450 to be collected once the developments are under construction and completed.	This program to find additional sources of funding for affordable housing is appropriate for the Housing Element.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	<p>vibrant and complete communities.</p> <p>The Nexus Study and Economic Feasibility Study will provide documentation of what level of development impact fees are supportable, if at all, by quantifying the impacts of development and establishing whether there is a reasonable relationship between the amount of the fees to be imposed on new developments and the impact created by the new developments. Mandatory options for developer contributions will include the study of a housing impact fee or affordable housing set-asides for newly constructed ownership housing. Voluntary options for developer contributions will include the study of bonuses and incentives such as Housing Overlay Zones. The RFP released July 8, 2014 requires that the</p>			<p>assessed but not due yet, for a total assessed amount of \$51,479,953. For Fiscal Year 2020-2021 (ending on 6/30/21), \$4,430,250 has been paid for the Affordable Housing Impact Fee; and \$15,688,799 was revenue assessed, but not due yet (due to the program's schedule for payments).</p> <p>City of Oakland Impact Fee Annual Reports and related documents covering Affordable Housing, Jobs/Housing, Transportation, and Capital Improvements can be found here:  <a href="https://www.oaklandca.gov/document/city-of-oakland-annual-impact-fee-reports">https://www.oaklandca.gov/document/city-of-oakland-annual-impact-fee-reports</a></p>		

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
	contractor do an analysis of residential development costs and the market for both rental and owner-occupied housing in Oakland.					
ACTION 2.7.3	<p><i>Sale of City-Owned Property for Housing. Solicit Requests for Proposals (RFPs) from interested developers to construct housing on City-owned sites.</i></p> <p>RFPs will be posted on the City’s website and distributed directly to developers, including nonprofit housing providers. In disposing of City-owned surplus properties, the City will give first consideration to affordable housing developers per the California Surplus Lands Act, Government Code 54220 et seq. If the City does not agree to price and terms with an affordable housing developer and disposes of the surplus land to an entity that develops 10 or more residential units on the</p>	DHCD	Ongoing, 2015-23	<p>The City advanced the development of 1,285 units of housing, 515 of which are affordable units, on City and former Redevelopment land through five projects since 2018, all of which are completed (Fruitvale IIA, 2016 Telegraph and 1150 Clay St), under construction (95th and International and Fruitvale IIB) or under active Disposition and Development Agreements:</p> <ul style="list-style-type: none"> <li>• Fruitvale Transit Village IIA, 94 affordable units</li> <li>• 2016 Telegraph, 30 market rate units</li> <li>• 1150 Clay St, 288 market rate units</li> <li>• 95th and Intl. Blvd., 57 affordable units</li> <li>• Fruitvale Transit Village IIB, 181 affordable units</li> <li>• 3050 Intl. Blvd., 75 affordable units</li> </ul>	<p>The City followed-through on commitments to issue calls for proposals on key City-owned development sites; solicited proposals from a broad audience of developers, including nonprofit housing providers; and prioritized affordable housing production. Several viable projects are advancing and will deliver a significant number of new housing units. The City has additional sites in its pipeline that</p>	<p>The policy is consistent with the Surplus Land Act and appropriate to the Housing Element. Policy may need revision to include option for ground lease rather than sale.</p> <p>City staff has determined that this program is effective and will continue to advance current development projects and issue additional RFPs/NOAs in the years ahead.</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	<p>property, the City shall require the entity to provide at least 15 percent of the developed units at an affordable housing cost or affordable rent to specified income groups, as required by Government Code Section 54233. For those sites that are sold without affordable housing requirements, the City should consider depositing 25% of the proceeds of such sales to the Affordable Housing Trust Fund.</p>			<ul style="list-style-type: none"> <li>• 12th St. Remainder Parcel, 360 units (108 affordable)</li> </ul> <p>The City also issued Requests for Proposals/Notices of Availability (RFPs/NOAs) for seven City-owned sites between 2018 and 2021 and advanced development projects on each of these sites for approximately 1,000 or more additional housing units, many of which will be affordable. Additionally, the City is negotiating with the African American Sports and Entertainment Group for disposition and development of the City’s 50% interest in the 120-acre Oakland Coliseum sports complex, co-owned with Alameda County.</p> <ul style="list-style-type: none"> <li>• 3823-3829 Wood St, 170 units</li> <li>• 3823-3829 MLK Jr. Way, 76 units</li> <li>• 73rd &amp; Foothill, 120 units</li> <li>• Barcelona parcel, units TBD</li> <li>• Clara &amp; Edes Homekey, 82 units (proposed)</li> <li>• 36th &amp; Foothill Homekey, 124 units (proposed)</li> <li>• 1911 Telegraph, up to 540 units (proposed)</li> <li>• Coliseum, units TBD</li> </ul>	<p>expects to release in coming years.</p>	

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
ACTION 2.7.4	<p><i>Utilize 25% of the funds distributed to the City as a taxing entity under the Redevelopment dissolution and deposit them into the Affordable Housing Trust Fund (aka “Boomerang Funds”).</i></p> <p>The State statutes governing the dissolution of redevelopment agencies and the wind-down of redevelopment activities provide for the distribution of former tax-increment funding to taxing entities. The City of Oakland is one of a number of taxing entities that will benefit from Oakland’s Redevelopment Agency dissolution. The distribution of property tax will be from the Redevelopment Property Tax Trust Fund (RPTTF) and includes funds not needed by successor agencies to fulfill enforceable obligations. Additionally, there will be distributions to taxing entities sales</p>	DHCD	Beginning in 2015 and ongoing, 2015-23	The City continues to allocate 25% of Boomerang Funds to the Affordable Housing Trust Fund.	The policy is a highly effective means of designating funds for affordable housing.	The policy is appropriate to Housing Element goals.



**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
	<p>proceeds and other revenues from the use or disposition of assets of what are now called “successor agencies” (former redevelopment agencies). These funds are called “boomerang funds” and represent a windfall in property tax revenue to the City of Oakland. In late 2013, the City of Oakland committed to setting aside 25% of the funds distributed to the City as a taxing entity under the Redevelopment dissolution and deposit them into the Affordable Housing Trust Fund. Starting in 2015, the Affordable Housing Trust fund will begin to receive boomerang funds on an annual basis.</p>					
<b>POLICY 2.8: Rental Assistance</b>						
<p>ACTION 2.8.1</p>	<p><i>Expansion of Section 8 Vouchers.</i> Work with the Oakland Housing Authority (OHA) to obtain additional funding from the federal</p>	<p>Housing Authority</p>	<p>Ongoing, 2015-23</p>	<p>During 2015, OHA awarded 21 units with project-based voucher assistance for low-income families and households with special needs. The awards were made to Redwood Hill Townhomes and 3706 San Pablo Avenue. OHA received a new</p>	<p>This program is effective. The OHA does their best to apply for and allocate these vouchers.</p>	<p>This program is appropriate to the Housing Element.</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	<p>government for more Section 8 rental assistance for very-low-income renters through documentation of need for additional housing vouchers and contacting decision-makers at HUD if appropriate.</p>			<p>allocation of 44 Section 8 vouchers for the Northgate Terrace development to serve additional low-income families.</p> <p>However, since 2016 Section 8 cannot be expanded without additional funding from the federal government, which has not occurred; nor is any funding anticipated in the foreseeable future.</p> <p>In 2021, OHA received an allocation of 515 Emergency Housing Vouchers (EHVs). After receipt of the award, the Executive Director quickly assigned staff to an interdepartmental team to manage and oversee distribution, placement and utilization of EHVs. With the same urgency, OHA staff led the effort to execute a county-wide Memorandum of Understanding (MOU) to memorialize the important, inter-jurisdictional collaboration to lease approximately 864 Emergency Housing Vouchers. OHA awarded 49 FYI Foster Youth to Independence (FYI) vouchers, that will be effective March 2022.</p>		

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
ACTION 2.8.2	<i>City of Oakland Rental Assistance Program.</i> Support a continued partnership between the City of Oakland and a non-profit agency to provide up to \$5,000 in rental assistance grants to distressed tenants impacted by the foreclosure crisis.	DHCD – Housing Assistance Center/Strategic Initiatives	Ongoing as funds are available, 2015-23	The City partnered with Seasons of Sharing to provide rental assistance and utility assistances to low- and moderate-income Oaklanders and seniors impacted by the foreclosure crisis. This program started in 2013 with three dedicated staff, Seasons of Sharing and 3 Community Groups. The program ended in 2019 due to decreased resources.	When operated with sufficient staff and fund resources, the program served close to 90 Oakland residents per year.	Households earning 50% or less of median income, especially those earning 40% or less are most likely to require rental assistance. With the appropriate level of resources this program is appropriate based on the need of the community.
<b>POLICY 2.9: PATH Strategy for the Homeless</b>						
ACTION 2.9.1	<i>Provide outreach programs to those who are homeless or in danger of becoming homeless.</i> The City will continue to provide the Homeless Mobile Outreach Program (HMOP), which provides outreach services to people living in homeless encampments. In addition to	DHS	Ongoing, 2015-23	Under the City of Oakland Permanent Access To Housing (PATH) Strategy, Homeless Mobile Outreach Program (HMOP), regular outreach is conducted to assess the needs of unsheltered persons in encampments, transition aged youth (TAY), and the general homeless population to not only assess their needs but also to also provide the intervention necessary to direct homeless/unsheltered persons to	DHS staff believe that this program is effective given its accomplishments during this planning period.	The PATH Strategy will continue to operate to serve the homeless population in Oakland.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	<p>providing food and survival supplies, counseling and case management, the HMOP strives to encourage those living in these encampments to access available programs for housing and other necessary assistance to aid in attaining more stable living situations. The City will also continue to encourage outreach as part of the services of providers who are funded through City’s PATH Strategy to end homelessness.</p>			<p>housing options, health services and other human services.</p> <p>In early 2021, the City’s Homeless Mobile Outreach Program (HMOP) was expanded substantially, doubling FTE staff to 10 front line workers, and amended the scope of work to reflect the City’s priorities more explicitly. In so doing, the make of the outreach team is as follows:</p> <ul style="list-style-type: none"> <li>Specialist Mobile Outreach (SMO): Three teams of up to 3 staff members principally tasked with engagement and support for unsheltered homeless individuals and service details each consisting of: 1 clinical staff (master’s level) who will support all three teams, 1 substance use and/or mental health specialist, 1 generalist outreach specialist. Each SMO teams is assigned a regional zone and provide in-depth services and continuity of care to the unsheltered homeless individuals in each zone.</li> </ul>		

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
				<ul style="list-style-type: none"> <li>• Assessment, Procedures and Postings Team (APPT) consists of one team of up to 3 staff members principally tasked with assessment, mitigation, blight abatement, and implementation of procedural intervention at street-based encampments throughout the City of Oakland. In addition, this team respond to City requests to outreach and engage specific encampments, including progressive engagement model and supportive actions to increase the health and welfare of encampments and the surrounding community.</li> </ul> <p>In 2021, through such outreach efforts approximately 17,914 units of harm reduction supplies including food, water, blankets, fire extinguishers, flashlights, socks, etc. were distributed, that allowed the provision of street-based services to 895 unduplicated, unsheltered persons living in homeless encampments, in their vehicles or on the streets. Over 4,493 units of duplicated outreach and</p>		

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
				intensive case management efforts were provided to the 895 unduplicated unsheltered persons. From the outreach services to the unsheltered, 43 individuals successfully exited homelessness to positive housing destinations including permanent housing, transitional housing, shelters, and respite.		
ACTION 2.9.2	<p><i>Support programs that help prevent renters from becoming homeless.</i></p> <p>The City will support organizations that operate programs that prevent homelessness by providing emergency loans or grants for first and last month’s rent for renters, security deposits, counseling, legal assistance, advocacy and other prevention services for those dealing with default and delinquency rental housing issues. Prevention services and programs will be funded under the City’s adopted PATH Strategy to end homelessness. The City will investigate the possibility of establishing a</p>	DHCD; DHS	Ongoing, 2015-23	<p>The Oakland PATH Rehousing Initiative (OPRI) Program is a partnership with the Oakland Housing Authority, the City of Oakland &amp; several homeless service provider agencies. OPRI provides housing subsidies (funded by OHA) &amp; intensive case management (funded by the City of Oakland) to multiple populations experiencing homelessness in Oakland.</p> <p>OPRI served a total of 159 participants in FY 2020-2021. This included people living in encampments (46), people living in encampments with serious mental illness (19), seniors (8), re-entry clients (29) households with children (Abode) (7), Transitional Age Youth (23) and family households (BFWC) (10) including children (BFWC) (19). Between FY 2014-2018. 519</p>	DHS staff believe that this program is effective given its accomplishments during this planning period.	- DHS continues to provide this service as resources are available.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
	<p>funding source for an expanded rapid rehousing program both as a means to keep individuals and families at risk of falling into homelessness, as well as to improve the City’s ability to rapidly rehouse those who do fall into homelessness; this could include short term and medium term rental subsidies.</p>			<p>households were served by OPRI and 431 clients were served between FY 2018-2021.</p> <p>In FY 2019-2020 the OPRI Collaboration expanded to include a family services provider, serving 20-40 families per year with housing subsidies and case management. In addition, the City of Oakland funds programs that help formerly homeless individuals maintain housing such as Lifelong Medical Care Services in the California and Harrison Hotels.</p>		
<p>ACTION 2.9.3</p>	<p><i>Provide shelter programs to the homeless and special needs populations.</i></p> <p>The City will continue to fund programs that are in line with the City’s PATH Strategy to end homelessness. These agencies will provide housing and/or housing services that result in an outcome of obtaining and maintaining stable permanent housing for the homeless and near homeless population of Oakland. PATH</p>	<p>DHS</p>	<p>Ongoing, 2015-23</p>	<p>The City has continued to fund programs in line with the PATH Strategy. The current status of shelters include the following:</p> <p><u>Crossroads Shelter</u>                      Crossroads Shelter, funded by ESG, CDBG, and Measure Q continued to be significantly impacted by the COVID-19 pandemic throughout FY 2020-2021. Although there was no interruption to the shelter being open 365 days per year, maximum occupancy was reduced by 24 single adult beds to accommodate CDC guidelines for physical distancing/decompression.</p>	<p>DHS staff believe that this program is effective given its accomplishments during this planning period.</p>	<p>DHS staff will continue to provide this service as resources are available.</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	<p>is inclusive of the special needs populations such as those with HIV/AIDS, mental illness, and victims of domestic violence.</p>			<p>The shelter maximum occupancy went from 123 single adults, and five family units (allowing for families to share rooms, dependent upon the composition of each family), to a single bed maximum of 99 and a family maximum of five households (with no interfamily unit sharing). A total of 471 unduplicated individuals utilized the Crossroads shelter during FY 2020-2021, with 67 households exited to Permanent Housing, and 12 to Transitional Housing (with another 69 to temporary stays with friends/family).</p> <p>EOCP Crossroads - FY 2020-2021 Occupancy Totals: Max # of singles beds available nightly: 99 Max # of family units available nightly: 5 Max # annual singles bed nights available: 36,135 Max # annual family unit nights available: 1,825 Actual singles bed nights provided: 25,418; 70% Actual family unit nights provided: 1,071; 59%</p>		



**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
				<p><u>Saint Vincent de Paul Emergency Shelter</u></p> <p>The Society of Saint Vincent de Paul, funded by HHAP, continued to be significantly impacted by the COVID-19 pandemic throughout FY 2020-2021. Although there was no interruption to the shelter being open 365 days per year, maximum occupancy was reduced by 45 single adult beds to accommodate CDC guidelines for physical distancing/decompression. A total of 234 persons experiencing homelessness utilized the emergency shelter, with 6 individuals exited to Permanent Housing, and 2 to Transitional Housing (with another 13 to temporary stays with friends/family).</p> <p>Society of Saint Vincent de Paul – FY 20-21 Occupancy Totals:                      Max # of beds available nightly: 45                      Max # annual bed nights available: 16,425                      Actual bed nights provided: 15,681;                      96%</p>		

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
				<p><u>Family Matters Shelter</u>                      Family Matters Shelter is operated by East Oakland Community Project (EOCP) and provides an emergency family shelter with 72 emergency shelter beds for 20-25 literally homeless families at any time. During FY 2020-2021, a total of 117 individuals were served which included 59 children. In FY 2020-2021 the City also provided 107 spaces of safe RV parking which served 171 people.</p>		
ACTION 2.9.4	<p><i>Provide transitional housing programs to those who are ready to transition to independent living.</i></p> <p>The City will continue to fund and support as part of its PATH Strategy, transitional housing programs with services to homeless singles, families and homeless youth. By providing housing with services for up to 24 months, the program’s tenants are prepared for more stable and permanent housing. Services provided assist the tenants with issues that</p>	DHS	Ongoing, 2015-23	<p>The City has continued to provide transitional housing and supportive services to individuals (including single adults), youth, and families.</p> <p>Community Cabins were established to provide individuals living in encampments with a specific location where they can stay temporarily. Residents are housed in temporary structures. Each site serves up to 40 individuals at a time for up to 6 months. Services included wash stations, portable toilets, garbage pickup, and housing navigation (case management) services. Program goals are to increase health and safety of residents, to connect residents with</p>	DHS staff believe that this program is effective given its accomplishments during this planning period.	Department of Human Services will continue to support transitional housing programs while working to help families and individuals gain access to permanent housing. This program will continue as resources are available.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	<p>prevent them from obtaining or returning to self-sufficiency.</p>			<p>mainstream services and the mainstream homeless response system, and to end the unsheltered status of residents.</p> <p>The pilot program began in December 2017 with the opening of the first site at 6Th &amp; Castro (known as Castro Community Cabins). In May 2018, a second site was opened at 27th &amp; Northgate (known as Northgate Community Cabins). The 6th and Castro site was closed in January 2019, two more programs opened during the 2018/19 operating year; Lake Merritt Community Cabins in October 2018, and Miller Community Cabins in January 2019. Three more sites opened in FY 19/20, Mandela Parkway North, Mandela Parkway South, and Oak St. Community Cabins. As of March 2020, the Lake Merritt Community Cabins were decommissioned and currently five sites are operating Citywide. In response to the COVID-19 pandemic approximately 10-12 beds are taken offline to afford single occupancy units for those who are medically fragile. The reduction of maximum occupancy in leads to approximately 182 beds</p>		

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
			<p>total available. In addition, the 2020-2021 FY led to significant reduction in positive outcomes as a result of the multitude of challenges presented during the global pandemic including but not limited to; staffing shortages, COVID-exposures and infections, shelter in place, eviction moratoriums, reduced housing availability, etc.</p> <p>The data below is presented for FY 2020/2021:</p> <ul style="list-style-type: none"> <li>• 428 unduplicated clients served</li> <li>• 253 of those have been homeless one year or longer</li> <li>• 72 exited to permanent housing locations</li> <li>• 121 exited to transitional housing/temporary locations</li> </ul>			
ACTION 2.9.5	<p><i>Support development of permanent housing affordable to extremely-low-income households.</i></p> <p>The City will continue to seek ways to provide permanent housing affordable to extremely low income households, by supporting funding from the</p>	DHCD	Ongoing, 2015-23	The City of Oakland's NOFA for New Construction of Multifamily Affordable Housing includes a threshold requirement that 20% of units be affordable to Extremely Low-Income Households. Projects may be awarded additional points for exceeding this threshold (up to five points for rental projects, and up to 12 points for ownership projects). Rental projects	The policy is effective.	The policy is appropriate to Housing Element goals.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
	<p>state and federal levels. The City will also take actions to address barriers to the development of such housing. The City will continue to participate in the Alameda County-wide efforts that have evolved from a County-Wide Continuum of Care Council to the Alameda County EveryOne Home Plan, a road map for ending homelessness.</p>			<p>can receive additional points for serving people with special needs (5 points) and for offering permanent supportive housing units for the formerly homeless (5 points).</p> <p>The City also coordinates its scoring criteria and funding pipeline with the Oakland Housing Authority, which awards Section 8 rental subsidies, in order to further support the creation of units affordable to extremely-low-income households. The City also continues to participate in the Alameda County-wide efforts under the EveryOne Home Plan, a road map for ending homelessness. The City will continue to seek ways to provide permanent housing affordable to extremely low-income households, by supporting funding from the state and federal levels, and take actions to address barriers to the development of such housing.</p>		
<p>ACTION 2.9.6</p>	<p><i>Coordinate actions and policies that affect the extremely low income population of Alameda County.</i></p>	<p>DHCD; DHS</p>	<p>Ongoing, 2015-23</p>	<p>The City continues to participate in the Alameda County-wide efforts under County's Racial Equity Systems Modeling and Home Together plan. The Racial Equity System Modeling was completed in 2019. The City also</p>	<p>DHS and DHCD Staff believe that this policy goal is effective to publicly state the City's involvement</p>	<p>DHS and DHCD will continue to support collaboration among City Departments</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	<p>The City will continue to participate in the Alameda County-wide efforts that have evolved from a County-wide Continuum of Care Council to the Alameda County EveryOne Home Plan. The EveryOne Home Plan is a coordinated regional response seeking to streamline use of the county’s resources and build capacity to attract funding from federal, state and philanthropic sources. The City will also participate in the County-Wide system redesign process.</p>			<p>issued its own five-year framework to address homelessness in 2019. The City has been a strong partner with Everyone Home and Alameda County in the development and implementation of a Coordinated Entry System for homeless services. Coordinated Entry is a standardized method to connect people experiencing homelessness to the resources available in a community. Coordinated entry processes help communities prioritize housing assistance based on vulnerability and the severity of housing barriers to ensure that people who need assistance the most receive it in a timely manner.</p>	<p>and support of regional efforts.</p>	<p>and other regional, State and federal efforts.</p>
<p>ACTION 2.9.7</p>	<p><i>Advocate for policies beneficial to the extremely low income and homeless populations of Oakland.</i></p> <p>The City continues to advocate for an expansion of Federal funding for the Section 8 program “Moving to Work” as implemented by the Housing Authority under the title “Making Transitions Work” Program (both with the same acronym MTW).</p>	<p>DHCD; DHS</p>	<p>Ongoing, 2015-23</p>	<p>Oakland began providing Coordinated Entry for literally homeless families in the fall of 2015. Coordinated entry for all homeless populations in Oakland began in the fall of 2017 and is managed by the County as of FY 2020-2021. DHS continues to participate in monthly calls of West Coast cities, led by the U.S. Interagency Council on Homelessness. These calls provide opportunities for sharing and learning about new innovative and effective practices to address homelessness as a</p>	<p>DHS staff believe that this policy goal is effective to publicly state the City's involvement and support of Citywide efforts.</p>	<p>DHS will continue to support collaboration among City Departments and with other City agencies including the Oakland Housing Authority.</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	<p>The City is an active partner in the implementation of a county-wide housing and services plan (EveryOne Home Plan) for extremely low income and homeless persons.</p>			<p>City jurisdiction. DHS continues to work closely with the County and CoC to address homelessness locally. DHS also maintains memberships and/or supports the following agencies: National Alliance to End Homelessness; Housing California; Corporation for Supportive Housing; East Bay Housing Organizations; and other federal and State initiatives to end homelessness.</p>		
<p>ACTION 2.9.8</p>	<p><i>Sponsor-based Housing Assistance Program.</i>                      Work with the Oakland Housing Authority to assist households that otherwise might not qualify for or be successful in the traditional Public Housing and/or Section 8 programs by partnering with agencies to provide service enriched housing options that increase housing choice for special needs populations.</p>	<p>Oakland Housing Authority</p>	<p>Ongoing, 2015-23</p>	<p>The OPRI program, which began in 2010, has successfully housed 650 formerly homeless Oakland residents with subsidies provided by the Oakland Housing Authority (OHA) and services and program administration contracted by the City of Oakland.</p> <p>The COVID-19 pandemic greatly impacted the OPRI program in different facets. There was a decrease in the number of exits/step downs due to the need to remain housed under shelter in place conditions. There was also a decrease in youth participants due to extensions to exits from foster care. Lastly, the loss of jobs and economic impacts of the pandemic were experienced by OPRI clients.</p>	<p>The action is fully effective.</p>	<p>The action is consistent with the objective of providing housing for Oakland residents.</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
				However, overtime participants have been able to secure housing, find full time employment, enroll back in school and obtain support needed to address mental and emotional needs.		
<b>POLICY 2.10: Promote an Equitable Distribution of Affordable Housing throughout the Community</b>						
ACTION 2.10.1	<p><i>Provide Incentives for Location of City-Assisted Developments in Areas of Low Concentration of Poverty.</i></p> <p>In its annual competitions for the award of housing development funds, the City will give preference to projects in areas with low concentrations of poverty.</p>	DHCD – Housing Development Services	Ongoing, 2015-23	The City's New Construction of Multifamily Affordable Housing NOFA awards points to projects that help advance geographic equity (5 points) and are located in neighborhoods with strong educational quality (5 points).	The action is a necessary but not sufficient tool for advancing geographic equity.	The action is appropriate to Housing Element goals.
<b>POLICY 2.11: Affordable Housing Preference for Oakland Residents and Workers</b>						
ACTION 2.11.1	<p><i>Oakland Resident and Worker Housing Preference Policy Resolution.</i></p> <p>Continue to give first preference to households with at least one member who qualifies as a City of Oakland resident or worker. All other households will get second preference. There is no minimum length or</p>	DHCD	Ongoing enforcement, 2015-23	The City of Oakland continues to monitor the marketing plans and waitlist preferences of affordable housing to ensure that Oakland residents and workers are given preference. The City also continues to ensure that this standard was met for the First Time Homebuyer Mortgage Assistance Program.	The policy is fully effective.	The policy is consistent with the objective of providing housing for Oakland residents.



**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	residency or employment in Oakland to qualify for the resident or worker preference. The owner, developer, or leasing agent of each housing development will be required to verify residency and/or employment by collecting a Certification of Eligibility with the required documentation. The preference policy will be applied only if and to the extent that other funding sources for the housing project permit such a policy.			In 2016 the City updated a displaced person preference and a neighborhood preference. The City is pursuing Alameda County approval for the application of Oakland's resident preference for Measure A1 Funded Affordable Housing Developments.		
<b>GOAL 3: Remove Constraints to the Availability and Affordability of Housing for All Income Groups</b>						
<b>POLICY 3.1: Expedite and Simplify Permit Processes</b>						
ACTION 3.1.1	<i>Allow Multifamily Housing.</i> Continue to allow multifamily housing by right (no conditional use permit required) in specified residential zones and by conditional use permit in specified commercial zones.	Bureau of Planning	Ongoing, 2015-23	Continuing through 2021, multifamily housing continues to be permitted in Oakland.	Oakland's Planning Code has permitted multifamily housing, particularly on certain commercial streets, for decades. The zoning is effective: there have been	Multifamily housing development is a long-standing policy of the City of Oakland, and that is an appropriate policy to enact the Oakland General Plan's

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
					<p>numerous multifamily developments built in Oakland.</p>	<p>policy of concentrating new multifamily housing on the commercial streets and corridors. Staff is looking to make further changes to City regulations to expand opportunities for “missing middle” housing by permitting additional densities in single-family zones.</p>
<p>ACTION 3.1.2</p>	<p><i>Special Needs Housing.</i> Pursuant to Government Code Section 65583(a)(5), transitional and supportive housing must be considered a residential use of property and must be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. The City of</p>	<p>Bureau of Planning</p>	<p>Transitional and Supportive Housing review and update: By December 2015</p>	<p>The City's Planning Code continued to permit transitional housing in compliance with State law and allows emergency shelters by right in limited segments of the Residential Mixed Use, Urban Residential, Neighborhood Center, Community Commercial, Broadway Retail Frontage District Interim Combining Zone, Medical Center, Housing and Business Mix, and the CIX-1, CIX-2, IG, and IO Industrial</p>	<p>The zoning text amendments to the definitions for transitional and supportive housing will facilitate clarity during the development review process for these types of activities.</p>	<p>The legislation was prepared in response to State law, and is appropriate to the Housing Element.</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	<p>Oakland amended its Planning Code in July 2014 to comply with this provision. The City’s Planning Code will be evaluated and amended as appropriate for consistency with these requirements.</p> <p>Pursuant to Government Code Section 65583 and 65589.5, City of Oakland will allow emergency shelters by-right as indicated in the Oakland Planning Code Section 17.103.015.</p>		<p>Allowing Emergency Shelters By-Right: Ongoing, 2015-23</p>	<p>zones as codified by Ordinance No. 13248 (adopted July 15, 2014).</p> <p>Further, the Reasonable Accommodations policy and procedure formalized the process for persons with disabilities to seek exceptions to the zoning rules to promote equal access to housing.</p>	<p>Permitting emergency shelters by right assists with providing housing opportunities for Oakland's homeless population.</p>	
<p>ACTION 3.1.3</p>	<p><i>Discretionary Permits.</i> Continue to implement discretionary permit processes (design review, conditional use permits, etc.) in a manner that includes explicit approval criteria and approval procedures that facilitate the development of multifamily and special needs housing in appropriate areas of the City.</p>	<p>Bureau of Planning</p>	<p>Ongoing, 2015-23</p>	<p>The Planning and Building Department continues to issue discretionary design review permits for all new housing, except for Accessory Dwelling Units (ADU's) which are issued ministerially over the counter.</p> <p>For Special Needs housing, in 2016, the Planning and Zoning Division adopted amendments to the Oakland Planning Code ensuring that transitional and supportive housing is treated in the same manner as other housing facilities in the same zone.</p>	<p>Planning staff routinely uses the design review and other checklists when approving projects, and will continue to do so. These checklists are given to the public in advance of a project application, so they are also a tool for informing</p>	<p>To ensure a consistent set of design principles which apply to new residential development citywide, it is appropriate to have standard checklists for staff to review projects. It is appropriate to amend the</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
				<p>The City's reasonable accommodations procedure was also adopted in 2014, providing flexibility in the application of the Planning Code for individuals with a disability.</p> <p>While the Bureau of Planning manages a few residential development entitlements under SB330 and prioritizes processing of affordable housing and all residential development applications, efforts to streamline review are challenged by the lack of objective design guidelines and adequate staffing to process applications efficiently and effectively.</p>	<p>applicants about the standards and expectations of the City Planning division. If the City Council adopts the proposed ordinance to clarify that transitional and supportive housing (for six people or fewer) is a residential use, then applicants for transitional and supportive housing would not be required to obtain a conditional use permit, if their facility houses less than six people. While the Bureau prioritizes processing of residential development application, lack of objective design guidelines and lack</p>	<p>Oakland Planning Code to specifically clarify that the provisions of SB2 with regards to transitional and supportive housing apply to the Oakland Planning Code.</p> <p>The City is looking to make further types of housing subject to ministerial approval upon adoption of Objective Design Standards in late 2022/early 2023.</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
					of adequate staffing limit the ability to further achieve this goal.	
ACTION 3.1.4	<p><i>“One-Stop” Permit Process.</i> Continue the “one-stop” permit process that provides coordinated, comprehensive, and accurate review of residential development applications. Ensure coordination between different City departments, provide for parallel review of different permits associated with projects, and provide project coordinator services to expedite project review when needed.</p>	Bureau of Planning	Ongoing, 2015-23	<p>This process was implemented within the Bureaus of Planning and Building throughout the period.</p> <p>In 2021, the City launched a "Re-Imagining One Stop Permitting" (ROSP) initiative to coordinate and align permitting processes across several City departments, including: Planning and Building, Oakland Department of Transportation, and Oakland Public Works. This effort was implemented in early 2022.</p>	This action is an effective method of providing coordinated, comprehensive, and accurate review of residential development applications.	The action is appropriate to the housing element.
ACTION 3.1.5	<p><i>Assign Priority to Affordable Housing.</i> Continue to assign priority to the review of affordable housing projects through an expedited review process and other techniques.</p>	Bureau of Planning	Ongoing, 2015-23	<p>The City continued to implement this process during the planning period. Permit applications for affordable housing developments, as with other multifamily projects, are "deemed complete" within 30 days of submittal. The City processed its first SB35 affordable housing case in 2018, which waives discretionary review for proposals that meet certain criteria,</p>	Planning staff coordinates with the City's Housing staff on design review and land use permitting details for affordable housing projects.	Planning staff is appropriately assigning priority to affordable housing projects, when they are submitted for entitlements.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
				<p>and has continued to process cases under SB35.</p> <p>In 2019, the City amended the Planning Code to allow emergency shelter facilities to be constructed without discretionary review to greatly speed up the process.</p> <p>In 2021, the City has prioritized the review of entitlements for affordable housing above most other types of applications. The City currently expedites residential applications in accordance with SB35.</p>		
ACTION 3.1.6	<p><i>Expedite Environmental Review.</i></p> <p>Reduce the time and cost of environmental review by using CEQA exemptions, the City’s Standard Conditions of Approval, and focused and tiered Environmental Impact Reports, as appropriate.</p>	Bureau of Planning	Ongoing, 2015-23	<p>Oakland uses CEQA exemptions for development projects, where appropriate. See detailed response in Action 1.1.3.</p> <p>In January 2022, new ADU legislation was adopted by City Council to synchronize our regulations with those of the State. In 2019, the City amended the Planning Code to allow emergency shelter facilities to be constructed without discretionary review to greatly speed up the process.</p>	The City is continually evaluating its standards, procedures and permit process to allow development of multifamily, market-rate and affordable housing, within the restrictions of CEQA.	City staff considers streamlined environmental review, within the restrictions of CEQA, to be an appropriate ongoing project for staff.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
				<p>Reliance on Specific Plan EIRs (such as the Broadway Valdez Specific Plan EIR) for residential and other development applications effectively streamlines environmental review for desired development.</p>		
<p>ACTION 3.1.7</p>	<p><i>Secondary Units.</i> Continue to encourage the construction of new secondary units and the legalization of existing non-conforming secondary units to bring those units into compliance with current zoning and building standards.</p>	<p>Bureau of Planning</p>	<p>2015-2016</p>	<p>The City has continually adopted new ADU regulations to remain in compliance with State law. Between 2016-2021 (the period during which State HCD has required that jurisdictions report the number of ADUs permitted for the Annual Progress Report) 1,049 ADUs were permitted. In 2021 alone, the City permitted 274 ADUs.</p> <p>Most recently, a proposal went before City Council on December 21, 2021 and was adopted in January 2022 to allow additional building envelope expansion for "small lots," additional height limits to create two-story ADUs, provisions for reduced setbacks, amnesty and enforcement delay program for currently un-permitted ADUs, and a number of other proposals designed to make creation of ADUs more affordable and more accessible to different income groups.</p>	<p>This action has been effective in ensuring there are no local constraints to ADU development.</p> <p>Since the new proposal has not been adopted yet, it is not yet possible to evaluate its effects. It is important to acknowledge that wealthier residents have more resources to create ADUs in general, so additional support for lower-income residents is necessary for</p>	<p>The proposed ordinance amendments together with the project review streamlining requirement and private and public ADU assistance initiatives are appropriate to support the goals of the Housing Element. Expansion of the private and public programs to support the ADU applicants would further enhance access to ADUs for</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
				<p>In addition, a new City program administered by Oakland HCD was created to assist lower-income applicants with legalizing their existing un-permitted units. This program has secured a \$3M State grant to create more ADUs that are safe to inhabit. Also, a privately-funded program Keys to Equity is helping lower-income applicants—many of whom are BIPOC residents—to build ADUs to either provide a rental income or provide for multi-generational households and remain in the community.</p>	<p>equitable distribution of the benefits this new ADU policy will create.</p>	<p>applicants of all income groups.</p>
<b>POLICY 3.2: Flexible Zoning Standards</b>						
ACTION 3.2.1	<p><i>Alternative Building Code Standards.</i> Continue the use of alternative accommodations and equivalent facilitation of the California Building Codes to address the special housing needs of persons with disabilities and to facilitate the rehabilitation of older dwelling units. (See Actions 4.1.1 and 4.1.2 for housing rehabilitation actions and Action 6.2.1 for</p>	Bureau of Planning	Ongoing, 2015-23	<p>The City continues to search and to utilize alternative building code standards to remove any constraints to availability and affordability of housing. In 2021, the City allowed strawbale construction as alternative construction.</p>	This action is effective.	<p>This action is appropriate; the City will continue to review processes and procedures to allow for alternative construction methods.</p>



**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	reasonable accommodations for persons with disabilities).					
ACTION 3.2.2	<p><i>Planned Unit Development Zoning.</i></p> <p>Maintain the provisions in the Planning Code for planned unit developments on sites where the strict application of zoning standards could make development less feasible. Consider reducing the minimum lot area requirement for residential planned unit developments (PUD).</p>	Bureau of Planning	Ongoing, 2015-23	While the City of Oakland has a PUD permit, it does not have PUD zoning. The PUD permit allows for the application of flexible development standards; staff educates applicants about this flexibility and applicants are encouraged to take advantage of these regulations, to ease entitlement of very large development projects that would otherwise be difficult to entitle. During this time period, the PUD permit has been used to maximize residential development at Oak Knoll, Brooklyn Basin, Mandela Station, Lake Merritt BART TOD, Jack London Square, 500 Kirkham, and MacArthur BART. In addition, applicants are currently taking advantage of these regulations for proposals, including Howard Terminal and CCA.	PUD regulations relax standards to allow for ease of delivery of residential development. This policy is effective for entitlement of large sites.	This is an appropriate for easing delivery of large numbers of residential units through a small set of entitlements.
ACTION 3.2.3	<p><i>Flexible Parking Standards.</i></p> <p>Study and consider implementing reductions in the parking standards in any future Planning Code revisions. Consider expanding the reduced open space requirements as</p>	Bureau of Planning	2014-2017	<p>In 2015, City staff began public outreach through community meetings to propose new parking standards.</p> <p>In 2016, the City adopted new parking standards, including no parking required in the Central Business</p>	The action is effective.	The action is appropriate

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	stated in the Broadway Valdez District zoning regulations (codified in Planning Code Section 17.116.110D) citywide.			District and innovative parking reduction methods in other parts of the city.  In 2019, the City reduced the parking requirements for multifamily projects further simplifying the process. Also in 2019, the City amended the Planning Code to allow emergency shelter facilities to be constructed without discretionary review to greatly speed up the process.		
ACTION 3.2.4	<i>Reduced Open Space Requirements.</i> Consider expanding the reduced open space requirements as stated in the Broadway Valdez District zoning regulations (codified in Planning Code Section 17.101C.050B) citywide.	Bureau of Planning	2014-2017	In 2020, the Draft Downtown Oakland Specific Plan was released, including policies and actions for improving existing open space and parks, as well as allowing publicly accessible open space to satisfy open space requirements (rather than private open space requirements) and allowing developers to contribute to off-site open space to provide greater flexibility to meet open space requirements. The zoning regulations that will implement the Downtown Oakland Specific Plan are in development, to be adopted along with the Plan in 2022, and will include open space standards, however, study of significant changes to the DOSP	These changes have not yet been adopted but are anticipated to be considered in late 2022 to remove constraints to the development of housing and encourage provision of publicly accessible open space, which contributes to more livable neighborhoods for lower-income residents.	This is an appropriate step to remove constraints to the development of housing. As described under “Status of Implementation,” this program is being considered for expansion into the DOSP area. This action is appropriate for the DOSP area

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
				area's open space development requirements will be completed as a near-term implementation step.		and for further consideration in additional zoning areas.
<b>POLICY 3.3: Development Fees and Site Improvement Requirements</b>						
ACTION 3.3.1	<i>Project Review Process and Development Agreements.</i> Continue to require only those on- and off-site improvements necessary to meet the needs of projects and to mitigate significant on- and off-site environmental impacts.	Bureau of Planning	Ongoing, 2015-23	This action is limited in its application but can be very effective. Development Agreements (DA) can allow for delivery of increased and/or expanded affordability for residential projects. There are no newly adopted DAs since before 2015. There are three DA applications currently under review, including an amendment to the Brooklyn Basin DA.	This policy has the potential to be very effective, depending on policy maker discretion. Staff is currently seeking to boost residential affordability through DA applications.	This action is still appropriate for the 2023-2031 Housing Element period.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
ACTION 3.3.2	<p><i>Development Impact Fees.</i></p> <p>Consider transportation, capital improvement and housing impact fees to mitigate impacts on City infrastructure and services while balancing the costs to support new development. The City will be issuing a Request for Proposals (RFP) during the Housing Element planning period for an impact fee study that will consider transportation, infrastructure, and affordable housing. The RFP released July 8, 2014 requires that the contractor do an analysis of residential development costs and the market for both rental and owner-occupied housing in Oakland. (See also Action 2.7.2.)</p>	Bureau of Planning	Ongoing, 2015-23	<p>On May 3, 2016, the City Council adopted the Affordable Housing Impact Fees Ordinance. Development projects submitting building permit applications on or after September 1, 2016, are subject to the fees.</p> <p>In December 24, 2021, the City completed the Annual Report for Fiscal Year Ended June 30, 2020. See this link for the report: <a href="https://cao-94612.s3.amazonaws.com/documents/Annual-Impact-Fee-Report-FY-20-21-122421-corrected-page-numbers.pdf">https://cao-94612.s3.amazonaws.com/documents/Annual-Impact-Fee-Report-FY-20-21-122421-corrected-page-numbers.pdf</a></p> <p>On December 24, 2021, the City completed and published the 5-Year Impact Fee Review and Update.</p>	This program has been effective in collecting \$17,584,503 in affordable Housing Impact Fees since 2016 and accessing a total of \$51,479,953 with an expected additional \$33,895,450 to be collected once the developments are under construction and completed.	This program is appropriate for the Housing Element
<b>POLICY 3.4: Intergovernmental Coordination</b>						
ACTION 3.4.1	<p><i>Multiple Agency Reviews.</i></p> <p>Continue to coordinate multiple agency reviews of residential development proposals when more than</p>	Bureau of Planning	Ongoing, 2015-23	The City continues to coordinate multiple agency reviews of residential development proposals when more than one level of government is required for project review. When	HDS has generally been effective at coordinating among different governmental	This policy is appropriate.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	one level of government is required for project review.			possible, we time the release of our Notice of Funding Available (NOFAs) to be consistent with the timeline of State and federal programs.	agencies in reviewing residential developments.	
ACTION 3.4.2	<i>Allocation of Project-based Section 8 Units.</i> Reduce costs and achieve greater cost effectiveness by allocating project-based vouchers, when possible, using an existing competitive process initiated by the City of Oakland, as funding and other program consideration allows.	Oakland Housing Authority	Ongoing, 2015-23	Per this policy, the Oakland Housing Authority matches its scoring criteria for allocation of Project-Based Vouchers (PBV) to the City's scoring criteria for NOFA applications.  See www.oakha.org for the Annual MTW FY 2021 report - Activity #06-03 discusses allocation of project-based vouchers through existing competitive processes. Appendix C shows allocations of project-based vouchers across all projects. As of FY 2021, there are 5,135 PBV units allocated.  See Action 5.1.4 for more information about voucher allocations.	The policy is an effective means of promoting intergovernmental coordination and maximizing the benefit of voucher subsidies.	The policy is appropriate to Housing Element goals.
<b>POLICY 3.5: Financing Costs</b>						
ACTION 3.5.1	<i>Access to Low-Cost Financing for Development.</i> Continue to assist affordable housing developers in obtaining financing for their projects. (See actions under Policy 2.1.)	DHCD – Housing Development Services	Ongoing, 2015-23	City funds awarded to affordable housing developers are offered on favorable terms, including a 3% simple interest rate, payment of principal and interest due from excess cash flow from operations after payment of operating costs, senior debt, reserves	The policy is a core component of the City's strategy to provide housing to low-income households.	The policy is appropriate to Housing Element goals.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
			<p>and developer fee, and a 55-year loan term. The City works with affordable developers to set loan terms in a way that will help maximize their ability to leverage funding from banks and other lending agencies. The City also coordinates with developers to help ensure that they qualify for additional funding from county, state, and federal sources.</p> <p>For more information about NOFA funds committed recently, please see Action 2.1.1.</p>			
ACTION 3.5.2	<p><i>Access to Low-Cost Financing for Home Purchase.</i></p> <p>Continue to implement homebuyer assistance programs for low- and moderate-income households. (See Action 2.2.1.)</p>	DHCD – Housing Development Services	Ongoing, 2015-23	<p>The City continued to operate First Time Homebuyer Programs as funding was available (either through State funding or through program-related income). In 2021 the MAP program made one loan with the last \$15,000 of program funds to assist a first-time homebuyer. In 2015-2021 the programs issued 121 loans totaling \$6,782,346.</p> <p>See also Action 2.2.1.</p>	The programs are very effective in assisting low- and moderate-income homebuyers to acquire homes, in slowing the effects of gentrification, and in providing equitable opportunities for ownership and wealth-building among disadvantaged communities.	The goals are achieved when down payment assistance is provided to assist low- and moderate-income buyers with low access to assets and credit to secure long term affordable housing through ownership, the greater

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
						community benefits by retaining a diversity of homeowners including those earning low- to moderate-incomes.
<b>POLICY 3.6: Environmental Constraints</b>						
ACTION 3.6.1	<p><i>Remediation of Soil Contamination.</i></p> <p>Explore possible funding sources and other ways to assist prospective housing developers in addressing soil contamination on potential housing sites. If appropriate funding can be identified, develop and implement a remediation assistance program.</p>	Housing & Community Development	Investigate potential funding sources	<p>There has been no new action since 2015.</p> <p>The City no longer operates the EPA's Revolving Loan Program due to a lack of staffing and currently identified environmentally-challenged small infill brownfield sites that would qualify for the program. However, the City can re-apply for the program when staffing and sufficient qualifying opportunities are available. As private development projects are proposed, City staff will explore the needs and possibly apply for assessment and cleanup grants for eligible sites, as needed. Other potential funding sources such as the Leaking Underground Storage Tank Fund can also be evaluated for applicability on a site-by-site basis.</p>	The policy does not outline a clear plan of action. City staff have carried out or assisted with environmental remediation on an ad hoc basis.	The goal is appropriate but does not delineate a clear program or funding stream for implementation.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
<b>POLICY 3.7: Community Outreach and Education</b>						
ACTION 3.7.1	<i>Community Outreach Program.</i> Continue to periodically meet with housing advocacy groups and neighborhood organizations to educate the public on affordable housing and reduce community opposition to affordable housing developments.	Bureau of Planning; Housing & Community Development	Ongoing, 2015-23	The City has continued to regularly attend meetings with East Bay Housing Organizations (EBHO), a local membership organization that conducts advocacy and policy work for affordable housing. It has also held ad hoc meetings with stakeholders about new housing programs and policies as needed. Affordable housing project sponsors are typically required to act as the lead organization in conducting outreach on specific projects, providing evidence of community support as a condition of receiving local and federal funds. The City has also engaged in direct outreach on specific projects on occasion as needed.	While quantitative data is not available to evaluate the effectiveness of community outreach, experience suggests that it has been an effective means of generating support for affordable housing.	While advocacy is an important tool for achieving Housing Element goals, it may not be properly suited to City staff to carry out such goals. The action may need to be refined to clarify role of City.
<b>GOAL 4: Conserve and Improve Older Housing and Neighborhoods</b>						
<b>POLICY 4.1: Housing Rehabilitation Loan Programs</b>						
ACTION 4.1.1	<i>Rehabilitation Loan Programs for Owner-Occupied Housing.</i> Provide loans for correction of code violations, repair to major building systems in danger of failure, abatement of lead-based paint hazards,	DHCD – Residential Lending Services	Ongoing, 2015-23	The City continued to provide rehabilitation loans to moderate- and low-income homeowners contingent on availability of funding for the correction of major code violations/deficiencies, emergency repairs, lead-based paint abatement, and Access Improvement Program for	The action is an effective means of repairing housing in danger of major code violations/deficiencies, and prevents health risks,	The action is appropriate; it is aligned with the Housing Element and preserving and protecting the City's



**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	minor home repairs for seniors, and emergency repairs, using the following programs: <ul style="list-style-type: none"> <li>• HMIP Deferred Loan Program</li> <li>• Alameda County Minor Home Repair Grant Program</li> <li>• Emergency Home Repair Program</li> <li>• Lead Hazard Control and Paint Program</li> <li>• Neighborhood Housing Rehabilitation Program</li> <li>• Access Improvement Program</li> <li>• Weatherization and Energy Retrofit Loan Program</li> </ul>			disabled homeowners, though existing Rehabilitation Programs.	community deterioration, and blight.	existing housing stock.
ACTION 4.1.2	<i>Rehabilitation Loans for Owner-Occupied Buildings With 2 To 4 Units.</i> Use the City’s HMIP Loan Program for owner-occupied buildings of 1-4 units. In structures with 2 to 4 units,	DHCD – Residential Lending Services	Ongoing, 2015-23	The City continued to provide rehabilitation loans to moderate- and low-income homeowners contingent on availability of funding for the correction of major code violations/deficiencies, emergency repairs, and lead-based paint	The policy is an effective means of repairing housing in danger of major code violations/deficiencies, and prevents	The policy is appropriate for repairing housing in danger of major code violations/defici

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	the rental units may also be rehabilitated using funds from this program.			abatement, though existing Rehabilitation Programs.	health risks, community deterioration, and blight.	encies, and prevents health risks, community deterioration, and blight.
<b>POLICY 4.2: Blight Abatement</b>						
ACTION 4.2.1	<i>Anti-Blight Programs.</i> Implement a variety of programs to reduce blighting conditions that can lead to disinvestment and deterioration of the housing stock. These include enforcement of blight regulations, graffiti abatement, boarding up of vacant buildings, and a Clean Oakland Program.	Bureau of Building	Ongoing, 2015-23	Code Enforcement Services continues to respond to neighbor complaints of property maintenance.	The program is effective with the proper resources.	The City's Building Services department will continue the programs and look for additional resources and the department is beginning to add more staff with help from the City's general fund.
ACTION 4.2.2	<i>Housing Code Enforcement.</i> Enforce housing codes to ensure decent, safe, and sanitary housing conditions. Orders to abate will be followed up with additional actions. The City may correct deficiencies itself and then place a lien against the	Bureau of Building	Ongoing, 2015-23	Code Enforcement Services continues to respond to tenant complaints of housing maintenance.	Given current methods of program execution, at the moment only the most egregious cases need enforcement efforts. The Bureau is moving toward a	The Building Services Department will continue this program and continue to look for more effective and efficient methods of

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	property for the cost of the repairs.				proactive rental program to conserve/improve the older housing stocks.	addressing housing violations in the city.
ACTION 4.2.3	<i>Problem Properties Program.</i> City Staff will resolve public nuisance housing through joint enforcement actions of Code Enforcement, Police, Fire, and Alameda County Department of Environmental Health. Enforcement actions will include financial penalties and incentives.	Bureau of Building	Ongoing, 2015-23	Code Enforcement Services continues to respond to complaints of property and housing maintenance issues that involve abatement interference with contractors on problem properties.	The program is effective with the proper resources.	The City's Building Services department will continue the programs and look for additional resources and the department is beginning to add more staff with help from the City's general fund.
ACTION 4.2.4	<i>Foreclosed and Defaulted Residential Property Registration, Inspection and Maintenance Program.</i> The City of Oakland's Foreclosed and Defaulted Residential Property Registration, and Abatement Program (O.M.C. 8.54) requires owners or the beneficiary and/or trustee	DHCD – Housing Assistance Center/Strategic Initiatives	Ongoing, 2015-23	In 2015—since the Foreclosed and Defaulted Residential Property Registration, Inspection and Maintenance Program was strengthened to include defaulted properties in the fall of 2012—over 3,000 foreclosed or defaulted properties were registered (with 700 remaining active). The City continues to operate this program, although the number of registered properties	The program is effective with the proper resources.	The City's Building Services department will continue the programs and look for improvement to the program.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	<p>pursuing property foreclosure and/or their agents to register, inspect, and potentially maintain their residential properties to protect the health and safety, livability, appearance and social fabric of our neighborhoods. Code Enforcement pro-actively monitors registered properties for trespassers, blight, pollutants, and vectors. Enforcement actions include financial penalties for un-maintained properties or registration violations.</p>			<p>decreased significantly over the period. In 2021, about 31 foreclosed or defaulted properties were registered.</p>		
<p>ACTION 4.2.5</p>	<p><i>Tax Default Properties Program.</i> City staff will continue to work with the Alameda County Tax Collector, to auction properties that are both tax defaulted and that have extensive Code Enforcement liens. The program takes advantage of the City’s right of first refusal to purchase such properties. This program allows for City</p>	<p>Bureau of Building</p>	<p>Ongoing, 2015-23</p>	<p>During this period, City staff supported the Alameda County Tax Collector in its efforts to auction properties that are both tax defaulted and that have extensive Code Enforcement liens. The City encouraged and supported, where possible, non-profit partners to exercise their right of first refusal to purchase and rehabilitate such properties. The goal of these actions was to facilitate the rehabilitation and reuse of existing, distressed housing stock. The City does not intend to</p>	<p>The City conducted a pilot program to purchase and rehabilitate tax defaulted properties with a non-profit partner beginning in 2012. Since that time, however, the City has continued to pull properties from auction but</p>	<p>Acquisition and rehabilitation of distressed properties benefits when driven by small, nimble and focused actors. It is more appropriate at this time that the City defer to, encourage and,</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	to leverage its investment of Code Enforcement dollars by targeting third party purchases to small local developers of vacant problem properties. The goal of this program is to quickly rehabilitate housing stock for resale to affordable housing qualified applicants.			<p>exercise its own right of first refusal and take title to such properties, so as to avoid complications and delays that may arise from public ownership and focus limited City resources on other higher-impact housing actions.</p> <p>In January 2022, DHCD received a Breakthrough Grant from San Francisco Foundation to support a fellow and a community partner in creating an emerging developer program, part of which would look at the tax defaulted properties as a potential source of projects for emerging developers.</p>	has not consistently followed through in purchasing and rehabilitating the subject properties due to lack of resources, loss of institutional memory and other factors.	where possible, support its partners in purchasing tax defaulted properties rather than itself purchasing such properties.
ACTION 4.2.6	<p><i>Investor-owned Property Registration, Inspection and Maintenance Program.</i></p> <p>The City of Oakland’s Investor-owned Residential Property (IORP) Registration, Inspection and Rehabilitation Program (O.M.C. 8.58). In order to address the decline of neighborhood livability and health and safety problems that have arisen from high levels of foreclosure activity</p>	DHCD – Housing Assistance Center/Strategic Initiatives	Ongoing, 2015-23	Designed to manage the downstream effects of foreclosure, the IORP program was implemented in March of 2013 to enforce the registration, City inspection, and abatement requirements contained in OMC 8.58. The majority of violations found during these inspections have been related to blight and vandalism incurred during the foreclosure process and unpermitted work performed by the former owner or the investor that purchased the property with the intent to re-sell.	The program is effective with the proper resources.	The City's Building Services department will continue the programs and look for improvement to the program.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
	<p>in Oakland, the Oakland City Council passed an ordinance designed to address issues of deferred maintenance or property neglect associated with properties in the foreclosure process. This program requires non-owner occupant buyers of properties that have a default or foreclosure history to register and arrange for an inspection by Building Services. A City inspector will then assess whether the property conditions meet the local building or housing codes or whether blight abatement or rehabilitation work is needed. If the property is found to be in violation of City code requirements, the inspector will work with the new owner on an abatement plan.</p>			<p>In 2021, about 19 investor-owned properties were registered.</p>		
<b>POLICY 4.3: Housing Preservation and Rehabilitation</b>						
ACTION 4.3.1	<i>Historic Residential Building Relocation.</i>	Bureau of Planning	Ongoing, 2015-23	Historic Preservation Element Policy 3.7, 'Property Relocation Rather Demolition,' recommends 'reasonable	In 2015 three houses were moved to new	Building moves occur very rarely, unless

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	<p>Notify the public of the opportunity to purchase and relocate a residential building, prior to its demolition for a public improvement project.</p>			<p>efforts to relocate the properties to an acceptable site’ and references relocation effort as a ‘standard condition of approval for... removal of any residential building’ at the time the Historic Preservation Element was written. Requirements include advertising buildings’ availability and contributing what would have been the cost of demolition toward the move. Work is entirely in the private sector as there are no City funds available to support these efforts financially. The main obstacles include finding available land, purchasing that land, and approving a complicated array of permits quickly.</p>	<p>sites where they continued in low-density residential use. Availability of land was by chance, where nearby owners happened to have sites. Two houses were displaced by Children’s Hospital expansion and one in Fruitvale was accepted by an owner whose previous building had burned. Since then, there have been several efforts to relocate houses in West Oakland and the Broadway Valdez Specific Plan area, but development pressure seems too great to find available move-on sites or get the older buildings incorporated into</p>	<p>there is a major dislocation such as the 980 freeway construction that sent houses to both Preservation Park (museum and office uses) and to Oak Center (residential) under Redevelopment’s auspices in the 1980s. This is an appropriate way to conserve housing stock, but will never affect a large number of units unless large amounts of land somehow become available. Regardless, the City will continue to keep</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
					new high-density development projects.	this policy under the auspices of the Planning and Building Department.
ACTION 4.3.2	<i>Housing Repairs for Seniors and People with Disabilities.</i> Support home repair program offered by a local nonprofit organization to assist low-income seniors and people with disabilities to remain independent by rehabilitating their homes. Citywide services are contingent upon award of funding.	DHCD – Community Development Block Grant Program	Consider funding program in next Housing Element Program Round	The City continued to provide rehabilitation loans and grants to moderate-, low-, and extremely-low-income homeowners including seniors and people with disabilities for the correction of major code violations/deficiencies, emergency repairs, lead-based paint abatement, and accessibility modifications. Program availability is contingent on funding availability. A program specifically targeting only low-income seniors would require additional funding sources for implementation.	This program has been effective in assisting senior citizens and people with disabilities with housing rehabilitation so that they may remain in their homes.	The policy is appropriate to Housing Element goals in supporting seniors and disabled homeowners.
ACTION 4.3.3	<i>Access Improvement Program.</i> Provide grants to owners of rental and owner-occupied housing to make accessibility modifications to accommodate persons with disabilities.	DHCD – Residential Lending Services	Ongoing, 2015-23	The City continued to provide Access Improvement grants to low- and extremely-low-income homeowners and tenants contingent of funding availability. Grant funds are designated for accessibility modifications to accommodate persons with disabilities.	This program has been effective.	The policy is appropriate to Housing Element goals in supporting seniors and disabled homeowners.
ACTION 4.3.4	<i>Scattered-site Single Family Acquisition and Rehabilitation Program.</i>	DHCD – Housing Assistance	Program implementation	The Oakland Community Buying Program acquired 26 sites in 2017 and of those, 24 were placed for	The program has been effective at turning blighted	The mechanism to clear liens and use developer



**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	<p>City staff and non-profit partners have developed the Oakland Community Buying Program that will address vacant or abandoned housing due to foreclosures or property tax liens. Startup funds for this program have been identified. Funding will be used to provide long term affordability of new housing developed. The final housing products will be single family homes for re-sale, lease-to-own, or for rent (see also Action 2.2.2).</p>	<p>Center/Strategic Initiatives</p>	<p>beginning 2014-15</p>	<p>development and sale to moderate income homebuyers through the Oaktown Roots Affordable Homes pilot program. In calendar year 2021 the Oaktown Roots pilot program received 5 applications. Six households completed purchases of newly built single-family homes that were previously blighted lots. One additional home is nearly complete, and 5 parcels remain to be developed. In the period 2015-2021 there were 18 units developed and closed.</p> <p>In 2021, the Oakland Community Land Trust was awarded \$4,050,000 for three projects totaling 22 units and a Scattered Site Single Family Lease to Own Project, dedicated to the creation and preservation of affordable housing. The funds are available thanks to the 2016 voter-approved City Bond Measure KK. Oakland Community Land Trust (OakCLT) and the Bay Area Community Land Trust (BACLt) will develop four projects that preserve affordable housing for 28 Oakland households earning up to 80 percent of Area Median Income (AMI), or \$73,100 for a single-person household.</p>	<p>properties to new construction single-family dwelling for larger households.</p>	<p>capital to create single-family dwellings remains feasible, however will need review if development costs continue to rise faster than incomes in the area. In 2021 the feasibility was reduced due to steep development cost increases; a boot of subsidy may be needed to maintain feasibility of future projects using this model.</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
				See also Actions 2.2.2 and 2.2.4.		
ACTION 4.3.5	<p><i>Continuing Implementation of Mills Act Contracts.</i></p> <p>The City will continue to offer several Mills Act contracts a year to stimulate the restoration and maintenance of designated historic properties through property tax reductions, as authorized by State law.</p>	Bureau of Planning	Ongoing, 2015-23	<p>Owners receive a property tax reduction in exchange for a long-term contract to put the property's tax savings into the rehabilitation of the building. The program was adopted as a recommended action of the West Oakland and Central City East Redevelopment Plans, though it is not restricted to those areas. The property must be a Designated Historic Property. The designation by Landmarks Board often occurs concurrently with the Mills Act application. Oakland's first Mills Act contracts were recorded in 2008.</p>	<p>As of 2021, the fourteenth year of the program, there are about 92 residential properties (out of 97 properties total) with recorded Mills Act contracts. The largest number are in Council Districts 2 and 3, where Oakland's oldest and largest buildings are concentrated. The City ordinance establishes annual caps on tax revenue reductions, and the practical limit on new contracts is usually about ten a year. The tax assessment formula established by</p>	<p>This program is an appropriate and popular way to conserve and create housing stock, though it will never affect a vast number of units. Program participation requires a fairly high level of planning and building sophistication and long-term commitment and follow-through. Work under the Mills Act has included seismic strengthening, reversal of inappropriate alterations, residential conversion of commercial and</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
					State law favors recent buyers with high assessments over longtime owners. Building rehabilitation is assisted not only by the Mills Act tax savings, but by the eligibility of historically designated properties to use the performance-based California Historical Building Code.	industrial buildings, and restoration and reactivation of a large blighted and abandoned former rest home near the 580 freeway.
ACTION 4.3.6	<p><i>Rehabilitating Public Housing.</i></p> <p>Focus investment of Oakland Housing Authority’s Making Transitions Work funds into rehabilitating current public housing or project-based voucher units in order to increase housing options for low-income families, improve the quality of housing for families, and improve the neighborhoods</p>	Oakland Housing Authority	Ongoing, 2015-23	OHA continued to rehabilitate affordable housing units during the period. Oakland Housing Authority (OHA) also plans on converting some mixed-finance properties with public housing units to Rental Assistance Demonstration (RAD) Project Based vouchers. OHA intends to use the RAD program to provide a more stable financing platform than public housing in order to facilitate any future re-financings of the included redeveloped mixed income properties and also to streamline property management and	This policy action is effective. During the State’s economic and foreclosure crisis, OHA preserved 1,615 former public housing units by moving the 249 properties onto the Section 8 Project Based rental assistance program through	This policy action is appropriate to the housing element. With HUD defunding the operating funds for both maintaining and rehabilitating public housing inventory, OHA has pursued multiple

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	and communities surrounding the housing.			<p>asset management processes for these projects. During FY 2021, OHA held an initial RAD tenant meeting for Lion Creek Crossing Phases 1-4, which include a total of 157 public housing units that may be converted to project-based vouchers.</p> <p>OHA uses MTW funding flexibility to address deferred maintenance in its PBV portfolio, OAHPI, and typically averages between 50-75 major unit rehabilitations annually, both preserving and improving this housing stock.</p> <p>In FY 2021, OHA continued the substantial rehabilitation of the following affordable housing projects:</p> <ul style="list-style-type: none"> <li>• Oak Grove North and Oak Grove South – a 151-unit senior housing development comprised of two buildings. The project was converted to a tax credit partnership with 149 project-based vouchers through a HUD approved disposition.</li> <li>• Harrison Towers was also approved for disposition and</li> </ul>	<p>HUD’s Section 18 Disposition process, which dramatically increased the operating revenue to the properties allowing for their on-going replacement and restoration. A long outstanding disposition application that was originally submitted in 2010 was revamped, resubmitted, and approved in FY 2019 to dispose of 253 units of public housing across three senior sites and planning for the extensive rehabilitation was ongoing during the FY. Following that model, during FY 2019 OHA planned for the conversion</p>	<p>strategies such as Section 8 disposition and RAD conversion to convert and preserve affordable housing stock to more financially viable programs with more flexible financing options.</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
				<p>during FY 2021 continued predevelopment activities. Changes to the State of California’s tax-exempt bond allocation procedures in late 2020 have resulted in delays in securing the bonds and 4% Low Income Housing Tax Credits necessary to finance the critical repairs and seismic upgrades to the building. The revised projected closing date is 4th quarter 2022.</p>	<p>of 261 public housing units in mixed finance developments and plans were created to convert to RAD Section 8 Vouchers beginning in late 2019. These strategic moves have positioned the agency to be successful through future funding challenges allowing the agency to be less reliant on threatened funding streams and to generate revenue to sustain the agency going forward.</p>	
<p>ACTION 4.3.7</p>	<p><i>Proactive Rental Inspection Policy.</i> Develop new policy to require registration and inspection of existing City market-rate rental units to</p>	<p>DHCD – Housing Assistance Center/Strategic Initiatives</p>	<p>Program implementation beginning 2014-15</p>	<p>The Safe Housing Inspection Pilot Program (SHIP) concluded in 2016 – proactively inspecting approximately 1,200 rental units in 140 buildings.</p>	<p>The program will be implemented upon approval from the City Council.</p>	<p>The program will be implemented upon approval from the City Council.</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	confirm code compliance and habitability.			In 2021, the program development process is almost completed for implementation to inspect 20% of all rental units.		
ACTION 4.3.8	<p><i>Mitigate Loss of Units Demolished by Public or Private Actions.</i></p> <p>Consider developing a new policy to comply with the spirit of Government Code 65583(c)(4) that states: “Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.”</p>	DHCD; Bureau of Planning	Program implementation beginning 2015	<p>Planning Code Section 17.102.230, which requires a Conditional Use Permit and the provision of replacement units if Residential Hotel Units are converted or demolished, was not changed in 2021.</p> <p>In 2021-2022, the Planning &amp; Building Department has been in the process of updating the City’s existing Density Bonus Ordinance in compliance with State law (California Government Code Sections 65915 through 65918). This includes a provision clarifying implementation of required replacement units in density bonus projects when existing rent-controlled or affordable units will be demolished.</p> <p>In addition, in 2021, the Planning Bureau updated its basic application form to include questions for all applicants (regardless of the type of project they are applying for) about whether there are existing tenants and/or affordable units on site, and</p>	This action has been effective in preventing demolition of Residential Hotel units. In addition, implementing the new provisions of State Density Bonus law and updating the basic application for projects is effective by alerting Staff of existing conditions and the applicants of requirements for the replacement of affordable and rent controlled units.	This action is appropriate for the Housing Element.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
				<p>whether any tenants will be displaced due to the project.</p> <p>See also Action 5.4.1.</p>		
<p>ACTION 4.3.9</p>	<p><i>Seismic Safety Retrofit Policy.</i></p> <p>Develop and explore funding sources for a new seismic retrofit policy, coupled with tenant protections, to preserve about 14,000 soft story housing units in Oakland’s flatland neighborhoods at risk for destruction in a major earthquake. A low interest loan fund may be possible through combining available public monies with private capital or alternatively through issuing a new bond, which would require voter approval.</p>	<p>DHCD; Bureau of Planning</p>	<p>Program implementation beginning 2015</p>	<p>Two applications for FEMA Hazard Mitigation Grant Program (HMGP) funding were applied for in 2016 and \$4.5MM for each was awarded in 2018, providing 9MM total in administrative and project cost reimbursement for two seismic retrofit programs: Earthquake-Safe Homes Program (ESHP: One- to four-unit owner-occupied homes) and Safer Housing for Oakland Program (SHOP: Five plus unit soft story apartment buildings). The programs provide up to 75% reimbursement to owners after retrofit completion. Both programs close in March 2022. A new application for additional HMGP funds for SHOP is being submitted in Spring of 2022, to re-fund the program for an additional 3 years.</p>	<p>Both SHOP and ESHOP have been very effective, even with the challenges introduced in 2020 by COVID-related health and financial instability and associated contact restrictions. In just over 3 years, SHOP expects to retrofit 39 buildings affecting 586 households. ESHP will retrofit 121 buildings affecting 145 households. Both programs together have made housing for 707 Oakland households safer and more stable.</p>	<p>Both programs are closely aligned to City priorities of preserving existing units and keeping residents safely and affordably housed. Most single-family owners would not be able to retrofit without assistance, especially if foundation work is required. Those that are the least likely to be able to afford to retrofit, will also be the least able to find temporary housing, rebuild,</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
						and recover financially in the event of earthquake damage. Most soft-story building owners are in lower-income areas and all are restricted by rent control, with tenants who have similar displacement and recovery challenges as homeowners. Apartment building owners may struggle to finance what is now a mandatory retrofit required by City ordinance and many are non-compliant or applying for an extension due to



**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
						financial hardship. Without financial assistance, the buildings could remain at risk, or the financial burden of the required seismic retrofits is likely to be passed to tenants in the form of reduced property maintenance and rent increase due to capital improvement pass-through.
<b>POLICY 4.4: Anti-Displacement of City of Oakland Residents</b>						
ACTION 4.4.1	<p><i>Consider Developing a Standard City Tenant Relocation Policy and Fund City Program Operations.</i></p> <p>The City has a number of ordinances that have tenant relocation assistance requirements, including</p>	DHCD – Housing Assistance Center/Strategic Initiatives	FY 2014-15	The City continued to enforce the Uniform Residential Tenant Relocation Ordinance adopted in 2018. The City continued to fund a program providing advisory and financial assistance to tenants displaced as a result of a code compliance action, including paying relocation benefits in the case that a	The policy has been fully implemented and is effective.	The policy is appropriate to Housing Element goals. Since the policy has been fully adopted, this item should be revised in

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	under code enforcement activities, condo conversions, Ellis Act, Just Cause for evictions, and SRO conversions. City of Oakland will consider 1) establishing one standard policy across tenant relocation requirements, such as code enforcement, condo conversions, Ellis Act, Just Cause for evictions and SRO conversions, 2) explore new strategies to fund and recover relocation costs, and 3) allocate and fund adequate staffing to monitor relocation programs and recover costs from responsible landlords.			property owner does not meet their obligations, subject to availability of funds. City staff also operate a program to assist low-income and low-asset small property owners who are required to pay relocation benefits resulting from an owner or relative move-in but would face a financial hardship to do so.		future cycles to focus on maintenance or identify new goals.
<b>GOAL 5: Preserve Affordable Rental Housing</b>						
<b>POLICY 5.1: Preservation of At-Risk Housing</b>						
ACTION 5.1.1	<i>Monitoring and Preservation.</i> Monitor the status of federally assisted projects to identify those at-risk of converting to market rate housing. Monitoring will include analysis of HUD data,	DHCD – Policy and Programs	Annual, 2015-23; City will identify projects at highest-risk each year (that	The City is not aware of any restricted affordable units that converted to market-rate, and did not receive advance notice of an intent to terminate use restrictions on assisted housing. Staff have not had capacity to research or monitor the conversion of such units.	The policy is effective, but only rarely needed. Please note that staff have not had capacity to research or monitor the	The policy is appropriate to Housing Element goals.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	<p>a survey of building owners and managers to determine the likelihood that a building will convert, and consultation with the California Housing Partnership Corporation. Under California State Law, owners must provide tenants and the City with 12 months advance notice of an intent to terminate use restrictions on assisted housing.</p>		<p>could convert within the next 24 months)</p>		<p>conversion of such units.</p>	
<p>ACTION 5.1.2</p>	<p><i>Contact With Owners of At-Risk Buildings.</i> Contact owners to advise them of notification requirements under State law, to offer to assist them in pursuing higher Section 8 rents from HUD, and to encourage them to work with the City to facilitate preservation purchases of their properties by interested parties.</p>	<p>DHCD – Policy and Programs</p>	<p>Annual, 2015-2023; City will identify projects at highest-risk each year (that could convert within the next 24 months)</p>	<p>See Action 5.1.1; In 2021, staff did not have capacity to research or monitor the conversion of such units. Five properties were listed as "At-Risk" or questionable in Table 3-54 of the 2015-2023 Housing Element:</p> <ul style="list-style-type: none"> <li>• Lottie Johnson Apts (970 14th St)</li> <li>• San Pablo Suites (2551 San Pablo Ave)</li> <li>• Santana Apts (2220 10th Ave)</li> <li>• Taylor Methodist (1080 14th St)</li> <li>• The Claridge Hotel (634 15th St)</li> </ul>	<p>The policy is effective. A new search for at-risk properties will need to be identified in the next cycle.</p>	<p>The policy is appropriate to Housing Element goals.</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
				<p>Of these properties, San Pablo Suites was destroyed in 2017 due to fire. The Claridge Hotel is classified as a residential hotel and is thus now subject to the City of Oakland's Ordinance No. 13509 regulating the demolition, conversion, and rehabilitation of residential hotels.</p> <p>Santana Apartments is owned by Mercy Housing, a nonprofit affordable housing developer committed to preserving affordable housing. Although CTCAC affordability requirements will expire before 2023, the property also has a Ground Lease with affordability restrictions through 2067.</p> <p>Lottie Johnson Apartments and Taylor Methodist are both funded by HUD. A HUD representative confirmed via email on 3/19/2020 that neither property should be considered at risk.</p>		
ACTION 5.1.3	<p><i>Financial Assistance for Preservation Projects.</i></p> <p>Award preference points under the City's Housing Development Program for</p>	DHCD – Housing Development Services	Ongoing, 2015-23	The City of Oakland has continued to commit funds to projects that apply for its NOFA for the Acquisition, Rehabilitation, and Preservation of Multifamily Affordable Housing.	The policy is effective.	The policy is appropriate to Housing Element goals.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	funding for projects that preserve existing rental housing that is at risk of loss to the affordable housing supply. Support applications for Federal, State and private funding for preservation.					
ACTION 5.1.4	<i>Project Based Section 8 Assistance.</i> Collaborate with the Oakland Housing Authority to secure project-based Section 8 assistance to preserve at-risk housing both to enhance affordability and to provide additional income that can leverage private capital for repairs and improvements.	DHCD – Housing Development Services; Oakland Housing Authority	Ongoing, 2015-23	While development of new affordable housing has been an ongoing strategy within OHA to fulfill the MTW objective to increase housing choice, OHA leadership recognized that the decline of utilization within the housing choice voucher (HCV) program required a faster response than building new units. At the start of the decade in late 2009, OHA had 273 project-based voucher (PBV) units and in FY 2019 this number has grown to 3,463 committed or leased and 5,246 allocated overall which is about 40% of the MTW voucher allocation. This growth was expedited by the disposition of 1,615 public housing units in 2010, and two Requests For Qualifications (RFQs) issued in 2017 to award project-based voucher subsidies to existing units and single room occupancy (SRO) apartments to serve specialized populations. The RFQs	The policy is effective. The strategy to allocate PBV subsidies through various methodologies has proved important and strategic to preserve affordable units for households served through the program as the housing market continues to remain expensive.	As the decline of HCV utilization and increasingly competitive and expensive housing market spurred the need to attach subsidy to the units themselves using PBVs.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
				<p>received a huge response from existing owners and along with awarding PBVs to projects receiving funding through the City of Oakland competitive NOFA process and OHA’s new development projects, OHA has awarded thousands of PBVs which has helped offset the declining utilization within the HCV program and ensures long term affordability of these units. In FY 2019, OHA leased 388 additional PBV units and has many in the pipeline to allow us to continue to serve the maximum number of families possible.</p> <p>Additionally, in FY 2019 OHA was approved to dispose of 253 units of senior public housing through Section 18 disposition and planning for this major renovation continued with implementation of the disposition targeted for FY 2020. This new disposition will bring the total number of disposed units to 1,868.</p> <p>During 2021, OHA leased and/or contracted 213 new PBV units. The leased and contracted units consisted of new construction as well as previously conditionally awarded units, which included completing the environmental clearances, Housing</p>		

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
			<p>Quality Standards (HQS) inspections and in-place tenant eligibility determination for sites previously awarded through two Requests for Qualifications (RFQ) issued in FY 2017.</p> <p>Furthermore, 95th and International (27 units), second phase of Acts Cyrene Apartments, which was not planned for FY 2021, entered into an Agreement to enter into a Housing Assistance Payment contract during the FY.</p> <p>In FY 2021, OHA had 4,462 PBV assisted units under contract as of the beginning of the FY and placed under contract an additional 213 PBVs during the FY, bringing the total under contract to 4,675. OHA’s overall allocation of PBVs, which includes conditional awards, the pending disposition of Harrison Senior and units to be converted using RAD is 5,285 (14 are PBV VASH for Lake Park), which is approximately 40 percent of the voucher portfolio.</p>			
ACTION 5.1.5	<i>Local Non-traditional Housing.</i>	Oakland Housing Authority	Ongoing, 2015-23	OHA administered existing programs and continued implementation of new local programs during the period.	This policy action is effective. Throughout the	The policy is appropriate to Housing Element

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	<p>Oakland Housing Authority will use Making Transitions Work funds to provide the appropriate financial and other interventions necessary to preserve at-risk affordable housing and to expand the population of families served in local, non-traditional OHA programs.</p>			<p>Existing programs such as the Sponsor Based Housing Assistance Program (SBHAP) offered housing assistance to 1) chronically homeless individuals from encampments, 2) formerly incarcerated individuals recently released from San Quentin prison, and 3) emancipated foster youth exiting the juvenile justice system.</p> <p>The Parents and Children Together (PACT) program evolved from a program serving primarily mothers exiting the criminal justice system to a citywide family unification program that includes any parent exiting the Santa Rita County Jail system that is enrolled in a reentry program designed and facilitated by the Alameda County Sherriff’s Office (ACSO). In FY 2021, OHA served an average of 13 families through PACT.</p> <p>The Building Bridges (BB) initiative provides housing assistance to underserved populations, continued operations in FY 2021, but experienced some challenges with staff turnover and decreased utilization. Additionally, Oakland’s plan to renovate a large site</p>	<p>previous decade, OHA has developed innovative local programs to meet the diverse needs of Oakland and served 673 families on average per month in 2010. This number has increased to 1,081 families per month served on average through local non-traditional programs made possible through MTW flexibility.</p>	<p>goals. With multiple factors squeezing the supply of affordable housing during this decade, Oakland saw a marked increase in homelessness and certain populations being especially hard hit by the housing crisis. Using MTW flexibility, OHA began strategic partnerships with City and county agencies to promote systems alignment by breaking down silos, to provide targeted housing resources alongside supportive services from</p>



**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
				<p>remained on hold due to COVID-19 delays and shifting priorities. This program seeks to extend and leverage existing support through systems alignment to increase the chance of sustained success and long-term positive outcomes for these families. The BB SRO program has a capacity, when all sites are renovated and ready, to serve 289 families through a service-enriched SRO model. The shared housing and transitional housing units are reserved to house veterans, homeless and foster youth.</p> <p>The BB CalWORKs program is designed to provide local housing assistance for one to two years for Alameda County Social Services Agency (ACSSA) clients who are actively engaged in a plan to achieve self-sufficiency. Specifically, the program serves employable, formerly homeless CalWORKs clients with the goal of stabilizing the housing and improving outcomes for families and children. During FY 2021, OHA housed families referred from ACSSA, averaging 24 families assisted per month, a 12% increase over FY 2020.</p>		<p>these agencies to extend the runway of support and leverage funding more effectively, building on a platform of stable housing. With the launch of the Building Bridges initiative in 2017, OHA provided additional housing assistance funding for marginally served populations such as emancipated foster youth, CalWORKs working families, homeless veterans and the elderly, to supplement the resources being provided by</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
				<p>BB THP+ is a short-term program designed to extend the runway of assistance and help create a pathway to economic stability for people exiting the foster care system. OHA utilized the County of Alameda’s 2017 RFP as the competitive selection process to award housing assistance funding to First Place for Youth (FPY). The award of funding resulted in an executed contract between OHA and FPY to provide rental housing assistance for low-income THP+ participants for up to five years. The service provider assists program participants through direct referral. The program capacity can serve up to 50 families per month and in FY 2021 OHA served 25 families per month, a 12% increase over FY 2020.</p> <p>BB-Key To Home (BB-KTH) is a new program where OHA partnered with the Oakland Affordable Housing Preservation Initiative (OAHPI), Alameda County Health Care Services (HCSA) and Abode Services to provide property-based housing assistance to up to 23 families through a new local housing assistance pilot program. The program provided a coordinated exit</p>		<p>state and local funding sources. These programs in FY 2019 are adding 190 families served in Oakland. These programs would not be possible without the authority and flexibility granted through the MTW demonstration. The MTW demonstration was set to expire in 2018 and OHA’s leadership via a national Steering Committee of a few MTW agencies, led negotiations with HUD on behalf of all 39 MTW agencies nationwide, to successfully</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
				for families with children out of Project Roomkey interim housing into more long term supportive housing managed by a third-party homeless service provider and property manager contracted by OAHPI. The program served an average of 5 families per month during FY 2021.		extend the contract with HUD as is, until 2028. This was critical to enable OHA to continue to provide uninterrupted service to its many families served through local non-traditional programs using MTW flexibilities.
<b>POLICY 5.2: Support for Assisted Projects with Capital Needs</b>						
ACTION 5.2.1	<p><i>Advocacy for State and Federal Financing.</i></p> <p>Actively work to identify and secure State and Federal funding to provide for capital needs of older assisted projects. The City will notify property owners of available state and federal funding options and provide technical assistance in applying for such funds.</p>	DHCD – Policy and Programs	Ongoing, 2015-23	Significant changes to how competitive State funding is scored and prioritized has resulted in challenges for City projects and are at odds with City priorities. Specifically, the 4% tax credit and tax-exempt bond program, which is the lead funding vehicle for large affordable housing developments administered by the California Debt Limit Allocation Committee (CDLAC) and Tax Credit Allocation Committee (TCAC) shifted from being essentially over-the-counter to a competitive	The policy is effective and critical to producing and preserving affordable housing.	The policy is appropriate to Housing Element goals.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
				<p>resource in recent years. The agencies have undergone significant scoring revisions that disadvantage Oakland, such as the emphasis on high opportunity neighborhoods (under which Oakland's census tracts are considered vastly low opportunity), or the penalization of high-cost cities under the tie-breaker scoring. The City has remained actively engaged in each scoring iteration, in coordination with other high cost cities and affordable housing developers. Whenever possible, the City advocates for increased funding at the State and federal level for affordable housing.</p> <p>The City regularly consults with affordable housing developers to ensure that the timing and dollar amount of City funding is aligned with county, State, and federal funding program requirements. This helps ensure that City funds are leveraged maximally against other funding sources.</p> <p>The City of Oakland acts as the Local Reviewing Agency for any affordable</p>		

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
				<p>housing applying for Low Income Housing Tax Credits in Oakland.</p> <p>The City of Oakland also acts as a co-applicant with developers seeking funds through California's Affordable Housing and Sustainable Communities (AHSC) program, Infill Infrastructure Grant (IIG) program, and Transformative Climate Communities (TCC) program. These programs are generally oriented towards new construction.</p>		
ACTION 5.2.2	<p><i>Funding for Capital Needs – Preservation and Rehabilitation Programs for Rental Housing (not owner-occupied, buildings).</i></p> <p>Provide loans through a competitive funding process for the rehabilitation of affordable rental housing for those buildings with existing City regulatory agreements. The goal of this program is to correct code deficiencies and ensure affordability for low-income households. The City will develop this for acquisition, rehabilitation,</p>	DHCD – Housing Development Services	Ongoing, 2015-23	<p>Sources of funding include Bond Measure KK (\$100 million towards housing programs) and Alameda County Measure A-1 (almost \$55 million towards housing). City NOFAs for the Acquisition, Rehabilitation, &amp; Preservation of Multifamily Affordable Housing enable buildings with existing City regulatory agreements to apply for funding.</p> <p>Oakland Housing &amp; Community Development issued its Strategic Action Plan (SAP) to outline its immediate strategies for investment for 2021-2023. In accordance with the SAP strategies, Oakland HCD has</p>	The policy is effective in preserving and improving the City's stock of affordable housing.	The policy is appropriate to Housing Element goals.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	and preservation of rental housing. The rental housing eligible for this program will have City regulatory restrictions from funding sources such as CDBG and HOME Funds.			deployed its production funding through several NOFA rounds to support the generation of the New Construction pipeline, the acquisition and conversion of existing buildings through the Acquisition and Conversion to Affordable Housing program, and the preservation and extending affordability through a Preservation and Rehabilitation program. Oakland HCD also aggressively pursued competitive Homekey funding from the State to immediately acquire and create the homeless housing units that are so desperately needed across the City and region. Across all programs, funds are deployed in a competitive manner with an emphasis on prioritizing projects that reach deeper affordability and, in more recent NOFAs, reflect racial equity goals for the department and City.		
<b>POLICY 5.3: Rent Adjustment Program</b>						
ACTION 5.3.1	<i>Rent Adjustment Ordinance.</i> Continue to implement the Rent Adjustment program (Chapter 8.22 of the Oakland Municipal Code) that limits rent increases on units	DHCD – Rent Adjustment Board	Ongoing, 2015-23	Since 2015, the Rent Adjustment Program continued to implement the policies limiting rent increases on units covered by the Rent Adjustment Ordinance. In 2017, numerous changes were made to Oakland’s Rent	The policy is effective in preventing displacement of existing tenants.	The policy is appropriate to Housing Element goals.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	covered by the Ordinance based on a formula tied to increases in the Consumer Price Index.			Adjustment and Just Cause ordinances that create more protection for tenants and facilitate improved enforcement and data collection such as owner move-in certifications, revisions to relocation provisions when owners move back into units, and noticing requirements. In addition, voter approved Measure JJ increased the number of units covered by the Just Cause ordinance and requires landlords to petition for increases that exceed CPI.		
ACTION 5.3.2	<i>Just Cause for Eviction Ordinance.</i> Continue to implement the Just Cause for Eviction program (Chapter 8.22 of the Oakland Municipal Code) that limits evictions of residential tenants to specified causes and provides remedies.	DHCD – Rent Adjustment Board	Ongoing, 2015-23	The Rent Adjustment Program continued to enforce the Just Cause for Eviction Ordinance.	The policy is an effective form of tenant protection in rental housing.	The policy is appropriate to Housing Element goals.
ACTION 5.3.3	<i>Ellis Act Protections Ordinance.</i> Continue to implement the adopted tenant protections (Chapter 8.22 of the Oakland Municipal Code) when landlords remove residential	DHCD – Rent Adjustment Board	Ongoing, 2015-23	In 2020, amendments to the Tenant Protection Ordinance, Rent Adjustment Program Ordinance, and Just Cause for Eviction Ordinance were adopted which strengthened protections for vulnerable tenants. Development of regulations to	The policy is an effective form of tenant protection in rental housing.	The policy is appropriate to Housing Element goals.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	rental units from the rental housing market pursuant to the Ellis Act (Cal. Gov't Code. §7060, et seq.).			implement these amendments were approved by the City Council in 2021.		
<b>POLICY 5.4: Preservation of Single Room Occupancy Hotels</b>						
ACTION 5.4.1	<p><i>Residential Hotel Conversion/Demolition Protections.</i></p> <p>Continue to require, through the Planning Code, a Conditional Use Permit to convert a residential hotel facility to non-residential use (other than to a commercial hotel) or to demolish a residential hotel.</p>	Bureau of Planning	Ongoing, 2015-23	<p>The City continues the implementation of Planning Code Chapter 17.153 – regulations adopted in 2018 that protect Residential Hotels as an important housing typology. The regulations require a Conditional Use Permit and replacement units for any demolition or conversion of a Residential Hotel Unit. The Bureau of Planning continues to work with Residential Hotel property owners to create a Residential Hotel registry, so the City can monitor any proposed changes to these buildings to ensure they align with regulations.</p> <p>In addition, \$14 million from the City's Measure KK bond proceeds for affordable housing is being targeted to the acquisition of SRO properties for use serving extremely-low-income and homeless households.</p>	This program has been effective in retaining Residential Hotel units.	The policy is appropriate to Housing Element goals.
<b>POLICY 5.5: Limitations on Conversion of Residential Property to Non-Residential Use</b>						



**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
ACTION 5.5.1	<p><i>Residential Property Conversion Ordinance.</i></p> <p>Continue to require a Conditional Use Permit prior to converting a residential use to a nonresidential use in a non-residential zone. The City will review existing conditional use permit requirements to determine if revisions to the process are needed to reduce the potential for conversion of residential uses.</p>	Bureau of Planning	Ongoing, 2015-23	In 2018, the City of Oakland strengthened regulations in Planning Code Section 17.102.230 restricting conversion of residential uses to non-residential uses.	This program has been effective in limiting the conversion of residential uses to non-residential uses.	The policy is appropriate to Housing Element goals.
<b>POLICY 5.6: Limitations on Conversion of Rental Housing to Condominiums</b>						
ACTION 5.6.1	<p><i>Condominium Conversion Ordinance.</i></p> <p>The City will review the existing Condominium Conversion Ordinance and consider changes that: 1) considers an annual conversion cap, 2) eliminates the exemption for 2-4 unit buildings in the non-Impact Areas, 3) creates opportunities for tenant purchase and affordable homeownership for low to moderate income</p>	Bureau of Planning	FY 2014-15	In February 2020, the Condo Conversion regulations were updated to make it harder to convert rental units to condominiums without replacement units being built.	This has been effective in reducing the number of condo conversions taking place.	The policy is appropriate to Housing Element goals.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
	households, and 4) has strong tenant protection measures. Changes to this ordinance may only be made if adopted by the City Council and following appropriate public notice and debate.					
<b>POLICY 5.7: Preserve and Improve Existing Oakland Housing Authority-Owned Housing</b>						
ACTION 5.7.1	<p><i>Rehabilitation of Public Housing Units.</i></p> <p>Utilize funding flexibilities provided by the Making Transitions Work program to rehabilitate and modernize existing public housing or project-based voucher units in order to increase housing options for low-income families and to ensure that OHA provides upgraded, high-quality units that are comparable or better than the market rate properties surrounding them.</p>	Oakland Housing Authority	Ongoing, 2015-23	<p>In 2018, the Bureau of Planning began working with OHA to develop a streamlined process for renovating existing affordable housing units and increasing density on existing OHA-owned properties. New state regulations, including SB 330, will facilitate processing of OHA applications once received by the City of Oakland. Further, the programs noted below do not require MTW funding, but are traditional HUD methods for rehabilitating public housing. OHA uses MTW funding flexibility to rehabilitate approximately 50-75 units annually in its PBV portfolio.</p> <p>The public housing portfolio maintained over 98% occupancy rate overall and staff aggressively pursued</p>	This policy action is effective.	This is appropriate to the Housing Element.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
				<p>applicants on the waitlists to fill any open vacancies. In FY 2021, OHA continued the substantial rehabilitation of Oak Grove North and Oak Grove South – a 151-unit senior housing development comprised of two buildings. There are 76 units in Oak Grove North including a manager’s unit and 75 units in Oak Grove South including a manager’s unit. The project was converted to a tax credit partnership with 149 project-based vouchers through a HUD approved disposition. The units in Oak Grove North and South had a status of “Demo/Dispo” during the disposition and renovation/rehabilitation process. At the end of FY 2021, interior rehabilitation at Oak Grove North had been completed and residents had moved back in while exterior work was continuing. At Oak Grove South, interior rehabilitation was in progress and residents were still relocated away from the building.</p> <p>Harrison Towers was also approved for disposition and during FY 2021 continued predevelopment activities. Changes to the State of California’s tax-exempt bond allocation</p>		

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
				<p>procedures in late 2020 have resulted in delays in securing the bonds and 4% Low Income Housing Tax Credits necessary to finance the critical repairs and seismic upgrades to the building. The revised projected closing date is 4th quarter 2022.</p> <p>OHA plans on converting some mixed-finance properties with public housing units to Rental Assistance Demonstration (RAD) Project Based vouchers. The RAD program was signed into law in 2011 and further amended in 2014, and is administered under guidance from PIH Notice 2019-23 and all further revisions. OHA intends to use the RAD program to provide a more stable financing platform than public housing in order to facilitate any future re-financings of the included redeveloped mixed income properties and also to streamline property management and asset management processes for these projects. During FY 2021, OHA held an initial RAD tenant meeting for Lion Creek Crossing Phases 1-4, which include a total of 157 public housing units that may be converted to project-based vouchers.</p>		

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
<b>GOAL 6: Promote Equal Housing Opportunity</b>						
<b>POLICY 6.1: Fair Housing Actions</b>						
ACTION 6.1.1	<p><i>Funding for Fair Housing Organizations.</i> Provide funding for organizations that provide outreach, counseling, education, and investigation of fair housing and anti-discrimination laws. Specific areas of focus will include race, ethnicity, family status, and disability. Fair housing organizations respond to inquiries from those who believe they may have been victims of discrimination, and disseminate information through billboard campaigns, workshops, public service announcements and other media.</p>	DHCD – CDBG Programs	Ongoing, 2015-23	<p>Since 2015, the City has provided funding supporting the East Bay Community Law Center and its Fair Housing partner agencies: Centro Legal, Causa Justa:Just Cause, and ECHO Fair Housing to provide fair housing related legal services, fair housing counseling, tenant-landlord mediation, outreach, education, info &amp; referral, intake, assessment, fair housing investigations of discrimination, fair housing testing, and fair housing audits benefitting low- and moderate-income households. This includes CDBG funds.</p> <p>In FY 2020/21 and 2021/22, a pilot program under the Oakland Fair Chance Ordinance was implemented that prohibits rental housing providers in Oakland from advertising that applicants with criminal history will not be considered, inquiring about criminal history in rental applications, or relying on criminal history in making rental determinations. Affordable housing providers such as public housing or HUD-assisted housing providers may</p>	<p>The action has proven to be an effective resource in addressing housing discrimination. Each year the City funds fair housing organizations at approximately \$261,475 among 4 fair housing agencies. Starting in FY 2020/21 and 2021/22 a two-year allocation was added for the Fair Chance Ordinance program. Annually the fair housing program benefits approximately 1,300 low- and moderate-income Oaklanders with fair housing issues. About 30-40 fair housing clients per</p>	<p>The action is a critical tool for addressing housing discrimination and promoting equal opportunity to housing. This action is in line with the City of Oakland’s Race and Equity work and is further supported by findings in the 2020-20-25 Alameda County Regional Analysis of Impediments to Fair Housing Choice. Segregation between white and minority residents has increased in the</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
				screen only when required to under federal or State law.	year are able to preserve existing housing through the fair housing services. Fair Chance ordinance, while a pilot program is producing low numbers assisting 10 clients in year one of the pilot program.	last decade; number of Black residents in Oakland are decreasing; overall minority residents are being displaced; homelessness has increased by over 42% since 2017; minority households (especially Black and those of Hispanic ethnicity have highest rate of disproportionate housing needs. There are many more statistics to support the appropriateness of this program.
ACTION 6.1.2	<i>Housing Search Assistance for People with Disabilities.</i> Seek to provide funding to organizations that assist persons with disabilities to	DHCD – CDBG Programs	Ongoing, 2015-23	The City no longer contracts for housing search assistance and counseling, since 2013. The former Housing Resource Center staff, now a part of the Department of Housing and Community Development's	When fully resourced, this program is successful in assisting Oaklanders in	Oakland has experienced numerous shifts in its residential pattern in the years since the

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	locate accessible and affordable housing.			Community Development & Engagement section provided information and referral and kept updated resources for drop-in clients in need of housing search services. Due to limited staff and resource to support this work and due to the COVID-19 state of emergency, focus of services offered has shifted to keeping residents housed through the provision of relocation financial assistance to eligible residents per Oakland Municipal Code Section 15.60; anti-displacement services; and Emergency Rental Assistance services.	finding safe and affordable housing suitable for each household's needs, within means of each household; assisting in making sure all Oaklanders have safe and affordable housing. Housing search assistance is still a need, particularly for persons with disabilities.	Great Recession of 2008. With a current population of 440,981, Oakland's population has grown by approximately 13% compared to the 2010 Oakland population count. Oakland's central housing needs center on lack of affordable housing, high incidence of housing cost burden, particularly among extremely-low- and very-low-income renter populations, increasing degrees of homelessness

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
						and lack of housing and critical services for homeless and special needs at-risk populations, and increasing displacement and gentrification pressures that have occurred over the past decade.
ACTION 6.1.3	<i>Affirmative Fair Marketing.</i> Require all recipients of funds for housing development to market their projects in accordance with written fair marketing guidelines, including measures to reach households otherwise unlikely to apply for housing due to its location or character.	DHCD – Policy and Programs	Ongoing, 2015-23	Most recent Affirmative Fair Marketing Procedures & Guidelines are posted on the City’s website for owners and managing agents of housing assisted by the City, ensuring there is no discrimination against potential tenants or purchasers on basis of race, color, religion, sex, physical or mental disability, familial status (presence of child under age of 18 and pregnant women), national origin, ancestry, age, marital status, sexual orientation, gender identity or expression, having Acquired Immune Deficiency Syndrome (AIDS) or AIDS related conditions (ARC), source of income,	The policy is a highly effective means of ensuring access to affordable housing for underrepresented groups. This policy is effective in that it underscores the City’s compliance with federal regulations.	The policy is fully consistent with the goal of promoting equal housing opportunity. Required for any unit of general local government (UGLG) for federally-assisted housing with five or more units.



**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
				any arbitrary basis, or any other status protected by federal, State or local law.		
ACTION 6.1.4	<i>Housing Assistance Center.</i> Continue to support the Housing Assistance Centers’ efforts to improve access to housing information and services for Oakland residents and small rental property owners and managers. The goal is to provide a one-stop housing services center that can assist with referrals, including accessing affordable housing and homeless shelter placements. The Housing Assistance Center is also partnering with other public and private agencies to improve access to additional housing resources and services available to Oakland residents.	DHCD – Housing Assistance Center/Strategic Initiatives	Ongoing, 2015-23	The Housing Assistance Center (HAC), launched in 2014 as a one stop housing services center serving residents with housing needs, allowing vulnerable residents to go to one place to address housing needs and questions. Since then, HAC transitioned to the Housing Resource Center (HRC), providing less counseling and housing search, providing more information and referral in addition to code compliance related relocation and anti-displacement services. Since 2020, HRC, now part of the Department of Housing and Community Development's Community Development & Engagement section, also administers the Emergency Rental Assistance Program (ERAP) funded by U.S. Treasury and State Rental Assistance Programs for the City’s Keep Oakland Housed (KOH) programs.	Programs are very successful in serving Oaklanders who are most vulnerable to becoming homeless, helping to Keep Oakland Housed through rental assistance, anti-displacement, relocation services and other services supporting this effort.	As part of the Department of Housing & Community Development Strategic Plan, these efforts support Preservation and Protection Objectives of the “3-P” approach of Protection, Preservation and Production.
<b>POLICY 6.2: Reasonable Accommodations</b>						
ACTION 6.2.1	<i>Incorporate Reasonable Accommodations into City Programs and Policies.</i>	City Manager,	Ongoing, 2015-23	The City's reasonable accommodations procedure was adopted in 2014, and the City has continued to implement	Reasonable accommodations are an effective	Reasonable accommodations are a

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	The City’s ADA Programs Division will continue to ensure that requirements for accessibility are met throughout the City’s programs.	Office of ADA Compliance		its policy that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the City, or be subjected to discrimination directly or through contractual, licensing, or other arrangements, by the City and that the City shall adhere to U.S. Department of Justice regulations implementing Title II of the ADA.	tool for ensuring access to housing. The City actively enforces policies for reasonable accommodations in City-assisted affordable housing. Greater communication between HCD and the ADA Programs Division may be advised.	fundamental tool in ensuring housing access. The policy may need to be revised in future cycles to reflect enforcement by HCD rather than ADA Programs Division.
ACTION 6.2.2	<i>Publicize and Implement Reasonable Accommodations Policy and Procedures.</i> Implement the City’s Reasonable Accommodations policy and procedure for individuals with a disability, when flexibility is necessary to eliminate barriers to housing opportunities.	Zoning Administrator	Ongoing, 2015-23	The ADA Programs Division serves as the Citywide ADA Title II Coordinator and oversees the implementation of reasonable policy modifications in all City programs, including housing programs. The Division publishes information about City disability access policies on its website:  <a href="https://www.oaklandca.gov/topics/americans-with-disabilities-act-ada-services">https://www.oaklandca.gov/topics/americans-with-disabilities-act-ada-services</a>  The Division provides technical assistance as needed for the nondiscriminatory administration of	The Reasonable Accommodations ordinance, (adopted in July 2014) was developed with the assistance of the City’s ADA Programs staff and thoroughly vetted by representatives from the Disability Rights of California organization, therefore, the ordinance is effective in	The Reasonable Accommodations ordinance, (adopted in July 2014) was developed with the assistance of the City’s ADA Programs staff and thoroughly vetted by representatives from the Disability Rights of California organization.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
			<p>the City's housing programs, investigates complaints, and assists in resolution. The Division completed an update to the City's Programmatic ADA Self-Evaluation which included an analysis of housing-related programs and is actively supporting the newly appointed Departmental Access Coordinators in the Housing and Community Development Department in fulfilling the Department's obligations for compliance with disability civil rights laws, including the attendance of the Departmental Access Coordinators at quarterly meetings/trainings on specific aspects of the ADA and related laws, and ongoing technical assistance. The Division is also assisting with the development of the online Rental Assistance Program applications for purposes of ensuring full WCAG 2.0 AA compliance.</p>	<p>providing people with disabilities fair access to housing.</p>		
<b>POLICY 6.3: Promote Regional Efforts to Expand Housing Choice</b>						
ACTION 6.3.1	<p><i>Regional Housing Needs Allocation.</i> Actively participate in future Regional Housing Needs Allocation (RHNA) processes to promote an allocation</p>	DHCD – Policy and Programs	Ongoing, 2015-23	In 2021, City Staff continued to participate in the Plan Bay Area 2050 development process.	Participating in the Plan Bay Area 2050 process has been helpful, but MTC/ABAG did not follow some of the	The policy is appropriate to Housing Element goals.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
	plan that seeks to reduce concentrations of low-income people and low-income housing, and to provide a broader range of housing choices throughout the region.				recommendations that Oakland wrote in their letter.	
<b>POLICY 6.4: Fair Lending</b>						
ACTION 6.4.1	<p><i>Community Credit Needs Assessment.</i></p> <p>Conduct regular assessments of community credit needs, including credit needs for housing. To conduct the assessment, the City will review reports from the federal government and nonprofit consumer organizations on lending patterns in Oakland and the availability of residential credit.</p>	DHCD – Policy and Programs; Financial Services Agency, Treasury Division	Ongoing, 2015-23	<p>Oakland HCD conducts periodic assessments of community credit needs, including credit needs for housing. The assessment involves reviews of lending patterns in Oakland and the availability of residential credit. In 2021 no Community Credit Needs Assessments were scheduled.</p> <p>Assessments have been performed in response to Treasury’s 2017 RFP for Fiscal Service providers. In 2018 the Linked Banking Ordinance requirements were waived when Treasury selected the new Fiscal Services vendor. In 2017 after a series of meetings, City Council amended the Linked Banking Ordinance to expand the survey questions and to require improvement plans for banks surveyed that fell short in various criteria. In past years, HCD budgeted</p>	The program effectiveness has declined since Treasure may opt to waive the program’s requirements for vendors, since the majority of credit provided to the community is no longer through the surveyed brick and mortar banks, and since few banks chose to respond to the program surveys in the last few survey cycles. There may be more effective ways to gauge	Over the years, the appropriateness of the program has declined since today’s local brick and mortar banks supply only a fraction of the mortgage credit in comparison to the prior decades. The internet and the proliferation of non-bank mortgage lending options have expanded consumer options to seek

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
				<p>approximately \$20,000 for a periodic Nexus study to determine the community's credit needs. In addition, at the initiation of Treasury's periodic RFP for fiscal services, Oakland HCD staff releases a survey to local brick and mortar banks to request lending practices data, and staff collates this data for Treasury's review as part of the Linked Banking Program. In 2021 neither activity was scheduled.</p> <p>See also Action 6.4.2.</p>	<p>community credit availability and the equitability of local lending practices.</p>	<p>credit and are not captured in the banking practices studies.</p>
ACTION 6.4.2	<p><i>Community Reinvestment Activities Linked to Banking.</i> Actively support efforts to ensure that banks meet and exceed their responsibilities for community reinvestment. Limit a bank's eligibility to participate in City-assisted lending programs to institutions that provide reasonable levels (fair share) of investment within Oakland, including home mortgages and financing for housing development.</p>	<p>DHCD – Policy and Programs; Financial Services Agency, Treasury Division</p>	<p>Ongoing, 2015-23</p>	<p>In the period 2015-2021, assessments were performed in response to Treasury's 2017 RFP for Fiscal Service providers. In 2018, the list of lenders eligible to participate in City-assisted lending programs was updated, and no lenders were excluded due to Linked Banking Ordinance requirements. The City-assisted lending programs were not funded in subsequent years. In 2021 no Community Reinvestment Activities Linked to Banking were used to limit bank eligibility to participate in City-assisted first-time homebuyer lending programs.</p> <p>See also Action 6.4.1.</p>	<p>The program effectiveness has declined since the majority of credit provided to the community is not provided through local brick and mortar banks.</p>	<p>In past years, HCD budgeted approximately \$20,000 for a periodic Nexus study to determine the community's credit needs. Separately, at the time of Treasury's periodic RFP for fiscal services, HCD would survey local brick and mortar</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
						<p>banks for their lending practices and collate this data for review as part of the Linked Banking Program. In 2021 neither activity was scheduled. The appropriateness has declined since today's local brick and mortar banks supply only a fraction of the mortgage credit in comparison to the prior decades. The internet and the proliferation of non-bank mortgage lending options have expanded consumer options and are not captured in the banking</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
ACTION 6.4.3	<p><i>Community Outreach and Predatory Lending Controls.</i></p> <p>Discourage the practice of predatory lending which falls most heavily on low-income seniors and minorities, by financially supporting nonprofit organizations that investigate such practices, referring complaints to the appropriate legal authority, and providing consumer information on how to avoid predatory lending. Outreach efforts by non-profit organizations will include door-to-door outreach and funding legal services on foreclosure counseling and prevention.</p>	<p>DHCD – Housing Assistance Center/Strategic Initiatives; Financial Services Agency, Treasury Division</p>	<p>Ongoing, 2015-23</p>	<p>The City of Oakland provides resource information on predatory lending on its website:  <a href="https://www.oaklandca.gov/resources/predatory-lending">https://www.oaklandca.gov/resources/predatory-lending</a></p> <p>Community outreach around predatory lending practices is not contracted by the City. However, agencies such as HERA, Consumer Credit Counseling and other agencies provide outreach and services around predatory lending.</p> <p>To encourage more resilient and informed buyers in our community, the City's Homeownership Programs provides monthly homebuyer education to prospective buyers. The curriculum informs potential buyers on the homebuying process, puts them in touch with assistance resources including the City's assistance programs as well as other area benefits and assistance, and introduces them to community lenders, real estate professionals, and HUD-certified housing counselors. In</p>	<p>The Department of Housing and Community Development Strategic Initiatives Section has been effective in implementing predatory lending prevention strategies</p>	<p>practices studies.</p> <p>This program is effective and will be continued into the next Housing Element planning period 2023-2031. In future Housing Element cycles, this measure should be combined with Action 2.2.3.</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
			<p>2020 the City enrolled 224 students and issued certificates of completion to 97 class attendees before the live workshops were discontinued due to the COVID-19 pandemic. In March 2020, the City switched strategies to referring homebuyers to our local partners certified to provide HUD-certified Homebuyer Education using remote live classes and online education.</p> <p>As described in Action 6.1.4 “Housing Resource Center”, the City of Oakland’s Housing Resource Center provides assistance to residents who may be victims of foreclosure and predatory lending. In many cases, the Center refers such cases to Housing &amp; Economic Rights Advocates (HERA).</p>			
<b>POLICY 6.5: Accountability</b>						
ACTION 6.5.1	<p><i>Housing Element Annual Progress Report.</i></p> <p>Submit, on an annual basis by April 1, a report to the California Department of Housing and Community Development on progress made by the City of Oakland on policies adopted in the</p>	<p>Planning Bureau; DHCD – Policy and Programs</p>	<p>On an annual basis by April 1</p>	<p>The Housing Element Annual Progress Report (APR) is due to the Department of Housing and Community Development (HCD) and the Governor’s Office of Planning and Research (OPR) by April 1<sup>st</sup> each year. The City has continued to submit APRs during the period, and APRs from previous years can be found on the</p>	<p>This policy is an effective tool to promote accountability by the City to the policies it has slated in the Housing Element.</p>	<p>The action is appropriate to the Housing Element.</p>



**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
	<p>2015-2023 Housing Element (as required by state law). The City will also conduct annual public hearings before the Planning Commission and City Council to review and consider the Annual Progress Report within 30 days of its submittal to the State of California, and will post copies of the report on the City’s website.</p>			<p>City's website, here: <a href="https://www.oaklandca.gov/documents/housing-element-annual-progress-reports">https://www.oaklandca.gov/documents/housing-element-annual-progress-reports</a></p>		
<b>GOAL 7: Promote Sustainable Development and Sustainable Communities</b>						
<b>POLICY 7.1: Sustainable Residential Development Programs</b>						
ACTION 7.1.1	<p><i>Promote Green Building Design for Private Development.</i></p> <p>Continue to foster the design and building of durable, low-maintenance dwellings and make optimum use of existing infrastructure through an expanded physical and internet-based Green Building Resource Center. Design features, such as “green roofs”, tree planting, open space devoted to food</p>	Bureau of Building	Ongoing, 2015-23	<p>Since 2015, the City continued to staff the Green Building Resource Center, and enforces the Oakland Green Building Ordinance (first adopted in 2010). The website continues to provide information to developers: (<a href="http://www.oaklandgreenbuilding.com">www.oaklandgreenbuilding.com</a>). The City encourages participation in the Energy Upgrade California in Alameda County program by providing handouts at the Green Building Resource Center and on the website.</p>	<p>The City's planning and building staff enforce the Oakland Green Building Ordinance. The City's adopted Energy and Climate Action Plan encourages the construction of new and largely renovated buildings with energy efficient</p>	<p>The City is committed to promoting Green Building for private development, this action is appropriate for the 2023-2031 Housing Element.</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
	production and electric vehicle charging stations, among others, are all supported by the ECAP for private housing development.				techniques and materials.	
ACTION 7.1.2	<i>Green Building Standards.</i> Continue to require all new residential construction, and single-family additions and alterations to demonstrate compliance with an approved green building standard. Consider revising the Green Building Ordinance for Private Development to include multi-family additions and alterations. Increase enforcement of green building and building energy codes.	Bureau of Building	Ongoing, 2015-23	Since 2015, green building standards are required for projects which meet the thresholds in the Green Building ordinance, in both the small project design review process, and for the regular design review applications (known as "planning entitlements"). All new buildings must now have some level of readiness for plug-in electric vehicle (PEV) charging, exceeding CalGreen standards.	The policy is effective.	The action is appropriate to meet Housing Element goals.
ACTION 7.1.3	<i>Require Green Building Design requirements for City-funded Development.</i> All City-funded housing developments require certification under BuildItGreen.org's	Bureau of Building	Ongoing, 2015-23	The City adopted its Green Building ordinance in October 2010, and has continued to regularly apply it to multifamily affordable housing development. In the City's NOFA, new development and rehabilitation projects must meet a minimum score in each Green Point Checklist category.	The policy is effective.	The action is appropriate to meet Housing Element goals.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
	GreenPoint Rated or LEED certifications systems.			Projects scoring higher in the Green Point Checklist evaluation, or which achieve LEED Gold level or higher are given preference in the NOFA scoring process.		
<b>POLICY 7.2: Minimize Energy and Water Consumption</b>						
ACTION 7.2.1	<p><i>Energy-Efficiency and Weatherization Programs.</i></p> <p>Pursue opportunities, in partnership with regional, state, and utility partners when appropriate, to augment existing or create new residential energy programs, and market these programs to minimize consumption of energy throughout the community, through conservation and efficiency. Such programs may include Property-Based Energy Financing, Right-sizing of Energy Equipment Guidelines, green building standards within existing housing rehabilitation programs, Weatherization and Energy Retrofit Loan Program, Renter-Occupied Residential Energy Program,</p>	Environmental Services (PWA), with input from all agencies	Ongoing, 2015-23	The City helped launch and is a participant in the Bay Area Regional Energy Network (BayREN), also funded by PG&E utility ratepayers, to enhance delivery of their programs within Oakland. This includes the Home Upgrade and Advanced Home Upgrade programs (part of Energy Upgrade California), and Bay Area Multifamily Building Enhancements Program (BAMBE). These programs serve more than 1,000 units per year in reducing energy and water consumption of homes in Oakland. The City works directly with the California Youth Energy Services (CYES) program, subsidized by PG&E, which provides vocational building energy training to Oakland youth and serves at least 200 Oakland homes annually, including renters and focusing primarily on lower-income residents, with energy efficiency and conservation measures each Summer. More than 20 Property	These approaches have combined to create a highly effective approach to energy efficiency and conservation in existing buildings.	These programs are an appropriate method of implementing the relevant goals on reducing energy cost burdens for residents.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	Energy Upgrade California, and adoption of Energy Improvement at Time of Sale Ordinance.			Assessed Clean Energy (PACE) financing programs are currently operating in the City, providing financing on the property tax bill for residences and businesses to conduct energy and water efficiency projects, install renewable energy systems, and install electric vehicle charging equipment. The City is also working with EBCE and BayREN to install clean electric technologies in homes and businesses to replace natural gas systems, utilizing a combination of State and regional funding sources to lower the costs of installing heat pump water heaters, heat pump space heating and cooling systems, and induction cooktops. The City has initiated a lending program for induction cooktops to expand awareness of and access to such new technologies. Finally, the City is using its Measure KK infrastructure bond funding, along with federal CARES Act funding, to install a wide array of efficient energy systems in municipal buildings.		
ACTION 7.2.2	<i>Alternative Energy Production.</i> Continue to review plans for residential construction,	Bureau of Planning; Bureau of Building;	Ongoing, 2015-23	The City of Oakland has continued to issue permits for a high number of residential solar PV systems, passing more than 8,200 installations and	The policies and programs have generated significant	This continues to be an appropriate method of

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	<p>taking into account building orientation, street layout, lot design, planting, and street tree configuration, with the intent of maximizing solar access and cooling opportunities. Assist the public to generate renewable energy by posting information on the City website that offers content created by the City and links to web pages hosted by other organizations. Examples of materials include: a solar energy generation calculator, and a guide about proper maintenance and disposal of solar and other renewable energy generation systems. Provide information about solar and renewable energy incentives and resources in conjunction with all residential rehabilitation projects. Continue to be a municipal policy leader by providing streamlined and advanced permitting processes, and by actively</p>	<p>Environmental Services (PWA)</p>		<p>more than 49 MW of installed solar capacity as of September 2021. The most significant source of renewable energy production serving Oakland comes as a result of the City's participation in East Bay Community Energy (EBCE), a community choice aggregator serving most of Alameda County. EBCE became the default electricity provider for all residences in Oakland in 2018, providing a minimum of 85% carbon free electricity. This electricity is generated from hydroelectric dams, solar PV, concentrated solar power, wind turbines, and geothermal energy sources. In addition, EBCE is serving 100 percent carbon free electricity to all accounts who elect to receive it in Oakland, including all municipal accounts of the City of Oakland. Oakland will receive a portion of power from the Scott Haggerty Wind Center project, a 57 MW renewable energy facility opened in Livermore in 2021. The generation of renewable energy from the EBCE program far exceeds local solar PV production, and will serve as the primary means of ensuring high levels of alternative</p>	<p>progress in building and operating renewable energy systems in support of homes. The approach is effective.</p>	<p>expanding renewable energy systems, although pairing with some elements of energy storage and resilience are likely warranted in future Housing Elements.</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
	sharing Oakland’s solar permitting Best Practices with others.			energy production for the foreseeable future.		
ACTION 7.2.3	<i>Facilitate a Community Solar Program.</i> Encourage and collaborate with local partners to launch a community solar program, to increase local use of renewable energy, including solar-thermal energy to produce heat and hot water.	Environmental Services (PWA), with input from all agencies	Ongoing, 2015-23	Multiple community solar options now exist for Oakland ratepayers, including options with East Bay Community Energy and independently through developments in the private energy marketplace. Additionally, the City is worked with the Oakland EcoBlock project team, a pilot project of various academic and industry partners, to facilitate a shared solar approach to neighborhood-scale retrofits of solar PV in existing neighborhoods. This effort was recently funded \$5 million by the California Energy Commission.	This approach has been effective in providing residents options for accessing renewable energy, regardless of home ownership or site conditions.	With the availability of renewable energy products through CCAs (East Bay Community Energy) and IOUs (Pacific Gas and Electric), the sole focus on community solar is no longer an appropriate means of providing the intended access.
ACTION 7.2.4	<i>Technical Assistance.</i> Continue to educate applicants and residents about the advantages of energy conservation and provide technical assistance to help new construction or remodeling projects achieve superior levels of energy efficiency.	Bureau of Building	Ongoing, 2015-23	The City continues to collaborate with East Bay Energy Watch (EBEW) and the Bay Area Regional Energy Network (BayREN), working directly with program implementers and PG&E to enhance local program delivery, and participating on the EBEW Strategic Advisory Committee.	The program is an effective way to partner with East Bay Municipal Utility District, the water provider to the City, and has made demonstrable reduction to	The organization of this action remains relevant and appropriate for facilitating partnerships to lead to water use reductions in residential settings.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
				<p>In July 2020, the City Council adopted the Equitable Climate Action Plan (ECAP), a ten-year strategic and policy plan to reduce energy consumption and expedite the transition away from fossil fuel use. This Plan contains policies to expand and deepen energy efficiency, renewable energy, decarbonization, and electric vehicle programs and reduce energy cost burden for all members of the community. In December 2020, the City Council passed a requirement for newly constructed buildings to be all-electric design, eliminating natural gas connections in such buildings. These efforts, in addition to ongoing energy programs, serve to reduce energy use among Oaklanders and facilitate the transition to cleaner energy sources.</p>	<p>potable water use in the City.</p>	
<p>ACTION 7.2.5</p>	<p><i>Promote Water Conservation and Efficiency.</i> Expand promotion of water conservation and efficiency practices such as water-efficient landscaping, irrigation, lawn replacement, rainwater collection, greywater systems, and the installation of water efficient fixtures and plumbing. In</p>	<p>Bureau of Planning; Bureau of Building; Environmental Services (PWA)</p>	<p>Ongoing, 2015-23</p>	<p>Efforts to educate residents and commercial tenants about the advantages of energy efficiency and water conservation through EBMUD and Stopwaste continued through the period, as well as education via EBEW and the BayREN programs. Oakland City Council passed the Civic Bay Friendly Landscape Ordinance to require water efficiency in all public landscaping projects.</p>	<p>The program is an effective way to partner with East Bay Municipal Utility District, the water provider to the City, and has made demonstrable reduction to</p>	<p>The organization of this action remains relevant and appropriate for facilitating partnerships to lead to water use reductions in residential settings.</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
	affordable housing developments, this will reduce utility bills, freeing up more resources to pay rent or a mortgage.				potable water use in the City.	
<b>POLICY 7.3: Encourage Development that reduces Carbon Emissions</b>						
ACTION 7.3.1	<i>Mixed Use Development Incentives.</i>  Provide development incentives for construction projects that mix land uses, build compactly, and ensure safe and inviting pedestrian corridors. Allowing uses in close proximity to one another encourages walking and bicycling, instead of automotive trips.	Bureau of Planning	Ongoing, 2015-23	With the update of the commercial and residential zoning districts in the City, and with the success of new private development applications in adopted Specific Plan areas (Broadway Valdez, Lake Merritt BART, West Oakland), the City continues to encourage development of mixed-use buildings in commercial areas. Specific Plans, with their certified EIRs, are considered an incentive for the construction of new housing. The current Specific planning process for the Downtown Oakland Specific Plan, continued work on the Final EIR, Final Plan, Zoning, and meetings on a Zoning Incentive Program as part of the implementation. The Draft Plan and DEIR documents can be found here: <a href="https://www.oaklandca.gov/documents/draft-dosp-eir">https://www.oaklandca.gov/documents/draft-dosp-eir</a>	The Specific Plans have been very effective in providing an incentive with certified EIRs and development programs for developers to build housing in an expedited manner.	The policy is appropriate to Housing Element goals.
ACTION 7.3.2	<i>Transit-Oriented Development.</i>	Bureau of Planning	2014-2017	Construction is now complete of Phase 5 of "MacArthur Station" at the BART parking lot, including a 260-foot tall	This action is effective. During the planning	This action is appropriate for



**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
	<p>Evaluate the existing S-15 Transit Oriented Development zone, and consider if its development standards for areas near transit stations or major transit nodes are allowing for higher density housing with commercial development in close proximity to BART in ways that improve neighborhood livability. Develop and require transit-oriented performance criteria for associated miles traveled and transportation mode share.</p>			<p>building with 402 market-rate and affordable residential units. Panoramic Interests is seeking building permits related to the approved 500 Kirkham project located two blocks southeast of the West Oakland BART Station (and in the S-15 zone). In 2016, "Mural" by BRIDGE housing was completed at MacArthur BART, with 90 affordable units. The City previously adopted revisions to the transportation analysis using Vehicle Miles Traveled (VMT), instead of Level of Service, as directed by AB 743 (see Action 1.1.3). BART and its developer are seeking entitlement of transit-oriented development (including both market-rate and affordable housing) surrounding the Lake Merritt BART Station.</p>	<p>period, 402 market rate and affordable units were constructed through Phase 5 of the MacArthur Station project, and 1,032 residential units were approved for the 500 Kirkham site, located two blocks southeast of the West Oakland BART Station.</p>	<p>the Housing Element.</p>
<p>ACTION 7.3.3</p>	<p><i>Implement SB 375 provisions, direct new housing to be built in Priority Development Areas.</i> Implement the provisions of State Bill (SB) 375 and regional agency rule-making, following their adoption. The City will continue to encourage mixed-use, infill, and transit development in designated Priority</p>	<p>Bureau of Planning</p>	<p>Ongoing, 2015-23</p>	<p>Priority Development Area (PDA) site Inventories were updated in 2019. The Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC) allowed for modifications of existing PDAs to occur at the administrative level. Planning staff recommended changes to existing PDAs and submitted the proposal to ABAG and MTC on September 16th, 2019. The updated PDAs were adopted by the</p>	<p>"Plan Bay Area" was adopted in July, 2013. The action is effective. Updating the PDA site inventory allows the City to apply for affordable housing development</p>	<p>The City will continue to encourage new housing development in Priority Development Area (PDA's) as identified in "Plan Bay Area." This action will be continued</p>

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
	Development Areas. (See also Policy 1.1).			<p>MTC and ABAG executive bodies on July 16, 2020. These updated designations are comprised of relatively minor modifications to existing PDAs that went through extensive community processes in previous years. See “2019 Proposed PDA map” for a map of existing PDAs following this year’s update and “2019 Proposed PDA Map Showing Changes to Existing PDAs” for a map outlining the changes. Both maps can be found online:  <a href="https://www.oaklandca.gov/documents/priority-development-areas-pdas-1">https://www.oaklandca.gov/documents/priority-development-areas-pdas-1</a></p> <p>These updated PDAs can also be found on MTC’s website:  <a href="https://www.oaklandca.gov/documents/priority-development-areas-pdas-1">https://www.oaklandca.gov/documents/priority-development-areas-pdas-1</a></p>	grants for projects located in PDAs.	into the 2023-2031 Housing Element.
ACTION 7.3.4	<p><i>Integrate Land Use and Transportation Planning in Major Residential Projects.</i></p> <p>Require the integration of land use and transportation planning and consideration of Greenhouse Gas (GHG) reduction opportunities in each planning, major development project, and</p>	Bureau of Planning	Ongoing, 2015-23	The City effectively implements this action through the application of the Equitable Climate Action Plan (ECAP) checklist and requirement for compliance with transportation demand management (TDM) measures. This applies to all major project case files.	The action is effective.	The action is appropriate.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
	planning effort undertaken by the City.					
ACTION 7.3.5	<p><i>Encourage New Housing at a Range of Prices.</i></p> <p>Actively promote the construction of housing at a range of price levels near transit hubs and corridors in balance with local employment opportunities to meet the needs of Oakland’s workforce. Consider adoption of a transit-oriented development affordability policy, including preservation of existing affordability.</p>	Bureau of Planning	Ongoing, 2015-23	<p>The City, in concert with various agencies and organizations, has continued to promote the construction and preservation of housing at a range of price levels near transit hubs and corridors:</p> <ul style="list-style-type: none"> <li>• Predevelopment activities continued at Lakehouse Commons, a 91-unit affordable development within the Lake Merritt Station Area.</li> <li>• Rehabilitation continued and was nearly completed at Frank G Mar Apartments, an existing 119-unit affordable housing development located within the Lake Merritt Station Area Plan.</li> <li>• Construction began at Fruitvale Transit Village Phase II-B, a 181-unit affordable development adjacent to the Fruitvale BART station. Construction is expected to be complete in 2023.</li> </ul>	The City has successfully advanced policies on a somewhat ad hoc basis to encourage high-density housing at a range of income levels near transit stations. A more comprehensive uniform policy may be warranted for future Housing Element cycles.	Dense development near transit is a primary tool for reducing carbon emissions.

**POLICY 7.4: Minimize Environmental Impacts from New Housing**

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
ACTION 7.4.1	<p><i>Compact Building Design.</i> Work with developers to encourage, where feasible, buildings to grow vertically rather than horizontally and to incorporate structured parking rather than surface parking, to preserve and encourage ground-level open space.</p>	Bureau of Planning; Bureau of Building	Ongoing, 2015-23	This design standard continues to be recommended in the City's design guidelines for multi-family buildings on commercial corridors. See website: <a href="https://www.oaklandca.gov/document/s/design-guidelines-for-commercial-and-corridor-areas">https://www.oaklandca.gov/document/s/design-guidelines-for-commercial-and-corridor-areas</a>	This program has been effective in encouraging maximizing use of sites.	The policy is appropriate to Housing Element goals.
ACTION 7.4.2	<p><i>Waste Reduction.</i> Continue to review and enforce adequate recycling and organic matter allocation areas. Encourage, where feasible, multifamily developments to comply with the City's Zero Waste Plan.</p>	Bureau of Planning; Bureau of Building	Ongoing, 2015-23	The City continues to meet with applicants to advise on the space allocated in buildings and on grounds. Section 9 of the City's Basic Application for Development Review requires applicants to provide sufficient space for the storage and collection of recyclable and organic materials to comply with SB 1383 and Ordinance No. 11807 – Recycling Space Allocation Requirements. Planning staff continues to review the recycling ordinance requirements at building permit plan check.	The effectiveness of this action has not been calculated.	The policy is still appropriate for the types of new development envisioned by the City's Planning Code and the new Specific Plans.
ACTION 7.4.3	<p><i>Foster Healthy Indoor Air Quality.</i> Encourage, where feasible, the use of zero-VOC materials to improve indoor air quality (e.g., paints,</p>	Bureau of Planning; Bureau of Building	Ongoing, 2015-23	The City continues to apply its Standard Conditions of Approval for planning entitlements, as well as enforced regulations in the Green Building Ordinance, each of which improve indoor air quality, with	The effectiveness of this action has not been calculated.	The policy is still appropriate for the types of new development envisioned by the City's

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
	adhesives). Require measures to reduce the impact of air pollution on new housing (e.g., air filters).			techniques such as requiring the installation of air filters with prescribed MERV ratings.		Planning Code and the new Specific Plans.
ACTION 7.4.4	<i>Recycled, Reclaimed or Renewable content of Building Materials.</i> Encourage, where feasible, the use of environmentally preferable building materials. Encourage, where feasible, the re-use of building materials to reduce construction waste.	Bureau of Planning; Bureau of Building	Ongoing, 2015-23	The City continues to enforce the Oakland Green Building Ordinance, with provisions for the use of building materials with recycled content in the construction of new multifamily housing, through the application of the Green Point Rated and the LEED for Homes checklists.	The effectiveness of this action has not been calculated.	The policy is still appropriate for the types of new development envisioned by the City's Planning Code and the new Specific Plans.
ACTION 7.4.5	<i>Re-Use and Rehabilitation of Historic Materials.</i> Encourage the reuse and rehabilitation of the City's historic building stock, using Policy D6.2 of the Land Use and Transportation Element of the Oakland General Plan as a guide, to increase neighborhood character and to preserve the energy embodied in the building's original construction.	Bureau of Planning; Bureau of Building	Ongoing, 2015-23	The City encourages the reuse and rehabilitation of the City's historic building stock, using Policy D6.2 of the Land Use and Transportation Element and the entire Historic Preservation Element of the Oakland General Plan as guides, to maintain and enhance neighborhood character and to preserve the energy and design integrity embodied in the buildings' original construction.	Planning staff consistently encourages applicants to retain and rehabilitate existing buildings, citing a smoother review process, savings of time and money, California Historical Building Code and other code accommodations for existing	Existing buildings support "naturally occurring affordable housing." Growing environmental concerns support the slogan "The greenest building is the one that is already built."

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
					buildings, the City’s pioneering 1978 publication Rehab Right, and deterrents including the demolition regulations in the Planning Code. Residential and work-live adaptive reuse of commercial and industrial buildings continues, often facilitated by use of the Historical Building Code.	
ACTION 7.4.6	<i>Encourage Food Production in Open Space Areas.</i> Encourage the inclusion of food-producing gardens, including rooftop gardens, in private development, where appropriate, with consideration of Bay Friendly landscaping principles.	Bureau of Planning	Ongoing, 2015-23	In 2014, the City of Oakland adopted new urban agriculture regulations as a way for Oakland residents to provide more healthy food to their families and communities. In addition, allowing more urban farming has beautified vacant lots and fostered a sense of community in local neighborhoods, especially in respect to Community Gardens. The City Council adoption of amendments to the City’s Agricultural Regulations advanced Oakland’s sustainable food system goals.	The policy is effective.	The action is appropriate to meet Housing Element goals.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
<b>POLICY 7.5: Climate Adaptation and Neighborhood Resiliency</b>						
ACTION 7.5.1	<p><i>Climate Change and the Planning Process.</i></p> <p>Consider qualitative and quantitative information regarding the potential effects of climate change during the project plan review process. Consider Oakland Planning Code amendments to limit certain vulnerable land uses (i.e. emergency, affordable, senior, or assisted living housing) in areas identified as vulnerable to climate change. Consider design review requirements for buildings to improve climate resiliency.</p>	Bureau of Planning	Ongoing, 2015-23	<p>In 2021, the City adopted a new 2021-2026 Local Hazard Mitigation Plan, which identifies priority actions to address the effects of natural hazards, including climate change. Also, in 2016, the City released the "Resilient Oakland Playbook" which includes a goal to "reduce current and future climate and seismic risks." Further, the Bureau of Planning was co-Chair, with the Oakland Sustainability office, on a multi-agency Sea Level Rise working group; the final report was issued in Fall 2017. See: <a href="http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak068799.pdf">http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak068799.pdf</a></p> <p>Beyond these efforts, the City revised its scoring criteria for its Capital Improvements Program (CIP) to score sustainability and resiliency in all capital projects in 2019. The City requires all staff reports to evaluate sustainability opportunities as part of project review and presentation to City Council. Additional climate adaptation and resilience programs and policies were adopted as part of the City</p>	This approach is an effective way to document the role that climate action and resiliency planning are having on providing safe and affordable housing at all income levels.	The organization of this section remains relevant and appropriate for ensuring that local climate and resilience planning are supporting broad housing targets.

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

No.	Description	Responsibility	Timeframe	Status of Implementation	Effectiveness of Action	Appropriateness of Action
				Council's adoption of the Equitable Climate Action Plan (ECAP) in July 2020, including the establishment of Resilience Hubs and Spaces, improved analysis of climate adaptation, and improved communication and coordination tools for neighborhood resilience.		
ACTION 7.5.2	<p><i>Climate Adaptation Strategies.</i></p> <p>Communicate information about potential local climate impacts to neighborhoods and developers, and encourage participation in the development of climate adaptation strategies to improve project and neighborhood resiliency; consider including notification of climate-related vulnerabilities at time-of-sale for properties in especially vulnerable areas.</p>	Bureau of Planning; Bureau of Building; Environmental Services (PWA)	Ongoing, 2015-23	In July 2020, Oakland City Council unanimously voted to adopt the 2030 Equitable Climate Action Plan (ECAP). The 2030 ECAP establishes actions that the City and its partners will take to equitably reduce Oakland’s climate emissions and adapt to a changing climate. The ECAP was developed pursuant to City Council’s adopted 2030 greenhouse gas emission reduction target of 56% relative to 2005 levels, as well as Oakland’s 2018 Climate Emergency and Just Transition Resolution. Oakland’s City Council also adopted a 2045 Carbon Neutrality Goal, calling for a dramatic reduction in Oakland’s greenhouse gas emissions and “deep decarbonization” of the building and transportation sectors by 2045. The new 2030 ECAP is rooted in equity and a deep community engagement process: it identifies ambitious actions we can take to	The approach has been moderately effective in demonstrating the need for climate adaptation strategies to be made in support of housing policy.	The approach is appropriate, although the goals, objectives, policies, and programs would benefit from a more expansive description and focus on those elements of climate change with the potential to impact housing supply and quality, as well as resident health and safety.



**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
				<p>combat climate change while also ensuring that frontline communities – those that have been harmed by environmental injustice and who are likely to be hurt first and worst by the impacts of climate change – will benefit first and foremost from climate action.</p> <p>The City is focusing its attention especially on actions that will result in cleaner air, improved economic security, good green jobs, and more resilient communities, while also minimizing our contribution to climate change. To find updates on ECAP implementation, please visit the Sustainability Page, where all ECAP-related topics and resources are listed and updated:  <a href="https://www.oaklandca.gov/topics/sustainable-oakland-1">https://www.oaklandca.gov/topics/sustainable-oakland-1</a></p> <p>Climate adaptation strategies are also included in the City's Resilient Oakland Playbook, and Sea level Rise Road Map. The City was the focus of a 2018 effort by the All Bay Collective to identify climate adaptation strategies for the neighborhoods adjacent to San</p>		

**Table A-2: City Progress Report – Evaluating Housing Actions Since 2015 (Based on 2015-2023 Oakland Housing Element)**

<i>No.</i>	<i>Description</i>	<i>Responsibility</i>	<i>Timeframe</i>	<i>Status of Implementation</i>	<i>Effectiveness of Action</i>	<i>Appropriateness of Action</i>
				Leandro Bay in East Oakland. The City is also working with community groups in the East Oakland Neighborhoods Initiative (EONI) to implement a Transformative Climate Communities grant from the Strategic Growth Council to further identify climate adaptation strategies for East Oakland.		



City of Oakland

2023-2031 Housing Element

**DRAFT-PUBLIC REVIEW**

May 2022

**This is a preliminary draft document that has not been adopted by the City of Oakland or approved by any City department.** This draft has not gone through graphic design or formatting. The purpose of this draft is to solicit public input prior to transmission to the State Department of Housing and Community Development.

Prepared by:

**DYETT & BHATIA**

Urban and Regional Planners

*Cover photos: Greg Linhares, City of Oakland, and Dyett & Bhatia*

# Table of Contents

<b>1</b>	<b>Introduction</b>	<b>3</b>
1.1	Purpose of the Housing Element	8
1.2	Oakland’s Housing Approach	11
1.3	Organization of the Housing Element	12
1.4	Relationship to Other General Plan Elements	14
1.5	Sources of Information	15
<b>2</b>	<b>Public Participation</b>	<b>19</b>
2.1	Summary of Community Outreach Activities	19
2.2	Public Participation Themes	27
<b>3</b>	<b>Summary of the Housing Sites Inventory</b>	<b>32</b>
3.1	Regional Housing Needs Allocation	32
3.2	Capacity to Accommodate the RHNA	32
3.3	Assessing Housing Sites Through a Fair Housing Lens	38
<b>4</b>	<b>Housing Action Plan</b>	<b>43</b>
4.1	Goals, Policies, and Actions	43
	Goal 1. Protect Oakland Residents from Displacement and Prevent Homelessness	43
	Goal 2. Preserve and Improve Existing Affordable Housing Stock	50
	Goal 3. Expand Affordable Housing Opportunities	59
	Goal 4. Address Homelessness and Expand Services for the Unhoused	89
	Goal 5. Promote Neighborhood Stability and Health	98
4.2	Quantified Objectives	108

## Appendices

Appendix A: Evaluation of the 2015-2023 Oakland Housing Element

Appendix B: Housing Needs Assessment

Appendix C: Sites Inventory

Appendix D: Affirmatively Furthering Fair Housing draft

Appendix E: Housing Resources and Opportunities

Appendix F: Housing Constraints

Appendix G: Opportunities for Energy Conservation

Appendix H: Glossary

Appendix I: Reserved for Public outreach Materials

## List of Figures

Figure 1-1: Regional Map .....	7
Figure 2-1: Deeply Rooted Collaborative .....	20
Figure 2-2: Interactive Map Survey Snapshot .....	26
Figure 3-1: City of Oakland 2023-2031 Housing Sites Inventory .....	35
Figure 3-2: Housing Sites Access to Opportunity, 2022 .....	40

## List of Charts and Tables

### *Charts:*

Chart 2-1: Oakland 2045 Project Schedule .....	24
Chart 2-2: Housing Element Outreach Timeline .....	24
Chart 3-1: Housing Sites Inventory Development Process .....	38

### *Tables:*

Table 1-1: Oakland Regional Housing Needs Assessment, 2023-2031 .....	9
Table 2-1: Deeply Rooted Collaborative Community Partner Roles.....	21
Table 3-1: Oakland Regional Housing Needs Assessment, 2023-2031 .....	32
Table 3-2: Summary of Residential Capacity to Accommodate the 2023-2031 RHNA.....	34
Table 4-1: City of Oakland 2023-2031 Quantified Objectives.....	109



neighborhoods of color, created socioeconomic and geographic lines that were further delineated by redlining (a federally sanctioned practice during the 1930s of denying mortgages in communities of color) and racially restrictive covenants.<sup>3</sup> In the 1950s and 1960s, urban renewal cut through these disinvested areas to build new high-rises and

Since the late 1990s, Oakland has seen an increase in real estate investment, which has had both positive and negative effects. In the years leading up to the 2008 housing crash and Great Recession, banks engaged in a process referred to as “reverse redlining” where predatory lending practices and subprime loans were targeted in the same neighborhoods that were once marked as off-limits for borrowers in the 1950s.<sup>4</sup> This activity resulted in waves of foreclosures in East and West Oakland. A significant number of these foreclosed properties were then acquired by investors, and once-affordable and stable homes flipped overnight into market-rate rentals. An influx of private capital and a 2016 municipal bond for development, in part due to efforts like the City’s 10K plan to revitalize the urban core, has reinvigorated downtown and uptown.<sup>5</sup> At the same time, rising housing prices and a lack of new affordable options created waves of residential and commercial gentrification, especially in North and West Oakland and Chinatown, with growing trends in East Oakland. Massive regional job growth, particularly in the technology sector, coupled with the lack of supply of housing in other cities to keep up, sent waves of new residents to the East Bay in search of more affordable housing.<sup>6</sup> New skyscrapers and midrise buildings sprung up largely targeted toward the upper end of the market in downtown, across North Oakland, along upper Broadway, and in West Oakland, in part driven by rising costs of land and construction. The impacts of lack of regional supply rippled through other residential areas of the city, where communities of color faced greater vulnerability to rising housing costs than white residents.<sup>7</sup>

The direct and indirect displacement of residents in these areas, driven by the heated and inequitable housing market, threatens not only households but the cultural identity and viability of these communities. From 2000 to 2019, Oakland lost nearly 30 percent of its Black population, and significant numbers of long-time Asian Americans residing in ethnic enclaves including Chinatown.<sup>8</sup> Homelessness increased by 90 percent from 2013 to 2019.<sup>9</sup> The COVID-19 pandemic has brought into stark relief and exacerbated racial and economic

---

<sup>3</sup> Just Cities, East Oakland Displacement Status and Impacts from the BRT Project Summary: A Racial Equity Planning and Policy Justice Report for OakDOT’s East Oakland Mobility Action Plan, June 2021, [https://drive.google.com/file/d/1sGCZt1uGPaFLroOm8BkGczV\\_vXOGsFTk/view](https://drive.google.com/file/d/1sGCZt1uGPaFLroOm8BkGczV_vXOGsFTk/view), accessed March 16, 2022.

<sup>4</sup> “East Oakland Displacement Status and Impacts from the BRT Project Summary.” n.d. Oakland: Just Cities. <https://cao-94612.s3.amazonaws.com/documents/EOMAP-Appendix-2.pdf>.

<sup>5</sup> *Ibid.*

<sup>6</sup> Mitchell Schwarzer, *Hella Town: Oakland’s History of Development and Disruption* (University of California Press, 2021).

<sup>7</sup> “East Oakland Displacement Status and Impacts from the BRT Project Summary.” n.d. Oakland: Just Cities. <https://cao-94612.s3.amazonaws.com/documents/EOMAP-Appendix-2.pdf>.

<sup>8</sup> American Community Survey (ACS) (2014-2018); U.S. Census 2000, 2010; Urban Displacement Project, 2021.

<sup>9</sup> *Ibid.*



disparities in housing security and the public health consequences of these conditions.<sup>10</sup>

Today, Oakland has grown to be the largest city in Alameda County with the busiest port in Northern California. Neighboring cities include Berkeley and Emeryville to the north, San Leandro to the south, Alameda across the Oakland Estuary, and Piedmont surrounded by Oakland. San Francisco is located just 12 miles west across the San Francisco Bay, connected by Interstate 80 (I-80). Oakland is known for its diverse geography, including 19 miles of bay and estuary coastline to the west, the Oakland/Berkeley Hills to the east, and Lake Merritt, a tidal lagoon lake located within the city's borders.

### **CHARTING AN EQUITABLE, INCLUSIVE FUTURE**

With the legacy of inequity top of mind, the City has begun planning for a more equitable future. In 2016, the City established the Department of Race and Equity with a mission “to advance the creation of a city where diversity has been maintained, racial disparities have been eliminated, and racial equity has been achieved.” The Department of Race and Equity is particularly concerned with making a difference in the determinants of equity that lead to creation of a fair and just society, including housing. In 2018, the department published the [Equity Indicators Report](#), which serves as a baseline quantitative framework that can be used by City staff and community members alike to better understand the impacts of policy on racial groups and measure inequities.

The work of the Department of Race and Equity informs the City of Oakland's Department of Housing and Community Development's (HCD) 2021-2023 Strategic Action Plan. This plan is informed by past analyses, planning, and accomplishments such as the 2016 “Oakland At Home: Recommendations for Implementing A Roadmap Toward Equity from the Oakland Housing Cabinet,” and applies a race and equity lens to the City's housing investments and services in wake of the public health, fiscal, and social crises caused by COVID-19. In practice, this includes transparent and regular reporting on outcomes disaggregated by race; Americans with Disabilities Act-compliant, accessible information provided in multiple languages; anti-displacement and housing production programs, policies, and initiatives focused on the most impacted vulnerable populations; and access and opportunity pathways to and for Black, Indigenous, and People of Color (BIPOC) developers, service providers, and other contractors to the resources the City has to offer in the conduct of its housing work. The Strategic Action Plan also details a series of specific actions and policies HCD will pursue as part of a broader strategy to protect residents from displacement, preserve existing affordable housing - both subsidized and unsubsidized, and produce new affordable housing.

Community-based organizations, many of whom have been leading housing justice efforts for decades, are also shaping housing goals rooted in racial equity. Oakland residents,

---

<sup>10</sup> “City of Oakland HCD 2021-2023 Strategic Action Plan City of Oakland Housing & Community Development Department 2021-2023 Strategic Action Plan.” n.d. Accessed May 9, 2022. <https://cao-94612.s3.amazonaws.com/documents/HCD.final.21-21Strategic-Plan.pdf>.

community organizations, developers, and government partners created the [Healthy Development Guidelines](#) (HDG) for Oakland’s Planning and Building Department, the first health and racial equity-focused guidelines in the country. Two of the [REDACTED]’s goals include enhancing access to affordable housing, particularly for vulnerable populations; and preserving existing affordable housing and protecting residents from involuntary displacement. These guidelines were incorporated into city development review process in 2018. The [East Oakland Neighborhoods Initiative](#), a community plan created out of partnership between the City of Oakland Planning Bureau and twelve community-based organizations focused on equity-based planning for [REDACTED], also highlight anti-displacement among their plan goals, noting that improvements recommended in the plan must not drive out existing residents by inadvertently increasing the cost of housing. This is achieved in part through local wealth creation, well-crafted policies, and mainstreaming of affordability vehicles.

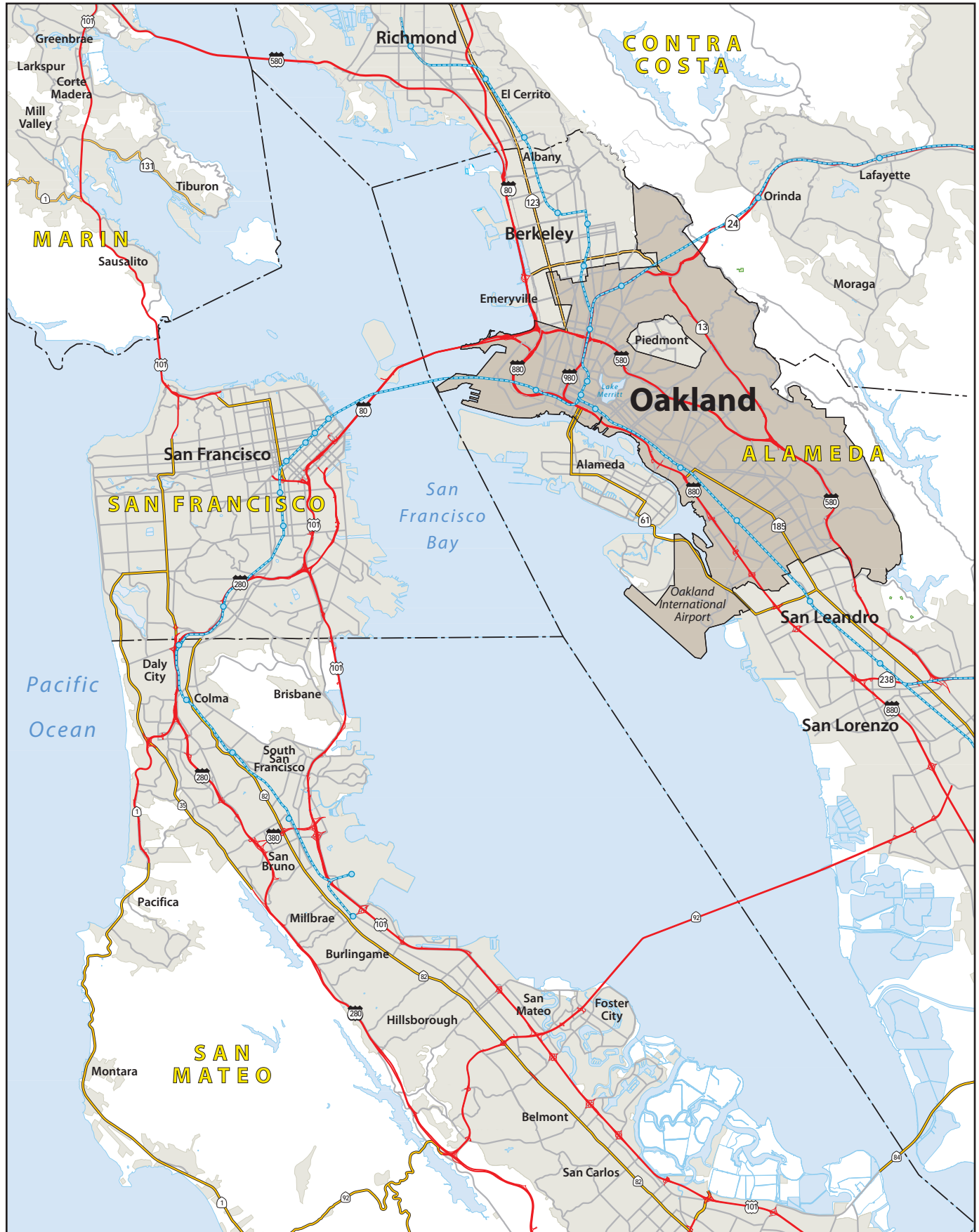
The global climate crisis will also have profound impacts on—among other things—housing security and availability in Oakland. To address the climate crisis, the City released the [Oakland 2030 Equitable Climate Action Plan \(ECAP\)](#) in July 2020. The ECAP is the City’s strategy to create a future built on justice, equal opportunity, and environmental protection. Among the list of Transportation and Land Use (TLU) actions in the ECAP is TLU-3, “Take Action to Reduce and Prevent Displacement of Residents & Businesses.” TLU-3 explicitly links anti-displacement efforts to climate equity action, as the City can only achieve its ECAP goals if Oaklanders are able to participate fully in, and benefit from, climate action without fear of displacement and homelessness.

The City is also undertaking an update to its Land Use and Transportation Element, in tandem with this Housing Element, to promote a land use pattern and policies that will help accelerate and target housing production. Like many other Bay Area cities, nearly every property in Oakland has been developed, with few “greenfield” (not yet developed) sites within its limits or at its borders, meaning that housing development will primarily rely on development and redevelopment of “infill” sites. Within the city limit, there are approximately 29,700 acres (46.4 square miles) of land, including residential, commercial, and industrial developments, as well as public facilities, including parks, schools, and an international airport. The Housing Element applies to land within city limits, depicted in Figure 1-1.

### **Callout: Environmental Justice and Racial Equity Baseline**

[The Environmental Justice and Racial Equity Baseline](#), published in March 2022, identifies and details disparities by race and by geography that can be influenced directly or indirectly by the General Plan. The findings in the Environmental Justice and Racial Equity Baseline identify environmental justice and racial equity existing conditions and inform conversations between City staff and members of the public. In parallel with the Housing Element, this baseline will be used as a starting place for policymaking related to environmental justice, safe and sanitary housing, and other community equity issues.

Figure I-1: Regional Location



-  BART
-  Freeway
-  State Route
-  Major Road

## 1.1 Purpose of the Housing Element

---

The 2023-2031 Oakland Housing Element is one component of a larger effort: an update to the City of Oakland General Plan. The General Plan Update will create Oakland’s 2045 General Plan and is a “once-in-a-generation” opportunity for all Oaklanders to work together to create a visionary blueprint for the city’s future over the next 20 years. The Oakland 2045 General Plan will be made up of several “elements” covering a wide range of topics important to the future of Oakland, including environmental justice, land use and transportation, open space, noise, conservation, and safety.

The 2023-2031 Housing Element sets forth the City’s housing priorities and goals—as well as its vision for both short- and long-term development—to create a fair and just city. State law mandates that the Housing Element be updated every eight years to reflect changing conditions, community objectives, and goals. This Housing Element also provides an evaluation of the 2015-2023 Housing Element, including an assessment of prior programs and strategies.

### HOUSING ELEMENT: COMPONENTS

In California, all cities must adopt a General Plan composed of at least seven elements, including the Housing Element. All cities must also incorporate environmental justice into the General Plan. Oakland has chosen to adopt an Environmental Justice Element while also incorporating environmental justice goals into each element, including the Housing Element. While the Housing Element is influenced by State law, it is essentially a local document. The Oakland Housing Element, in tandem with the rest of the General Plan Update, is designed to assess and shape the community’s housing progress and needs.

Nonetheless, among all General Plan elements, the State of California has the most extensive set of requirements pertaining to housing elements. In accordance with State law, the Housing Element must include:

- A description of outreach conducted in preparation of the element
- An analysis of progress in implementing the previous Housing Element and effectiveness of its programs and actions
- An assessment of existing and projected housing needs
- An analysis of special housing needs, such as those of older adults and people with disabilities
- An analysis of existing assisted housing units at risk of conversion from affordable to market rate
- An analysis and inventory of resources and constraints relevant to meeting housing needs
- An affirmatively furthering fair housing (AFFH) analysis, which guides the analysis of each set of requirements

- An inventory of adequate sites suitable for construction of new housing sufficient to meet needs at all economic levels
- A program that sets forth specific actions to address housing needs, with identification of responsible agencies and timelines

## REGIONAL HOUSING NEEDS ASSESSMENT (RHNA)

Oakland’s Housing Element was last updated in 2015 and covered the years 2015-2023. The current Housing Element update reflects the Regional Housing Needs Assessment (RHNA) as determined by the Association of Bay Area Governments (ABAG) for the Sixth Cycle Housing Element update, covering the years 2023-2031. The RHNA is a State-mandated process intended to ensure every city and county plans for enough housing production to accommodate future growth. The State of California Housing and Community Development Department (State HCD) assigns each region of the state an overall RHNA allocation. For the nine-county Bay Area region, ABAG then distributes a “fair share” portion of that allocation to each local jurisdiction. Each city and county must then identify adequate sites with a realistic capacity for development sufficient to meet this RHNA.

For the 2023-2031 period, Oakland must identify sites sufficient to accommodate 26,251 new housing units between 2023 and 2031, with a specific number of units designated as affordable to each income category, as shown in Table 1-1.

A total of 6,511 units must be affordable to households making less than 50 percent of area median income (AMI), 3,750 units must be affordable to households making between 50 and 80 percent of AMI, 4,457 units must be affordable to households making between 80 and 120 percent of AMI, and 11,533 units must be affordable to households making over 120 percent of AMI. The RHNA does not specifically break down the need for extremely-low-income households. As provided by State law, the housing needs of extremely-low-income households, or those making less than 30 percent of area median income (AMI), is estimated as 50 percent of the very-low-income housing need. More detail on the RHNA allocation process is described in Chapter 3 as well as in Appendix C.

**Table 1-1: Oakland Regional Housing Needs Assessment, 2023-2031**

<i>Income Level<sup>1</sup></i>	<i>Income Range</i>	<i>Needed Units</i>	<i>Percent of Needed Units</i>
Very-Low-Income (0-50% AMI)	<\$46,287	6,511	24.8%
Extremely-Low-Income (<30% AM part of Very-Low-Income in previous row) <sup>2</sup>	<\$27,772	3,256	-
Low-Income (51-80% AMI)	\$27,773-\$74,059	3,750	14.3%
Moderate-Income (81-120% AMI)	\$74,059-111,089	4,457	17.0%
Above-Moderate-Income (>120% AMI)	>\$111,090	11,533	43.9%
<b>Total</b>		<b>26,251</b>	<b>100.0%</b>

1. Income levels were determined by county median household income based on 2014-2018 American Community Survey data (Table B19013). The median income in Alameda County during this period was \$92,574.

2. Extremely-low-income housing need is assumed to be 50 percent of very-low-income housing need.

Source: ABAG, Final RHNA Plan, December 2021

## HOUSING ELEMENT: STATE CHANGES

Various amendments have been made to Housing Element law since adoption of the City's current Housing Element, especially since 2017. Some of the key changes for 6th cycle RHNA and Housing Element update include:

- Assembly Bill (AB) 72 (2017) provides additional authority to State HCD to scrutinize housing elements and enforce housing element noncompliance and other violations of state housing laws.
- AB 879 (2017) and AB 1397 (2017) require additional analysis and justification of sites listed on a local government's housing sites inventory, additional explanation of the realistic capacity of those listed sites, and further scrutiny of governmental and nongovernmental constraints that limit the production of housing.
- AB 686 (2018) requires local governments to Affirmatively Further Fair Housing (AFFH) by including in revised housing elements (1) an assessment of fair housing; (2) equitable distribution of housing to meet the needs of households at all income levels and dismantle segregated living patterns with integrated and balanced living patterns; (3) policies and programs that address fair housing barriers and promote fair housing patterns; and (4) a comprehensive, collaborative, accessible, inclusive, and equity-driven public engagement approach.
- AB 215 (2021) extends the housing element compliance review process by requiring local governments to make draft housing elements available for public review prior to submittal to State HCD rather than conducting concurrent review. The draft must be made publicly available for at least 30 days, and the local government must consider and incorporate public comment for at least 10 business days, before sending the draft to State HCD. AB 215 also increased State HCD's review period of the first draft element submittal from 60 to 90 days and within 60 days of its receipt for a subsequent draft amendment or adoption. However, the January 31, 2023, statutory deadline remains the same, even as these new requirements have significantly added to the time a city needs to complete the overall housing element update process.
- AB 1398 (2021) revises the consequences for local governments that miss the deadline for housing element adoption. Local governments must complete rezoning no later than one year from the statutory deadline for adoption of the housing element if that jurisdiction fails to adopt a housing element that State HCD has found to be in substantial compliance with state law within 120 days of the statutory deadline. The City retains the three-year rezoning period if the housing element is adopted within 120 days of the statutory deadline.
- AB 1304 (2021) clarifies that a public agency has a mandatory duty to comply with existing Housing Element Affirmatively Furthering Fair Housing (AFFH)

requirements. AB 1304 revises the items to be included in AFFH analysis and requires that analysis to be done in a specified manner. In addition, the housing inventory must analyze the relationship of the sites identified in the inventory to the city's duty to affirmatively further fair housing.

The contents of this Housing Element comply with these amendments and all other requirements of Housing Element law.

## **ENVIRONMENTAL REVIEW**

The Housing Element update is being accompanied by an Environmental Impact Report (EIR), which analyzes the potential impacts attributable to the Housing Element update, as well as the Safety and Environmental Justice Elements and related Planning Code, General Plan, and Zoning Map amendments.

## **1.2 Oakland's Housing Approach**

---

Two important components of the Housing Element include a plan to address Oaklanders' housing needs, and an inventory of sites suitable for housing development at all income levels, based on Oakland's 6th cycle RHNA.

### **HOUSING ACTION PLAN**

This Housing Element identifies a foundational framework of five overarching goals in Chapter 4: Housing Action Plan to comprehensively address the housing crisis and needs of Oaklanders. The goals seek to significantly address disparities in housing needs and in access to opportunity, replace segregated living patterns with truly integrated and balanced living patterns, transform racially and ethnically concentrated areas of poverty into areas of opportunity, foster and maintain compliance with civil rights, and affirmatively further fair housing. The goals were developed through a careful review of community input from each of the outreach and engagement sessions listed in Chapter 2 of the Housing Element.

The goals include:

- 1. Protect Oakland Residents from Displacement and Prevent Homelessness:** Protect Oakland tenants from displacement and create conditions that enable them to remain in their homes and communities.
- 2. Preserve and Improve Existing Housing Stock:** Conserve and improve the affordability of existing housing stock in Oakland and address substandard conditions.
- 3. Expand Affordable Housing Opportunities:** Facilitate the production of housing for extremely low, very low, low, and moderate-income households. In addition to increased production generally, provide a diversity of housing types, ownership opportunities, living arrangements, and features supportive of special needs. Locate

new housing to further access to opportunity (while simultaneously investing in and protecting tenants in disinvested communities) and remove constraints to affordable housing development.

4. **Address Homelessness and Expand Resources for the Unhoused:** Recognize housing as a human right. Reduce homelessness through Housing First approaches and support coordination across the spectrum, from homelessness prevention to transitional housing/shelter and services to permanent housing with resources for long-term support.
5. **Promote Neighborhood Stability and Health:** Promote [redacted] development in safe, healthy, and just communities. Increase resources in disinvested communities and create [redacted] stability through homeownership opportunities.

The goals, policies, and actions form the Housing Action Plan for the 2023-2031 planning period and transform this framework into impactful action.

## HOUSING SITES INVENTORY

The Housing Element also presents an inventory of housing sites suitable for new homes in Oakland at all income levels. To do this, the inventory includes:

- Sites where development is underway or approved (known as “pipeline projects”) or otherwise can be credited to meet the RHNA (such as Accessory Dwelling Units and other types); and
- Opportunity sites where additional development could occur. Opportunity sites were selected in a manner consistent with the City’s mandate to affirmatively further fair housing. Housing sites, especially lower-income sites, were selected so as to reduce segregation and increase affordable development in [redacted] where possible.

Chapter 3 provides a summary of the inventory approach and Appendix C includes the detailed site inventory.

The Housing Action Plan and Housing Site Inventory remain a work in progress with the intent of soliciting feedback from members of the community and refining the goals, policies, and actions to reflect both local priorities and State obligations.

## 1.3 Organization of the Housing Element

---

The Housing Element is divided into four chapters: an Introduction, a Summary of Public Participation, a Summary of the Housing Sites Inventory, and the Housing Action Plan. In addition, there are several technical appendices that provide extensive detail on a range of topics, including many of the checklist items mandated by state law. This includes an evaluation of the City’s 2015-2023 housing element, an assessment of housing needs,



resources, and constraints, and the comprehensive housing sites inventory. A summary of the findings from each technical appendix is provided in the main body of the Housing Element. It is organized as follows:

- **Chapter 1 – Introduction:** Provides an overview of State requirements, a summary of the organization of the Housing Element, and an explanation of the Housing Element’s relationship to the General Plan.
- **Chapter 2 – Public Participation:** Provides a description of the public participation process and a summary of community outreach activities.
- **Chapter 3 – Summary of the Housing Sites Inventory:** Summarizes the City’s ability to accommodate the RHNA on available land, and the selection of sites in light of AFFH requirements.
- **Chapter 4 – Housing Action Plan:** Institutes the goals, policies, and actions of the 2023-2031 Housing Element, and provides quantified objectives.
- **Appendix A – Evaluation of the 2015-2023 Oakland Housing Element:** Summarizes the City’s achievements in implementing goals, policies, and actions under the previous Housing Element.
- **Appendix B – Housing Needs Assessment:** Presents community demographic information, including both population and household data, to identify Oakland’s housing needs.
- **Appendix C – Sites Inventory:** Outlines the selection and capacity methodology used to identify sites to accommodate the RHNA.
- **Appendix D – Assessment of Fair Housing:** Identifies fair housing issues and solutions to meet Oakland’s AFFH mandate.
- **Appendix E – Housing Resources and Opportunities:** Assesses the City’s financial and administrative resources available for future housing development.
- **Appendix F – Housing Constraints:** Analyzes governmental and non-governmental constraints to the development of housing.
- **Appendix G – Opportunities for Energy Conservation:** Presents opportunities to develop housing
- **Appendix H – Glossary**
- **Appendix I – Reserved for Public Outreach Materials**

## 1.4 Relationship to Other General Plan Elements

State law requires the Housing Element to contain a statement of “the means by which consistency will be achieved with other general plan elements and community goals” (California Government Code, Section 65583(c)(8)). There are two aspects of this analysis: 1) an identification of other General Plan goals, policies, and programs that could affect implementation of the Housing Element or that could be affected by the implementation of the Housing Element, and 2) an identification of actions to ensure consistency between the Housing Element and affected parts of other General Plan elements.

As described above, the City is undergoing a comprehensive update to the General Plan. The General Plan update is undertaken in two phases in order to meet deadlines mandated by State law. Phase 1 focuses on updates to the Housing and Safety Elements, which are due by the beginning of 2023, as well as preparation of a Racial Equity Impact Assessment, Zoning Code and Map update, and a new Environmental Justice Element. Subsequently, Phase 2 will include the update of the Land Use and Transportation (LUTE) Element; Open Space, Conservation and Recreation (OSCAR) Element; Noise Element, and the creation of a new Infrastructure and Facilities Element which are slated to be completed by 2025.

The Land Use and Transportation Element (LUTE) of the Oakland General Plan was last revised in 1998. The vision and specific policies contained in the LUTE seek to encourage and facilitate the types of infill, re-use, mixed-use, and central city/corridor-oriented residential development that are the focus of the Housing Element and the City’s ability to accommodate its regional housing allocation. Most of the housing to be provided in Oakland will result from the development or redevelopment of underutilized and infill parcels. In addition rezoning will occur in select areas to accommodate additional density such as parcels around BART stations, along transit corridors, and in existing residential neighborhoods to allow for

The goals, policies, and programs contained within this Housing Element will also inform the strategies included in the updated LUTE. As the Housing Element will be adopted prior to the LUTE update, the general distribution, location and extent of land uses as well as population density and building intensity standards carried out by the current Planning Code are used to determine the City’s ability to accommodate residential development. Some initial amendments to the Land Use Element and Planning and Zoning Code along with initial zoning map changes will allow for upzoning of areas to accommodate additional density on areas near BART stations, along transit corridors, and in existing residential neighborhoods to allow for “missing middle” housing. Anticipated development on these sites

The policies in the other updated General Plan elements will advance the ability of the City to achieve the objectives contained in the 2023-2031 Housing Element. Likewise, the Housing Element policies will advance the implementation of policies and programs in the other updated General Plan elements.

## 1.5 Sources of Information

---

In preparing the Housing Element, various sources of information were utilized. As a starting point, the Element used ABAG-prepared local data and AFFH package pre-certified by State HCD for use in sixth cycle housing elements, which provides the basis for population and household characteristics and affirmatively furthering fair housing resources. Where necessary, several additional and more current sources are used to provide reliable updates of the ABAG data package. The sources used in the ABAG data package and many additional sources are listed below. Public input from members of the public, community-based organizations (CBOs), and community leaders, was also a key source of information for this Housing Element. More details on what information was collected from these partners can be found in Chapter 2.

1. ABAG Pre-Certified Housing Needs Data Package, 2021
  - a. Federal Financial Institutions Examination Council's (FFIEC) Home Mortgage Disclosure Act loan/application register (LAR) files
  - b. U.S. Census Bureau, Census 2000; Census 2010; American Community Survey 5-Year Data (2005-2009 through 2015-2019)
  - c. U.S. Census Bureau, Longitudinal Employer-Household Dynamics, Workplace Area Characteristics (WAC) files, 2002-2018; Residence Area Characteristics (RAC) files, 2002-2018
  - d. U.S. Department of Agriculture, Census of Farmworkers (2002, 2007, 2012, 2017), Table 7: Hired Farm Labor
  - e. U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release
  - f. U.S. Department of Housing and Urban Development (HUD), Continuum of Care (CoC) Homeless Populations and Subpopulations Reports (2019)
  - g. California Department of Developmental Services, Consumer Count by California ZIP Code and Age Group (2020); Consumer Count by California ZIP Code and Residence Type (2020)
  - h. California Department of Education, California Longitudinal Pupil Achievement Data System (CALPADS), Cumulative Enrollment Data (Academic Years 2016-2017, 2017-2018, 2018-2019, 2019-2020)
  - i. California Department of Finance, E-5 series
  - j. California Department of Housing and Community Development (HCD), 5th Cycle Annual Progress Report Permit Summary (2020)
  - k. California Employment Development Department, Local Area Unemployment Statistics (LAUS), Sub-county areas monthly updates, 2010-2021
  - l. California Tax Credit Allocation Committee (TCAC)/California Housing and Community Development (HCD), Opportunity Maps (2020)
  - m. California Housing Partnership, Preservation Database (2020)
  - n. Zillow, Zillow Home Value Index (ZHVI)
2. Freddie Mac, Historical Weekly Mortgage Rates Data, 2015-2021
3. Home Mortgage Disclosure Act Data, 2012-2020
4. HUD, CHAS ACS tabulation, 2013-2017 release
5. HUD, Fair Market Rent, 2019

6. HUD, AFFHT0006 Table 12, July 2020
7. U.S. Census Bureau, Census 2000; Census 2010; American Community Survey 5-Year Data (2005-2009 through 2015-2019)
8. California Department of Finance, P-2 series
9. California Department of Food and Agriculture, Certified Farmers' Markets by County, January 2022
10. California Department of Education, CAASPP, Smarter Balanced Summative Assessments, 2018-2019
11. California Department of Public Health, Licensed and Certified Healthcare Facility Listing, 2022
12. HCD, AFFH Data and Mapping Resources, 2021
13. HCD, State Income Limits, 2021
14. HCD, Qualified Entities, May 2021
15. TCAC, Nine Percent Application, 2022
16. TCAC, Project Staff Reports 2017-2020
17. ABAG-MTC, Existing and Planned Transit Stops, 2021
18. ABAG-MTC, Final RHNA Plan, December 2021
19. Alameda County, Assessor Parcel Data, 2021
20. Alameda County, Historic Assessor Parcel Data, 2014-2015
21. Alameda County, Regional Analysis of Impediments to Fair Housing Choice (AI) for FY 2020/21-2024/25
22. Alameda Housing Authority, Utility Allowance Schedule, 2021
23. EBMUD, Water and Wastewater System Schedules of Rates and Charges, Capacity Charges and Other Fees, July 2021
24. EBMUD, Water Shortage Contingency Plan, 2020
25. City of Oakland, Planning Code, 2022
26. City of Oakland, Staff Reports, 2019-2021
27. City of Oakland, Accela Building and Planning Permits, March 2022
28. City of Oakland, Building Bureau Code Enforcement Division, FY 2020-2021
29. City of Oakland, Building & Planning Department, 2022
30. City of Oakland, Equitable Climate Action Plan, 2020
31. City of Oakland, Housing & Community Development Strategic Action Plan, 2021-2023
32. City of Oakland, Master Fee Schedule and Fee Estimator with Impact Fees, July 2021;
33. City of Oakland, Oakland ADU Initiative, Existing Conditions and Barriers Report, January 2020 (Revised June 2020)
34. City of Oakland, Oakland Equity Indicators Report, 2018
35. City of Oakland, Department of Housing and Community Development, Five Year Strategic Consolidated Plan: Annual Action Plan, 2018-2019
36. City of Oakland, Impact Fee Annual Report, December 24, 2021
37. City of Oakland, Resilient Oakland Playbook, October 10, 2016
38. City of Oakland, 2016-2021 Local Hazard Mitigation Plan (LHMP)
39. Oakland Housing Authority, Draft Making Transitions Work Annual Plan, FY 2023
40. Oakland Department of Transportation, Geographic Equity Toolbox Planning Areas, 2020
41. Oakland Housing Authority, August 2021

42. City of Berkeley, Building Permit Fee Estimator, 2022 and Affordable Housing Mitigation Fee Ordinance, October 2020
43. City of Emeryville, Master Fee Schedule, July 2021 and Development Impact Fees, FY 2020-2021
44. City of Richmond, Master Fee Schedule, July 2020
45. City of San Francisco, Development Impact Fee Register, December 2021 and Planning Department Fee Schedule, August 2021
46. City of San Jose, Planning Application Filing Fee Schedule, August 2021, Building and Structure Permits Fee Schedule, August 2021, and Inclusionary Housing Ordinance Schedule of Fees, April 2021
47. Economic & Planning Systems, Inc., Downtown Oakland Specific Plan: Incentive Program Feasibility Study, July 10, 2020
48. Hausrath Economics Group, Oakland Affordable Housing Impact Fee Five-Year Review, December 23, 2021
49. California Housing Partnership, Preservation Database, February 2022
50. Urban Displacement Project, 2018 and 2019
51. National Association of Realtors Research Group, Downpayment Expectations & Hurdles to Homeownership, April 2020
52. Yelp, 2022
53. Zillow, Mortgage Rates, October 2021
54. Zillow, ZHVI, December 31, 2010, and December 31, 2020

*This page intentionally left blank.*

## 2 Public Participation

Inclusive engagement and public participation have been key to the preparation of Oakland’s Housing Element. Public participation is an ongoing process that will continue to occur as the General Plan is updated. Outreach completed as part of phase 1 of the update process will continue to inform phase 2 of the General Plan update. All community outreach is conducted through a racial equity lens to identify actions to affirmatively further fair housing, increase community assets, decrease pollution exposure, and improve overall health.

The community engagement effort is composed of an extensive outreach process that seeks to engage stakeholders throughout the community, with additional resources dedicated to engaging communities historically underrepresented and excluded from traditional planning processes and often most negatively impacted by City policies. All community input shared will be used to “ground truth” data based on peoples’ lived experience, inform areas of focus for General Plan elements, and guide development of General Plan policies. Outreach that informed the development of this Housing Element is summarized in the following chapter, and materials used in the outreach process are included in Appendix I.

### 2.1 Summary of Community Outreach Activities

---

#### GENERAL PLAN UPDATE OUTREACH

The City, based on feedback received from community members, implemented an innovative approach to collaborating with consultants on the General Plan Update. The City partnered with both a Community Consultant Team – Deeply Rooted Collaborative and a Technical Consultant Team – Dyett and Bhatia, to ensure a planning process that 1) meets state deadlines and requirements for the GPU and 2) dedicates significant resources to deep and meaningful community engagement. The Community and Technical Consultants coordinated closely. The team leads meet weekly, and the entire project team meets biweekly to share key findings and provide feedback. Both Community Consultant and Technical Consultant outreach and feedback is incorporated into all components of the Housing Element. This approach aligns with advancing the City’s critical mission of creating a just and fair City for all (Oakland Municipal Code Section 2.29.170.1).

Community engagement efforts for the General Plan Update include an extensive and inclusive outreach process, engaging stakeholders throughout the community with additional resources dedicated to engaging communities historically underrepresented and excluded from traditional planning processes and most negatively impacted by City policies.

The Deeply Rooted Collaborative focuses on engagement with the following key communities and geographic areas:

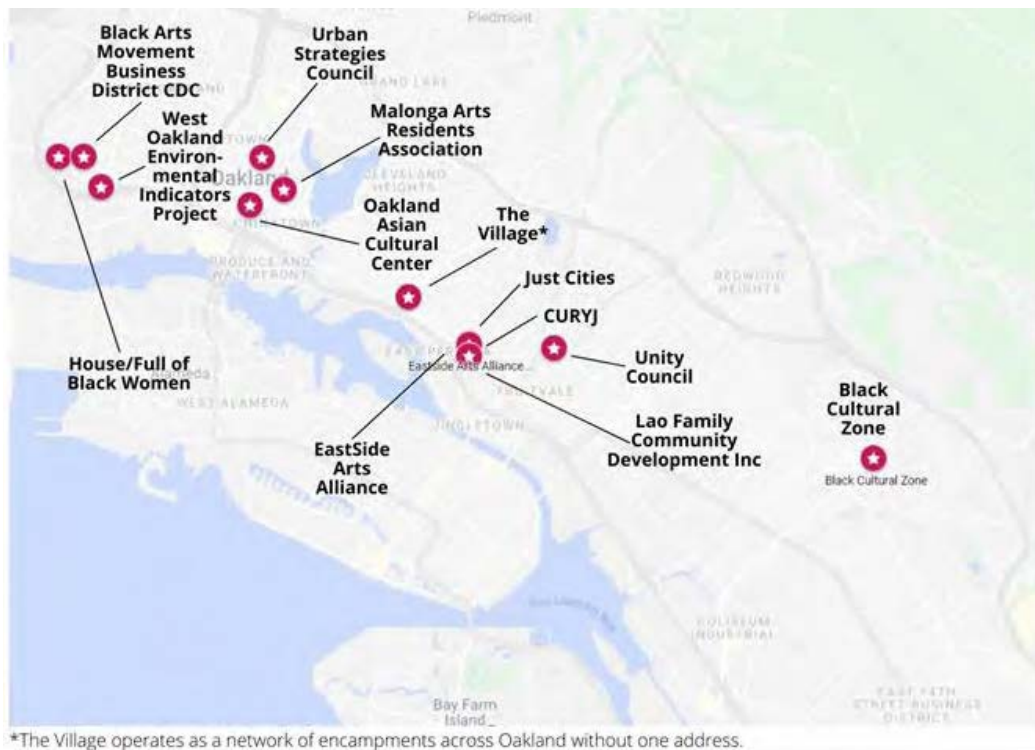
- Communities: Unhoused; formerly incarcerated; low-income Asian, Pacific Islander, Black, Latinx, multiracial communities including those experiencing environmental injustices
- Outreach Geographies: Fruitvale, West Oakland, East Oakland, Chinatown, Eastlake, San Antonio

Deeply Rooted has three organizations providing central support through the design and coordination of the overall structure for community engagement, providing technical assistance and community education in planning, and administrative support.

- EastSide Arts Alliance | Cultural Programming Partner
- Just Cities | Technical Assistance/Community Education Partner
- Urban Strategies Council | Administrative Partner

The Deeply Rooted Collaborative in partnership with community partners as shown in Figure 2-1. Deeply Rooted’s community partner roles are listed in Table 2-1.

**Figure 2-1: Deeply Rooted Collaborative**





**Table 2-1: Deeply Rooted Collaborative Community Partner Roles**

<i>Community Partner</i>	<i>Community/ Outreach Geography</i>
The Black Cultural Zone Community Development Corporation	Black Community   East Oakland
CURYJ House/Full of Black Women/ Deep Waters Dance Theater	Formerly incarcerated, Black and Latinx   Fruitvale
Lao Family Community Development, Inc	Southeast Asian American community
Malonga Arts Residents Association (MARA)	Black and Brown communities, and partnership with members in Chinatown
Oakland Asian Cultural Center (OACC)/ API Cultural Center	Asian American community   Chinatown
Unity Council	Latinx community   Fruitvale
The Village in Oakland	Unhoused curbside communities in North Oakland, West Oakland, Downtown, and East Oakland
West Oakland Environmental Indicators Project.	Environmental Justice   West Oakland
Black Arts Movement Business District, CDC (BAMBD, CDC)	West Oakland (Lower Bottoms), Artists, flatland communities of color, those invested in the animation of BAMBD, CDC and its stakeholders

## COMMUNITY ENGAGEMENT AND OUTREACH SUMMARY

A variety of outreach activities such as workshops, focused discussions, pop-ups, open houses, porch chats, and community hub events are planned throughout the entire process. All community input shared will be used to ground truth data based on peoples' lived experience, inform areas of focus for the update of General Plan elements, and guide development of General Plan policies.

Input related to housing overlaps with many General Plan topic areas and will be incorporated into both the eight-year Housing Element Update as well as into elements with a longer planning horizon, such as the Land Use and Transportation, Environmental Justice, and Safety Elements. A summary of the General Plan update project schedule is provided in Chart 2-1. Information on all community engagement events, including engagement summaries; workshop and townhall presentations, recordings, meeting summaries; and discussion group summaries, are provided via the General Plan Update website at <https://www.oaklandca.gov/topics/meetings-and-events>. A summary of these engagement activities is described below:

- Pop-up and Community Hub Events:** Since November 2021 to March 2022, the GPU Deeply Rooted Collaborative has conducted pop-up events in Eastmont, Fruitvale, San Antonio, Chinatown, West Oakland, and Downtown. For example, in West Oakland these events have been porcheside chats and a pop-up at Hoover Elementary. Engagement has also been integrated into larger community events like the Oakland Asian Cultural Center's (OACC) Asian Pacific New Year Celebration and the Black Joy parade. At these community-embedded events, the team has engaged with over 1006 people, with a majority being individuals from communities of color. These events sought to hear community concerns, ideas and solutions through interviews and

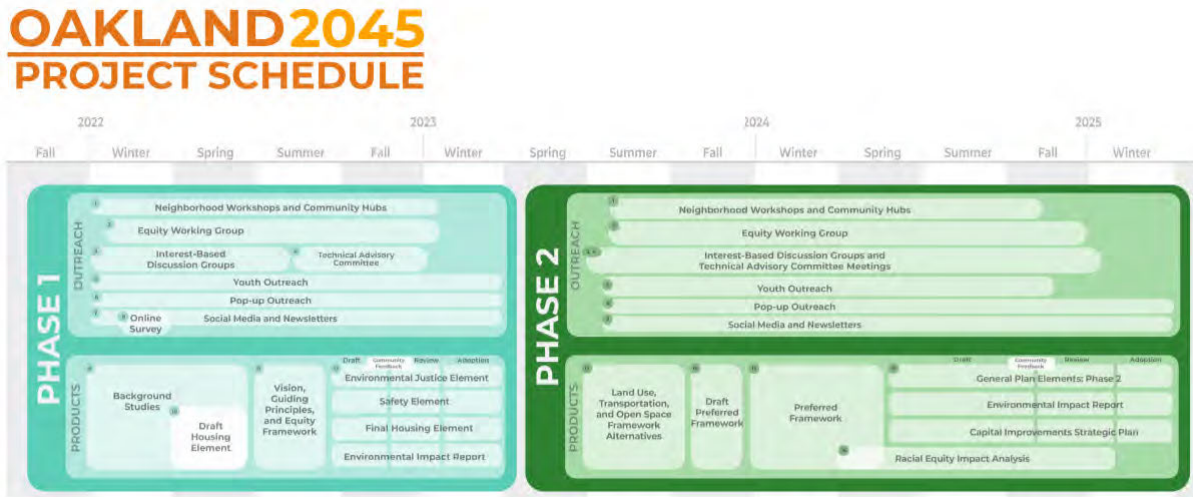
focus group conversations. Community concerns that rose to the top included affordability, displacement, disinvestment, housing quality, pollution (industry and cars), lack of parks, collisions, and illegal dumping.

- **Townhalls:** Two townhalls were held on March 26, 2022, and April 7, 2022. The townhall on March 26, 2022, introduced the General Plan Update process and gathered community input on a vision for the City in 2045, as well as local issues and opportunities that should be addressed in the General Plan. The townhall on April 7, 2022, focused on equity across all issues, with a special focus on EJ and safety priorities in the City.
- **Community Education Workshops:** Two community education workshops were hosted on April 8, 2022, and April 9, 2022, and organized by the Deeply Rooted Collaborative Community Engagement partner to review the past and present policies that led to today's conditions in housing and environmental justice. Over 100 people attended the workshops. Speakers included Oakland unhoused leader Needa Bee (The Village in Oakland), EJ leader Ms. Margaret Gordon (West Oakland Environmental Indicators Project), Margaretta Lin (Just Cities) and Diana Benitez (Just Cities). Attendees shared their frustration regarding ongoing displacement and disinvestment and various community-centered solutions that would bring much needed resources to communities of color in Oakland without displacement.
- **Youth Engagement:** Youth engagement for the GPU will take the form of a Deeply Rooted Fellowship with 15 – 20 fellows. The Fellowship will be a 2-to-3-year commitment and fellows will be provided with a monthly stipend. Planning, design, and training of the fellowship program will be done in coordination with Y-Plan. Fellows will coordinate with the Oakland Youth Advisory Commission (OYAC) and will be engaged in outreach activities such as community-based events, presentations to the community and schools, and social media outreach. Recruitment began in April 2022 with tentative commencement of the Fellowship in May 2022.
- **Neighborhood Group Meetings:** Staff are working with Neighborhood Service Coordinators to present at Neighborhood Crime Prevention Councils (NCPCs) on topics including housing, environmental justice, industrial lands and safety and natural hazards and receive feedback. Staff have presented at several NCPCs and will continue to engage and obtain feedback. Staff are presenting to other Neighborhood – Community groups, faith-based organizations, and at other community congregation events as well.
- **Equity Working Group:** Convened by the Deeply Rooted Collaborative, the Equity Working Group (EWG) is comprised of 20 diverse community members who will 1) Identify the major challenges and impacts of the General Plan (housing, safety, environmental justice, land use, transportation, and parks) and 2) Advocate for solutions that advance equitable and healthy communities for Oakland residents. Each member will receive a stipend. 20 EWG members who met the following criteria were selected through an interview process from a total of 66 applicants:
  - Hard to reach communities: People from communities that the City traditionally has trouble engaging with including Indigenous, unhoused, formerly

incarcerated, low-income, Asian, Black, Latinx, multiracial, people with disabilities, undocumented, and people experiencing environmental injustices.

- In target geographic areas of: West Oakland, East Oakland, Chinatown, and Fruitvale.
  - Age diversity: People at different stages of their lives to ensure varied knowledge and experiences.
  - Diversity of gender and sexual orientation: To ensure women's and LGBTQ+ perspectives are included in this process.
  - People who own small businesses in Oakland.
- **Technical Advisory Committee:** The Technical Advisory Committee (TAC) is comprised of internal City department representatives as well as other Oakland-based, neighboring, and regional governmental agency representatives. The TAC serves to advise on key strategies to address Oakland's big issues related to housing, environmental justice, safety, and other topics; review community input collected at key points in the process; and inform, discuss, and provide technical direction on policies and actions. The second TAC meeting was held on March 7, 2022 and TAC members provided recommendations for housing strategies/actions for housing production, preservation, and protections.
  - **Study Sessions with Official Decision-Making Bodies:** The Planning Commission, City Council, and various boards and commissions are active participants in the GPU and will have opportunities to provide direction at each Stage in the process. The project team will continue to check in with these decision-making bodies at key milestones to ensure that the project remains on the right track in terms of process, direction, and overall vision. Engagement will take the form of study sessions and informational presentations to review products and generate feedback on drafts. The Planning Commission and Special Community & Economic Development Committee met on February 2nd and February 22nd to discuss potential housing site locations and recommended housing strategies and actions.

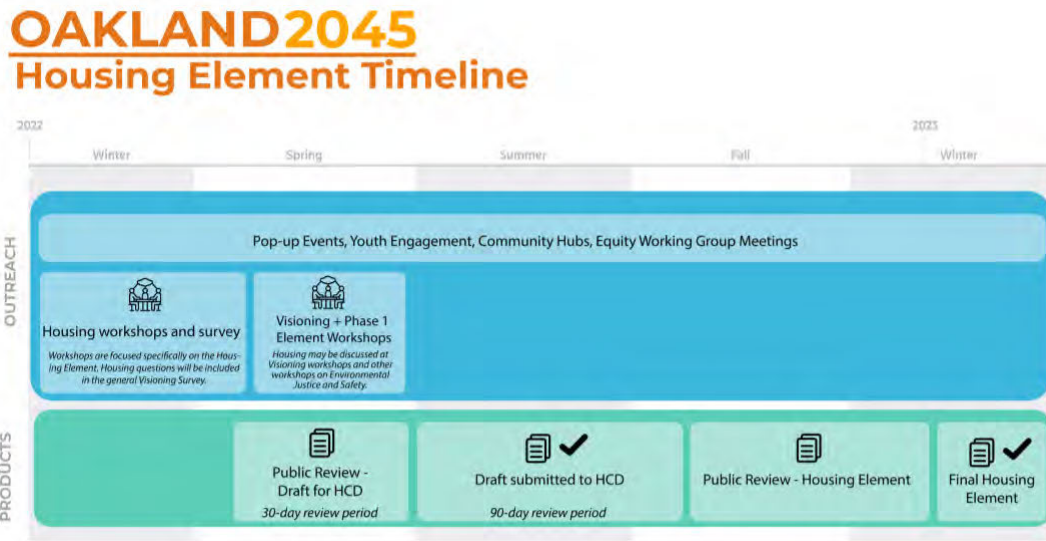
Chart 2-1: Oakland 2045 Project Schedule



**HOUSING ELEMENT OUTREACH**

To supplement efforts that were part of the General Plan update, a series of targeted activities related to housing were held prior to the release of the public Draft Housing Element. Additional opportunities for feedback will occur after plan release as well. These efforts are summarized in Chart 2-2 and described below:

Chart 2-2: Housing Element Outreach Timeline



**Housing Workshops:** The team hosted three virtual housing workshops on February 10, 2022, February 17, 2022, and March 12, 2022, with one additional workshop planned to allow for the opportunity to give feedback on the Draft Housing Element. Approximately 200 people participated in these three virtual workshops. The first workshop provided background information on the General Plan, the Housing Element, and housing sites

inventory requirements. Workshop 2 sought to gather input on potential housing programs. Workshop 3 focused on community input on strategies to preserve existing affordable housing, protect tenants, and prevent displacement. Workshop 4 was held on May 12, 2022, and sought Oaklanders' input on housing sites and proposed strategies included in a public review Housing Element draft before sending it to the California Department of Housing and Community Development (HCD). Summaries of these workshops are included in Appendix I.

**Discussion Groups:** A series of focus group discussions were held on the housing-related topics to solicit targeted feedback from organizations and individuals with direct experience with housing provisions and housing-related services. Discussion participants included organizations that may not have traditionally participated in the past including housing justice advocates, tenant rights organizations, faith-based organizations, and other community organizations.

Summaries of these meetings, including the names of participating groups, are provided in Appendix I; see below for the themes of the discussion groups:

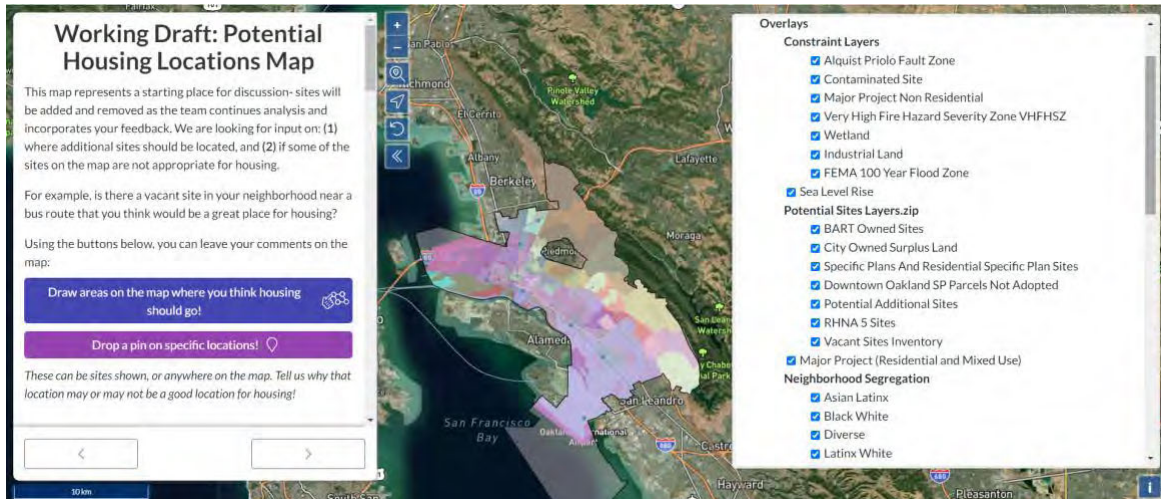
- Focus Group Discussion 1 (February 2, 2022): Housing Sites
- Focus Group Discussion 2 (March 10, 2022): Production, Preservation, and Protections
- Focus Group Discussion 3 (*Forthcoming – placeholder*)

### **Housing Element Update Survey**

The Oakland Housing Element Update Survey accompanied the first housing workshop on planning where housing should go. The survey was open from February 11, 2022 through March 7, 2022, received 480 individual responses, and generated a total of 1,976 unique map responses. It included two interactive mapping questions regarding potential locations for future housing in the city of Oakland.

The interactive map in the survey displayed the initial sites under consideration for the Housing Element and focused on identifying community priorities and recommendations for additional locations. See Figure 2-2 below for a snapshot of the interactive map. As an optional component of the survey, respondents were asked to describe their zip code, and race or ethnicity. The results of this survey guided the selection of sites identified in Chapter 3 and Appendix C, and a summary of the survey's findings is provided in Appendix I.

Figure 2-2: Interactive Map Survey Snapshot



## ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

The assessment of fair housing contained in Appendix D relies in part on outreach done in preparation of Alameda County’s 2020 to 2024 Regional Analysis of Impediments to Fair Housing Choice (AI).<sup>11</sup> Historically, Oakland has prepared its own AI every five years as a U.S. Department of Housing and Urban Development (HUD) requirement. However, in 2020, the City joined various Alameda County cities and Housing Authority agencies to complete a regional AI.

A year-long community engagement process for the 2020 to 2024 AI consisted of three meetings and a seven-page survey between June 2019 – November 2019. The survey was translated into multiple languages and distributed to priority populations (those most impacted by fair housing issues) via local organizations. Priority populations include racial and ethnic minorities, people experiencing homelessness, people with limited English proficiency, people with disabilities, and people residing in Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs). The survey received 3,296 responses. Key data from the 2020 to 2024 AI is used in the Assessment of Fair Housing in Appendix D: Affirmatively Furthering Fair Housing.

<sup>11</sup> Alameda County, “Regional Analysis of Impediments to Fair Housing Choice.” February 2020. Accessible at [https://cao-94612.s3.amazonaws.com/documents/ALAMEDA-COUNTY-REGIONAL-ANALYSIS-OF-IMPEDIMENTS-TO-FAIR-HOUSING-Final-AI\\_Combined\\_2-24-20.pdf](https://cao-94612.s3.amazonaws.com/documents/ALAMEDA-COUNTY-REGIONAL-ANALYSIS-OF-IMPEDIMENTS-TO-FAIR-HOUSING-Final-AI_Combined_2-24-20.pdf)

## 2.2 Public Participation Themes

---

Across discussion groups, workshops, and other community engagement events, several key themes emerged that informed development of this Housing Element Update’s goals, policies, and actions. This list is not comprehensive, but the key themes listed below are reflected in the overarching goals identified in Chapter 4: Housing Action Plan. The goals, policies, and actions seek to significantly address disparities in housing needs and in access to opportunity, replace segregated living patterns with truly integrated and balanced living patterns, transform racially and ethnically concentrated areas of poverty into areas of opportunity, foster and maintain compliance with civil rights, and affirmatively further fair housing.

- **Address Homelessness: “Housing is a Human Right.”** A common refrain from participants was that Oakland should recognize housing as a human right and focus on addressing the homelessness crisis. As experts from the National Law Center on Homelessness and Poverty note, “a right to adequate housing is not a requirement that states build free housing for the entire population, rather, it devotes resources and protective measures to prevent homelessness, discrimination, and promote permanent stable housing.”<sup>12</sup> Participants expressed distrust with the City and frustration with the current unaffordability of housing and ongoing displacement. They suggested a wide variety of strategies to house the unhoused community, including treating unhoused populations with dignity, stopping the current encampment management policy, more flexible building types, temporary units, permanent supportive housing, RVs/safe parking zones, tiny homes, manufactured housing, and working with the unhoused community to understand their needs and priorities. Participants discussed methods for addressing the homelessness crisis, including a moratorium on market rate housing to balance the speed at which housing is built with the need to ensure that new housing is high-quality, affordable, and habitable, partnering with community groups that work with unhoused communities, and creating housing options that include wrap-around services. The Housing Element incorporates this input in the following ways:
  - **Goals:** 1, 2, 3, 4
  - **Policies:** 1.1, 2.2, 3.1, 3.3, 3.5, 3.6, 3.7, 4.1, 4.2, 4.3
  - **Actions:** 1.1.1 through 1.1.13, 2.2.1 through 2.2.8, 3.1.1, 3.1.2, 3.3.1 through 3.3.7, 3.3.9, 3.3.11 through 3.3.15, 3.3.17, 3.3.18, 3.5.1 through 3.5.3, 3.6.1, 3.6.2, 3.6.5, 3.7.1, 3.7.2, 3.7.4, 3.7.6, 4.1.1 through 4.1.5, 4.2.1 through 4.2.5, 4.3.1 through 4.3.4
- **Protect Oakland Residents from Displacement and Preserve Existing Affordable Housing.** Over the last two decades, housing costs in Oakland have risen dramatically – meaning many Oakland residents cannot afford to buy or rent a home within their own neighborhood. Participants expressed frustration with increasing displacement pressures while the stock of affordable housing throughout the city decreases, including both subsidized housing and “naturally occurring affordable housing” – or unsubsidized housing that is affordable at market prices. Participants

---

<sup>12</sup> <https://www.kqed.org/news/11801176/what-would-housing-as-a-human-right-look-like-in-california>

also discussed how Oakland’s cultural institutions and history are at risk of loss due to continuing gentrification. To mitigate the pressures of displacement and gentrification, Oakland residents suggested a number of potential anti-displacement strategies, including enhanced rent stabilization measures, stronger just cause for eviction protections, increased enforcement of anti-harassment tenant protections, and historic preservation programs to preserve cultural institutions. Participants also discussed ways to preserve the city’s existing affordable housing stock, including the implementation of a Community/Tenant Opportunity to Purchase Act, innovative solutions to maintain permanent affordability like community land trusts, additional acquisition and conversion to affordable housing efforts, live/work preferences for Oakland residents, and programs to physically rehabilitate homes to allow long-time residents to enjoy new community amenities. Participants also pointed to a need for better data collection to ensure accountability and to better understand and target anti-displacement resources. The Housing Element incorporates this input as through the following goals, policies, and actions:

- **Goals:** 1, 2
- **Policies:** 1.1, 2.1, 2.2, 3.5
- **Actions:** 1.1.1 through 1.1.13, 2.1.1 through 2.1.6, 2.2.1 through 2.2.8, 3.3.12, 3.3.18, 3.5.1, 3.5.2, 3.5.4
- **Focus on Building more Housing Affordable to Extremely Low, Very Low, Low, and Moderate Incomes.** Producing new affordable and deeply affordable housing options was identified as a key strategy to prevent displacement. There were varying opinions about new market rate housing; some participants expressed that the City is currently facing a housing supply shortage, and must add new units of all types, while other participants felt that the City most sorely needs affordable housing and as such should focus explicitly on this type of construction. Groups discussed a wide range of strategies to build more inclusive neighborhoods add more affordable housing units in Oakland, including: legalizing existing nonconforming housing units, inclusionary zoning, [REDACTED] supporting homeowners in the construction of additional dwelling units (ADUs), City land acquisitions to build new permanently affordable housing and create community land trusts, and [REDACTED]. Other recommendations included creating housing commission and neighborhood planning councils for ongoing resident leadership to decide the kind of housing development. The City of Oakland recognizes the [REDACTED] and, with priority given to increasing housing affordable to very-low-, low-, and moderate-income households in the following ways:
  - **Goals:** 3
  - **Policies:** 3.1 through 3.8
  - **Actions:** 3.1.1, 3.1.2, 3.2.1 through 3.2.5, 3.3.1 through 3.3.18, 3.4.1 through 3.4.10, 3.5.1 through 3.5.4, 3.6.1 through 3.6.5, 3.7.4 through 3.7.6
- **Address Housing Quality Issues.** Housing quality issues can have detrimental impacts on people’s physical and mental health. Through neighborhood outreach



processes, many Oaklanders described housing quality issues they were living with, such as overcrowding, unsafe building conditions, and lack of maintenance, caused by landlord neglect, lack of funds for upkeep or housing burden, or fear of reporting these issues. Community-recommended strategies to address these issues included programs/grants to landlords and homeowners to make repairs; universal design to allow all Oaklanders to remain in their homes as they age, or to help mobility-impaired residents; and tax credits or programs to address other housing habitability concerns, like indoor air quality. The Housing Element addresses housing quality issues in the following ways:

- **Goals:** 2, 5
- **Policies:** 2.1, 5.2
- **Actions:** 2.1.1 through 2.1.6, 3.3.12, 5.2.1, 5.2.5
- **Keep Oakland Communities Together.** All Oakland neighborhoods are deserving of high-quality amenities, more affordable housing, and other public investments, especially in areas that have suffered from disinvestment of the past. However, concerns about gentrification and displacement associated with new investment were top of mind for many Oaklanders. Scores of people expressed how difficult it was to pay the rent in light of rising costs. People who have long generational roots in Oakland have been displaced but continue to come to Oakland to be with community and work. This includes a significant loss (30 percent) of Oakland’s Black population from 2000 to 2019. As some community members noted, Oakland neighborhoods are like villages where people care for and nurture each other, and displacement means these villages are fragmented, and culture is lost. Oaklanders recommended creative ways to bring back displaced people as homeowners, such as support for co-ops, land trusts, and shared multi-unit buildings. Other creative ways to prevent displacement include creation of cultural district/anti-displacement zones, a human health/socioeconomic impacts analysis to analyze displacement and homeless impacts of market rate projects before the City provides permits or zoning changes. Another way they saw keeping Oakland communities together was through investment to the most impacted communities via municipal reparation to redress Oakland’s history of eminent domain and urban renewal and for Black Americans who are descendants of chattel slavery. The Housing Element addresses displacement and cultural preservation in the following ways:
  - **Goals:** 1, 2, 5
  - **Policies:** 1.1, 2.2, 3.5, 5.1, 5.3
  - **Actions:** 1.1.1 through 1.1.13, 2.1.4, 2.2.1 through 2.2.8, 3.2.2, 3.3.8, 3.3.12, 3.3.18, 3.5.1 through 3.5.4, 5.1.1 through 5.1.3, 5.3.1 through 5.3.3
- **Building in Accountability and Success Metrics.** Oaklanders desire more transparency around housing issues and actions in the City, and to be heard by elected officials and City departments stressing the importance of setting transparent and data-driven metrics to measure the success of various housing programs, and building in accountability measures to ensure that the City can meet its goals. The

Housing Elements aims to increase transparency and accountability in the following ways:

- **Goals:** 1 through 5
- **Policies:** 1.1, 2.1, 3.2, 3.3, 3.7, 4.1, 4.2, 4.3, 5.1, 5.2
- **Actions:** 1.1.7, 1.1.8, 2.1.3, 3.2.5, 3.3.17, 3.3.13, 3.7.1, 4.1.2, 4.2.4, 4.3.1, 5.1.1, 5.1.2, 5.1.3 5.2.9

*This page intentionally left blank.*

### 3 Summary of the Housing Sites Inventory

The housing element of the general plan must include an inventory of land suitable and available for residential development to meet the city’s regional housing need allocation by income level. This inventory is known as the Housing Sites Inventory (“Inventory”). This chapter provides a summary of the full Sites Inventory, available in Appendix C.

#### 3.1 Regional Housing Needs Allocation

As required by State housing law, all California cities, towns and counties must plan for the housing needs of all their residents, at various income levels. This number is called the Regional Housing Needs Allocation (RHNA). For the planning period 2023 to 2031 (also known as the 6th housing cycle), Oakland must plan for 26,251 new units, a nearly 77.8 percent increase from the prior cycle’s allocation of 14,765 new units. Table 3-1 shows the income breakdown of the RHNA with an additional buffer, as recommended by the State, to account for any loss due to reductions in density.

**Table 3-1: Oakland Regional Housing Needs Assessment, 2023-2031**

<i>Income Level<sup>1</sup></i>	<i>Needed Units</i>	<i>Needed Units with 15% Buffer</i>	<i>Percent of Needed Units</i>
Very-Low-Income (0-50% AMI)	6,511	7,488	24.8%
<i>Extremely-Low-Income (&lt;30% AMI; part of Very-Low-Income in previous row)<sup>2</sup></i>	3,256	3,745	-
Low-Income (51-80% AMI)	3,750	4,313	14.3%
Moderate-Income (81-120% AMI)	4,457	5,126	17.0%
Above-Moderate-Income (>120% AMI)	11,533	13,263	43.9%
<b>Total</b>	<b>26,251</b>	<b>30,189</b>	<b>100.0%</b>

1. Income levels were determined by county median household income based on 2014-2018 American Community Survey data (Table B19013). The median income in Alameda County during this period was \$92,574.

2. [REDACTED] Although extremely-low-income housing need is not explicitly projected in the RHNA, this group often requires the most subsidy and assistance to generate a sufficient number of housing units.

Source: ABAG, Final RHNA Plan, December 2021

#### 3.2 Capacity to Accommodate the RHNA

Government Code Section 65583.2(c) requires that local jurisdictions determine their realistic capacity for new housing growth by means of a parcel-level analysis of land resources with the potential to accommodate residential uses. The analysis of potential to accommodate new housing growth considered physical and regulatory constraints, including: lot area and configuration, environmental factors ([REDACTED]), allowable density, and other development standards such as parking requirements and building height limits.

Based on the City’s current General Plan and zoning regulations, there is sufficient capacity to accommodate its RHNA allocation with a buffer. In addition, rezoning will also occur in select areas to accommodate additional density such as parcels around BART stations, along transit corridors, and in existing residential neighborhoods to allow for [REDACTED]” housing. Sites included in the inventory reflect those that are most likely to develop during the planning period and meet the RHNA;

[REDACTED]

[REDACTED]

The Inventory identifies sufficiently zoned land to accommodate the RHNA at all income levels. The inventory is divided into two major groups:

- Sites where development is underway or approved (known as “pipeline projects”) or otherwise can be credited to meet the RHNA (such as Accessory Dwelling Units, or ADUs); and
- Opportunity sites where additional development could occur. This includes 1) potential development projects, where projects may be in pre-approval; sites from the previous RHNA cycle that remain available for development; and new opportunity sites, which includes both vacant and non-vacant sites and consists of City-owned sites, sites owned by Bay Area Rapid Transit (BART), sites located within a specific plan area, and other sites with expressed or potential development interest.

The analysis of nonvacant properties included only those properties with [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A summary of capacity by housing units to meet the RHNA is provided in Table 3-2, below. The complete 2023-2031 Inventory is provided in Table C25 of Appendix C, and can be seen in Figure 3-1 below.

**Table 3-2: Summary of Residential Capacity to Accommodate the 2023-2031 RHNA**

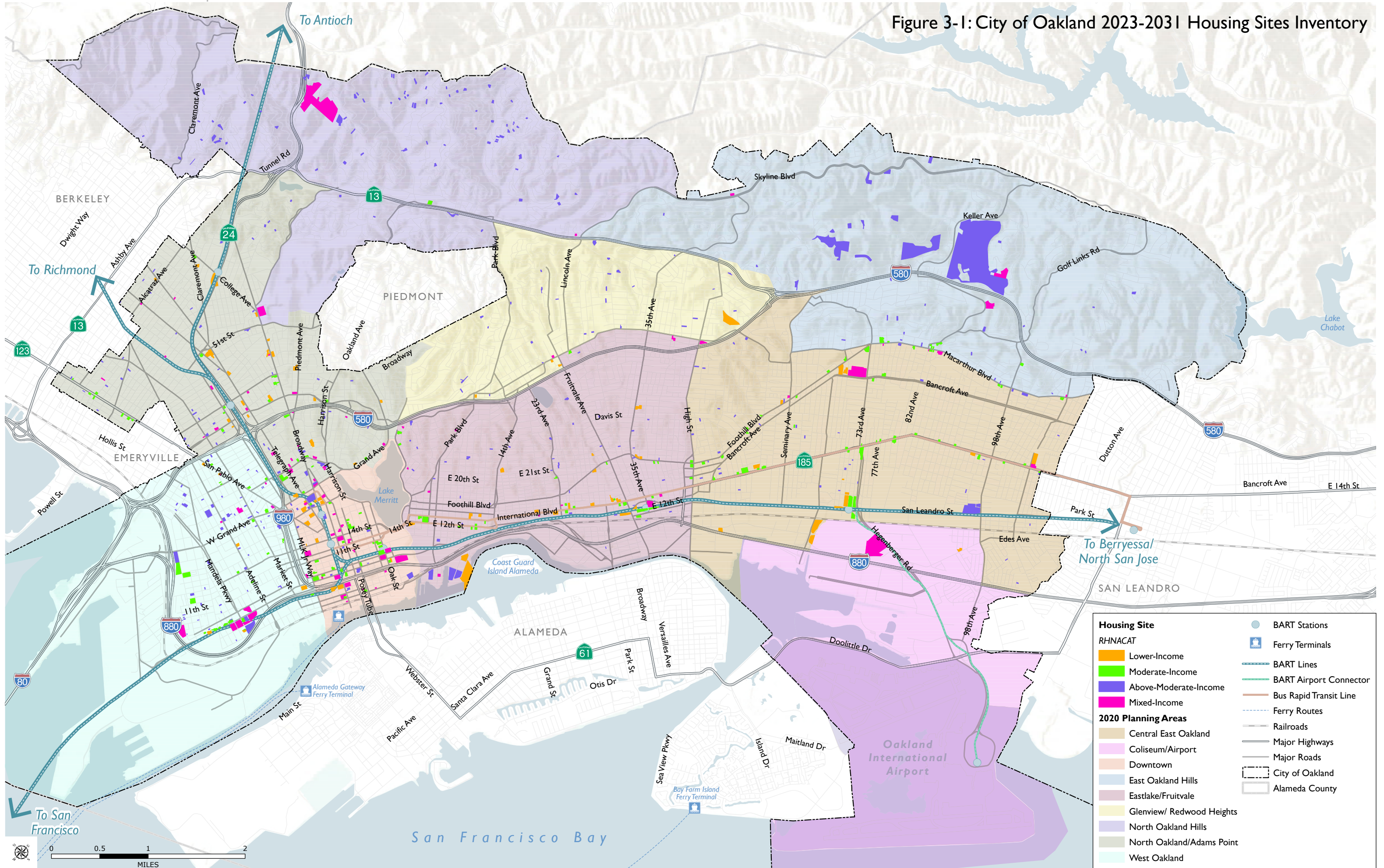
	Residential Units				Total
	Very-Low-Income <sup>1,2</sup>	Low-Income <sup>1</sup>	Moderate-Income	Above-Moderate-Income	
Total Credits	2,183	2,388	364	9,718	14,653
<i>Pipeline Projects</i>	1,213	1,498	166	9,716	12,593
<i>Projected ADUs</i>	890	890	198	0	1,978
<i>Adequate Sites Alternative</i>	80	0	0	2	82
Potential Development Projects	386	1,354	211	6,525	8,476
<i>Vacant</i>	225	846	27	1,832	2,930
<i>Non-Vacant</i>	161	508	184	4,693	5,546
Available 5th Cycle RHNA		714	4,029	688	688
<i>Vacant</i>		23	566	3	592
<i>Non-Vacant</i>		691	3,463	685	4,839
New Opportunity Sites		5,425	1,134	2,120	8,679
<i>Vacant</i>		142	200	0	342
<i>Non-Vacant</i>		5,283	934	2,120	8,337
<b>Total Capacity</b>		<b>12,450</b>	<b>5,738</b>	<b>19,051</b>	<b>37,239</b>
<b>6th Cycle RHNA</b>		<b>10,261</b>	<b>4,457</b>	<b>11,533</b>	<b>26,251</b>
<b><i>RHNA + 15% Buffer</i></b>		<b>11,801</b>	<b>5,126</b>	<b>13,263</b>	<b>30,189</b>
<b>Surplus Over RHNA</b>		<b>2,189</b>	<b>1,281</b>	<b>7,518</b>	<b>10,988</b>
		<b>(121.3%)</b>	<b>(128.7%)</b>	<b>(165.2%)</b>	<b>(141.9%)</b>

1. Low- and very-low-income capacity on opportunity sites is consolidated per default density assumptions as described in Government Code Section 65583.2(c)(3).

2. Extremely-low-income housing need is assumed to be 50% of the total very-low-income housing need, or about 3,256 units.

Source: ABAG, Final RHNA Plan, December 2021; City of Oakland, 2022

Figure 3-1: City of Oakland 2023-2031 Housing Sites Inventory



Housing Site		2020 Planning Areas	
<span style="color: orange;">■</span>	Lower-Income	<span style="background-color: #f0e68c;">■</span>	Central East Oakland
<span style="color: green;">■</span>	Moderate-Income	<span style="background-color: #f080f0;">■</span>	Coliseum/Airport
<span style="color: purple;">■</span>	Above-Moderate-Income	<span style="background-color: #f08080;">■</span>	Downtown
<span style="color: pink;">■</span>	Mixed-Income	<span style="background-color: #add8e6;">■</span>	East Oakland Hills
		<span style="background-color: #d2b48c;">■</span>	Eastlake/Fruitvale
		<span style="background-color: #f0e68c;">■</span>	Glenview/Redwood Heights
		<span style="background-color: #b0c4de;">■</span>	North Oakland Hills
		<span style="background-color: #d2b48c;">■</span>	North Oakland/Adams Point
		<span style="background-color: #add8e6;">■</span>	West Oakland
<span style="color: blue;">●</span>	BART Stations	<span style="color: blue;">—</span>	BART Lines
<span style="color: blue;">■</span>	Ferry Terminals	<span style="color: green;">—</span>	BART Airport Connector
<span style="color: blue;">—</span>	BART Lines	<span style="color: brown;">—</span>	Bus Rapid Transit Line
<span style="color: blue;">—</span>	BART Airport Connector	<span style="color: blue;">- - -</span>	Ferry Routes
<span style="color: brown;">—</span>	Bus Rapid Transit Line	<span style="color: grey;">—</span>	Railroads
<span style="color: blue;">- - -</span>	Ferry Routes	<span style="color: grey;">—</span>	Major Highways
<span style="color: grey;">—</span>	Railroads	<span style="color: grey;">—</span>	Major Roads
<span style="border: 1px dashed black;"> </span>	City of Oakland	<span style="border: 1px solid black;"> </span>	Alameda County

SOURCE: City of Oakland, 2021; ALAMEDA County GIS, 2021; Dyett & Bhatia, 2021

## CREDITS TOWARDS THE RHNA

HCD Guidance provides that the RHNA can be accommodated by looking at 1) projects that are currently in the development pipeline; and 2) by considering alternative means of meeting the RHNA, such as projected accessory dwelling units (ADUs) and a limited number of rehabilitated, converted, or preserved units affordable to lower-income households.

### Pipeline Projects

Pipeline projects are projects that have been approved, permitted, or will receive a Certificate of Occupancy during the projection period (June 30, 2022, to December 15, 2030) and can be credited toward the 6th cycle RHNA. Using data from the City’s Accela permitting system, 336 pipeline projects with 12,593 units are spread across the city, with the majority in the Downtown, West Oakland, Eastlake/Fruitvale, and North Oakland/Adams Point areas. Based on the affordability levels or projected rents specified on the project proposal, approximately 21.5 percent of pipeline capacity is affordable for lower-income households, while 1.3 percent is affordable for moderate-income households. The remainder is assumed to be affordable for above-moderate-income households. All pipeline projects are shown in Table C-4, Table C-5, and Table C-6, and shown in Figure C-2 in Appendix C.

### Projected ADUs

Cities may consider the development potential of ADUs or junior ADUs (JADUs) to meet the RHNA using past building permit approval patterns since 2018. From 2018 to 2021, approximately 247 permits were issued annually. Using a conservative estimate, the City anticipates approximately 1,978 ADUs, or approximately 247 average permits per year times eight years.) Annual ADU approvals are shown in Table C-7 in Appendix C. To estimate affordability during the projection period, the City used the results of its recent online survey of ADU owners.<sup>13</sup> Projected ADU capacity by affordability level is shown in Appendix, Table C-8.

### Adequate Alternative Sites

According to HCD, under “limited circumstances” a local government may credit up to 25 percent of their adequate sites requirement per income category through existing units.<sup>14</sup> Limited circumstances refer to sites that are substantially rehabilitated; located on a foreclosed property or in a multifamily complex of three or more units converted from non-affordable to affordable rental; preserved at levels affordable to low- or very-low-income households with committed assistance; or preservation of mobile home parks through acquired spaces.

According to Oakland HCD’s 2021-2023 Strategic Action Plan, the City has acquired and converted and/or preserved 600 affordable units between 2018 and 2020. As an ongoing City strategy, there are a number of units that the City will convert and/or preserve during the 2023-2031 planning period. The affordability of these projects reflects the actual affordability levels pursuant to the

---

<sup>13</sup> This survey was conducted in preparation of the “Oakland ADU Initiative: Existing Conditions and Barriers Report,” which was published January 2020 and revised June 2020. There were 56 responses to the question “How much does the current ADU occupant pay in rent per month? If the occupant is staying in the ADU for free, then mark \$0.”

<sup>14</sup> More specific conditions that sites included under this option must meet are provided by HCD on their website:

<https://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/adequate-sites-alternative.shtml>



regulatory agreements that will maintain such income-restricted units. These sites and their capacity are shown in Appendix C, Table C-9.

## **OPPORTUNITY SITES**

Opportunity sites included in the Inventory are those likely to redevelop with housing considering recent development patterns as well as a variety of factors that indicate incentives to redevelop. These include both vacant and underutilized land in potential development projects, available 5th Cycle RHNA sites, and new opportunity sites identified as part of this cycle.

### **Potential Development Projects**

While pipeline projects are those that have received planning approval or are in the building permit process, there are also a number of other potential projects at various stages in the planning process, including those in the pre-application stage and those with filed and under review planning permits. Such projects are considered likely to develop. These sites are shown in Appendix C, Table C-14.

### **Available 5th Cycle RHNA Sites**

There are a number of opportunity sites selected as part of the 5th cycle RHNA that did not develop over the 2015-2023 period and are still available for housing. Pursuant to Government Code Section 65583.2(c), sites identified to accommodate a portion of Oakland's lower-income RHNA that were also contained in previous housing element cycles must be zoned at residential densities of at least 30 dwelling units per acre (du/ac) and must also be rezoned to allow for residential use by right for housing developments in which at least 20 percent of the units are affordable to lower income households. The proposed Inventory contains sites identified to accommodate a portion of Oakland's housing need for lower-income households that were included during the previous housing element cycles. Specific sites carried over from prior housing cycles are described in more detail in Appendix C, Table C-15.

### **New Opportunity Sites**

New opportunity sites not included in previous housing element cycles were identified to meet the remaining RHNA. These sites include both vacant and non-vacant sites and consist of City-owned sites, sites owned by BART, sites located within a specific plan area, and other sites with expressed

These sites can be found in Appendix C, Table C-16.

### **Site Selection and Capacity**

As part of site analysis, a Housing Element also must demonstrate the projected residential development capacity of sites identified that can realistically be achieved. Creation of realistic assumptions involved survey of recently constructed and approved projects by base zone, density, and height; and infill development rates; and development capacity modifiers such as existing use on a site, and potential development incentives like low assessed value (AV) ratio (when the value of the land is greater than the existing structure) and low floor area ratio (

To identify adequate sites and determine realistic capacity, a parcel-based analysis was conducted in accordance with the State site requirements for very-low and low-income sites. Sites that were

excluded include non-residential projects already in development; [REDACTED] sites that were environmentally constrained by high fire risk, near fault lines, or within a 100-year flood plain; and sites with known contamination. In addition to these considerations, sites that are sought to be designated as capable of accommodating lower-income housing must meet the State-defined standard of 30 du/ac, known as the “default density”, and they must be between 0.5 and 10 acres [REDACTED]

### 3.3 Assessing Housing Sites Through a Fair Housing Lens

The City of Oakland is committed to ensuring that all of its actions are “fair and just” and further racial equity in Oakland. At the same time, the Environmental Justice Element of the General Plan seeks to address equity issues—including adequate provision and support of affordable, healthy homes—in environmental justice communities. As explored in the [Environmental Justice and Racial Equity Baseline](#) (March 2022), there are many factors that contribute to the livability of a healthy community, ranging from physical aspects of the natural and built environment to less tangible aspects like historic, socioeconomic, and cultural settings and conditions. By assessing the housing sites inventory against Affirmatively Furthering Fair Housing (AFFH) criteria, the Housing Element is an important step in achieving an equitable future in Oakland.

As described in Appendix D, the site identification requirement in the context of affirmatively furthering fair housing involves not only an analysis of site capacity to accommodate the RHNA, but also whether the identified sites serve the purpose of replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity.<sup>15</sup> Furthermore, this analysis will determine whether programs must be adopted to “make sites available” with appropriate zoning, development standards, and infrastructure capacity to accommodate the new development need.

Chart 3-1 summarizes the development process of the housing sites inventory and demonstrates how the inventory meets the criteria for AFFH. Sites were selected in a manner to further and prioritize investment in historically disadvantaged communities, to decrease displacement pressures, and to increase access to existing higher resourced neighborhoods.<sup>16</sup> More information on each of the steps to identify additional sites for lower-income housing is available in Appendix C.

**Chart 3-1: Housing Sites Inventory Development Process**



<sup>15</sup> Gov. Code, § 8890.50. subd. (b).

<sup>16</sup> To quantify access to opportunity at the neighborhood level, State HCD and the California Tax Credit Allocation Committee (TCAC) convened to form the California Fair Housing Task Force to develop Opportunity Maps that visualize accessibility of low-income adults and children to resources within a jurisdiction. High Resource areas are those that offer low-income adults and children the best access to a high-quality education, economic advancement, and good physical and mental health.

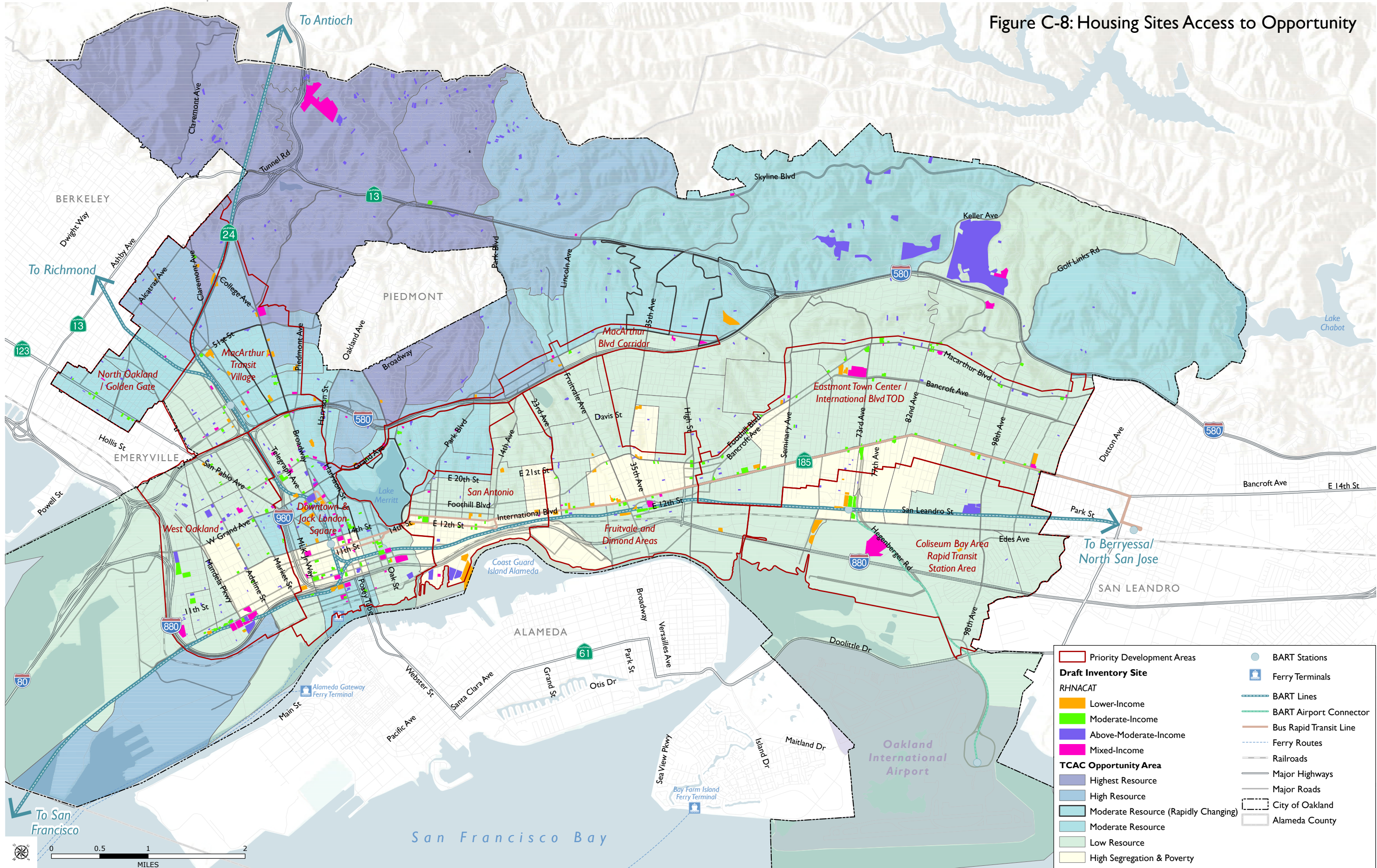
The Inventory was developed in a manner consistent with the City’s mandate to affirmatively further fair housing (AFFH), pursuant to State law. Given the City’s inability to meet the 5th cycle RHNA for lower- and moderate-income households (see Appendix A), an emphasis was placed on locating sites appropriate for these income groups – particularly in higher resource areas. However, increasing access to existing high resource neighborhoods represents just one strategy to increase access to opportunity for lower-income households – the City is also committed to investing in “lower resource” neighborhoods to increase opportunity for the existing residents of those neighborhoods – described further in Appendix D and the Housing Action Plan. Many Oakland residents want to remain in the neighborhoods that they call home, and may not want to move to “higher-resource” areas which tend to be predominantly white and higher-income. Many existing ethnic enclaves offer resources like culturally-specific grocery stores, churches, language services, or other key access points that could be difficult to find elsewhere. Thus, efforts to increase access to exclusive neighborhoods must also be coupled with investment, cultural preservation, and anti-displacement efforts in lower-income neighborhoods and Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs). In parallel with housing development, the City must invest in lower resource neighborhoods with a focus on improving opportunity and outcomes for existing residents—especially historically marginalized BIPOC communities—including investments in equitable access to transit, public facilities, food access, and other amenities.

The State and California Fair Housing Task Force use a series of Opportunity maps developed by the Tax Credit Allocation Committee (TCAC) and HCD to define areas of low to high opportunity using a set methodology. These maps, described more fully in Appendix D, indicate that a significant portion of Oakland is considered low resource or high segregation and poverty. As a result, while the RHNA is met for each income category based on pre-established housing sites in the Inventory, lower-income capacity in “moderate” to “highest” resource neighborhoods remained relatively low. Many of these areas are, in fact, in close proximity to Bay Area Rapid Transit (BART) and Alameda-Contra Costa Transit District (AC Transit) lines and are suitable to develop at the densities typically required for lower-income projects. For example, much of the Downtown area—which permits some of the highest densities in the city—is considered low to moderate resource.

Most residential capacity at all income levels is located in the low resource and high segregation and poverty areas, largely due to the fact that over 60.0 percent of land in Oakland is considered lower resource or high segregation and poverty per TCAC’s Opportunity Scores. The high and highest resource neighborhoods carry a relatively small portion of the total unit allocation – influenced by environmental constraints present in the Oakland Hills including fault zone hazards and fire risks, limited densities reflected in recent development patterns, and active pipeline projects. About 70.1 percent of Oakland’s highest resource areas are within a very high fire hazard severity zone, as are about 25.7 percent of the city’s high resource areas. Flooding also represents a risk in these areas (.6 percent in highest resource; 6.8 percent in high resource), as do earthquake fault zones (5.0 percent in highest resource; 2.2 percent in high resource) – see Appendix C for additional information. It should also be noted that ADU projections, which estimate significant numbers of units affordable to lower- and moderate-income households, are not included in these estimates. As these units are typically provided in lower-density and higher resource neighborhoods,

The location of all sites contained in the Inventory compared to TCAC opportunity areas are provided in Figure 3-2 below.

Figure C-8: Housing Sites Access to Opportunity



Priority Development Areas	BART Stations
<b>Draft Inventory Site</b>	Ferry Terminals
RHNACAT Lower-Income	BART Lines
Moderate-Income	BART Airport Connector
Above-Moderate-Income	Bus Rapid Transit Line
Mixed-Income	Ferry Routes
<b>TCAC Opportunity Area</b>	Railroads
Highest Resource	Major Highways
High Resource	Major Roads
Moderate Resource (Rapidly Changing)	City of Oakland
Moderate Resource	Alameda County
Low Resource	
High Segregation & Poverty	



SOURCE: HCD AFFH Data and Mapping Resources - HCD & TCAC Opportunity Areas Mapping Analysis, 2021; ABAG, 2020; City of Oakland, 2021; ALAMEDA County GIS, 2021; Dyett & Bhatia, 2021

Increased provision of affordable housing in existing higher resource neighborhoods is a State priority to ensure that the City meets its requirements to affirmatively further fair housing. Therefore, the City undertook the additional effort to locate suitable supplemental sites appropriate for lower-income development in higher resource neighborhoods beyond the preliminary sites inventory – which already met the RHNA in each income category. As discussed in Appendix C, the preliminary sites inventory consisted of active pipeline projects, projects with expressed developer interest, and other City- and community-identified underutilized sites without known environmental constraints and near amenities like transit. To identify supplemental sites, the City started with the entire universe of parcels in Oakland, and filtered out sites based on objective physical constraints and opportunity metrics. More information on these constraints and metrics can be found in Appendix C.

From this list of sites filtered by physical suitability characteristics, other important decision factors were applied, including: sites within moderate to highest resource TCAC Opportunity Areas, within Priority Development Areas (PDAs), within a half-mile of a BART station, and within a “transit-rich” area as defined by the Metropolitan Transportation Commission (MTC).<sup>17</sup> After completing this exercise, an additional 70 potential sites were identified – generally in the North Oakland/Adams Point, Eastlake/Fruitvale, Glenview/Redwood Heights, North Oakland Hills, and Downtown areas. Among these, 15 parcels sites were identified as supplemental sites that would further AFFH objectives.

Figure C-7 in Appendix C maps the locations of these supplemental “AFFH sites.”

and the City remains committed to increasing opportunity in neighborhoods that have experienced historic disinvestment. Providing opportunity for lower-income households must be a multipronged approach – the provision of affordable housing in areas that are already higher resourced must be coupled with continued investments in place-based strategies for historically marginalized neighborhoods. As outlined in Appendix D, the production of affordable housing and other strategies that enhance opportunity and housing security where lower-income residents already live—including gentrifying neighborhoods that face significant displacement pressures—must complement strategies to locate additional affordable housing in existing

These actions, as outlined in the Housing Action Plan (Chapter 4) will ensure that lower-income housing does not become concentrated in neighborhoods without active efforts to provide the needed place-based strategies to let historic Oakland neighborhoods thrive. Further,

however, since the City is able to meet the RHNA under existing zoning and due to the difficulty associated with projecting the affordability and capacity of sites newly made available for housing during the planning period, sites resulting from these actions are not considered in the sites inventory. Further, the City remains committed to enacting strong tenant protections and anti-displacement strategies to ensure that the same market forces that

<sup>17</sup> A transit-rich area is defined by MTC as one in which 50 percent of the area is within one half-mile of the following: an existing rail station or ferry terminal (with bus or rail service); a bus stop with peak service frequency of 15 minutes or less; and a planned rail station or planned ferry terminal (with bus or rail service) in the most recently adopted fiscally-constrained Regional Transportation Plan.

promote market rate development in gentrifying neighborhoods do not lead to the displacement of residents who call that neighborhood home.

## 4 Housing Action Plan

### 4.1 Goals, Policies, and Actions

---

This chapter includes the City of Oakland’s goals, policies, and actions critical to respond to increasing housing pressures in Oakland. First, this Housing Element identifies a foundational framework of five overarching goals to comprehensively address the housing crisis and needs of Oaklanders. The goals seek to significantly address disparities in housing needs and access to opportunity, replace segregated living patterns with truly integrated and balanced living patterns, transform racially and ethnically concentrated areas of poverty into areas of opportunity, foster and maintain compliance with civil rights, and affirmatively further fair housing. The five goals are:

1. Protect Oakland Residents from Displacement and Prevent Homelessness
2. Preserve and Improve Existing Housing Stock
3. Expand Affordable Housing Opportunities
4. Address Homelessness and Expand Resources for the Unhoused
5. Promote Neighborhood Stability and Health

While these five goals provide an overall framework for addressing the multifaceted housing crisis, the policies and actions specify the means for implementing those goals. Actions include both programs currently in operation as well as new actions needed to address the city’s housing needs.

#### **Goal 1. Protect Oakland Residents from Displacement and Prevent Homelessness**

---

The San Francisco Bay Area is decades into an extreme housing crisis, and Oakland is at the center of that crisis. Housing production, and particularly affordable housing production, has not kept pace with the region’s economic growth. Because Oakland’s rental and housing market has traditionally been less expensive than other Bay Area cities, Oakland residents experience disproportionately high displacement pressure. As a result, many Oakland

residents cannot afford to buy or rent a home within their own neighborhood.<sup>18</sup> As households displaced from more expensive Bay Area communities search for more affordable housing options in Oakland and higher-income households continue to move into the city, Oakland’s existing residents continue to bear the brunt of the Bay Area’s housing crisis.<sup>19</sup> Community investment, including building new housing, is crucial for all Oakland neighborhoods to prevent displacement.<sup>20</sup> With demand outpacing the limited housing supply, competition for finite units and the resulting rising rents may create displacement pressure on low-income residents. Research by the Changing Cities Research Lab at Stanford University and the Federal Reserve Bank of San Francisco on credit score data shows that lower income residents who move from historically Black neighborhoods tend to move to neighborhoods with lower housing values and health scores, suggesting movement under constrained circumstances; over time, fewer of these low-income movers stayed within Oakland or moved into Oakland as affordable options declined.<sup>21</sup> Rising rents are a factor in increasing rates of homelessness. According to a 2019 survey, 11 percent of unsheltered Oakland residents report that rent increases were a primary cause of homelessness, in addition to job loss (13 percent) and other money issues (10 percent).<sup>22</sup>

Oakland is committed to enabling renters and owners to stay in their homes and communities, eliminating all involuntary moves out of the city. Goals and policies that are part of a comprehensive protection strategy are designed to prevent displacement and homelessness, and to ensure that low-income renters and homeowners have supports they need to stay in their homes and communities as increased neighborhood investment occurs.

### **HOW THIS GOAL AFFIRMATIVELY FURTHERS FAIR HOUSING**

To meet the City’s equity goals and mandate to affirmatively further fair housing, this goal—including the policies and actions contained within—will advance the City’s commitment to reducing racial and economic disparities across Oakland. This goal seeks to protect from displacement pressures and prevent homelessness, both of which disproportionately impact Black, Indigenous, and People of Color (BIPOC) communities throughout Oakland. For instance, enhanced tenant protections will crack down on tenant-based racial discrimination in the housing market. This will be particularly important as the eviction moratorium established during the COVID-19 pandemic eventually comes to an end, and further pressure is exerted on the residential rental market.

---

<sup>18</sup> Policy Link, “A Roadmap Toward Equity: Housing Solutions for Oakland, California.” 2015.

<sup>19</sup> Urban Displacement Project, “Mapping Displacement, Gentrification, and Exclusion in the San Francisco Bay Area.” 2018. Available at <https://www.urbandisplacement.org/maps/sf-bay-area-gentrification-and-displacement/>.

<sup>20</sup> Office of Policy Development and Research, U.S. Department of Housing and Urban Development, “Displacement of Lower-Income Families in Urban Areas Report.” May 2018. Available at <https://www.huduser.gov/portal/sites/default/files/pdf/DisplacementReport.pdf>.

<sup>21</sup> Hwang, Jackelyn, and Vineet Gupta. “Residential and Neighborhood Instability in Oakland.” 2021. Available at <https://crl.stanford.edu/publications/residential-and-neighborhood-instability-in-oakland>.

<sup>22</sup> City of Oakland, “Homelessness County & Survey: Comprehensive Report.” 2019. Available at [https://everyonehome.org/wp-content/uploads/2019/12/2019HIRDRReport\\_Oakland\\_2019-Final.pdf](https://everyonehome.org/wp-content/uploads/2019/12/2019HIRDRReport_Oakland_2019-Final.pdf).



Rent stabilization and just cause protections also ensure that as more amenities are added to a neighborhood (and it becomes higher resource), the existing diverse residents are able to stay. Residents of historically disinvested neighborhoods should be able to remain in their homes and enjoy the results of improved amenities and increased services. In the long-term, this will enhance access to opportunity for historically marginalized and disadvantaged communities. Further, by pursuing live/work preferences for Oakland residents and taking actions to assist tenants at risk of eviction, Oakland helps tenants avoid displacement or concentration in disadvantaged neighborhoods.

Through more robust data collection efforts, the City will also be able to better identify and correct barriers to opportunity. These efforts include the creation of a rental registry and other displacement measure tracking. More accurate data will also ensure that the City is able to better target its existing and future housing resources to generate the maximum impact.

### **POLICY 1.1. TENANT PROTECTIONS AND ANTI-DISPLACEMENT**

#### **Action 1.1.1: Continue to Implement the Rent Adjustment Program (RAP).**

The RAP limits rent increases on units covered by the Rent Adjustment Ordinance (Chapter 8.22 of the Oakland Municipal Code) based on a formula tied to increases in the Consumer Price Index. These provisions were further strengthened in 2017. The City will continue to implement the RAP and enforce the Rent Adjustment Ordinance. The City also enforces AB 1482 rent increase caps and just provisions for certain units not covered by the City's ordinances.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Annual Rent Adjustment Fee*

**Timeframe:** *Ongoing, 2023-2031*

**Objective:** *All tenant rights and protections under applicable City and State law will be enforced.*

#### **Action 1.1.2: Enforce Just Cause for Eviction measures.**

Just Cause for Evictions protections are enforced as part of the RAP, and are contained within Chapter 8.22, Article II of the Oakland Municipal Code. The City will continue to enforce just cause measures and will expand tenant protections as feasible—including clarifying and limiting the definition of nuisance or other just cause evictions.

**Responsible Party:** *Oakland Planning & Building Department; Oakland Public Works Department; Oakland Department of Housing and Community Development; Oakland Department of Transportation*

**Potential Funding Source:** *Annual Rent Adjustment Fee*

**Timeframe:** *Ongoing, 2023-2031*

**Objective:** *All tenant rights and protections under applicable City and State law will be enforced.*

**Action 1.1.3: Strengthen Ellis Act Ordinance protections.**

The Ellis Act is statewide law that permits property owners to terminate tenancy when withdrawing residential units from the rental market. Although the City cannot prohibit Ellis Act evictions, it has adopted the Ellis Act Ordinance (Chapter 8.22, Article III of the Oakland Municipal Code) to set specific requirements that must be followed when removing a property to discourage violations of the Act and prevent the displacement of renters. The City will continue to enforce the Ordinance and strengthen renter protections—including proactive enforcement of eviction protections—in case of an Ellis Act eviction where feasible. The City will also join neighboring Bay Area cities to advocate for statewide reform to the Ellis Act to stabilize rental housing.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Annual Rent Adjustment Fee*

**Timeframe:** *Ongoing, 2023-2031*

**Objective:** *All tenant rights and protections under applicable City and State law will be enforced.*

**Action 1.1.4: Implement and expand tenant relocation measures.**

On January 16, 2018, the City of Oakland passed the Uniform Residential Tenant Relocation Ordinance (Ord. No. 13468) to establish a uniform schedule of relocation payments which are now extended to tenants evicted when the owner or qualifying relative moves in and for other “no tenant fault” evictions. The Uniform Relocation Ordinance (Ordinance) requires owners to provide relocation payments to tenants displaced by code compliance activities, owner or relative move-ins, Ellis Act activity, and condominium conversions. The City will continue to implement and enforce the Ordinance, adjusting base payments for inflation annually on July 1st. Additional relocation payments shall be required for tenant households in rental units that include lower-income, elderly or disabled tenants, and/or minor children.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Annual Rent Adjustment Fee*

**Timeframe:** *Ongoing, 2023-2031*

**Objective:** *All tenant rights and protections under applicable City and State law will be enforced.*

**Action 1.1.5: Provide eviction defense and implement a right to counseling.**

The City will explore the feasibility of implementing a tenant right to counsel, where all tenants who receive an eviction notice or have been served with an unlawful detainer lawsuit have right to free legal representation. This may include partnering with nonprofit organizations to provide those services.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Private donations or other local, State or federal sources as available*

**Timeframe:** *Ongoing, 2023- 2031*

**Objective:** *As funding permits, all tenants facing eviction will be provided with counsel to represent them during eviction proceedings.*

**Action 1.1.6: Expand rent control in a limited manner to maintain affordability.**

Rent control measures are outlined in Oakland’s Rent Adjustment Ordinance and enforced through the RAP. Units are covered by the Rent Adjustment Ordinance if they are within a building built prior to 1983 and there are two or more units in the building. The City will consider a limited expansion of the number of units subject to rent control to maintain affordability.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Annual Rent Adjustment Fee*

**Timeframe:** *Ongoing, 2023-2031*

**Objective:** *To the extent permitted by State law, Oakland will expand renter protections.*

**Action 1.1.7: Monitor neighborhood displacement risk factors.**

As the effects of the COVID-19 pandemic continue to unfold and eviction moratoriums lift, there is an urgent need to monitor displacement pressures. The City will regularly monitor displacement risk factors—including rising housing costs, rapid demographic changes, neighborhood instability, and trends in out- and in-migration across neighborhoods in Oakland—to understand local displacement risk. This data will be used to better target anti-displacement programs and prioritize neighborhoods with a high risk of displacement. This data will also be used to better understand the causes of displacement and help tailor City programs to meet existing housing needs. The City will carry out the bi-annual Resident Mini Pulse Survey on the state of housing security as part of these monitoring efforts.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Annual Rent Adjustment fee*

**Timeframe:** *Ongoing, 2023-2031*

**Objective:** *The City of Oakland will include displacement-related statistics in a broader housing or community dashboard available on the City website.*

**Action 1.1.8: Create and maintain a rental housing registry.**

A rental housing registry is a database of all rental units within Oakland and would be used to track properties subject to rent control provisions, Just Cause for Eviction measures, and other property-specific policies and requirements. RAP staff have been studying the effectiveness of a rental housing registry in Oakland and plan to present initial findings to City Council during the summer of 2022. The City could use data collected in the rental housing registry to monitor and understand neighborhood change at a more granular level, to better target anti-displacement policies, and ensure that rent increases are compatible with tenant protection law.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Annual Rent Adjustment Fee*

**Timeframe:** *Ongoing, 2023-2031*

**Objective:** *By 2023, the City will design and implement a rental housing registry.*

**Action 1.1.9: Continue and expand the Tenant Protection Ordinance (TPO).**

The TPO (Chapter 8.22, Article V of the Oakland Municipal Code) is meant to deter harassment by property owners and provide tenants legal recourse if they are harassed by the property owner. The TPO provides civil remedies for violations and implements tenant anti-harassment actions. The City will continue to enforce the TPO and expand anti-harassment protections, including tenant protections in ADUs.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Annual Rent Adjustment Fee*

**Timeframe:** *Ongoing, 2023-2031*

**Objective:** *All tenant rights and protections under applicable City and State law will be enforced.*

**Action 1.1.10: Enforce the tenant right to return.**

Currently, through the Tenant Move Out Agreement Ordinance, Oakland renters have the right to return to their rental unit after certain no-fault evictions, such as code compliance evictions after the repairs are completed or Ellis Act evictions if the units are re-rented. Further, State law (SB 330) requires that property developers provide the right to return for

low-income renters when a property is demolished and redeveloped, and that the charged rent must be affordable. The City will increase awareness of State and local requirements and will enforce affordability requirements in new development projects. Further, pursuant to Action 2.2.5 the City will extend this right beyond the sunset date of SB 330.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Annual Rent Adjustment Fee*

**Timeframe:** *Ongoing, 2023-2031*

**Objective:** *All tenant rights and protections under applicable City and State law will be enforced.*

**Action 1.1.11: Provide a local preference in affordable housing projects.**

The City will continue to implement a preference for Oaklanders who have been displaced, neighborhood residents, Oakland residents and Oakland workers in the selection of tenants or homebuyers for affordable housing projects and programs assisted by City housing Notice of Funding Availability (NOFA) funds.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Annual Rent Adjustment Fee*

**Timeframe:** *Ongoing, 2023-2031*

**Objective:** *The City will continue to provide Oakland residents and workers a preference for City-funded affordable housing to the extent allowed by law and the constraints of other involved funding sources.*

**Action 1.1.12: Negotiate for appropriate community benefits during development agreement approvals for major entitlements and use of City land.**

While negotiating development agreements with developers for large scale market-rate and non-residential projects on City land or development agreements requiring complex, multi-phase entitlements, the City will advocate for appropriate community benefits to mitigate any displacement pressures that result from the development [REDACTED]. [REDACTED] The City will consult with community-based organizations and residents impacted by developments to evaluate the extent of community benefits required to properly mitigate displacement impacts.

**Responsible Party:** *Oakland Planning & Building Department, Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Permit fees*

**Timeframe:** *Ongoing, 2023-2031*

**Objective:** *Significantly reduce displacement pressures through negotiating appropriate community benefits during the development agreements process.*

**Action 1.1.13: Prevent Oakland residents from becoming homeless/Fewer people become homeless.**

Keep Oakland Housed (a public-private partnership), the federally funded Emergency Rental Assistance Program (ERAP), and Lifelong Medical Care Services that help renters from becoming homeless through rental assistance, legal advice, housing counseling, and case management.

The City will continue to support and align City, Alameda County, and private partners (such as community-based and faith-based organizations that have roots in communities whose members are disproportionately at risk of homelessness) to strengthen their capacity to prevent displacement and respond effectively when people are experiencing a housing crisis, as well as expanding these types of programs and designing new ones that identify, assist, and prioritize funding for those who are most at risk of becoming homeless. In addition, the City will continue to make information about tenant protection, anti-displacement, rental assistance, and homelessness services available on the City’s website and at City facilities and strive to improve public awareness of these programs. These efforts are especially key in the wake of the COVID-19 crisis and the eventual end of the eviction moratorium. Additional tenant protection actions are included in Actions 1.1.1-1.1.10.

**Responsible Party:** *Oakland Human Services Department; Oakland Housing and Community Development Department*

**Potential Funding Source:** *Federal ERAP funds, private contributions, other local, State, and federal resources as available*

**Timeframe:** *Ongoing, 2023-2031*

**Objective:** *100% of available rent relief and eviction prevention funds are spent according to funder guidelines.*

## **Goal 2. Preserve and Improve Existing Affordable Housing Stock**

---

Oakland’s existing affordable housing stock is an important resource for the city’s lower- and moderate-income population. Housing preservation means retaining existing built affordable housing and extending its affordability for current and future tenants. Preventing the loss of valuable existing affordable units is a cost-effective way of maintaining this resource as well as keeping existing residents who may be more vulnerable to increasing cost pressures in their homes.

Preservation, improvement, and maintenance also have health and equity co-benefits—addressing housing habitability issues can help to narrow inequitable racial and ethnic gaps in substandard housing conditions and reduce the burden of maintenance challenges for lower-income homeowners. This goal includes policies and actions that conserve and improve existing housing stock.

### **HOW THIS GOAL AFFIRMATIVELY FURTHERS FAIR HOUSING**

This goal sets forth several policies and actions that will advance fair housing in Oakland. Actions that physically rehabilitate housing units and make other safety improvements to the existing housing stock reduce displacement and ensure longtime residents are able to enjoy new community amenities. This physical rehabilitation also improves the environmental determinants of health, thereby advancing the City’s Environmental Justice goals. Further, as discussed in Appendices B and D, BIPOC residents of Oakland are disproportionately impacted by substandard housing issues. Actions contained within this goal will reduce the prevalence of these substandard housing issues citywide. Universal design strategies will also increase housing access for seniors and people with disabilities.

Further, actions that preserve the affordability of existing homes also play a key role in preventing displacement and allowing lower-income and BIPOC tenants to remain in place despite the gentrification of their neighborhoods. These actions include range from resale controls to demolition and conversion protections. A Community Opportunity to Purchase/Tenant Opportunity to Purchase Act, if adopted, would allow for tenants to access the wealth building and stability of benefits of homeownership. Historic preservation actions also preserve cultural institutions and history that would otherwise be at risk of loss due to gentrification.

### **POLICY 2.1 EXISTING HOUSING STOCK IMPROVEMENT**

#### **Action 2.1.1: Support home rehabilitation programs.**

The City will continue to provide housing rehabilitation assistance to very low- and low-income homeowners and homeowners with special housing needs to address code violations, repair to major building systems in danger of failure, abatement of lead-based paint hazards, minor home repairs for seniors, and emergency repairs:

- Home Maintenance & Improvement Program (HMIP) Deferred Loan Program
- Emergency Home Repair Program Loan Program
- Weatherization and Energy Retrofit Loan Program
- Alameda County Minor Home Repair Grant Program
- Lead Hazard Control and Paint Program
- Neighborhood Housing Rehabilitation Program
- Access Improvement Program

The City will engage local partners and fair housing experts to help promote awareness of, and broad participation in these programs. The City will continue to implement, annually review, and revise, as needed, program guidelines for housing rehabilitation assistance. The City will target resources, as possible, to expand opportunities throughout the community, including in lower-income and lower resource areas, and will strive to build community capacity and technical know-how by connecting homeowners with local labor to carry out home rehabilitation projects. This assistance will be particularly targeted to neighborhoods experiencing or at severe risk of displacement and gentrification. The City will also commit to explore additional funding sources for rehabilitation work beyond limited CDBG funds, which provides funding for many of Oakland HCD's programs.

**Responsible Party:** *Oakland Department of Housing and Community Development, Residential Lending Division*

**Potential Funding Source:** *Community Development Block Grants and potentially other funding sources as available*

**Timeline:** *Ongoing throughout the 2023-2031 period and beyond*

**Objective:** *As funding is available, the City of Oakland will continue to fund and operate home rehabilitation programs. At current funding trends, this will allow for approximately 80 rehabilitation projects each year.*

### **Action 2.1.2: Promote healthy homes and lead-safe housing.**

The City will continue implementation of the Lead-Safe Homes Program to assist low- and moderate-income homeowners with lead paint identification and remediation, prioritizing resources for disadvantaged communities with high rates of asthma. The City will also continue to partner with the Alameda County Community Development Agency's Healthy Homes Department to provide education, lead-safety skills training, and on-site consultations for Oakland property owners and conduct lead poisoning prevention and asthma trigger interventions for Oakland residents. In accordance with Oakland's Equitable Climate Action Plan 2030, transition away from natural gas appliances, which has been proven to increase development of asthma in children by 24 percent.

**Responsible Party:** *Oakland Department of Housing and Community Development, Residential Lending Division*

**Potential Funding Source:** *Community Development Block Grants and potentially other funding sources as available*

**Timeline:** *Ongoing throughout the 2023-2031 period and beyond*

**Objective:** *As funding becomes available, the City of Oakland will implement programs to reduce health hazards from lead and natural gas appliances.*



**Action 2.1.3: Conduct proactive rental inspections.**

The City will develop a proactive, data-driven housing inspection program to track code compliance, with focus on safety, and housing quality among the City's rental stock. The City will work with community partners to develop appropriate enforcement mechanisms, including tenant protection and anti-displacement mechanisms to ensure tenants are not displaced as a result of proactive inspections turning up housing habitability issues and/or raising rents due to the cost of fixing habitability issues. Further, the City will prioritize inspections in areas with older housing stock and health disparities and seek funding to streamline the inspection/rehabilitation process by connecting property-owners to technical and financial assistance for safety and accessibility improvements at the time of inspection.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge, permit fees*

**Timeline:** *2023-2025*

**Objective:** *The City will develop a proactive rental inspections program to significantly improve housing safety and quality and address housing needs, particularly in areas with older housing stock and communities experiencing health disparities.*

**Action 2.1.4: Support historic preservation and rehabilitation.**

The City will support the preservation and rehabilitation of both the existing historic housing stock and adaptively reused non-residential structures through a variety of strategies, including continued implementation of Mills Act Contracts and the Oakland Community Buying Program. The City will support the preservation of historic, archaeological, and tribal cultural resources and their incorporation into project site planning where feasible. As described in Action 3.2.4, the City will also promote adaptive reuse to promote historic preservation.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge, permit fees*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *The City will continue to implement the Mills Act and the Oakland Community Buying Program to support to help support historic preservation.*

**Action 2.1.5: Implement universal design strategies.**

The City will initiate community engagement to understand the need for universal design strategies, including with seniors, people experiencing disabilities, and community-based

organizations with insight and experience with accessibility issues. The City will consider the adoption of a Universal Design Ordinance, which would help close loopholes, ensure good faith compliance of ADA provisions, ensure that accommodations are built into new developments, and allow Oaklanders to age in place.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge, permit fees*

**Timeline:** *2025-2027*

**Objective:** *The City will consider adopting a Universal Design Ordinance to address housing needs and improve housing conditions for seniors, people experiencing disabilities, and other communities with accessibility issues.*

#### **Action 2.1.6: Explore funding for improved indoor air quality.**

The City will explore State and federal funding sources to provide financial assistance to property owners and very low- and low-income homeowners to offset some of the cost of investing in better ventilation and air filtration systems (e.g., MERV filter systems) to improve indoor air quality in existing single- and multifamily residential units, with a priority for homes in high air pollution areas such as near freeways.

**Responsible Party:** *Oakland Public Works Department, Environmental Services Division*

**Potential Funding Source:** *State and Federal Environmental Health Agencies*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *Significantly improve indoor air quality and address housing need in existing single- and multifamily residential buildings.*

### **POLICY 2.2 PRESERVE THE AFFORDABILITY OF EXISTING HOMES**

#### **Action 2.2.1: Continue to implement resale controls on assisted housing.**

The City will continue to use financing agreements for both City-assisted ownership and rental development projects to ensure that units remain permanently affordable through covenants running with the land.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *HOME, HUD, CALHFA, County, misc. State/Federal housing programs, AHP private funds*

**Timeframe:** *Ongoing, 2023-2031*

**Objectives:** *100% of City-assisted homeownership and rental units will have their affordability covenants effectively enforced.*

**Action 2.2.2: Enforce, monitor, and preserve affordable housing covenants with an emphasis on “at-risk” units.**

The City will proactively monitor and enforce affordable housing covenants, and will conduct outreach to the owners of assisted units that are at risk of conversion to market-rate housing. The City will prioritize the preservation of units at some level of risk of converting in the next 10 years by actively working with and encouraging the owners of those properties to extend their covenants.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *HOME, HUD, CALHFA, County, misc. State/Federal housing programs, AHP private funds*

**Timeframe:** *Ongoing, 2023-2031*

**Objectives:** *As funding becomes available, deed-restricted affordable housing units at risk of losing their affordability will be protected from a loss of affordability protections.*

**Action 2.2.3: Enforce residential demolition and conversion restrictions for residential hotels.**

Residential hotels, also referred to as single-room occupancy (SRO) units, provide an important source of deeply affordable housing in City. As such, Oakland has enacted regulations to limit the demolition, conversion, and rehabilitation to charge higher rents of existing residential hotel units. The City has recently amended these regulations (Chapter 17.153 of the Oakland Planning Code) to strengthen protections for residential hotels and will continue to enforce these protections to preserve their affordability.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeframe:** *Ongoing, 2023-2031*

**Objectives:** *Continue to enforce Single-Room Occupancy (SRO) regulations to preserve affordability and meet housing need.*

**Action 2.2.4: Limit condominium conversions.**

The conversion of rental housing to condominiums provides a risk to the affordability of Oakland’s housing stock. The City recently amended its condominium conversion regulations

to require replacement rental housing for the conversion of two or more housing units, to remove the provision allowing the generation of conversion rights when the units are offered as rental units for seven or more years, to acknowledge the applicability of the Oakland Just Cause for Eviction Ordinance and the Oakland Rent Adjustment Ordinance, and to afford greater rights and protections to existing tenants. The City will strictly enforce these recently adopted regulations to preserve Oakland’s rental housing supply.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeframe:** *Ongoing, 2023-2031*

**Objectives:** *Continue to enforce condominium conversion regulations to preserve rental housing supply and prevent displacement.*

#### **Action 2.2.5: Extend local replacement unit provisions.**

State law (SB 330) mandates that “protected units” are replaced with comparably affordable units when a residential building is demolished and redeveloped. The City will codify and extend replacement provisions pursuant to State law beyond the established sunset date. Further, the City will engage in strict monitoring and enforcement of the law to ensure replacement units are provided. This will include active outreach to developers to ensure they are aware of and comply with replacement unit provisions. The City will require that any demolition proposals include sufficient relocation assistance and right to return to the new replacement units.

**Responsible Party:** *Oakland Planning & Building Department; Oakland Department of Housing and Community Development*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeframe:** *Ongoing, 2023-2031*

**Objectives:** *Codify and extend local replacement unit provisions to ensure compliance and prevent displacement.*

#### **Action 2.2.6: Reduce housing speculation.**

Housing speculation can cause housing costs to increase, leading to higher rates of displacement and increased exclusivity in higher resource neighborhoods. To curb the negative effects of speculation, the City will consider implementing an anti-speculation tax, which would apply a fee [REDACTED]. The City will conduct a market study to understand the potential impacts of such a tax and its appropriateness within Oakland. As discussed in Action 2.2.8, the City will also explore a possible Tenant Opportunity to Purchase/Community Opportunity to Purchase Act.

**Responsible Party:** *Oakland Department of Finance*

**Potential Funding Source:** *General Plan Fund for the study; self-funding, if implemented*

**Timeframe:** *2026*

**Objectives:** *Study and consider implementing an anti-speculation tax to prevent displacement.*

**Action 2.2.7: Provide additional subsidy for residential hotels.**

The City will consider allowing owners of residential hotels that agree to restrict occupancy to lower-income residents to transfer development rights to create an endowed source of funding for an internal subsidy for such residents, or for maintenance/facility upgrades that do not increase rents.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeframe:** *2025-2027*

**Objectives:** *Preserve SROs and meet housing need.*

**Action 2.2.8: Investigate a Tenant/Community Opportunity to Purchase Act.**

A Tenant/Community Opportunity to Purchase Act, referred to as TOPA/COPA, gives tenants and nonprofit organizations the opportunity to purchase their home when it goes up for sale, thereby preserving that housing unit as affordable. TOPA/COPA policies are under development in multiple Bay Area cities, including Oakland and the neighboring City of Berkeley. The City will study the effectiveness of a TOPA/COPA model suited to local conditions, which may include targeted TOPA/COPA in certain neighborhoods, equity-building mechanisms, racial equity impact considerations, or other approaches that may be appropriate to Oakland.

**Responsible Agency:** *City Council; Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Impact fees, General Fund, infrastructure bond funds, HOME, CDBG, and other local, State, and federal funding as available*

**Timeline:** *Investigate and, if applicable, implement a TOPA/COPA policy (if appropriate) by 2024-2025*

**Objective:** *Oakland will study, and if appropriate implement, a TOPA/COPA policy by 2025.*



### Goal 3. Expand Affordable Housing Opportunities

General production of housing is one of the most important strategies in addressing Oakland's housing crisis. Thoughtfully adding housing at every level can help reduce market competition for existing homes, a primary driver in displacement and homelessness. What the community needs most, however, is a concerted effort to increase production of homes that are affordable to very-low-, low-, and moderate-income households. In particular, Oakland needs more deeply affordable housing, particularly housing affordable to extremely-low-income residents, and housing that remains permanently affordable. One of the key objectives in producing more housing is overcoming patterns of discrimination and opening up neighborhoods that have historically been exclusionary to communities of color and low-income residents, while simultaneously refocusing resources and protections in historically disinvested neighborhoods (see Policy 2.2).

The shortfall is largely due to market constraints such as the cost of land, building materials and construction labor, as well as a lack of funding for affordable housing development. Other constraints are discussed in Appendix C. To meet the increased need for affordable housing, the City will identify new funding sources, expand existing programs and introduce new strategies to further incentivize high quality and abundant affordable housing development.

Like other Bay Area cities, one of the major challenges to developing permanent affordable housing in Oakland is the extremely high cost of development, especially the cost of land, labor, and materials. As California's housing crisis continues into another decade, new and innovative models for the development and maintenance of permanently affordable housing are needed to overcome these obstacles and meet Oakland's increased housing needs. Recognizing the limited resources that staff already operate with, the City will welcome models that are community-based and are eligible for external funding. For the next eight years and beyond, the City will cultivate an atmosphere that encourages new approaches to meet Oakland's affordable housing needs.

Oakland also has very little vacant land available for development and is reliant primarily on reuse of existing sites for development. The vacant parcels that do exist, however, can often provide significant opportunities for residential development. Further, vacant residential and commercial buildings and units could provide potential sources of additional housing supply that are not currently available. As part of this goal, the City will enact a variety of strategies to incentivize active residential uses on vacant land and units.

Although housing is largely provided by the private and nonprofit sectors, the City has one major tool to influence development patterns and increase housing development of affordable housing and allow for other housing types: the Planning Code. To ensure that the Planning Code is responsive to housing policies and programs, the City will need specific zoning amendments that meet Oakland's changing needs and remove identified constraints

to residential development. The suite of amendments the City will undertake range from short- to long-term solutions, some of which will be carried out alongside the update of the Housing Element and others as part of the comprehensive update to the City's General Plan that includes the Land Use and Transportation Element and will continue through 2025 after the Housing Element adoption.



The City of Oakland currently operates both an online permit center and an in-person “one-stop” permit center with counter services staffed by the Departments of Planning and Building, Fire, and Transportation. However, there are opportunities to better steward small nonprofit and BIPOC developers, homeowners looking to add additional units, affordable housing developers, and other community partners through the residential development process.

This goal will encourage the production of affordable housing and guide development of a more diverse range of housing choices for households of all types, incomes, and special needs; and promote changes to City tools like permitting processes and the zoning code to make it easier and faster to build affordable housing.

#### **HOW THIS GOAL AFFIRMATIVELY FURTHERS FAIR HOUSING**

Though Oakland is one of California's most diverse cities overall, there is significant racial segregation between the city's neighborhoods. As a result of past practices such as mortgage redlining, disinvestment in neighborhoods of color, racially restrictive covenants on housing development, exclusionary zoning, destructive urban renewal, highway development and predatory lending in neighborhoods of color, many of Oakland's BIPOC residents live in neighborhoods that lack access to quality amenities or upward mobility. As higher income people move to Oakland, low-income neighborhoods of color are also more susceptible to gentrification and continue to bear the burden of the city's increased housing supply. In contrast, some high-resource areas remain disproportionately white in their racial composition because they are zoned primarily for single-family homes, and the exclusion of lower cost housing types prevents BIPOC and lower-income families from moving to these neighborhoods. See Appendices B and D for additional detail on these patterns of segregation. The City must work towards breaking down barriers towards accessing high-opportunity neighborhoods for those who choose to live there, while simultaneously investing in “lower resource” neighborhoods. Increasing affordability and expanding the housing types permitted in high-opportunity neighborhoods will be key to ensuring that currently exclusive neighborhoods become inclusive.



During the outreach process, many community members expressed desire to see Oakland be more inclusive and retain and strengthen its diversity with a wider array of housing choices, such as duplexes, fourplexes, cottage courts, and garden apartments throughout the city. These smaller, “missing middle” housing types<sup>23</sup> tend to be more affordable by design—compared to single-family homes—and thus provide additional options for first-time homebuyers, single people, and moderate-income households. These housing types can also increase the housing stock in previously built-out neighborhoods, and as such are an important factor for Oakland to meet its moderate-income RHNA target. Accessory dwelling units – also known as ADUs, granny flats, secondary units, in-law units, and backyard cottages – are another important strategy to increase the supply of affordable housing. ADUs offer an alternative for people who want to rent but do not want to live in larger apartment complexes, and tend to be located in lower-density and higher resource neighborhoods that often contain few other smaller affordable rental options. As described in Appendix C, the majority of ADUs in Oakland are estimated to have rents affordable to lower-income households. The community also expressed a desire to see increased housing typologies and affordable housing throughout the city, including existing working-class neighborhoods that are currently low-resource due to systemic racism and disinvestment. Efforts specifically aimed at increasing affordable housing production are included in Policy 3.3.

[Redacted text block]

Further, certain segments of the population face greater challenges when finding decent, affordable housing due to special characteristics. Such characteristics may include one’s employment and income, family characteristics, disability, or other conditions. Thus, some residents face greater housing cost burden, overcrowding, or other housing problems.

[Redacted text block]

The special needs of individuals within these groups are wide ranging; in addition to affordable and accessible housing opportunities in proximity to transportation and other services, individuals with disabilities or who are experiencing homelessness may need on-site support and services. Meanwhile, female-headed households benefit from on-site childcare, and universal design elements

---

<sup>23</sup> Missing Middle Housing is a range of house-scale buildings with multiple units (e.g., duplexes, triplexes, fourplexes, cottage courts, and multiplexes) that are compatible in scale and form with detached single-family homes and are located in a walkable neighborhood. More information is available at [missingmiddlehousing.com](http://missingmiddlehousing.com).

<sup>24</sup> SB 9, in effect as of January 1, 2022, permits increased density on single-family lots through duplexes and lot splits.

such as zero-step entrances and single floor living are important considerations for senior housing.

Special needs housing is an important component of Oakland’s commitment to just and fair treatment of all individuals. It is critical that housing conditions foster an environment where everyone can participate, prosper, and reach their full potential. Actions contained within this goal will expand funding sources for affordable housing, including bonus points for serving special needs populations, will together allow for the expansion of affordable opportunities for special needs populations in high-opportunity neighborhoods. Actions related to expanding affordable housing options that are accessible to extremely-low-income households are also contained under Policy 3.1.

### **POLICY 3.1 FACILITATE PRODUCTION OF DEEPLY AFFORDABLE HOUSING<sup>25</sup>**

#### **Action 3.1.1. Develop a project-based rental or operating subsidy program for extremely-low-income residents.**

Create either a capitalized operating subsidy or a rental housing subsidy for extremely-low-income households. This will help promote the financial viability of extremely-low-income housing.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Timeline:** *Program will be launched by December 2023*

**Potential Funding Source:** *State of California Permanent Local Housing Allocation*

**Objective:** *This program will fund project-based rental or operating subsidy for at least 16 units of extremely-low-income housing per year, for a total of at least 56 extremely-low-income units by 2031.*

#### **Action 3.1.2. Align and target Oakland Housing Authority Section 8 Vouchers for permanent supportive housing and extremely-low-income units.**

The Oakland Housing Authority will continue targeting vouchers to support the development of extremely-low-income Housing through the award of project-based vouchers.

**Responsible Agency:** *Oakland Housing Authority*

**Timeline:** *Ongoing, 2023-2031*

**Potential Funding Source:** *Federal Section 8 and/or VASH vouchers.*

---

<sup>25</sup> Deeply Affordable housing for persons at 30% area median income or below.

**Objective:** *As vouchers are available, at least 20% of units in assisted developments will be deed restricted as extremely-low-income.*

**POLICY 3.2 CREATE A MORE DIVERSE MIX OF HOMES TO MEET COMMUNITY NEEDS**

**Action 3.2.1: Develop zoning standards to encourage missing middle and multi-unit housing types in currently single-family-dominated neighborhoods, including flats, duplexes, triplexes, fourplexes, townhomes/rowhouses, and ADUs.**



The City will develop zoning standards that allow for two, three, and four units on parcels in Detached Unit Residential (RD) and Mixed Housing Type Residential (RM) zones. The City will also reduce the minimum lot size in Detached Unit Residential and Mixed Housing Type Residential generally to 3,000 square feet to remove constraints on lot splitting. The City will permit a variety of building types (attached, detached, bungalow courts) to maximize flexibility, neighborhood scale and potential opportunities for homeownership (split lots and condominiums) in parallel with Policy 5.1. The City will develop objective design standards at the neighborhood level to ensure that multi-unit neighborhood scale housing types designed in a manner that is compatible with the scale of existing residential housing forms in these zoning districts is permitted ministerially.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees, 2415 fund of the City, SB2 Grant for Objective Design Standards*

**Timeframe:** *2023*

**Objective:** *Significantly increase production of multi-unit housing types (including duplexes, triplexes and fourplexes) in current single-family-dominated neighborhoods to match housing need.*

**Action 3.2.2: Promote live/work housing and housing for artists.**

The City will update development standards and land use regulations to promote artist and live/work units in areas where appropriate under the General Plan. The City will encourage employers, trade groups, and arts and cultural districts to provide housing opportunities that are affordable to artists and similar professionals. The City will continue to allow the

conversion of existing commercial nonresidential buildings to joint live/work units in specific commercial/industrial locations while considering the impacts on nearby viable businesses.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees, 2415 fund of the City, SB2 Grant for Objective Design Standards*

**Timeframe:** *2025*

**Objective:** *Significantly increase production of live/work housing and housing for artists to match housing need.*

### **Action 3.2.3: Promote flexibility in adaptive reuse to increase the housing stock.**

The City will encourage the reuse and rehabilitation of Oakland’s historic building stock to provide additional housing units and housing Oakland residents, keep the neighborhood character, and to preserve the energy embodied in the building’s original construction. The City will amend land use regulations and development standards in the Planning Code to reduce constraints on adaptive reuse of commercial buildings for residential use. Reuse in environmentally sensitive areas—including in warehouses adjacent to industrial uses—will consider health and safety impacts prior to approval.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees, 2415 fund of the City, SB2 Grant for Objective Design Standards*

**Timeframe:** *2025*

**Objective:** *Significantly increase reuse and rehabilitation of historic commercial buildings for residential use to match housing need.*

### **Action 3.2.4: Provide financial incentives for older or lower-income homeowners who want ADUs.**

The City will identify potential funding sources and community partners to develop and implement a financial assistance program that would provide loans and/or grants to support low-income and older homeowners who want to construct an ADU. The City may prioritize funding for homeowners who agree to charge rents affordable for lower-income households or rent the ADU to Housing Choice Voucher participants.

**Responsible Party:** *Oakland Planning & Building Department; Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Potential funding for an ADU incentive program could include funding from the State of California’s CalHome program, potential future State funding for ADU development, or local sources*

**Timeframe:** *Ongoing as funding becomes available, 2023-2031*

**Objective:** *If funded, the City anticipates supporting at least 30 low-income and/or senior households with the cost of constructing on Accessory Dwelling Unit. This is based on the 30 loans projected for the existing CalHome grant the City has received to help low-income homeowners build ADUs.*

### **Action 3.2.5: Reduce constraints to the development of ADUs.**

On January 18, 2022, the City updated its zoning standards related to ADUs to be consistent with State law. The adopted local ordinance clarified and simplified existing requirements and offered additional allowances to encourage creation of ADUs that go beyond the minimum requirements of State law. These additional allowances include higher maximum heights allowing for two-story ADUs, reduced setbacks in some zones, larger maximum sizes for detached ADUs, and an introduced ADU amnesty from Planning Code requirements allowing homeowners with existing un-permitted ADUs to legalize them. Also, this zoning update removed setback requirements and allowed additional envelope expansion of existing structures to create livable-size ADUs on “small lots” where ADUs would not be feasible under previous requirements.

The City will continue to host pre-approved ADU plans on its website to facilitate reduced applicant cost and expedited review for ADUs. The City will also provide increased staffing capacity to create a “one-stop shop” for information to property owners, contractors, and tenants. The City will invest in community outreach and education to teach property owners about ADU construction, financing, and landlord responsibilities. The City will also consider developing a database through which property owners can find and hire local workers to build ADUs. The City will also study how its implementation of the building code may constrain the legalization of unpermitted ADUs.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees, SB2 Grant for Objective Design Standards*

**Timeframe:** *Ongoing, 2023-2031*

**Objective:** *Significantly increase production of ADUs to match housing need.*

## **POLICY 3.3 EXPAND RESOURCES FOR THE CONSTRUCTION OF AFFORDABLE HOMES**

### **Action 3.3.1: Sale or ground-lease of City-owned property for affordable housing.**

The City will solicit proposals from interested developers to construct housing on City-owned sites with first consideration given for affordable housing projects, pursuant to the California Surplus Lands Act. If the City does not agree to price and terms with an affordable housing developer and disposes of the surplus land to an entity that develops 10 or more residential units on the property, the City will require the entity to provide at least 15 percent of the developed units at an affordable housing cost or affordable rent to specified income groups,

as required by Government Code Section 54233. The City will consider depositing up to 100 percent of net proceeds from such sales or leases to the Affordable Housing Trust Fund. Requests for proposals will be posted on the City's website and distributed directly to developers, including nonprofit housing providers.

**Responsible Agency:** *Oakland Economic & Workforce Development Department; Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Donation of land value*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *City will issue Notices of Availability and/or Requests for Proposals on at least two City-owned surplus sites each year.*

### **Action 3.3.2: Expansion of Section 8 vouchers.**

The City will continue to participate in the HUD-operated Section 8 Housing Choice Vouchers program, and will continue to work with the Oakland Housing Authority to obtain additional funding from the federal government for more Section 8 rental assistance for very-low-income renters by documenting the need for additional housing vouchers and contacting decision-makers at HUD as appropriate. The City will also advocate for additional funding as opportunities such as the American Recovery Act become available. Further, the City will work with nonprofit and community-based partners to educate property owners throughout the city about housing choice vouchers to encourage greater participation and to increase locational choices for voucher holders (see Action 5.2.7).

**Responsible Agency:** *Oakland Housing Authority, Oakland Department of Housing and Community Development*

**Potential Funding Source:** *HUD Section 8 vouchers*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *The City of Oakland Housing Authority will increase the number of vouchers being used in proportion with any future federal expansion of Section 8 or similar programs.*

### **Action 3.3.3: City of Oakland Rental Assistance Program.**

As funding allows, the City will build on the success of the Keep Oakland Housed program, a public-private partnership, and the Federal Emergency Rental Assistance program (ERAP) to offer rental assistance grants to distressed tenants, free legal consultation, eviction defense, case management, and employment and financial counseling. The City will work with community partners to expand public awareness of the rental assistance program and tenant rights to ensure access to timely access information.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *State and federal emergency rental assistance funding, private donations, and other local funds as available*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *100% of tenants facing eviction will have access to counsel by the end of the Housing Element cycle. At least 250 households will be provided financial assistance to stay in their housing each year, or more if additional funding becomes available.*

**Action 3.3.4: Develop permanent housing affordable to extremely-low-income (ELI) households on public land.**

Determine the feasibility of developing permanently affordable housing in partnerships with community land trusts mentioned in Action 3.5.1 and other community partners on publicly owned sites that may be designated as surplus property. Assist nonprofit and local developer partners to access public funding and financing to construct and increase the supply of permanently affordable rental units that are designated for extremely-low-income households. Seek public funding resources to advance the development of permanently affordable rental and ownership housing for extremely-low-income households. Ensure that permanently affordable housing for extremely-low-income households is prioritized where services and needs are accessible by transit or walking. For projects seeking City funding, continue to incorporate preference for new construction projects to set-aside at least 20 percent of housing for ELI or below with a homeless household preference.

**Responsible Agency:** *Oakland Department of Housing and Community Development; Oakland Economic & Workforce Development Department; Oakland Human Services Department*

**Potential Funding Source:** *Donation of land value, City subsidy*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *City will issue Notices of Availability and/or Requests for Proposals on at least two City-owned surplus sites each year.*

**Action 3.3.5: Implement an affordable housing overlay.**

The City will create [REDACTED] to streamline the approval of affordable housing by right. Potential features of this overlay could include ministerial approval of 100 percent affordable housing projects, increased height and density allowances, waiver of parking requirements, and reduction of zoning barriers. The City will study the feasibility of broadly applying this overlay, except for areas in the very high fire severity zone and protected historical sites/districts. The City will also study the possibility of extending the streamlined approval provisions of the affordable housing overlay to mixed income projects that qualify for the super density bonus and/or other strategies to augment the City's density bonus program.



**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 - 2024*

**Objective:** *Study and consider adopting an affordable and/or moderate-income housing overlay to meet housing need.*

**Action 3.3.6: Access to low-cost financing for development.**

The City currently awards local funding that affordable housing developers leverage to obtain financing for their projects. As funding allows, the City will continue to award funds to affordable housing developers on favorable terms—including simple low interest rate, payment of principal and interest due from excess cash flow from operations after payment of operating costs, senior debt, reserves and developer fee, and a 55-year loan term. The City will also continue to work with affordable developers to set loan terms in a way that will help maximize their ability to leverage funding from banks and other lending agencies. Further, the City will also continue to coordinate with developers to help ensure that they qualify for additional funding from county, State, and federal sources.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Development impact fees, local infrastructure bond funds, HOME funds, and other local, State, and federal funds as available*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *Allocate all budgeted local funding sources (approximately \$12 million annually starting in 2023) to support the construction, acquisition, and/or preservation of deed restricted affordable housing units each year. With \$12 million in local funding forecasted in 2023, approximately 80 units could be created or preserved; of these, approximately 16 would be extremely-low-income. This will result in a total of 640 low-income units over the Housing Element period, including 128 extremely-low-income units, which would increase if more local funds are identified or secured such as a new local bond measure dedicated to funding affordable housing.*

**Action 3.3.7: Study the targeted implementation of an inclusionary housing requirement.**

While the City generally relies on development impact fees to provide local funding for affordable housing developers, targeted inclusionary housing requirements may increase the provision of affordable housing units in higher resource neighborhoods. A study is underway as part of the five-year update to assess the benefits of impact fees versus inclusionary affordable housing requirements. The study will consider the number of units likely to be produced and likely affordability levels, and implement such requirements, if appropriate.

**Responsible Agency:** *Oakland Planning & Building Department; Oakland Department of Housing and Community Development*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 – 2025*

**Objective:** *Study and consider adopting targeted inclusionary housing requirements to meet housing need.*

**Action 3.3.8: Right-sized development fees on market-rate developments.**

The City levies a number of development impact fees, including affordable housing impact fees, on market-rate projects to ensure that new development pays its fair share toward funding affordable housing, transportation improvements, and capital facilities. The City will regularly monitor its impact fees and ensure that appropriate amounts are set on an annual basis. Pursuant to the Mitigation Fee Act, the City will conduct a comprehensive analysis and make findings every five years for each impact fee along with review of whether to increase fees and if the option of building affordable housing units on-site percentage is set appropriately. The City will explore allowing developments to pay an in-lieu fee equivalent to the public art requirement to build art at affordable housing developments and promote neighborhood cultural preservation/stabilization.

**Responsible Agency:** *Oakland Planning & Building Department; Oakland Department of Housing and Community Development; Oakland Public Works Department; Department of Transportation (DOT)*

**Potential Funding Source:** *General Plan Surcharge, permit fees, and Impact Fees*

**Timeline:** *Ongoing, 2023-2031; initiate next five-year update in 2027*

**Objective:** *Continue to monitor and adjust impact fees.*

**Action 3.3.9: Adjusting or waiving City fees and payment timing for affordable housing developments.**

Affordable housing developers have pointed to the impact of City fees and the timing of fee payment, including both impact fees and building permits, as a constraint to development. The City will explore ways to increase flexibility in payment timing and expand direct financial support to reduce the burden imposed by the collection of City fees.

**Responsible Agency:** *Oakland Planning & Building Department; City Administrator's Office; Oakland Department of Finance*

**Potential Funding Source:** *General Plan Surcharge, permit fees, and General Fund for any reduction of fees*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *Explore methods to reduce cost burden of City fees and payment timing to significantly increase affordable housing development.*

**Action 3.3.10: Consider a citywide Enhanced Infrastructure Financing District (EIFD).**

On December 16, 2021, the Rules and Legislation Committee of the Oakland City Council recommended that the City Administrator study the implementation of a citywide EIFD to fund affordable housing and infrastructure improvements. Upon completion of this study, the City will consider implementing the EIFD to increase available local funding for affordable housing. An EIFD is a special taxing district that directs a portion of future property tax growth towards infrastructure expenses, including affordable housing.

**Responsible Agency:** *City Administrator's Office; Oakland Department of Finance*

**Potential Funding Source:** *An EIFD would be a cost-recovering program for any implementation costs.*

**Timeline:** *By 2028, complete studying the possible implementation of an EIFD.*

**Objective:** *Study and consider implementing an EIFD to significantly increase affordable housing development and fund infrastructure improvements to match need.*

**Action 3.3.11: Support innovations by design.**

(such as modular and other offsite construction methods).

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023*

**Objective:** *Significantly increase production of housing using construction innovations to match housing need.*

**Action 3.3.12: Continue the Acquisition and Conversion to Affordable Housing (ACAH) Program.**

The ACAH program provides loans to eligible borrowers for acquisition- and rehabilitation-related costs associated with protecting and preserving long term affordable housing. The City will continue to issue NOFAs as funding is available and work with borrowers—including local community land trusts—to create new affordable housing units and preserve existing ones. The City will also continue to explore additional funding sources for the ACAH program.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Development impact fees, local infrastructure bond funds, HOME funds, and other local, State, and federal funds as available*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *Allocate approximately 25% of available local funding towards continuing the ACAH program.*

**Action 3.3.13: Expand availability of predevelopment funding and low cost debt products for affordable housing development.**

The City will continue to allocate funding to support predevelopment funding for affordable housing projects using its existing local sources, to help relieve the costs associated with the entitlement process especially for emerging and BIPOC affordable developers. The City will also identify and secure low-cost debt products for affordable housing development. To this end, the City has applied to HUD for Section 108 authority to leverage its CDBG allocation to provide low interest debt for affordable housing. Because Section 108 are hard loans that require repayment, the repayments could be revolved to support ongoing pipeline. The City will use a data-informed approach to target its resources towards historically marginalized and redlined areas as well as to support the growth of emerging and BIPOC affordable developers.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Development impact fees, local infrastructure bond funds, HOME and Section 108 funds, and other local, State, and federal funds as available*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *As suitable funding and projects become available, predevelopment funding and low cost debt products will be made available for affordable housing development.*

**Action 3.3.14: Evaluate the creation of a leveraged acquisition fund or debt/equity funds for small sites to support site acquisitions for affordable housing.**

Affordable housing developers indicated during outreach that competing with market rate developers for sites posed a barrier on their ability to acquire sites for development. The City typically provides gap financing commitments during predevelopment, with funds provided at construction finance closing; acquisition is an eligible cost for reimbursement by the City's funding. While directly funding acquisition presents an earlier, riskier, and less efficient investment of the City's limited funds, the City will consider the implementation of a leveraged acquisition fund to allow for faster and more efficient acquisition transactions. The City will also study the creation of debt and/or equity funds to support small site housing projects. If feasible and funding is available, this new fund may be similar in nature to the City and County of San Francisco's Small Sites Program.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Development impact fees, local infrastructure bond funds, HOME funds, and other local, State, and federal funds as available to leverage philanthropic and other outside resources.*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *By the end of the Housing Element Cycle, the City will be able to report on the practicality of a leveraged acquisition fund, as well as the feasibility and appropriateness of a small sites fund.*

**Action 3.3.15: Continue and expand density bonus incentives.**

Continue to implement the City’s density bonus ordinance and seek opportunities to expand the program, which offers developers density bonuses in exchange for the provision of affordable housing. Added provisions could include mixing and matching of low-income category percentages to get an additional bonus. Consider evaluating the density bonus ordinance and deed restrictions needed for the program to make the language more accessible and identify any unnecessary barriers that make it difficult for grassroots organizations and nonprofit developers to navigate this program.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023-2025, Ongoing*

**Objective:** *Significantly expand the City’s density bonus program and increase production of density bonus projects to match housing need.*

**Action 3.3.16: Consider revising the Real Estate Transfer Tax.**

The real estate transfer tax, also called a Real Property Transfer Tax (RPTT), is due when a home is sold or gifted. The City will consider the following revisions to the RPTT:

- Make the tax more progressive at higher rates; and
- Use of a portion of the revised tax rate as a dedicated funding stream for affordable housing. This could provide annual revenues at levels significantly higher than current Impact Fee revenue.

**Responsible Party:** *Oakland Department of Housing and Community Development; Oakland Department of Finance*

**Potential Funding Source:** *General Fund for any applicable studies*

**Timeline:** *Conduct the analysis by 2026*

**Objective:** *Complete an analysis by 2026.*

**Action 3.3.17: Support low-income, grassroots, and BIPOC affordable housing developers.**

The City will work with low-income, grassroots, and BIPOC affordable housing developers to identify barriers that prevent BIPOC and small nonprofit developers from accessing City funding and navigating the permitting process, and develop solutions to ensure that the process is transparent, affordable, and accessible for these Emerging Developers, defined by Oakland HCD as “a developer who has less than five (5) years of experience as a developer and/or less than five completed projects.” The City has secured a Breakthrough Grant from the San Francisco Foundation that will dedicate a full time fellow to facilitate this work of identifying and breaking down barriers for BIPOC and emerging developers to develop affordable housing in Oakland.

**Responsible Agency:** *City Administration Oakland Department of Housing and Community Development; Oakland Planning & Building Department*

**Potential Funding Source:** *San Francisco Foundation, General Plan Surcharge, and permit fees*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *The proportion of City funding distributed for affordable housing development to low-income, grassroots and BIPOC affordable housing developers will significantly increase by 2031.*

### **Action 3.3.18: Reauthorize Measure KK and release remaining funds.**

Measure KK, a bond measure passed in 2016, has provided a significant source of funding for anti-displacement and affordable housing preservation projects. The City has released remaining Measure KK bond funds for resident-led and community land trust-supported preservation projects and homeless acquisition projects and will seek to reauthorize bond authority to increase the funding available for affordable housing.

**Responsible Party:** *Oakland City Council and Oakland Department of Housing and Community Development*

**Potential Funding Source:** *General Fund and Local Infrastructure Bond Funds post-Measure KK*

**Timeframe:** *Authorize local infrastructure bond by 2025, spend funds as available on an ongoing basis*

**Objectives:** *The size of the new infrastructure bond and the amount set-aside for Affordable Housing is still being determined. For reference, the Measure KK infrastructure bond of \$100 million for affordable housing supported the new construction of over 700 units, the preservation of 420 units, and the acquisition and conversion of over 400 units. New construction projects will be prioritized for setting aside at least 20% of units for extremely-low-income populations.*

### **POLICY 3.4. REFORM ZONING AND LAND USE TO ADDRESS COMMUNITY PRIORITIES**

#### **Action 3.4.1: Revise development standards, including allowable building heights, densities, open space and setbacks requirement.**

The City will allow additional building heights and/or housing densities in certain corridors and districts. These changes include:

- **Zoning Districts** such as the Detached Unit and Mixed Housing Type Residential Zones. As discussed in Action 3.2.1, the City will develop zoning standards for a diversity of housing types in single-family neighborhoods, including duplexes, triplexes, and fourplexes. The City will also reduce minimum lot sizes to facilitate the subdivision of existing lots. The City will permit a variety of building types (attached, detached, bungalow courts) to maximize flexibility and potential opportunities for home ownership (split lots and condominiums). The City will also develop objective design standards at the neighborhood level to ensure that such [REDACTED] is designed in a manner that is compatible with existing residential housing forms in these zoning districts.
- **Corridors** such as International, Foothill, and MacArthur Boulevards. The current building height map and permitted densities along key corridors does not always allow residential projects to meet their full potential. Consistent with the housing sites map, the City will undertake revisions to allow increased heights and densities.
- **Transit-proximate areas.** Alongside efforts to increase missing-middle housing (see Action 3.2.1), [REDACTED]
- **Resource-rich areas.** Oakland's high resource neighborhoods are typically lower-density and have historically been exclusive – both economically and racially. Allowing higher density multi-unit buildings in these areas that are rich in services will help increase the competitiveness of affordable housing projects for State funding, as well as the feasibility of developing significant numbers of housing units within these neighborhoods. Zoning changes may include permitting residential densities above 30 dwelling units per acre by right in designated areas [REDACTED]. This will help further fair housing objectives by increasing the availability of housing, and particularly [REDACTED] in high resource areas.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 – 2025*

**Objective:** *Reduce constraints to development to significantly increase production of housing to match housing need.*

**Action 3.4.2: Revise Conditional Use Permit (CUP) requirements.**

Conditional Use Permits are currently required for multifamily buildings in the RD-2 and RM Zones, which can act as a constraint on development – especially for affordable housing. The City will revise regulations to permit multi-unit building according to objective criteria such as building type and development size, without subjecting multi-unit residential projects to CUPs. Under Action 3.4.7, the City will create objective design standards and amend the Planning Code design review procedures to allow for streamlined review and, where appropriate, ministerial approval. The City will also actively promote and support use of SB 35 to streamline 100 percent affordable housing developments. These revised standards will be implemented alongside changes to Oakland’s RD, RM, and RU zones as described in Action 3.2.1.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023*

**Objective:** *Reduce constraints to development to significantly increase production of housing to match housing need.*

**Action 3.4.3: Revise citywide parking standards.**

Parking requirements are a major cost driver in residential development, and often conflict with sustainable development goals that seek to reduce dependence on automobile use. As such, the City recently eliminated residential parking minimums in the downtown area. Continued revisions of Oakland’s parking standards will be undertaken through a comprehensive review of existing residential parking standards and the identification of appropriate new standards to match long-term development and environmental goals. Additionally, for mixed-use development projects (commercial on ground floor and residential uses above), the City will explore flexibility in parking requirements so that additional residential development on these sites is not constrained by any lack of conformance with commercial parking regulations.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023-2026*

**Objective:** *Reduce constraints to development to significantly increase production of housing to match housing.*

**Action 3.4.4: Revise open space requirements.**

Both affordable and market-rate developers have pointed to the relatively high open space standards in Oakland as a constraint to development, especially for higher-density projects.



The City will revise common and private open space standards for multi-family developments to increase the feasibility of residential projects.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023-2025*

**Objective:** *Reduce constraints to development to significantly increase production of housing to match housing need.*

**Action 3.4.5: Correct zoning district boundaries that cut through parcels.**

Oakland's Zoning Map includes many zoning district boundaries that cut through individual parcels – meaning that the same parcel is subject to multiple development standards, which can act as a development constraint. In updating the Zoning Map, the City will correct instances of this occurrence and ensure that zoning district boundaries that affect allowed height and density follow parcel boundaries to the maximum extent feasible to remove inconsistencies and ambiguities.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 – 2025*

**Objective:** *Reduce constraints to development to significantly increase production of housing to match housing need.*

**Action 3.4.6: Capture the diversity of existing built fabric in zoning.**

Oakland has a diverse historic urban fabric, some of which no longer conforms to the current Planning Code. To capture and continue this diversity and remove ambiguities, the City will reduce minimum lot sizes and setbacks to allow the creation of small-lot developments, as well as legitimize the many existing small-lot neighborhood patterns in West Oakland and other neighborhoods. The City will conduct a comprehensive review of the Planning Code to identify where current development standards have created non-conformities for older built facilities and amend development standards to reduce or eliminate them where appropriate. The City will also provide flexibility in the objective standards to retain and promote the City's vernacular built environment.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 – 2026*

**Objective:** *Reduce constraints to development to significantly increase production of housing to match housing need.*



**Action 3.4.7: Implement objective design standards.**

The City currently requires design review for nearly all residential development, which can significantly lengthen the time required for project approval. To reduce the permitting timeline, the City has initiated a process to develop objective design standards to streamline the approval of residential, mixed-use, and commercial building types, with a particular focus on much-needed affordable housing projects in transit-rich areas. As opposed to "design guidelines," objective design standards will not be subject to interpretation, and result in faster, more predictable approvals of high-quality development that respects Oakland's history and benefits the local community.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge, permit fees, and SB2 Grant for Objective Design Standards*

**Timeline:** *2023 – 2024*

**Objective:** *Reduce constraints to development to significantly increase production of housing to match housing need.*

**Action 3.4.8: Implement new ADU standards that streamline approvals and address unpermitted units.**

In January 2022, the City updated its ADU regulations to comply with changes in State law. To address unpermitted units, the new ADU regulations go beyond minimum compliance with State law and establish an expansive legalization process for unpermitted ADUs addressing not only any existing non-compliance issues with the Building Code but the Planning Code as well. The City has also initiated a program to allow pre-approved construction documents for ADUs that creates a more streamlined approval pathway for many homeowners. The City will continue to implement this legalization and streamlining of ADU permitting processes. The City will study options to alleviate the burden of the building code on the legalization of unpermitted ADUs.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 and Ongoing*

**Objective:** *Reduce constraints to development to significantly increase production of housing to match housing need.*

**Action 3.4.10: Permit sites included in prior RHNA cycles to develop with affordable housing by right.**

Pursuant to State law, the City will permit vacant sites included in two consecutive prior RHNA cycles and non-vacant sites included in at least one prior RHNA to develop with owner-occupied and rental multifamily uses by right for developments in which 20 percent or more of the units are affordable to lower-income households. This means that the City cannot require any form of discretionary review or approval for such projects. These sites are identified in Appendix C, Table C-25.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *Reduce constraints to development to significantly increase production of housing to match housing need.*

### **POLICY 3.5. EXPLORE INNOVATIVE AND ALTERNATIVE HOUSING MODELS**

The City has worked with a variety of community land trusts, including East Bay Permanent Real Estate Cooperative, Sogorea Te', Oakland Community Land Trust, Bay Area Community Land Trust and the Northern California Land Trust to provide affordable housing (including ownership housing). Most significantly, the City created the Acquisition and Conversion to Affordable Housing Program, which provides funds through Bond Measure KK to community land trusts to acquire and preserve affordable housing units. The City will continue to offer this program and support community land trusts. The City is also working with a technical assistance provider to determine best practices for land trust ownership units and cooperative units and will implement these practices going forward. Financial or technical assistance may become available from the Bay Area Housing Finance Agency (BAHFA) or possible State programs. The City will prioritize lower-income residents and residents at risk of displacement while supporting shared equity models.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Impact fees, General Fund, infrastructure bond funds, HOME, CDBG, and other local, State, and federal funding as available*

**Timeline:** *Funds will be made available to equity affordability models through the City's annual affordable housing NOFA's on an annual basis (2023-2031)*

**Objective:** *Oakland Department of Housing and Community Development will continue to make funds available to shared equity affordability models as per current practice.*

#### **Action 3.5.2: Support housing cooperatives, co-living, and cohousing models.**

Formal and informal housing cooperatives, co-living and cohousing models in Oakland have traditionally provided an alternative form of affordable housing, including ownership

housing. To further support these initiatives, the City will conduct outreach with community-based organizations and other community partners to identify ways the City can support these models, especially for lower-income residents. The City will prioritize lower-income residents and residents at risk of displacement when supporting these alternative housing models.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Impact fees, General Fund, infrastructure bond funds, HOME, CDBG, and other local, State, and federal funding as available*

**Timeline:** *2031; Oakland Department of Housing and Community Development will be prepared to report back on the status of its cooperative-related engagement by the end of the Housing Element cycle*

**Objective:** *Oakland Department of Housing and Community Development will be prepared to report back on the status of its cooperative-related engagement by the end of the Housing Element cycle.*

### **Action 3.5.3: Advocate for statewide legislation on social housing.**

The City of Oakland recognizes that the statewide housing crisis requires statewide solutions. As such, the City will advocate for social housing legislation under consideration in the State legislature, known as the California Social Housing Act or AB 2053. The Act would establish a California Housing Authority (CHA) to produce and preserve social housing – publicly-owned and mixed-income developments that maintain homes as permanently affordable.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *City legislative advocacy will be funded through the existing general fund-supported contract for State legislative representation services.*

**Timeline:** *Ongoing, 2023-2031; the City will continue advocacy for social housing legislation until it is adopted*

**Objective:** *The State of California will successfully adopt social housing legislation.*

### **Action: 3.5.4: Evaluate acquisition and development opportunities for moderate- and middle-income households.**

The City will evaluate the merits of acquisition and development models to assist in the construction or preservation of middle-income housing, potentially in partnership with other regional agencies.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *The model could be financed by bond financing underwritten by rental revenue, with relatively shallow subsidies in the form of property tax abatements*

**Timeline:** *Evaluation will be ongoing as opportunities evolve*

**Objective:** *If a suitable opportunity exists to efficiently produce or preserve middle income housing, the City will design a program or participate in a program developed by other public agencies.*

### **POLICY 3.6. STREAMLINE THE APPROVAL OF NEW HOUSING**

#### **Action 3.6.1: Streamline the City permitting process, especially for low-income and nonprofit builders.**

The City will work with developers and housing stakeholders, particularly low-income and nonprofit builders, to review current processes and fees to identify actions to reduce costs and streamline the planning approval and building permit processes for small infill development. These actions could involve developing simplified CEQA compliance through qualified exemptions, implementing objective design standards as described in Action 3.4.7, and/or increasing staffing at the Planning and/or Building Bureau to reduce permit processing time. The City will regularly review and update its website to improve navigation and make information such as fee schedules, application forms, zoning ordinances, and other information available on the City's website, along with other educational information to facilitate the permit process.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 – 2025 and ongoing*

**Objective:** *Significantly increase production of housing projects, specifically by low-income and nonprofit builders, to match housing need.*

#### **Action 3.6.2: Provide increased flexibility in development standards.**

The City will provide increased flexibility in development standards, with a focus on smaller infill residential projects, to ensure that these projects can qualify for streamlined permitting without need for variances. The City will also consider increasing staff-level authority, with clear guidelines, to grant minor exceptions, which can also reduce project timelines and costs. Alongside efforts described in Actions 3.2.1, this flexibility will increase the capacity of the Planning Bureau to permit a variety of units, more expeditiously, creating more residential units in traditionally lower-density neighborhoods.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 – 2025 and ongoing*

**Objective:** *Significantly increase production of housing projects, specifically by low-income and nonprofit builders, to match housing need.*

**Action 3.6.3: Expand by-right approvals and implement entitlement reform for affordable housing.**

Through the implementation of objective design standards as described in Action 3.4.7, the City will create a ministerial review pathway for qualifying developments based on project size, type, affordability level, and location. Discretionary design review will still be required for some types of projects and where certain adjustments are requested. As part of the entitlement reform process, the City will consider fee subsidies and/or payment deferrals to better accommodate affordable housing projects and increase the financial feasibility of affordable projects. The City will work with community partners and affordable housing developers to identify and implement appropriate entitlement reform actions.

**Responsible Agency:** *Oakland Planning & Building Department; Oakland Department of Finance*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 – 2025 and ongoing*

**Objective:** *Significantly increase production of housing projects, specifically by low-income and nonprofit builders, to match housing need.*

**Action 3.6.4: Continue SB 35 streamlining.**

SB 35 created a streamlined and ministerial approval process for housing projects that meet siting and construction criteria including being located in communities that have failed to meet their RHNA. The City of Oakland was among the 225 jurisdictions that made insufficient progress towards meeting the RHNA for low- and very-low-income housing at the time of the State's most recent determination in 2021 and is therefore subject to the streamlining provisions for proposed development in which 50 percent or more of the units will be affordable. The City provides an SB 35 streamlining checklist to facilitate the development of affordable housing, and will actively promote use of SB 35 streamlining for 100 percent affordable projects.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 and ongoing*

**Objective:** *Significantly increase production of housing projects, specifically by low-income and nonprofit builders, to match housing need.*

**Action 3.6.5: Continue one-stop and online permitting services.**

Through the Online Permit Center (Accela Citizen Access), property owners are able to apply for and follow the status of their permits online. The City also operates an in-person One-Stop Permit Center, where the counter services of the Planning & Building Department, Oakland Fire Department, and Department of Transportation have been combined in one location to expedite the permitting process. The City will continue to offer both online and in-person permitting services to reduce permitting timelines. The City will also coordinate with low-income and affordable housing developers to understand and correct the gaps in these services.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 – 2031*

**Objective:** *Significantly increase production of housing projects, specifically by low-income and nonprofit builders, to match housing need.*

**POLICY 3.7. EXPAND OPTIONS FOR SPECIAL NEEDS HOUSING**

**Action 3.7.1: Incentivize the development of senior housing and provide financial assistance to developers of housing for seniors and persons with special needs.**

The City will continue to encourage a wide variety of senior housing opportunities, particularly for lower-income seniors with special needs, through the provision of financial assistance and regulatory incentives as specified in Planning Code. The City will continue to award points in its consideration of housing funding to projects that serve special needs populations, including seniors and homeless individuals. The City will explore options to expand the amount of financial assistance available to developers of housing for seniors and persons with special needs and will commit to transparent reporting of how special needs units are assisted.

**Responsible Agency:** *Oakland Department of Housing and Community Development; Oakland Economic & Workforce Development Department; Oakland Planning & Building Department*

**Potential Funding Source:** *Development impact fees, HOME, local infrastructure bond funds, and other local, State, and federal funding as available*

**Timeline:** *Ongoing, 2023-2031*



**Objective:** *The City will continue to provide bonus scoring points for special needs populations as found in current practices.*

**Action 3.7.2: Provide housing for persons with HIV/AIDS.**

The City will continue to provide housing and associated supportive services for persons with HIV/AIDS through a combination of development of new housing, project-based assistance in existing affordable housing developments; and tenant-based assistance to allow households to find their own housing in the private market. The City will enhance outcomes via housing first model under the Alameda County EveryOne Home Plan.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Development impact fees, HOME, HOPWA, local infrastructure bond funds, and other local, State, and federal funding as available*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *The City will continue to provide bonus scoring points for special needs populations as found in current practices.*

**Action 3.7.3: Accessible units in new housing developments.**

The City of Oakland's Housing Development Services unit will promote the inclusion of accessible units for projects receiving City funding and will award extra points to projects that exceed federal minimum requirements for accessible housing for all projects receiving federal funding assistance.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Development impact fees, HOME, local infrastructure bond funds, and other local, State, and federal funding as available*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *The City will continue to provide bonus scoring points for special needs populations as found in current practices.*

**Action 3.7.4: Implement the sponsor-based Housing Assistance Program.**

The City will continue to work with the Oakland Housing Authority to assist households that otherwise might not qualify for or be successful in the traditional Public Housing and/or Section 8 programs by partnering with agencies to provide service-enriched housing options that increase housing choice for special needs populations. The City will explore options to find more landlords willing to participate in the program.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Development impact fees, HOME, local infrastructure bond funds, and other local, State, and federal funding as available*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *The City will continue to provide bonus scoring points for special needs populations as found in current practices.*

**Action 3.7.5: Encourage different sizes of housing for larger families – including affordable housing with courtyards, multigenerational housing.**

The City will continue to reward and incentivize projects that include multi-bedroom units suitable for families in its awards of City funding for housing development and will expand the program to grant points to affordable housing projects that provide different sizes of houses for multigenerational and larger families, such as housing with courtyards or cottages.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Development impact fees, HOME, local infrastructure bond funds, and other local, State, and federal funding as available*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *The City will continue to provide bonus scoring points for special needs populations as found in current practices.*

**Action 3.7.6: Expand areas where residential hotels are permitted by right.**

The City will consider expanding zoning districts where residential hotels and rooming houses are permitted by right. These housing typologies provide an important source of housing for extremely-low-income residents.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 – 2026*

**Objective:** *Significantly increase production of residential hotels to match housing need.*

**POLICY 3.8. CONVERT VACANT LAND AND UNITS TO HOUSING**

**Action 3.8.1: Continue to implement the Vacant Property Tax (VPT).**

On November 6, 2018, Oakland voters approved Measure W, the Oakland VPT. The VPT Act establishes an annual tax of \$3,000 to \$6,000 on vacant property. A property is considered “vacant” if it is “in use less than fifty days in a calendar year,” and not subject to any of 10 exemptions. The City will continue to implement the VPT to encourage active uses on vacant land and regularly monitor the effectiveness of the program. The City will also consider expanding exemptions to the VPT to reduce the impacts of unintended hardships on nonprofit and affordable housing developers.

**Responsible Agency:** *Oakland Department of Finance; Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Self-funding through the vacant property tax*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *Through the vacant parcel tax, seek a 10% reduction in vacant parcels by the end of the Housing Element period.*

**Action 3.8.2: Encourage the conversion of vacant ground floor commercial space to residential uses in appropriate locations.**

Traditional brick-and-mortar commercial and retail businesses have continued to transition to an Internet-based model, which has been further accelerated by the COVID-19 pandemic. As a result, a significant number of ground-floor commercial and retail spaces in Oakland remain vacant. The City will explore opportunities to promote the conversion of vacant ground floor spaces in certain areas to live-work and other residential use, as may be appropriate in the local context. The City will also explore other opportunities to promote the conversion of vacant office or commercial space to housing.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 - 2026*

**Objective:** *Significantly increase conversion of vacant ground floor commercial space to residential uses, where appropriate, to match housing need.*

Although housing demand in Oakland remains extremely high, the City experiences a higher vacancy rate than both Alameda County and the Bay Area overall. This results from a variety of factors but may ultimately lead to higher housing costs. Oakland currently has in place vacancy tax on parcels and several types of housing units – including condos, duplexes, and townhome units under separate ownership. The City will consider extending the current vacancy tax to all residential units to encourage active use of residential units and expand the available housing supply.

**Responsible Agency:** *Oakland Department of Finance; Oakland Department of Housing and Community Development*

**Potential Funding Source:** *General Fund*

**Timeline:** *Consider by the end of 2026 whether the vacant parcel tax ought to be revised or expanded*

**Objective:** *By the end of 2026, consider and if appropriate adopt a revision to the vacant parcel tax.*

**Action 3.8.4: Continue the Oakland Community Buying Program and support scattered site acquisition efforts.**

The City currently provides the Community Buying Program, which assists Oakland residents in purchasing vacant or abandoned properties from the Scattered-Site Single Family Acquisition and Rehabilitation Program. These properties have been made available through programs like the Oaktown Roots Affordable Homes pilot program and local community land trusts, like the Oakland Community Land Trust and the Bay Area Community Land Trust. These programs will also help promote long-term affordable homeownership, which will also promote the objectives of Policy 5.1.

**Responsible Agency:** *Oakland Department of Finance; Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Development impact fees, HOME, local infrastructure bond, and other local, State, and federal funding as available*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *As additional funding is available, continue to convert vacant parcels to affordable housing.*

#### **Action 3.8.5. Partner with Alameda County Tax Collector to redevelop tax defaulted properties.**

Partner with the Alameda County Tax Collector to identify tax-defaulted property suitable for development or preservation as affordable housing. Through use of the Chapter 8 tax sale program, make this property available to affordable housing providers, community land trusts, and related organizations.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Funding:** *Contributory value of the land, impact fees, HOME, other local, State, and federal funds as available*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *By the end of the Housing Element period, at least 40 parcels will be acquired by the City of Oakland or partner organizations that were previously tax defaulted.*

## **Goal 4. Address Homelessness and Expand Services for the Unhoused**

---

The City of Oakland is facing an unprecedented humanitarian crisis of residents who are experiencing homelessness. As the United Nations notes in its mandate on the right to

adequate housing, the right to adequate housing is more than having a roof over one's head, it is the right to live in safety and dignity in a decent home; HUD Secretary Fudge has declared that "housing is a human right." Ultimately, permanent housing is the solution to homelessness (see Goal 3). Goals, policies, and actions in this Housing Action Plan recognize housing as a human right and support coordination across the spectrum, from homelessness prevention to transitional housing/shelter and services to permanent housing with resources for long-term support.

### **HOW THIS GOAL AFFIRMATIVELY FURTHERS FAIR HOUSING**

Homelessness disproportionately impacts Oakland's BIPOC residents, particularly the city's Black residents. Further, special needs households—including extremely-low-income households—tend to be at greater risk of experiencing homelessness. Addressing homelessness and providing high quality services to the unhoused is also a racial equity issue, and must be part of the City's efforts to affirmatively further fair housing. By expanding access to quality homelessness services across Oakland, and seeking to expand transitional housing options in a citywide manner, the City will work to avoid an overconcentration in homelessness and homelessness-related services in disadvantaged neighborhoods. Further, by expanding economic opportunities for the unhoused, Oakland will help those currently unhoused access housing opportunities in a variety of Oakland neighborhoods. This goal, and the policies and actions that implement it, will address fair housing issues as they relate to homelessness in Oakland.

### **POLICY 4.1 EXPANSION OF HOMELESS SERVICES**

#### **Action 4.1.1: Expand, improve, and maintain crisis response beds.**

Since 2018, the City has expanded its supply of emergency interim housing (community cabins, shelter beds, Safe RV parking) by over 1,000 beds/spaces. This increase is almost entirely funded with one-time funds. The City will use local, county, State, and federal funding to maintain these new resources and to improve the effectiveness of these beds in moving people to permanent housing (for example, by adding rapid rehousing exit resources). In addition, the City will continue to expand the interim housing sites and other forms of housing for people experiencing homelessness in the City. The City will ensure that such housing options include supportive services such as including rapid rehousing assistance, housing navigation, and access to resources via Coordinated Entry. The City will seek to partner with Alameda County to provide mental health and substance use services in interim sites and will partner with mainstream workforce programs to support on site job training programs. The City will coordinate efficient provision of services and resources from private, nonprofit, local, Alameda County, and State organizations

**Responsible Party:** *Oakland Human Services Department*

**Potential Funding Source:** *Measure Q, ESG, State Homeless Housing Assistance and Prevention Funding, various HUD funding sources, CalAIM (through County)*

**Timeframe:** *FY 2022-2023 – FY 2024-2025*

**Objectives:** *1. Increase the number of people who are experiencing homelessness in Oakland who are sheltered; and 2. Invest in and improve the quality of interim housing programs so that more people exit to permanent housing and more people exit to permanent housing more quickly.*

**Action 4.1.2: Expand, improve, and maintain crisis response beds for unsheltered communities of color.**

Increasing the number of crisis response beds helps to address the disproportionate rates of unsheltered homelessness among communities of color, especially among African American households. Creating additional facilities in many parts of the city will assist households experiencing homelessness to remain in their communities will reduce the number of African American households who are displaced from Oakland. Track data to ensure that African American households are using emergency crisis response beds and exiting to permanent housing at rates that are proportional to their representation in the homeless population.

**Responsible Party:** *Homelessness Division, Office of the City Administrator; Oakland Human Services Department*

**Potential Funding Source:** *Local, State, and federal funding, as available*

**Timeframe:** *Ongoing, 2023-2031*

**Objectives:** *Increase and stabilize people while providing opportunities to improve income they need to avoid entering or returning to homelessness.*

**Action 4.1.3: Expand health and hygiene facilities and services, and improve access to bathrooms and showers.**

Starting in FY 20-21, this intervention has greatly expanded to serve a minimum of 60 curbside sites with porta-potties, handwashing stations, and garbage pick-up. HSD has created two new outreach staff positions whose primary role is to support the encampments which have these interventions with maintaining the services as well as maintaining a level of cleanliness and compliance with the Encampment Management Policy. These City staff also support designated site leadership at each encampment site. The site leaders ensure that the porta-potties are used appropriately, and keep the units clean in between the official servicing. City staff provide the site leaders with cleaning supplies and stipends for their work. Per Council directive, the goal is to increase to 100 sites and four City outreach staff.

**Responsible Party:** *Homeless Division, Office of the City Administrator; Oakland Human Services Department*

**Potential Funding Source:** *State Homeless Housing Assistance and Prevention Funding, City General Fund*

**Timeframe:** *FY 2022-2023 – FY 2024-2025*

**Objectives:** *More people experiencing unsheltered homelessness have access to services which promote health and dignity.*

**Action 4.1.4: Provide needed support and income to people who have been homeless so they can avoid returning to homelessness.**

Recognizing that a lack of access to living wage jobs is a significant driver of homelessness in Oakland, the City will work with the Oakland Unified School District, higher educational institutions, related nonprofit agencies, business and other partners to create low barrier work opportunities for people who are currently unsheltered. These programs will offer support for development of work-related skills, provide services to address employment barriers specifically targeted to the needs of unhoused residents and increase the co-location and collaboration between providers of homeless assistance and employment programs and services. In addition, the City will work to match small business owners who want to address homelessness with job seekers who are homeless or formerly homeless.

Strategies to include:

- Low barrier work opportunities, for people re-entering the workforce
- Add employment specialist positions in core homeless services/prevention services programs
- Flexible funding pool to support career track training and employment programs
- Benefits advocacy to obtain SSI or other income for which they are eligible

**Responsible Party:** *Oakland Human Services Department; Homelessness Division, Office of the City Administrator*

**Potential Funding Source:** *Local, State, and federal funding, as available*

**Timeframe:** *Ongoing, 2023-2031*

**Objectives:** *Reduction in the number of households which return to homelessness in the two years after obtaining housing.*



**Action 4.1.5: Provide support for domestic violence shelters.**

Recognizing that domestic violence is one of the leading causes of homelessness for women and children, the City will coordinate provision of counseling, case management, healthcare, rapid rehousing assistance, and other wraparound services for survivors of domestic violence within transitional housing programs, emergency shelters, and navigation centers. The City will work with housing and service providers to seek additional grant funding to support survivors of domestic violence. The City will continue to publicize health and wellness resources on its website and will ensure that this information remains up-to-date.

**Responsible Agency:** *Oakland Human Services Department; Homelessness Division, Office of the City Administrator, Department of Violence Prevention*

**Potential Funding Source:** *To be determined*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *The City will significantly increase supportive services (and their publicization) for domestic violence survivors to match need.*

**POLICY 4.2 ENCAMPMENT MANAGEMENT****Action 4.2.1: Enhance operations of the City's 2020 Encampment Management Policy.**

The City of Oakland adopted the 2020 Encampment Management Policy. The purpose of this policy is to protect and serve all Oaklanders, sheltered and unsheltered, and to manage the adverse impacts of homeless encampments by balancing the interests of all residents, focusing encampments actions on mitigating negative outcomes as they pertain to public safety, public health, and equity outcomes.

**Responsible Party:** *Homelessness Division, Office of the City Administrator*

**Potential Funding Source:** *Local, State, and federal funding, as available*

**Timeframe:** *2023-2031*

**Objectives:** *The Encampment Management Policy is essential to connecting unsheltered individuals to human services, emergency shelter and long term permanent supportive housing, while executing comprehensive operations focused on managing health and safety conditions of public spaces. The goal is to close areas where encampments are not permitted, provide regular and adequate trash collection from encampments, to ensure that porta-potties and hand-washing stations are services regularly as needed, and that encampments receive regular deep cleanings that ensure that our unhoused residents are not living in conditions that threaten health and/or safety until fully abated.*

*The policy sets forth the following objectives:*

1. *Designate high-sensitivity areas, where unmanaged encampments are presumed to cause unreasonably high levels of health and safety impacts due to the nature of the location;*
2. *Designate low-sensitivity areas, where enforcement will not be prioritized;*
3. *Make findings that will prompt Encampment Management Team intervention; and*
4. *Provide guidance on addressing unreasonable health and safety risks, promoting voluntary compliance, and strategies to address non-compliance.*

**Action 4.2.2: Lead strategic homelessness response operations and homeless services from the Homelessness Division, Office of the City Administrator.**

Homelessness intersects with multiple departments and agencies, all of which fall under the City Administrator’s purview. Leading from the Office of the City Administrator, the Homelessness Division serves as the primary liaison between the City Administrator’s Office and internal and external agencies, along with other City departments, regarding the City’s homelessness response and provides inter- and intra-agency coordination focusing on the City’s management of its unsheltered population. This division directs the program and operational decision-making in division activities; encampment management response teams and task forces; organizes, manages, and directs the review and implementation of the City’s major projects.

**Responsible Party:** *Homelessness Division, Office of the City Administrator*

**Potential Funding Source:** *Local, State, and federal funding, as available*

**Timeframe:** *2023—2031*

**Objectives:** *Lead the implementation, expansion, and strategic coordination of Homeless Response Operations and Service Delivery across City of Oakland departments, and external public and private partners, organizations, and agencies.*

**Action 4.2.3: Strengthen interdepartmental Encampment Management Team.**

The Encampment Management Team (EMT) is an interdepartmental working group tasked with implementing and administering this policy, consisting of representatives from Oakland’s Public Works Department, Human Services Department, Oakland Policy Department, Oakland Fire Department, the City Administrator’s Office (CAO), and other consulted departments as necessary (e.g., the Mayor’s Office, the City Attorney’s Office, Parks and Recreation). The EMT is facilitated by the CAO via the Homelessness Administrator.

**Responsible Party:** *Homelessness Division, Office of the City Administrator*

**Potential Funding Source:** *Local, State, and federal funding, as available*

**Timeframe:** *Ongoing, 2023-2031*

**Objectives:** *1. The EMT aims to execute duties assigned to their respective departments for the completion of interventions (Health and Safety) prescribed in the 2020 Encampment Management Policy (Health and Hygiene, Deep Cleanings, Partial Closure, and Closure); 2. To channel unsheltered individuals in every encampment to human services, emergency shelter and long term permanent supportive housing; 3. To effectuate the completion of the Encampment Management Policy interventions, each department may promulgate additional specific procedures necessary to effectuate the roles described in this policy under development specific Standard Operating Procedures.*

**Action 4.2.4: Increase the oversight of homelessness strategies, investments, outcomes, and encampment operations with the Homelessness Advisory Commission.**

The City will increase opportunities for leadership and input from people experiencing homelessness in the design, implementation, and evaluation of encampment management and services that respond to unsheltered homelessness. The City will also seek to build trust between law enforcement, social workers, and homeless individuals/families and promote mentorship opportunities for formerly homeless individuals and people recovering from addiction. Further, the City will refine encampment management policies and strategies using qualitative and quantitative data to assess the experience of encampment for BIPOC residents and will implement culturally-specific and anti-racist strategies to better meet the short-term needs of BIPOC unsheltered residents.

**Responsible Party:** *Homelessness Division, Office of the City Administrator*

**Potential Funding Source:** *Local, State, and federal funding, as available*

**Timeframe:** *Ongoing, 2023-2031*

**Objectives:** *Review and make recommendations of existing and new proposals funding homelessness services funded by City of Oakland Measures Q and W.*

**Action 4.2.5: Expand co-governance and partnerships with unsheltered residents in the design and delivery of homelessness services.**

In FY 21-22 the City opened its first co-governed program site. Co-governance is an intervention model where unsheltered residents come to an agreement about how they will live together in a community setting of an encampment. This includes, but is not limited to, selecting site leadership, determining eligibility for participation, developing community expectations for behaviors and for staffing/running the site, holding each other accountable for the agreed upon expectations, and maintaining the health and safety of the community residents. A backbone agency (nonprofit/community-based agency) works alongside residents to support the residents in the design, leadership and operations of the site. The backbone agency is the contracting entity with the City/funder and holds ultimate

accountability for ensuring the safety and security of the site. The City, in partnership with unsheltered residents will continue to refine this model and to expand this model as new sites open.

**Responsible Party:** *Oakland Human Services Department; Homelessness Division, Office of the City Administrator*

**Potential Funding Source:** *Homeless Housing Assistance and Prevention funds, City General Fund*

**Timeframe:** *FY 2022-2023 – FY 2024-2025*

**Objectives:** *Increase the number of interim housing sites which have people experiencing homelessness as partners in site design and operations.*

### **POLICY 4.3 PROMOTE TRANSITIONAL AND PERMANENT SUPPORTIVE, DEEPLY AFFORDABLE HOUSING FOR UNHOUSED COMMUNITIES**

#### **Action 4.3.1: Finance the construction and maintenance of permanent supportive and deeply affordable housing for homeless households to expand the supply of deeply affordable and supportive housing for Oakland’s most vulnerable residents.**

The City will secure and advocate for additional funding for building and operation of permanent supportive and deeply affordable housing for homeless households using a combination of State and federal sources, such as the State Homekey program, the federal HOME-ARP program, and funding from the local Oakland Housing Authority. The City will continue incorporating a preference for City-assisted affordable housing projects that include at least 20 percent of units for vulnerable populations, including but not limited to homeless individuals and families living at or below 20 percent of AMI; as well, the City will increase this homeless set-aside in future NOFAs should operating funding resource availability support the increase. The City will work with residents, service providers, and property owners to ensure adequate and transparent long-term plans for maintenance and service provision within new and existing permanent supportive housing. The City will also pursue the strategic acquisition of hotel, motel, and dorm facilities by and with nonprofit partners to house unsheltered residents. The City will further work to coordinate Oakland Housing Authority’s award process with the City’s Affordable Housing NOFA process and Homekey opportunities. The City will also work with the State and other partners to explore opportunities to expand the supply of extremely-low-income housing for residents that do not require supportive services.

**Responsible Party:** *Oakland Human Services Department; Oakland Department of Housing and Community Development; Homelessness Division, Office of the City Administrator*

**Potential Funding Source:** *State Homeless Housing Assistance and Prevention Funds*

**Timeframe:** *Ongoing, 2023-2031, as funding is available*

**Objectives:** *Secure funding to significantly increase construction and maintenance of permanent supportive and deeply affordable housing to match need for unhoused*

*communities.*

**Action 4.3.2: Streamline approval for modular developments to provide quality shelter quickly to address the scale of the crisis.**

The City will utilize statewide streamlining opportunities, such as categorical CEQA exemptions and Program EIRs, and revise the Planning Code to minimize the need for discretionary review with a ministerial option for projects that utilize objective design standards for approval. The City will also identify and eliminate roadblocks in the review of building permit applications to expedite and increase the production of modular developments and other quick-build shelter solutions on private land in Oakland. The City will also work with other public agencies, including Caltrans, to facilitate and streamline more flexible shelter solutions on public land. The City will ensure that smaller units used as permanent housing units are in compliance with the Building Code to mitigate fire and other public safety hazards.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees, SB2 Grant for Objective Design Standards*

**Timeframe:** *Planning Code changes in 2023; ongoing, 2023-2031*

**Objectives:** *Significantly increase production of modular developments and other quick-build shelter solutions to match need for unhoused communities.*

**Action 4.3.3: Remove regulatory constraints to the development of transitional housing and supportive housing.**

The City will amend the Planning Code to ensure that transitional housing and supportive housing projects are permitted equivalently to similar permanent residential uses in the appropriate zone.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan*

**Timeframe:** *Planning Code changes in 2023*

**Objectives:** *Reduce barriers to the development of transitional and supportive housing.*

**Action 4.3.4: Provide development standards for Low Barrier Navigation Centers.**

Low Barrier Navigation Centers, pursuant to AB 101, are required to be permitted by right and without any discretionary approval. A Low Barrier Navigation Center is a "Housing First,"

low barrier, temporary, service-enriched shelter that helps homeless individuals and families to quickly obtain permanent housing. The City will amend the Planning Code to include a definition for “low barrier navigation centers” and ensure that such centers are permitted by right, pursuant to State law.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan*

**Timeframe:** *Planning Code changes in 2023*

**Objectives:** *Reduce barriers to the development of housing for persons experiencing homelessness.*

## Goal 5. Promote Neighborhood Stability and Health

---

All Oakland residents deserve to live, work, play, and thrive in safe, affordable, healthy, and welcoming communities. In Oakland, this geography of opportunity and health-supporting neighborhoods has been inequitable, with low-income communities and communities of color more likely to live in neighborhoods overburdened by pollution, disinvestment, and other social and environmental injustices. Goals, policies, and actions in the Housing Action Plan can address environmental justice by protecting residential areas from harmful pollution impacts. Additionally, as the City prioritizes investments, infrastructure, building upon existing community assets, and resources to achieve environmental justice in disinvested areas, the Housing Action Plan seeks to ensure that existing residents can stay in their communities and benefit from these increased resources through opportunities for homeownership (see also Goals 1 and 3).

1. Reduce greenhouse gas emissions in the building sector through the promotion of sustainable design principles, energy efficiency, and smart growth principles into residential developments.
2. Encourage higher-density, infill, and mixed-use development near transit to reduce reliance on automobiles.
3. Promote adaptation strategies to improve neighborhood and community resilience to climate change in collaboration with local and regional partners.
4. Leverage State and federal resources to assist with the remediation of environmental constraints on potential housing sites.
5. Limit greater intensification of neighborhoods at very high risk of wildfires. Maintain parking and other regulations to facilitate evacuation when needed.

6. Promote an equitable distribution of housing, including affordable housing, throughout the community, while providing opportunities to those that want to remain in existing neighborhood to maintain local ties.
7. Ensure that programs support development of both rental and ownership opportunities for affordable and middle-income housing.

Homeownership confers a range of benefits – including greater certainty over housing costs, opportunity to stay in one’s chosen neighborhood, ability to make changes to the living environment, privacy, and ability to build financial equity. In addition to tangible economic and other individual benefits, homeownership also brings substantial social benefits such as a stronger sense of place and belonging, improved community health and safety, and civic participation.

### **HOW THIS GOAL AFFIRMATIVELY FURTHERS FAIR HOUSING**

Oakland has historically experienced patterns of significant inequities – between the hills and the flatlands, west and east, and across race and income. Rising housing costs and displacement pressures continue to disproportionately burden the city’s Black population and other people of color, even as historically Black neighborhoods continue to see disinvestment and relatively high rates of poverty – see Appendix D for further context. The City has made great strides to correct these patterns of discrimination—including through the establishment of the Department of Race and Equity to advance racial equity in 2016—but needs to expand its efforts to eliminate racial disparities and discriminatory housing practices. The City will take steps to correct historic and ongoing patterns of discrimination to create a fair and just city through the simultaneous actions of opening up exclusionary neighborhoods (see Policy 3.4) and focusing resources, funds, tenant protections, and support of existing community assets in disinvested neighborhoods and ethnic enclaves (see Goals 1, 2, and 3).

Further, Oakland has some of the lowest rates of homeownership among major Bay Area cities, rivaled only by San Francisco. About 60 percent of Oaklanders are renters, and with continuously rising housing costs, affordable homeownership remains out of reach for most Oaklanders. This is especially true for the city’s working and middle classes, as traditionally blue-collar neighborhoods have become increasingly expensive in recent years. Homeownership is distributed unevenly by race and ethnicity – while most white households own their homes, the majority of BIPOC households are renters. American Indian or Alaska Native (70.8 percent), Hispanic or Latinx (69.4 percent), and Black or African American (67.8 percent) households are especially likely to be renters. See Appendices B and D for more information.

This goal aims to expand opportunities for homeownership, particularly for low-income communities and communities of color. Along with efforts in Goal 1 and Goal 2, increased affordable and middle-income homeownership opportunities will reduce displacement pressures, and keep Oaklanders in their homes, thereby protecting both individual families and the social fabric of Oakland’s neighborhoods. First-time homebuyer programs can also expand access to historically exclusionary neighborhoods by giving prospective homeowners

the resources and tools they need to secure a home wherever they choose to live. Community land trusts and other models of maintaining permanently affordable housing, as outlined in Policy 3.5, also provide opportunities to increase rates of affordable homeownership.

As defined in the Oakland Municipal Code, in addition to safe, affordable, high-quality housing for all people, another determinant of equity is a healthy built and natural environment for all people that includes a mix of land uses that support jobs, housing, amenities and services, trees and forest canopy, and clean air, water, soil, and sediment. In Oakland, low-income communities and communities of color are more likely to suffer from environmental injustices such as disproportionate exposure to air pollution, toxics and hazardous facilities and substances, contaminated water, and other environmental hazards that have an impact on human health due to a history of systemic racism and social injustices that influence where these communities live. As the impacts of climate change become more severe, these communities are most likely to be impacted first and hardest. As the City adds more housing stock over the course of this Housing Element period, it is imperative that new development sustains a healthy environment by working to “reduce the unique or compounded health risks in disadvantaged communities” and is prepared for the heightened impacts of climate change, especially protecting those who are most at risk. As part of this goal, efforts to align affordable housing development with transit—such as through the State’s Affordable Housing and Sustainable Communities program—and expand access to high opportunity neighborhoods and good jobs are integral to furthering environmental justice through housing.

## **POLICY 5.1 SUSTAIN AFFORDABLE FIRST-TIME HOMEOWNERSHIP INCENTIVES**

### **Action 5.1.1: Provide first-time homebuyer programs.**

When funding is available, the City has historically provided a number of first-time homebuyer programs – including the First Time Homebuyer Mortgage Assistance Program (MAP), the CalHome Program, and Oaktown Roots Affordable Homes. As funding becomes available—either through State or program-related income—the City will resume these programs. The City also provides first-time homebuyer workshops and promotes workshops hosted by a HUD-approved counseling agency. Although City-sponsored classes are currently suspended due to the COVID-19 pandemic and the absence of funding, the City continues to provide information for other local classes. When the public health emergency subsides, the City will continue to directly offer workshops. Finally, the City maintains a list of deed-restricted below market rate (BMR) homes for sale to assist potential buyer and will continue to maintain this list throughout the planning period. The City will collect data through the first-time homebuyer programs to understand the extent of homeownership need and to identify gaps in the programs. Over time the City has increased the income limits for its first-time homebuyer programs because of the increasing gap between housing prices and incomes. The City will assess the impacts of this approach and the extent to which it may reinforce rather than reverse racial disparities in ownership. Further, as part of Action 5.3.3, the City will engage in targeted outreach in partnership with community-based organizations and fair housing services providers to reach the most impacted communities – including Black and Latinx households.



**Responsible Party:** *Oakland Department of Housing and Community Development – Housing Development Services*

**Potential Funding Source:** *State Housing Funds (CalHFA, HCD), Private Lenders, CFPB, GSFA, FHLB WISH Program, Alameda County AC Boost, and Alameda County Mortgage Credit Certificate*

**Timeframe:** *Ongoing as funding is available, 2023-2031; Annual reporting on first time homebuyer program data as available*

**Objectives:** *If the City of Oakland receives CalHome and other homeownership funding at historic rates, the City expects to support a total of 160 low- and moderate-income households with home purchases over the next Housing Element cycle.*

#### **Action 5.1.2: Expand access to low-cost financing for home purchase.**

Through the first-time homebuyer programs described in Action 5.1.1, the City was able to issue 121 loans totaling approximately \$6.8 million during the previous planning period. With appropriate funding, these low-cost financing options have been very effective in promoting affordable homeownership. The City will continue to seek funding for these programs and provide access to homebuyer resources related to other county, State, or federal level funding – including through the Consumer Financial Protection Bureau (CFPB), California Housing Finance Agency (CalHFA), Golden State Finance Authority (GSFA), Federal Home Loan Bank's (FHLB) WISH Program, Alameda County AC Boost, and Alameda County Mortgage Credit Certificate.

**Responsible Party:** *Oakland Department of Housing and Community Development – Housing Development Services*

**Potential Funding Source:** *State Housing Funds (CalHFA, HCD), Private Lenders, CFPB, GSFA, FHLB WISH Program, Alameda County AC Boost, and Alameda County Mortgage Credit Certificate*

**Timeframe:** *Ongoing as funding is available, 2023-2031; Annual reporting on first time homebuyer program data as available*

**Objectives:** *If the City of Oakland receives CalHome and other homeownership funding at historic rates, the City expects to support a total of 160 low- and moderate-income households with home purchases over the next Housing Element cycle.*

#### **Action 5.1.3: Provide paths to homeownership for Section 8 voucher holders.**

Oakland HCD has traditionally worked with Section 8 voucher holders as part of the first-time homebuyer programs. Further, the Oakland Housing Authority (OHA) offers the Homeownership Program to eligible residents – which permits participants to apply their housing subsidy towards a monthly mortgage payment. As funding and capacity permits, the OHA will continue to offer this program and expand eligibility criteria as feasible. Oakland

HCD will also continue to work with voucher holders through first time homebuyer programs. OHA will collect data on residents who make use of the Homeownership Program to understand program participants and existing gaps.

**Responsible Party:** *OHA; Oakland Department of Housing and Community Development*

**Potential Funding Source:** *HUD, State Housing Funds (CalHFA, HCD)*

**Timeframe:** *Ongoing as funding is available, 2023-2031; Annual reporting on OHA's Homeownership Program*

**Objectives:** *If funded at historic levels, the City expects to provide 30 low-income Section 8 voucher holders with down payment assistance.*

## **POLICY 5.2. PROMOTE RESILIENT AND SUSTAINABLE DEVELOPMENT**

### **Action 5.2.1: Protect against smoke and wildfire.**

As wildfires become more frequent, it is increasingly important to ensure safe and healthy indoor air quality. The City will require new development follow requirements for indoor air filtration, including the installation of MERV filters, as specified in the California Building Code, and will support property owners in retrofitting their homes to protect inhabitants from wildfire smoke, prioritizing retrofits in communities with disproportionate exposure to air pollution and substandard housing. To reduce the impacts of secondhand smoke, the City will explore amendments to the smoking pollution control ordinance to create smoke-free environments within multifamily housing properties. Further, the City will encourage the addition of clean air centers and resilience spaces within residential areas that can provide emergency services in the event of a wildfire.

**Responsible Party:** *Oakland Public Works Department; Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeframe:** *Ongoing, 2023 - 2031*

**Objectives:** *Significantly improve access to better indoor air quality to protect against smoke and wildfire through methods such as requiring installation of MERV filters in new developments and identifying additional clean air centers and resilience spaces within residential areas.*

### **Action 5.2.2: Promote infill, transit-oriented development (TOD), and mixed-use development.**

Expand and allow community-serving uses such as retail, restaurants, and personal services within areas that are primarily residential, and increase opportunities to add multi-family

housing in commercial areas that are well-served by transit. Encourage sustainable transportation choices and improve pedestrian activity with new housing development, potentially by reducing vehicular parking requirements in new development and/or requiring transit, cyclist, and pedestrian access design features. Work with Bay Area Rapid Transit (BART) to rezone and facilitate development of high-density multifamily and mixed-use housing on BART-owned sites within the City, per AB 2923. Ensure that new transit-oriented development is accompanied by tenant protection policies described in Policy 1.1.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeframe:** *2023 – 2025 and Ongoing*

**Objectives:** *Significantly increase infill, transit-oriented development and mixed-use development to meet housing need.*

**Action 5.2.3: Study options to provide financing for the remediation of environmentally contaminated sites, with priority for affordable projects.**

The City will study options to provide financial assistance to property owners for the remediation of environmentally contaminated sites, such as former gas stations or auto mechanic shops, which are being developed for housing. Funding priority will go to sites with proposed affordable housing projects.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *State of California's Equitable Community Revitalization Grant Program, United States Environmental Protection Agency Brownfields Grants program*

**Timeframe:** *Ongoing, 2023-2031 as funding is available*

**Objectives:** *As suitable funding is available, Oakland will study and/or remediate contaminated sites to the maximum feasible extent.*

**Action 5.2.4: Secure funding from the State's Affordable Housing and Sustainable Communities (AHSC) Program.**

The AHSC program, administered by the Strategic Growth Council and implemented by HCD, distributes Statewide Cap-and-Trade funding for affordable housing developments (new construction or renovation) and sustainable transportation infrastructure projects. Successfully implemented, the AHSC program transforms California cities into places where residents can get everywhere they want to go without having to drive. The City of Oakland will apply directly or support partners such as nonprofit and for-profit housing developers, transportation and transit agencies, and joint powers authorities to apply for AHSC grant funding.

**Responsible Party:** *Oakland Department of Housing and Community Development; DOT; Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeframe:** *Ongoing, 2023 - 2031*

**Objectives:** *Significantly increase affordable housing development through application for AHSC funding to meet housing need.*

### **Action 5.2.5: Encourage climate-resilient housing.**

Consistent with the City's Equitable Climate Action Plan (ECAP) and Ordinance 13632 CMS, all newly constructed buildings in Oakland are prohibited from utilizing natural gas or connecting to natural gas infrastructure. The City will continue to support property owners in building electrification and seismic safety retrofits, prioritizing funding in frontline and disadvantaged communities. The City will work with organizations such as the U.S. Green Building Council to recognize net-zero energy projects with sustainable and resilient design, including passive design and energy- and water-efficient systems. The City will continue to require all projects that meet the Green Building Ordinance for Private Development thresholds comply with green building standards, exceeding CALGreen Standards, and will encourage and promote green features such as durable low-embodied carbon materials, green and cool roofs, electric vehicle charging stations, and others such features during the permitting and entitlements process. The City will continue to require green building certification under BuildItGreen.org's GreenPoint Rated or LEED Certification systems and give preference to projects scoring higher in the Green Point Checklist, or which meet or exceed LEED Gold level, in the NOFA scoring process. The City can promote and expand existing programs to provide education and incentives to property owners and residents who implement water conservation, energy conservation, waste reduction, and resilient landscaping measures. The City will ensure that new housing development within areas subject to flooding associated with sea level rise encourage placement of life safety, mechanical, and electrical systems above flood elevations (i.e., second story or higher). The City will also encourage the addition of community spaces within residential areas that can provide emergency services in the event of a natural disaster or power outage.

**Responsible Party:** *Oakland Public Works Department; Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeframe:** *Ongoing, 2023 - 2031*

**Objectives:** *Significantly increase construction of climate-resilient housing to meet housing need.*

**Action 5.2.6: Consider adoption of a disaster reconstruction overlay zone.**

The City will consider the adoption of a disaster reconstruction overlay zone to streamline reconstruction following a natural disaster. [REDACTED]

[REDACTED]

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *State and federal grants, as available*

**Timeframe:** *2023 - 2027*

**Objectives:** *Consider adopting a disaster reconstruction overlay zone to meet housing need in response to potential disasters.*

**Action 5.2.7. Encourage new affordable housing in higher resource neighborhoods.**

Affordable housing units, including both publicly-assisted housing and housing choice vouchers, tend to be concentrated in low resource and high segregation and poverty areas., while higher resource neighborhoods have avoided providing their share of affordable units through low-density zoning that has largely prevented development at the scale necessary for affordability. To expand where affordable housing units are located, including both publicly assisted housing and housing choice vouchers, the City will encourage further affordable development in higher resource neighborhoods [REDACTED]

[REDACTED] In its annual competitions for the award of housing development funds, the City will continue to give preference to projects in areas which help advance desegregation and are located in neighborhoods with strong educational quality. Further efforts may include working with affordable developers to identify appropriate sites in high resource neighborhoods and providing direct outreach and resources to Section 8 voucher holders and landlords to find appropriate housing in higher resource areas (see also Action 3.3.2). Actions 3.2.1 and 3.4.1 will also help increase the availability of housing within higher resource neighborhoods.

However, while increasing affordable development in higher-resource neighborhoods is a State priority, it only represents one strategy towards increasing opportunity for historically disadvantaged residents. Many Oakland residents want to remain in the neighborhoods that they call home, and may not want to move to “higher-resource” areas which tend to be predominantly white and higher-income. Many existing ethnic enclaves offer resources like culturally-specific grocery stores, churches, language services, or other key access points that could be difficult to find elsewhere. These neighborhoods are also often rich in transit and service resources tailored to community needs. Thus, efforts to increase access to exclusive neighborhoods must also be coupled with investment, cultural preservation, and anti-

displacement efforts in Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs). These efforts are also described in Goal 1 and Goal 2. Oakland HCD's New Construction Notice of Funding Availability has recently been modified to balance scoring to between being in higher-resource and high performing schools (for family housing) with the goal of seeking to increase investment in areas of the City that have suffered from economic and infrastructural disinvestment, as well as prioritizing affordable housing in areas where low income residents are especially vulnerable to displacement pressures.

**Responsible Party:** *Oakland Department of Housing and Community Development; Oakland Planning & Building Department*

**Potential Funding Source:** *General fund, permit fees, other local, State, and federal funding sources as available*

**Timeframe:** *Ongoing, 2023-2031*

**Objectives:** *Oakland's residential dissimilarity index (which compares racial segregation across neighborhoods) will decrease by at least 10% by 2031.*

#### **Action 5.2.8:**

As noted previously, lower-income housing tends to be concentrated in lower resourced neighborhoods. The City will work to promote mixed-income developments to further reduce the geographic isolation of lower-income units and promote increase neighborhood investment in distressed areas. The City will encourage use of the State Density Bonus program, promote mixed-income development in specific plan areas, and access CalHFA bond recycling facility for mixed-income projects.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeframe:** *Ongoing, 2023-2031*

**Objectives:** *Significantly increase production of mixed-income housing and reduce income-based concentration to match housing need.*

#### **Action 5.2.9: Provide accountability measures for housing programs, including annual monitoring.**

The Housing Element is a living document that provides a roadmap for the next eight years. As such, the City will actively monitor activities undertaken to meet program objectives pursuant to Annual Progress Report requirements. To ensure accountability, the City will solicit annual feedback from the community to understand the effectiveness of individual programs.

**Responsible Party:** *Oakland Planning & Building Department; Oakland Department of Housing and Community Development; Oakland Human Services Department; Oakland Economic & Workforce Development Department; Oakland Public Works Department; DOT*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeframe:** *Ongoing, 2023-2031*

**Objectives:** *Monitor and enforce Housing Element implementation to understand whether individual programs significantly improve Oakland housing conditions and address housing need.*

### **POLICY 5.3. PROTECT HOMEOWNERS AND TENANTS FROM DISCRIMINATION**

#### **Action 5.3.1: Provide fair housing services and outreach.**

The City will continue to partner with fair housing service providers operating within Oakland. As most housing discrimination complaints are related to a disability bias, the City will work with fair housing providers to provide additional educational resources in a variety of languages to both tenants and landlords related to disability rights in housing. The City will publicize fair housing services on its website, in City Hall, and in all housing-related programming. The City will also seek additional State and federal funding to assist fair housing providers.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *CDBG, general fund, other local, State, and federal funding sources as available*

**Timeframe:** *Ongoing, 2023-2031*

**Objectives:** *All stated outreach materials will be created and found online no later than the end of 2023.*

#### **Action 5.3.2: Enact predatory lending protections.**

Predatory lending practices are a major contributor to racially discriminatory housing patterns and were one of the major factors in the previous decade's foreclosure crisis. To curb these practices, the City will work with fair housing service providers to provide educational materials and workshops in a variety of languages to inform Oakland residents of best practices. The City will promote fair lending practices to ensure that low-income residents and residents of color have fair access to capital resources needed to acquire and maintain housing.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *CDBG, general fund, other local, State, and federal funding sources as available*

**Timeframe:** *Ongoing, 2023-2031*

**Objectives:** *All stated outreach materials will be created and found online no later than the end of 2023.*

**Action 5.3.3: Provide targeted outreach and support to disproportionately burdened groups and areas.**

Oakland's Black and Latinx populations experience disproportionately high rates of cost burden and tend to live in neighborhoods with higher rates of overcrowding and other housing issues. The City will work with fair housing service providers to target outreach and programming to Black and Latinx Oaklanders, as well as neighborhoods experiencing high levels of housing issues. The City will regularly monitor housing issues like cost burden, overcrowding, code enforcement complaints, and substandard housing to understand where the highest need for services exists.

**Responsible Party:** *Oakland Department of Housing and Community Development; Oakland Planning & Building Department*

**Potential Funding Source:** *General Fund, permit fees, other local, State, and federal funding sources as available*

**Timeframe:** *Ongoing, 2023-2031*

**Objectives:** *Oakland's residential dissimilarity index (which compares racial segregation across neighborhoods) will decrease by at least 10% by 2031.*

## 4.2 Quantified Objectives

---

State law requires that quantified objectives be established for new construction, rehabilitation, conservation, and preservation activities that will occur during the Housing Element cycle. Table 4-1 provides Oakland's quantified objectives by income category for the 2023-2031 planning period. New construction estimates include units in pipeline projects, projected accessory dwelling units (ADUs), and the minimum remaining RHNA capacity.



**Table 4-1: City of Oakland 2023-2031 Quantified Objectives**

<i>Income Category</i>	<i>New Construction<sup>1</sup></i>			<i>Rehabilitatio n<sup>2</sup></i>	<i>Conservatio n/Preservati on<sup>3</sup></i>
	<i>Pipeline Project</i>	<i>Projected ADUs</i>	<i>Remaining RHNA</i>		
Very-Low-Income <sup>4</sup>	2,176	890	4,422	-	-
<i>Extremely-Low- Income<sup>4</sup></i>	1,088	445	2,211	-	-
Low-Income	2,388	890	1,035	751	258
Moderate-Income	364	198	4,564	-	-
Above-Moderate-Income	9,152	-	4,111	-	-
<b>Total</b>	<b>14,080</b>	<b>12,020</b>	<b>4,089</b>	<b>-</b>	<b>-</b>

1. New construction objectives represent the City's RHNA for the Sixth Cycle Housing Element update. Estimates include units from pipeline projects and projected accessory dwelling units (ADUs).
2. Estimates are derived from the City's 2020/2021 Consolidated Annual Performance and Evaluation Report.
3. Conservation/preservation estimates are based on the estimated number of assisted units that are at risk of conversion to market rate, as discussed in Appendix B.
4. The extremely-low-income housing need is assumed to be 50% of very-low-income housing need. Quantified objectives for very-low-income housing includes extremely-low-housing objectives.

*Source: City of Oakland, 2022; Dyett & Bhatia, 2022*



**OAKLAND 2045**  
**GENERAL PLAN**

## Comments on draft Housing Element

Ronnie Spitzer [REDACTED]

Mon 6/13/2022 12:56 PM

To: General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

To Whom it May Concern:

Thank you for this opportunity to comment on the draft Oakland Housing Element (HE) for the 2045 Oakland General Plan. The Housing Element is updated more frequently than the General Plan, having last been updated in 2015. This document is an excellent starting point. I have several comments for improvements.

Many terms used within the document require more precise definition. The document currently contains phrases which could be construed one way within the current context but might assume an entirely different meaning in the future. One such example is “missing middle”, which is in common usage within planning circles but might be considered “jargon” to the general public even now.

Most important, the Housing Element states the upcoming 2023-2031 RHNA allocation is already covered by the identified inventory of adequate sites within the EXISTING General Plan, even adding in a 15% buffer. No further changes should be required. Therefore, the main purpose of this document might be to incorporate the Housing Action Plan goals listed on page 11, although that point is not clearly described in the document. This should be made explicit throughout the document.

Likewise, upzoning around transit stations and along transit corridors is not required to meet 2023-2031 RHNA goals. A justification within the context of RHNA goals should be made to support statements such as, “Some initial amendments to the Land Use Element and Planning and Zoning Code along with initial zoning map changes will allow for upzoning of areas to accommodate additional density on areas near BART stations, along transit corridors, and in existing residential neighborhoods to allow for "missing middle" housing on page 14. Is this change proposed on general principles, to meet and equity goal, to encourage a more diverse mixture of housing, or some other reason?

High resource areas (“high resource” itself should be precisely defined and the locations identified within the draft Element) are discussed in several places within this document. What exactly are the goals for the high resource areas; is it the exact RHNA housing mix goal or something else?

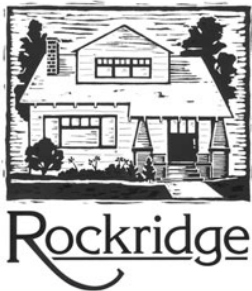
Implementation of the Housing Action Plan broadly in the City’s high resource areas requires an understanding of the barriers to development there, is not cohesively described in one location within the draft.

Based on studies, the largest barrier to housing production in an area such as Rockridge is the high land cost. Development of any housing other than market-rate housing is difficult to pencil out. This needs to be explicitly discussed in the HE and policies proposed to overcome this difficulty. One option proposed in the HE is an affordable housing overlay. It should be specific to each area within the City, and take into account local conditions.

Another point regards tenant and anti-displacement protections explicitly removing properties with existing units from further development to avoid displacement. Those policies look very different in higher resource areas than low ones, and would require the development of vacant parcels in Rockridge. As mentioned earlier in this comment, those are few and far between. For example, much of College Ave, Claremont and portions of Upper Broadway, i.e. the arterials, already include the types of housing proposed in the HE. How those housing goals can be accomplished should be explicitly described.

Regards,

Ronnie Spitzer



City of Oakland Bureau of Planning  
250 Frank H. Ogawa Plaza  
Oakland, CA 94612  
[By email]

June 13, 2022

Dear Planning Bureau staff:

Thank you very much for the opportunity to comment on the 2023 - 2029 Oakland General Plan Housing Element Update.

As a statement of general principles, the Rockridge Community Planning Council (RCPC) wants to acknowledge that the State of California is experiencing a housing crisis of historic proportions and that Oakland as a City and Rockridge as a neighborhood within the City must do their parts to ease this crisis. Furthermore, as a "high resource" neighborhood with some of the highest housing prices in the entire region, we believe it is incumbent upon us to lead by example in advocating for more housing development within our borders. We believe that welcoming significant numbers of new residents to Rockridge would be entirely consistent with our values and the cherished historically diverse character of our neighborhood.

Please find our specific comments on a few portions of the draft Housing Element below:

### **Housing Sites Inventory**

First and foremost, we were extremely surprised and disappointed to see that the large "Shops at the Ridge Phase II" site at Broadway and Pleasant Valley was not included in the Inventory and we cannot understand the reasoning behind this omission. This site, which is flat, not within an established low-density neighborhood and less than a 15-minute walk from Rockridge BART, is clearly one of the most important undeveloped housing opportunity sites in the City. The current Home Depot proposal for this site would be an extremely inappropriate use. A survey of Rockridge residents from RCPC indicated that neighbors overwhelmingly prefer housing at the Ridge Phase II. The site should be included within the Inventory. As an implementation action of the Housing Element, the site should be rezoned to encourage high density residential development and prohibit stand-alone non-residential uses.

While some infill and densification is likely to occur organically in Rockridge's lower density residential neighborhoods, we believe the most important opportunities exist on a handful of larger sites within the neighborhood. The maps and tables in the draft are a little difficult to

navigate, but we believe we can see the following sites identified on Figure 3-1: Housing Sites Inventory:

- CCA Site
- Rockridge BART Site
- Triangular site at the corner of Claremont and College
- A portion of the Dreyer's Ice Cream site
- Wendy's site at College and Broadway

We agree with the inclusion of these sites on the inventory but believe several other important potential housing development sites have been left out, including:

- Ridge site at Broadway and Pleasant Hill (already discussed above)
- Carpet store site at College and Kales
- Dialysis Center site at Claremont and Clifton
- DMV Site at Claremont and Cavour
- Chevron Station Site at Telegraph near highway 24

The omission of these sites or others yet to be identified in Rockridge contradicts a key narrative discussed in the Housing Action Plan beginning on page 60 to affirmatively further fair housing goals. The section reads: *"The City must work towards breaking down barriers towards accessing high-opportunity neighborhoods for those who choose to live there, while simultaneously investing in "lower resource" neighborhoods. Increasing affordability and expanding the housing types permitted in high-opportunity neighborhoods will be key to ensuring that currently exclusive neighborhoods become inclusive."*

We are aware that some of the sites on the second list above may have been omitted from the Inventory by staff because of technical guidelines governing what sorts of sites are eligible for inclusion. However, we feel strongly that we should err on the side of inclusivity due to the seriousness of the housing crisis. We would welcome an opportunity to discuss these criteria further with Planning Department staff.

## **Housing Action Plan:**

### Five Overarching Goals

The first paragraph of the narrative on page 59 under Goal #3 "Expand Affordable Housing Opportunities" discusses the importance of the general production of housing and asserts that "thoughtfully adding housing at every level can reduce market competition for existing homes..." before going on to point out the overarching importance of making a concerted effort to increase production of homes that are affordable to very-low, low and moderate income households. We agree with these sentiments but feel that the headline "Expand Affordable Housing Opportunities" is not descriptive of the Element's stated policy goals. We recommend the headline be amended to read something like "Expand Housing Opportunities at All Income Levels, With a Very Strong Emphasis on Affordable Housing."

### Policy 3.2: Create a More Diverse Mix of Homes to Meet Community Needs

This policy would be implemented in part by zoning amendments to permit more “missing middle” type small scale multi-unit housing in low density zoning districts like those found in most of Rockridge. Our own economic studies have shown that similar to SB 9 which is already in effect, these regulatory changes will result in only a small amount of change in Rockridge, where very high land values mean that demolition of most existing houses is unlikely. However, we are supportive of these policy changes for both our own neighborhood and the City as a whole. If feasible, we would like to see these zoning amendments incentivize family, senior and disabled – friendly units.

This policy would also be implemented by actions taken by the City to reduce regulatory constraints to the development of ADUs and also to help older or lower-income homeowners develop ADUs. We are very supportive of these efforts and feel that they could help bring a modest number of moderately affordable units to Rockridge.

### Policy 3.3: Expand Resources for the Construction of Affordable Homes

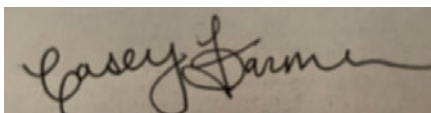
We are broadly supportive of the intent and implementation ideas contained in this section, recognizing that while it is important to add housing at all affordability levels, by far the greatest need is for affordable units. We also recognize that construction of affordable housing is unfortunately very expensive and there is a need to find more resources and innovative ways to pay for this.

In particular, we are intrigued by the concept of an “affordable housing overlay” outlined in action 3.3.5. We would be interested in exploring this idea along College Avenue as well as on some or all of the opportunity sites discussed above.

Lastly, we think there is a role to play for measures that don’t involve new construction, such as discouraging holding of units off the rental market and condo conversions. In addition, the City should look at amending the CN-1 zoning to prohibit conversions of upper floor residential units to non-residential uses.

We look forward to continuing to participate in the Housing Element process and thank you for your considerable work on creating a vision for inclusive neighborhoods throughout Oakland.

Very truly yours,

A handwritten signature in black ink that reads "Casey Farmer". The signature is written in a cursive style and is positioned above a light gray rectangular box.

Casey Farmer, Board Chair, Rockridge Community Planning Council

A handwritten signature in black ink that reads "Kenneth Rich". The signature is written in a cursive style and is positioned above a light gray rectangular box.

Ken Rich, Land Use Committee Chair, Rockridge Community Planning Council



March 7, 2022

*By electronic transmission*

General Plan Team, Lakshmi Rajagopalan, Audrey Lieberworth  
City of Oakland Bureau of Planning and Zoning  
250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612

**Subject: Housing Element**

Dear Ms. Rajagopalan, Ms. Lieberworth, and General Plan Team,

The draft Housing Element is a very impressive and complex document. We are pleased that several of our previous recommendations are reflected in the draft.

Some of the upzoning proposals could adversely affect historic properties, but they are presented very generally in the draft with the intent of being fleshed out as part of the upcoming zoning amendments and objective design review standards. We therefore are considering these implementing documents as the appropriate vehicles for evaluating the impact of housing element proposals on historic properties and look forward to opportunities for early input on these documents.

It is good that “landmarks/historic properties” are included among the constraints considered in Figure C-6 regarding Supplemental Housing Sites for AFFH. However, Figure C-6 does not include Areas of Secondary Importance (ASIs) as defined in the Historic Preservation Element and Oakland Cultural Heritage Survey. We therefore request that ASIs be reflected in Figure C-6 and that the housing element and follow up zoning amendments and objective design review standards be structured to avoid adverse impacts on ASIs as well as other historic properties.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in blue ink that reads "Mary Harper".

Mary Harper  
President

By electronic transmission:

cc: William Gilchrist, Ed Manasse, Robert Merkamp, Catherine Payne, Betty Marvin and Karen August, Bureau of Planning/Zoning.



cc: RCPC Board members

## draft housing element

Kirk Peterson [REDACTED]

Mon 6/13/2022 9:56 PM

To: General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Dear Audry,

The opportunity to comment on the Draft Housing Element is appreciated. My architectural firm has designed hundreds of dwelling units; including for sale, for rent, subsidized/affordable, ordinary market rate, and luxury market. My comments are rather general, but address gaps that I perceive in the Draft. These comments are from me as an individual. I have also contributed to discussion of the Draft with community groups, including RCPC, Upper Broadway Advocates and Oakland Heritage Alliance.

Affordable housing is housing very hard to find for low income families. The Housing Element should promote the construction of more affordable/subsidized units that will accommodate families, as well as families that can afford to occupy market rate housing. I'd say a family is a group of more than three related individuals, possibly including multiple generations and generally including children, or we can simply say a related group that needs three bedrooms. There are legal definitions. It's easier and more lucrative to build studio, or one or two bedroom units. Many (most?) landlords would rather rent to adults only, as the wear and tear on the unit will probably be less, and these people are more likely to move out, and not stay for a longtime. In addition to that, there is likely to be a loss of family-sized dwellings, as existing single family houses are divided into apartments, or demolished to make way for multi-unit structures with small units. It would be negligent of the City to ignore the possibility of significant demographic changes related to the Housing Element. Until such potential changes are examined it cannot be determined if they are good or not, or consistent with the goals of the City. It is important that the Housing Element include language to help promote housing for families. This means numbers of people housed, not numbers of units.

When the draft talks about 'opportunity sites' it seems to only look at large parcels that could hold many units, of which there are relatively few in most neighborhoods. These are often owned by entities that have no interest in building housing. I would like the Element to look at our boulevards and arterial streets as 'opportunity sites' that could yield a large number of units. There are about fifty miles of such streets, with thousands of small parcels. The element should look at how to promote development of the smaller (up to

five story) multi-unit buildings along the street that are already zoned for it. This would be a more 'organic' sort of growth that could be more 'Oaklandish' and neighborhood-friendly than the huge boxes most developers want to build. The city should encourage 'mom and pop' local development done by local people who own small parcels. The Housing Element should look at how the City can facilitate such development, instead of devoting so much effort to helping corporations build big lucrative projects.

Home ownership has many benefits for individuals and cities. The Element should address the importance of home ownership.

People who are literally invested in Oakland are most likely to be involved in and contributing to the community over time, which is good for all. The City should promote home ownership, and facilitate projects that allow for it. This could include requiring that projects include for sale units, possibly with developer-subsidized down payments or financing assistance. Such a policy would be a contrast to historic institutional exclusionary practice.

To what extent is planning considering the effects of lots of new development on the character and quality of life for Oakland citizens. present and future. I have seen the negative effects of 'redevelopment' in Oakland in person. The Draft does not seem to include much on possible widespread cumulative negative impacts on cultural and natural resources. In the denser more crowded Oakland will the increase in housing result in diminishing the quality of and access to other things cities need. Will there be a commensurate increase of parks and open space, or libraries. or accessibility to historic sites and districts, or their expansion. Our present citizens care about these things. To what extent shall we socialize the risk of the loss or diminishment of such things, while the economic benefit of development remains private? Meeting a state quota for housing is a bureaucratic legal goal - but it cannot be a lived reality

Sincerely,

Kirk Peterson

Kirk E. Peterson & Associates





**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**  
 2150 Webster Street, P.O. Box 12688  
 Oakland, CA 94604-2688  
 (510) 464-6000

2022

June 10

Rebecca Saltzman  
 PRESIDENT

Janice Li  
 VICE PRESIDENT

Robert Powers  
 GENERAL MANAGER

City of Oakland Bureau of Planning  
 250 Frank H. Ogawa Plaza, Suite 300  
 Oakland, CA 94612  
 Email: general@oakland.gov

**Re: 2023 - 2031 Housing Element Update**

DIRECTORS

Debora Allen  
 1ST DISTRICT

Mark Foley  
 2ND DISTRICT

Rebecca Saltzman  
 3RD DISTRICT

Robert Raburn, Ph.D.  
 4TH DISTRICT

John McPartland  
 5TH DISTRICT

Elizabeth Ames  
 6TH DISTRICT

Lateefah Simon  
 7TH DISTRICT

Janice Li  
 8TH DISTRICT

Bevan Dufty  
 9TH DISTRICT

Dear Audrey Lieberworth and Lakshmi Rajagopalan:

Thank you for the opportunity to review the draft 2023-2031 Housing Element that was released in May 2022. BART supports the goals and policies included in the draft 2023-2031 Housing Element, and we look forward to partnering with the City to achieve the following goals and policies.

*Goal 3. Expand Affordable Housing Opportunities*

*Policy 3.1 Facilitate Production of Deeply Affordable Housing*

*Policy 3.2 Create A More Diverse Mix of Homes to Meet Community Needs*

*Policy 3.3 Expand Resources for The Construction of Affordable Homes*

*Policy 3.4. Reform Zoning and Land Use to Address Community Priorities*

*Goal 4. Address Homelessness and Expand Services for the Unhoused*

*Goal 5. Promote Neighborhood Stability and Health*

*Policy 5.2. Promote Resilient and Sustainable Development*

*Action 5.2.2: Promote infill, transit-oriented development (TOD), and mixed-use development.*

We also appreciate the City of Oakland’s (City) interest in including BART’s land in its 2023-2031 Housing Element, as shown in Appendix C: Sites Inventory of the draft Housing Element. As the City is aware, [BART’s Transit-Oriented Development Program Work Plan](#) currently does not categorize all of the BART properties that are listed in Appendix C: Sites Inventory as ‘Near-term (project initiation in 2020-2025)’.

It is our collective goal to deliver as much housing near transit as possible, and BART would like to support local jurisdictions to achieve the Bay Area’s regional housing goals. However, BART has limited staffing resources and few funding sources for the infrastructure - most notably parking development - that is often required to free-up space on BART’s land for development. Given current resources, it will be challenging for BART to support development of all the land that has been planned for inclusion in BART partner jurisdictions’ Housing Elements during the 2023-2031 upcoming cycle.

June 13, 2022

Page 2

In addition, several BART properties that are listed in Appendix C: Sites Inventory are not suitable for development due to proximity to BART infrastructure and associated structural issues. Please see attached for a detailed analysis of each of BART properties.

Delivering TOD projects on BART's land is much more complex and time consuming than development projects on private land and requires strong partnerships and commitment between BART and local jurisdictions. As noted in the previous letter issued on March 7, 2022, BART's *TOD Work Plan* prioritizes development in its station areas based on the following three criteria:

1. Market readiness for TOD
2. Local support for TOD
3. Infrastructure needs

If conditions have changed since the last assessment in 2019/2020, the timeframe for TOD development in station areas can be updated in BART's *TOD Work Plan*. Key considerations by BART for prioritizing development projects are 1) availability of local funding and resources to support development, including staff support and funding for community outreach, affordable housing, and infrastructure, and 2) seamless coordination with local jurisdiction staff.

Jurisdictions with station areas that are currently listed in BART's *TOD Work Plan* timeframes of Mid-term or Long-term need to meet the following conditions to be considered for prioritization:

1. **Local Support and Funding:** First and foremost, we see TOD projects on our property not as solely a BART project, but a BART/local jurisdiction-partnership. BART TOD projects are civic destinations, and transformative to the community, often including off-site improvements. The City must be committed to working closely with BART to find funds and resources to facilitate community outreach, discussions, and decisions on TOD development and area-wide parking. It takes several years of pre-development work prior to issuance of a RFP for developers, so any development of BART land within the planning period of 2023-2031 must dedicate sufficient BART and City staff time to advance a TOD project within a reasonable timeframe.
2. **Prohousing Designation:** BART will prioritize projects in jurisdictions that are pursuing a [Prohousing Designation](#) by California Department of Housing and Community Development. We may advance housing development on BART's property located within a Prohousing Designation even if other conditions have not yet been met.
3. **Station Access and Parking Strategies:** Maintaining access to the station is important for the City and region. BART will work with City staff and developers to develop and implement a Station Access Plan that identifies potential improvement projects to enhance pedestrian, bicycle, transit, and vehicular access. The City should plan for and implement a locally led parking resource assessment and management plan for at least ¼-mile radius around the station area. It should identify parking opportunities for BART riders that would minimize the number of spaces to be included in the TOD project and address spillover concerns by neighbors. BART staff will work with the jurisdiction to provide support and guidance as needed but will not be able to lead the development and implementation of a parking management plan.

4. **Environmental Studies:** The City should ensure that environmental studies associated with the 2023-0 Housing Element assume a minimum density of 75 dwelling units per acre for BART's land that is likely to be developed within the planning period.
5. **BART Policies and Standards:** Any development on BART's land is subject to BART's review procedures and approvals and shall follow relevant guidelines, policies, and regulations. The jurisdiction should commit to support and meet BART's policies and standards. Most of these policies and are summarized on on [TOD Guid lines and Procedures](#) webpage.

We look forward to building on partnerships with the City of Oakland to realize our shared goal of increasing the amount of housing near transit. Please contact us to further our conversation on advancing TOD projects on BART's land.

Sincerely,



Val Joseph Menotti  
Chief Planning & Development Officer

Attachment: Review of Appendix C: Sites Inventory of Draft 2023-0 Housing Element

## Review of Appendix C: Sites Inventory of Draft 2023- 2031 Housing Element

Date: June 13, 2022

Station Location	APN	BART's Support to include in the 2023 - 2031 HE	Reason
19th Street	008-0649-011-00	No	Structural challenges
12th Street	001-0131-008-01	No	BART ROW with tracks. Financially challenging. Categorized as a Long Term site in BART's TOD Plan
19th Street	008-0660-052-03	Yes with conditions	Categorized as a Mid Term site in BART's TOD Plan
Coliseum	041-4164-024-03	Yes with conditions	Categorized as a Mid Term site in BART's TOD Plan
	041-4164-031-02		
	041-4162-001-05		
Fruitvale	025-0692-006-00	Yes with conditions	Categorized as a Mid Term site in BART's TOD Plan
Fruitvale	033-2193-023-00	Yes with conditions	A small parcel with maintenance access. Financially challenging
Fruitvale	033-2192-019-00, 033-2192-023-00, 033-2191-023-00, 033-2191-021-00	Yes with conditions	Currently serving as a multimodal & passenger loading zone. Future development should provide the same level of multimodal and passenger loading capacity
Fruitvale	033-2190-022-00, 033-2190-020-00, 033-2190-023-00, 033-2178-018-00, 033-2178-017-00	No	Close proximity to tracks, narrow site
Lake Merritt	001-0171-001-00	No	Structural challenges
Lake Merritt	001-0169-001-00	Yes	Lake Merritt TOD in the pipeline
Lake Merritt	001-0167-003-00	Yes with conditions	Challenging due to small parcel size
Lake Merritt	001 -0171-002-00	Yes (New Parcel to be added to the Inventory)	100 affordable housing units planned as part of LM TOD
Rockridge	014-1265-040-00	Yes	Categorized as a Short Term site in BART's TOD Plan
	014-1265-038-06		

Review of Appendix C: Sites Inventory of Draft 2023- 2031 Housing Element

Date: June 13, 2022

<b>Station Location</b>	<b>APN</b>	<b>BART's Support to include in the 2023 - 2031 HE</b>	<b>Reason</b>
West Oakland	004-0077-003-00	Yes	West Oakland TOD in the pipeline
	004-0071-003-00		
West Oakland	004-0073-009-00	Yes with conditions	Developable if environmental issues are resolved

NOTE: Please do not include BART properties that are not listed in this table in the Sites Inventory of Draft 2023 - 2031 Housing Element.





June 13, 2022

City of Oakland Planning Department  
250 Frank H Ogawa Plaza  
Oakland, CA 94612

RE: Comments on Draft Housing Element for 2023-2031

Dear General Plan Update Team:

Thank you for the opportunity to comment on the draft Housing Element. We appreciate all the work that has gone into producing this document, and we offer our comments with the hope that the City will incorporate them to produce a final document that moves the City in the direction of significant progress to achieve housing justice and meet our current and future housing needs.

EBHO is a member-driven organization working to preserve, protect, and create affordable housing opportunities for low-income communities in the East Bay by educating, advocating, organizing, and building coalitions.

Our comments are organized into the following five areas:

- Public Outreach and Participation
- Evaluation of Past Performance
- Affirmatively Furthering Fair Housing
- Site Inventory
- Action Plan

While we are submitting these comments to meet the City's deadline for its 30-day public comment period and allow the City time to review and respond to these comments in its submission to HCD, we intend to continue reviewing and commenting on the document during HCD's 90-day review period.

### **Public Outreach and Participation**

The City's public outreach for the 6<sup>th</sup> Cycle Housing Element Update has been commendable and the City has done far more outreach than in past cycles, with a particular effort to reach out to marginalized and previously excluded communities. The City held numerous stakeholder sessions, community workshops, pop-up events and other efforts, and solicited a large number of comments. We look forward to seeing many of those comments and suggestions included in the next draft of the Housing Element.

We were disappointed, however, with the manner in which the Draft Housing Element was released for public review and comment and the way in which it was presented to the Planning Commission, City Council Community and Economic Development Committee, and others:

- The draft document, which runs to more than 800 pages including all its appendices, contains no executive summary or other guide. At a minimum, both the draft and final document should include a summary narrative that outlines the key findings of the evaluation of past performance, the results of the Fair Housing Assessment including identification of the most important underlying factors to be addressed, the identified governmental and non-governmental constraints to housing, a summary of the site inventory that quantifies and maps key issues such as the geographic distribution or concentration of sites – particularly those for lower income households, and key elements of the action plan including a listing that highlights new programs and policies.
- The presentation of the draft Housing Element to both Planning Commission and City Council was subsumed within a much larger information report on the overall update of the City’s General Plan. As such it wasn’t clear from the lengthy title of the agenda item that this was the opportunity to provide comments on the Housing Element. At those meetings, the presentation focused on the update process but did not include any information on the actual content of the document. It wasn’t until we commented on this that a summary presentation was finally made available halfway through the public comment period. We do note that the Planning Commission scheduled a subsequent meeting to review the draft in more detail.

### **Evaluation of Past Performance**

As noted in Appendix A, performance in meeting the RHNA goals of the 5<sup>th</sup> Cycle Housing Element has been mixed. From 2015 through 2021 (7 years out of the 8-year planning period), the City has issued permits for more units than its total RHNA. However, as the Draft notes, this has been disproportionately concentrated in the Above-Moderate Income category, where the City has already issued permits for nearly 200% of its RHNA, while falling far short for Very Low, Low and Moderate Income. The result has been a “housing balance ratio” of one unit of lower income (VLI + LI) housing for every eight units of Above Moderate-Income housing, despite a RHNA goal of one unit of lower income housing for every 1.9 units of Above Moderate-Income housing.

Oakland has long passed the point where it needs to make special efforts to attract market-rate development. Over the 3<sup>rd</sup> and 4<sup>th</sup> housing element cycles (1999-2014), Oakland permitted an average of just under 700 units per year, rarely exceeding 1,000 in a year, and of which 73% were Above Moderate Income. In the current cycle, the average has been 2,400 permits per year, with only two years below 1,000, of which 88% were Above Moderate Income.

In light of this record, the evaluation of past performance should take a harder look at the reasons for this disproportionality. In particular, the City should assess the need for continuing to

incentivize production of market-rate housing without conditioning such incentives on production of affordable units or payments of appropriate fees to the Affordable Housing Trust Fund, particularly since the 6<sup>th</sup> cycle RHNA requires not only a much greater number of units, but also a higher proportion of lower income units.

The evaluation needs to not just provide data on past performance, it should include analysis of what is working and what is not, the reasons for this performance, and a serious consideration of which programs need to be discontinued or seriously modified.

### **Affirmatively Furthering Fair Housing**

Despite having completed a Fair Housing Assessment in Appendix D, there still appears to be a disconnect between this assessment and the housing element itself. In the Introduction chapter, the City refers to “an affirmatively furthering fair housing analysis (AFFH), which guides the analysis of each set of requirements.” Similarly, Appendix D is labeled as the “Affirmatively Furthering Fair Housing Draft” but is primarily a fair housing analysis. The new statutory requirement to affirmatively further fair housing requires more than an analysis of fair housing issues. The analysis must identify and prioritize the key factors contributing to segregation and disparities in housing opportunity and conditions, and then the City must develop both the site inventory and the action plan in ways that address these factors, along with clear metrics for determining whether those actions result in real improvements. It is not enough to determine after the fact whether an AFFH-neutral selection process results in non-discriminatory outcomes. The requirement to affirmatively further fair housing must fully inform the site inventory and action plan. We encourage the City to review HCD’s April 2020 AFFH Memo (AB 686 Summary of Requirements in Housing Law) and its April 2021 AFFH Guidance, which includes detailed explanations of specific requirements for housing elements, to ensure it is fully meeting these requirements

Among the issues we have identified are the following:

- The Fair Housing analysis does not consider whether the City’s zoning contributes to enduring patterns of racial segregation. The word “zoning” barely appears in the analysis, and while the Draft Housing Element notes that most of the City’s residentially zoned land is zoned for single-family housing, this is not related back to patterns of racial segregation. Not surprisingly, in the absence of such an analysis, the City conducted its site inventory with the aim of meeting its RHNA numbers without having to rezone any sites. The Housing Element should include an analysis of the extent to which existing zoning is a barrier and a set of strategies to overcome this barrier through strategic rezoning.
- Table D-9 provides a brief summary of fair housing issues, contributing factors and proposed actions, but the proposed actions are fairly general and not tied back to the action plan. We recommend that Table D-9 be revised to explicitly cross-reference specific actions described in the action plan itself.

- Table D-9 notes as one issue that “Affordable housing is limited by location and housing type,” but there’s little examination of the reasons for this. The table recommends that this be addressed primarily through mobility strategies including expanded use of Housing Choice Vouchers but fails to note that in many of the higher opportunity areas, rents are far higher than what’s allowed for with the Housing Choice Voucher payment standards. While there is a vague call to “eliminate single-family zoning,” it’s unclear if this refers to allowing 2-4 units buildings in single-family zones, or if it means expanding multifamily zoning at densities of 30 du/acre or greater. Finally, while it is proposed that affordable housing be increased in high opportunity areas, there’s no specific program referenced here by which this might be achieved, particularly given the limited number of lower income sites identified in high opportunity areas.

### **Site Inventory**

The proposed site inventory raises a number of concerns for us, with respect to how the information is provided, how the sites were selected, and whether the inventory adequately addresses the requirement to affirmatively further fair housing:

- The site map is at a scale that makes it difficult to adequately see whether there is an equitable geographic distribution of sites, particularly sites for lower income housing. The City should provide a series of maps for each planning area or council district in addition to a single citywide map.
- The site maps should be overlaid on maps of key demographic indicators, particularly racial concentrations and concentrations of high- and low-income households. It would be especially useful to map sites against areas of concentration of white residents vs concentrations of people of color.
- The City recently provided links to an interactive GIS map. This map would also benefit from additional layers showing key demographic indicators including race and income. Sites should be color coded for income level (lower income, moderate income, above moderate income). Rather than shading the parcels, which at best indicates the relative size of parcels, sites should be indicated with dots of different sizes representing the number of units that can be accommodated on the site.
- The Excel table for the site inventory has modified the total capacity column and eliminated the formula that is in the State’s template spreadsheet and replaced it with actual numbers. The result is that in a number of places the entry for “total capacity” does not equal the sum of the columns for lower, moderate and above-moderate income capacity. This should be corrected, since at present the sum of the total capacity column exceeds the sum of the individual columns.

- The inventory should provide more detail on the current use of non-vacant sites. In particular, while the inventory identifies whether non-vacant sites have office, commercial, or other uses, it does not distinguish between sites with active uses and those with vacant buildings. That information is needed to assess the likelihood that a site will become available during the planning period.
- The projection that roughly 90% of all new ADUs will be affordable to lower income households is significantly different from the regional ADU affordability distribution provided by ABAG (see Appendix C, page 25). The City has relied on a limited (and not necessarily representative) survey that was conducted as part of a City-commissioned report. Data on ADU rental rates is based on just 56 responses to this question. It indicated that the average rent for an existing ADU is \$1,112. However, one third of the responses indicated that their ADUs were being occupied rent free. As these units are likely being provided to family members, without further data it cannot be assumed that these units are available to and occupied by low-income households. The calculation of average rents should remove the zero rent units from the calculation.

Further evidence that the \$1,112 figure is unlikely to apply to newly created ADUs is contained in this same City-commissioned report. That study includes model pro-formas for several ADU development scenarios and uses rents that range between \$2,360 and \$3,029 per month. The City should re-evaluate its projections of affordability level for newly created ADUs and revise the site inventory accordingly.

- There is little discussion or analysis of how the inventory does or doesn't change patterns of segregation. Table C-19 on page C-83 shows that for the preliminary site inventory, 26.1% of lower income capacity is located in moderate to highest resource tracts, while 36.4% of above moderate-income capacity is located in these tracts. On its face this does not appear to further fair housing. While the City has provided additional AFFH sites, it has not indicated the extent to which those supplemental sites would offset the disparity described above.
- The geographic distribution of sites is not surprising in light of the City's decision to focus only on opportunity sites that require no rezoning, and to rule out in advance any rezoning of low-density areas to accommodate some of the lower income portion of the RHNA. While the City proposes, outside of the site inventory, to consider some future rezoning, the areas that will be studied are not identified and it appears that the focus will be more on accommodating "missing middle" housing types that cannot be assumed necessarily to be affordable to lower income households.
- The City explains the relatively small proportion of lower income sites in high and moderate resource areas by noting that significant portions of these areas are also very high fire hazard or seismic hazard areas, which are located primarily in the most affluent portions of the city with the greatest degree of racial segregation. At the same time, other hazards such as industrial pollution, poor air quality, or sea level rise, were not

considered disqualifying. The result is a set of criteria that by definition rule out the majority of high opportunity areas and areas of concentration of affluence and white population.

- The City justifies concentration of affordable housing in lower opportunity areas as a strategy of investment in these areas to prevent displacement. However, State guidance is clear that this needs to be coupled with place-based community development strategies that involve investments not only in housing, but also in enhanced infrastructure, services, schools, jobs, and other community needs that serve the existing population in at-risk neighborhoods. While the Draft Housing Element makes reference to the need for such investments, it does not provide adequate detail on specific programs, strategies or non-housing investments to be pursued, the anticipated outcomes, or any metrics for determining if such programs are effective in stabilizing at-risk communities.

### **Action Plan**

We are not able to provide detailed comment on each and every policy and action at this time. Additional and more detailed comments on the Action Plan may be submitted during the HCD review period. We do want to call attention to the following:

- Much of the Action Plan consists of continuation of policies and programs already in place. Since it's clear that existing policies have resulted in over-production of market-rate housing and under-production of lower income housing, the City must consider how existing programs can be recalibrated to produce better results.
- Where new programs are mentioned, they are generally described with terms such as "consider," "study", or "evaluate". These are not actions in themselves. HCD has been clear in its guidance and in reviews of draft housing elements in other regions that these kinds of general statements are not sufficient. In its review of Los Angeles' Draft Housing Element, HCD clearly stated:

Programs must commit to completing an action that will have an actual impact on housing such as "amend," "revise," or "establish"

While we would like to see the Housing Element itself be the vehicle for new housing policies, where this is not possible then *at a minimum the Housing Element should commit to bringing concrete legislation before the City Council for adoption by a specific date.* Moreover, these dates should be in the first few years of the housing element. Postponing these studies to the later years means that many of these new programs, if implemented at all, will have limited impact in the housing element cycle.

This is not a new issue. There are a number of policies and programs that the City has pledged to "consider" for multiple housing element cycles without ever having a full

policy discussion and proposed legislation before the City Council. For this update, the City should commit to move beyond this.

- In many cases the time frames are vague. Specific milestones and deadlines for completion should be called out.
- There is no clear prioritization of the many actions contained in the Action Plan. Which actions are most important to achievement of the City's goals and objectives? For the many new programs and policies that the City will "consider" or "study," which are the most important and what resources will be available to ensure that they are completed in a timely fashion?
- Anticipated outcomes and metrics are insufficient. Many of the action items have no quantified objectives and it is unclear what outcomes are anticipated or how the effectiveness of these actions, particularly in addressing fair housing issues, will be assessed.
- While the Action Plan discusses how the City's major goals address AFFH, it doesn't clearly identify specific actions that address priority factors for AFFH. HCD's guidance on affirmatively furthering fair housing is clear that jurisdictions must identify underlying factors that create and maintain segregations and inequitable opportunities and outcomes, and then select a number of factors that are the highest priority and ensure that the site inventory and action plan are clearly related back to these priority factors.
- The City should not take actions that incentivize market-rate housing without requiring affordability in return. In the past, many policies that could be used to incentivize affordable housing have been implemented across the board without any affordability requirements, leaving the City with limited options for incentives specifically to produce affordable housing. After two decades of significant above-moderate income housing production dating back to the "10K" plan, it's clear that such incentives are no longer needed. Rather than continuing to "expand housing for all economic levels" the housing element action plan needs to focus on the most deficient areas and therefore must prioritize actions that will improve performance in creating and preserving housing for the lowest income individuals, including persons who are currently unhoused.

**We offer specific comments on the following action items:**

Action 2.2.5 The City should provide a specific date for adopting SB 330 anti-demolition protections. Since this is a matter of bringing the City's code into compliance this should be implemented by the end of 2023 at the latest, including extending it beyond SB 330's sunset date.

Action 2.2.6 We strongly support efforts to reduce speculation in housing through both a speculation tax and adoption of Tenant Opportunity to Purchase Act/Community Opportunity to Purchase Act (TOPA/COPA) legislation.

Action 2.2.8. In place of vague action to study a possible TOPA/COPA policy, the City should commit to bringing a TOPA/COPA ordinance before the City Council for adoption within the first year of the housing element.

Action 3.3.1 Any strategy regarding use of public land should start with adoption of a public land disposition ordinance consistent with the policy framework adopted by the City Council in December 2018. If the City is now proposing to abandon that framework and take a different approach, that should be clearly stated and presented to the City Council as a change in adopted policy.

Action 3.3.3 This action speaks primarily to provision of rental assistance but includes as part of its objective the statement that “100% of tenants facing eviction will have access to counsel by the end of the Housing Element cycle.” This statement should be included in action 1.1.5, which currently contains no actual commitment.

Action 3.3.5 We strongly support an Affordable Housing overlay that provides by-right approval of 100% affordable housing projects citywide, wherever zoning currently permits it. We also support identifying specific incentives and bonuses that could be part of such an overlay, but that process should not delay the immediate adoption and implementation of a by-right overlay.

Action 3.3.8 We support revision of the Affordable Housing and Jobs/Housing Impact Fee programs, with particular attention to the amount and timing of the fee and recalibration of the on-site alternative compliance option to provide an outcome (number and affordability of units) comparable to what would be achieved through investment of the fee in affordable housing. This analysis was supposed to have been completed by the end of 2021 for presentation to the City Council in early 2022 and was to involve community participation throughout the process and not just in response to a completed study. This has not been the case. The City should commit to a firm date for revision of these ordinances, and should ensure that all evaluations and assessments include meaningful community involvement.

Action 3.3.9 We support deferral or reduction of planning and building fees to increase the feasibility and reduce the cost of producing affordable housing. In particular, we support deferring or reducing building permit fees. For City-financed affordable housing, fee payments could be deferred until a certificate of occupancy is issued, as the City has ample leverage to ensure that those fees will be paid.

Action 3.3.10 We support the creation of a Citywide Enhanced Infrastructure Financing District (EIFD) with a primary goal of providing additional funding resources for affordable housing.



Action 3.3.12 We support continuation of the Acquisition and Conversion to Affordable Housing (ACAH) program, including support for community land trusts and limited equity cooperatives in addition to traditional nonprofit housing.

3.3.15: We support continuation of density bonus incentives, but call on the city to evaluate any barriers to a broader use of the density bonus program, including information on what developers have shared regarding how this program might be improved or expanded. His evaluation should also distinguish between use of density bonus for 100% affordable projects vs predominately market-rate projects.

Action 3.3.16 We support increasing the Real Estate Transfer Tax on higher end transactions including dedication of that increased revenue for programs that produce, preserve and protect affordable housing opportunities. We urge the City to move forward to place such an item on the November 2024 ballot to maximize the likelihood of passage.

Action 3.3.18 We strongly support extension of the Measure KK infrastructure and affordable housing bond, with a substantial increase in the share and amount devoted to housing production and preservation, at a scale that will make a significant impact on Oakland's pressing affordable housing needs. This is an urgent priority and should be implemented as rapidly as possible.

Action 3.4.10 For inventory sites that are carried over from previous housing element cycles, the City must commit to actually rezone those sites – perhaps through use of a zoning overlay – that provides for by-right approval on these sites if a minimum of 20 percent of the units will be affordable to lower-income households. Ideally this should be implemented as part of the Housing Element itself. If not, then the Housing Element must include a specific rezoning program for these sites.

Action 3.6.4 We support active encouragement of use of SB 35 to provide by-right approval for 100% affordable housing, including training and direction to Planning staff that this should be affirmatively pursued.

Action 5.2.8 We have substantial concerns that, given the limited targeting of high opportunity neighborhoods in the site inventory, a “mixed-income” strategy in areas of concentration may lead to more gentrification and displacement. The City must ensure that a better mix of incomes in a neighborhood is not simply capturing a point in time where a neighborhood transition is actually taking place. We note that despite acknowledging the need for place-based strategies to stabilize and improve low resource areas, these programs are not included in the Action Plan.

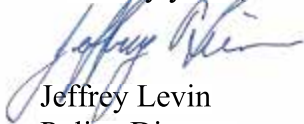
Oakland Planning Department

June 13, 2022

Page 10

We again thank you for the opportunity to comment on this Draft Housing Element, and will continue to participate and comment throughout the update process. We look forward to your response to these comments as part of your submission of the Draft Housing Element to HCD.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Jeffrey Levin".

Jeffrey Levin  
Policy Director

June 13, 2022

To: City of Oakland General Plan Update Team

From: West Oakland Community Action Plan (WOCAP) Steering Committee

Re: Draft Housing Element Comments related to Air Quality and Environmental Justice

This comment letter is submitted on behalf of the West Oakland Community Action Plan (WOCAP) Steering Committee - a group of residents, researchers/academics, public agencies, non-profits, and community institutions involved in the implementation of the WOCAP through the AB 617 process. WOCAP is co-managed by the Bay Area Air Quality Management District and the West Oakland Environmental Indicators Project. While our group cares deeply about ALL aspects of the housing element (preservation, affordability, community ownership, displacement prevention, etc.), this comment letter will primarily focus on policies related to air pollution exposure and mitigation. Because the online mapping tool did not have its full functionality until today, we will submit comments on the sites inventory in West Oakland at a future time.

The following is a list of comments and questions - some related to specific policies/actions and others are more general recommendations:

- **Indoor air pollution:** We are glad to see references to indoor air pollution remediation in the Housing Element, for existing homes. From an equity, resource and health perspective it makes sense to preserve existing housing wherever possible. We know that indoor air pollution is a significant health burden on Oakland residents, particularly heavy for people who suffer from other air pollution exposure burdens. We urge the City to add specifics about how it will undertake the objective of improving air pollution exposure and how that effort will be targeted. We suggest that the city commit to work with Alameda County Health Department, local hospitals, nonprofits and others to specifically target these efforts toward families with asthmatic children, for the purpose of reducing emergency room visits for treatment of asthma and other lung diseases. There was a program operating several years ago called "Pay for Success" that pioneered an approach to identify these families, coordinate housing improvement services and secure innovative forms of funding from health care providers. That program may have information or lessons that could help the City establish a larger effort.
- **Unintended consequences.**
  - Actions should be more explicit about steps to avoid inequitable and unintended consequences and steps to overcome access barriers (ex. many times do not have electrical systems that will accommodate filtration, how will people be protected from utility/PGE imposed fees resulting from electrification).
- **Strengthen Wording.**
  - Actions related to air quality are currently worded too vaguely and use very weak language, and at some points don't propose any new actions. This would be fine if air quality wasn't a serious issue, however we know there are serious air quality issues

in many areas that lead to elevated rates of asthma and other health issues. For example 2.1.1, and 2.1.2 use the phrase “the city will continue to...” implying that they will not be doing anything new. We expect the city to step up and find additional ways to expand this important work. Additionally, 2.1.6 says the “city will explore...” explore feels like weak language - please make a more serious commitment to this important action.

- **2.1.6 Explore funding for improved indoor air quality.**
    - Ways to strengthen this language could include: "Increase funding" "Create dedicated funding" "match funding" "secure funding".
    - Some requirements are triggered when property changes hands (ex. 1031 swap). Or at the point of vacancy (new tenant).
    - Additionally why just "federal and state \$", why not all sorts of sources of funds, from the City, creative philanthropic partners (e.g., the California Endowment), community benefits funds from the health care sector, etc.
  - **2.1.1 Support home rehabilitation programs.**
    - Can this also include rehab for soft story buildings. We want to ensure that if a big earthquake hits, we aren't in danger of losing precious housing stock.
  - **2.1.2 Promote healthy homes and lead-safe housing**
- AND 5.2.5 Encourage climate-resilient housing.**
- **Get Gas Out of Residential Buildings:** Recent research shows that indoor gas appliances emit unhealthy levels of air pollution, sometimes in concentrations much higher than outdoor air pollution. Gas use in buildings regularly causes explosions - particularly in older buildings and from aging gas infrastructure. The City's ECAP rightly establishes a goal to gradually remove fossil gas from existing buildings to be replaced with heat pump technology. We understand that the City Staff is developing a Building Electrification Roadmap The Housing Element of the General Plan should contain specific actions to implement this ECAP objective and fully actualize the Roadmap. This is important from a public health and safety perspective, will help the City reduce greenhouse gas emissions, and in the long run lower the cost of residential heating, cooling and hot water services for Oakland residents.
  - Need to protect people from additional charges from PG&E related to decommissioning or removing gas infrastructure from existing homes
  - For 2.1.2, we'd encourage the city to meet with and partner with the Alameda County Department of Public Health's Asthma Start Program and the Alameda County Healthy Homes Department to collaborate in future efforts.
  - We hope the city can think through what happens for existing buildings if they switch to electric? How can we prevent an owner from switching back to gas in the future? Please better define what it would mean to remove natural gas. Also, it might be appropriate to connect with the Fire Department and understand if they have a role? How will OFD get educated around the removal of natural gas since this will reduce the risk of explosions and fires.

- Because these both are connected to the Electrification Roadmap process, it seems like the Sustainability Office should be consulted and listed as a responsible party.
- Finally, what types of accountability (evaluation measures and /or an oversight committee) can the city implement to decarbonize existing homes and buildings in Oakland?
- **Remediation of Contaminated Sites:** The Housing Element rightly contains planning to remediate environmentally contaminated sites. Historically this has meant cleanup of hazardous waste dump sites. That work certainly needs to continue. But there is another form of contamination that the City should address in this plan. Due to decades of structural racism, many low income people and communities of color live in or near places that experience unhealthy levels of air pollution. This is evident near the Port of Oakland, near freeways and places with high concentrations of heavy duty diesel powered vehicle traffic. We urge the City to expand the definition of contaminated sites to include neighborhoods exposed to high levels of air pollution. This will help prioritize remediation efforts such as retrofitting existing housing with indoor air filtration. Funding could be used to support and incentivise housing upgrades in highly polluted locations. Also consider that in West Oakland the City is working with businesses (CASS and CSW) to relocate out of the main neighborhood. This would open up some VERY large contaminated parcels for potential housing development and neighborhood amenities.
  - These comments relate to
    - 3.2.3 Promote flexibility in adaptive reuse to increase the housing stock.
    - 5.2.3 Study options to provide financing for the remediation of environmentally contaminated sites, with priority for affordable projects.
      - This action currently reads as if it will subsidize redevelopment regardless of who the developer is ("to property owners") and for whom the housing is being made available. This is too broad. This action needs to be focused on equitable development and housing.
      - We'd like to see additional details (and we're open to brainstorming with you) related to HOW the city can help coordinate between developers and federal clean up funds. Strengthen language to include "Support, find, locate and arrange for clean up funds" or something similar.
      - Should the Building Dept also be a stakeholder / leader for this? Do Public Works and Sustainability have a role as well? Also consider partnering with foundations.
      - Alameda County's Dept of Environmental Health - Land and Water Protection Local Oversight Program has an initiative to map environmentally polluted sites in the whole county. They could potentially partner data and clean up funding efforts.
- **5.2.4 "Secure funding from the State's Affordable Housing and Sustainable Communities (AHSC) Program. "**

- Are there opportunities to use this funding source for remediation and/or electrification / decarbonization?
- **Innovative Financing for New and Renovated Housing:** In the past year, we have entered a period of rising interest rates and inflation that makes it more difficult to finance housing. One partial solution is to use Green or Social Bonds to finance the city's housing efforts. Recent experience indicates rising demand from investors for these kinds of bonds. There are a wide range of benefits. Green and Social bonds tend to attract wider participation from investors in bond issues, Green bonds help align city finance with other objects including: equity and climate resilience. There is also evidence from Europe and from corporate bond market that these kinds of financing instruments can attract investors to accept a lower interest rate, partly because of lower risk and partly to satisfy growing investor interest in projects having sustainability and equity attributes. We urge the City to actively consider using green or social bond frameworks to finance housing costs, and potentially lower finance costs for this part of the General Plan.
- **Take advantage of point of sale or change of occupancy rules.** Across several action areas, the City can take a more programmatic approach to require or facilitate property modifications that promote environmental health at the point at which a property changes hands (e.g. someone vacates a lease, sells a home or residential building). This approach should include equity measures to ensure lower-resource property owners and/or properties that are "naturally occurring" affordable housing, can implement the improvements. Funding can come from some of the resources mentioned above.
- **5.2.6 Consider adoption of a disaster reconstruction overlay zone.**
  - We hope this action can ensure that new homes have strict air quality / electrification / weatherization standards and that affordability is preserved?
  - Maybe consider creating a low-interest construction loan program for income-qualified owners trying to recover. This type of support should prioritize folks who need it the most and/or who's housing can be preserved for low and moderate income Oaklanders.

Thank you for your time,

The West Oakland Community Action Plan Steering Committee

**CONTACT INFORMATION:**

Ms. Margaret Gordon [margaret.woeip@gmail.com](mailto:margaret.woeip@gmail.com)

Brian Beveridge [brian.woeip@gmail.com](mailto:brian.woeip@gmail.com)

Nicole Merino Tsui [nicole@woeip.org](mailto:nicole@woeip.org)

Joshua Abraham [jabraham@baaqmd.gov](mailto:jabraham@baaqmd.gov)

Beth Altshuler Muñoz [BethAltMunoz@gmail.com](mailto:BethAltMunoz@gmail.com)



June 13, 2022

City of Oakland  
1 Frank H Ogawa Plaza  
Oakland, CA 94612

**RE: The Unity Council's Building Fee Deferral Comment on Oakland's Draft 2023-2031 General Plan Housing Element**

Dear City of Oakland,

On behalf of The Unity Council, a 57-year-old Social Equity Community Development Corporation in Oakland, I want to thank you for the opportunity to present a comment on the Draft 2023-2031 General Plan Housing Element.

Our comment is on the "***Housing action plan draft HE, chapter 4, action 3.6.3 (page 83): Expand by-right approvals and implement entitlement reform for affordable housing***".

**Recommendation: Building Fee Deferral for City-sponsored affordable housing development is a Housing Element policy recommendation that the City of Oakland should enact.**

- Issue: The requirement to pay fees up front without ability to defer is a "governmental constraint on housing.
- Policy solution: The solution is to provide for a deferral of fees on 100% affordable housing developments.

As part of the entitlement reform, the city of Oakland will consider fee subsidies/or payment deferrals to better accommodate affordable housing developers, therefore the City of Oakland should consider including Building Fee deferral to fruition the shared goals of providing desperately needed affordable housing for Oakland's most at-risk and vulnerable residents.

Reform in the process to allow building fee deferral for city-sponsored affordable housing developments would allow nonprofit organizations to build more affordable housing. This important step would allow nonprofit affordable housing developers to make it sustainable and ensure that affordable housing developers have an equal opportunity.

The building fee deferral would address the specific barriers of the fees so that we can expand affordable housing in our community which is so urgently needed. By deferring these fees, the City of Oakland will be showing itself as a true partner to affordable housing organizations like

**The Unity Council**

1900 Fruitvale Ave, Suite 2A, Oakland, CA 94601  
510-535-6900 Office ■ 510-534-7771 Fax ■ [www.unitycouncil.org](http://www.unitycouncil.org)



The Unity Council, who has been a trustworthy, reliable and steadfast partners to the City of Oakland, and has worked together for years.

Thank you for your review and consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Chris Iglesias".

Chris Iglesias  
Chief Executive Officer



## Comments on general plan - community comment period

Crystal Lynn Keeler [REDACTED]

Mon 6/13/2022 9:16 PM

To: General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Dear City of Oakland,

I read the City of Oakland Housing Plan and appreciate the depth and breadth of work that went into the plan. There is an area that I don't see included very well and that is my particular circumstances.

"An affirmative effort was made to locate affordable housing in higher resource neighborhoods to reduce patterns of exclusion and segregation, and the City remains committed to increasing opportunity in neighborhoods that have experienced historic disinvestment. Providing opportunity for lower-income households must be a multipronged approach – the provision of affordable housing in areas that are already higher resourced must be coupled with continued investments in placebased strategies for historically marginalized neighborhoods. As outlined in Appendix D, the production of affordable housing and other strategies that enhance opportunity and housing security where lower-income residents already live—including gentrifying neighborhoods that face significant displacement pressures—must complement strategies to locate additional affordable housing in existing high-opportunity areas." - Chapter 3

We own a home in East Oakland that serves the criteria above from Chapter 3. It is an area with high displacement (displacement especially occurs on Outlook Avenue - with the View - just above us (68th Ave). We have very nice houses on our block, but areas nearby and down the hill are a bit more rugged. I believe our neighborhood region is an area with historic disinvestment, but with substantial gentrifying forces (houses on the block are now going for a million, a 2-bedroom one block over went for \$750K). We're on the low hills, not the high hills, so not much risk of mudslide, or much risk of being flooded (I think we're too high). Our property is 10,000 square feet with a very large yard behind us with fruit trees and an area for an urban garden. There is another chunk of vacant lot just next to our large backyard lot that is currently housing a discarded moldy van (sometimes inhabited by homeless people) and a non-operational boat detritus. I would love to be able to purchase the small slot just next to our large backyard and combine the properties to build the largest ADU allowed, or possibly a small house (depending how zoning might go), or two ADUs. The area cannot stand alone without an easement off our neighbors apartment complex for access in the back, or easement off our property. My goal would be to provide it as affordable housing. However, we are stretched thin with the current mortgage and lack the capital to develop this area for affordable housing currently (building and a bit of leveling out the low hill area for proper foundation). I know second-hand of the displacement that has happened in my neighborhood, even my best friend was forced to move to Antioch (someone who had called Oakland home for 20 years). Rising rent costs caused him to be displaced along with two of his roommates, all African-American.

Prior to owning this house, we previously managed a 48-unit building for several years near Lake Merritt, so we are very familiar with Fair Housing Practices and non-discriminatory methods for renting units. We employed every strategy we could to ensure absolute fairness in renting out the units available at that complex; however, we were constrained by the owner's requirements and a lack of affordable housing units in that building. We were well aware of the housing crisis when the owner asked us to rent studios for \$1750 (this was four years ago), and we had two tiny efficiency units that went in a day, because their cost was only \$1350 (but they were tiny rooms with a separate bathroom).

Goal 3, p. 61

"Like other Bay Area cities, one of the major challenges to developing permanent affordable housing in Oakland is the extremely high cost of development, especially the cost of land, labor, and materials. As California's housing crisis continues into another decade, new and innovative models for the development and maintenance of permanently affordable housing are needed to overcome these obstacles and meet Oakland's increased housing needs. Recognizing the limited resources that staff already operate with, the City will welcome models that are community-based and are eligible for external funding. For the next eight years and beyond, the City will cultivate an atmosphere that encourages new approaches to meet Oakland's affordable housing needs. The City will also encourage models that emphasize community ownership of land and housing to promote permanent affordability. Oakland also has very little vacant land available for development and is reliant primarily on reuse of existing sites for development. The vacant parcels that do exist, however, can often provide significant opportunities for residential development. Further, vacant residential and commercial buildings and units could provide potential sources of additional housing supply that are not currently available. As part of this goal, the City will enact a variety of strategies to incentivize active residential uses on vacant land and units."

We're not a unit that falls within the category of a vacant lot. We are a unit that has a very large space that could be developed into affordable housing, but lack the capital means to do so currently.

"The City will also reduce the minimum lot size in Detached Unit Residential and Mixed Housing Type Residential generally to 3,000 square feet to remove constraints on lot splitting." p.65

This softening of requirement would allow for at least the possibility of what I'd like to do to the land available.

"Action 3.2.4: Provide financial incentives for older or lower-income homeowners who want ADUs."

We might or might not be eligible for something like this. We aren't high income, but we have one city income and one disability income, so we might fall in the middle of this action step.

Comment about rent control: increase the options for rent control, expand rent control

I personally believe it should be within the city's housing plan to increase the rental control increase cap to all housing units in Oakland, not just those built before 1983. New developers,

new housing construction should also be bound by the same laws, and rent control has saved so many people in the past (including myself when fully disabled, on limited income).

#### Action 1.1.13

This is not an exhaustive list. Catholic Charities and other entities helped prevent homelessness through various programs, but have not been mentioned here.

#### Action 3.7.1:

This is an extremely important area. I know two elderly ladies (76 and 80) with ailing health concerns. If either one of them dies, the other will become homeless, with no housing options, because neither of them can afford the rent on their own (disability social security - only funding). Both are physically disabled, one in a wheelchair, one requiring a scooter, and need accessible housing.

Action 3.7.3 I think this is NOT STRONG ENOUGH! Promoting affordable units in new construction is not enough. REQUIRING IT is the only thing that will force most developers to even offer. Policy efforts should be undertaken to make this kind of policy change into law. Simple carrots are not effective enough, as evidenced by what has happened in Los Angeles.

#### Action 3.8.3

This is a tough one. The actions of this will fall primarily on the shoulders of low or underpaid property managers (with the exception of large corporate property managers - who usually do receive a salary). We worked super hard as building managers of the 48-unit complex to fill the units, but it was so much work at market rate (set by owner). We received only \$300/month in compensation if the building was full (in addition to our no rent in exchange for exhaustive duties of a building manager). Most work was unpaid. Any extra city requirements, like city garbage - push/pull, bulk waste pick-ups, composting were always unpaid. An action like this will invite retaliation from building owners down on underpaid building managers. A caution should be applied here, perhaps only enacting this action after 3-months vacant. Sometimes units were also rehabbed, being updated, and this construction process took longer than 3 months, and an exception should be made for units that are being improved for tenants.

#### POLICY 4.2 ENCAMPMENT MANAGEMENT Action 4.2.1

I believe offering mental health site access, or social work ability near these encampment sites should be part of this section. It would require funding, but should not just be funding security guards or police for safety, should offer the material and immaterial services really needed by this population group.

#### Goal 5

First time home buyer programs should also help to address the extra mortgage insurance that folks without quite enough of a down payment have to pay, just extra, which substantially disadvantages marginalized groups and further perpetuates inequity. We didn't have to pay that extra insurance cost because we were very fortunate, but others are not so lucky.

#### Action 5.2.3

The caution here is that contaminated sites truly must be deemed decontaminated and safe by EPA standards at bare minimum. Too many low income housing projects in other cities have

been built over these sites, and residents were never informed of the risks. Some sites had a small sign saying do not play on the soil/grass, but parents didn't know that their children were receiving high levels of contamination. How do you have children in these areas without safety? Children should be allowed safe places to play and safe areas outside, not to mention inside. Extreme caution must be used not to perpetuate environmental injustice at the expense of meeting demand.

Thank you for reading/considering my comments, and thank you for the effort to be inclusionary, reduce displacement, address homeless needs, and enact fair housing standards that address systemic environmental and racism areas.

Warmly,

Crystal

--

Crystal Lynn Keeler  
PHD/MD(China)/DAOM/MPH/MSTCM  
Dipl.O.M., C.M.Q.

[Redacted]

[Redacted]

## Feedback on the Oakland Plan

Scott Forman [REDACTED]

Tue 6/14/2022 12:56 PM

To: General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Greetings,

I have been following the progress towards a new General Plan for Downtown Oakland. There is a lot in the draft that I find laudable. I'm really impressed with all the work that has gone into it, and want to applaud all of the contributors to the effort.

My main point of feedback is that, especially with respect to the housing element, we should go **much farther** in making it possible to build lots of new homes.

I think our default stance should be much closer to "all and every type of home building is allowed, everywhere, by right." The same goes for any and all commercial activities that don't have significant negative externalities like lots of noise or noxious fumes.

In other words, while I love that we're liberalizing and loosening some constraints, I believe most of the remaining restrictions are themselves entirely unnecessary and counterproductive, and that Oakland can be **much denser**, and welcoming **many new neighbors** with **dramatically lower** housing costs.

I think we should be planning to **increase the population of Oakland by 25-50%** in the next decade, and even well-meaning constraints on growth, like to preserve the character of certain neighborhoods, or to extract concessions from real estate developers in exchange for more density...as if density is a bad thing that we begrudge! — are profoundly misguided.

In short, I'm an enthusiastic "yes" to a lot of what's in this plan, but I'd like to see it go much further in actively promoting new homes and businesses, and discouraging cars and parking.

Sincerely,  
Scott J. Forman

[REDACTED]

June 15, 2022

Dear Oakland Housing Element Team,

Thank you for the opportunity to comment on Oakland's Draft Housing Element. As you know the Housing Element is a critical document that lays out how the city is going to accommodate future housing growth at all income levels and the policies can help make Oakland a more affordable city. We appreciate the time and care that the Housing Element Team has put into drafting this document and conducting outreach to groups across the city.

SPUR is a public policy non-profit organization in the Bay Area with offices in Oakland, San Francisco and San Jose. We work across policy areas and political lines to solve the big problems the region faces. Our comments on this housing element combine both a regional and local perspective. Our feedback on the Draft Housing Element is as follows:

- 1. The Housing Element should take stronger steps to affirmatively furthering fair housing.**  
We appreciate the effort that the team has taken to analyze how this Housing Element draft affirmatively furthers fair housing. However, we believe that more can be done to achieve this goal. The draft notes that most of the residential capacity for housing is located in low resource, high segregation areas due to the fact that over 60% of the land in Oakland is in these categories. And the land that is located in high and highest resource categories is impacted by environmental constraints such as very high fire hazard severity zones.

These are challenging constraints to address. Nevertheless, we believe that there are some steps that can be taken to increase the housing capacity in high resource areas. Specifically, we believe that Oakland's Housing Element should look at sites that can be intensively upzoned within the Rockridge and Elmwood neighborhoods, including the Rockridge BART parking lot. Potential sites could include the Trader Joe's site directly adjacent to the BART station (inclusive of parking lot) and the triangular lot at the corner of College Avenue and Claremont. While some sites in this area may be too small to support affordable housing, they could accommodate apartments that would be more affordable than the single family homes that currently exist in the majority of the neighborhood.

Additionally, the city may wish to consider requiring that some larger lots that are currently zoned for community commercial include housing at some required minimum density. This would be particularly appropriate for the large, currently undeveloped portion of the shopping center site at the corner of Pleasant Hill and Broadway.

- 2. The Housing Element should identify concrete strategies to build more community infrastructure in low-income communities in order to make affordable housing in those neighborhoods more equitable.**

Given that so much of the residential capacity in Oakland is located in low resource and high segregation areas, and therefore that a sizable portion of affordable housing in Oakland may be located in these areas, it is important to ensure that appropriate community infrastructure is being

planned in these neighborhoods. Building affordable housing in low-income neighborhoods can help stabilize communities and is an important anti-displacement strategy. However it must be paired with investments in parks, community spaces, and programs that benefit low-income families.

**3. The Housing Element should clarify where upzoning is being contemplated.**

Policy 3.4 - Reforming zoning and Land Use to Address Community Priorities references allowing additional building heights and/or housing densities along certain corridors such as International, Foothill and MacArthur Boulevards, allowing a diversity of housing types in single-family neighborhoods, increasing height and density in areas approximate to BART and BRT and increasing density in resource rich neighborhoods.

We appreciate and support all these policies. However, we feel that it is important for the Housing Element to provide more specific detail about precisely which locations are being contemplated for upzoning and by how much.

Additionally, we understand that the Housing Element team is considering tools such as affordable housing overlays to help encourage more affordable housing production. We support the use of affordable housing overlays, but feel that the team should provide more information about where they should be utilized.

**4. State housing agencies should prioritize numerous important goals – including funding affordable housing near transit and stabilizing neighborhoods at risk of displacement – when determining where to allocate affordable housing funds.**

Appendix F of the Draft Housing Element notes that the California Tax Credit Allocation Committee's competitive tax credit applications disadvantage Oakland because so much of the residentially zoned land is considered "low resource". While affirmatively furthering fair housing is an absolutely critical goal that the state should be advancing, it is also important that Oakland, as a regional hub with many BART stations, be able to access tax credits and other funding to build affordable housing close to transit. Additionally, as mentioned earlier, affordable housing is an important tool for stabilizing neighborhoods at risk of displacement. It would be helpful for HCD to work with partner agencies at the state level to help balance these important values in the allocation of affordable housing resources.

Thank you for your consideration of our comments. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Sarah Karlinsky  
Senior Advisor

Cc: SPUR Oakland Board of Directors  
California Department of Housing and Community Development





## FW: Clty Council Agenda Item 3.1 (Housing Element APR) and Item 6: (Study Session on the General Plan Update - including the draft Housing Element)

Gilchrist, William <WGilchrist@oaklandca.gov>

Wed 7/27/2022 1:33 PM

To: Rajagopalan, Lakshmi <LRajagopalan@oaklandca.gov>; Branson, Michael <MBranson@oaklandcityattorney.org>; Flanders, Jordan <JFlanders@oaklandcityattorney.org>; Perez-Domencich, Diana <DPerez-Domencich@oaklandca.gov>; Manasse, Edward <EManasse@oaklandca.gov>; Branson, Michael <MBranson@oaklandcityattorney.org>; Skelton, Stephanie <SSkelton@oaklandca.gov>; Lieberworth, Audrey <ALieberworth@oaklandca.gov>

---

**From:** Jeffrey Levin <jeff@ebho.org>  
**Sent:** Tuesday, July 26, 2022 4:46 PM  
**To:** Gilchrist, William <WGilchrist@oaklandca.gov>  
**Cc:** Fortunato Bas, Nikki <NFortunatoBas@oaklandca.gov>; Kaplan, Rebecca <RKaplan@oaklandca.gov>  
**Subject:** Fwd: Clty Council Agenda Item 3.1 (Housing Element APR) and Item 6: (Study Session on the General Plan Update - including the draft Housing Element)

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Forwarding to you the comments I emailed to Council earlier today.

The specific language regarding explicit goals is in the body of the email under the subheading "Additional Goals"

---

Jeff Levin, Policy Director

**NOTE:** I am generally working only on Monday afternoons and all day on Tuesday and Thursday, so I may not be able to reply to your e-mail right away.

### East Bay Housing Organizations (EBHO)

538 Ninth Street, Suite 200 | Oakland, CA 94607  
 510-663-3830 ext. 316 | [jeff@ebho.org](mailto:jeff@ebho.org)

**Browse EBHO's educational resources in [The Study Room](#). Now updated and expanded for 2022!**

*Thank you for supporting our efforts to protect, preserve and create affordable housing for all! Visit us at [www.EBHO.org](http://www.EBHO.org) and follow us on [Facebook](#) and [Twitter](#).*

----- Forwarded message -----

From: **Jeffrey Levin** <[jeff@ebho.org](mailto:jeff@ebho.org)>

Date: Tue, Jul 26, 2022 at 8:17 AM

Subject: City Council Agenda Item 3.1 (Housing Element APR) and Item 6: (Study Session on the General Plan Update - including the draft Housing Element)

To: <[council@oaklandca.gov](mailto:council@oaklandca.gov)>, <[cityclerk@oaklandca.gov](mailto:cityclerk@oaklandca.gov)>, Kalb, Dan <[DKalb@oaklandca.gov](mailto:DKalb@oaklandca.gov)>, Nikki Fortunato Bas <[NFortunatoBas@oaklandca.gov](mailto:NFortunatoBas@oaklandca.gov)>, Carroll Fife <[cfife@oaklandca.gov](mailto:cfife@oaklandca.gov)>, Thao, Sheng <[Sthao@oaklandca.gov](mailto:Sthao@oaklandca.gov)>, Noel Gallo <[ngallo@oaklandca.gov](mailto:ngallo@oaklandca.gov)>, Taylor, Loren <[ltaylor@oaklandca.gov](mailto:ltaylor@oaklandca.gov)>, Treva Reid <[treid@oaklandca.gov](mailto:treid@oaklandca.gov)>, Rebecca Kaplan <[RKaplan@oaklandca.gov](mailto:RKaplan@oaklandca.gov)>

Dear Councilmembers -

On behalf of East Bay Housing Organizations (EBHO), I am offering comments on two items on today's agenda that focus on past performance on the current housing element and preparation of the draft Housing Element for the next housing element cycle.

Please see also the attached items, which include our full written comments on the draft Housing Element and two important memos from ABAG that provide clarity about what the State is actually looking for in its review of local housing elements.

### Item 3.1: Housing Element Annual Progress Report (APR)

This report summarizes the City's progress in meeting its Housing Element goals after 7 of the 8 years of the current housing element cycle have been completed. Unfortunately, the City has fallen far short of meeting its assigned housing production targets.

The report notes that building permits peaked at slightly more than 4,000 annually in both 2017 and 2018, and have since fallen off. In 2021, there were "only" 1,667 units permitted. This needs to be taken in historical perspective. These are still record-breaking numbers.

- For the previous two housing element cycles, covering the period 1999 – 2014, the average number of units permitted was 690 per year.
- For the last seven years, the average is nearly 2,400, more than three times the average over the preceding 16 years.

This record level of production has been anything but equitable. As we have pointed out many times before, there is a tremendous imbalance between production of housing for above-moderate income and production for very-low, low and moderate income.

- While the City has permitted nearly double its RHNA target for above-moderate income, it has permitted only 26% of the RHNA target for lower and moderate income.
- Put another way, while the RHNA called for 53% of new housing to be targeted to above-moderate income, 89% of the building permits for new housing have been higher-end, above-moderate income housing that very few Oakland renters and first-time homebuyers can afford, while only 11% have been for affordable housing.
- Only 1 affordable unit has been built for every 8 unaffordable market-rate units.

Given this track record, a vague call to develop "housing for all economic levels" is not enough. **Oakland needs a housing strategy that explicitly prioritizes affordable housing for those with the greatest needs**, and does not need to provide additional incentives for above-moderate income, market-rate housing, which has been substantially over-produced. We hope you will consider this as Oakland moves forward to update its housing element for the 2023-2031 cycle.

## **Item 6: Work Session on the General Plan Update (including update of the Housing Element)**

While this agenda item focuses broadly on the update of the City's General Plan, and particularly on the Environmental Justice Element and the City's equity indicators, our comments today focus specifically on one part of that project– the update of the City's Housing Element. (Please see comments at the end of this email regarding the deletion of the Housing Element piece from the title of today's agenda item).

EBHO submitted extensive written comments during the public comment period on the draft Housing Element, and a copy of those comments is attached to this email. We are also attaching two short memos from ABAG that summarize lessons learned from other regions of the State and how the State is reviewing (and often failing to approve) housing elements.

We want to call attention to a few critical issues.

### ***Affirmatively Furthering Fair Housing***

We believe the draft Housing Element falls far short of meeting the State requirement to affirmatively further fair housing – that is, to identify concrete goals, strategies and actions to reduce racial segregation and eliminate racial disparities in access to opportunity and housing outcomes.

While the draft Housing Element contains an extensive Fair Housing Assessment with a wealth of data and maps, it falls short on at least two counts. While there is a description of current racial and economic segregation and disparities, there is little analysis of the history and underlying factors that gave rise to, and continue to perpetuate, these conditions. The most glaring issue is that the Fair Housing Assessment completely fails to analyze exclusionary zoning patterns as a key factor in racial segregation, despite passing mention that zoning was an issue. This is particularly disappointing in light of the informational report on redlining, segregation and reparations in West Oakland that you received at your meeting last week, which does a far better job of identifying historical, structural and systemic factors and policies to address these.

The draft Housing Element does not clearly identify and prioritize factors underlying racial segregation and disparities, and therefore also does not adequately link the goals, strategies and actions to the prioritized fair housing factors. This is explicitly required by the State, and failure to do so will likely result in the State rejecting the City's draft Housing Element.

### ***Inventory of Available Sites***

Of particular concern is the inventory of availability of suitable sites to meet Oakland's Regional Housing Needs Allocation (RHNA) targets for the various income levels. The draft was developed with the stated intent to create an inventory based on current zoning, without the need to identify additional parcels to be rezoned to accommodate the City's housing needs. As a result, most of the sites suitable for affordable housing continue to be concentrated in lower opportunity areas with higher concentrations of low income households and communities of color, particularly Black residents who historically have suffered the worst segregation and discrimination. Even if all the identified housing sites were developed as projected, racial segregation would not be significantly reduced, and the high opportunity, historically exclusive areas would remain as inaccessible as before. The City cannot say that it is affirmatively furthering fair housing if its plans and goals don't even mention reducing patterns of segregation and overcoming the historical barriers posed by exclusionary zoning.

## **Proposed Strategies and Programs**

Another area of concern is the identification and description of new strategies and programs. Many of the new actions described in the draft Housing Element are policies and programs that EBHO and many other organizations had long advocated, such as greater tenant protections, a Tenant and Community Opportunity to Purchase Act, finalization of the City's public land policy, and more, and we are pleased to see these included here.

Unfortunately, the language in the draft element says only that the City will "study" or "consider" such programs, with no concrete steps, milestones, expected outcomes, or performance metrics. The State has explicitly instructed cities that such vague statements are not sufficient, and has rejected draft housing elements from other cities for just this reason. If it is not possible to fully adopt new policies and programs as part of the Housing Element, then at a minimum the document must commit to bringing concrete legislation before the City Council by a specific date in order to implement these new programs. Simply continuing the same actions that have been undertaken to date is not sufficient, since as clearly demonstrated in the City's Annual Performance Report, the City is falling far short of meeting its RHNA goals in the current cycle.

## ***Additional Goals***

The draft Housing Element is organized around five goals. We would suggest that at least two additional goals be included:

- Reduce racial segregation and racial disparities in housing opportunities and outcomes. Simply stating a goal to "expand affordable housing opportunities" is not sufficient.
- Close the gap between market-rate and affordable housing production by prioritizing preservation and development of housing affordable to those with the greatest needs, including Black and Brown households that constitute the bulk of the lower income population. Instead of "promoting housing opportunities for all economic levels," the City must explicitly prioritize actions that address these pressing needs, in both its funding priorities and its land use and other regulatory actions.

## ***Council and Public Review of the Draft Housing Element***

To date the City Council has not had an opportunity to consider the draft Housing Element. Despite an extensive community outreach process during preparation of the draft, once it was completed, consideration of the draft was subsumed within a larger report on development of the entire General Plan update. Initially there was no summary or overview of the content of the housing element and particularly new policies and actions and consideration of the obligation to affirmatively further fair housing until we explicitly called for such a summary. Previous draft Housing Elements have at least included an Executive Summary; there was no such summary in the current draft.

We note with some dismay that the title of today's agenda item was modified in Rules Committee to remove the reference to "Receive Public Comments And Provide Feedback To Staff On The Draft Housing Element." While the initial formal 30-day public comment period closed on June 13, staff have repeatedly stated that they will continue to accept and consider public comment while the draft undergoes a 90-day review by the State. We are therefore puzzled and concerned that this language was omitted from the title as it suggests that the City is not prepared to consider public comments on the draft Housing Element at this meeting.

We call on the City to ensure an open and inclusive process in the next revision of the draft Housing Element.

Once staff receives comments from the State, that information should be brought before the City Council to get input on how best to address the State's comments. After the new draft is developed, there should be a public comment period of not less than 30 days, including a public hearing before the Council to consider and comment

on the revised draft, prior to preparing a final draft for adoption and submission.

Thank you for your consideration of these issues. Oakland has the opportunity to develop a Housing Element that contains bold new solutions to the housing crisis and a strategy to reduce segregation and racial disparities in housing. As always, we look forward to working with the City to achieve these goals.

---

Jeff Levin, Policy Director

**NOTE:** I am generally working only on Monday afternoons and all day on Tuesday and Thursday, so I may not be able to reply to your e-mail right away.

**East Bay Housing Organizations (EBHO)**

538 Ninth Street, Suite 200 | Oakland, CA 94607

510-663-3830 ext. 316 | [jeff@ebho.org](mailto:jeff@ebho.org)

***Browse EBHO's educational resources in [The Study Room](#). Now updated and expanded for 2022!***

*Thank you for supporting our efforts to protect, preserve and create affordable housing for all! Visit us at [www.EBHO.org](http://www.EBHO.org) and follow us on [Facebook](#) and [Twitter](#).*



## Affirmatively Furthering Fair Housing (AFFH) Policy Tips Memo Learning from Southern California & Sacramento: Early Experiences in Complying with AB686

This memo outlines findings from a review of eleven draft or final Southern California and Sacramento region Housing Elements to better understand how jurisdictions are integrating new state Affirmatively Furthering Fair Housing (AFFH) requirements. The goal of this review is to highlight common challenges and the feedback jurisdictions received from the Department of Housing and Community Development (HCD), to aid Bay Area jurisdictions in complying with these rules.

Bay Area jurisdictions are fortunate to learn from the experience of other regions that were required to submit their Housing Elements earlier in this sixth cycle of RHNA. This extra time, however, comes with more experience and oversight from HCD reviewers. It is therefore important to consider the findings and recommendations below to expedite their review processes and to meet the intended outcomes of AB686 to “overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity” for protected classes.

### Methodology

Eleven Housing Elements – recommended by HCD or planning consultants – were reviewed, along with HCD’s response letters to the jurisdictions. Housing Elements were examined for their consistency with the format and content laid out according to HCD’s AFFH guidance, with acknowledgement that many of the reviewed Housing Elements were drafted before statewide guidance was released. The review was conducted not to observe how well jurisdictions followed HCD guidance, but rather to understand what worked and what needed improvement from the first several rounds of submissions in complying with State law. The following Housing Elements were reviewed:

Chula Vista	Culver City	Escondido	Long Beach
Los Angeles (City)	Los Angeles (County)	Rancho Cucamonga	Sacramento
San Diego (City)	San Juan Capistrano	West Hollywood	

### Findings

Based on the review of these Housing Elements and HCD response letters, below are six observations and five recommendations for Bay Area jurisdictions to consider during Housing Element drafts. The five recommendations are:

1. Include place-based strategies, naming specific neighborhoods or geographies and articulating why certain strategies are best suited to tackle geographically-specific problems.
2. Ensure that strategies will address the disparate outcomes and segregation patterns of impacted racial and ethnic groups identified in the Assessment of Fair Housing portion of the Housing Element.

3. Include actions that are specific and time bound with commitments, metrics and milestones. Avoid policies with vague words like “explore” that are unaccompanied by more detailed, concrete actions.
4. Use HCD’s five fair housing categories for goals, policies and actions: (i) Outreach Capacity and Enforcement; (ii) Segregation/Integration Patterns; (iii) Racially and/or Ethnically Concentrated Areas of Poverty; (iv) Disparities in Access to Opportunity; and (v) Disproportionate Housing Need for Low-income Households and Protected Classes.
5. Follow HCD’s AFFH guidance closely, making sure to include each section and subsection in the outlined order.

**Observation 1: Few and Vague Place-Based Strategies are Included in the Housing Elements**

Statewide AFFH requirements seek to address inequitable access to opportunity for protected classes, which plays out geographically at the neighborhood level. HCD recommends, therefore, that successful AFFH policy frameworks should include place-based responses and activities oriented around specific locations. Several Southern California jurisdictions successfully outline policies intended to tackle specific neighborhood housing and resource inequities, for example:

- *Los Angeles County describes community development work in specific low-income areas including the East San Gabriel Valley area and the Florence-Firestone Transit District.*<sup>1</sup>
- *San Juan Capistrano describes specific community development plans including Los Rios Park Improvements and a neighborhood-specific senior mobility program.*<sup>2</sup>

However, few other jurisdictions include this level of place-based specificity in their policy frameworks. Many rely on policies and programs that are not place-based at all. Others employ strategies that are place-based in theory but fail to articulate which neighborhoods these activities target and how they will tackle geographically-specific issues.

**Recommendation:** To tackle place-based inequity, jurisdictions should aim to articulate place-based responses, naming specific neighborhoods or geographies and articulating why certain strategies are best suited to tackle geographically-specific problems.

**Observation 2: Few Housing Elements Articulate the Connection Between Policy Goals and Racial Segregation or Disproportionate Housing Need for Protected Classes**

One of the central goals of statewide AFFH requirements is replacing segregated housing patterns with truly integrated living patterns. HCD requires jurisdictions to design AFFH-responsive policies and actions that are “significant and meaningful enough to overcome identified patterns” of segregation and other housing inequities, specifically those identified in the jurisdictions’ Assessment of Fair Housing.

However, the reviewed Housing Elements largely fail to connect policies and actions directly to the issues producing residential segregation and to the issues affecting racialized groups. This observation is perhaps related to the tension between AFFH goals and antidiscrimination laws, which prohibit

---

<sup>1</sup> [Los Angeles County Housing Element](#), pages 19, 25.

<sup>2</sup> [San Juan Capistrano Housing Element](#), page 213.

jurisdictions from targeting protected classes (like racial groups) for programmatic support. Only one Housing Element reviewed successfully identifies a housing access issue which disproportionately impacts communities of color and articulates specifically how a proposed response policy – though not racially targeted – will work to address this pattern.

- *Long Beach:*
  - *AFFH goal: “Pursue homeownership opportunities with an emphasis on providing affordable options for lower and moderate income households, with a particular focus on Black households.”<sup>3</sup>*
  - *Policy and program description: “Homeownership remains a city goal, as it allows lower income households to build wealth through equity and eventually move towards financial independence. This has become an even greater priority since the City’s Framework for Reconciliation in 2020 through which Black residents and communities of color underscored the criticality of homeownership as a pathway to wealth that has been and remains less accessible to people of color. In response, new funds have been allocated for a down payment assistance program.”<sup>4</sup>*

Other jurisdictions reference an intention to target policy work “in communities of color” or “in disadvantaged communities.” But the policies, strategies and actions corresponding to these goals fail to concretely address issues faced by these communities.

- *One city in Los Angeles County aims to “Protect communities, especially communities of color, from predatory lending, land acquisition, speculative real estate transactions, and any other practices that undermine intergenerational wealth accumulation and housing stability.” However, the only corresponding supporting actions concern mobile home parks writ-large: “Support legislation that expands local authority over conversion of mobile home parks to ownership structures.”*

Still others avoid mentioning race altogether or identifying policies to address the findings of the fair housing assessments. Several jurisdictions propose policy interventions aimed at dismantling socioeconomic neighborhood segregation or expanding housing access for low-income households but fail to expressly connect these policies and actions to goals of *racial* desegregation and *racialized* housing disparity.

**Recommendation:** Jurisdictions should identify housing issues that disproportionately impact communities of color and racialized households (e.g., housing cost burden, lack of homeownership opportunities, etc.) and should incorporate policy responses that — while not racially targeted — address these issues. Jurisdictions should articulate the connection between these policies and AFFH goals related to racial desegregation and other racialized housing inequities. In particular, jurisdictions must connect the issues facing members of protected classes as identified in their Assessment of Fair Housing to their proposed list of policies and programs. Jurisdictions may in addition indicate an intention to practice affirmative outreach – the targeted advertising of policies and programs in impacted communities.

### **Observation 3: Many Policies and Actions Are Insufficiently Specific**

Statewide AFFH guidance requires jurisdictions to outline concrete policies and actions in response to local fair housing issues. Specifically, HCD requires time bound actions with “specific commitments [from local actors], metrics, and milestones.” Several jurisdictions outline policies that meet this requirement, for instance:

- *Los Angeles County: By 2023, complete equity audit of all land use plans and zoning code. Amend land use plans and zoning code to address findings of the equity audit and to ensure consistency with racial justice initiatives. By October 2029, achieve a 10% increase in multifamily housing approvals in high or highest*

---

<sup>3</sup> [City of Long Beach Housing Element](#), page 69.

<sup>4</sup> [City of Long Beach Housing Element](#), page 87.



*resource areas as determined by TCAC.*<sup>5</sup>

However, the policies and actions of many jurisdictions are not sufficiently specific – they are not time bound and they fail to include commitments from local officials or staff, metrics and milestones. Many rely heavily on vague words like “explore,” “study,” and “convene,” words HCD expressly discourages jurisdictions from using. Furthermore, there are many examples where a higher-level policy meets HCD’s specificity criteria, but corresponding actions remain non-specific and not time bound.

**Recommendation:** Jurisdictions should ensure that all policies and all corresponding actions are specific and time bound, and include commitments, metrics and milestones. Jurisdictions should avoid policies with vague words like “explore” that are unaccompanied by more detailed actions.

#### **Observation 4: Many Policies have the Potential to Impact AFFH if Linked to Segregation Patterns and Informed by Geography**

Many Housing Elements feature strong policy platforms with actions ranging from permit streamlining and inclusionary zoning, to first time home buyer assistance and tenant-based rental assistance.

However, as a result of the three preceding observations, many of these policies and actions are insufficiently focused on fair housing issues. Instead, the policy approach appears to rest on an unstated assumption that by tackling issues of supply and affordability more broadly, fair housing goals will also be achieved. Absent more specific language targeting place-based inequities and racial segregation, it is unclear whether or how these policies will advance AFFH goals. If jurisdictions effectively link, define, and target their otherwise strong policy platforms, however, these platforms have potential to impact AFFH. Examples of this include:

- *A city in Los Angeles County references the City's 2022 budget allocation of \$3 million for economic empowerment zones, including dedicated funding for community land trusts (CLTs), stating as an AFFH goal the provision of “technical assistance to community groups in establishing CLTs for community ownership of affordable housing.” Like many others, this goal could have a significant AFFH-related impact if linked to segregation patterns and geographically targeted.*

**Recommendations:** See Observations #1, #2, and #3

#### **Observation 5: HCD is looking for Cities to Organize their Housing Elements according to the AFFH Guidance**

HCD outlines a specific organizational system for addressing AFFH requirements in Housing Elements. State guidance lays out a template, requiring jurisdictions to:

1. Assess five discrete components of fair housing issues: (i) Outreach Capacity and Enforcement; (ii) Segregation/Integration Patterns; (iii) Racially and/or Ethnically Concentrated Areas of Poverty; (iv) Disparities in Access to Opportunity; and (v) Disproportionate Housing Need for Low-income Households and Protected Classes.
2. Identify the primary causes of these fair housing issues (or “contributing factors”) and list these causes *for each of the same five categories*.
3. Identify fair housing solutions (or goals, policies and actions) that connect conceptually to the preceding assessment and organize these policy solutions *again into the same five categories*.

Many jurisdictions effectively identified goals/policies/actions that responded to their fair housing assessments and contributing factors. However, most jurisdictions did not use HCD’s organizational system — using the five conceptual buckets only for the fair housing assessment and forgoing them in

---

<sup>5</sup> [Los Angeles County Housing Element](#), pages 31-37.

later sections. These jurisdictions received letters from HCD in response to their draft submissions asking them to reorganize their Housing Elements.

**Recommendation:** Jurisdictions should use HCD's five fair housing categories to organize multiple sections of AFFH analysis: fair housing assessment, contributing factors, and goals/policies/actions.

### **Observation 6: HCD is doing a Thorough Review**

HCD is doing a thorough review of Housing Element drafts and connecting the dots between APRs, current goals/policies/actions, site analyses and fair housing assessments. It is clear from comment letters that HCD is reviewing Housing Element drafts in their entirety using an AFFH lens, rather than only examining AFFH sections, when providing comments on AFFH requirements. Many jurisdictions have received comments from HCD for failing to connect all of these pieces:

- *HCD comments to a city in Los Angeles County: "Goals, actions and metrics must be modified based on the outcomes of more complete [fair housing and site] analyses."*
- *HCD told many jurisdictions that their goals/policy actions must be "significant and meaningful enough to overcome identified patterns" and that their actions should have "specific commitments, metrics and milestones."*
- *HCD comment to another city in Los Angeles County: "Programs for anti-displacement and new housing in high opportunity areas do not appear adequate to address the fair housing issues described in the element."*

HCD is reviewing Housing Elements to make sure that jurisdictions cover all the section/subsection requirements in a sensible order. Many jurisdictions received comments from HCD about missing specific elements of the AFFH guidance:

- *For example, several jurisdictions missed required components of the fair housing analysis like "Local Data and Knowledge" and "Other Relevant Factors."*
- *Other jurisdictions effectively listed contributing factors but failed to prioritize these factors by salience.*

**Recommendation:** Jurisdictions should follow HCD's guidance closely, making sure to include each section and subsection in the outlined order.



Association of Bay Area Governments



Technical Assistance  
for Local Planning

**HOUSING**

# Summary of Housing Element Review Letters

Learning from Southern California & Sacramento

In Winter/Spring 2022, ABAG staff and consultants reviewed 33 comment letters from the California Department of Housing and Community Development (HCD) to jurisdictions in regions with earlier Housing Element deadlines. This summary presents common themes and lessons for Bay Area jurisdictions as they prepare their 6th cycle Housing Elements.

## Methodology

Staff and consultants identified a subset of 33 representative comment letters from jurisdictions in the SCAG (Southern California), SACOG (Sacramento) and SANDAG (San Diego) regions. Letters were selected to reflect a diversity of jurisdiction types by geography, size, and socioeconomic characteristics, including racial and ethnic diversity. Staff analyzed both the frequency of comments by Housing Element section and compiled both common and unique comments by major section.

## Key Findings and Recommendations

Many assumptions that jurisdictions made in previous Housing Elements will not be possible this cycle. Local jurisdictions will want to ensure that their Housing Elements are thorough, with more robust descriptions of housing needs, more inclusive outreach, a stronger focus on fair housing, more specific policies and programs, and strong justification for sites included in the inventory.

Although the types of comments received by each jurisdiction varied based on their particular demographic and economic characteristics and planning contexts, the most frequent comments can be grouped into five major categories (including the percentage of letters that contained comments on each topic):

- Affirmatively Further Fair Housing (AFFH) (94%);
- Public Participation (67%);
- Sites Inventory (94%);
- Government Constraints (58%);
- Policies and Programs (55%).

In addition, a cross-cutting theme is noted below in terms of special needs populations. Finally, unique and recent comments from HCD review letters are presented that may have special relevance for Bay Area jurisdictions.

## 1. AFFH

### Observation

A common theme in the comments across ninety-four percent of the HCD review letters is that the draft Housing Elements are not sufficiently detailed and specific with respect to the required data and analyses for AFFH, and also fail to connect findings from the AFFH analysis with specific sites strategies and programs and policies.

### Recommendations

- 1) Review the recommendations and observations contained in the ABAG memo from March 2022, which can be found [here and take advantage of ABAG's other AFFH technical assistance](#) which can be found [here](#).
- 2) Ensure that the AFFH analyses are sufficiently detailed in terms of required data and maps and include local knowledge and other relevant factors to address State guidelines. Additionally, have a summary narrative that tells the story of the community: how it has changed over time and what the landscape is like today.
- 3) Connect findings from the AFFH analysis to proposed affordable housing programs and policies. It is not enough to just discuss the data, cities must show how they intend to advance fair housing.
- 4) Document how the jurisdiction considered AFFH when initially deciding on sites to include by describing the jurisdiction's process and considerations.

## 2. Public Participation

### Observation

Sixty-seven percent of the letters contained comments concerning inadequate public outreach, almost always connected with the need to demonstrate that outreach was conducted to both lower-income households and households with special needs.

### Recommendations

- 1) Ensure robust outreach to lower-income and special needs groups and meetings should include special focus on lower-income or special needs groups.
- 2) Connect the community input received through outreach activities to policies and programs. There should be clear text that summarizes the feedback from the community and how the suggestions were or were not incorporated into the Housing Element.

- 3) Take advantage of ABAG’s technical assistance on public participation including messaging guides, a Multi-lingual Community Survey Template & Social Media Toolkit and translation services which can be found [here](#).

### 3. Sites Inventory

#### Observation

All but two jurisdictions in this analysis received one or more comments on the sites inventory section, with the most common and extensive comments falling under two major subcategories: realistic capacity (73%) and non-vacant sites (65%). A frequent type of comment from HCD regarding these sections was that jurisdictions did not provide sufficiently detailed analysis to demonstrate that the proposed sites would develop with the proposed number of housing units during the planning period.

#### Recommendations

- 1) Follow HCD’s detailed guidance (provided in their memo of June 10, 2020, which can be found [here](#)) and provide specific, site-level analyses to demonstrate that proposed housing sites could actually accommodate the proposed number of housing units by income-level during the planning period. This includes analysis for realistic capacity calculations as well as for development on non-vacant sites that allow other uses in addition to residential uses.
- 2) Use ABAG’s free Housing Element Site Selection (HESS) tool to:
  - a. view HCD’s data points, including AFFH data points, at the parcel level;
  - b. see estimations of realistic development capacity of each parcel given local market trends; and
  - c. automatically complete much of HCD’s required electronic sites inventory form.
- 3) For non-vacant sites, most jurisdictions will need to provide evidence that the existing use is not a barrier to redevelopment with both site specific analysis and a summary of development trends. Additionally, jurisdictions should summarize policies and programs that support residential development on proposed redevelopment sites.
- 4) Assumptions that sites that allow both residential and commercial will include residential need to be supported by evidence. If sites permit developers to choose office or other non-residential uses, it is important to analyze what percentage of applicants are likely to choose non-residential (based on market trends and experience on nearby or similar sites) and reduce unit assumptions accordingly.

### 4. Governmental Constraints

#### Observation

Fifty-five percent of letters included comments related to governmental constraints on housing production, frequently including comments on constraints to housing development for lower-income and special needs households.

#### Recommendations

- 1) Data alone is not sufficient. Provide an analysis of what is or is not a constraint for both market-rate and affordable projects. If there are constraints, identify policies and programs to address those constraints. Jurisdictions should explicitly document and analyze governmental constraints to housing production for lower-income and special needs households and include detailed policies and programs to address such constraints, with clear timelines, milestones, responsible parties and funding.

## **Policies and Programs**

### **Observation**

Many jurisdictions received comments asking for more specificity in their policies and programs section. Generally, a program to study an issue will receive a comment asking for more concrete actions. Vague language will likely be rejected, especially if a program is tied to a constraint.

### **Recommendations**

- 1) Review all programs to ensure that there are clear timelines and metrics to evaluate success. Pay close attention to “ongoing” programs, which may need to be modified to include clear, accountable steps.
- 2) Have a narrative that summarizes key new policies and programs, and connects them to needs, community feedback or constraints.

## **5. Special Needs Populations**

### **Observation**

Across every section included in this analysis, HCD reviewers commented on the lack of sufficient attention to special needs populations (e.g., the elderly, persons with disabilities, large households, female-headed households, farmworkers, and persons experiencing homelessness). Both in terms of fully documenting and analyzing housing needs and in terms of developing policies, programs and affordable housing sites strategies, the draft Housing Element’s treatment of special housing needs tended to be more high-level and/or cursory than required or expected by HCD.

### **Recommendations**

- 1) In addition to the general data in the housing needs section, prepare detailed assessments of special housing needs and clearly connect special housing needs findings to programs, policies and sites strategies that are concrete and actionable.

## 7. Unique and Recent Comments: Accessory Dwelling Units, SB 9 and AB 215

### Observation

Numerous jurisdiction-specific comments were noted in the review letters, but three major types of comments are especially worthy of elevation to inform Bay Area Housing Elements. These concern how jurisdictions count units towards their RHNA using past Accessory Dwelling Unit (ADU) development trends as well as more recent guidance regarding SB 9 and AB 215.

### Recommendations

- 1) **ADUs:** Average at least the past three years of production rather than one recent year to determine the anticipated development of ADUs during the eight-year planning period.
- 2) **SB 9:** The lack of clear, published guidance may have led some jurisdictions to over-estimate unit production related to the state's adoption of SB 9. As with the sites inventory generally, potential SB 9 sites require detailed site by site analysis. Carefully review the guidance recently provided by HCD on this topic, which can be found [here](#).
- 3) **AB 215 and Public Outreach:** AB 215 adds an additional 30-day review period plus 10 business days for jurisdictions to consider comments before drafts can be submitted to HCD. Jurisdictions should plan to make drafts available for comment per AB 215 and HCD guidance to ensure that the public has adequate opportunity to comment on drafts before elements are submitted for HCD review.



June 13, 2022

City of Oakland Planning Department  
250 Frank H Ogawa Plaza  
Oakland, CA 94612

RE: Comments on Draft Housing Element for 2023-2031

Dear General Plan Update Team:

Thank you for the opportunity to comment on the draft Housing Element. We appreciate all the work that has gone into producing this document, and we offer our comments with the hope that the City will incorporate them to produce a final document that moves the City in the direction of significant progress to achieve housing justice and meet our current and future housing needs.

EBHO is a member-driven organization working to preserve, protect, and create affordable housing opportunities for low-income communities in the East Bay by educating, advocating, organizing, and building coalitions.

Our comments are organized into the following five areas:

- Public Outreach and Participation
- Evaluation of Past Performance
- Affirmatively Furthering Fair Housing
- Site Inventory
- Action Plan

While we are submitting these comments to meet the City's deadline for its 30-day public comment period and allow the City time to review and respond to these comments in its submission to HCD, we intend to continue reviewing and commenting on the document during HCD's 90-day review period.

### **Public Outreach and Participation**

The City's public outreach for the 6<sup>th</sup> Cycle Housing Element Update has been commendable and the City has done far more outreach than in past cycles, with a particular effort to reach out to marginalized and previously excluded communities. The City held numerous stakeholder sessions, community workshops, pop-up events and other efforts, and solicited a large number of comments. We look forward to seeing many of those comments and suggestions included in the next draft of the Housing Element.



We were disappointed, however, with the manner in which the Draft Housing Element was released for public review and comment and the way in which it was presented to the Planning Commission, City Council Community and Economic Development Committee, and others:

- The draft document, which runs to more than 800 pages including all its appendices, contains no executive summary or other guide. At a minimum, both the draft and final document should include a summary narrative that outlines the key findings of the evaluation of past performance, the results of the Fair Housing Assessment including identification of the most important underlying factors to be addressed, the identified governmental and non-governmental constraints to housing, a summary of the site inventory that quantifies and maps key issues such as the geographic distribution or concentration of sites – particularly those for lower income households, and key elements of the action plan including a listing that highlights new programs and policies.
- The presentation of the draft Housing Element to both Planning Commission and City Council was subsumed within a much larger information report on the overall update of the City’s General Plan. As such it wasn’t clear from the lengthy title of the agenda item that this was the opportunity to provide comments on the Housing Element. At those meetings, the presentation focused on the update process but did not include any information on the actual content of the document. It wasn’t until we commented on this that a summary presentation was finally made available halfway through the public comment period. We do note that the Planning Commission scheduled a subsequent meeting to review the draft in more detail.

### **Evaluation of Past Performance**

As noted in Appendix A, performance in meeting the RHNA goals of the 5<sup>th</sup> Cycle Housing Element has been mixed. From 2015 through 2021 (7 years out of the 8-year planning period), the City has issued permits for more units than its total RHNA. However, as the Draft notes, this has been disproportionately concentrated in the Above-Moderate Income category, where the City has already issued permits for nearly 200% of its RHNA, while falling far short for Very Low, Low and Moderate Income. The result has been a “housing balance ratio” of one unit of lower income (VLI + LI) housing for every eight units of Above Moderate-Income housing, despite a RHNA goal of one unit of lower income housing for every 1.9 units of Above Moderate-Income housing.

Oakland has long passed the point where it needs to make special efforts to attract market-rate development. Over the 3<sup>rd</sup> and 4<sup>th</sup> housing element cycles (1999-2014), Oakland permitted an average of just under 700 units per year, rarely exceeding 1,000 in a year, and of which 73% were Above Moderate Income. In the current cycle, the average has been 2,400 permits per year, with only two years below 1,000, of which 88% were Above Moderate Income.

In light of this record, the evaluation of past performance should take a harder look at the reasons for this disproportionality. In particular, the City should assess the need for continuing to

incentivize production of market-rate housing without conditioning such incentives on production of affordable units or payments of appropriate fees to the Affordable Housing Trust Fund, particularly since the 6<sup>th</sup> cycle RHNA requires not only a much greater number of units, but also a higher proportion of lower income units.

The evaluation needs to not just provide data on past performance, it should include analysis of what is working and what is not, the reasons for this performance, and a serious consideration of which programs need to be discontinued or seriously modified.

### **Affirmatively Furthering Fair Housing**

Despite having completed a Fair Housing Assessment in Appendix D, there still appears to be a disconnect between this assessment and the housing element itself. In the Introduction chapter, the City refers to “an affirmatively furthering fair housing analysis (AFFH), which guides the analysis of each set of requirements.” Similarly, Appendix D is labeled as the “Affirmatively Furthering Fair Housing Draft” but is primarily a fair housing analysis. The new statutory requirement to affirmatively further fair housing requires more than an analysis of fair housing issues. The analysis must identify and prioritize the key factors contributing to segregation and disparities in housing opportunity and conditions, and then the City must develop both the site inventory and the action plan in ways that address these factors, along with clear metrics for determining whether those actions result in real improvements. It is not enough to determine after the fact whether an AFFH-neutral selection process results in non-discriminatory outcomes. The requirement to affirmatively further fair housing must fully inform the site inventory and action plan. We encourage the City to review HCD’s April 2020 AFFH Memo (AB 686 Summary of Requirements in Housing Law) and its April 2021 AFFH Guidance, which includes detailed explanations of specific requirements for housing elements, to ensure it is fully meeting these requirements

Among the issues we have identified are the following:

- The Fair Housing analysis does not consider whether the City’s zoning contributes to enduring patterns of racial segregation. The word “zoning” barely appears in the analysis, and while the Draft Housing Element notes that most of the City’s residentially zoned land is zoned for single-family housing, this is not related back to patterns of racial segregation. Not surprisingly, in the absence of such an analysis, the City conducted its site inventory with the aim of meeting its RHNA numbers without having to rezone any sites. The Housing Element should include an analysis of the extent to which existing zoning is a barrier and a set of strategies to overcome this barrier through strategic rezoning.
- Table D-9 provides a brief summary of fair housing issues, contributing factors and proposed actions, but the proposed actions are fairly general and not tied back to the action plan. We recommend that Table D-9 be revised to explicitly cross-reference specific actions described in the action plan itself.

- Table D-9 notes as one issue that “Affordable housing is limited by location and housing type,” but there’s little examination of the reasons for this. The table recommends that this be addressed primarily through mobility strategies including expanded use of Housing Choice Vouchers but fails to note that in many of the higher opportunity areas, rents are far higher than what’s allowed for with the Housing Choice Voucher payment standards. While there is a vague call to “eliminate single-family zoning,” it’s unclear if this refers to allowing 2-4 units buildings in single-family zones, or if it means expanding multifamily zoning at densities of 30 du/acre or greater. Finally, while it is proposed that affordable housing be increased in high opportunity areas, there’s no specific program referenced here by which this might be achieved, particularly given the limited number of lower income sites identified in high opportunity areas.

### **Site Inventory**

The proposed site inventory raises a number of concerns for us, with respect to how the information is provided, how the sites were selected, and whether the inventory adequately addresses the requirement to affirmatively further fair housing:

- The site map is at a scale that makes it difficult to adequately see whether there is an equitable geographic distribution of sites, particularly sites for lower income housing. The City should provide a series of maps for each planning area or council district in addition to a single citywide map.
- The site maps should be overlaid on maps of key demographic indicators, particularly racial concentrations and concentrations of high- and low-income households. It would be especially useful to map sites against areas of concentration of white residents vs concentrations of people of color.
- The City recently provided links to an interactive GIS map. This map would also benefit from additional layers showing key demographic indicators including race and income. Sites should be color coded for income level (lower income, moderate income, above moderate income). Rather than shading the parcels, which at best indicates the relative size of parcels, sites should be indicated with dots of different sizes representing the number of units that can be accommodated on the site.
- The Excel table for the site inventory has modified the total capacity column and eliminated the formula that is in the State’s template spreadsheet and replaced it with actual numbers. The result is that in a number of places the entry for “total capacity” does not equal the sum of the columns for lower, moderate and above-moderate income capacity. This should be corrected, since at present the sum of the total capacity column exceeds the sum of the individual columns.

- The inventory should provide more detail on the current use of non-vacant sites. In particular, while the inventory identifies whether non-vacant sites have office, commercial, or other uses, it does not distinguish between sites with active uses and those with vacant buildings. That information is needed to assess the likelihood that a site will become available during the planning period.
- The projection that roughly 90% of all new ADUs will be affordable to lower income households is significantly different from the regional ADU affordability distribution provided by ABAG (see Appendix C, page 25). The City has relied on a limited (and not necessarily representative) survey that was conducted as part of a City-commissioned report. Data on ADU rental rates is based on just 56 responses to this question. It indicated that the average rent for an existing ADU is \$1,112. However, one third of the responses indicated that their ADUs were being occupied rent free. As these units are likely being provided to family members, without further data it cannot be assumed that these units are available to and occupied by low-income households. The calculation of average rents should remove the zero rent units from the calculation.

Further evidence that the \$1,112 figure is unlikely to apply to newly created ADUs is contained in this same City-commissioned report. That study includes model pro-formas for several ADU development scenarios and uses rents that range between \$2,360 and \$3,029 per month. The City should re-evaluate its projections of affordability level for newly created ADUs and revise the site inventory accordingly.

- There is little discussion or analysis of how the inventory does or doesn't change patterns of segregation. Table C-19 on page C-83 shows that for the preliminary site inventory, 26.1% of lower income capacity is located in moderate to highest resource tracts, while 36.4% of above moderate-income capacity is located in these tracts. On its face this does not appear to further fair housing. While the City has provided additional AFFH sites, it has not indicated the extent to which those supplemental sites would offset the disparity described above.
- The geographic distribution of sites is not surprising in light of the City's decision to focus only on opportunity sites that require no rezoning, and to rule out in advance any rezoning of low-density areas to accommodate some of the lower income portion of the RHNA. While the City proposes, outside of the site inventory, to consider some future rezoning, the areas that will be studied are not identified and it appears that the focus will be more on accommodating "missing middle" housing types that cannot be assumed necessarily to be affordable to lower income households.
- The City explains the relatively small proportion of lower income sites in high and moderate resource areas by noting that significant portions of these areas are also very high fire hazard or seismic hazard areas, which are located primarily in the most affluent portions of the city with the greatest degree of racial segregation. At the same time, other hazards such as industrial pollution, poor air quality, or sea level rise, were not

considered disqualifying. The result is a set of criteria that by definition rule out the majority of high opportunity areas and areas of concentration of affluence and white population.

- The City justifies concentration of affordable housing in lower opportunity areas as a strategy of investment in these areas to prevent displacement. However, State guidance is clear that this needs to be coupled with place-based community development strategies that involve investments not only in housing, but also in enhanced infrastructure, services, schools, jobs, and other community needs that serve the existing population in at-risk neighborhoods. While the Draft Housing Element makes reference to the need for such investments, it does not provide adequate detail on specific programs, strategies or non-housing investments to be pursued, the anticipated outcomes, or any metrics for determining if such programs are effective in stabilizing at-risk communities.

### **Action Plan**

We are not able to provide detailed comment on each and every policy and action at this time. Additional and more detailed comments on the Action Plan may be submitted during the HCD review period. We do want to call attention to the following:

- Much of the Action Plan consists of continuation of policies and programs already in place. Since it's clear that existing policies have resulted in over-production of market-rate housing and under-production of lower income housing, the City must consider how existing programs can be recalibrated to produce better results.
- Where new programs are mentioned, they are generally described with terms such as "consider," "study", or "evaluate". These are not actions in themselves. HCD has been clear in its guidance and in reviews of draft housing elements in other regions that these kinds of general statements are not sufficient. In its review of Los Angeles' Draft Housing Element, HCD clearly stated:

Programs must commit to completing an action that will have an actual impact on housing such as "amend," "revise," or "establish"

While we would like to see the Housing Element itself be the vehicle for new housing policies, where this is not possible then *at a minimum the Housing Element should commit to bringing concrete legislation before the City Council for adoption by a specific date*. Moreover, these dates should be in the first few years of the housing element. Postponing these studies to the later years means that many of these new programs, if implemented at all, will have limited impact in the housing element cycle.

This is not a new issue. There are a number of policies and programs that the City has pledged to "consider" for multiple housing element cycles without ever having a full

policy discussion and proposed legislation before the City Council. For this update, the City should commit to move beyond this.

- In many cases the time frames are vague. Specific milestones and deadlines for completion should be called out.
- There is no clear prioritization of the many actions contained in the Action Plan. Which actions are most important to achievement of the City's goals and objectives? For the many new programs and policies that the City will "consider" or "study," which are the most important and what resources will be available to ensure that they are completed in a timely fashion?
- Anticipated outcomes and metrics are insufficient. Many of the action items have no quantified objectives and it is unclear what outcomes are anticipated or how the effectiveness of these actions, particularly in addressing fair housing issues, will be assessed.
- While the Action Plan discusses how the City's major goals address AFFH, it doesn't clearly identify specific actions that address priority factors for AFFH. HCD's guidance on affirmatively furthering fair housing is clear that jurisdictions must identify underlying factors that create and maintain segregations and inequitable opportunities and outcomes, and then select a number of factors that are the highest priority and ensure that the site inventory and action plan are clearly related back to these priority factors.
- The City should not take actions that incentivize market-rate housing without requiring affordability in return. In the past, many policies that could be used to incentivize affordable housing have been implemented across the board without any affordability requirements, leaving the City with limited options for incentives specifically to produce affordable housing. After two decades of significant above-moderate income housing production dating back to the "10K" plan, it's clear that such incentives are no longer needed. Rather than continuing to "expand housing for all economic levels" the housing element action plan needs to focus on the most deficient areas and therefore must prioritize actions that will improve performance in creating and preserving housing for the lowest income individuals, including persons who are currently unhoused.

**We offer specific comments on the following action items:**

Action 2.2.5 The City should provide a specific date for adopting SB 330 anti-demolition protections. Since this is a matter of bringing the City's code into compliance this should be implemented by the end of 2023 at the latest, including extending it beyond SB 330's sunset date.

Action 2.2.6 We strongly support efforts to reduce speculation in housing through both a speculation tax and adoption of Tenant Opportunity to Purchase Act/Community Opportunity to Purchase Act (TOPA/COPA) legislation.

Action 2.2.8. In place of vague action to study a possible TOPA/COPA policy, the City should commit to bringing a TOPA/COPA ordinance before the City Council for adoption within the first year of the housing element.

Action 3.3.1 Any strategy regarding use of public land should start with adoption of a public land disposition ordinance consistent with the policy framework adopted by the City Council in December 2018. If the City is now proposing to abandon that framework and take a different approach, that should be clearly stated and presented to the City Council as a change in adopted policy.

Action 3.3.3 This action speaks primarily to provision of rental assistance but includes as part of its objective the statement that “100% of tenants facing eviction will have access to counsel by the end of the Housing Element cycle.” This statement should be included in action 1.1.5, which currently contains no actual commitment.

Action 3.3.5 We strongly support an Affordable Housing overlay that provides by-right approval of 100% affordable housing projects citywide, wherever zoning currently permits it. We also support identifying specific incentives and bonuses that could be part of such an overlay, but that process should not delay the immediate adoption and implementation of a by-right overlay.

Action 3.3.8 We support revision of the Affordable Housing and Jobs/Housing Impact Fee programs, with particular attention to the amount and timing of the fee and recalibration of the on-site alternative compliance option to provide an outcome (number and affordability of units) comparable to what would be achieved through investment of the fee in affordable housing. This analysis was supposed to have been completed by the end of 2021 for presentation to the City Council in early 2022 and was to involve community participation throughout the process and not just in response to a completed study. This has not been the case. The City should commit to a firm date for revision of these ordinances, and should ensure that all evaluations and assessments include meaningful community involvement.

Action 3.3.9 We support deferral or reduction of planning and building fees to increase the feasibility and reduce the cost of producing affordable housing. In particular, we support deferring or reducing building permit fees. For City-financed affordable housing, fee payments could be deferred until a certificate of occupancy is issued, as the City has ample leverage to ensure that those fees will be paid.

Action 3.3.10 We support the creation of a Citywide Enhanced Infrastructure Financing District (EIFD) with a primary goal of providing additional funding resources for affordable housing.

Action 3.3.12 We support continuation of the Acquisition and Conversion to Affordable Housing (ACAH) program, including support for community land trusts and limited equity cooperatives in addition to traditional nonprofit housing.

3.3.15: We support continuation of density bonus incentives, but call on the city to evaluate any barriers to a broader use of the density bonus program, including information on what developers have shared regarding how this program might be improved or expanded. His evaluation should also distinguish between use of density bonus for 100% affordable projects vs predominately market-rate projects.

Action 3.3.16 We support increasing the Real Estate Transfer Tax on higher end transactions including dedication of that increased revenue for programs that produce, preserve and protect affordable housing opportunities. We urge the City to move forward to place such an item on the November 2024 ballot to maximize the likelihood of passage.

Action 3.3.18 We strongly support extension of the Measure KK infrastructure and affordable housing bond, with a substantial increase in the share and amount devoted to housing production and preservation, at a scale that will make a significant impact on Oakland's pressing affordable housing needs. This is an urgent priority and should be implemented as rapidly as possible.

Action 3.4.10 For inventory sites that are carried over from previous housing element cycles, the City must commit to actually rezone those sites – perhaps through use of a zoning overlay – that provides for by-right approval on these sites if a minimum of 20 percent of the units will be affordable to lower-income households. Ideally this should be implemented as part of the Housing Element itself. If not, then the Housing Element must include a specific rezoning program for these sites.

Action 3.6.4 We support active encouragement of use of SB 35 to provide by-right approval for 100% affordable housing, including training and direction to Planning staff that this should be affirmatively pursued.

Action 5.2.8 We have substantial concerns that, given the limited targeting of high opportunity neighborhoods in the site inventory, a “mixed-income” strategy in areas of concentration may lead to more gentrification and displacement. The City must ensure that a better mix of incomes in a neighborhood is not simply capturing a point in time where a neighborhood transition is actually taking place. We note that despite acknowledging the need for place-based strategies to stabilize and improve low resource areas, these programs are not included in the Action Plan.



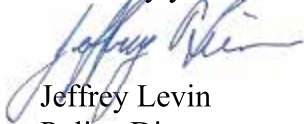
Oakland Planning Department

June 13, 2022

Page 10

We again thank you for the opportunity to comment on this Draft Housing Element, and will continue to participate and comment throughout the update process. We look forward to your response to these comments as part of your submission of the Draft Housing Element to HCD.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Jeffrey Levin".

Jeffrey Levin  
Policy Director

## Comments on draft housing element

Thomas Cooke [REDACTED]

Wed 6/29/2022 2:01 PM

To: General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

### COMMENTS ON CITY OF OAKLAND GENERAL PLAN DRAFT HOUSING ELEMENT

Submitted by Tom Cooke, June 27, 2022

The draft plan identifies a multitude of housing issues and problems and sets forth many admirable goals and policies to be addressed. The draft checks off all the boxes, and makes the case there are sufficient parcels and capacity to meet the State mandated housing goal, to meet compliance with State housing element requirements. However, if Oakland is to make any meaningful process in addressing its housing needs a more *proactive, implementation orientation is required*. The comments below suggest several means by which to do so.

1 Expand search and identification of potential housing sites. It appears the planners relied primarily of other sources to identify potential sites and did not conduct original search and analysis. Have the many church properties for example been surveyed? Have there been any surveys done to identify underutilized commercial property with housing potential for either rezoning or mixed use. other than those suggested by the community? Provide scheduling for any planning or zoning changes required to facilitate housing construction and conditions thereof.

2. Although extensive tables documenting the characteristics of many sites are provided, any sense priority is lost. To off set this problem a more selective, high priority site category should be established to promote and expedite housing construction. Sites on this list should be given priority for local and other funding resources. Criteria already provided in the draft should be refined (simplified) to distinguish such sites. As necessary such sites should be designated for plan and/or zoning changes to avoid preemption by non-residential development.

A good example of such sites is the Ridge 2 site located at Broadway and Pleasant Valley Road.

3. Identify and set forth more specific models for housing/rental mechanisms such as limit equity condominium, co-housing, and cooperatives.



June 29, 2022

To: Lakshmi Rajagopalan, Planner IV

CC: California Department of Housing and Community Development

Re: Feedback on Draft 2023 - 2031 Housing Element Update

Ms. Rajagopalan:

Thank you for the community engagement and technical work you've led in the process to update our city's Housing Element and General Plan. We are writing to submit comments on behalf of Build Affordable Faster (BAF), a state and regional advocacy program of Tenants and Owners Development Corporation (TODCO Group), an affordable housing developer. The policy advocacy branch of our organization, Build Affordable Faster, advocates with and for vulnerable, low-income families and historically marginalized communities of color to increase affordable housing and build a strong social safety net which supports the health, safety, and well-being of California's diverse communities.

We are at a critical moment for the City of Oakland where homelessness has grown exponentially, ballooning to 3,337 unsheltered individuals according to the February 2022 Homeless Point-In-Time Count Report. Oakland did not fulfill its 2015-2022 RHNA requirements for very low-, low-, and moderate-income households, and those 1171 very low-income units that were not constructed could have housed up 35% of the existing unhoused population.

***Meeting our goals to produce affordable housing is a priority for Oakland residents.*** In a September 2020 David Binder survey of Oakland voters (Margin of Error:  $\pm 5.7\%$ ) by David Binder for BAF, 83% of residents believe we are not building enough for low- and middle-income residents. 71% believe market rate construction is too expensive and pushes out existing residents, and 83% believe market rate housing should include as many affordable housing units as possible.

Next, please (tell me / indicate) whether you agree or disagree with each of the following statements.

	AGREE		DISAGREE		Don't know	SUMMARY	
	Strongly	Some-what	Some-what	Strongly		Agree	Disagree
We are already building enough housing for low- and middle-income residents.	2	5	19	64	10	7	83
Market-rate construction is too expensive and pushes out existing residents.	47	24	14	8	6	71	23
New market-rate housing developments should be required to include as many affordable housing units for low and middle-income residents as possible.	61	22	8	5	4	83	13
When new housing is constructed on publicly owned land, at least 33% of the units should be affordable to low and middle-income residents.	66	21	4	4	4	88	8
Underused commercial properties, such as abandoned malls or parking lots, should be rezoned for housing, excluding industrial zones.	51	39	3	1	6	90	4

It is not clear how the action plan outlined in the draft housing element will achieve our RHNA goals for affordable housing, especially when many of the strategies are a mere continuation of policies and programs currently in place which have not been sufficient to prevent displacement of long-term residents and have resulted in the massive under-production of moderate- and lower-income housing.

There is no reflective assessment of what program elements have been most successful, nor indication of how existing programs should be amended to produce better outcomes. The site inventory and action plan should include an explicit correlation with and metric for how these components address patterns of racial segregation that exist in Oakland, and specific action steps that will affirmatively further fair housing (AFFH) and correct exclusionary neighborhoods. While each section features a discussion of how the overarching goals address AFFH, the site inventory and action plan are not clearly related back to the priority contributing factors identified in the fair housing assessment, along with clear metrics to measure results, as directly by HCD's guidance.

The housing element should reaffirm the principle of housing as a fundamental human right, as this has been a recurring theme in many of the community workshops and other public meetings over the past several years. In these meetings and in our poll, it is clear - Oaklanders want stronger anti-displacement measures and more affordable housing.

**Below we highlight and comment on key issues and action steps we encourage the city to prioritize:**

**Tenant Protections, Anti-Displacement and Preservation of Existing Affordable Housing**

We support Action 1.1.3 to strengthen Ellis Act Ordinance protections. The city should be more actively advocating for state legislative reform to ensure the Ellis Act is not used by large conglomerates to push out tenants. We encourage more specificity regarding City Council

direction to ensure that this is a legislative priority for the firm representing the city's interests in Sacramento.

We support **Action 1.1.5 to provide eviction defense and implement a right to counseling**. Post pandemic, the city needs to increase its ability and capacity to represent individuals in unfair evictions. The administration and city council should ensure adequate funding for these programs during the current and upcoming two year and mid cycle budget processes.

We support **Action 1.1.7 to monitor neighborhood displacement risk factors**. The city should build on the mapping work already produced for the site inventory, zoning, environmental justice analysis and other components of the housing element and general plan by conducting further analysis including an overlay of key demographic information to identify communities vulnerable to displacement. The city should allocate resources accordingly and center outreach and advocacy efforts in these areas in appropriate languages.

We strongly support **Action 1.1.11 to provide a local preference in affordable housing projects**, **Action 2.2.6 to reduce housing speculation through an anti-speculation tax**, and the adoption of **Action 2.2.8: Investigate a Tenant/Community Opportunity to Purchase Act** that grants the right of first offer and right of refusal for tenants, community land trusts and nonprofits.

Regarding **Action 1.1.12 to negotiate for appropriate community benefits during development agreement approvals for major entitlements and use of City land**: we urge the city to set strong community benefits standards including deeply affordable housing requirements and anti-displacement resources for tenants, across the board, which the approval of development agreements is conditioned upon. This would help offset the impacts of further displacement and gentrification and help provide more certainty for the city, project developers and other stakeholders, versus an unpredictable and resource intensive negotiation process.

## **Housing Production**

We strongly support the recommendations in the overarching **Policy Goal 3.1 to facilitate production of deeply affordable housing**. This policy goal goes hand in hand with **Action 3.3.5 to implement an affordable housing overlay** to establish by right (non-discretionary) zoning for 100% affordable housing developments and development projects that offer higher affordability and **Action 3.3.1 is key to make all available city-owned property for affordable housing** and ensure that city-owned property goes to extremely low-income households as stated in **Action 3.3.4**. For any streamlining of 100% affordable, the city should explicitly mandate city staff to prioritize affordable housing projects.

In addition, **Action 3.2.3**, is key to opening more land, and to promote flexibility in adaptive reuse to increase the housing stock. The city should look at vacant commercial stock and make it easier for it to be residential with higher affordability. In our previously referenced 2020 David Binder poll, allowing for residential for underutilized commercial properties had 90% support among Oakland voters. We believe in unlocking the potential of thousands of square

miles of urban and suburban commercial districts, transforming underutilized office parks and expansive parking lots into hundreds of thousands -- or even millions -- of new market-rate and affordable homes.

The cost of construction materials, high interest rates, and cost/competition for land are huge factors that will impact the delivery of housing projects, especially affordable housing projects. The city should not only engage **Action 3.3.11: Support innovations by design** but convene stakeholders such as labor and developers to significantly increase production of housing using construction innovations, such as exploring modular, to match housing needs.

Lastly, given the city’s absolute failure to deliver adequate affordable housing, and exceeding the market rate production goals, any implementation of **Action 3.3.15 (density bonus incentives)** should always be coupled with increased affordability requirements.

### Financing

If the City is to meet its goal of building housing for the working and middle class it must provide a comprehensive financing plan for how we will build 10,000 very low-, low-, and moderate-income units by 2031, as required by our RHNA. We support **Action 3.3.16: Consider revising the Real Estate Transfer Tax** to use “a portion of the revised tax rate as a dedicated funding stream for affordable housing.” We also support **Action 3.3.18 to reauthorize Measure KK** if it is a bond that predominantly addresses our housing affordability crisis.

We also support **Action 3.3.8 to right-size development fees** on market-rate developments. In our analysis below, the city only gets a mere fraction of what a developer could afford in 2020. Factors such as the current recession conditions, interest rates, and cost of construction materials may need to be re-visited.

Affordable Housing Impact Fee per Unit- For-Sale Homes						
	Single-Family - Hills	Single Family -Urban		Townhomes- Hills	Townhomes- Urban	
	zone 1	zone 2	zone 3	zone 1	zone 2	zone 3
<b>2021 max fees (nexus study update)</b>	\$99,776	\$41,839		\$65,018	\$53,813	
<b>Actual Fees (2021)</b>	\$24,219	\$17,375	\$8,424	\$21,060	\$15,005	\$8,424
<b>Difference</b>	\$75,557	\$24,464	\$33,415	\$43,958	\$38,808	\$45,389
<b>% of max fee</b>	24%	42%	20%	32%	28%	16%

### EIFD

In 2019, the Mayor’s Housing Cabinet published recommendations in the report *Oakland at Home: Recommendations for Implementing A Roadmap Toward Equity* which explored an Enhanced Infrastructure Financing District (EIFD) for affordable housing. Three years later, the draft Housing Element, also recommends considering an EIFD via **Action 3.3.10, Consider a citywide Enhanced Infrastructure Financing District (EIFD)**. We’re concerned

about the proposed timeline and advocate that the city act with urgency regarding an EIFD that invests in the public good- affordable housing and associated infrastructure. A study and subsequent steps to form an EIFD should be completed in the near term, not 2028. Our agency has contracted with a respected third-party agency to do this analysis and is working with the city administration and other stakeholders to identify specific boundaries and uses for the EIFD revenues. An EIFD would allow for increased bonding capacity to leverage funding that local Oakland based developers can access to support the production and preservation of affordable housing.

### **Homelessness and Services for the Unhoused**

Regarding Goal 4. Address Homelessness and Expand Services for the Unhoused, the codification of the controversial “Encampment Management Policy” in Policy 4.2, Action 4.2.1 and 4.2.3, should be reconsidered. While addressing homelessness should be a top priority for the city, many directly impacted members of the unhoused community and advocates for the homeless have registered formal opposition to the EMP and have requested that City Council rescind the ordinance. We urge the city to continue to engage these stakeholders to identify and build more consensus on ways to meet the health and safety needs of both unhoused residents and the greater Oakland community.

In closing, we appreciate the opportunity to comment on the draft housing element, and look forward to continuing the conversation, providing further input, and understanding how our comments are addressed and incorporated into revisions of the draft housing element submitted to the State. Thanks again for your work and please reach out if you have questions.

Respectfully,

Bobbi Lopez  
Director of Policy and Community Engagement  
Build Affordable Faster, a regional advocacy project  
Tenants and Owners Development Corporation (TODCO)

Liana Molina  
East Bay Advocacy and Partnerships  
Build Affordable Faster, a regional advocacy project  
Tenants and Owners Development Corporation (TODCO)  
510-593-3633



August 5, 2022

City of Oakland Planning Department  
250 Frank H Ogawa Plaza  
Oakland, CA 94612

RE: Comments on Draft Housing Element for 2023-2031

Dear Lakshmi Rajagopalan,

Thank you for the opportunity to provide comments on the draft Housing Element. Save The Bay is appreciative of the work that went into this draft element, and we hope that our comments will help the city plan for more climate resilient housing in the years to come. We believe that climate SMART (Sustainable, Mixed-Use, Affordable, Resilient, Transit-Oriented) housing<sup>1</sup> can build resilience to climate impacts and reduce housing inequities.

Save The Bay is an Oakland-based, Bay Area-wide organization that protects and restores San Francisco Bay for people and wildlife. We envision a clean and healthy bay, free from pollution, ringed by restored wetlands, and Bay Area communities that are resilient to and prepared for the intensifying impacts of climate change.

As the City of Oakland plans to meet its RHNA goals, selecting sites that are resilient to the impacts of climate change is critically important. New housing construction, especially for low-income communities who face the greatest risk from climate impacts, should be located away from areas prone to fires, flooding, extreme heat, and sea level rise. Dense, affordable, infill development close to transit can connect historically under-invested communities to resources and infrastructure across the city and region. Building SMART housing will also advance Oakland's climate goals by mitigating greenhouse gas emissions from driving by supporting the use of alternative modes.

One opportunity to add more climate SMART housing in Oakland is in the Rockridge neighborhood. Housing built here would be accessible by BART and bus lines, and would be more resilient to extreme heat<sup>2</sup> due to an abundance of trees and parks. This neighborhood is also more resilient to other climate impacts, as it is outside of the sea level rise and fire hazard zones. Affordable housing in this high opportunity area is especially impactful toward reducing income inequality and racial segregation, which the City of Oakland is required to address under AB 686. Prioritizing dense, affordable housing development in this and other high opportunity areas through strategic rezoning is necessary to affirmatively further fair housing as required by law, and to move toward racial and environmental equity in Oakland.

The Housing Element update provides an opportunity to advance both climate and housing justice by planning for dense, climate SMART housing. Incorporating resilience into this Housing Element update will ensure that Oaklanders are protected from climate impacts for years to come.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "David Lewis".

David Lewis  
Executive Director, Save The Bay

---

<sup>1</sup> <https://resilienceplaybook.org/equitably-addressing-the-bay-area-housing-crisis/>

<sup>2</sup> <https://www.epa.gov/green-infrastructure/reduce-urban-heat-island-effect>



## feedback on draft Housing Element

Louis Eisenberg [REDACTED]

Mon 8/15/2022 3:07 PM

To: Lieberworth, Audrey <ALieberworth@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

My name is Louis Eisenberg, and I am an Oakland resident and homeowner in Upper Rockridge. I am writing to express my strong support for a [comment letter](#) submitted by the Rockridge Community Planning Council (RCPC) Board on the topic of Oakland's draft Housing Element. In particular, I want to emphasize my support for the following paragraph:

*First and foremost, we were extremely surprised and disappointed to see that the large "Shops at the Ridge Phase II" site at Broadway and Pleasant Valley was not included in the Inventory and we cannot understand the reasoning behind this omission. This site, which is flat, not within an established low-density neighborhood and less than a 15-minute walk from Rockridge BART, is clearly one of the most important undeveloped housing opportunity sites in the City. The current Home Depot proposal for this site would be an extremely inappropriate use. A survey of Rockridge residents from RCPC indicated that neighbors overwhelmingly prefer housing at the Ridge Phase II. The site should be included within the Inventory. As an implementation action of the Housing Element, the site should be rezoned to encourage high density residential development and prohibit stand-alone non-residential uses.*

Thank you,

Louis Eisenberg  
[REDACTED]

## Housing Element - Rockridge meeting

Maya Schechter [REDACTED]

Tue 8/16/2022 1:41 PM

To: Lieberworth, Audrey <ALieberworth@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hello,

I am writing to share a comment in advance of Thursday's Rockridge meeting on the draft Housing Element. I cannot attend the meeting but I strongly support the points made by RCPC in the letter sent to the city, including allowing and incentivizing housing, especially affordable housing, on all of sites listed in the letter:

- CCA Site
- Rockridge BART Site
- Triangular site at the corner of Claremont and College
- A portion of the Dreyer's Ice Cream site
- Wendy's site at College and Broadway
- Ridge site at Broadway and Pleasant Hill
- Carpet store site at College and Kales
- Dialysis Center site at Claremont and Clifton
- DMV Site at Claremont and Cavour
- Chevron Station Site at Telegraph near highway 24

I also support the other points made to encourage housing in Rockridge.

Thanks for your work on this.

Best,

Maya Schechter, Rockridge resident

August 24, 2022



Submitted by email to: [generalplan@oaklandca.gov](mailto:generalplan@oaklandca.gov)

With a copy to:

Lakshmi Rajagopalan, [LRajagopalan@oaklandca.gov](mailto:LRajagopalan@oaklandca.gov)

Audrey Lieberworth, [ALieberworth@oaklandca.gov](mailto:ALieberworth@oaklandca.gov)

**RE: Oakland's 6<sup>th</sup> Cycle Housing Element Update**

Dear City of Oakland:

Thank you for the opportunity to provide input on the city of Oakland's housing element. Your work supporting your community to meet its housing needs is critical in addressing the housing affordability crisis. We understand that at this moment in the housing element process, your jurisdiction is awaiting input from HCD on your draft housing element. As such, we are offering the attached equitable policy resources in addition to offering technical assistance from Baird + Driskell Community Planning ("B+D") if your jurisdiction is interested in this level of support.

The Partnership for the Bay's Future ("PBF") is a public-private-nonprofit partnership working to create a more livable Bay Area in which diverse people of all walks of life can afford to live and thrive. To do so, we address the challenges of housing and protecting tenants through the support of equitable policy change as well as investing in the production and preservation of affordable housing.

In consultation with government leaders, housing policy experts, and communities, we have compiled a list of equitable housing priorities that we hope Oakland will consider incorporating into the new housing element. In some cases, these are policies that housing element law requires jurisdictions to address as a potential action or recommendation in their housing elements, but in other cases, these are suggested policies that we are raising up as equitable planning priorities. We are including the following resources for your review and consideration:

- a slide deck covering each priority policy idea, with template language for your jurisdiction to consider,
- examples of places where the policy has been adopted, and
- additional links and resources.

We believe that Oakland's current efforts already include many of the listed policies, which we applaud. These summaries can be used as resources for staff as they communicate with both decision makers and the public. If you are interested, we are happy to provide further assistance to incorporate these policies into your housing element as well as help draft talking points that can be tailored for local implementation.

We believe the following policies can play an important role in meeting the requirements of this housing element and supporting thriving communities:

1. Favorable Zoning and Land Use
  - Make multifamily infill easier to develop
  - Allow, require or encourage multifamily housing in more places
  - Allow or encourage missing middle housing in single-family neighborhoods
  - Provide incentives for affordable housing development
  - Provide incentives for affordable ADUs and "missing middle" housing
2. Accelerating Production Timeframes
  - Streamline development approvals and environmental review process for multifamily housing
  - Streamline permitting process for multifamily housing
3. Reducing Construction and Development Costs
  - Ensure local requirements are not making development more expensive without requisite benefits
  - Actively support the use of modular and factory-built construction methods
4. Providing Financial Subsidies: Generate new or dedicate existing revenue for affordable housing
5. Advocating for Rent Control and Just Cause for Eviction Policies
  - Adopt or update rent stabilization policies
  - Adopt or update just cause eviction policies
6. Advocating for Community Land Trusts (CLTs): Support the formation and operation of community land trusts
7. Advocating for Inclusionary Zoning and Impact Fees: Create or review/update inclusionary housing (including in-lieu fees) and commercial linkage fee requirements
8. Inventory of Sites: Ensure that land is equitably zoned for multifamily housing, especially in high-opportunity areas

If you have any questions, please contact me ([krusso@sff.org](mailto:krusso@sff.org)) and our colleagues at Baird + Driskell (Kristy Wang, [wang@bdplanning.com](mailto:wang@bdplanning.com), and Joshua Abrams, [abrams@bdplanning.com](mailto:abrams@bdplanning.com)). We do hope that you consider tapping into the B+D team's technical assistance to explore some of these policies further or receive support with policies Oakland is already considering. Please contact us and we will be happy to arrange that.

Thank you again for the opportunity to provide input into Oakland's housing element. We appreciate all your efforts to address the housing needs of Bay Area and California residents.

Sincerely,



Khanh Russo  
Vice President of Policy and Innovation  
San Francisco

# PBF's Priorities for 6<sup>th</sup> Cycle Housing Elements

August 2022



PARTNERSHIP FOR

**THE  
BAY'S  
FUTURE**

# Priority Policies and Actions

- 1. Favorable Zoning and Land Use**
  - Make multifamily infill easier to develop
  - Allow, require or encourage multifamily housing in more places
  - Allow or encourage missing middle housing in single-family neighborhoods
  - Provide incentives for affordable housing development
  - Provide incentives for affordable ADUs and "missing middle" housing
- 2. Accelerating Production Timeframes**
  - Streamline development approvals and environmental review process for multifamily housing
  - Streamline permitting process for multifamily housing
- 3. Reducing Construction and Development Costs**
  - Ensure local requirements are not making development more expensive without requisite benefits
  - Actively support the use of modular and factory-built construction methods
- 4. Providing Financial Subsidies: Generate new or dedicate existing revenue for affordable housing**
- 5. Advocating for Rent Control and Just Cause for Eviction Policies**
  - Adopt or update rent stabilization policies
  - Adopt or update just cause eviction policies
- 6. Advocating for Community Land Trusts (CLTs): Support the formation and operation of community land trusts (CLTs)**
- 7. Advocating for Inclusionary Zoning and Impact Fees: Create or review/update inclusionary housing (including in-lieu fees) and commercial linkage fee requirements**
- 8. Inventory of Sites: Ensure that land is equitably zoned for multifamily housing, especially in high-opportunity areas**

# Make multifamily infill easier to develop

## Explore the following policies and programs:

- ! **Revise development codes:** Review multifamily development standards to allow greater density, including floor area ratio, height limits, minimum lot or unit sizes, setbacks, lot coverage and/or allowable dwelling units per acre.
- ! **Reduced parking requirements:** Adopt policies that reduce parking minimums, establish parking maximums and encourage other practices that reduce cost and the amount of space dedicated to cars.
- ! **Eliminate design standards:** Eliminate or replace subjective development and design standards with [objective standards](#) that simplify zoning clearance and improve approval certainty and timing.
- ! **Form-based codes:** Establish form-based codes that can be paired with by-right approvals.



## EXAMPLES

San Francisco, Berkeley and San Diego have eliminated minimum parking requirements in new housing development. San Francisco also has parking maximums.

[Redwood City's Downtown Precise Plan](#) links adherence to development standards with a streamlined approvals process.

# Allow, require or encourage multifamily housing in more places

## Explore the following policies and programs:

In mixed-use zones where commercial uses outcompete residential uses, cities could:

- ! **Change zoning standards:** Offer greater FAR, height and other zoning standards for residential developments in mixed use zones.
- ! **Encourage mixed-use:** Require applicants to build housing when applying to build commercial developments in mixed use zones

Cities can also ensure their regulations don't preclude the development of microunits, single room occupancy (SRO) buildings.



## EXAMPLES

[Redwood City's Mixed-Use Neighborhood District](#) allows greater height and FAR for residential-only and mixed-use buildings than for commercial-only buildings.

In 2019, San Jose revised its planning regulations to [allow for co-living housing](#) types.



# Allow or encourage missing middle housing in single-family neighborhoods

## Explore the following policies and programs:

- ! **Rezoning:** Rezone in single-family neighborhoods to allow [additional ADUs](#), duplexes, triplexes and other small-scale multifamily ("[missing middle](#)") housing
- ! **New standards and guidelines:** Establish design and development standards and guidelines that support missing [middle housing](#) types
- ! **SB 9 ordinances:** Develop local SB 9 implementing ordinances that encourage and support the creation of small-scale multifamily housing rather than merely comply with state requirements.



## EXAMPLES

Portland has established a strong missing middle policy, including their [Better Housing by Design](#) work, focused on design guidelines and related zoning code changes in multi-family zones, and the [Residential Infill Project](#) development standards focused on single family neighborhoods.

Eugene, Oregon approved [Middle Housing Code Amendments](#) to comply with state law. The amendments include smaller minimum lot sizes, lot size reductions for affordable units, parking reductions for housing built near transit, and other changes.

# Provide incentives for affordable housing development

## Explore the following policies and programs:

- ! **Overlay zones:** Establish an affordable housing overlay zone to encourage the production of below-market-rate affordable housing with targeted incentives or relaxed requirements that go beyond state density bonus law
- ! **Incentives for developers:** Offer zoning concessions and fee exemptions as incentives to developers of multifamily housing projects which meet [JURISDICTION]'s housing needs, in exchange for an agreement that more than [#%] of the total number of units constructed will be affordable to lower-income households



## EXAMPLES

[Menlo Park's Affordable Housing Overlay Zone](#)

[Foster City's Affordable Housing Overlay Zone](#)

[Oakley's Affordable Housing Overlay Zone](#)

[Sunnyvale's waiver of parking requirements](#)

[Half Moon Bay's waiver of development standards](#)

# Provide incentives for deed-restricted affordable ADUs and "missing middle" housing

## Explore the following policies and programs:

- ! **Lot splits:** Allow nonprofits and community land trusts (CLTs) to sell deed restricted affordable ADUs separately from the main house.
- ! **Increase ADUs per lot:** Allow nonprofits/CLTs to build two detached, deed restricted, affordable ADUs per property.
- ! **Community partnerships:** Develop zoning standards that provide additional flexibility to nonprofits/CLTs that want to build ADUs, including 2-story ADUs.
- ! **Upzoning partnerships:** Allow nonprofits/CLTs to convert single family homes into deed restricted, affordable duplexes, triplexes or quads (more permissive than SB 9)
- ! **Density bonuses:** Develop rules that extend the density bonus to 100 percent affordable projects smaller than 5 units.



## EXAMPLES

San Diego allows an [extra ADU](#) on a site that has reached the maximum ADU limit if the extra one is deed-restricted affordable.

Piedmont has flexibility built into their ADU ordinance where [larger ADUs are permitted](#) if they are deed restricted affordable for low-income households.

Pasadena incentivizes the creation of ADUs affordable to Section 8 voucher holders with incomes below 80% of AMI. The city offers [comprehensive assistance](#) (with financing, designing, permitting, and constructing) and low-interest construction loans.

[LA ADU Accelerator](#) matches homeowners with older renters, providing landlord support and reliable rent in return for affordability.

[LA Mas's Backyard Homes Project](#)

# Streamline development approvals and environmental review process for multifamily housing

## Explore the following policies and programs:

In locations that have not yet met their housing targets, [SB 35](#) pairs a streamlined approval process with objective design standards for infill projects that provide a certain level of affordability and comply with existing residential and mixed-use zoning and other requirements.

Localities could take it further by:

- ! Establishing [by-right zoning](#) and local systems/dedicated staff for more types of housing beyond SB 35-eligible projects
- ! Establishing by-right zoning in certain areas or neighborhoods



## EXAMPLES

[Redwood City's Downtown Precise Plan](#) allows for the ministerial approval of certain multifamily infill projects.

# Streamline permitting process for multifamily housing

## Explore the following policies and programs:

- ! **Improve application processes:** Review application review and approvals process to identify improvements (convene stakeholders, hire an outside firm).
- ! **Pre-application checks:** Establish pre-application checks to ensure that applications are complete before submission.
- ! **One-stop-shops:** Establish one-stop-shop permitting process and/or a single point of contact for coordinating permitting across city approval functions (e.g., planning, public works, building) from entitlement application to certificate of occupancy.
- ! **Special expedited permits:** Establish priority permit processing or reduced plan check times for specific categories of housing (ADU/JADUs, multifamily housing, affordable housing, etc.)



## EXAMPLES

San Diego has an [expedited permitting process](#) for affordable, infill and sustainable buildings.

Seattle has a [expedited approvals program](#) for new construction projects that meet certain sustainability requirements.

San Francisco's [Mayoral Executive Directives](#) on ADUs and setting timelines for approvals have sped up permitting processes by providing a rationale to create a sense of urgency and focus city staff.

San Jose had "[ADU Tuesdays](#)" at the city's permit counter in order to streamline ADU permit processing.

# Ensure local requirements do not make development more costly without requisite benefits

Explore the following policies and programs:

- ! **Flexible standards:** Provide additional flexibility on development standards, including parking standards, for affordable housing
- ! **Reduce construction costs:** Review current local construction requirements and building standards for excessive and costly terms



## EXAMPLES

Half Moon Bay's zoning code allows for flexibility in the application of development standards for affordable housing projects.

# Actively support the use of modular and factory-built construction methods

Explore the following policies and programs:

- **Expedited permits:** Establish a clear and expedited approval and permitting process for modular and manufactured homes.
- **Pre-fab trainings:** Conduct or require a training for building officials and relevant staff to ensure they are aware of current state processes and requirements and how they intersect with local authority/responsibilities.

# Generate new revenue and/or dedicate existing revenue towards affordable housing

Explore the following policies and programs:

- ! **Explore new or increased taxes:** Generate new dedicated revenue for affordable housing. This could include:
  - ! Sales tax increases
  - ! General obligation bonds
  - ! Transient occupancy taxes
  - ! Parcel taxes
  - ! Head taxes
  - ! Business license (landlord) taxes
  - ! Real estate transfer taxes
  - ! Vacant property and vacancy taxes
- ! **Prioritize existing revenue:** Establish priorities or set-aside existing local general funds for affordable housing.



## EXAMPLES

In 2016, Santa Clara County voters and Alameda County voters approved general obligation bonds for affordable housing through Measure A (\$950 million in Santa Clara County) and Measure A1 (\$580 million in Alameda County).

In 2018, Oakland voters approved a vacant property tax that generates revenue for homeless services.

By resolution, San Mateo County's Board of Supervisors established funding priorities – including affordable housing uses – for 2016's Measure K half-cent sales tax extension.

In 2012, San Francisco established its Housing Trust Fund through a set-aside in the General Fund.



# Adopt or update rent stabilization policies

## Explore the following policies and programs:

Under [California's Tenant Protection Act of 2019](#) (AB 1482):

! Rent cannot be increased more than 5% + your local CPI (Consumer Price Index) OR 10% annually – whichever of these is lower.

Localities could take it further by:

! Adopting a local ordinance with a smaller allowable annual rent increase

! Adopting a local ordinance that does not sunset in 2030

Localities could also dedicate funding and resources toward education and enforcement.



## EXAMPLES

Several Bay Area jurisdictions have [rent stabilization policies](#) that go beyond state law (such as smaller allowed rent increases), including:

- ! San Francisco
- ! San Jose
- ! Oakland
- ! Berkeley
- ! East Palo Alto
- ! Mountain View
- ! Richmond

# Adopt or update just cause eviction policies

## Explore the following policies and programs:

[California's Tenant Protection Act of 2019](#) (AB 1482) limits the reasons for which tenants can be evicted. This law does not cover all buildings or all tenants. It expires on Jan. 1, 2030.

Localities could take it further by:

- ! Applying protections on day 1 of a tenancy (instead of day 365)
- ! Requiring landlords to have a permit in hand before evicting tenants using the "substantial remodel" provision
- ! Passing a local ordinance that is permanent
- ! Expanding just cause eviction policies to cover new construction, single-family homes and condominiums

Localities could also dedicate funding and resources toward education and enforcement.



## EXAMPLES

Berkeley, East Palo Alto and Oakland are some Bay Area jurisdictions that have existing permanent [Just Cause evictions](#) ordinances.

Most rental units in [Oakland](#) and [Richmond](#) are subject to their just cause eviction ordinances.

# Support the formation and operation of community land trusts (CLTs)

## Explore the following policies and programs:

- ! **Eligibility:** Ensure CLTs are eligible for local housing funding.
- ! **Opportunity to Purchase:** Establish a right of first offer/refusal that gives nonprofits/CLTs enhanced ability to buy property
- ! **CLT Incubation:** Establish an initiative to support the incubation or creation of a new community land trust. Provide financial support to CLTs in the early stages of organizational development.
- ! **CLT Pipeline Development:** Study the feasibility of requiring new inclusionary ownership units to be stewarded by a CLT.
- ! **Extra Flexibility:** Give CLTs extra flexibility to develop/steward ADUs, allowing CLTs to sell ADUs to low-income buyers and giving CLTs more flexibility with development standards (multiple ADUs, 2-story ADUs, etc.). *See affordable ADU slide*



## EXAMPLES

In 2018, New York City funded a [citywide CLT initiative](#) to support the incubation/expansion of 10 CLTs

Cities like [Irvine](#) and [Chicago](#) have city sponsored/chartered CLTs that manage the affordable ownership stock.

# Create or review/update inclusionary housing and commercial linkage fee requirements

Explore the following policies and programs:

- ! **Establish New Inclusionary Requirements:** Require the provision of affordable housing by the private sector through an [inclusionary requirement](#) for market-rate housing (including in-lieu fee options) and a commercial linkage fee paid by new commercial development.
- ! **Regularly Update Inclusionary Requirements:** Conduct an [inclusionary housing feasibility](#) study in [20XX] and develop policy recommendations on inclusionary zoning in [20XX].



## EXAMPLES

[Inclusionary housing requirements](#) have been widely, but not universally, adopted by jurisdictions across the Bay Area.

[San Mateo](#) (city) and [Boulder, CO](#) are two examples of small to mid-sized cities that have set up strong inclusionary programs that deliver affordable units and maintain affordability over time.

# Ensure that land is equitably zoned for multifamily housing, especially in high-opportunity areas

## Explore the following policies and programs:

- ! **Zoning:** Rezone sites for [multi-unit housing in high resource areas](#).
- ! **Public Land:** Set-aside publicly owned land in high opportunity areas for housing development.
- ! **Affordable Housing Siting Policy:** Develop an affordable housing siting policy to provide affordable housing equitably across a jurisdiction.
- ! **Tax Credit Competitiveness:** Conduct an analysis of a jurisdiction's geography for [tax credit amenity scoring](#).
  - ! Zone more land for multi-family in amenity-rich areas, and do land assembly/acquisition in places that score highly for tax credits
  - ! Address gaps in communities that do not score highly for tax credit amenities, especially if they are high resource areas



## EXAMPLES

Los Angeles's 6th Cycle housing element includes an objective to "[Increase the utilization of public land](#) for affordable housing with particular emphasis in high resource and gentrifying areas."

Seattle has a [development siting policy](#) that seeks to provide housing opportunities for the lowest-income and the most vulnerable populations across the city, including amenity-rich neighborhoods.

San Jose has begun a process to develop an [affordable housing siting process](#) to ensure the city meets its fair housing and affordable housing goals, including providing affordable housing in higher-opportunity neighborhoods.

# Other equitable housing policies for further exploration

Explore the following policies and programs:

- Anti-tenant harassment policies (Oakland and Concord)
- Preservation policies including acquisition/rehab models
- Transit Oriented Communities (TOC) policies

# baysfuture.org



PARTNERSHIP FOR  
**THE  
BAY'S  
FUTURE**

[HOME](#) [ABOUT US](#) [THE OPPORTUNITY](#) [CONNECT WITH US](#) [NEWS](#)

**A Vision For a Vibrant, Inclusive  
Bay Area**



Credit: Favianna Rodriguez

Created for Oakland General Plan Outreach Process by Deeply Rooted Collaborative

## **Deeply Rooted in Oakland Partnership**

# Oakland General Plan Update

Draft Housing Element 2023-31

Missing Housing Justice Priority Policy Recommendations

from

Deeply Rooted Collaborative Community Engagement

Date: 09/29/2022

*“The rampant displacement seen today in the SF Bay Area is built upon a history of exclusion and dispossession, centered on race, and driven by the logic of capitalism. This history established massive inequities in who owned land, who had access to financing, and who held political power, all of which determined—and still remain at the root of deciding—who can call the Bay Area home.”*

Othering & Belonging Institute, *Roots, Race, Place: A History of Racially Exclusionary Housing in the SF Bay Area*

The following list of priority housing policies are currently missing from the City’s draft Housing Element. These proposals that begin to address the priority needs of Oakland residents most impacted by housing discrimination and injustice came from



Deeply Rooted’s ongoing engagement with community residents (via interviews and surveys), Equity Working Group, and Deeply Rooted partner organizations.

\*A few policies are listed under multiple departments.

#	Goals (Protect Impacted People, Land for People, Financing Equity)	Topic	Community Proposed Strategy	City Department	City’s Comments
<b>Homelessness/City Administrator</b>					
1	Protect Impacted People	Encampment Management Policy	<b>Treat unhoused people with dignity</b> and respect the communities they have built rather than allowing for City evictions under the current Homeless Encampment Management Policy.	Homelessness/City Administrator	
2	Protect Impacted People	Encampment Management Policy	<b>Prioritize Compassionate Care and Facilities:</b> Support humane and positive spaces with services such as showers, coffee, and groups that encourage individual expression; hire counselors and formerly/currently unhoused people to conduct outreach in communities they are familiar with; improve benefits and higher pay for social service workers and homeless shelter staff.	Homelessness/City Administrator	

#	Goals (Protect Impacted People, Land for People, Financing Equity)	Topic	Community Proposed Strategy	City Department	City's Comments
3	Protect Impacted People	Encampment Management Policy	<b>Ensure Clean Environments:</b> Support trash removal and address illegal dumping around homeless encampments in active partnership with unhoused residents.	Homelessness/City Administrator	
<b>Housing &amp; Community Development</b>					
4*	Protect Impacted People	Fair Housing, Eviction prevention	<b>Fair Housing/Human Health/Socioeconomic Impacts Analysis:</b> require public analysis & prevention of harm of fair housing/displacement/ homelessness impacts of market rate projects before development approved.	Planning, Housing & Community Development	
5*	Protect Impacted People	Fair Housing & Affordable Housing Access	Utilize <b>neighborhood Area Median Income</b> for affordable housing projects (many "affordable" housing units are not affordable to local residents."	Housing & Community Development, Planning	
6*	Land for People & Protect Impacted People	Land Use for Anti-Displacement ; Fair Housing	<b>[New City policy states ]</b> Update zoning of single family (one home per parcel) to allow for duplex, fourplex, townhomes, and accessory dwelling units. Upzoning to allow for more live/work housing (live in and run a business) and artist housing in cultural	Housing & Community Development, Planning	

#	Goals (Protect Impacted People, Land for People, Financing Equity)	Topic	Community Proposed Strategy	City Department	City's Comments
			districts).  <b>Create Cultural Preservation Districts to protect existing residents</b> from displacement, i.e. require on-site affordable units from market rate projects (instead of in-lieu fee), use neighborhood area median income for defining affordability, require fair housing impact assessment of market rate projects, have a Community Planning Council to vote on new development projects, etc.		
7*	Land for People	Community power in land use decisions & accountability with Housing Element	<b>Housing Commission</b> for residents to monitor City performance with Housing Element and other housing policy implementation.  <b>Neighborhood Planning Councils</b> for resident leadership on what projects are developed where.	Housing & Community Development, Planning	
8*	Protect Impacted People	Housing Habitability & Anti-Displacement	<b>[New policy included in draft Housing Element] Proactive rental inspections*</b>  The City's proposal doesn't appear to recognize the need for a Proactive Rental Inspection Ordinance that the City Council must enact. The new Ordinance	Planning, Housing & Community Development, City Council	

#	Goals (Protect Impacted People, Land for People, Financing Equity)	Topic	Community Proposed Strategy	City Department	City's Comments
			should also require <b>anti-displacement strategies</b> from increased code enforcement.		
9	Protect Impacted People	Fair Housing	Prioritize implementation of City's <b>Fair Chance Housing Ordinance.</b>	Housing & Community Development	
10	Protect Impacted People	Financing	<b>[Existing City language prioritizes]</b> Seniors, people with HIV/AIDS, people with disabilities and unhoused people.  City should also prioritize housing for <b>formerly incarcerated people, single parents, long-term residents, Black people, immigrants, and youth aging out of foster care.</b>	Housing & Community Development	
11	Protect Impacted People	Affordable housing access	Support streamlined communication with affordable housing applicants for quicker response times and accurate updates on housing application status [Action items in the current Housing Element include housing	Housing & Community Development	

#	Goals (Protect Impacted People, Land for People, Financing Equity)	Topic	Community Proposed Strategy	City Department	City's Comments
			preference policies for displaced residents and current Oakland residents and workers].		
12*	Financing Equity	Affordable Housing funding	Increase <b>Housing Impact Fees</b> to fund affordable housing that's affordable to current lower income residents.	Housing & Community Development, Planning	
13	Financing Equity	Affordable Housing access	<b>Provide Financial Assistance:</b> Consider publicly subsidized housing stipends for Oakland natives.	Housing & Community Development	
14	Financing Equity	Homeownership Opportunities	<b>Grow Shared Ownership/Homeownership Opportunities:</b> Support pathway to homeownership and shared ownership programs for Black and other residents of color; create shared housing options for formerly incarcerated people.	Housing & Community Development	
15*	Financing Equity	Homelessness Programs	<b>Fund Supportive Housing:</b> Fund permanent supportive housing with intensive wraparound services,	Human Services, Housing &	

#	Goals (Protect Impacted People, Land for People, Financing Equity)	Topic	Community Proposed Strategy	City Department	City's Comments
			including mental health and case management services; dedicate housing for unhoused veterans and people with disabilities.*	Community Development	
16*	Land For People & Protect Impacted People	Fair Housing, Eviction Prevention	<p><b>[New policy included in draft Housing Element]</b>                      Consider an <b>anti-speculation tax</b> if a property is sold quickly again.</p> <p>The City's proposal <b>does not prevent</b> housing speculation. The City should instead <b>enact fair housing policies</b> that prevent speculators from buying homes in order to evict current lower income residents.</p>	Housing & Community Development, Planning	
<b>Human Services</b>					
15*	Financing Equity	Homelessness Programs	<p><b>Fund Supportive Housing:</b> Fund permanent supportive housing with intensive wraparound services, including mental health and case management services; dedicate housing for unhoused veterans and people with disabilities.</p>	Human Services, Housing & Community Development	
<b>Planning</b>					

#	Goals (Protect Impacted People, Land for People, Financing Equity)	Topic	Community Proposed Strategy	City Department	City's Comments
17	Structural Solutions	Acknowledge history of housing exclusion & racism	<b>The State Affirmatively Furthering Fair Housing</b> new rules requires the City to acknowledge the history of and current fair housing violations, and to affirmatively solve for these problems. The City's consultants should work closely with DR groups to include the history of Oakland's different communities that have experienced housing and racial exclusion and fair housing discrimination in Housing Element sections.	Planning	
18	Land for People	Public land	<b>All public land for 100%</b> affordable housing (also 10+ acres should be considered for affordable housing, not market rate units), especially for unhoused residents.	Planning	
19	Protect Impacted People	Fair Housing, Eviction prevention, Environmental Justice	Implement all of the <b>Healthy Development Guidelines</b> in assessing whether a development project or policy should be approved.	Planning	
20	Protect Impacted People	Zoning and land use equity	Change zoning so <b>tiny homes or RVs are allowed across the City.</b>	Planning	

#	Goals (Protect Impacted People, Land for People, Financing Equity)	Topic	Community Proposed Strategy	City Department	City's Comments
12*	Financing Equity	Affordable Housing funding	Increase <b>Housing Impact Fees</b> to fund affordable housing that's affordable to current lower income residents.	Housing & Community Development, Planning	
21	Financing Equity	Low income homeowners	<b>[Existing City policy states]</b> Release Measure KK funds  Assess whether low income homeowners knew about and accessed the City Council's grant for low income homeowners to pay the new <b>Measure KK parcel taxes</b> . Before enacting regressive tax measures that directly impact low income homeowners, ensure that they can be exempted from new payments.	Planning	
22	Land for People	Fair Housing	Create a real <b>Inclusionary Zoning law</b> that requires on-site affordable housing.	Planning	
23	Land for People	Zoning	<b>Link zoning changes to affordability requirements.</b> A developer who wants to build more units (say, 200 units instead of 100 units) should also increase the	Planning	

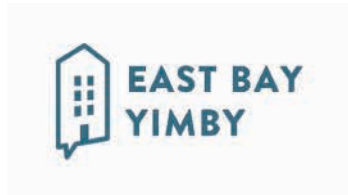


#	Goals (Protect Impacted People, Land for People, Financing Equity)	Topic	Community Proposed Strategy	City Department	City's Comments
			number of affordable housing units on site.		
24	Land for People	Green spaces	<b>Value Community Assets:</b> Prioritize community assets such as recreation centers and parks; increase trees and green spaces in underserved residential areas.	Planning	
7*	Land for People	Community power in land use decisions & accountability with Housing Element	<b>Housing Commission</b> for residents to monitor City performance with Housing Element and other housing policy implementation.  <b>Neighborhood Planning Councils</b> for resident leadership on what projects are developed where.	Housing & Community Development, Planning	
25	Protect Impacted People	Healthy Housing	Require/Provide an air purifier per unit in neighborhoods with high levels of pollution. This will also help address wildfire smoke.	Planning	
8*	Protect Impacted People	Housing Habitability & Anti-Displacement	<b>[New policy included in draft Housing Element]</b> <b>Proactive rental inspections</b>  The City's proposal doesn't appear to recognize the	Planning, Housing & Community Development, City	

#	Goals (Protect Impacted People, Land for People, Financing Equity)	Topic	Community Proposed Strategy	City Department	City's Comments
			need for a Proactive Rental Inspection Ordinance that the City Council must enact. The new Ordinance should also require <b>anti-displacement strategies</b> from increased code enforcement.	Council	
5*	Protect Impacted People	Fair Housing & Affordable Housing Access	Utilize <b>neighborhood Area Median Income</b> for affordable housing projects (many "affordable" housing units are not affordable to local residents."	Housing & Community Development, Planning	
4*	Protect Impacted People	Fair Housing, Eviction prevention	<b>Fair Housing/Human Health/Socioeconomic Impacts Analysis:</b> require public analysis & prevention of harm of fair housing/displacement/ homelessness impacts of market rate projects before development approved.	Planning, Housing & Community Development	
16*	Land For People & Protect Impacted People	Fair Housing, Eviction Prevention	<b>[New policy included in draft Housing Element]</b> Consider an <b>anti-speculation tax</b> if a property is sold quickly again.  The City's proposal <b>does not prevent</b> housing speculation. The City should instead <b>enact fair</b>	Housing & Community Development, Planning	

#	Goals (Protect Impacted People, Land for People, Financing Equity)	Topic	Community Proposed Strategy	City Department	City's Comments
			<p><b>housing policies</b> that prevent speculators from buying homes in order to evict current lower income residents.</p>		
6*	Land For People & Protect Impacted People	Land Use for Anti-Displacement ; Fair Housing	<p><b>[New City policy states ]</b> Update zoning of single family (one home per parcel) to allow for duplex, fourplex, townhomes, and accessory dwelling units. Upzoning to allow for more live/work housing (live in and run a business) and artist housing in cultural districts).</p> <p><b>Create Cultural Preservation Districts to protect existing residents</b> from displacement, i.e. require on-site affordable units from market rate projects (instead of in-lieu fee), use neighborhood area median income for defining affordability, require fair housing impact assessment of market rate projects, have a Community Planning Council to vote on new development projects, etc.</p>	Housing & Community Development, Planning	
<b>City Council</b>					

#	Goals (Protect Impacted People, Land for People, Financing Equity)	Topic	Community Proposed Strategy	City Department	City's Comments
26	Protect Impacted People & Neighborhoods	Market force displacement	Commission a market force displacement study (building on the City's 2005 West Oakland Wood Street Project Impact study conducted by Mundie & Associates) and utilizing data from the City's Affirmatively Furthering Fair Housing, <b>develop a moratorium on market rate housing in displacement vulnerable areas.</b>	City Council	



October 14, 2022

Director William Gilchrist  
Department of Planning and Building  
City of Oakland  
350 Frank Ogawa Plaza  
Oakland, CA 94610

RE: Preliminary Zoning Proposals - Draft Housing Element 6th Cycle (2023-2031)

Dear Director Gilchrist,

We write to provide comments on Oakland's Preliminary Zoning Proposals (Proposals) as part of the Draft Housing Element for the 6th Planning Cycle (2023 - 2031). We welcome the power and extent of the proposed Affordable Housing Overlay. However, we have identified significant issues with the missing middle program, the sites identified to affirmatively further fair housing in Rockridge and elsewhere, commercial corridor rezonings, and the continued non-inclusion of promising, underutilized sites in low-VMT and high-resource tracts.

In terms of process, we notice Oakland identifies key feedback from community outreach for the general plan and housing element updates at the start of the proposals, but it is unclear how or where this feedback is reflected in the respective rezoning parts of the Proposals, or even whether they all represent suggestions the city has opted to take up. Please consider revising the Proposals to clearly identify how the key feedback is connected to and accomplished in the rezonings.

We summarize our comments as follows:

1. Revise the Missing Middle Program to ensure high-resource neighborhoods allow four units on most lots in practice, including providing setback relief and reducing/eliminating off-street parking minimums.

## Preliminary Zoning Proposals

2. The proposed Rockridge rezoning sites have significant issues related to feasibility, equity and displacement risk; zoning a wider swath of land rather than picking a handful of sites would be more effective.
3. Choosing to leave in place current heights in Rockridge along College Avenue and Claremont Avenue, while miles of MacArthur Boulevard and International Boulevard in East Oakland are rezoned to allow significantly more height and development, is reinforcing patterns of spatial segregation. Oakland needs to be more ambitious with North Oakland standards to affirmatively further fair housing as required by state law.
4. Oakland should undo the 2011 downzoning along the high and moderate-resource Shattuck Avenue commercial corridor and increase heights to 45’.
5. We make various suggestions to improve the proposed Affordable Housing Overlay, including removing the exemption for height bonuses for prospective Areas of Primary Importance that are formed after the effective date of the rezoning.

### **Missing Middle Program**

The proposed Missing Middle Program, while making some noteworthy changes, overall does not go far enough to meet the goals of the Missing Middle referral from CM Rebecca Kaplan and the Oakland City Council. In certain instances, *Oakland’s draft Missing Middle Program represents a downzoning from the SB9 development capacity.*

Currently 2-4 units is the baseline set by state housing law. Oakland should be pursuing a framework that allows **more** than that baseline on a majority of single-family lots. Staff’s proposal provides greater certainty by removing conditional use permits for residential zones, but does not provide sufficient density and development-standard relief for these opportunities to be reliable and straightforward - a necessity for any significant use of the opportunities. Few projects will be able to take advantage of a by-right process because density limits for standard lot sizes of 4,000-6,000 square feet are still too low. Furthermore, unchanged setbacks, especially the 15’ front and rear setbacks in most zones, severely constrains the feasibility of 3- and 4-unit developments.

We believe this program can be revised to facilitate the production of attainable and affordable middle housing. We recommend Oakland consider the following:

- **Sixplexes:** Sixplexes are more likely to be both feasible in the context of high land values and produce middle income housing ([see study from San Jose](#); attached as Exhibit A). Consider allowing up to six units by right in certain high-opportunity residential zones, as well as on corner lots and lots over 5,000 square feet.
- **Minimum Lot Sizes and Lot Splits:**
  - Please confirm explicitly that lot splits in residential zones will be approved ministerially.

## Preliminary Zoning Proposals

- The minimum lot size in residential zones should be reduced from 2,500 to 2,000 square feet. Under SB9 the minimum lot size post-split is 1,200 square feet. While we appreciate Oakland reducing minimum lot sizes across residential zones, the 2,500 square foot minimum is twice that of the SB9 baseline. Moreover, 4,000 square feet is a common Oakland lot size, perhaps the most common. A 2,000 square foot minimum lot size would facilitate lot splits in most cases, whereas a 2,500 square foot minimum would largely exclude them. *As it stands, the proposed minimum lot sizes constitute a downzoning of development capacity in residential zones from SB9 and should be revised.*
- Lower Rockridge and Temescal:
  - To ensure Lower Rockridge and Temescal allow fourplexes in practice, consider rezoning them to RM-4. Lower Rockridge and Temescal typical lots are roughly 4,000 square feet. The proposed rezoning of these high-resource and low-VMT areas requires 1,500 square feet of land per unit. In practice this means only 2 units are allowed, which is the bare minimum under SB9. Moreover, 2 units does not meet the goals of Oakland City Council to allow at least 4 units in residential zones, and reduces owner incentives to add those units (these projects will often be complex and expensive). Rezoning these areas to RM-4 would require 1,000 square feet of land per unit, which would allow 4 units per lot by right in most or all cases.
- Adams Point: The zoning map shows a rezoning of the center of Adams Point from RM-1 to RM-2. This neighborhood is already full of medium-sized apartment buildings (see Figure 1 below, taken from the Oakland Map Atlas) These zoned capacity should match the existing built environment to allow for 4-8 story apartments. Alternatively, consider rezoning this area to RM-4.
- High Resource Areas: Bushrod, Santa Fe, Trestle Glen, Crocker Highlands are all high-resource or moderate-resource areas that are untouched by the proposed Missing Middle Program rezonings. These are also low-VMT neighborhoods with easy non-car access to jobs, parks and schools. They should be rezoned to at least RM-2. (Also in Figure 1 below).
- Heights: RM-1 should allow 3 stories by right.
- Parking: The current requirement of 1 unit of off-street parking requirement in most Oakland greater than ½ mile from transit makes most missing middle projects infeasible. The off-street parking requirements should be fully eliminated. Alternatively, the city could match the California ADU standard by eliminating off-street parking requirements within one (1) mile of any bus stop, but if so should require no more than 0.5 spaces per unit elsewhere.
- Setbacks:
  - As written, the Missing Middle Program offers no reduction in setbacks. As we have seen in Minneapolis and other places the failure to reduce lot coverage and setback rules in tandem with upzoning for 2-4 units will result in few to any construction. The existing RM front setback of 15-20' is a nonstarter for middle housing development.

## Preliminary Zoning Proposals

- Consider reducing RM setbacks to 10' for front setbacks (or average of immediately adjacent neighboring buildings, whichever is less), 4' on all sides, and 0' for inner side or street side on lots less than 50' wide.
- Increase lot coverage to allow 50% lot coverage in all residential zones for projects seeking 3 or more units.
- Some zones have not only minimum lot area but minimum average width and minimum frontage. Those should be reduced in tandem with minimum lot areas.
- High-resource/Low-VMT gradation:
  - In order to reduce patterns of spatial segregation, Oakland should make special effort to ensure that 2-4 unit development is feasible in high-resource residential neighborhoods. The high land values of these neighborhoods also makes it harder for 2-4 residential uses to outbid luxury single-family homes. Therefore, we have previously written to Oakland suggesting that additional density beyond 4 units and additional setback relief be offered in high-resource areas. The proposed Missing Middle Program makes no effort in that regard. We recommend Oakland revise the program to confer additional density (baseline 5 units) and additional setback relief in high-resource residential zones.
  - In order to reduce VMT, Oakland should allow additional density and setback relief in residential zones near BART stations.
- Mills College:
  - Please clarify the reasoning behind rezoning Mills College at Northeastern University from RM-3 to RM-4. Plans for student housing on the actual Mills site should be tailored to student housing; RM-4 is a residential neighborhood standard. Without additional context, this appears to be a paper upzoning that will result in no new housing.
- Accessory Commercial Units:
  - The Proposals' key points from community engagement cites the need to attract retailers in food deserts. In many Oakland neighborhoods, especially East Oakland, the distance between commercial corridors where retail uses are permitted exceeds easy walking distance. Moreover commercial floor plates are often too big or expensive for many start-up or would-be retailers.
  - All RM zones in the current intent section include "and neighborhood businesses where appropriate", but in practice all subzones except RM-5 make food sales, restaurants, cafes, and retail sales require conditional use approval, and alcohol sales are only allowed if grandfathered. Consider allowing a wider range of commercial businesses as permitted in any space less than 600 square feet in all RM and RU zones ("Accessory Commercial Units") to facilitate greater food access, increased walkability and low impact diversity of uses.

///



## Rockridge Rezoning

We appreciate that Oakland's Proposals include specific rezoning for Rockridge in response to our comments and those of HCD. Unfortunately, as discussed below, the rezonings as written have significant issues in terms of spatial equity, horizontal equity, feasibility and displacement. We are also concerned that staff continue to avoid rezoning soft sites near Rockridge BART that could easily be rezoned to further fair housing and reduce VMT.

- Commercial Corridor:
  - As noted below, commercial corridors throughout West and East Oakland are having their heights increased. These include commercial corridors close to BART and high-frequency bus (Fruitvale, West Oakland, Coliseum, and Telegraph Avenue near MacArthur BART) as well as on BRT lines (International Boulevard in San Antonio and between 73rd Avenue and Durant Avenue) and also some corridors miles from BART (Dimond District and Laurel District). All the while, heights for the commercial corridor of College Avenue near Rockridge BART remain untouched at 35' in CN-1 zones.
  - While Oakland proposes to rezone eight sites along College Avenue and Claremont Avenue, there are significant issues with many of these sites (see below). Moreover, it is concerning that Oakland seems perfectly willing to increase heights along miles of MacArthur and International boulevards but cannot countenance allowing more than two parcels to go up to 65' on College Avenue.
  - While we support height increases in commercial corridors generally, we are concerned about the horizontal inequity of excluding College Avenue and Claremont Avenue. Why should a strong commercial corridor in the Laurel District, over 2 miles from Fruitvale BART, be rezoned from 35' to 65', while College Avenue, within ½ mile of Rockridge BART, remains at 35'? Why should commercial land in Deep East Oakland in Elmhurst along International Boulevard go from 75' to 95' while Claremont Avenue near Rockridge is stuck at 35'? Are the existing commercial uses in Rockridge simply more valuable to Oakland than the existing commercial uses in East Oakland?
  - ***This concentration of multifamily development potential in lower income and non-white neighborhoods, especially in East Oakland, while preserving the height limits of commercial land in high-income and mostly white Rockridge is reinforcing, not reversing, existing patterns of spatial segregation.***
  - Oakland, in order to affirmatively further fair housing, should increase heights along College Avenue and Claremont Avenue to 55'.
- RM Zoning: As noted above, Lower Rockridge needs to go from RM-2 to RM-4 in order to allow for 3- or 4-unit development to occur - or the entire RM zone needs to allow 3- or 4-unit development both by right and in practice.
- DMV: Does Oakland have written confirmation that DMV plans to redevelop its property on Claremont? The use of state-owned land for redevelopment must be accompanied by a

firm commitment by the Department of General Services to redevelop the site within the eight year planning period.

- **5248 Claremont Avenue:** Site 5 on Figure 4 is a 3-story, 42-unit apartment building constructed in 1959 called Claremont Park Apartments. It is highly likely that this property is subject to Oakland's rent control ordinance. In any case, this property should not be rezoned. ***If it remains as a rezoning site either: 1) no redevelopment will occur due to the costs associated with SB330/SB8 replacement, relocation and right to return requirements; or 2) redevelopment will occur and 42 units of rent-controlled housing will be destroyed when vacant, commercial and owner-occupied sites abound nearby. Oakland should not be in the business of designating rent-controlled housing in high-resource areas for upzoning and redevelopment.*** Please remove this site.
- **Trader Joe's parking lot:** This is a high-volume grocery store with two surface parking lots. It is highly unlikely either the store itself or the parking lot fronting College Avenue will be redeveloped. The Miles Avenue fronted surface parking lot may be feasible for redevelopment, but it will be difficult given that the CN-1 standards only permit approximately 40 units.
- **5264 Claremont and 5256 Claremont:** These sites include approximately four residential units. Under the CN-1 density standards and unchanged 35' height limit these sites could yield 9 units at most each. If there are existing low-income tenants on-site then 1 or 2 of 9 units will be required to be replaced with deed-restricted units. Does Oakland have a track record of producing developments with less than 10 units and on-site affordable housing in this manner? If not, they should be considered for higher density or removed.
- **6209 College:** This site has an existing banking use and surface parking lot. Under the CN-1 standards it can yield at best 20 units. It is unlikely that 42 dwelling units per acre will outbid the existing banking use.
- **5220 Claremont:** This site has an existing pediatric use that is part of UCSF Benioff Hospital. Has Oakland obtained written evidence that the property owner intends to discontinue this use within the eight year planning period?
- **Unpicked Sites:** As seen above, there are significant issues with Oakland's Rockridge rezoning sites. There are many sites that Oakland could identify for rezoning that would be more feasible for housing while minimizing displacement.
  - The vacant site at Pleasant Valley/51st Street and Broadway - This is a large vacant site near BART and Lines 51A and 18. It is in a high-resource tract and has easy access to health services, grocery stores and open space.
  - Claremont flatiron - This vacant parcel at Claremont and College is currently zoned to only allow 18 units. It was also a very popular site in the city's survey data. Consider rezoning to allow 75 dwelling units per acre.
  - Gas Stations - There are several gas stations that could be rezoned within Rockridge.
  - 51st Street - This is a 75' wide residential street with bus service and is within a ½ mile of Rockridge BART. It is proposed to be rezoned to RM-2. It should be rezoned to allow for multifamily housing with heights of 45' and up to 55 dwelling units per

## Preliminary Zoning Proposals

- acre. The existing uses of mostly owner-occupied single family homes and a few duplexes would reduce the impacts of potential displacement and relocation costs.
- In practice, most development usually occurs in places outside those designated in housing elements, because for- and non-profit developers evaluate prospects in different ways from planning professionals and often come to different conclusions. In addition to trying to pick winners among sites, the city should consider a broader upzoning to 6+ stories and 75+ units per acre in a one-mile radius of Rockridge BART.

### **Commercial Corridors**

We understand that many of Oakland's proposed commercial corridor rezonings are meant to reconcile planning code with building typologies. In addition, the Proposals increase heights in commercial corridors in several key areas near transit (excluding College Avenue and Claremont Avenue in Rockridge). While these heights increases are certainly helpful for increasing housing feasibility and lowering VMT we are concerned about the lack of height increases in key areas.

- **Park Boulevard:** Heights along the commercial sections of Park Boulevard in Eastlake and Glenview should be increased.
- **Shattuck Avenue:**
  - This section was downzoned in 2011 to 35' in response to housing development in the mid-2000s. Homeowners in these high-resource areas pushed to downzone the corridor due to concerns about development exceeding existing zoning (through use of State Density Bonus Law) but within the general plan designations; the groups supporting the downzoning cited impacts to "sunlight, privacy and appearance." [[Oakland Planning Commission staff report, July 14, 2010](#); attached as Exhibit B]. This was a poor justification for downzoning a high-resource, low-VMT transit corridor and should be undone.
  - In February 2021 a 45' multifamily development project at 6501 Shattuck Avenue (½ mile from Ashby BART) that had submitted an application prior to the 2011 35' downzoning was appealed and delayed for months by nearby homeowners and landlords. The appeal was ultimately rejected but such appeals add risk and cost to housing development.
  - Recently, a proposal was submitted for an apartment building at 6341 Shattuck Avenue. Consistent with the zoning, it is limited to 3 stories; allowing 4 stories would likely enable a 30-40% increase in new homes built.
  - Consider increasing heights along Shattuck Avenue back to 45' or more to facilitate housing development in this high-resource and low-VMT neighborhood.

///

### Affordable Housing Overlay

Overall we are highly encouraged by the Affordable Housing Overlay (AHO) proposal. We believe it has the potential to open up more residential land for affordable housing development, including in high-resource areas. The by-right provisions of this rezoning program can provide needed greater certainty to affordable housing developers. The AHO, if implemented with care, can deliver more low and moderate income housing and help reverse patterns of spatial segregation.

We offer the following suggestions:

- Co-ops and CLTs: Make sure the ordinance explicitly allows co-ops and land trusts to use the AHO.
- Relax open space requirements: convert open space per unit into open space per residential living space, so that more density does not penalize them in terms of open space requirements. For further context, the CN zone already has lower requirements for efficiency units but residential zones do not.
- Cohousing: Allow cohousing with shared bathrooms and shared kitchens.
- Historic Districts: Not allowing +20ft height in historic areas, aka Areas of Primary Importance (APIs), is inequitable. Some of the high-resource areas affected include most of the rectangle between Alcatraz, Woolsey, College, & Telegraph; as well as the entire CCA site at 5200 Broadway. A historical building is *not* demeaned or diminished by having a taller building next to it.
  - We strongly request that Oakland does not allow newly formed, prospective APIs at the effective date of the rezoning to be exempted from AHO height bonuses.
- Roof Heights: Many zones like RM currently allow 5 feet more roof height than wall height to allow for pitched roofs. But when this proposal adds 20 feet that +5 feet often vanishes. What is the rationale for this? Pitched roofs can work in taller buildings too. Consider allowing +5 feet for pitched roof in every AHO zoning category.
- DBL Consistency: Clarify the meaning of 100% affordable in terms of income levels that the units must be restricted to. At a minimum, 100% affordable projects under the definition of State Density Bonus Law (AB1763), which are defined as 20% moderate-income, 80% extremely, very low or low-income, and one manager's unit, should qualify under the city AHO. Additionally, the city could consider allowing more than 20% of units to be moderate-income-restricted to open more options.
- Parking: Off-street parking requirements represent significant hard costs and opportunity costs for low-income housing. Parking requirements are a binding constraint on development of multifamily housing that reduces site viability. AB2097 and other state bills have reduced parking requirements within ½ mile of transit and in low-VMT areas. Oakland should go further and require no off-street parking for AHO projects anywhere.
- Fire Zones: The Very High Fire Severity Zones (VHFSZs) are exempted from the AHO. While there are valid safety concerns related to fire risk and escape we would be remiss not to point out the inequity of exempting high-resource and historically exclusionary

## Preliminary Zoning Proposals

VHFSZs. Oakland should explore allowing AHO projects in VHFSZs with hardening and other mitigations.

Thank you for considering these comments. We are available to discuss them via phone or video conference, if necessary.

Sincerely,

John Minot  
Jonathan Singh  
EB4E Co-Executives

Victor Flores  
Resilience Manager, East Bay  
Greenbelt Alliance

Nico Nagle  
East Bay Organizer  
Housing Action Coalition

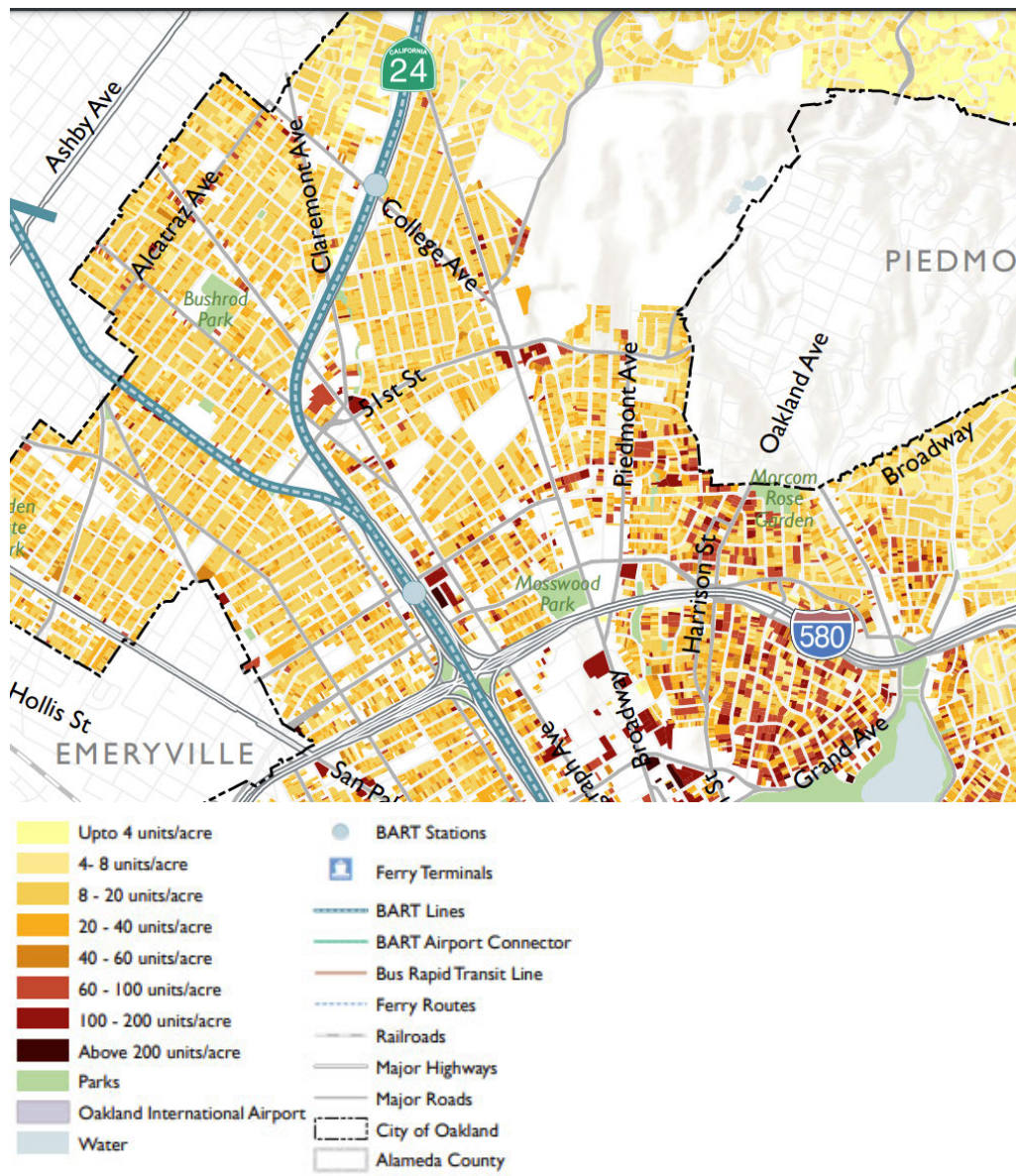
Sarah Bell  
Lead  
East Bay YIMBY

Keith Diggs  
Housing Elements Advocacy Manager  
YIMBY Law

cc:  
CA Department of Housing and Community Development

## Preliminary Zoning Proposals

Figure 1: Existing Residential Density, Central and North Oakland Inset (from Oakland Map Atlas, Figure 2-6)



The goal of this figure is to show that:

- the triangle of Adams Point in the lower right of the figure is already densely full of medium- and some large apartment buildings - the densest census tracts in Oakland outside downtown - yet is mostly zoned RM out of keeping with its current environment, and the proposed rezonings only move a small chunk of it up one level within RM. It should be a high-density zoning designation that allows the same buildings that exists now - not RM or even RU.
- Rockridge, Temescal, and other parts of North Oakland are nearly a single-family monoculture, while the proposed rezonings only increase the density in that large, high-opportunity by a small degree.



STRATEGICECONOMICS

# SAN JOSÉ OPPORTUNITY HOUSING

FEASIBILITY OF MISSING MIDDLE HOUSING IN RESIDENTIAL AREAS

Prepared for:

The City of San José  
October 4, 2021

# Table of Contents

Table of Contents.....	2
Table of Figures .....	3
<b>I. INTRODUCTION.....</b>	<b>5</b>
<b>II. APPROACH.....</b>	<b>6</b>
Sub-Areas and Market Tiers.....	6
Interview Findings.....	10
Prototypes .....	11
Potential Impacts of SB 9 and SB 10.....	15
<b>III. FINANCIAL FEASIBILITY ANALYSIS.....</b>	<b>17</b>
Land Acquisition Cost.....	17
Development Costs .....	18
Revenues .....	22
Cash-Flow Analysis: Property Owner Perspective .....	25
<b>IV. SUMMARY OF RESULTS.....</b>	<b>27</b>
Results by Prototype.....	27
Results by Market Tier.....	28
Results of Cash-Flow Analysis.....	30
<b>V. AFFORDABILITY OF OPPORTUNITY HOUSING .....</b>	<b>32</b>
Methodology for Estimating Unit Affordability.....	32
Affordability of Opportunity Housing.....	33
<b>VI. ROLE OF MUNICIPAL FEES .....</b>	<b>36</b>
Parkland In-Lieu Fee.....	36
Site Development Permit Fees .....	39
<b>VII. APPENDIX A: DETAILED PRO FORMA RESULTS .....</b>	<b>41</b>
Set 1 Results.....	41
Set 2 Results.....	46
Set 3 Results.....	48
<b>VIII. APPENDIX B: CASH FLOW PRO FORMA RESULTS.....</b>	<b>53</b>
<b>IX. APPENDIX C: OPTICOS DESIGN: OPPORTUNITY HOUSING CITYWIDE ANALYSIS .....</b>	<b>56</b>



## Table of Figures

Figure 1. Market Tiers for Rental Prototypes .....	7
Figure 2. Market Tiers for Condo Prototypes .....	7
Figure 3. San José Rental Subareas by Tier.....	8
Figure 4. San José Condo Subareas by Tier.....	9
Figure 5. Prototypes Summary.....	12
Figure 6. Set 1 Prototypes: Two-Story Buildings with 2-4 Units .....	13
Figure 7. Set 2 Prototypes: Three-Story Single-Family/Attached Townhome Projects with Four Units	14
Figure 8. Prototypes: Stacked Multiplexes with More than Four Units.....	15
Figure 9. Land Acquisition Cost Assumptions by Tier .....	18
Figure 10. Vertical Costs by Prototype.....	19
Figure 11. Overview of Typical Municipal Fees .....	21
Figure 12. Financing Cost Assumptions .....	21
Figure 13. Developer Profit Expectation.....	22
Figure 14. Expected Rents for Rental Prototypes by Tier.....	23
Figure 15. Expected Sales Prices for Condo Prototypes by Tier .....	24
Figure 16. Expected Value for Existing Property By Tiers in 2021.....	26
Figure 17. Set 1 Feasibility: Residual Land Value Less Expected Acquisition Cost .....	27
Figure 18. Set 2 Feasibility: Residual Land value Less Expected Acquisition Cost.....	28
Figure 19. Set 3 Feasibility: Residual Land Value Less Expected Acquisition Cost .....	28
Figure 20. Tier 1: Residual Value and Expected Acquisition Cost .....	29
Figure 21. Tier 2 Residual Value and Expected Acquisition Cost .....	29
Figure 22. Tier 3 Residual Value and Expected Acquisition Cost .....	30
Figure 23. Cash Flow Summary: Existing Property Owner Builds Duplex Rental in Rear Yard .....	31
Figure 24. Income Levels and Associated “% of AMI” Ranges .....	32
Figure 25. Tier 1 Affordability Summary.....	34
Figure 26. Tier 2 Affordability Summary.....	35
Figure 27. Rental Prototypes: Parkland In-Lieu Fee Assumptions by Tier and Building Type.....	37
Figure 28. Condo Prototypes: Parkland In-Lieu Fee Assumptions by Tier and Building Type.....	38

Figure 29. Parkland In-Lieu Fee as Share of Total Development Cost..... 39

Figure 30. Site Development Permit Fees as Share of Total Development Cost ..... 40

Figure 31. Pro Forma Results: Stacked Fourplex Rental..... 41

Figure 32. Pro Forma Results: Stacked Fourplex Condo..... 42

Figure 33. Pro Forma Results: Side-by-Side Large Duplex Condo ..... 43

Figure 34. Pro Forma Results: Side-by-Side Duplex Rental in Rear Yard ..... 44

Figure 35. Pro Forma Results: Side-by-Side Duplex Condo in Rear Yard ..... 45

Figure 36. Pro Forma Results: Small Lot Single -Family..... 46

Figure 37. Pro Forma Results: Attached Townhomes ..... 47

Figure 38. Pro Forma Results: Three-Story Sixplex Rental..... 48

Figure 39. Pro Forma Results: Three-Story Sixplex Condo ..... 49

Figure 40. Pro Forma Results: Two-Story Eightplex Rental ..... 50

Figure 41. Pro Forma Results: Three-Story Eightplex Rental ..... 51

Figure 42. Pro Forma Results: Three-Story Eightplex Condo ..... 52

Figure 43. Tier 1: Side-by-Side Duplex Rental in Rear Yard Cash Flow for Property Owner..... 53

Figure 44. Tier 2: Side-by-Side Duplex Rental in Rear Yard Cash Flow for Property Owner..... 54

Figure 45. Tier 3: Side-by-Side Duplex Rental in Rear Yard Cash Flow for Property Owner..... 55

# I. INTRODUCTION

The City of San José is exploring the potential of allowing 2-4 unit housing development projects (Opportunity Housing) on parcels within one-half mile of transit-oriented Urban Villages. These locations have been identified in the Envision San José General Plan. Opportunity Housing areas are envisioned as walkable, bikeable, and transit-rich neighborhoods that could eventually include a mix of a single-family home, duplex, triplex, or fourplex units on parcels, while generally maintaining zoning setbacks and heights. Opportunity Housing could potentially take a variety of forms, including newly built stacked apartments, condos, duplexes, townhomes, and small lot single family homes. To help assess the viability of Opportunity Housing, the City of San José Planning Department retained Strategic Economics and Opticos Design (the Consultant Team) to evaluate the financial feasibility of new development projects.

This report, prepared by Strategic Economics, presents the analyses conducted to test the financial feasibility of various housing types that could be included in the Opportunity Housing policy. Opticos Design prepared a second companion report completed in September 2021, which evaluates with a site design lens the extent to which certain Missing Middle housing types, such as stacked fourplexes, could be built in residential neighborhoods. Opticos Design's report can be found in Appendix C, on Page 56. Strategic Economics used Opticos Design's analysis to develop more detailed financial feasibility prototypes presented in this report. The feasibility prototypes are distinct from housing types because they incorporate assumptions about tenure (ownership versus rental) and market values (sales prices or rents) necessary to test financial performance.

Opticos Design's report addresses the following:

- Locations where Opportunity Housing would likely be eligible in San José, if the City implements a policy that allows Opportunity Housing in areas adjacent to Urban Villages.
- The existing urban form, regulatory context, and street network connectivity for those areas as well as for the City.
- Lots that could accommodate a stacked fourplex, the initial housing type that Opticos Design evaluated, which informed the first two prototypes that Strategic Economics tested.<sup>1</sup>
- Lots that could accommodate other Missing Middle housing types, such as duplexes, townhomes, multiplexes, and other types.
- Lot testing. This analysis illustrated the options for building dimensions and parking for the development of the stacked fourplex, duplex addition, attached townhomes, small lot single-family, and stacked eightplex housing types on commonly occurring single-family lots in San José. Certain "test fits" directly informed the feasibility prototypes shown in this report.

---

<sup>1</sup> The Stacked Fourplex Rental and Stacked Fourplex Condo, described on Page 12.

## II. APPROACH

To evaluate financial feasibility of Opportunity Housing across the City, Strategic Economics performed following steps:

### Step 1: Sub-areas and Market Tiers

Strategic Economics analyzed and mapped the market for ownership condominiums and rental housing in 12 San José sub-areas, which correspond to the Inclusionary Housing Ordinance Market Areas/Development Fee Framework Areas established by the City of San José.<sup>2</sup> Then, each sub-area was categorized into a market tier. This analysis helped describe the potential for Opportunity Housing by location within the city.

### Step 2: Development of Prototypes

Strategic Economics worked with Opticos Design iteratively to develop housing prototypes that represented potential Opportunity Housing types. They ranged from small-lot single-family units to stacked rental apartments or condominiums. The process to refine these prototypes is described in more detail on Page 11.

### Step 3: Feasibility Analysis

Strategic Economics evaluated feasibility using a pro forma model. The pro forma model tallied the project values (rental revenues or unit sales), subtracted development costs (construction costs, soft costs, and profit) and calculated the residual value. To be considered financially feasible, the project's residual value would need to be equal or greater than the value of acquiring a typical lot.

The feasibility results reflect a snapshot in time, and they do not account for potential future changes in San José's real estate market. With this in mind, it is important to note that market shifts could change the feasibility outlook for the prototypes evaluated in this analysis.

Strategic Economics also conducted a cash-flow pro forma analysis from the perspective of an existing owner.

The methodology for each step of the feasibility analysis is described in more detail in Section III on Page 17.

## Sub-Areas and Market Tiers

Strategic Economics analyzed the housing market for each of the 12 sub-areas, and categorized each sub-area into a "market tier." This step allowed for the study to reflect that different areas of the City have different land values, sales prices, and rents, affecting the likelihood of Opportunity Housing being built. The analysis considered the following data points:

---

<sup>2</sup>The Inclusionary Housing Ordinance Market Areas can be found at this link:  
<https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=8518bc095ae54f4ea025d7743c650881>

- The price of townhomes and condominium units built from 2000 to 2021, and sold from 2019 to 2021, according to Redfin. This characterizes the strength of the townhome and condo ownership market.
- The rental rates for multifamily rental properties built since 1980 (not subject to the Apartment Rent Ordinance), based on Costar data, which shows the strength of the multifamily rental market.
- The price of single-family homes built from 2000 to 2021, and sold from 2019 to 2021, according to Redfin. This characterizes the current value of single-family properties, which provided supplemental data on the dynamics of the home ownership market. While traditional single-family homes were not studied as a prototype, this is a more robust dataset than Redfin’s townhome and condo data, and it can serve to clarify home value assumptions in places with limited townhome and condo data.
- The price of single-family homes that are smaller than 1,250 square feet, that were built before 1970, and that sold for less than \$1,275,000. This Redfin dataset included home sales between December 2020 to June 2021. This indicated expected acquisition costs for properties that would be priced most competitively to be acquired for Opportunity Housing development.<sup>3</sup>

After reviewing and mapping this data, each sub-area was assigned a market tier based on the strength of the housing prices and rents. Tier 1 represents the highest value market tier, while Tier 3 is the lowest value. When sub-areas lacked data for certain product types, they were categorized based on available housing market data within the sub-area and in neighboring sub-areas.

The classification of each sub-area’s market tier is summarized in Figure 1 for rental housing and Figure 2 for condo housing. The maps of the rental and condo market tiers are shown below in figures 3 and 4.

**FIGURE 1. MARKET TIERS FOR RENTAL PROTOTYPES**

	<b>Sub-areas</b>
Tier 1: High	West Valley, Willow Glen, Central, North
Tier 2: Moderate	Alviso, Cambrian/Pioneer, Almaden, Berryessa, South, Edenvale
Tier 3: Low	Evergreen, Alum Rock

Source: Strategic Economics, 2021.

**FIGURE 2. MARKET TIERS FOR CONDO PROTOTYPES**

	<b>Sub-areas</b>
Tier 1: High	West Valley, Willow Glen, Cambrian/Pioneer, North
Tier 2: Moderate	Alviso, Almaden, Central, Berryessa
Tier 3: Low	South, Evergreen, Edenvale, Alum Rock

Source: Strategic Economics, 2021.

<sup>3</sup> The timeframe of this dataset is narrower than the other Redfin datasets that were analyzed because of limitations with Redfin’s data export process.

FIGURE 3. SAN JOSÉ RENTAL SUBAREAS BY TIER

**San Jose Opportunity  
Housing: Multifamily Rental  
Subareas by Tier**

- Tier 1 (West Valley, Central, Willow Glen, North)
- Tier 2 (South, Berryessa, Alviso, Cambrian/Pioneer, Edenvale, Almaden)
- Tier 3 (Alum Rock, Evergreen)

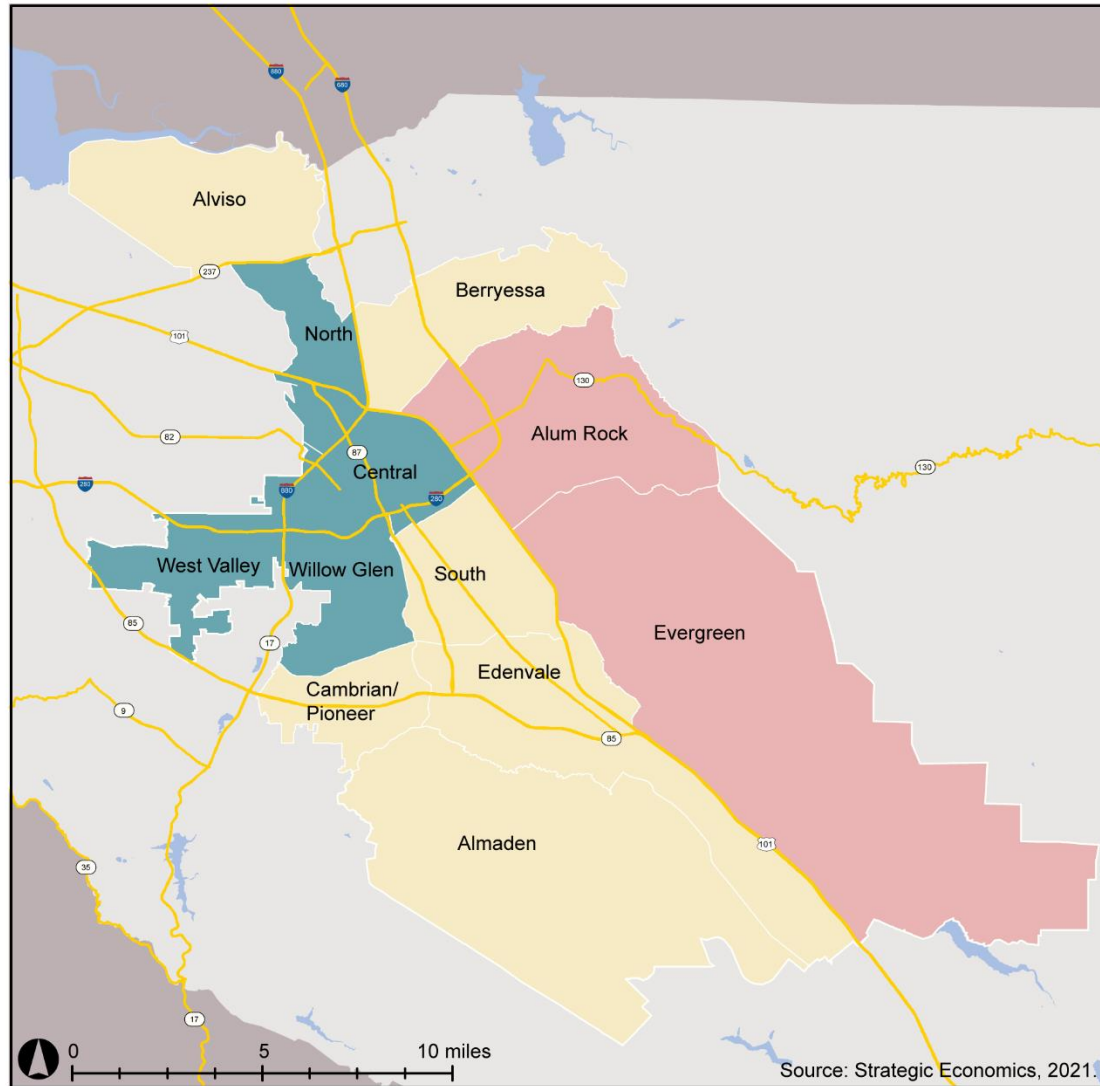
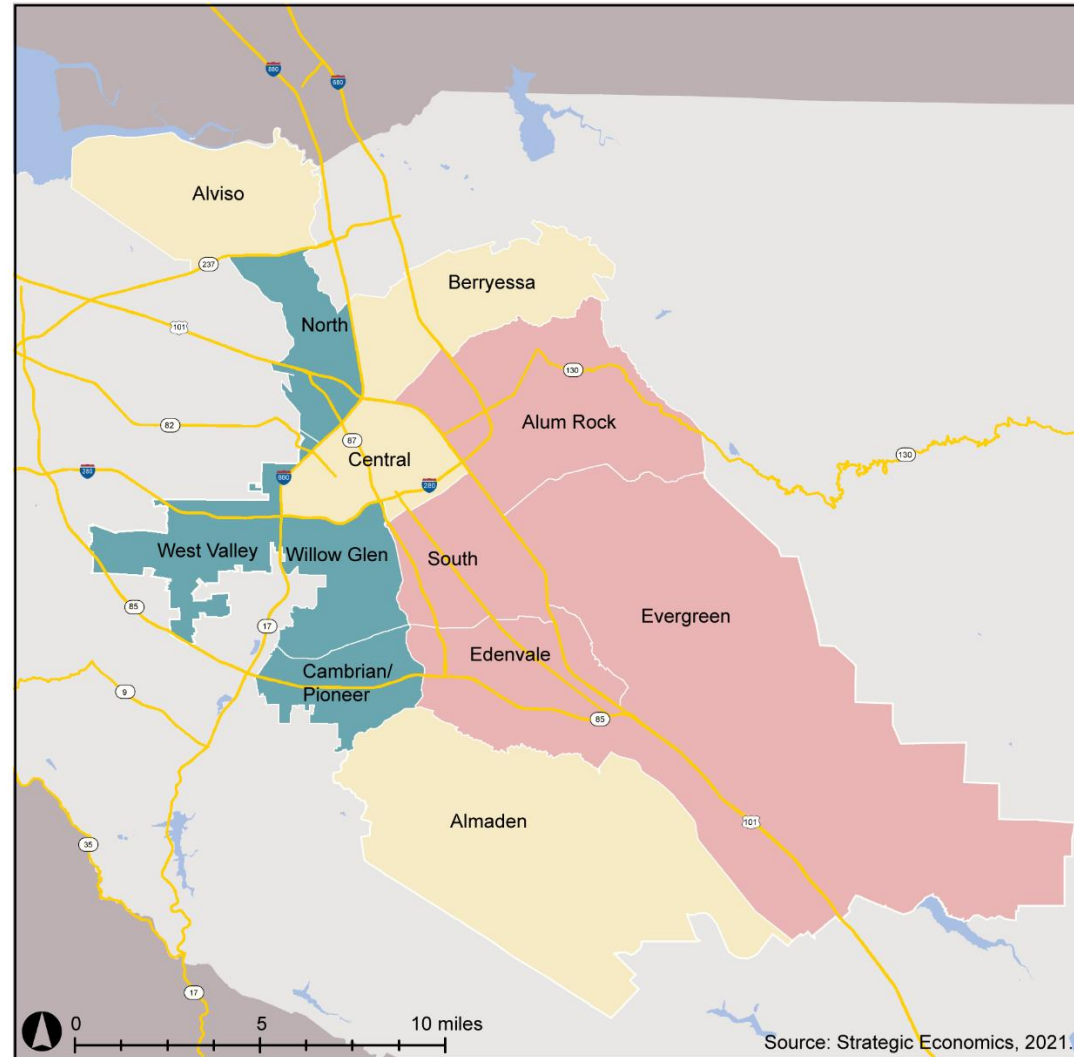


FIGURE 4. SAN JOSÉ CONDO SUBAREAS BY TIER

**San Jose Opportunity  
Housing: Condo/Townhome  
Subareas by Tier**

- Tier 1 (West Valley, North, Willow Glen, Cambrian/Pioneer)
- Tier 2 (Central, Alviso, Berryessa, Almaden)
- Tier 3 (Alum Rock, South, Edenvale, Evergreen)



As shown, some sub-areas have stronger, more established markets for rental housing than for condo housing. For example, Central San José is classified as a Tier 1 rental market because it has attracted significant new luxury rental housing projects. However, recently built condos in Central San José command lower sale values than West San José, placing it in the Tier 2 category for condos.

The tiers are a general characterization of the City's condo and rental markets by sub-area. There might be certain neighborhoods within sub-areas that command higher or lower values than the designated market tier.

## Interview Findings

Before conducting the financial feasibility analysis, the Consultant Team interviewed eight individuals with real estate development experience who are active in San José and Silicon Valley. The Consultant Team spoke with the following people during spring of 2021.

- Adam Mayberry, Mayberry Workshop
- Jerry Strangis, Strangis Properties
- Kurt Anderson, Anderson Architects
- Mark Robson, Robson Homes
- Paul Ring, Urban Catalyst
- Reyad Katwan, Hawkstone Development
- Andrew and Ryan Quinley, Twinley Homes

**The interviewees had a variety of perspectives and specializations.** They range from overseeing large-scale firms to running their own independent operations. The interviewees also had different niches, with some developing larger, townhome-style units in more suburban contexts, while others focused on multiplex buildings with smaller units in central locations.

**Because there is limited potential for Opportunity Housing under current land use policies, there are few developers with direct experience building these housing types.** Most prototypes tested in this analysis are not currently permitted in San José. The larger-scale developers that were interviewed did not have on-the-ground experience in developing housing on small lots; developers with experience building 2-4 unit projects had only completed a small number of projects in San José.

**There are many different approaches that developers and property owners might pursue to add units to existing single-family lots.** Property owners may choose to subdivide their existing home into multiple units or subdivide their lot to build infill units. Experienced housing developers are more likely to maximize the density on their lots with townhome-style or multiplex projects to enhance the financial feasibility of projects. Both rental and for-sale projects are possible, depending on the preferences of the developer or property owner. These varied approaches suggest that San José's Opportunity Housing policy should be flexible enough to accommodate the many interests and specializations of those in the development community.

**Central San José and West San José, which command higher rents and home values and offer high-quality transit, would be the most attractive locations for the development of Opportunity Housing, from a market perspective.** According to interviewees, areas in the Central sub-area, which includes downtown San José, as well as areas in West San José (including West Valley and Willow Glen) have the strongest markets for Opportunity Housing. The Central sub-area in particular, which has a very



strong rental market, would be best-suited for smaller units and developments with reduced parking, especially in areas near high-quality transit.

**Allowing three-story buildings and parking reductions may be appropriate in certain contexts to create incentives for Opportunity Housing.** Developers believed that three-story buildings could be appropriate in some transition areas between Urban Villages and single-family neighborhoods. Buildings with reduced parking, which generally can provide deeper affordability, could be suitable for areas near high-quality transit.

**Pioneering developers may run into construction financing hurdles.** Developers seeking to build Opportunity Housing projects may find it difficult to get construction financing approval, especially if the product they are seeking to build does not yet have a proven market in San José. Independent, smaller-scale builders are more likely to consider building these housing types that are less common in San José, such as stacked multiplexes, or buildings with reduced parking. They may find it more cumbersome to obtain financing than larger developers who tend to have access to institutional capital.

**Condos are more expensive to build than rentals in San José.** Because of the construction liability issues of attached condominium buildings, there are fewer sub-contractors available to bid on condominium projects, which drives up construction bids. Establishing a homeowner's association, and other administrative requirements associated with condominiums can also create more burdens on condominium development compared to rental housing.

**The high cost of utility hookups might discourage developers from incorporating more units.** According to a developer that specialized in multiplex housing, utility hookup fees can be as high as \$100,000 per unit, because individual meters are often required. Allowing multiplexes to share one meter would alleviate this issue. Encouraging developers to provide more units on-site would translate to deeper affordability, generally.

## Prototypes

Strategic Economics tested the feasibility of 12 Opportunity Housing prototypes, which were based on extensive lot analysis and test fits provided by Opticos Design. The prototypes include small single-family units (four units on a lot), townhomes, duplexes, and fourplexes. In a supplementary analysis, the Consultant Team also examined the feasibility of sixplex and eightplex units to provide additional context.

The prototypes are organized into three sets, described below in Figure 5. All prototypes incorporate a new construction component, and two (the Side-by-Side Duplex Condo in Rear Yard and the Side-by-Side Duplex Rental in Rear Yard prototypes), incorporate the preservation of an existing home.<sup>4</sup> The lot size, which is consistent across the prototypes, was chosen as a baseline for the analysis because it is a typical-sized lot in many residential neighborhoods in San José, and is sufficiently large to accommodate small multifamily buildings with on-site parking.

---

<sup>4</sup> It is also possible that a property owner would subdivide their existing home into multiple units. However, this method tends to be less cost-effective than the new-construction methods that were tested. There are also many more factors involved (e.g. age, size, and condition of the existing home) that make it difficult to test the feasibility of this approach in a generalized manner.

FIGURE 5. PROTOTYPES SUMMARY

---

Lot Size	7,500 Sq. Ft.
Lot Dimensions	60 x 125 Ft.

---

**Set 1: Two-Story Buildings with 2-4 Units**

- Stacked Fourplex Rental
- Stacked Fourplex Condo
- Side-by-Side Large Duplex Condo
- Side-by-Side Duplex Rental in Rear Yard
- Side-by-Side Duplex Condo in Rear Yard

---

**Set 2: Three-Story Single-Family/Attached Townhome Projects with Four Units**

- Attached Townhomes
- Small Lot Single-Family

---

**Set 3: Stacked Multiplexes with More than Four Units**

- Three-Story Sixplex Rental
- Three-Story Sixplex Condo
- Two-Story Eightplex Rental
- Three-Story Eightplex Rental
- Three-Story Eightplex Condo

---

Source: Strategic Economics, 2021.

### SET 1: TWO-STORY BUILDINGS WITH 2-4 UNITS

The first set of prototypes (Figure 6) are in line with the initial guidance from City staff regarding building height, on-site parking expectations, and other parameters for the Opportunity Housing program. All Set 1 prototypes provide between two and four units on one residential lot. They are two stories in height, with a minimum parking ratio of one space per unit (a “1:1 ratio”). The prototypes have a floor-area-ratio (FAR) of about 0.60. Set 1 prototypes are incorporate the following housing types:

- **Stacked Fourplex:** A traditional stacked fourplex (with one common entrance, and two units on each floor), which was tested as both a condo and a rental project.
- **Side-by-Side Large Duplex:** A side-by-side duplex condo with the same gross building square feet as the stacked fourplex.
- **Side-by-Side Duplex in Rear Yard:** A new construction side-by-side duplex built in the rear yard of an existing single-family home, resulting in three total units on one lot. This was tested as both a condo and a rental project.

**FIGURE 6. SET 1 PROTOTYPES: TWO-STORY BUILDINGS WITH 2-4 UNITS**

	<b>Stacked Fourplex Rental</b>	<b>Stacked Fourplex Condo</b>	<b>Side-by-Side Large Duplex Condo</b>	<b>Side-by-Side Duplex Rental in Rear Yard</b>	<b>Side-by-Side Duplex Condo in Rear Yard</b>
Parcel Size (Sq. Ft.)	7,500	7,500	7,500	7,500	7,500
Gross Building Sq. Ft.	4,800	4,800	4,800	4172 (b)	4172 (b)
Net Building Sq. Ft.	4,320	4,320	4,800	4,172	4172
Building Efficiency (a)	90%	90%	100%	1	100%
Number of Units	4	4	2	2 new construction and 1 existing	2 new construction and 1 existing
Units Per Acre	23	23	12	17	17
Stories	2	2	2	2	2
Unit Type	2-BR	2-BR	4-BR	3-BR	3-BR
Unit Size	1,080	1,080	2,400	1,286 (c)	1,286 (c)
Parking Type	Surface	Surface	Surface	Surface	Surface
Parking Spaces	5	5	5	3	3
Parking Ratio	1.25	1.25	2.5	1	1

**Notes:**

- (a) Net square feet (square feet associated with the livable space in units) divided by gross square feet (which includes common areas and garages).
- (b) Includes both the new construction duplex and the existing home.
- (c) Refers to the units in the new construction duplex. The existing single-family home has 1,250 square feet and three bedrooms.

Source: Strategic Economics, 2021.

**SET 2: THREE-STORY SINGLE-FAMILY/ATTACHED TOWNHOME PROJECTS WITH FOUR UNITS**

The second set of prototypes (Figure 7) are townhome-style buildings that include tuck-under garages, and are three stories. These prototypes also maintain a parking ratio of at least “1:1”, and they have higher floor-area ratios than Set 1, due to the third story. Both prototypes are for-sale condos, and the unit sizes are the same. They are described below:

- Attached Townhomes: Four attached townhomes on one lot.
- Small Lot Single Family: Four detached “small lot single family” units on one lot.

**FIGURE 7. SET 2 PROTOTYPES: THREE-STORY SINGLE-FAMILY/ATTACHED TOWNHOME PROJECTS WITH FOUR UNITS**

	<b>Attached Townhomes</b>	<b>Small Lot Single Family</b>
Parcel Size (Sq. Ft.)	7,500	7,500
Gross Building Sq. Ft. (includes garages)	6,840	6,840
Net Building Sq. Ft. (excludes garages)	5,920	5,920
Building Efficiency (a)	87%	87%
Floor Area Ratio	0.91	0.91
Number of Units	4	4
Units Per Acre	23	23
Stories	3	3
Unit Type	3-BR	3-BR
Unit Size	1,480	1,480
Parking Type	Tuck under garage	Tuck under garage
Parking Spaces	6	4
Parking Ratio	1.5	1

Notes:

(a) Net square feet (square feet associated with the livable space in units) divided by gross square feet (which includes common areas and garages).

Source: Strategic Economics, 2021.

### **SET 3: STACKED MULTIPLEXES WITH MORE THAN FOUR UNITS**

Opportunity Housing is currently defined as projects with two to four units. However, it is possible to develop more than four units on a single-family lot, while staying within similar building envelopes as the prototypes in Set 1 and Set 2. Adding more units allows the cost per unit to be reduced significantly, potentially making it more financially feasible.

The third set of prototypes (Figure 8) has parking ratios less than “1:1”, because the prototypes fit more units on the lot than in the previous sets. They are all iterations of the Stacked Fourplex in Set 1 shown earlier in Figure 6. The prototypes incorporate the following housing types:

- **Three-Story Sixplex:** The Sixplex, tested as both a rental and condo, adds a third story to the fourplex, and has two more units that are the same as the fourplex on the third story.
- **Two-Story Eightplex:** The Two-Story Eightplex, tested as a rental, has the same gross building square footage as the Stacked Fourplex, but with four units on each floor. These units are the smallest tested.
- **Three-Story Eightplex,** tested as rental and condo, has the same building square footage as the Three-Story Sixplex, but with three units that are smaller on the first two floors.

These prototypes achieve the highest unit densities of the three sets, and their floor-area ratios (FARs) are similar to the townhome-style prototypes.

FIGURE 8. PROTOTYPES: STACKED MULTIPLEXES WITH MORE THAN FOUR UNITS

	Three-Story Sixplex Rental	Three-Story Sixplex Condo	Two-Story Eightplex Rental	Three-Story Eightplex Rental	Three-Story Eightplex Condo
Parcel Size (Sq. Ft.)	7,500	7,500	7,500	7,500	7,500
Gross Building Sq. Ft.	7,200	7,200	4,800	7,200	7,200
Net Building Sq. Ft.	6,480	6,480	4,080	6,120	6,120
Building Efficiency (a)	90%	90%	85%	85%	85%
Floor Area Ratio	0.96	0.96	0.64	0.96	0.96
Number of Units	6	6	8	8	8
Units Per Acre	35	35	46	46	46
Stories	3	3	2	3	3
Unit Type 1	2-BR	2-BR	1-BR	1-BR (6 units)	1-BR (6 units)
Unit Size	1,080	1,080	510	680	680
Unit Type 2	n/a	n/a	n/a	2-BR (2 units)	2-BR (2 units)
Unit Size	n/a	n/a	n/a	1,020	1,020
Parking Type	Surface	Surface	Surface	Surface	Surface
Parking Spaces	5	5	5	5	5
Parking Ratio	0.83	0.83	0.63	0.63	0.63

Notes:

(a) Net square feet (square feet associated with the livable space in units) divided by gross square feet (which includes common areas and garages).

Source: Strategic Economics, 2021.

## Potential Impacts of SB 9 and SB 10

In September 2021, Governor Gavin Newsom signed SB 9 and SB 10 into state law, and both go into effect January 2022. Both pieces of legislation, which are described below, could have implications for Missing Middle housing in California cities.

### SB 9: BY-RIGHT DUPLEXES AND LOT SPLITS IN SINGLE-FAMILY ZONES

**SB 9 allows by-right duplexes and lot splits on most single-family lots.** SB 9 will require that cities allow duplexes and lot splits on single-family lots. This in practice legalizes four units on single-family lots, because duplexes would be permissible on lot splits. Typically, this type of proposal might have required zoning changes or conditional use permits, with entitlement process timelines comparable to those for multifamily development. Under SB 9 however, cities will be required to grant ministerial approval (or “by-right” approval) to duplex and lot split applications that meet objective design standards. SB 9 will also limit the amount of off-street parking that cities can require. The legislation establishes that cities can only require up to one off-street parking space per unit, and that cities cannot require off-street parking in locations near high-quality transit.

There are specific criteria that will determine whether lots are eligible for lot splits and duplexes under SB 9. They include the following:

- Only owner occupants<sup>5</sup> and non-profit owners (e.g. community land trusts and neighborhood development corporations) are eligible to initiate lot splits.
- Properties in fire zones are not eligible.
- Historically significant properties are not eligible.
- There are demolition restrictions for properties with affordable housing units and units that have been recently used as rentals..<sup>6</sup>
- Cities can determine whether they want to allow demolition of existing single-family homes that have not been recently rented. <sup>7</sup>

**SB 9 will make the development of new market-feasible units possible within San José’s residential areas.** A Turner Center analysis found that under SB 9, 319,000 parcels would be eligible for lot splits in Santa Clara County, and 40,000 financially feasible units that before SB 9’s passage would not have been allowed would now be legal. <sup>8</sup>

**Some prototypes evaluated in this report may be considered legal by-right once SB 9 takes effect.** Two prototypes involve the construction of a duplex in the rear yard of an existing single-family home (Side-by-Side Duplex Condo in Rear Yard and Side-by-Side Duplex Rental in Rear Yard). These prototypes reflect a scenario that would be possible under SB 9. In this circumstance, a homeowner could split their lot and build a new duplex in the rear of their lot under the legislation. The other prototypes that incorporate four units or less could also be permissible, depending on the objective design standards that the City of San José adopts. Note that for any circumstance that involves a lot split, the property owner would be required to live in one of the units for three years.

#### **SB 10: CITY PROCESS TO UPZONE UP TO 10 UNITS PER PARCEL IS SIMPLIFIED**

**SB 10 streamlines the residential upzoning process for cities. It allows them to zone lots for up to 10 dwelling units in urban infill locations and transit-rich areas.** This legislation does not impose new requirements on cities. Rather, it allows cities to upzone certain parcels up to ten units per parcel without having to undergo requirements associated with the California Environmental Quality Act (CEQA) that previously would have been triggered by such an upzoning. It also allows cities to override land use regulations established through voter initiatives if the regulation requires a more restrictive density than the state law. <sup>9</sup>

**SB 10 will likely have a narrower impact on Missing Middle development than SB 9. In the areas where the City chooses to upzone, projects with up to ten units (or with up to the number of units specified by the City) will undergo a more simplified approval process.** A developer seeking to build a sixplex, or an eightplex, such as the prototypes in Set 3, may find that there are more well-located areas within the City of San José that are zoned for such projects. The City will have deference in determining if any eligible areas should be upzoned.

---

<sup>5</sup> Owner occupants are required to reside in one of the units for three years following the lot split.

<sup>6</sup> The project cannot involve the demolition or alteration of designated affordable or rent-stabilized housing, housing that has been withdrawn from the rental market in the last 15 years, or housing that has been renter-occupied in the last three years.

<sup>7</sup> JDSupra.com, <https://www.jdsupra.com/legalnews/sb-9-it-s-not-a-duplex-bill-it-s-a-2431534/>

<sup>8</sup> Metcalf, Ben, David Garcia, Ian Carlton, and Kate MacFarlane, “Will Allowing Duplexes and Lot Splits on Parcels Zoned for Single-Family Create New Homes?” *The Turner Center*, 2021.

<sup>9</sup> California Legislative Information, [https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220SB10](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB10). ; JDSupra.com, <https://www.jdsupra.com/legalnews/sb-10-to-facilitate-upzonings-but-does-7275826/>

### III. FINANCIAL FEASIBILITY ANALYSIS

Financial feasibility was calculated for all 12 prototypes using a static pro forma model that measures the residual land value (RLV) of a development project. This “point in time” model reflects the process a developer would undertake in determining whether to pursue a project, and it assumes that most developers would have to acquire land to build Opportunity Housing.

Residual land value is the net value available for land acquisition after accounting for all revenues and development costs, including profit. If the residual value is higher than the expected acquisition cost of the lot, then the development project is considered feasible for a developer who has to purchase land. However, if the residual value is less than the acquisition cost, then the development is considered infeasible.

This model is effective at evaluating feasibility for traditional developers who have access to substantial capital. It is possible that existing property owners would also develop Opportunity Housing.

There could be instances where investor-owners build Opportunity Housing on their properties. The static pro forma model illustrates the feasibility outlook for investors who also have strong access to capital. With the property already owned, the prototypes would be considered feasible as long as the residual value is positive.

Owner-occupants, who have significantly less access to capital, might also pursue Opportunity Housing development. An owner-occupant who builds Opportunity Housing would be making a major personal financial decision that would require them to navigate complex challenges. Strategic Economics conducted a supplemental cash flow analysis, which was applied to one prototype, from the perspective of an owner-occupant. This analysis may also be more appropriate for understanding the decision-making process of a small-scale investor with less capital.

The development cost and revenue inputs, which generally inform both the static and cash flow pro forma analyses, are described in detail in this section. Instances are noted where assumptions only inform one of the two models.

#### Land Acquisition Cost

The land acquisition cost varies depending on the lot’s location within the City. Strategic Economics analyzed Redfin point sales data for lots with older, smaller single-family homes that would be the most likely targets for a redevelopment project.<sup>10</sup> Because there are so few vacant parcels within the fabric of residential neighborhoods, it was assumed that any developer interested in pursuing an Opportunity Housing project would have to acquire a lot with an existing home. The acquisition data was collected and summarized by sub-area and by quartile. The acquisition price per square foot of land is based on the lower end of the range for home sales (first quartile) in the sub-areas of each market tier. The acquisition cost assumptions are summarized by market tier in Figure 9. As shown, areas with the strongest housing market (Tier 1) have the highest acquisition price. Note that existing

---

<sup>10</sup> Redfin provides easily available sales data for recent sales for custom geographies. The Redfin data included all sales in San José between 12/7/2020 and 6/7/2021, for homes that were less than 1,250 square feet, that were built before 1970, and sold for less than \$1.25 million, which is just under the median home sale price in San José, which is currently \$1.3 million. This dataset includes 378 home sales.

property owners do not need to account for property acquisition costs in their decision-making processes.

FIGURE 9. LAND ACQUISITION COST ASSUMPTIONS BY TIER

Tier	Land Cost per Sq. Ft.	Total Land Cost
Tier 1	\$170	\$1,275,000
Tier 2	\$155	\$1,162,500
Tier 3	\$130	\$975,000

Source: Redfin, 2021; Strategic Economics, 2021.

## Development Costs

### HARD COSTS

Hard costs also sometimes called “direct costs,” are costs associated with construction. This includes “horizontal” costs, which include demolition, site preparation, grading, and utility connections, as well as “vertical” costs, which refer to costs associated with the building itself.

The hard cost assumptions are based on input from residential developers with experience in San José<sup>11</sup> and the Bay Area, Strategic Economics’ recent work on feasibility analysis for other development projects in Santa Clara County, and recent studies on the cost of development in San José.

The COVID-19 pandemic has greatly impacted global supply chains, significantly increasing the cost of lumber, appliances and fixtures, and other construction materials. Therefore, the vertical building hard costs are based on cost expectations before the pandemic, under the assumption that the price of materials will eventually stabilize.

For the prototypes, the horizontal site development cost was assumed to be **\$10 per land square foot**, which includes demolition cost, as well as utility connections and other costs associated with preparing the lot for development. Because of the scarcity of vacant single-family parcels in San José, it is assumed that a developer would be more likely to purchase a lot with an existing home that would be demolished. For the Side-by-Side Duplex Condo in Rear Yard and Side-by-Side Duplex Rental in Rear Yard prototypes, the horizontal site cost is just \$6 per land square foot, reflecting that just a portion of the lot is being prepared for construction, and there is no demolition cost.

**The vertical construction cost assumptions depend on the complexity of the various product types as well as on housing tenure.** Detached products, such as the Small Lot Single-Family prototype, are the most straightforward to build. The side-by-side duplexes are also relatively straightforward. Attached townhomes are more expensive because they are slightly more complex, with more party walls, and possible design constraints. Stacked multiplexes, including fourplexes, sixplexes, and eightplexes, are

---

<sup>11</sup> The developers that were interviewed included: 1) developers with experience working on townhome and duplex projects, but at larger scales than the single lot; and 2) developer-builders with small-scale operations that have niche expertise based on their projects. There are few examples of recently built Opportunity Housing projects in San José because it is currently not permitted in most areas of the City, and there is a lack of developers interested in projects of this scale.



the most complicated to construct. Among the prototypes tested, they have the most party walls, the most complex building systems, and the greatest chance of design constraints, which all add to costs.

Condos are also more expensive to build than rentals because there are fewer subcontractors for attached or stacked ownership housing, which drives up the bids. Furthermore, condo buildings typically have higher-end finishings than rental apartments.

The per-square-foot assumptions for each prototype are displayed below in Figure 10.

**FIGURE 10. VERTICAL COSTS BY PROTOTYPE**

<b>Prototype</b>	<b>Hard Costs per Gross Building Sq. Ft.</b>
Small Lot Single Family (a)	\$175
Side-by-Side Large Duplex Condo	\$175
Side-by-Side Duplex Rental in Rear Yard (b)	\$160
Side-by-Side Duplex Condo in Rear Yard (b)	\$175
Attached Townhomes (a)	\$250
Rental Stacked Flats (fourplex, sixplex, eightplex)	\$275
Condo Stacked Flats (fourplex, sixplex, eightplex)	\$300

**Notes**

(a) Includes garage cost.

(b) Renovation cost of \$100,000 for existing home is also applied to total vertical cost .

Source: Interviews with developers, 2021; Strategic Economics, 2021.

Lastly, a **contingency cost of five percent of the total vertical cost**, is also applied universally for each prototype, which is a standard assumption.

**SOFT COSTS**

Soft costs, sometimes referred to as “indirect” costs, are development costs associated with other items besides construction, such as design, overhead, and other costs of doing business, like legal costs, and taxes. There are certain soft costs, primarily those associated with consulting fees for project design, as well as developer overhead, that are expected to be consistent across prototypes, since all the prototypes are at the single-lot scale. It is assumed that these costs would together total **\$50,000 per project**. Therefore, this is a smaller share of total development cost for the stacked multiplex prototypes, which cost the most overall to build, and translate to the highest unit densities.

Other soft cost items, include taxes, legal costs, accounting costs, and insurance costs, as well as holding costs. These are assumed to be equivalent to **eight percent of total hard costs**, which is a standard assumption that is commonly used by real estate developers across specializations.

**MUNICIPAL FEES**

Various municipal fees and taxes would be charged for all the prototypes. These fees help fund City services, as well as the administrative tasks and requirements associated with processing permit applications at the City.

**FEES EVALUATED FOR FEASIBILITY IMPACTS**

Strategic Economics evaluated the feasibility impacts of two types of municipal fees:

- **Site Development Permit fees**, which would only be charged if Opportunity Housing is not permitted by-right; and,
- The **Parkland In-Lieu Fee**, a park use impact fee, which is in the process of being revised.

This report will assist the City in determining how these fees should apply to Opportunity Housing projects. Further discussion on the feasibility impacts of these fees is found in Section VI on Page 36.

Both the site development and park fees were incorporated into the total development cost used in the pro formas for the prototypes, because the pro forma analyses reflect what would currently be charged on the prototypes if they were developed today.<sup>12</sup>

#### OTHER STANDARD FEES AND TAXES

There are other standard fees and taxes that would apply to all the prototypes. These fees are shown below in Figure 11 and include:

- City fees associated with processing project building permits, which include permit issuance, plan review, and inspection fees. Based on the City's fee schedule, the fees are estimated at approximately \$9,700 per unit for single-family and duplex projects, or \$26,000 per project for projects with three or more units.
- School district impact fees. For areas that fall in the San José Unified School District, the fee amount is \$3.48 per net residential square feet.
- The Building and Structure Construction Tax (Municipal Code, Chapter 4.46), which is between approximately \$7,000 and \$12,000 per project, depending on the building valuation, which is tied to the gross building square feet.
- The Commercial, Residential, Mobile Home Park Construction Tax (Municipal Code, Chapter 4.47), which is between approximately \$11,000 and \$19,000 per project, which also depends on the building valuation.
- Other city and state construction taxes that charge nominal fees, including the City's Residential Construction Tax (Municipal Code, Chapter 4.64), the Construction Tax (Municipal Code 4.54), and the State's SMIPA and BSARSF taxes.

Note that the City of San José's Inclusionary Housing Ordinance (IHO), which was revised in 2021, only applies to projects with ten or more units. Therefore, the IHO fees were not incorporated into the fee calculation for any of the prototypes, which are all under 10 units. <sup>13</sup>

---

<sup>12</sup> Note that the feasibility analysis in Section VI uses a different approach. It shows the percentage increase on total development cost that each fee adds for the prototypes, if total development cost hypothetically did not include these fees. This approach was used because the total development cost calculated in the pro forma analyses vary across tiers because the Parkland In-Lieu fee varies by sub-area. The hypothetical total development cost used in this detailed municipal fee analysis standardizes the denominator across the three tiers, which more accurately shows the impact of these fees by tier.

<sup>13</sup> City of San José, 2021. <https://www.sanJoseca.gov/your-government/departments/housing/developers/inclusionary-ordinance-housing-impact-fee>

**FIGURE 11. OVERVIEW OF TYPICAL MUNICIPAL FEES**

<b>Fee</b>	<b>Fee Amount</b>	<b>Basis</b>
San José Unified Developer Fee (a)	\$3.48	Per Net Sq. Ft.
Building Permit Fees (b)		
Single Family, Duplex	\$9,740	Per Unit
3+ Units (per project)	\$26,037	Per Project
City Construction Taxes		
Building and Structure Construction Tax	1.54%	Of building valuation (c)
Residential Construction Tax	2.42%	Of building valuation (c)
Construction Tax	\$113	Per unit
Residential Construction Tax	\$135	Per unit
		Per project, depending
State Construction Taxes (d)	\$65-\$113	on gross sq. ft.

**Notes**

(a) Some areas of San José fall into other school districts that charge their own fees. These districts tend to charge varying fees for elementary, middle, and high schools. The San José Unified fee was used for all scenarios because San José Unified charges just one, universal fee for projects in its jurisdiction, and the district covers most of the areas of the City analyzed in this study.

(b) Includes permit issuance, plan review, and inspection fees. For single family and duplexes, new units between 1,000 and 3,000 gross square feet are charged the same flat fee, per unit. For 3+ unit building types, new projects that are less than 10,000 gross square feet are charged the same flat fee, per project.

(c) For residential uses: \$112 per gross square feet.

(d) Includes SMIPA and BSARSF

Sources: City of San José, 2021; Strategic Economics, 2021.

**FINANCING COSTS FOR TRADITIONAL DEVELOPERS**

The total financing cost for traditional developers includes the cost of interest payments associated with the construction loan, and the construction loan fee. Total financing cost ranges from \$30,000 to \$90,000 per project depending on the overall development cost of the prototype, and this cost is equivalent to approximately three percent of total development cost (excluding land). The assumptions used to calculate financing costs are below in Figure 12. These financing assumptions are only applicable in the static pro forma model.

**FIGURE 12. FINANCING COST ASSUMPTIONS**

<b>Financing Costs</b>	
Amount financed (loan-to-cost)	60% of hard and soft costs
Average Outstanding Balance	55% of amount financed
Construction Loan Fee	2% of amount financed
Construction Interest Rate (annual)	4.25%
Term	18 months

Source: Strategic Economics, 2021.

**PROFIT EXPECTATION FOR TRADITIONAL DEVELOPERS**

Figure 13 below shows the assumptions used to estimate the developer’s profit. These profit expectation assumptions are only applicable in the static pro forma model.

For the rental prototypes, the profit expectation is based on the yield on cost (YOC), which is calculated as annual net operating income (NOI) divided by total development cost. For the purposes of this

analysis, the target YOC is between 5.0 and 6.0 percent, which is at least one percentage point higher than the current capitalization rates for multifamily housing in San José.

The minimum developer return for the condo prototypes is based on the Return on Cost (ROC) measure, which is calculated as the net value divided by total development cost. The return on cost target is 18 percent of development costs, excluding land.

**FIGURE 13. DEVELOPER PROFIT EXPECTATION**

<b>Rental Prototypes</b>	<b>Target Return</b>
Minimum Yield on Cost	5% (NOI/TDC)
<b>Condo Prototypes</b>	
Minimum Return on Cost	18% of development costs, excluding land

Source: Strategic Economics, 2021.

## Revenues

A detailed revenue analysis was conducted to identify monthly rent and sale price assumptions for new rental and condo development. Strategic Economics collected multifamily rental data from Costar and townhome/condo sales data from Redfin for recently built product, organized by tier.

### RENTS

Rents were estimated based on Costar data for recently built multifamily projects in San José. Because of the short-term impacts of the COVID-19 pandemic on rental rates, the rents used in this analysis are based on pre-pandemic conditions in San José, with the expectation that the market will become more stable over the next several years.

The rent assumptions for each of the units associated with rental prototypes are shown below in Figure 14, organized roughly by set. The table includes the unit size, the rent per square foot, and the overall unit rent for each of the unit types associated with the rental prototypes by tier. As shown in the table, there is an inverse relationship between unit size and rent per square foot, with the smaller units yielding higher rents per square foot than the larger units.

FIGURE 14. EXPECTED RENTS FOR RENTAL PROTOTYPES BY TIER

	Tier 1	Tier 2	Tier 3
<b>Side-by-Side Duplex Rental in Rear Yard (a)</b>			
3-Bedroom			
Unit Size (Sq. Ft.)	1,286	1,286	1,286
Rent per Sq. Ft.	\$3.13	\$2.95	\$2.66
Unit Rent	\$4,030	\$3,790	\$3,420
<b>Fourplex, Sixplex Rentals (b)</b>			
2-Bedroom			
Unit Size (Sq. Ft.)	1,080	1,080	1,080
Rent per Sq. Ft.	\$3.33	\$3.13	\$2.83
Unit Rent	\$3,600	\$3,380	\$3,060
<b>Two-Story Eightplex Rental</b>			
1-Bedroom			
Unit Size (Sq. Ft.)	510	510	510
Rent per Sq. Ft.	\$4.25	\$3.63	\$3.27
Unit Rent	\$2,170	\$1,850	\$1,670
<b>Three-Story Eightplex Rental</b>			
1-Bedroom			
Unit Size (Sq. Ft.)	680	680	680
Rent per Sq. Ft.	\$3.96	\$3.38	\$3.06
Unit Rent	\$2,695	\$2,300	\$2,080
2-Bedroom (c)			
Unit Size (Sq. Ft.)	1,020	1,020	1,020
Rent per Sq. Ft.	\$3.35	\$3.15	\$2.85
Unit Rent	\$3,420	\$3,210	\$2,910

Notes:

(a) Refers to the new construction duplex. The existing single-family home, which is 1,250 square feet, would garner \$4,530 in Tier 1, \$4,260 in Tier 2, and \$3,850 in Tier 3.

(b) Refers to both the Stacked Fourplex Rental, and the Three-Story Sixplex Rental, which have equivalent units.

(c) The two-bedroom units in the Three-Story Eightplex Condo are slightly smaller due to the building's lower efficiency ratio.

Source: Costar, 2021; Strategic Economics, 2021.

The vacancy loss is expected to be **five percent of gross rent revenue**, and the operating expenses are expected to be **30 percent of gross rent revenue**. Both assumptions are standard industry assumptions. The net annual revenue of the prototypes is identified after subtracting vacancy loss and operating expenses.

## CONDOS

The expected sales prices for the condo prototypes are shown below in Figure 15. The net revenues include a marketing cost of **four percent of the gross sales price**, which is a standard industry assumption. The table includes the unit size, the price per square foot, and the overall unit price for each of the unit types associated with the condo prototypes. It is organized roughly by set. The stacked condo units have the lowest overall sales prices, since they are the smallest units, and the Side-by-Side Large Duplex Condo units have the highest sales prices. As shown in the table, there is an inverse

relationship between unit size and price per square foot, with the smaller units yielding higher sales prices per square foot than the larger units.

FIGURE 15. EXPECTED SALES PRICES FOR CONDO PROTOTYPES BY TIER

	Tier 1	Tier 2	Tier 3
<b>Side-by-Side Large Duplex Condo</b>			
4-Bedroom			
Unit Size (Sq. Ft.)	2,400	2,400	2,400
Rent per Sq. Ft.	\$667	\$588	\$425
Unit Rent	\$1,600,000	\$1,410,000	\$1,020,000
<b>Side-by-Side Duplex Condo in Rear Yard (a)</b>			
3-Bedroom			
Unit Size (Sq. Ft.)	1,286	1,286	1,286
Rent per Sq. Ft.	747	655	570
Unit Rent	960,000	842,000	733,000
<b>Small Lot Single-Family, Attached Townhomes (b)</b>			
3-Bedroom			
Unit Size (Sq. Ft.)	1480	1480	1480
Rent per Sq. Ft.	\$740	\$649	\$509
Unit Rent	\$1,095,200	\$960,500	\$753,300
<b>Fourplex, Sixplex Condos (c)</b>			
2-Bedroom			
Unit Size (Sq. Ft.)	1080	1080	1080
Rent per Sq. Ft.	\$769	\$675	\$612
Unit Rent	\$831,000	\$729,000	\$661,000
<b>Three-Story Eightplex Condo</b>			
1-Bedroom			
Unit Size (Sq. Ft.)	680	680	680
Rent per Sq. Ft.	\$831	\$729	\$661
Unit Rent	\$564,800	\$495,700	\$449,600
2-Bedroom (d)			
Unit Size (Sq. Ft.)	1020	1020	1020
Rent per Sq. Ft.	\$769	\$675	\$612
Unit Rent	\$784,400	\$688,500	\$624,200

Notes:

- (a) The existing single-family home, which is 1,250 square feet, would sell for \$1,075,000 in Tier 1, \$927,000 in Tier 2, and \$807,000 in Tier 3.
- (b) The units in Small Lot Single-Family and the Attached Townhomes prototypes are the same size, with the same sale prices.
- (c) Refers to both the Stacked Fourplex Condo, and the Three-Story Sixplex Condo, which have equivalent units.
- (d) The two-bedroom units in the Three-Story Eightplex Condo are slightly smaller due to the building's lower efficiency ratio.

Source: Redfin, 2021; Strategic Economics, 2021.

## Cash-Flow Analysis: Property Owner Perspective

Strategic Economics conducted a supplemental cash flow feasibility analysis for the Side-by-Side Duplex Rental in Rear Yard prototype, to illustrate the likelihood that existing homeowners would develop Opportunity Housing on their property. The development cost assumptions and rent revenue assumptions are consistent with the “point in time” pro forma analysis for this prototype, with some variation based on the expectations that: 1) the property owner already resides in the existing home; 2) they are pursuing a different financing product; and 3) they are evaluating their decision based on the time that they break even.

- In the static pro forma analysis, \$100,000 was added to the construction cost to reflect the fact that a developer is purchasing a property with a lower-end home that they would renovate to earn competitive rents for the home. In this analysis, there is no renovation cost for the existing home.
- In the static pro forma analysis, the total revenue is associated with the rental income from the two duplex units and the existing home. In this scenario, the revenue is only from the two duplex units.
- In the static pro forma analysis, the financing costs and profit expectation are incorporated into total development cost. These costs have been removed, because: 1) the financing costs associated with the cash-out refinance mortgage, discussed below, are already accounted for in the cash flow model; and 2) The cash flow model identifies the year the homeowner breaks even, so a separate profit metric is unnecessary. Additionally, it is very unlikely a homeowner would incorporate a profit expectation in their total development cost estimate because doing so would raise their debt amount.

In this scenario, it is assumed that an existing property owner would apply for a **cash-out refinance mortgage**, provided that they have paid off most of their existing mortgage or own their property outright. With cash-out refinance mortgages, property owners can access the equity in their property to pay for construction of the duplex. There are few restrictions on what the loan can be used for, but lenders require that the total mortgage amount may not exceed 80 percent of the property value, less their principal balance. The assumptions regarding the cash-out refinance mortgage are discussed below:

- The mortgage is a conventional, **30-year, fixed rate** loan, which is typical for cash-out refinance mortgages. For the purposes of the cash flow analysis, it is assumed that the owner has paid off the entirety of their mortgage for purchasing the property.
- An **interest rate of 3.25 percent** was used, which is a conservative estimate, approximately 0.75 percent higher than existing rates as of September 2021. This is a similar approach that was used to identify the interest rate for the construction loan, because it is likely that interest rates, which are currently very low for most real estate loan products, may rise in the near future.
- **Closing costs** are expected to be **four percent** of the loan amount, which reflects the mid-point of the typical range for cash-out refinance mortgages.
- The **existing property value** informs the maximum value of the loan. If the loan amount is less than the total development cost, the property owner would need to pay for the difference up front. Because the development cost is generally the same across tiers, (except for variation in park fees), property owners in Tier 3 would need to provide significant funds up front. There are of course variations in property value across the tiers, but generally these assumptions

indicate that homeowners with higher property values will be better positioned to use this financing tool. The median value of homes in San José in May 2021 was approximately **\$1.2 million**, according to Zillow. It is assumed that this would correlate to the estimated value for a property owner in Tier 2. According to Redfin’s single-family home data analyzed in this report, the median sale price for Tier 1 is approximately eight percent higher than in Tier 2, while the median sale value for Tier 3 is approximately 17 percent lower than in Tier 2. This relationship informs the following land value assumptions shown below in Figure 16.

**FIGURE 16. EXPECTED VALUE FOR EXISTING PROPERTY BY TIERS IN 2021**

	<b>Expected Property Value</b>
Tier 1	\$1,296,000
Tier 2	\$1,200,000
Tier 3	\$996,000

Source: Zillow, 2021; Redfin, 2021; Strategic Economics, 2021.



## IV. SUMMARY OF RESULTS

The feasibility of Opportunity Housing is determined by the residual land value generated from development. If the residual land value is lower than the expected acquisition cost for a lot in the market tier, the project is infeasible. If the residual land value is greater or equal to the cost of acquisition, the prototype is feasible. However, it is important to note that a project could be feasible but still not generate developer interest if there are other development alternatives that might be more lucrative. For example, a luxury single-family home may still generate a higher residual land value than any of the Opportunity Housing prototypes tested.

Generally, the prototypes that benefit from lower construction costs and high-end sales prices for larger units, such as the duplex condos and townhome-style prototypes are the most feasible to develop.

Existing property owners benefit from not needing to acquire land, which substantially reduces their total development cost. In this circumstance, any prototype where the residual land value is positive would be feasible. A supplemental cash flow analysis, which better illustrates the dynamics associated with typical homeowners, is also included for the Side-by-Side Duplex Rental in Rear Yard.

The detailed pro forma results are included in Appendix A on Page 41, and the detailed results of the cash flow analysis are included in Appendix B, on Page 53.

### Results by Prototype

#### SET 1: TWO-STORY BUILDINGS WITH 2-4 UNITS

The feasibility by tier for prototypes in Set 1 is shown below in Figure 17, with the feasible scenarios shaded in green, and infeasible scenarios shaded in red. Within Set 1, the duplex prototypes tend to be more feasible than the fourplex prototypes. The duplexes are more straightforward to build, and the sale revenues associated with the two duplex condos are strong enough to make the projects feasible. The Side-by-Side Large Duplex Condo is feasible in both Tier 1 and Tier 2 while the Side-by-Side Duplex Condo in Rear Yard is just feasible in Tier 1.

FIGURE 17. SET 1 FEASIBILITY: RESIDUAL LAND VALUE LESS EXPECTED ACQUISITION COST

	Tier 1	Tier 2	Tier 3
Side-by-Side Large Duplex Condo	Feasible	Feasible	Not Feasible
Side-by-Side Duplex Condo in Rear Yard	Feasible	Not Feasible	Not Feasible
Side-by-Side Duplex Rental in Rear Yard	Not Feasible	Not Feasible	Not Feasible
Stacked Fourplex Rental	Not Feasible	Not Feasible	Not Feasible
Stacked Fourplex Condo	Not Feasible	Not Feasible	Not Feasible

Source: Strategic Economics, 2021.

The Side-by-Side Duplex Rental in Rear Yard is not feasible in this analysis. However, the supplemental cash flow analysis evaluated this prototype from a homeowner’s perspective. These results are on Page 30.

## SET 2: THREE STORY SINGLE-FAMILY/ATTACHED TOWNHOME PROJECTS WITH FOUR UNITS

For both townhome-style prototypes, developers benefit from lower construction costs, and high-end sales prices. As shown in Figure 18, The Small Lot Single-Family prototype is more feasible than the Attached Townhomes prototype because the construction process for detached units is more straightforward, which translates to lower construction costs. Still, both prototypes are expected to be feasible in Tier 1, and the Small Lot Single-Family prototype is also expected to be feasible in Tier 2.

FIGURE 18. SET 2 FEASIBILITY: RESIDUAL LAND VALUE LESS EXPECTED ACQUISITION COST

	Tier 1	Tier 2	Tier 3
Small Lot Single Family	Feasible	Feasible	Not Feasible
Attached Townhomes	Feasible	Not Feasible	Not Feasible

Source: Strategic Economics, 2021.

## SET 3: STACKED MULTIPLEXES WITH MORE THAN FOUR UNITS

Within Set 3, the two condo prototypes, as well as the Three-Story Eightplex Rental are feasible, but only in Tier 1. (Figure 19). These prototypes generally have the highest construction costs. The condos perform better because the expected sale revenues generate higher profits than the rent revenues, which incorporate operating and vacancy costs.

FIGURE 19. SET 3 FEASIBILITY: RESIDUAL LAND VALUE LESS EXPECTED ACQUISITION COST

	Tier 1	Tier 2	Tier 3
Three-Story Sixplex Condo	Feasible	Not Feasible	Not Feasible
Three Story Eightplex Condo	Feasible	Not Feasible	Not Feasible
Three Story Eightplex Rental	Feasible	Not Feasible	Not Feasible
Three-Story Sixplex Rental	Not Feasible	Not Feasible	Not Feasible
Two Story Eightplex Rental	Not Feasible	Not Feasible	Not Feasible

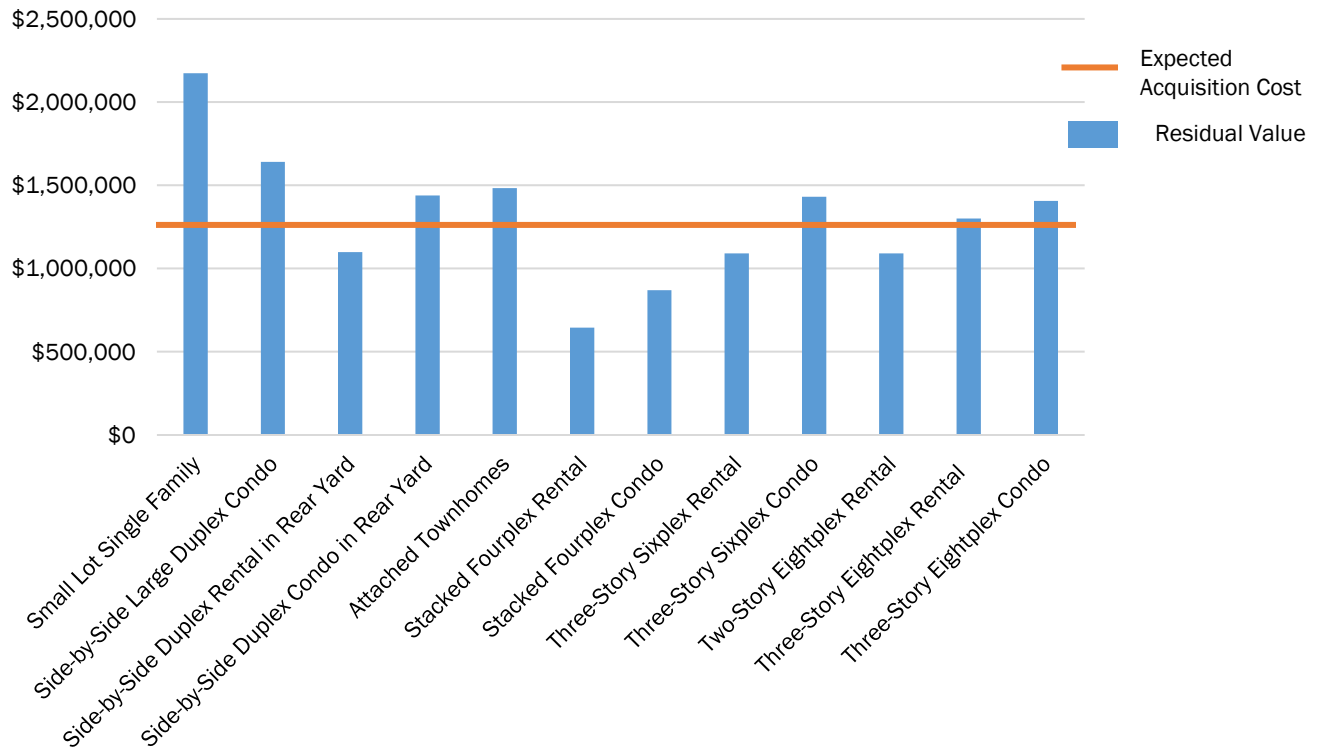
Source: Strategic Economics, 2021.

## Results by Market Tier

The following charts (Figures 20-22) demonstrate the feasibility results by market tier. As shown, a variety of Opportunity Housing prototypes are feasible in Tier 1, including 2-4 unit for-sale projects (small lot single-family, duplex condos, attached townhomes). None of the fourplex prototypes are feasible, but the sixplex and eightplex condos, as well as the Three-Story Eightplex Rental are financially feasible.

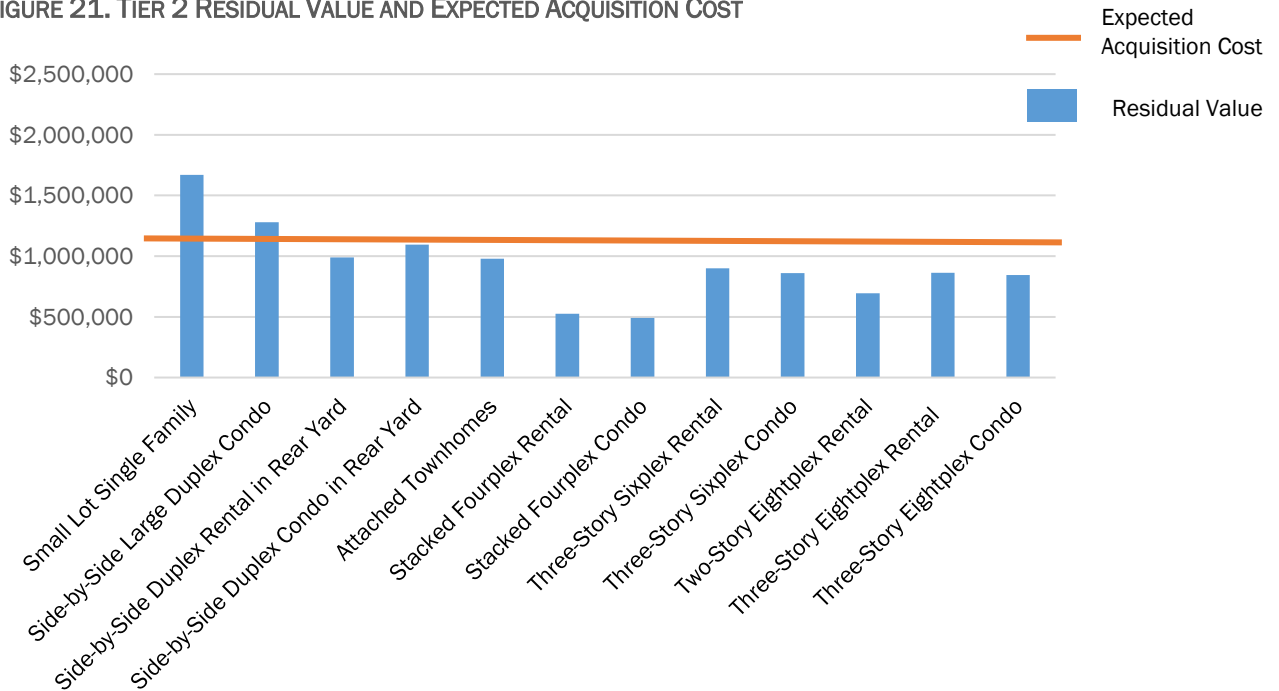
In Tier 2, only the Small Lot Single-Family and the Side-by-Side Large Duplex Condo prototypes are feasible. In Tier 3, none of the prototypes tested are feasible because the revenues generated are insufficient to cover the cost of development and site acquisition.

FIGURE 20. TIER 1: RESIDUAL VALUE AND EXPECTED ACQUISITION COST



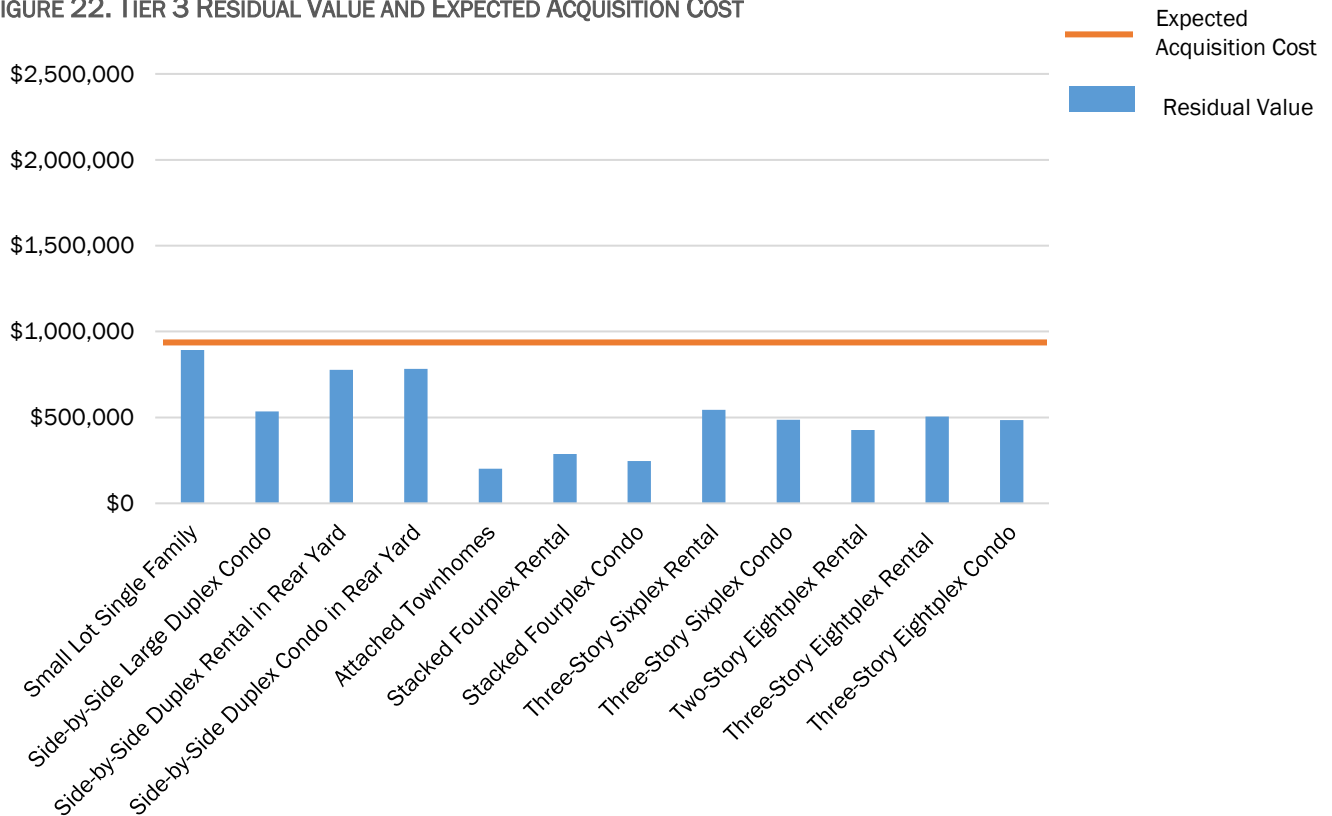
Source: Strategic Economics, 2021.

FIGURE 21. TIER 2 RESIDUAL VALUE AND EXPECTED ACQUISITION COST



Source: Strategic Economics, 2021.

FIGURE 22. TIER 3 RESIDUAL VALUE AND EXPECTED ACQUISITION COST



Source: Strategic Economics, 2021.

## Results of Cash-Flow Analysis

A supplemental cash flow analysis was also conducted to illustrate the perspective of an existing property owner adding units to their lot. The Side-by-Side Duplex Rental in Rear Yard prototype was evaluated with this lens, because it would be the least disruptive to an existing resident, since it does not involve demolition. It would also be legal by-right if the property owner resides in the existing home under SB 9. This analysis assumes the property owner owns their property outright, either by paying off the entirety of their previous mortgage or by having purchased their home with cash.

Figure 23 below provides a summary of the cash flow analysis findings. As shown in this table, property owners in Tier 1 and Tier 2 are most likely to pursue this strategy because they would not have to pay substantial upfront costs. Tier 1 property owners are best-positioned, due to the relatively higher rent revenues.

With a cash-out refinance mortgage, the loan value is tied to the existing property value. Property owners with higher home values are expected to be better positioned to use this financing product, because the loan values will more likely cover the development cost.<sup>14</sup>

<sup>14</sup> There are other financing products that property owners in this position could theoretically use, such as a construction loan, or a HELOC, but the cash-out refinance mortgage is expected to be the most common, because it typically offers lower interest rates than these other products.

The cash flow analysis calculates the profit from Year 1 (the year that the mortgage begins, during which the duplex is built) through Year 30 (the year the mortgage would be paid off). Property owners start to earn rental income in Year 2, when the duplex is completed. Property owners in Tier 1, who likely have higher home values, would break even and start to see a profit on their investment earliest in Year 6, while Tier 2 homeowners would see a profit in Year 7. Because of the lower rent revenues, Tier 3 owners would not break even until Year 14. Property owners with lower existing property values pursuing a cash-out refinance mortgage, as shown in Tier 3, would have to pay significant upfront costs. This is major barrier for property owners pursuing this strategy.

**FIGURE 23. CASH FLOW SUMMARY: EXISTING PROPERTY OWNER BUILDS DUPLEX RENTAL IN REAR YARD**

	Tier 1	Tier 2	Tier 3
<b>Net Annual Operating Income (a)</b>	\$62,868	\$59,124	\$53,352
<b>Total Development Cost (b)</b>	\$887,186	\$863,610	\$864,616
<b>Cash-Out Refinance Mortgage Financing Summary</b>			
Expected Property Value	\$1,296,000	\$1,200,000	\$996,000
Maximum Loan Amount Possible (c)	\$1,036,800	\$960,000	\$796,800
Loan Amount	\$887,186	\$863,610	\$796,800
Closing Costs (d)	\$35,487	\$34,544	\$31,872
Development Costs Paid Up Front	\$0	\$0	\$67,816
Total Cost Required Up Front	\$35,487	\$34,544	\$99,688
Annual Mortgage Payment (e)	\$46,333	\$45,102	\$41,613
<b>Year that Property Owner Breaks Even</b>	Year 6	Year 7	Year 14

Notes:

(a) Rent from two duplex units, less 5% vacancy and 30% operating costs.

(b) Equivalent to total development cost for Duplex Rental in Rear Yard prototype, less the \$100,000 renovation cost of existing home, and less developer profit and financing cost assumptions.

(c) 80% of expected property value, which reflects the total loan amount available to homeowners who own their property outright.

(d) 4% of loan amount.

(e) Assumes 30-year fixed rate mortgage with 3.25% interest rate.

Furthermore, if an owner only owns a share of equity on their home, the maximum possible value of the loan would be significantly reduced, and the owner would have to pay a much larger sum of money up front. This would be a major barrier for typical property owners interested in this type of project.<sup>15</sup> The City of San José could explore collaborating with local credit unions or CDFIs to develop specialized financing products that could allow homeowners more options to pursue these projects. For example, innovative loan products could allow homeowners to rely on the expected future value of their property with the duplex constructed, or on the future rental income, as a basis for their loan.

<sup>15</sup> To illustrate this, an additional analysis was conducted for a property owner in Tier 1 with 50 percent equity in their home. With a hypothetical purchase price of \$1,100,000, they would have \$550,000 equity in their home and \$550,000 of principal still outstanding. With a current value of \$1,296,000, they would qualify for a cash-out refinance mortgage of just \$486,800 (80 percent of current value, less outstanding principal). In this scenario, they would have to pay \$400,386 in development costs up front plus \$19,472 in closing costs.

## V. AFFORDABILITY OF OPPORTUNITY HOUSING

The affordability of the prototypes in both tiers 1 and 2 was calculated, to provide context around the households that these types of units would serve. The methodology for calculating the affordability of the prototypes' units is described below.

### Methodology for Estimating Unit Affordability

The methodology for identifying the affordability of the prototypes' units is described below:

- 1) The affordability levels were identified by calculating the incomes needed to afford the housing costs associated with the prototypes' units. For rental housing, it was assumed that housing would be considered affordable if the household pays no more than 30 percent of their income on housing costs. For ownership housing, housing is considered affordable if housing costs account for no more than 35 percent of their household income.<sup>16</sup>
- 2) Other housing costs in addition to either rent or mortgage payments were estimated based on standard industry assumptions and available research on the various cost categories. For rental prototypes, the monthly housing cost simply includes rent and a utility cost estimate. For condo prototypes, the monthly housing cost includes a variety of other items besides the mortgage payment, including utilities, property taxes, HOA fees, mortgage insurance, and homeowner's insurance.
- 3) The incomes required to afford the unit were then translated into AMI levels, calculated from the Santa Clara County median income levels for the relevant household sizes, published annually by CA HCD. The household sizes were identified by multiplying the unit's bedroom amount by 1.5 people, which is a standard method used by TCAC.

Figure 24 below shows AMI ranges associated with income levels that are tied to affordable housing programs and plans, ranging from "Extremely Low Income" up to "Above Middle Income." Most affordable housing programs focus on producing housing that is affordable for households considered "low-income" or below, which is 80 percent of AMI or less. In high-cost cities like San José, there have also been efforts to increase the supply of moderate-income housing, which is between 80 and 120 percent of AMI.

FIGURE 24. INCOME LEVELS AND ASSOCIATED "% OF AMI" RANGES

Income Level	AMI Range	Annual Income (3-Person Household)
Extremely Low Income	<30% AMI	<\$41,000
Very Low Income	30-50% AMI	\$41,000 - \$75,000
Low Income	50-80% AMI	\$75,000 - \$106,000
Moderate Income	80-120% AMI	\$106,000 - \$163,000
Middle Income	120-150% AMI	\$163,000 - \$204,000
Above Middle Income	>150% AMI	>\$204,000

Source: City of San José, 2020; Strategic Economics, 2021.

<sup>16</sup> The assumption that no more than 30% of a household's income should be used for housing costs for the housing to be considered affordable is a standard industry assumption. In cases where the affordability of luxury, market-rate, for-sale housing is being evaluated, the percentage is increased to 35% to reflect the fact that higher-income households are able to spend a higher share of their income on housing.

## Affordability of Opportunity Housing

A summary of the affordability of the Opportunity Housing prototypes in Tiers 1 and 2 is displayed below in Figures 25 and 26. The tables, which are organized by set, show the affordability for the units in every prototype, and those that were found financially feasible are color-coded in green. The affordability for Tier 3 is not shown because every prototype in Tier 3 was found to be infeasible. As shown in Section IV, feasibility is significantly more attainable in Tier 1 than in Tier 2, but it is plausible that there could be instances where prototypes that were found infeasible in Tier 2 could be feasible in certain circumstances.

Most prototypes in Tier 1 fall in the “middle-income” range, which is between 120 and 150 percent of AMI, while there are some prototypes with units that are considered “moderate-income.” Middle-income households are generally well-served by the existing stock of market-rate housing. A three-person, middle-income household in Santa Clara County would earn between \$165,000 and \$205,000 annually in 2021.

The stacked multiplex prototypes in Tier 1 achieve deeper affordability than the duplex and townhome-style prototypes, which have larger units. Some multiplex units are affordable to households in the moderate-income range. These smaller units are more affordable by design.

Rental prototypes, all of which are in stacked multiplexes, are more affordable than condo prototypes largely because of the added expenses associated with condo ownership. For example, the Stacked Fourplex Rental is affordable to a household at 125 percent of AMI, while the Stacked Fourplex Condo is affordable to a household at 135 percent of AMI. The 2-Story Eightplex Rental has the lowest rent, and is affordable to households between 80 and 90 percent of AMI, depending on household size.

More prototypes are considered feasible in Tier 1 because the revenues associated with the prototypes are highest. Therefore, households would be required to pay more in housing costs for prototypes in Tier 1 than in other tiers, making housing in Tier 1 less affordable overall.

FIGURE 25. TIER 1 AFFORDABILITY SUMMARY

Prototype	Income Needed to Afford Unit	Affordable to Household at:
<b>Set 1</b>		
Stacked Fourplex Rental (2-BR)	\$153,320	125% AMI
Stacked Fourplex Condo (2-BR)	\$183,198	135% AMI
Side-by-Side Large Duplex Condo (4-BR)	\$339,550	195% AMI
Side-by-Side Duplex Rental in Rear Yard (3-BR)	\$172,000	105-115% AMI
Side-by-Side Duplex Condo in Rear Yard (3-BR)	\$210,224	130-140% AMI
<b>Set 2</b>		
Small Lot Single Family (3-BR)	\$237,702	145-155% AMI
Attached Townhome (3-BR)	\$237,291	145-155% AMI
<b>Set 3</b>		
Three-Story Sixplex Rental (2-BR)	\$153,320	125% AMI
Three-Story Sixplex Condo (2-BR)	\$183,198	135% AMI
Two-Story Eightplex Rental (1-BR)	\$94,840	80-90% AMI
Three-Story Eightplex Rental		
1-BR	\$115,840	95-110% AMI
2-BR	\$146,120	105% AMI
Three-Story Eightplex Condo		
1-BR	\$128,809	105-120% AMI
2-BR	\$173,869	130% AMI

**Notes:**

**(a) Condo prototypes:** Housing is considered affordable if monthly housing costs do not exceed 35% of monthly household income. It is assumed the buyer uses a 30-year fixed rate mortgage, and contributes a 5% down payment. An interest rate of 3.8% was used, based on average interest rates over the last five years. Other monthly housing costs include: utility costs, which are between \$200 and \$300 per month depending on unit type; homeowners' association dues, which are on average \$258 per month, according to a previous housing affordability analysis for San José by Strategic Economics and Street Level Advisors; Monthly property taxes based on an annual cost equivalent to 0.75% of the sales price; Annual homeowner's insurance estimated to be 0.28% of the sales value, based on the average rates for California homebuyers (Quotewizard.com); and annual mortgage insurance estimated to be 0.7% of the mortgage amount, based on median PMI rates for California homebuyers (bpfund.com).

**(b) Rental prototypes:** Housing is considered affordable if monthly housing costs do not exceed 30% of monthly household income. It is assumed that households pay monthly utility costs of between \$180 and \$230 per month, depending on unit type.

**Household sizes:** The affordability levels are based on Santa Clara County 2021 income limits, published by CA HCD. They are tied to specific household sizes, which are based on [federal TCAC guidelines](#) of 1.5 people per bedroom. (Ex. The AMI for 2-bedroom units is based on 3-person households). When the associated household size calculation is between integers, the affordability for both household sizes are shown (i.e., For 3-bedroom units, the affordability for both 4-person and 5-person households is shown).

**Source:** CA HCD, 2021; ValuePenguin.com, 2021; Street Level Advisors; 2019; Santa Clara County Utility Allowance Schedule, 2021; Strategic Economics, 2021.

The affordability summary for Tier 2 is shown below in Figure 26. These units would be more affordable than Tier 1 prototypes, but the Small Lot Single-Family prototype and the Side-by-Side Large Duplex Condo are the only prototypes expected to be feasible in Tier 2 based on this analysis. They would be affordable to households in the 130 to 140 percent and 170 percent of AMI ranges, respectively. If other prototypes were feasible, they could reach deeper levels of affordability. For example, the Two-Story Eightplex Rental would be affordable to low-income households. However, the development of these prototypes is much less likely in Tier 2.



FIGURE 26. TIER 2 AFFORDABILITY SUMMARY

Prototype	Income Needed to Afford Unit	Affordable to Household at:
<b>Set 1</b>		
Stacked Fourplex Rental (2-BR)	\$144,536	105% AMI
Stacked Fourplex Condo (2-BR)	\$162,778	120% AMI
Side-by-Side Large Duplex Condo (4-BR)	\$301,513	170% AMI
Side-by-Side Duplex Rental in Rear Yard (3-BR)	\$162,000	100-105% AMI
Side-by-Side Duplex Condo in Rear Yard (3-BR)	\$186,601	115-125% AMI
<b>Set 2</b>		
Small Lot Single Family (3-BR)	\$210,735	130-140% AMI
Attached Townhome (3-BR)	\$210,324	130-140% AMI
<b>Set 3</b>		
Three-Story Sixplex Rental (2-BR)	\$144,536	105% AMI
Three-Story Sixplex Condo (2-BR)	\$162,778	120% AMI
Two-Story Eightplex Rental (1-BR)	\$82,040	70-75% AMI
Three-Story Eightplex Rental		
1-BR	\$100,040	85-95% AMI
2-BR	\$137,720	100% AMI
Three-Story Eightplex Condo		
1-BR	\$114,975	95-110% AMI
2-BR	\$154,670	115% AMI

**Notes:**

**(a) Condo prototypes:** Housing is considered affordable if monthly housing costs do not exceed 35% of monthly household income. It is assumed the buyer uses a 30-year fixed rate mortgage, and contributes a 5% down payment. An interest rate of 3.8% was used, based on average interest rates over the last five years. Other monthly housing costs include: utility costs, which are between \$200 and \$300 per month depending on unit type; homeowners' association dues, which are on average \$258 per month, according to a previous housing affordability analysis for San José by Strategic Economics and Street Level Advisors; Monthly property taxes based on an annual cost equivalent to 0.75% of the sales price; Annual homeowner's insurance estimated to be 0.28% of the sales value, based on the average rates for California homebuyers (Quotewizard.com); and annual mortgage insurance estimated to be 0.7% of the mortgage amount, based on median PMI rates for California homebuyers (bpfund.com).

**(b) Rental prototypes:** Housing is considered affordable if monthly housing costs do not exceed 30% of monthly household income. It is assumed that households pay monthly utility costs of between \$180 and \$230 per month, depending on unit type.

**Household sizes:** The affordability levels are based on Santa Clara County 2021 income limits, published by CA HCD. They are tied to specific household sizes, which are based on [federal TCAC guidelines](#) of 1.5 people per bedroom. (Ex. The AMI for 2-bedroom units is based on 3-person households). When the associated household size calculation is between integers, the affordability for both household sizes are shown (i.e., For 3-bedroom units, the affordability for both 4-person and 5-person households is shown).

**Source:** CA HCD, 2021; ValuePenguin.com, 2021; Street Level Advisors; 2019; Santa Clara County Utility Allowance Schedule, 2021; Strategic Economics, 2021.

## VI. ROLE OF MUNICIPAL FEES

In addition to standard municipal fees, such as building permit fees, school district fees, and construction taxes described on Page 20, Parkland In-Lieu fees and Site Development Permit fees would also be charged on the prototypes if they were to be developed today. Strategic Economics evaluated the feasibility impacts of these two fee categories. While exempting either of these fees does not make any infeasible prototypes feasible, they both constitute sizeable shares of total development cost, and the feasibility outlook of the prototypes would improve if there are circumstances where these fees could be reduced for Opportunity Housing projects.

### Parkland In-Lieu Fee

The Parkland In-Lieu Fee is an impact fee paid to the Department of Parks, Recreation, and Neighborhood Services (PRNS), that addresses the increased need for public recreational facilities from new residents associated with the creation of new housing units.

This section shows the feasibility impact of the current Parkland In-Lieu fees under the existing methodology. PRNS is in the process of reviewing the Parkland In-Lieu Fee and has hired a consultant to carry out that analysis.<sup>17</sup>

The current fee, which is charged on a per-unit basis, varies depending on the building type.<sup>18</sup> The fees also vary based on the Multiple Listing Service (MLS) district in which the project falls. The MLS districts are similar to the 12 sub-areas used in this analysis. There are higher fees in MLS districts that have higher land values because the expected cost of acquiring land for new facilities would be higher in those districts. The MLS districts with higher fees correlate to the sub-areas that fall into Tier 1, because those sub-areas have the highest land costs. Therefore, the Parkland In-Lieu fee has the greatest impact on feasibility for Tier 1, specifically. Note that residential development projects can apply for credits towards this fee obligation which can effectively lower the cost. In addition, credits are also applied when a project incorporates the demolition of an existing housing unit, since the fee is based on needs associated with new households.

Figure 27 and 28 below show the per-unit fees by building type and sub-area, organized by tier. The average fee for the sub-areas in each tier was used to assess the feasibility impacts of the fee.

Note that the Tier 1 fee for rental prototypes is higher than for condo prototypes because Central San José, which is in Tier 1 for rental and Tier 2 for condo prototypes, has a higher fee compared to other

---

<sup>17</sup> The Department of Parks Recreation and Neighborhood Services has hired a consultant to review and recommend updates to the Parkland Dedication and Park Impact ordinances (SJMC: 19.38 and 14.25). The park fee schedule has not been modified since December 2017 (effective date March 2018) and the underlying assumptions that support the fee schedule have not been re-evaluated since the early 2000's, making this current study critically important. The selected consultant will assist staff in a comprehensive analysis of the ordinances which may include: 1) Recommending a methodology for the City to annually assess fair market land values for the purposes of assessing impact fees in-lieu of land dedication; 2) Assessing various methods of how fees are calculated in other jurisdictions and recommending a methodology for San José; 3) Evaluating the geographic boundaries where fees can be spent and evaluate mechanisms for equitable and fair distributions; 4) Modernizing how credits toward the PDO/PIO are qualified and applied; and 5) Demonstrating the legal nexus for any recommended changes.

<sup>18</sup> The per-unit fees are highest for single-family buildings, and lowest for buildings with five or more units. This is because the average household size in San José for households in single-family units is larger than the average household size for households in units that are part of multifamily buildings.

sub-areas. This also translates to a higher fee assumption for condo prototypes than rental prototypes in Tier 2.

The fee is highest for sub-areas where land costs are higher, which largely fall into Tier 1. The fees in Central San José, West Valley, and Willow Glen range between \$24,400 and \$28,600 per unit for 2-4 unit projects and between \$19,300 and \$22,600 per unit for buildings with five or more units. The fee is lower in sub-areas that generally fall into tiers 2 and 3, such as South San José and Alum Rock (\$11,600 per unit for 2-4 unit projects and \$9,200 per unit for buildings with five or more units).

**FIGURE 27. RENTAL PROTOTYPES: PARKLAND IN-LIEU FEE ASSUMPTIONS BY TIER AND BUILDING TYPE**

	<b>2-4 Unit Building</b>	<b>5+ Unit Building</b>
<b>Tier 1 (a)</b>		
Willow Glen	\$26,300	\$20,800
West Valley	\$24,400	\$19,300
Central	\$28,600	\$22,600
<b>Tier 1 Average</b>	<b>\$26,433</b>	<b>\$20,900</b>
<b>Tier 2</b>		
Alviso	\$10,100	\$8,000
Cambrian/Pioneer	\$13,500	\$10,700
Almaden	\$15,500	\$12,200
Berryessa	\$17,400	\$13,800
South	\$11,600	\$9,200
Edenvale	\$13,200	\$10,400
<b>Tier 2 Average</b>	<b>\$13,550</b>	<b>\$10,717</b>
<b>Tier 3</b>		
Evergreen	\$16,600	\$13,100
Alum Rock	\$11,600	\$9,200
<b>Tier 3 Average</b>	<b>\$14,100</b>	<b>\$11,150</b>

Notes:

(a) While North San José is in Tier 1, the North fee was excluded from the average because it is a very high outlier (\$52,000 per unit for 2-4 unit projects and \$41,600 for five or more units).

Source: City of San José, 2021; Strategic Economics, 2021.

FIGURE 28. CONDO PROTOTYPES: PARKLAND IN-LIEU FEE ASSUMPTIONS BY TIER AND BUILDING TYPE

	Single-Family (Detached and Attached)	2-4 Unit Building	5+ Unit Building
<b>Tier 1 (a)</b>			
Willow Glen	\$29,400	\$26,300	\$20,800
West Valley	\$27,300	\$24,400	\$19,300
Cambrian/Pioneer	\$15,100	\$13,500	\$10,700
<b>Tier 1 Average</b>	<b>\$23,933</b>	<b>\$21,400</b>	<b>\$16,933</b>
<b>Tier 2</b>			
Central	\$32,000	\$28,600	\$22,600
Alviso	\$11,200	\$10,100	\$8,000
Almaden	\$17,300	\$15,500	\$12,200
Berryessa	\$19,500	\$17,400	\$13,800
<b>Tier 2 Average</b>	<b>\$20,000</b>	<b>\$17,900</b>	<b>\$14,150</b>
<b>Tier 3</b>			
South	\$13,000	\$11,600	\$9,200
Edenvale	\$14,700	\$13,200	\$10,400
Evergreen	\$18,600	\$16,600	\$13,100
Alum Rock	\$13,000	\$11,600	\$9,200
<b>Tier 3 Average</b>	<b>\$14,825</b>	<b>\$13,250</b>	<b>\$10,475</b>

Notes:

(a) While North San José is in Tier 1, the North fee was excluded from the average because it is a very high outlier (\$58,800 per unit for single-family project, \$52,000 per unit for 2-4 unit projects and \$41,600 for five or more units).  
 Source: City of San José, 2021; Strategic Economics, 2021.

**The Parkland In-Lieu Fee has the greatest impact on development feasibility in Tier 1.** Figure 29 shows the share of total development cost that the Parkland In-Lieu fee comprises, with the prototypes organized by density, (as shown in Figures 20-22). The fee constitutes between one and eight percent of total development cost in Tier 1, and approximately between one and three percent of total development cost in Tiers 2 and 3.

**FIGURE 29. PARKLAND IN-LIEU FEE AS SHARE OF TOTAL DEVELOPMENT COST**

	<b>Tier 1</b>	<b>Tier 2</b>	<b>Tier 3</b>
Small Lot Single Family	4.4%	3.7%	2.7%
Side-by-Side Large Duplex Condo	1.6%	1.3%	1.0%
Side-by-Side Duplex Rental in Rear Yard	5.0%	2.6%	2.7%
Side-by-Side Duplex Condo in Rear Yard	3.7%	3.1%	2.3%
Attached Townhomes	3.2%	2.7%	2.0%
Stacked Fourplex Rental	4.4%	2.2%	2.3%
Stacked Fourplex Condo	3.3%	2.7%	2.0%
Three-Story Sixplex Rental	3.8%	1.9%	2.0%
Three-Story Sixplex Condo	2.8%	2.4%	1.7%
Two-Story Eightplex Rental	7.8%	2.2%	2.3%
Three-Story Eightplex Rental	5.4%	2.8%	2.9%
Three-Story Eightplex Condo	4.1%	3.4%	2.5%

**Notes:**

The total development cost does not include the Parkland In-Lieu or Site Development Permit fees. The shares vary by tier because the parkland fee is higher in certain areas of the City.

Source: City of San José, 2021; Strategic Economics, 2021.

## Site Development Permit Fees

A site development permit would be required for projects that are not permitted by right in the City’s zoning code. This process would trigger various fees associated with processing the permit. Within the City, the Planning, Building, and Code Enforcement Department (PBCE) as well as the Public Works Department both charge site development permit fees.

PCBE currently charges a site development permit fee of \$12,952 per residential project.<sup>19</sup>, as well as \$565 for every unit beyond two units.

Public Works charges a fee of \$927 per project for projects with one or two units. For projects with three or more units, it charges a flat fee of \$3,202 per project, plus \$76 per unit.

These fees would be applicable for the prototypes if they were built under existing development regulations in the City of San José. Once SB 9 is implemented, these fees would likely not apply to some of the prototypes that have between two and four units. As part of the implementation process of the Opportunity Housing policy, the City will consider to what extent Opportunity Housing in general could be allowed by right, particularly for buildings that will not be allowed by right as a part of SB 9.

The site development permit fees account for between 0.7 percent and 1.3 percent of the total development cost for the prototypes. Since both the PBCE and Public Works fees are based on a

<sup>19</sup> This amount incorporates the Department of Transportation’s flat site development permit fee of \$447 per project.

project's number of units, prototypes with the same number of units have equivalent fees. These fees are applied universally across the City, so there is no variation across tiers. While these fees do not have a large impact on the overall feasibility of the prototypes, allowing projects to be permitted by right would still help developers save money both directly and by reducing the amount of time for project approvals.

**FIGURE 30. SITE DEVELOPMENT PERMIT FEES AS SHARE OF TOTAL DEVELOPMENT COST**

	<b>Total Site Development Permit Fees</b>	<b>Site Development Permit Fees as Share of Total Development Cost</b>
Small Lot Single Family	\$17,588	1.1%
Side-by-Side Large Duplex Condo	\$13,879	1.2%
Side-by-Side Duplex Rental in Rear Yard	\$13,879	1.3%
Side-by-Side Duplex Condo in Rear Yard	\$13,879	1.2%
Attached Townhomes	\$17,588	0.8%
Stacked Fourplex Rental	\$17,588	1.0%
Stacked Fourplex Condo	\$17,588	0.9%
Three-Story Sixplex Rental	\$18,870	0.7%
Three-Story Sixplex Condo	\$18,870	0.7%
Two-Story Eightplex Rental	\$20,152	1.1%
Three-Story Eightplex Rental	\$20,152	0.8%
Three-Story Eightplex Condo	\$20,152	0.7%

**Notes:**

The total development cost does not include the Parkland In-Lieu or Site Development Permit fees. The shares vary by tier because the parkland fee is higher in certain areas of the City.

Source: City of San José, 2021; Strategic Economics, 2021.

The Site Development Permit fees are base fees, and other permitting fees might also be applicable depending on the project and its location. This could include fees associated with tentative map requirements, lot line adjustments, tree removal, Riparian Corridor Policy Conformance requirements, historic analysis, environmental review, and others.

## VII. APPENDIX A: DETAILED PRO FORMA RESULTS

The full pro formas for each prototype are included below. Scenarios that are considered feasible are highlighted in green.

### Set 1 Results

FIGURE 31. PRO FORMA RESULTS: STACKED FOURPLEX RENTAL

	Tier 1	Tier 2	Tier 3
<b>Revenues</b>			
Annual Gross Scheduled Income	\$172,800	\$162,259	\$146,880
Less Vacancy	-\$8,640	-\$8,113	-\$7,344
Less Expenses	-\$51,840	-\$48,678	-\$44,064
Net Operating Income	\$112,320	\$105,468	\$95,472
Capitalized Value	\$2,642,824	\$2,481,611	\$2,246,400
<b>Development Costs</b>			
Site Prep	\$75,000	\$75,000	\$75,000
Vertical Hard Costs	\$1,320,000	\$1,320,000	\$1,320,000
Contingency	\$69,750	\$69,750	\$69,750
Soft Costs	\$161,600	\$161,600	\$161,600
Municipal Fees (excl. Parkland, Site Development)	\$63,327	\$63,327	\$63,327
Parkland In-Lieu Fee	\$76,167	\$38,425	\$40,600
Site Development Permit Fees	\$17,588	\$17,588	\$17,588
Financing Costs	\$57,371	\$57,371	\$57,371
Total Development Cost	\$1,840,803	\$1,803,061	\$1,805,236
Minimum Return	\$156,468	\$153,260	\$153,445
Residual Land Value	\$645,552	\$525,290	\$287,719
Typical Site Acquisition Cost	\$1,275,000	\$1,162,500	\$975,000
Residual Land Value Less Typical Acquisition Cost	-\$629,448	-\$637,210	-\$687,281

Source: Strategic Economics, 2021.

FIGURE 32. PRO FORMA RESULTS: STACKED FOURPLEX CONDO

	Tier 1	Tier 2	Tier 3
<b>Revenues</b>			
Gross Sales Revenue	\$3,324,000	\$2,916,000	\$2,644,000
Less Marketing Costs	-\$132,960	-\$116,640	-\$105,760
Net Sales Revenue	\$3,191,040	\$2,799,360	\$2,538,240
<b>Development Costs</b>			
Site Prep	\$75,000	\$75,000	\$75,000
Vertical Hard Costs	\$1,440,000	\$1,440,000	\$1,440,000
Contingency	\$75,750	\$75,750	\$75,750
Soft Costs	\$171,200	\$171,200	\$171,200
Municipal Fees (excl. Parkland and Site Development)	\$63,327	\$63,327	\$63,327
Parkland In-Lieu Fee	\$61,667	\$51,600	\$38,175
Site Development Permit Fees	\$17,588	\$17,588	\$17,588
Financing Costs	\$61,612	\$61,612	\$61,612
Total Development Costs	\$1,966,143	\$1,956,077	\$1,942,652
<b>Feasibility Summary</b>			
Net Revenue Less Development Costs	\$1,224,897	\$843,283	\$595,588
Minimum Return	\$353,906	\$352,094	\$349,677
Residual Land Value	\$870,991	\$491,190	\$245,911
Typical Site Acquisition Cost	\$1,275,000	\$1,162,500	\$975,000
Residual Land Value Less Typical Acquisition Cost	-\$404,009	-\$671,310	-\$729,089

Source: Strategic Economics, 2021.



FIGURE 33. PRO FORMA RESULTS: SIDE-BY-SIDE LARGE DUPLEX CONDO

	Tier 1	Tier 2	Tier 3
<b>Revenues</b>			
Gross Sales Revenue	\$3,200,000	\$2,820,000	\$2,040,000
Less Marketing Costs	-\$128,000	-\$112,800	-\$81,600
Net Sales Revenue	\$3,072,000	\$2,707,200	\$1,958,400
<b>Development Costs</b>			
Site Prep	\$75,000	\$75,000	\$75,000
Vertical Hard Costs	\$840,000	\$840,000	\$840,000
Contingency	\$45,750	\$45,750	\$45,750
Soft Costs	\$123,200	\$123,200	\$123,200
Municipal Fees (excl. Parkland and Site Development)	\$58,048	\$58,048	\$58,048
Parkland In-Lieu Fee	\$18,867	\$15,800	\$11,675
Site Development Permit Fees	\$13,879	\$13,879	\$13,879
Financing Costs	\$38,270	\$38,270	\$38,270
Total Development Costs	\$1,213,014	\$1,209,947	\$1,205,822
<b>Feasibility Summary</b>			
Net Revenue Less Development Costs	\$1,858,986	\$1,497,253	\$752,578
Minimum Return	\$218,342	\$217,790	\$217,048
Residual Land Value	\$1,640,644	\$1,279,463	\$535,530
Typical Site Acquisition Cost	\$1,275,000	\$1,162,500	\$975,000
Residual Land Value Less Typical Acquisition Cost	\$365,644	\$116,963	-\$439,470

Source: Strategic Economics, 2021.

**FIGURE 34. PRO FORMA RESULTS: SIDE-BY-SIDE DUPLEX RENTAL IN REAR YARD**

	<b>Tier 1</b>	<b>Tier 2</b>	<b>Tier 3</b>
<b>Revenues</b>			
Annual Gross Scheduled Income	\$151,080	\$142,080	\$128,280
Less Vacancy	\$7,554	\$7,104	\$6,414
Less Expenses	\$45,324	\$42,624	\$38,484
Net Operating Income	\$98,202	\$92,352	\$83,382
Capitalized Value	\$2,310,635	\$2,172,988	\$1,961,929
<b>Development Costs</b>			
Site Prep	\$45,000	\$45,000	\$45,000
Vertical Hard Costs	\$767,520	\$767,520	\$767,520
Contingency	\$38,376	\$38,376	\$38,376
Soft Costs	\$111,402	\$111,402	\$111,402
Municipal Fees (excl. Parkland, Site Development)	\$53,068	\$53,068	\$53,068
Parkland In-Lieu Fee	\$52,867	\$27,100	\$28,200
Site Development Permit Fees	\$13,879	\$13,879	\$13,879
Financing Costs	\$34,648	\$34,648	\$34,648
Total Development Cost	\$1,116,759	\$1,090,992	\$1,092,092
<b>Feasibility Summary</b>			
Minimum Return	\$94,924	\$92,734	\$92,828
Residual Land Value	\$1,098,952	\$989,262	\$777,010
Typical Site Acquisition Cost	\$1,275,000	\$1,162,500	\$975,000
Residual Land Value Less Typical Acquisition Cost	-\$176,048	-\$173,238	-\$197,990

Source: Strategic Economics, 2021.

FIGURE 35. PRO FORMA RESULTS: SIDE-BY-SIDE DUPLEX CONDO IN REAR YARD

	Tier 1	Tier 2	Tier 3
<b>Revenues</b>			
Gross Sales Revenue	\$2,977,000	\$2,611,000	\$2,273,000
Less Marketing Costs	-\$119,080	-\$104,440	-\$90,920
Net Sales Revenue	\$2,857,920	\$2,506,560	\$2,182,080
<b>Development Costs</b>			
Site Prep	\$45,000	\$45,000	\$45,000
Vertical Hard Costs	\$830,100	\$830,100	\$830,100
Contingency	\$43,755	\$43,755	\$43,755
Soft Costs	\$120,008	\$120,008	\$120,008
Municipal Fees (excl. Parkland and Site Development)	\$53,068	\$53,068	\$53,068
Parkland In-Lieu Fee	\$42,800	\$35,800	\$26,500
Site Development Permit Fees	\$13,879	\$13,879	\$13,879
Financing Costs	\$53,632	\$53,632	\$53,632
Total Development Costs	\$1,202,242	\$1,195,242	\$1,185,942
<b>Feasibility Summary</b>			
Net Revenue Less Development Costs	\$1,655,678	\$1,311,318	\$996,138
Minimum Return	\$216,404	\$215,144	\$213,470
Residual Land Value	\$1,439,274	\$1,096,174	\$782,668
Typical Site Acquisition Cost	\$1,275,000	\$1,162,500	\$975,000
Residual Land Value Less Typical Acquisition Cost	\$164,274	-\$66,326	-\$192,332

Source: Strategic Economics, 2021.

## Set 2 Results

FIGURE 36. PRO FORMA RESULTS: SMALL LOT SINGLE -FAMILY

	Tier 1	Tier 2	Tier 3
<b>Revenues</b>			
Gross Sales Revenue	\$4,380,800	\$3,842,000	\$3,013,200
Less Marketing Costs	-\$175,232	-\$153,680	-\$120,528
Net Sales Revenue	\$4,205,568	\$3,688,320	\$2,892,672
<b>Development Costs</b>			
Site Prep	\$75,000	\$75,000	\$75,000
Vertical Hard Costs	\$1,197,000	\$1,197,000	\$1,197,000
Contingency	\$63,600	\$63,600	\$63,600
Soft Costs	\$151,760	\$151,760	\$151,760
Municipal Fees (excl. Parkland and Site Development)	\$91,326	\$91,326	\$91,326
Parkland In-Lieu Fee	\$71,800	\$60,000	\$44,475
Site Development Permit Fees	\$17,588	\$17,588	\$17,588
Financing Costs	\$53,632	\$53,632	\$53,632
Total Development Costs	\$1,721,706	\$1,709,906	\$1,694,381
<b>Feasibility Summary</b>			
Net Revenue Less Development Costs	\$2,483,862	\$1,978,414	\$1,198,291
Minimum Return	\$309,907	\$307,783	\$304,989
Residual Land Value	\$2,173,955	\$1,670,631	\$893,302
Typical Site Acquisition Cost	\$1,275,000	\$1,162,500	\$975,000
Residual Land Value Less Typical Acquisition Cost	\$898,955	\$508,131	-\$81,698

Source: Strategic Economics, 2021.

FIGURE 37. PRO FORMA RESULTS: ATTACHED TOWNHOMES

	Tier 1	Tier 2	Tier 3
<b>Revenues</b>			
Gross Sales Revenue	\$4,380,800	\$3,842,000	\$3,013,200
Less Marketing Costs	-\$175,232	-\$153,680	-\$120,528
Net Sales Revenue	\$4,205,568	\$3,688,320	\$2,892,672
<b>Development Costs</b>			
Site Prep	\$75,000	\$75,000	\$75,000
Vertical Hard Costs	\$1,710,000	\$1,710,000	\$1,710,000
Contingency	\$89,250	\$89,250	\$89,250
Soft Costs	\$192,800	\$192,800	\$192,800
Municipal Fees (excl. Parkland and Site Development)	\$78,403	\$78,403	\$78,403
Parkland In-Lieu Fee	\$71,800	\$60,000	\$44,475
Site Development Permit Fees	\$17,588	\$17,588	\$17,588
Financing Costs	\$72,357	\$72,357	\$72,357
Total Development Costs	\$2,307,198	\$2,295,398	\$2,279,873
<b>Feasibility Summary</b>			
Net Revenue Less Development Costs	\$1,898,370	\$1,392,922	\$612,799
Minimum Return	\$415,296	\$413,172	\$410,377
Residual Land Value	\$1,483,075	\$979,751	\$202,422
Typical Site Acquisition Cost	\$1,275,000	\$1,162,500	\$975,000
Residual Land Value Less Typical Acquisition Cost	\$208,075	-\$182,749	-\$772,578

Source: Strategic Economics, 2021.

## Set 3 Results

FIGURE 38. PRO FORMA RESULTS: THREE-STORY SIXPLEX RENTAL

	Tier 1	Tier 2	Tier 3
<b>Revenues</b>			
Annual Gross Scheduled Income	\$259,200	\$243,389	\$220,320
Less Vacancy	-\$12,960	-\$12,169	-\$11,016
Less Expenses	-\$77,760	-\$73,017	-\$66,096
Net Operating Income	\$168,480	\$158,203	\$143,208
Capitalized Value	\$3,964,235	\$3,722,417	\$3,369,600
<b>Development Costs</b>			
Site Prep	\$72,000	\$72,000	\$72,000
Vertical Hard Costs	\$1,980,000	\$1,980,000	\$1,980,000
Contingency	\$102,600	\$102,600	\$102,600
Soft Costs	\$214,160	\$214,160	\$214,160
Municipal Fees (excl. Parkland, Site Development)	\$81,720	\$81,720	\$81,720
Parkland In-Lieu Fee	\$95,833	\$48,525	\$51,100
Site Development Permit Fees	\$18,870	\$18,870	\$18,870
Financing Costs	\$82,852	\$82,852	\$82,852
Total Development Cost	\$2,648,036	\$2,600,727	\$2,603,302
<b>Feasibility Summary</b>			
Minimum Return	\$225,083	\$221,062	\$221,281
Residual Land Value	\$1,091,117	\$900,628	\$545,017
Typical Site Acquisition Cost	\$1,275,000	\$1,162,500	\$975,000
Residual Land Value Less Typical Acquisition Cost	-\$183,883	-\$261,872	-\$429,983

Source: Strategic Economics, 2021.

FIGURE 39. PRO FORMA RESULTS: THREE-STORY SIXPLEX CONDO

	Tier 1	Tier 2	Tier 3
<b>Revenues</b>			
Gross Sales Revenue	\$4,986,000	\$4,374,000	\$3,966,000
Less Marketing Costs	-\$199,440	-\$174,960	-\$158,640
Net Sales Revenue	\$4,786,560	\$4,199,040	\$3,807,360
<b>Development Costs</b>			
Site Prep	\$75,000	\$75,000	\$75,000
Vertical Hard Costs	\$2,160,000	\$2,160,000	\$2,160,000
Contingency	\$111,750	\$111,750	\$111,750
Soft Costs	\$228,800	\$228,800	\$228,800
Municipal Fees (excl. Parkland and Site Development)	\$81,720	\$81,720	\$81,720
Parkland In-Lieu Fee	\$77,667	\$64,900	\$48,025
Site Development Permit Fees	\$18,870	\$18,870	\$18,870
Financing Costs	\$89,384	\$89,384	\$89,384
Total Development Costs	\$2,843,191	\$2,830,424	\$2,813,549
<b>Feasibility Summary</b>			
Net Revenue Less Development Costs	\$4,786,560	\$4,199,040	\$3,807,360
Minimum Return	\$511,774	\$509,476	\$506,439
Residual Land Value	\$1,431,595	\$859,140	\$487,372
Typical Site Acquisition Cost	\$1,275,000	\$1,162,500	\$975,000
Residual Land Value Less Typical Acquisition Cost	\$156,595	-\$303,360	-\$487,628

Source: Strategic Economics, 2021.

FIGURE 40. PRO FORMA RESULTS: TWO-STORY EIGHTPLEX RENTAL

	Tier 1	Tier 2	Tier 3
<b>Revenues</b>			
Annual Gross Scheduled Income	\$208,320	\$177,600	\$160,320
Less Vacancy	-\$10,416	-\$8,880	-\$8,016
Less Expenses	-\$62,496	-\$53,280	-\$48,096
Net Operating Income	\$135,408	\$115,440	\$104,208
Capitalized Value	\$3,186,071	\$2,716,235	\$2,451,953
<b>Development Costs</b>			
Site Prep	\$75,000	\$75,000	\$75,000
Vertical Hard Costs	\$1,320,000	\$1,320,000	\$1,320,000
Contingency	\$69,750	\$69,750	\$69,750
Soft Costs	\$161,600	\$161,600	\$161,600
Municipal Fees (excl. Parkland, Site Development)	\$63,048	\$63,048	\$63,048
Parkland In-Lieu Fee	\$137,633	\$69,958	\$73,400
Site Development Permit Fees	\$20,152	\$20,152	\$20,152
Financing Costs	\$82,852	\$82,852	\$82,852
Total Development Cost	\$1,930,035	\$1,862,360	\$1,865,802
<b>Feasibility Summary</b>			
Minimum Return	\$164,053	\$158,301	\$158,593
Residual Land Value	\$1,091,982	\$695,574	\$427,558
Typical Site Acquisition Cost	\$1,275,000	\$1,162,500	\$975,000
Residual Land Value Less Typical Acquisition Cost	-\$183,018	-\$466,926	-\$547,442

Source: Strategic Economics, 2021.



FIGURE 41. PRO FORMA RESULTS: THREE-STORY EIGHTPLEX RENTAL

	Tier 1	Tier 2	Tier 3
<b>Revenues</b>			
Annual Gross Scheduled Income	\$276,120	\$242,640	\$219,600
Less Vacancy	-\$13,806	-\$12,132	-\$10,980
Less Expenses	-\$82,836	-\$72,792	-\$65,880
Net Operating Income	\$179,478	\$157,716	\$142,740
Capitalized Value	\$4,223,012	\$3,710,965	\$3,358,588
<b>Development Costs</b>			
Site Prep	\$75,000	\$75,000	\$75,000
Vertical Hard Costs	\$1,980,000	\$1,980,000	\$1,980,000
Contingency	\$102,750	\$102,750	\$102,750
Soft Costs	\$214,400	\$214,400	\$214,400
Municipal Fees (excl. Parkland, Site Development)	\$80,829	\$80,829	\$80,829
Parkland In-Lieu Fee	\$137,633	\$69,958	\$73,400
Site Development Permit Fees	\$20,152	\$20,152	\$20,152
Financing Costs	\$82,852	\$82,852	\$82,852
Total Development Cost	\$2,693,617	\$2,625,942	\$2,629,383
<b>Feasibility Summary</b>			
Minimum Return	\$228,957	\$223,205	\$223,498
Residual Land Value	\$1,300,438	\$861,818	\$505,707
Typical Site Acquisition Cost	\$1,275,000	\$1,162,500	\$975,000
Residual Land Value Less Typical Acquisition Cost	\$25,438	-\$300,682	-\$469,293

Source: Strategic Economics, 2021.

FIGURE 42. PRO FORMA RESULTS: THREE-STORY EIGHTPLEX CONDO

	Tier 1	Tier 2	Tier 3
<b>Revenues</b>			
Gross Sales Revenue	\$4,957,600	\$4,351,200	\$3,946,000
Less Marketing Costs	-\$198,304	-\$174,048	-\$157,840
Net Sales Revenue	\$4,759,296	\$4,177,152	\$3,788,160
<b>Development Costs</b>			
Site Prep	\$75,000	\$75,000	\$75,000
Vertical Hard Costs	\$2,160,000	\$2,160,000	\$2,160,000
Contingency	\$111,750	\$111,750	\$111,750
Soft Costs	\$228,800	\$228,800	\$228,800
Municipal Fees (excl. Parkland and Site Development)	\$80,829	\$80,829	\$80,829
Parkland In-Lieu Fee	\$111,533	\$93,200	\$68,975
Site Development Permit Fees	\$20,152	\$20,152	\$20,152
Financing Costs	\$53,632	\$53,632	\$53,632
Total Development Costs	\$2,841,697	\$2,823,363	\$2,799,138
<b>Feasibility Summary</b>			
Net Revenue Less Development Costs	\$4,759,296	\$4,177,152	\$3,788,160
Minimum Return	\$511,505	\$508,205	\$503,845
Residual Land Value	\$1,406,094	\$845,583	\$485,177
Typical Site Acquisition Cost	\$1,275,000	\$1,162,500	\$975,000
Residual Land Value Less Typical Acquisition Cost	\$131,094	-\$316,917	-\$489,823

Source: Strategic Economics, 2021.

## VIII. APPENDIX B: CASH FLOW PRO FORMA RESULTS

The full cash-flow pro formas for property owners building the Side-by-Side Duplex Rental in Rear Yard are shown below for each market tier. The year during which the property owner breaks even is highlighted in green.

FIGURE 43. TIER 1: SIDE-BY-SIDE DUPLEX RENTAL IN REAR YARD CASH FLOW FOR PROPERTY OWNER

Mortgage Year	Net Operating Income	Annual Mortgage Payment	Annual Net Revenue	Overall Profit
Year 1 (a)	\$0	-\$81,821	-\$81,821	-\$81,821
Year 2	\$62,868	-\$46,333	\$16,535	-\$65,286
Year 3	\$62,868	-\$46,333	\$16,535	-\$48,751
Year 4	\$62,868	-\$46,333	\$16,535	-\$32,216
Year 5	\$62,868	-\$46,333	\$16,535	-\$15,681
Year 6	\$62,868	-\$46,333	\$16,535	\$854
Year 7	\$62,868	-\$46,333	\$16,535	\$17,389
Year 8	\$62,868	-\$46,333	\$16,535	\$33,924
Year 9	\$62,868	-\$46,333	\$16,535	\$50,459
Year 10	\$62,868	-\$46,333	\$16,535	\$66,994
Year 11	\$62,868	-\$46,333	\$16,535	\$83,528
Year 12	\$62,868	-\$46,333	\$16,535	\$100,063
Year 13	\$62,868	-\$46,333	\$16,535	\$116,598
Year 14	\$62,868	-\$46,333	\$16,535	\$133,133
Year 15	\$62,868	-\$46,333	\$16,535	\$149,668
Year 16	\$62,868	-\$46,333	\$16,535	\$166,203
Year 17	\$62,868	-\$46,333	\$16,535	\$182,738
Year 18	\$62,868	-\$46,333	\$16,535	\$199,273
Year 19	\$62,868	-\$46,333	\$16,535	\$215,808
Year 20	\$62,868	-\$46,333	\$16,535	\$232,343
Year 21	\$62,868	-\$46,333	\$16,535	\$248,878
Year 22	\$62,868	-\$46,333	\$16,535	\$265,412
Year 23	\$62,868	-\$46,333	\$16,535	\$281,947
Year 24	\$62,868	-\$46,333	\$16,535	\$298,482
Year 25	\$62,868	-\$46,333	\$16,535	\$315,017
Year 26	\$62,868	-\$46,333	\$16,535	\$331,552
Year 27	\$62,868	-\$46,333	\$16,535	\$348,087
Year 28	\$62,868	-\$46,333	\$16,535	\$364,622
Year 29	\$62,868	-\$46,333	\$16,535	\$381,157
Year 30	\$62,868	-\$46,333	\$16,535	\$397,692

Notes:

(a) In Year 1, there is no Net Operating Income because it is expected that the duplex construction would take one year to complete after financing is acquired. The annual mortgage payment for Year 1 also includes \$35,487 in closing costs.

Source: Strategic Economics, 2021.

FIGURE 44. TIER 2: SIDE-BY-SIDE DUPLEX RENTAL IN REAR YARD CASH FLOW FOR PROPERTY OWNER

Mortgage Year	Net Operating Income	Annual Mortgage Payment	Annual Net Revenue	Overall Profit
Year 1 (a)	\$0	-\$79,646	-\$79,646	-\$79,646
Year 2	\$59,124	-\$45,102	\$14,022	-\$65,624
Year 3	\$59,124	-\$45,102	\$14,022	-\$51,602
Year 4	\$59,124	-\$45,102	\$14,022	-\$37,580
Year 5	\$59,124	-\$45,102	\$14,022	-\$23,557
Year 6	\$59,124	-\$45,102	\$14,022	-\$9,535
Year 7	\$59,124	-\$45,102	\$14,022	\$4,487
Year 8	\$59,124	-\$45,102	\$14,022	\$18,509
Year 9	\$59,124	-\$45,102	\$14,022	\$32,531
Year 10	\$59,124	-\$45,102	\$14,022	\$46,553
Year 11	\$59,124	-\$45,102	\$14,022	\$60,576
Year 12	\$59,124	-\$45,102	\$14,022	\$74,598
Year 13	\$59,124	-\$45,102	\$14,022	\$88,620
Year 14	\$59,124	-\$45,102	\$14,022	\$102,642
Year 15	\$59,124	-\$45,102	\$14,022	\$116,664
Year 16	\$59,124	-\$45,102	\$14,022	\$130,686
Year 17	\$59,124	-\$45,102	\$14,022	\$144,709
Year 18	\$59,124	-\$45,102	\$14,022	\$158,731
Year 19	\$59,124	-\$45,102	\$14,022	\$172,753
Year 20	\$59,124	-\$45,102	\$14,022	\$186,775
Year 21	\$59,124	-\$45,102	\$14,022	\$200,797
Year 22	\$59,124	-\$45,102	\$14,022	\$214,820
Year 23	\$59,124	-\$45,102	\$14,022	\$228,842
Year 24	\$59,124	-\$45,102	\$14,022	\$242,864
Year 25	\$59,124	-\$45,102	\$14,022	\$256,886
Year 26	\$59,124	-\$45,102	\$14,022	\$270,908
Year 27	\$59,124	-\$45,102	\$14,022	\$284,930
Year 28	\$59,124	-\$45,102	\$14,022	\$298,953
Year 29	\$59,124	-\$45,102	\$14,022	\$312,975
Year 30	\$59,124	-\$45,102	\$14,022	\$326,997

Notes:

- (a) In Year 1, there is no Net Operating Income because it is expected that the duplex construction would take one year to complete after financing is acquired. The annual mortgage payment for Year 1 also includes \$34,544 in closing costs.

Source: Strategic Economics, 2021.

FIGURE 45. TIER 3: SIDE-BY-SIDE DUPLEX RENTAL IN REAR YARD CASH FLOW FOR PROPERTY OWNER

Mortgage Year	Net Operating Income	Annual Mortgage Payment	Annual Net Revenue	Overall Profit
Year 1 (a)	\$0	-\$141,301	-\$141,301	-\$141,301
Year 2	\$53,352	-\$41,613	\$11,739	-\$129,562
Year 3	\$53,352	-\$41,613	\$11,739	-\$117,822
Year 4	\$53,352	-\$41,613	\$11,739	-\$106,083
Year 5	\$53,352	-\$41,613	\$11,739	-\$94,344
Year 6	\$53,352	-\$41,613	\$11,739	-\$82,605
Year 7	\$53,352	-\$41,613	\$11,739	-\$70,865
Year 8	\$53,352	-\$41,613	\$11,739	-\$59,126
Year 9	\$53,352	-\$41,613	\$11,739	-\$47,387
Year 10	\$53,352	-\$41,613	\$11,739	-\$35,647
Year 11	\$53,352	-\$41,613	\$11,739	-\$23,908
Year 12	\$53,352	-\$41,613	\$11,739	-\$12,169
Year 13	\$53,352	-\$41,613	\$11,739	-\$429
Year 14	\$53,352	-\$41,613	\$11,739	\$11,310
Year 15	\$53,352	-\$41,613	\$11,739	\$23,049
Year 16	\$53,352	-\$41,613	\$11,739	\$34,789
Year 17	\$53,352	-\$41,613	\$11,739	\$46,528
Year 18	\$53,352	-\$41,613	\$11,739	\$58,267
Year 19	\$53,352	-\$41,613	\$11,739	\$70,007
Year 20	\$53,352	-\$41,613	\$11,739	\$81,746
Year 21	\$53,352	-\$41,613	\$11,739	\$93,485
Year 22	\$53,352	-\$41,613	\$11,739	\$105,224
Year 23	\$53,352	-\$41,613	\$11,739	\$116,964
Year 24	\$53,352	-\$41,613	\$11,739	\$128,703
Year 25	\$53,352	-\$41,613	\$11,739	\$140,442
Year 26	\$53,352	-\$41,613	\$11,739	\$152,182
Year 27	\$53,352	-\$41,613	\$11,739	\$163,921
Year 28	\$53,352	-\$41,613	\$11,739	\$175,660
Year 29	\$53,352	-\$41,613	\$11,739	\$187,400
Year 30	\$53,352	-\$41,613	\$11,739	\$199,139

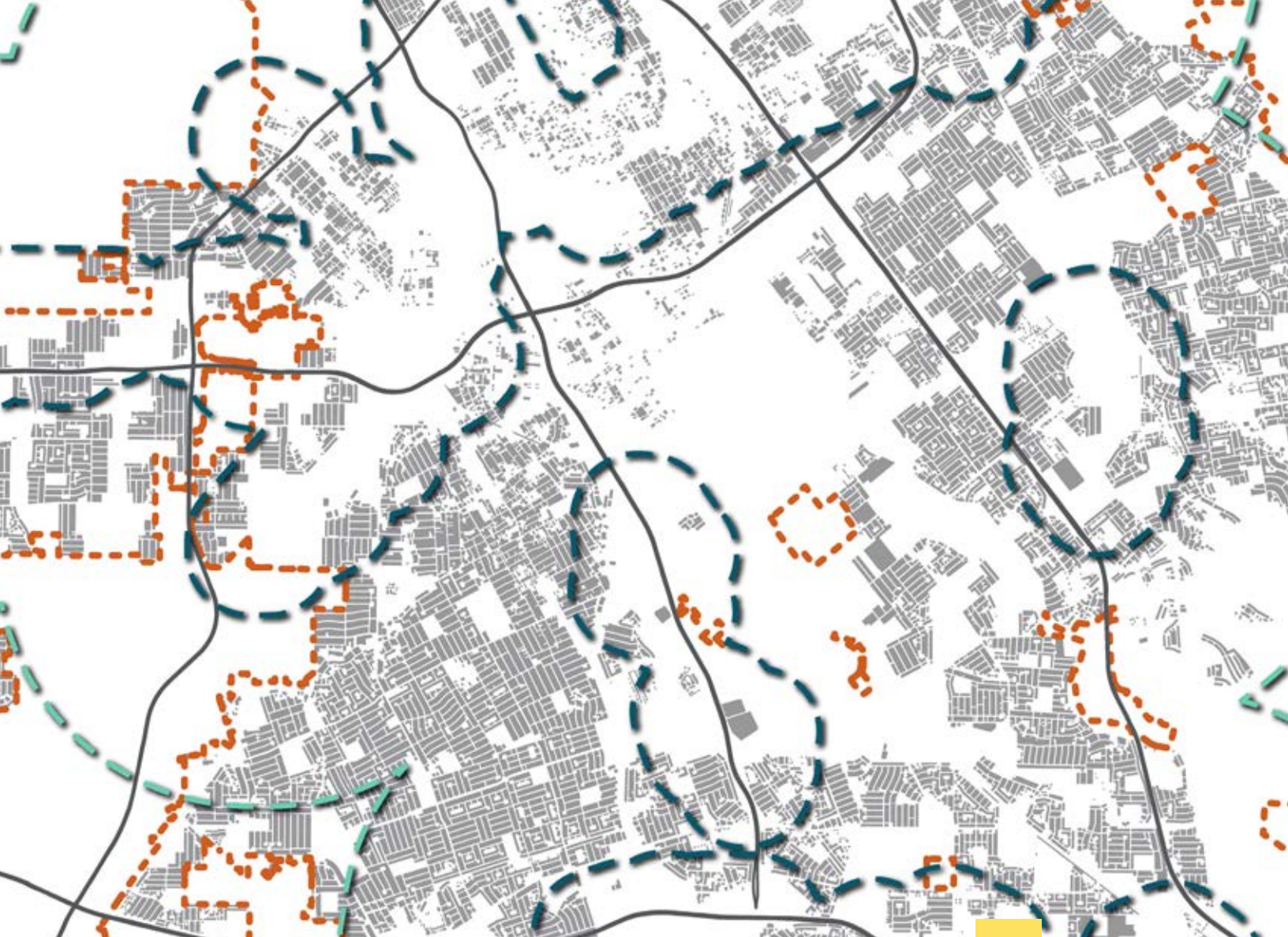
Notes:

- (a) In Year 1, there is no Net Operating Income because it is expected that the duplex construction would take one year to complete after financing is acquired. The annual mortgage payment for Year 1 also includes \$31,872 in closing costs and \$67,816 in development costs not covered by the loan.

Source: Strategic Economics, 2021.

## **IX. APPENDIX C: OPTICOS DESIGN: OPPORTUNITY HOUSING CITYWIDE ANALYSIS**

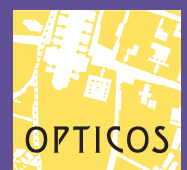




# Opportunity Housing Citywide Analysis

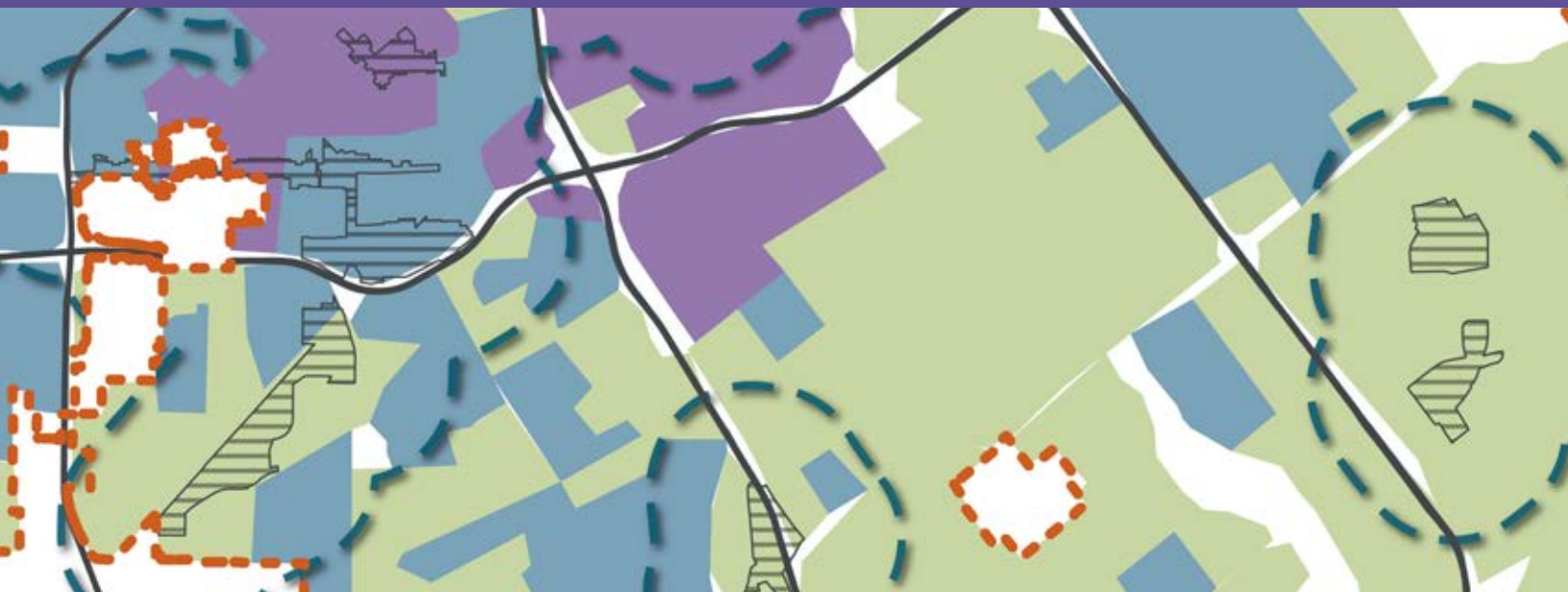
San Jose, CA

Summary Report  
**October 2021**





The City of San Jose is studying Opportunity Housing as a response to the housing crisis.



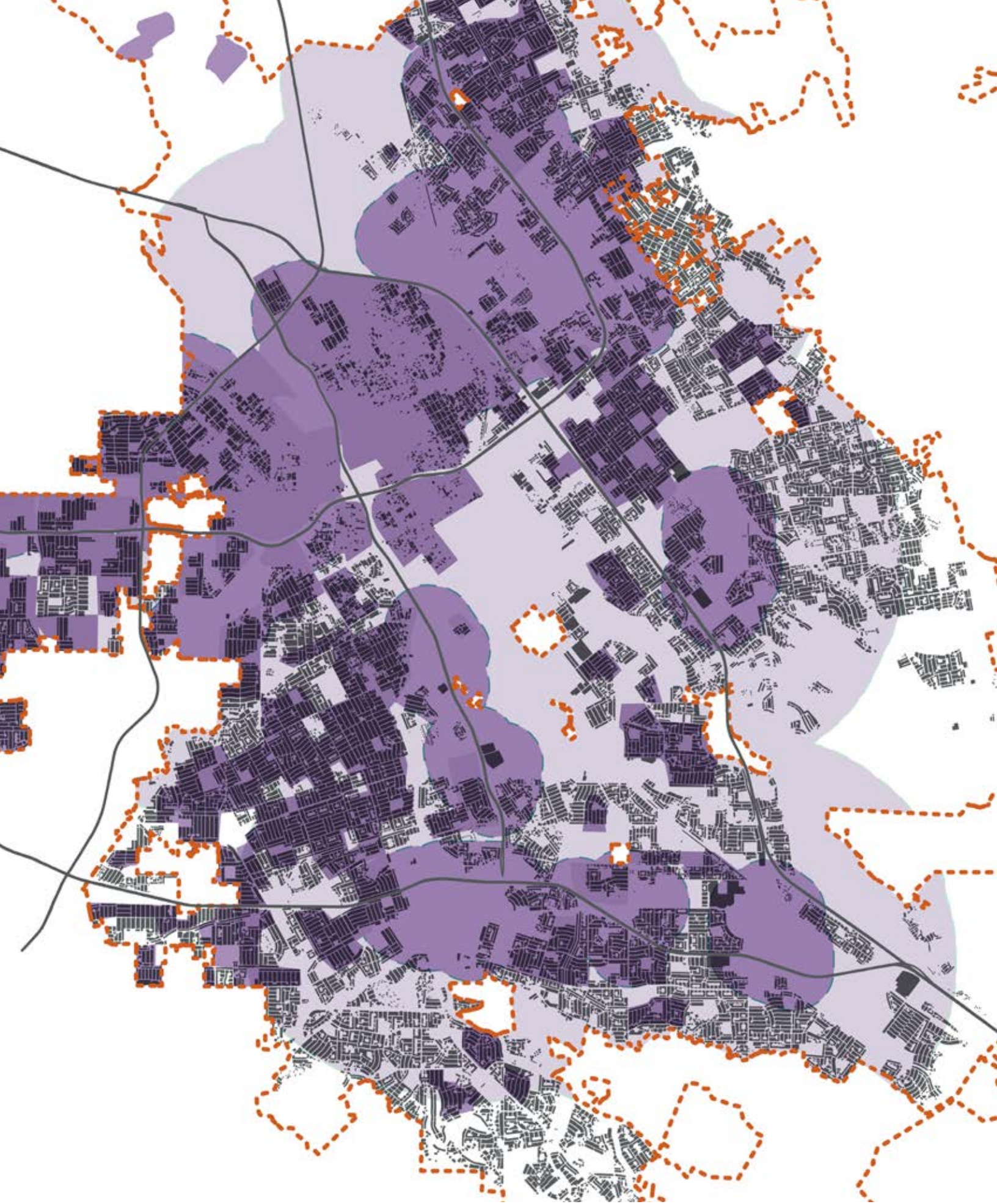


# Purpose Of This Study

The City of San Jose, like the rest of the Bay Area, is experiencing a severe housing shortage. One potential strategy proposed by the City Council to address this housing shortage is to change regulatory standards that currently limit the number of dwelling units on a parcel, raising the standards from allowing only a single-family house to allowing four housing units per lot in select areas of the city. **This study analyzes existing conditions that contribute to the feasibility of allowing units such as stacked fourplexes both in the half-mile radius around transit-oriented Urban Villages and on parcels citywide as a potential policy solution to alleviate the housing crisis.**

Regulatory barriers have not been the only barriers to constructing adequate housing in San Jose. Regional real estate and economic trends are formidable hurdles. Astronomical land prices and high construction costs impact the feasibility of small-scale development projects and a developer will typically not receive the rent or sale price of a duplex that justifies the investment of land and construction costs. **This study includes "lot testing" of stacked fourplexes and similar housing types on a range of lot conditions as part of a financial feasibility analysis carried out by Strategic Economics to produce an accurate cost analysis for Opportunity Housing.** Understanding the conditions required for successful development of Opportunity Housing types can help guide housing policy and stimulate housing production in San Jose.

This study supports and references the feasibility report titled "San Jose Opportunity Housing: Feasibility Results" (October 2021) prepared by Strategic Economics for the City of San Jose.





# Contents

Methodology + Objectives	6
Missing Middle Housing Types	8
What Is A Stacked Fourplex?	9
Transit-Oriented Urban Villages + Opportunity Housing	10
Urban Form	12
Regulatory Context	14
Connectivity Context Types	16
Fourplex-Supportive Lots	18
Missing Middle-Supportive Lots	20
Considerations for Enabling Stacked Fourplexes	22
Lot Testing + Feasibility Analysis	24

# Methodology + Objectives

**This study relies on both qualitative and quantitative analysis in order to inform policy recommendations that would enable Opportunity Housing.**

## Starting Point

This study builds upon the City's prior work identifying Urban Villages as part of the San Jose 2040 General Plan and designating blocks within one-half mile of transit-oriented Urban Villages as Opportunity Housing Areas.

## Purview and Objectives

This study gives particular focus to the potential for Opportunity Housing (typically two to four housing units per lot) within the Opportunity Housing Areas discussed above. However, the city's Opportunity Housing Task Force has also directed staff to evaluate the potential for Opportunity Housing citywide due to equity concerns. As a result, this study is citywide in extent.

This study aims to analyze Opportunity Housing Areas using a variety of metrics to identify optimal locations where Opportunity Housing may be viable. In doing so, the analysis considers existing street patterns, built context, urban form, and regulatory standards.

Since the threshold established by the Opportunity Housing Task Force and City Council is of two to four housing units on a lot, this study uses a typical stacked fourplex as a building type for analysis. Additional Missing Middle building types that are eligible for Opportunity Housing (such as duplexes, townhomes, multiplexes, etc.) were also considered in assessing the development potential of Opportunity Housing Areas.

## Qualitative Analysis

Qualitative analysis is an essential component of a complete approach to crafting housing policy, which is intertwined with placemaking, a complex phenomenon that is not comprehensively captured by quantitative methods alone. Qualitative analysis, such as the development and categorization of context types, involves trained observation and judgment to organize patterns into a meaningful framework, and yields greater insight than quantitative analysis alone.

## Quantitative Analysis

Quantitative analysis is a second essential component of this study, used to generate critical information about the comparative performance of housing types in different real estate submarkets of the city; the percentage of parcels that could physically fit a typical fourplex if regulations were changed; and the potential net gain of units that could result from changes in housing policy, among other insights.

## Multiple Scales of Analysis

This study included analysis at two scales: the citywide scale and the district scale. The citywide scale was a jumping-off point; it illustrated macroscopic patterns that invited further study. The district scale analysis zoomed into specific characteristics of blocks, lots, and building footprints to understand the microscale conditions responsible for citywide patterns, as well as meaningful distinctions between different areas of the city.

## Study Methodology

The study employs the following steps for the citywide analysis.

Identify **Urban Villages and Opportunity Housing Areas** citywide



Analyze **urban form patterns**, including building footprints and open space



Study the **regulatory context**, including current zoning and land uses



Analyze **context types** including street connectivity and built form



Identify **the range of lots** that can physically accommodate stacked fourplexes



Carry out **lot testing** using typical stacked fourplexes and other housing types to support financial feasibility analysis

# Missing Middle Housing Types

**Missing Middle Housing types offer a palette of house-form multi-unit housing options that are compatible with the range of two to four units per lot being considered for Opportunity Housing in San Jose.**

## Why Definition Matters

Building form will be an important consideration when establishing policies to deliver multi-unit housing into San Jose's existing primarily single-family neighborhoods in a way that expands housing options and also has a positive impact on the surrounding neighborhood.

Building form is an essential component of the concept of **Missing Middle Housing**, which is why several Missing Middle housing types have been considered for this study. Defined as "a range of multi-unit or clustered housing types (ranging from two to 19 units per lot) that are compatible in scale with single-family homes, Missing Middle Housing types help meet the growing demand for walkable urban living, respond to shifting household demographics, and meet the need for more housing choices at different price points."<sup>1</sup>

Beginning with a specific building type in mind such as a stacked duplex or a stacked fourplex enables sharp economic

analysis and a clear and communicable vision for the built results of any proposed policy change for Opportunity Housing.

Since the upper threshold established by the San Jose Opportunity Housing Task Force is of four housing units per lot, a stacked fourplex is an important prototype to consider for both its unit count and also its form characteristics.



# What Is A Stacked Fourplex?

**A Missing Middle Housing type with four units in one house-form building, a stacked fourplex is an optimal building type to study the implications of allowing four units per lot in Opportunity Housing Areas.**

## A Building Type, Not Just Unit Count

In this study, the term *fourplex* and *stacked fourplex* have been used interchangeably. Both refer to the Missing Middle housing type, and not (as the term is sometimes used) to just any configuration of four housing units on a lot. A stacked fourplex is defined as **"a small to medium-sized structure that consists of two units on the ground floor and two units stacked directly above them."**<sup>2</sup> Delivering four units as a stacked fourplex has many benefits: it can be built on smaller lots, it lives much like a single-family home, and its small-to-medium footprint and two-story height is compatible in scale with existing single-family neighborhoods.

## What Is Not a Stacked Fourplex

Other ways to deliver four units on a lot may include four side-by-side townhouses, oriented to face the street, or perpendicular to the street with a driveway on one side (sometimes called a "slot home"); or even as four detached units. These alternatives do deliver housing but typically have larger unit sizes than the stacked fourplex, and are thus likely not available at attainable price points. Also, not all configurations of four units on a lot may contribute to good urban form and an active public realm.

<sup>1,2</sup> Parolek, Dan. *Missing Middle Housing: Thinking Big and Building Small to Respond to Today's Housing Crisis*



Typical Lot Dimensions	
Lot Width	50' - 100'
Lot Depth	100' - 150'
Resultant Density (du/acre)	
Without ADU	12 - 36
With ADU	18 - 55

## Stacked Fourplex



- Two units are located on the ground floor and two other units are stacked above them
- A common stoop and entrance is used to access all four units
- Has the form and scale of one house

## Not a Stacked Fourplex



- Units are located side-by-side, not stacked
- Each unit has distinct massing and a separate entrance
- Much wider than one house



# Transit-Oriented Urban Villages + Opportunity Housing

**These frameworks identify strategic locations for Opportunity Housing.**

## Summary

The City of San Jose has designated multiple "Urban Villages" to accommodate growth in both employment and housing. The locations of the Urban Villages were determined during the Envision San Jose 2040 General Plan process. Urban Villages are typically walkable, bikeable, mixed-use, and transit-rich. A subset of Urban Villages are planned around existing or planned regional and local transit stops such as BART, VTA light rail, BRT, and Caltrain, and are designated as *transit-oriented* Urban Villages.

The City has designated the parcels within one-half mile of these transit-oriented Urban Villages as Opportunity Housing Areas, which are priority areas for consideration in the construction of multifamily housing. In the City's words:

*Opportunity Housing refers to enabling multi-unit housing on properties with a Residential Neighborhood General Plan land use designation. In San José, these are typically properties in single-family neighborhoods.*

*Staff and the General Plan Review Task Force explored allowing up to four units per parcel that could include a mix of a single-family home, duplex, triplex, or fourplex for a total of four dwelling units on the parcel while generally maintaining zoning setbacks and heights. This type of development was allowed in San José prior to World War II and still exists in many older neighborhoods.*

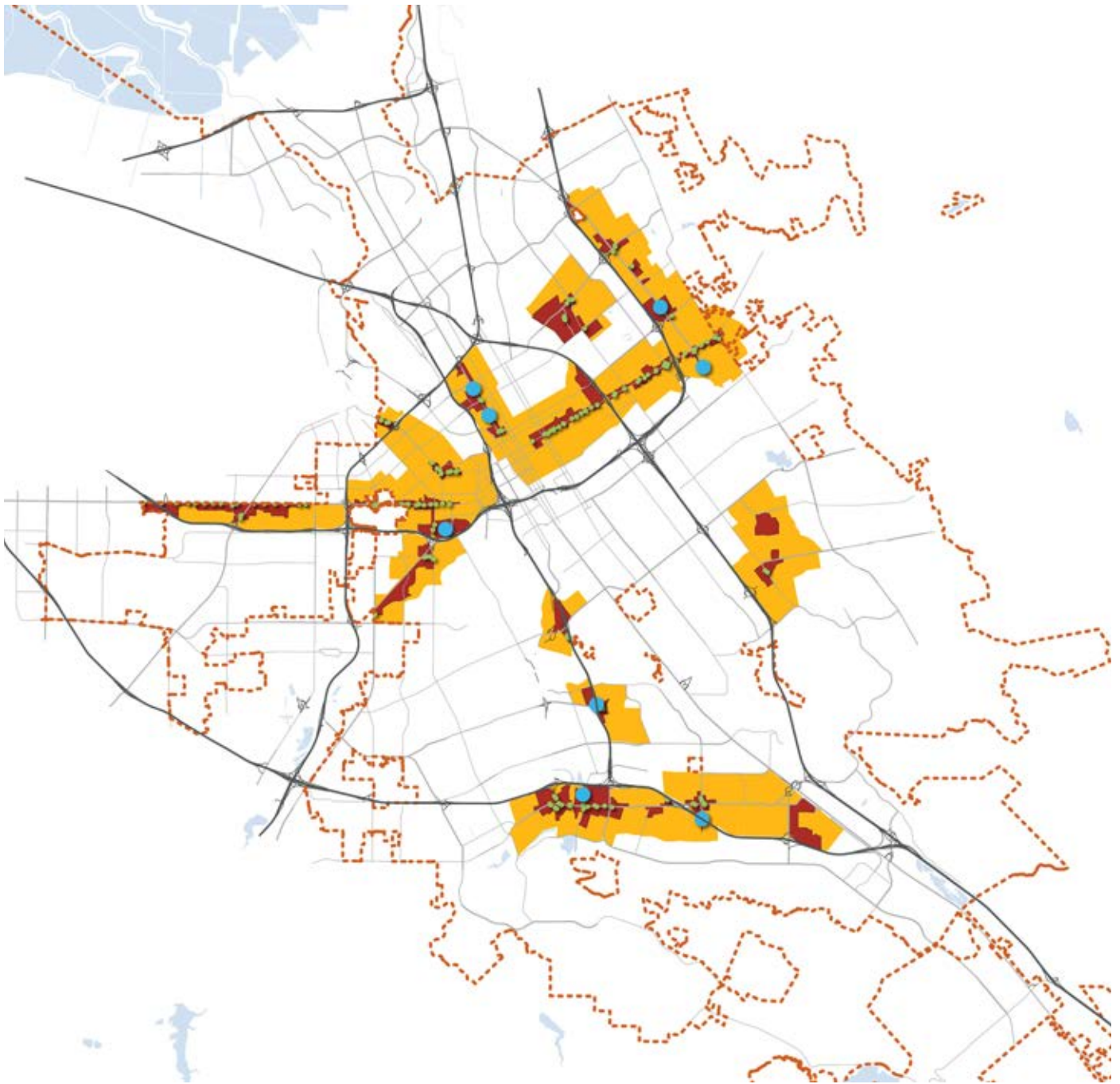
Although the present analysis is citywide, it pays special attention to the locations of transit-oriented Urban Villages and their surrounding Opportunity Housing Areas as strategic locations for new multifamily housing.

## Key Components of Analysis



### Transit Routes

Transit routes and stops are concentrated within the transit-oriented Urban Villages, making these areas prime candidates for walkable, transit-oriented development that can support Missing Middle Housing. San Jose has rich transit providing both local and regional service, including ACE, Caltrain, Amtrak Capital Corridor, and VTA light rail and buses.



### Transit-Oriented Urban Villages and Opportunity Housing Areas

Transit-oriented Urban Villages and their surrounding Opportunity Housing Areas are distributed throughout the city, with many clustered around downtown. Located near transit stops, these designations were created and mapped by the City prior to the present study.

- Key**
- Transit-oriented Urban Village
  - Potential Opportunity Housing Area
  - Light rail stop
  - Bus stop
  - City limit

# Urban Form

**Analyzing the form of the built environment reveals different kinds of places within the city.**

## Summary

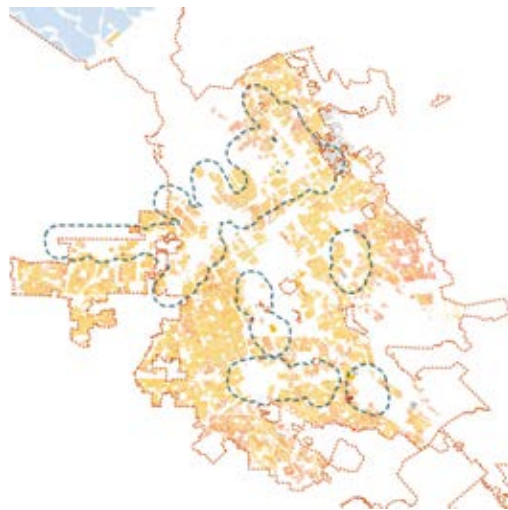
Buildings, streets, and blocks play a key role in shaping the public realm, which in turn impacts walkability. The sizes and shapes of buildings and the uses that occur within them can indicate an area's walkability or lack thereof.

San Jose contains diverse patterns of urban form including a finely gridded downtown with buildings at the edge of the sidewalk, neighborhoods with gridded streets and one- to two-story buildings with small or medium setbacks, neighborhoods with curvilinear streets and one- to two-story buildings with deep setbacks; as well as corridors with large-footprint one-story retail buildings set behind surface parking lots.

## Key Components of Analysis

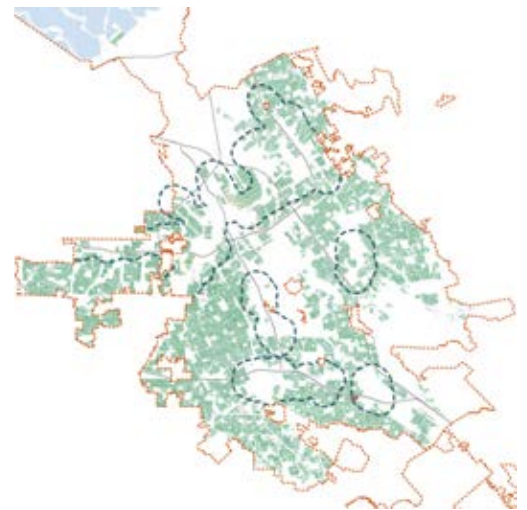
1-2  
stories  
typical building  
height

1 unit  
predominant  
among  
residential  
buildings



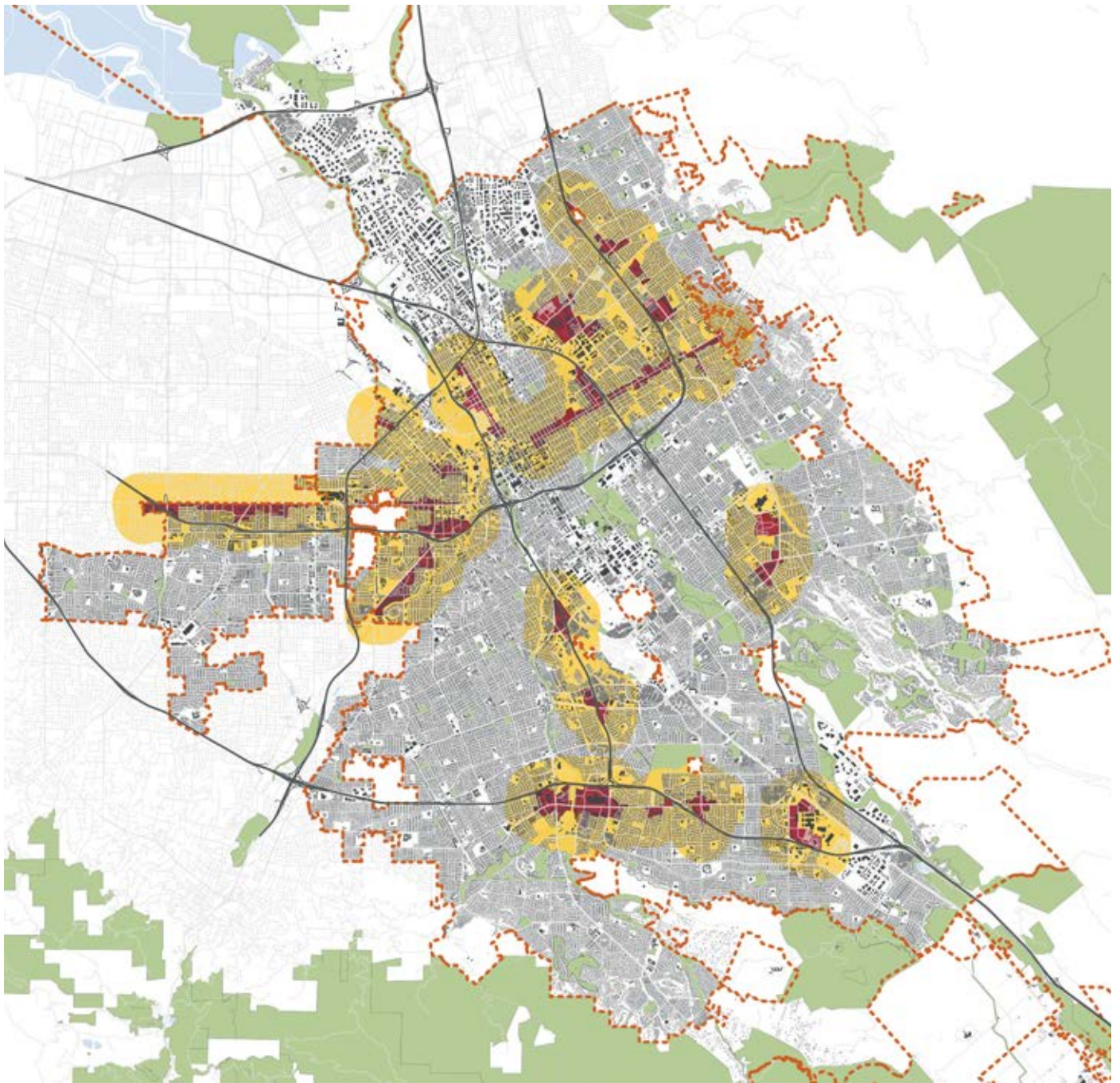
### Existing Building Heights

Buildings in San Jose are predominantly one to two stories in height.



### Number of Units Per Lot

Most residential units in San Jose are in single-unit buildings (e.g. single-family homes).



### Urban Form

San Jose and its transit-oriented Urban Villages (red fill) and Opportunity Housing Areas (yellow fill) include a diverse range of urban patterns.



*Widely-spaced medium-footprint buildings in a curvilinear street pattern*



*Closely-spaced small-footprint buildings arranged in a modified street grid*



*Widely-spaced large-footprint buildings organized as a district street grid*

# Regulatory Context

**Current zoning standards regulate housing in different parts of the city. The General Plan allocates land uses and provides policy direction for how those neighborhoods should evolve in the future.**

## Summary

The zoning standards applying to a large portion of the city do not yet support the type of housing envisioned by the Opportunity Housing Areas study.

## Key Components of Analysis

8 du/ac  
is the maximum  
allowed density  
in Single-Family  
Residential zones

At this density, a  
lot would need  
to be

150'x150'

in order to  
accommodate  
a fourplex  
(much larger  
than physically  
needed)



### General Plan Land Use

In the 2040 General Plan land use map, the predominant land use is Residential Neighborhood (shown here in purple). The General Plan describes this land use as encompassing "*most of the established, single-family residential neighborhoods, including both the suburban and traditional residential neighborhood areas which comprise the majority of its developed land.*"



### Zoning and Building Footprints

The building footprints show the pattern of building forms and built up area across the city. Overlaid on zoning districts, these footprints provide a snapshot of development resulting from zoning standards.



### Zoning

The zone covering the largest land area in the city is Single-Family Residential (shown in green) allowing up to 8 dwelling units per acre. Fourplexes are not allowed in this zone under the current standards. Opportunity Housing Areas (represented with the blue dashed line designating a half-mile buffer from transit-oriented Urban Villages) contain many parcels that currently have this zoning designation.

#### Legend

City limit	R-2(PD)	TEC
Cluster (R-M)	R-1-2(PD)	R-2
Cluster (R-1-5)	R-1-8(PD)	RM-H
Cluster (R-1-8)	R-1-RR	Non-Residential
R-M	R-1-8	
PD	R-1-5	
R-M(PD)	R-1-1	
R-1-1(PD)	R-1-2	

# Connectivity Context Types

**A key ingredient for walkability is street connectivity. Analyzing existing connectivity revealed context types, one indicator of where Opportunity Housing and other Missing Middle Housing types are appropriate and/or likely to occur under existing conditions.**

## Background

Missing Middle building types, including stacked fourplexes, are generally viable only when they have no more than one parking space per unit. This parking ratio is suitable for a walkable or bikeable context. This analysis looks at connectivity to establish context types that are walkable and bikeable. Note that this is a snapshot of existing conditions, and context types within San Jose may change over time, particularly in the areas surrounding transit-oriented Urban Villages. Urban Village boundaries may also change.

## Methodology

Analyze street and lot patterns to classify groups of blocks as walkable urban, transitional urban-suburban, or suburban context types. These designations account for street connectivity and building placement only. Additional factors such as the mix of uses, quality of the public realm, and multimodal infrastructure also impact walkability.

## Key Findings

Extensive walkable urban context in Central; extensive transitional context in West Valley and in Berryessa; transitional or suburban context in and adjacent to most other transit-oriented Urban Villages.

## Key Components of Analysis



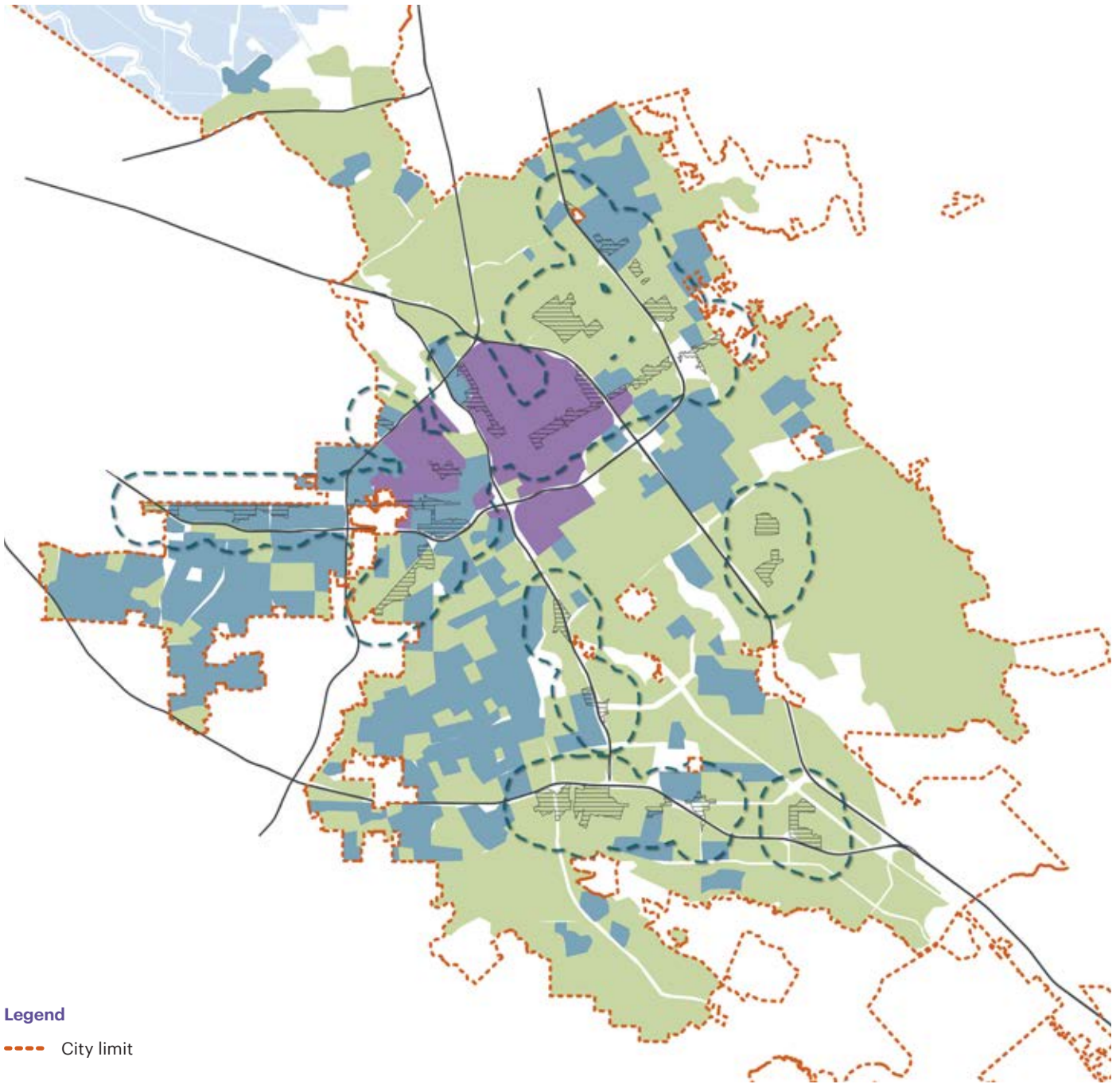
### Connectivity and Street Types

The level of connectivity can be read from intersection frequency and number of connections within a neighborhood and to the surrounding street network.



### Building Footprints

Building footprints provide information about how building form interfaces with the public realm. Walkable places tend to have buildings near the sidewalk where they are easily visible and accessible to pedestrians.



**Legend**

--- City limit

**Existing Connectivity Context Types**

**Walkable Urban**

Streets are well-connected with frequent intersections. Lots are long and narrow and some include alley access.



**Transitional Urban-Suburban**

Streets are well-connected within the neighborhood but may have limited connection to external streets. Lots are wide and deep.



**Drivable Suburban**

Streets have low intersection frequency and many dead-ends. Lots are large and irregular.





# Fourplex-Supportive Lots

**This analysis identifies lots that can physically accommodate fourplexes, specifically "stacked fourplexes". Lot size considerations can help to refine density and off-street parking requirements.**

## Methodology

Establish thresholds for lot dimensions that can fit a typical stacked fourplex: lot width may range from 50 ft to 100 feet, and lot depth may range from 100 ft to 150 feet.

## Key Findings

The stacked fourplex building type can fit on a known range of lot depths and lot widths. San Jose has an abundance of lots that fit these dimensional requirements. 113,400 lots, which accounts for approximately **76 percent** of all Residential Neighborhood General Plan land use lots within San Jose, are fourplex-supportive based upon these typical dimensional requirements (lot width and lot depth).

If one considers only the more typical lot dimensions for fourplexes - 50 to 65 feet in width by 100 to 150 feet in depth, approximately **57 percent** of the over 149,700 Residential Neighborhood General Plan land use lots could physically fit a stacked fourplex. An additional 1 percent of the lots could physically fit a fourplex with minimum setbacks and no parking requirement.

## Key Components of Analysis

113,400

lots dimensionally suitable for fourplex development

=76%

of all Residential Neighborhood General Plan land use lots



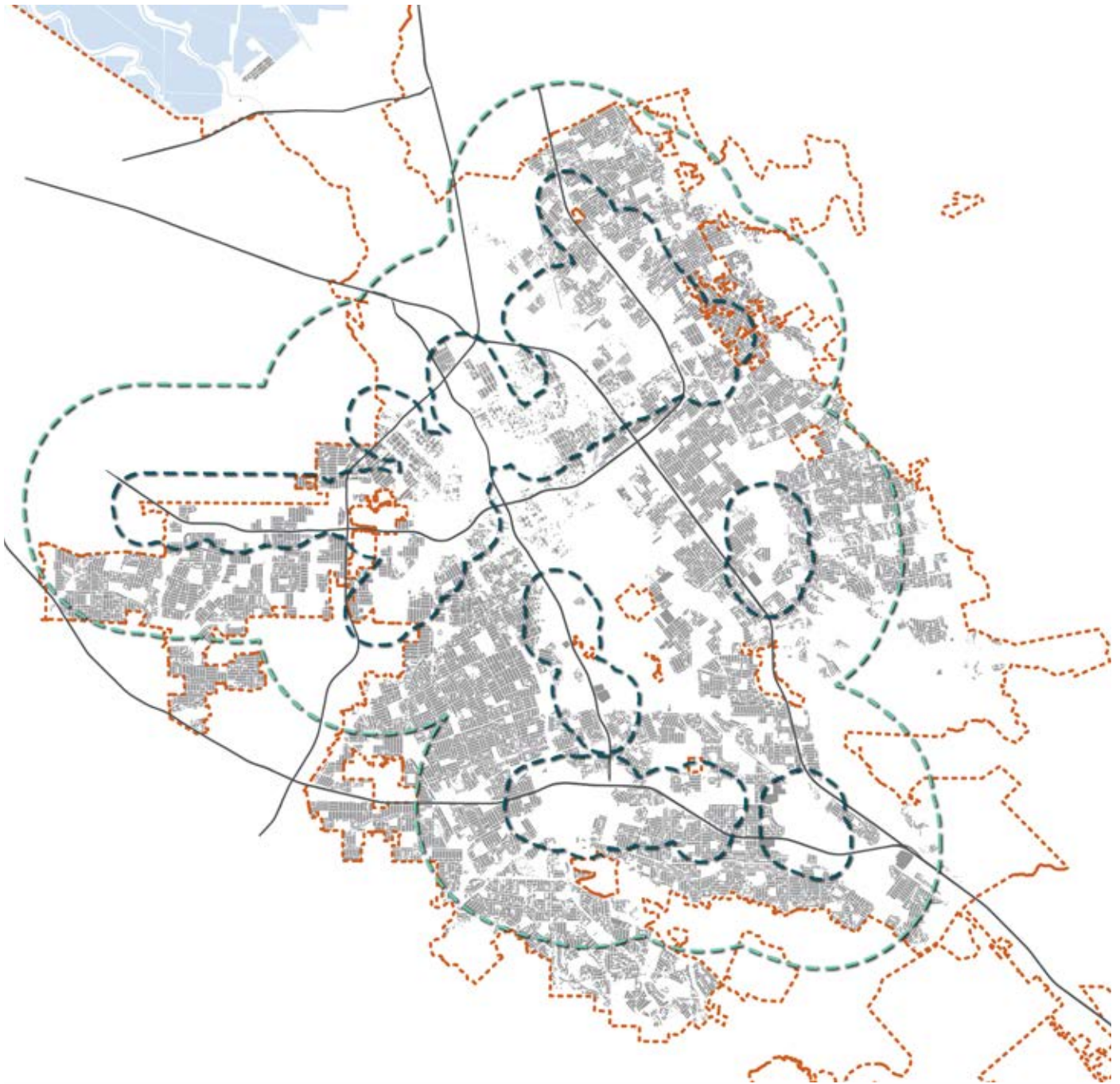
### Lot Width

The most prevalent dimensional range is greater than 50 feet wide and less than or equal to 75 feet wide. 119,412 lots fall into this range.



### Lot Depth

Similar to the lot width analysis, parcels were classified as belonging to one of several ranges of lot depths. The most prevalent dimensional range is greater than 100 feet and less than or equal to 150 feet. 123,009 lots fall into this range.



### Fourplex-Supportive Lots

This map displays the lots that meet both the lot width and the lot depth dimensional requirements for fourplexes, along with the half-mile walk shed (dark blue dashed line) and two-mile bike shed (light blue dashed line) from transit-oriented Urban Villages. Parking requirements further refine the lot size required for a fourplex project. As the map shows, significant parts of the city that are outside Opportunity Housing Areas can support fourplexes. This analysis provided the starting point for the lot testing analysis, that also examined additional economic and regulatory factors.

#### Legend

- Fourplex-supportive lots
- 1/2 mile walk shed
- 2 mile bike shed
- City limit

# Missing Middle-Supportive Lots

**In analyzing the potential for Opportunity Housing, additional Missing Middle Housing types were also considered that can further the City's Opportunity Housing goals.**

145,241  
lots

dimensionally  
supportive of  
duplexes

30,171  
lots

dimensionally  
supportive  
of courtyard  
apartments,  
cottage courts,  
townhouses,  
and multiplexes

## Methodology

The parcel data of all parcels designated as Residential Neighborhood General Plan land use were charted in a matrix that shows the number of lots that fall within specific width and depth ranges. These were then classified to indicate what parcels a typical stacked fourplex would physically fit on, with setbacks and parking. The range of lots that can fit fourplexes varies from the smallest at 50 foot wide by 75 foot deep lot up to 65 foot wide by 175 foot wide lot. The matrix also provides a snapshot of other Missing Middle Housing types that can physically fit within the lot width and depth ranges.

## Key Findings

**79 percent** of the over 149,700 Residential Neighborhood General Plan land use lots are larger than the minimum lot size needed to accommodate a stacked fourplex. These lots could develop as multiple fourplexes or might accommodate a different building type such as a courtyard building or a cottage court.

This analysis can be further refined based on parcels that:

- City staff has recommended as Opportunity Housing sites (16,855 lots), based upon a half-mile walkshed from transit stops within each transit-oriented Urban Village;
- Are within a half-mile mile of city designated transit-oriented Urban Villages but not part of the city staff identified Opportunity Housing sites (20,452 lots); or
- Are within the city of San Jose and outside the half-mile radius of the city designated transit-oriented Urban Villages (93,484 lots).

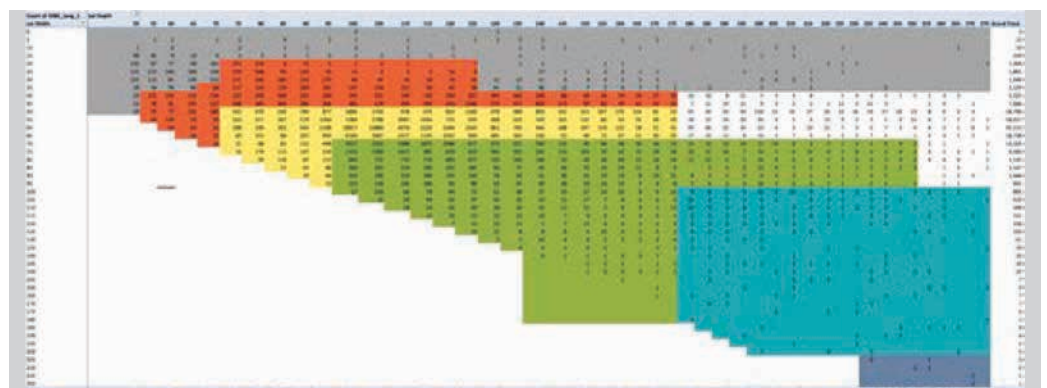
## Next Steps

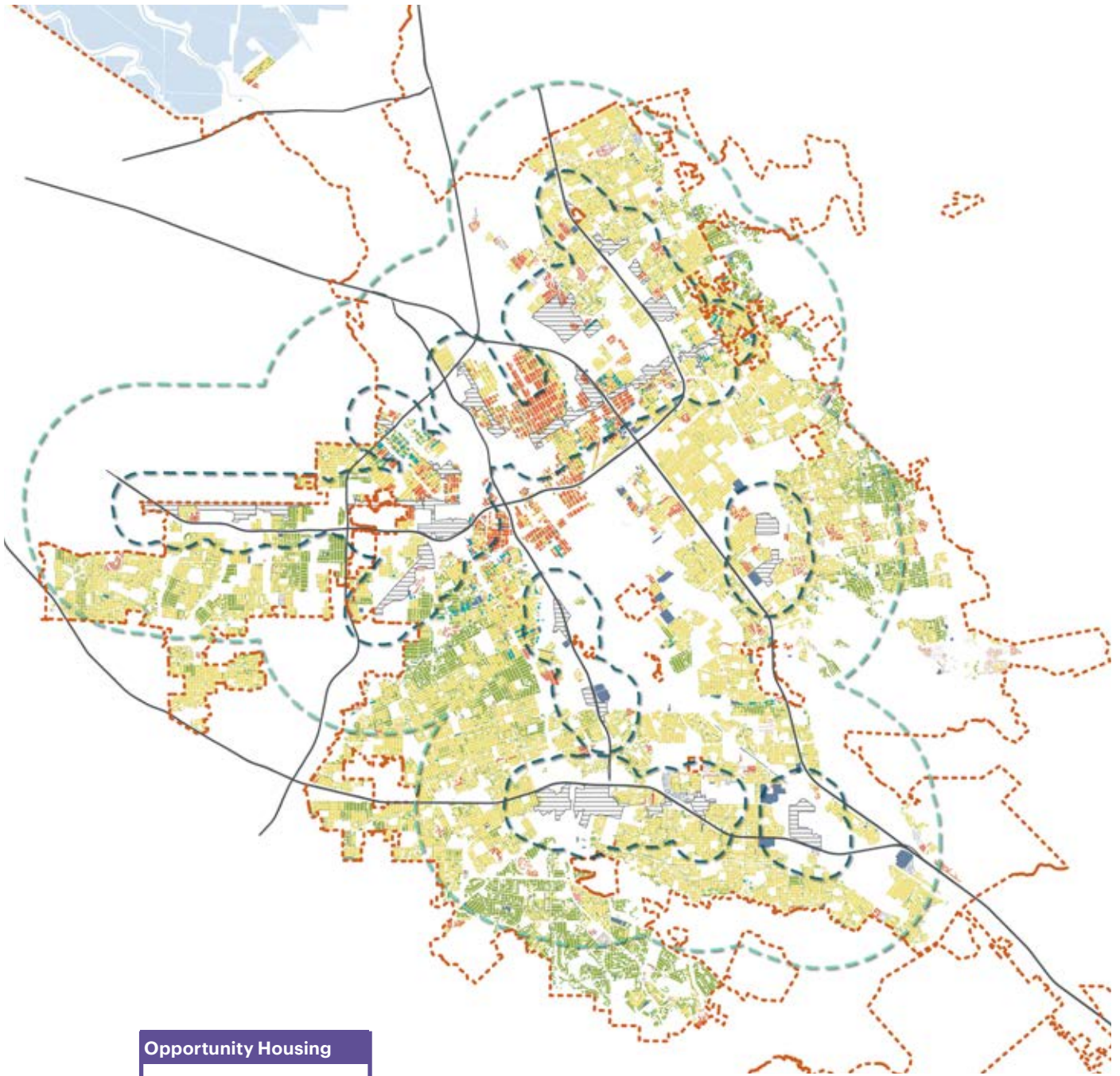
While this analysis explored the range of lots that could accommodate a stacked fourplex building type, additional consideration for financial feasibility will need to be taken into consideration to understand where true redevelopment potential exists.

*Right: A matrix used to analyze the distribution of lot widths and depths across all General Plan Residential Neighborhood land use lots in San Jose*

### Lot Size Categories

- Extra Small
- Small
- Medium
- Large
- Outliers





**Legend**

--- City limit

Lot Size Categories	Opportunity Housing									
	Single-Family	Duplex	Triplex	Fourplex	Courtyard Apt	Cottage Court	Townhouse	Multiplex	Live/Work	Mid-Rise
Extra Small	Red	Red								
Small	Yellow	Yellow	Yellow	Yellow						
Medium	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
Large	Teal	Teal	Teal	Teal	Teal	Teal	Teal	Teal	Teal	Teal
Outliers	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue

**Lots Supportive of Missing Middle Housing Types**

This map displays a range of lot size categories based on lot width and depth. Displayed are lots that physically accommodate various Missing Middle housing types, corresponding to the matrix at left.

# Considerations for Enabling Stacked Fourplexes

Particular site conditions and parking requirements further refine dimensional requirements for stacked fourplexes.

## Refining Dimensions for Particular Conditions

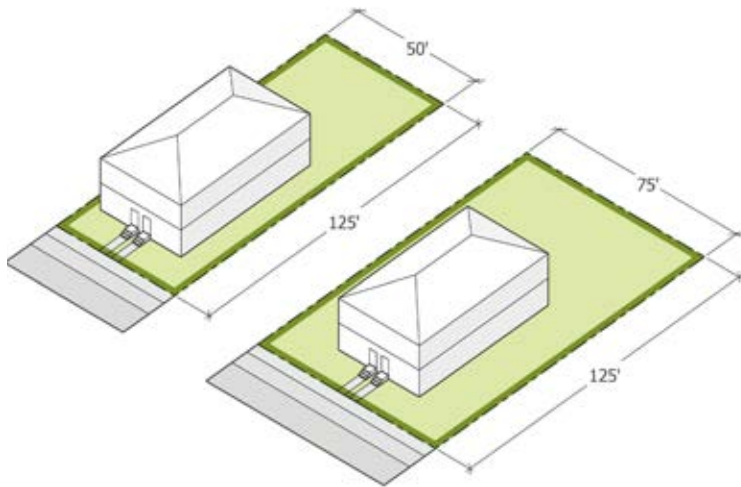


Image Copyright 2020 Opticos Design

The diagram at left illustrates how the dimensional requirements for a stacked fourplex are further refined beyond the two extremes of the lot width range. The 50 by 75 feet lot would accommodate a compact fourplex with 5 foot setbacks and one parking space per unit provided from a rear lane or alley, while a 65 x 175 feet lot would accommodate a larger fourplex with more substantial setbacks and up to two parking spaces per unit. Lots wider than 75 feet and/or deeper than 175 feet can accommodate fourplexes but would not likely develop as a single fourplex building. Larger lots might develop as multiple fourplexes or might accommodate a different building type such as a courtyard building.

## Variations in Unit Size and Parking Configuration

The diagram below illustrates how unit size, parking requirements, and whether parking is accessed from the street or from the alley all impact the minimum lot size that can physically accommodate a fourplex.

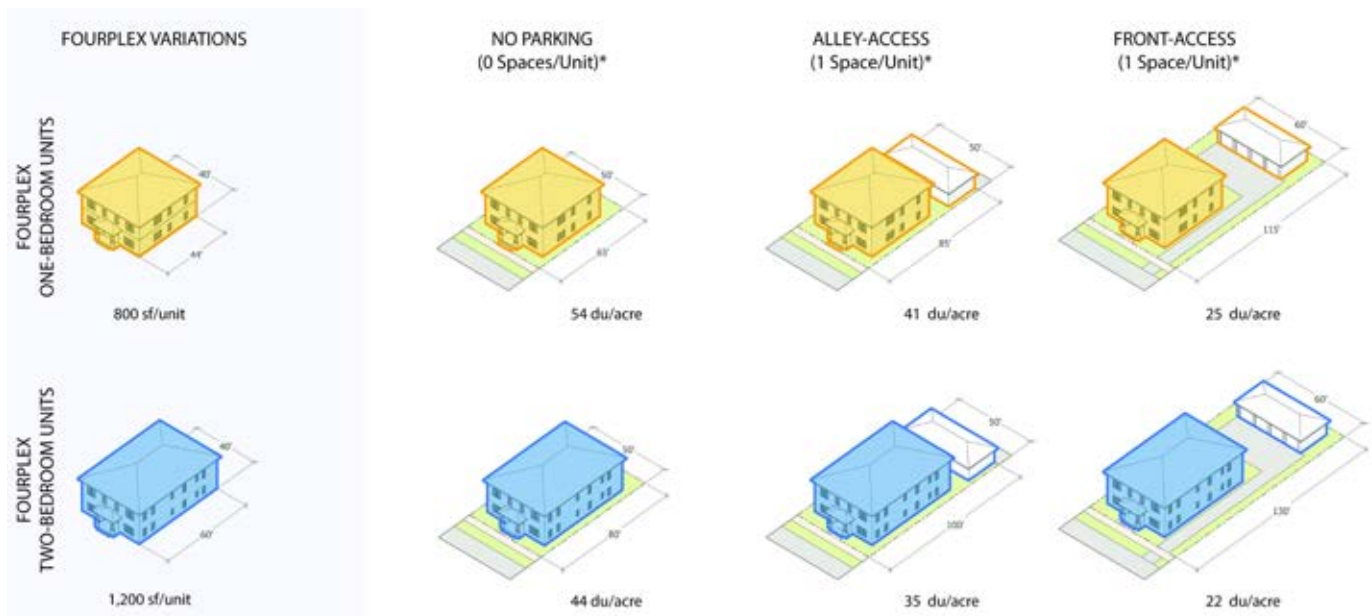
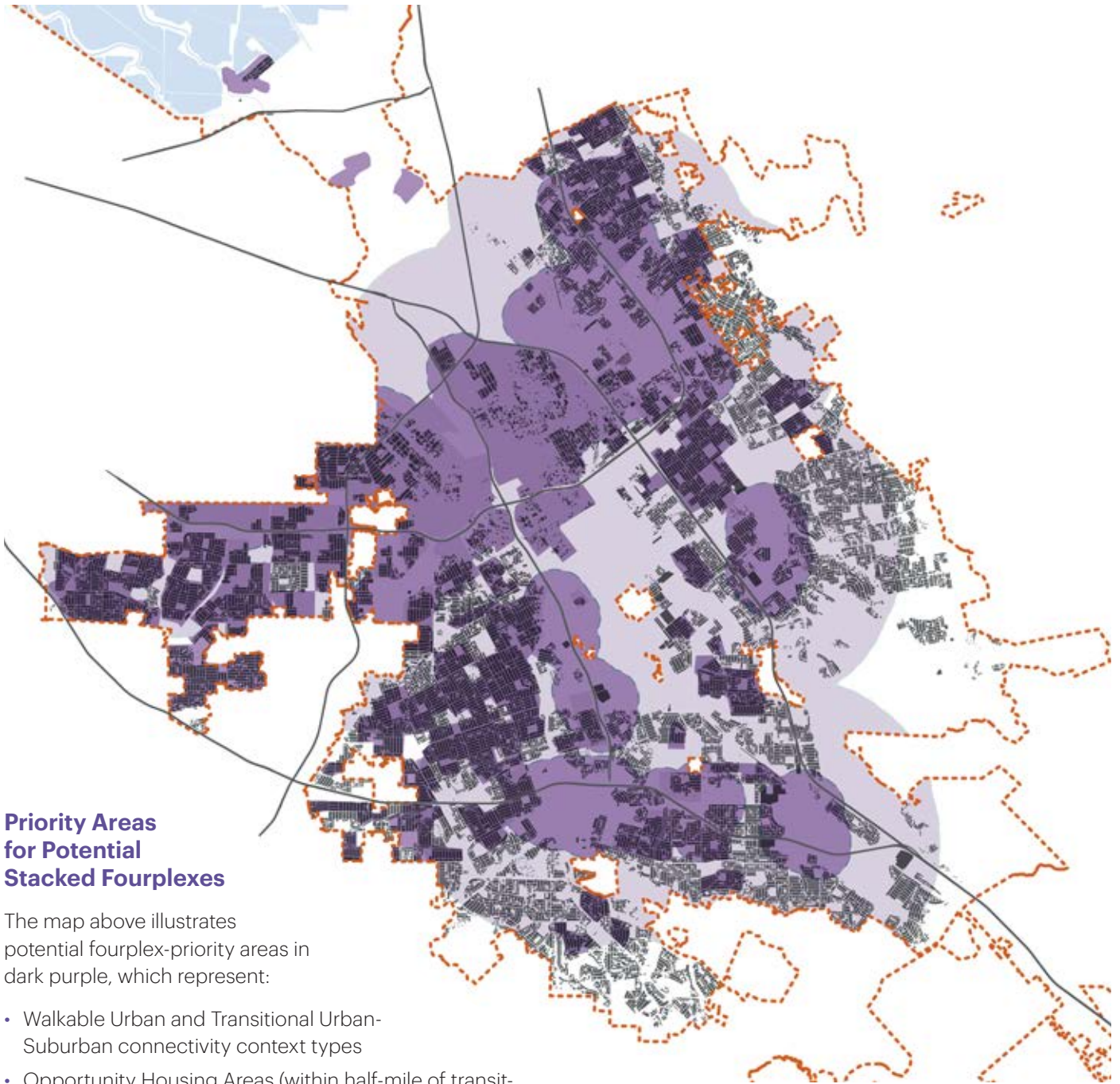


Image Copyright 2020 Opticos Design



### Priority Areas for Potential Stacked Fourplexes

The map above illustrates potential fourplex-priority areas in dark purple, which represent:

- Walkable Urban and Transitional Urban-Suburban connectivity context types
- Opportunity Housing Areas (within half-mile of transit-oriented Urban Villages)

Additionally, the City should consider the bike shed (two-mile radius, shown in lavender) in addition to the walk shed (half-mile) from transit-oriented Urban Villages as stacked fourplex-priority areas.

The form of the housing provided also impacts which areas have the potential to prioritize fourplexes. Missing Middle housing types, such as stacked fourplexes, typically provide smaller units than are offered by, for example, four attached townhomes. Smaller units expand housing access, and typically can rent or sell with just one parking space per unit, even if not located within a walkable urban context type or within a walk shed of a transit-oriented Urban Village.

#### Legend

- Stacked fourplex-supportive lots
- Stacked fourplex priority areas
- 2 mile bike shed
- City limit

# Lot Testing + Feasibility Analysis

**To assess the viability of building types on specific lot configurations, lot testing is an essential step to inform the cost feasibility analysis of Opportunity Housing.**

## The Purpose of Lot Testing

Lot testing involves the design testing of typical building prototypes on select lot configurations. Since specific building types have inherent minimum dimensions, lot testing reveals the impacts and limitations of lot width and lot depth toward building size and off-street parking. The process seeks to optimize the unit count and parking count for a given lot size, with respect to desired building form within the allowed density and/or FAR. Since this involves using actual building types and site and parking layout, the results are more precise than numeric calculations based only on density or FAR.

## Determining the Inputs

The first criteria for lot selection were allowed land use and lot size. Lots selected for this purpose were in the Residential Neighborhood General Plan land use with lot widths ranging from 50 to 60 feet. More information on the selection criteria is described on the facing page.

For the selected lot widths (50 feet and 60 feet), a stacked fourplex was a logical baseline building type for comparative feasibility analysis, since the upper threshold set by the Opportunity Housing Task Force and City Council for this analysis was four units per lot.

A stacked fourplex was selected because it provides four units, but within an overall footprint that is generally comparable to the footprints of single-family homes. The remaining lot area not dedicated to the building footprint could be utilized

for a more intense parking approach when appropriate. The lot testing also considered variations in fourplex unit and building footprint sizes, and this in turn affected the parking approach as well.

## Iterative Learning

The lot testing consisted of three rounds, and the process involved close collaboration with Strategic Economics. For each round, the development program achieved from the lot test was analyzed for financial feasibility for both rental and for-sale products in the three tiered submarkets identified for San Jose by Strategic Economics. For additional information on the submarkets, please refer to the report titled "San Jose Opportunity Housing: Feasibility Results", by Strategic Economics, October 2021.

## A Note About ADUs

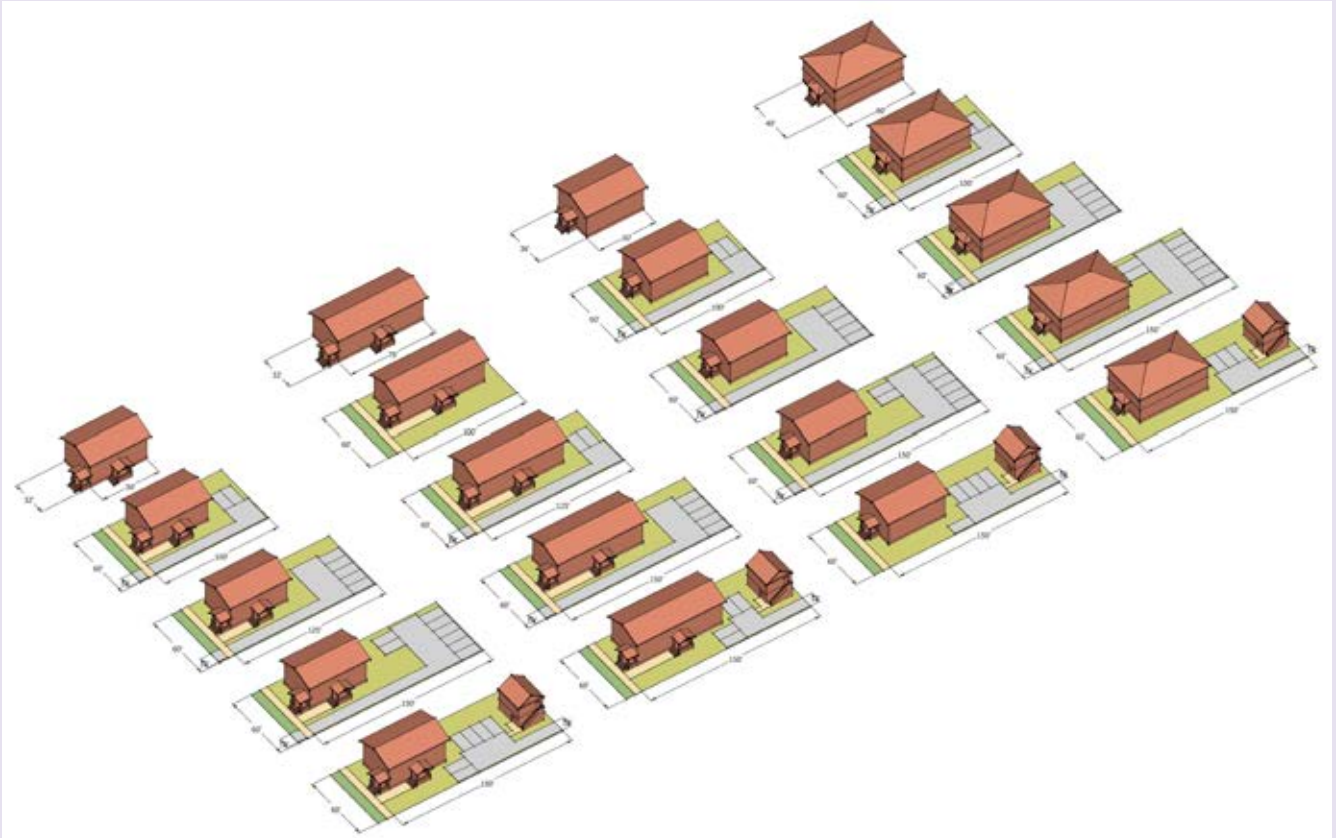
Accessory dwelling units were considered for 150-foot deep lots in the first round of testing and for select 125-foot deep lots in the second round. However, for consistency in comparing the different lot tests, ADUs are excluded from the FAR calculated and the feasibility results.

## Attainability and Livability Considerations

In assessing financial feasibility, an important consideration to keep in mind is whether the "financially feasible" outcomes are also attainable at area median incomes. Unless the additional housing units delivered as part of Opportunity

## CLOSER LOOK

### Selecting Lot Sizes for Feasibility Testing



Four variations of the stacked fourplex building type were tested on lots 50 feet and 60 feet wide, and varying lot depths commonly found in San Jose. The graphic above shows the lot testing for 60 feet-wide lots.

Lot sizes were determined through citywide analysis of lot widths and depths of lots with the Residential Neighborhood General Plan land use designation. Lot widths and depths were arranged in a matrix to show the number of lots with each dimension, grouped in five-foot increments, revealing the most prevalent lot dimensions throughout the city. For example, the matrix showed that 60 feet is the most commonly occurring lot width with 90,364 lots having this dimension, more than double the number of lots with any other lot width. As a result, 60 feet was the lot width selected for study in most prototypes.

A lot depth of 125 feet allows most traditional fourplexes to have 4 off-street surface parking spaces, accessed by a front-loaded driveway that leads to the parking area in the middle and rear of the lot. The lot testing showed that 100-foot deep lots are not able to support off-street parking at a ratio of 1 space per unit, and 150-foot deep lots are able to support off-street parking at a ratio of 1:1 or slightly greater.

After an initial round of analysis, the lot size of 60 feet x 125 feet was determined to be most suitable for further testing. About five thousand (5,030) lots fall in the range of 60-65 feet width and 125-150 feet depth.



Housing are attainable to a majority of the San Jose population, the policy will be limited in its equity goals.

Another key consideration in drafting policy is that of livability. The manner in which the new housing will respond to privacy concerns from existing homeowners, and how the new housing types will engage with the street and sidewalk will be important. For instance, when building entrances face the street, it contributes to a safer, more walkable environment and helps build a sense of community. When building facades "back on" or "side on" to a street, this aspect is not addressed. Similarly, if a new building has all its units with windows overlooking a neighbor's yard, it may cause friction. These and other form criteria should form part of policy decisions regarding Opportunity Housing.

### Summary of Lot Testing Results

The three rounds of lot testing included testing a variety of units on the same lot size (7,500 sq ft; 60 x 125 feet) for consistency. Strategic Economics tested the types described below for financial feasibility, in addition to other variations. The following steps were followed:

#### Round 1. Test an "idealized" housing type and additions

The first round tested a stacked fourplex, considered an ideal type to deliver attainability (due to its smaller unit sizes) and livability (due to its massing and orientation that work well in single-family neighborhoods). The stacked fourplex was found to be financially unfeasible (both rental and for-sale) across all three submarket tiers.

A stacked duplex prototype with larger, for-sale units had better feasibility in two of the three submarket tiers. This round

also tested the scenario of maintaining the primary single family home while adding a duplex at the rear yard of the lot. This option was feasible in one submarket as a for-sale product but not as rental.

With these initial findings, the team sought to explore options that would be more feasible.

#### Round 2. Test housing types most likely to be market-feasible

In the second round, the team selected housing types more likely to achieve feasibility. These included a set of four side-by-side townhouse units oriented perpendicular to the street, a common lot configuration seen in San Jose and parts of the Bay Area. A set of four detached single-family homes were also studied. Modifications to improve financial feasibility included increasing unit sizes and building footprints, and adding a third story. These types were found to be financially viable in some submarkets under current market conditions.

The results from this round showed that increasing FAR improved the potential for market feasibility. As building size increased, so did the unit size, up to the market threshold beyond which it became more appropriate to increase unit count as opposed to unit size. Given that the lot size stayed the same, FAR could increase with additional height or larger footprints with reductions to the open space on the lot, but generally the parking count could not be increased without drastic reductions to existing setbacks.

While prototypes tested in this round are financially feasible, they typically may not provide housing that is attainable to most median-income residents. In terms of building form and orientation, these do not make much contribution to neighborhood character or an active public realm.

### **Round 3. Find the sweet spot for feasibility, attainability and livability**

In the third round of testing, the team sought to make modifications to the housing types to achieve financial feasibility while also aiming for good urban form and addressing attainability concerns.

To do this, the team had to push the defined parameters for Opportunity Housing, and add units beyond the established threshold of four per lot. In this round, the prototypes tested include two- and three-story stacked eightplexes and three-story stacked sixplexes. For this exercise, unit sizes and building footprints were kept similar to those used in the first round, and parking was reduced. Overall FAR was increased to improve financial feasibility by adding on a third floor.

Some of these prototypes were found to be feasible in some submarkets under current market conditions. These also would likely be more attainable, since unit sizes are smaller. These typically have

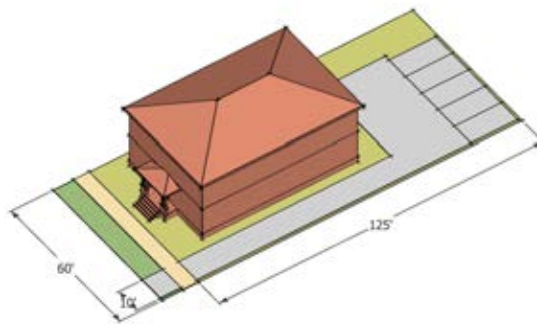
reduced on-site parking, which may limit their appeal to some.

In the following pages, the three rounds of testing are described, with supporting graphics and program summaries.

For additional information about the feasibility analysis across the tiered submarkets, refer to the report prepared by Strategic Economics titled "San Jose Opportunity Housing: Feasibility Results", October 2021. This report by Strategic Economics also includes discussion on related topics such as potential impacts of recent state-wide legislation on Opportunity Housing (SB9, SB10) and other relevant information.

# Round 1 Test an "idealized" housing type and additions

## Stacked Fourplex



This lot test used a typical stacked fourplex building type, known to promote livability and attainability. A typical fourplex has smaller individual units, with an overall building footprint that closely matches that of a medium-to-large single-family house. For achieving the equity goals of Opportunity Housing, it was important to test this type.

However, the financial model showed this prototype to be financially infeasible, for both rental and for-sale products. **As a result, this type is unlikely to contribute to additional housing in San Jose.** A variation tested was a larger side-by-side duplex. **This type was found to be feasible as a for-sale product in two of the three submarket tiers.** However, the larger unit sizes indicate that attainability may be an issue with this prototype.

### Lot + Building Specifications

Lot size	7,500 sf
Lot dimensions	60 ft x 125 ft
# of units	4
# of parking spaces	5 (1.25 per unit)
Unit types	2 bd / 2 ba
Unit sizes	1,080 sf
Density	23 du/ac
FAR	0.64

### Feasibility by Submarket

Note: Calculated based on residual value to acquisition cost ratio

	For-Sale	Rental
Tier 1	Not feasible	Not feasible
Tier 2	Not feasible	Not feasible
Tier 3	Not feasible	Not feasible

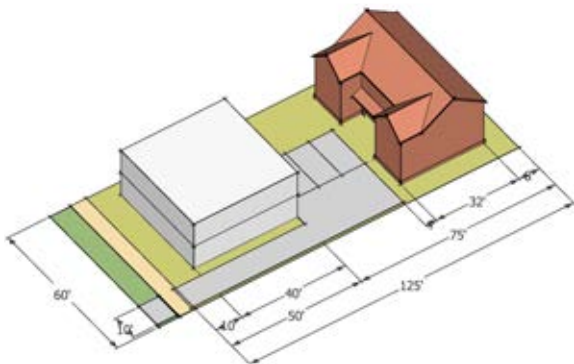
Attainability	Feasibility	Livability

### Variation Tested (not shown here)

Two-Story Side-by-Side Large Duplex. This was tested as a for-sale product and was feasible in Tiers 1 and 2.

# Round 1 (Continued)

## Side-by-Side Duplex Addition



This prototype adds a side-by-side duplex to the rear yard of an existing single-family home. Approaches to off-street parking for this scenario can vary. The single-family home may have a front-loaded garage with a driveway that can support one or two tandem parking spaces. In lieu of that, a separate drive aisle for mid-lot parking could provide up to two parking spaces, with the potential for additional tandem parking within the drive aisle.

**This prototype was found to be feasible in one submarket tier, as a for-sale product.**

### Lot + Building Specifications

Lot size	7,500 sf
Lot dimensions	60 ft x 125 ft
# of units	2
# of parking spaces	2 (1 per unit)
Unit types	3 bd / 3 ba
Unit sizes	1,290 sf
Density	12 du/ac
FAR	0.36

### Feasibility by Submarket

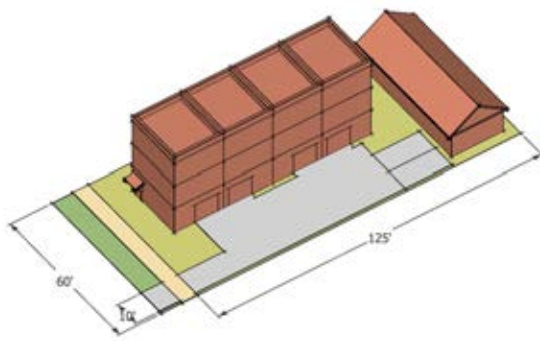
Note: Calculated based on residual value to acquisition cost ratio

	<i>For-Sale</i>	<i>Rental</i>
Tier 1	<i>Feasible</i>	<i>Not feasible</i>
Tier 2	<i>Not feasible</i>	<i>Not feasible</i>
Tier 3	<i>Not feasible</i>	<i>Not feasible</i>

Attainability	Feasibility	Livability

# Round 2 Test housing types most likely to be market-feasible

## Side-by-Side Townhouses



This round evaluated building types proven to be market-feasible based upon their recent production in San Jose. Understanding the financial performance of these types provided a helpful benchmark against which to compare the performance of other tested types. The prototype tested consists of four attached three-story townhouse units with tuck-under parking; oriented perpendicular to the street, all fronting onto a common driveway (colloquially called "slot houses"). **This type is financially feasible, but with larger units, the typical sale price or rent of this type of housing will be too high to provide additional attainable housing at area median incomes.**




### Lot + Building Specifications

Lot size	7,500 sf
Lot dimensions	60 ft x 125 ft
# of units	4
# of parking spaces	6 (1.5 per unit)
Unit types	3 bd / 2.5 ba
Unit sizes	1,480 sf
Density	23 du/ac
FAR	0.91

### Feasibility by Submarket

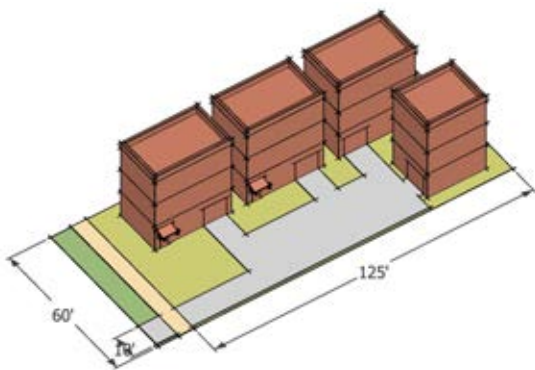
Note: Calculated based on residual value to acquisition cost ratio

	<i>For-Sale</i>	<i>Rental</i>
Tier 1	<i>Feasible</i>	<i>Not tested</i>
Tier 2	<i>Not feasible</i>	<i>Not tested</i>
Tier 3	<i>Not feasible</i>	<i>Not tested</i>

Attainability	Feasibility	Livability
		

## Round 2 (Continued)

### Multiple Single-Family Houses



Also as part of Round 2, a prototype tested included four detached three-story single-family units, oriented perpendicular to the street and fronting onto a common driveway. A variety of parking approaches can be used for this type, including garages, tuck-under and/or tandem parking in the driveway. **Similar to the attached side-by-side townhouse prototype, this type is financially feasible, but with larger units, the typical sale price or rent of this type of housing will be too high to provide additional attainable housing at area median incomes.**

#### Lot + Building Specifications

Lot size	7,500 sf
Lot dimensions	60 ft x 125 ft
# of units	4
# of parking spaces	4 (1 per unit)
Unit types	3 bd / 2.5 ba
Unit sizes	1,480 sf
Density	23 du/ac
FAR	0.91

#### Feasibility by Submarket

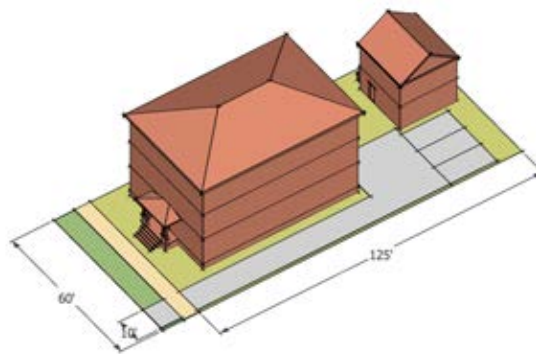
Note: Calculated based on residual value to acquisition cost ratio

	<i>For-Sale</i>	<i>Rental</i>
Tier 1	<i>Feasible</i>	<i>Not tested</i>
Tier 2	<i>Feasible</i>	<i>Not tested</i>
Tier 3	<i>Not feasible</i>	<i>Not tested</i>

Attainability	Feasibility	Livability

# Round 3 Find the sweet spot for feasibility, attainability, and livability

## Three-Story Stacked Sixplex



In Round 3, the team expanded on the unit count thresholds established for Opportunity Housing in order to explore housing options that could deliver livability and attainability while also being financially feasible. In this round, sixplexes and eightplexes were tested. Unit sizes were kept the same as the fourplex tested in Round 1, but FAR was increased by adding on a third story. Since the building footprint remained the same, a reasonable amount of parking could be provided. Alternatively, the building envelope could be increased, providing slightly larger units, when used in areas where parking is not a high priority (such as Opportunity Housing Areas adjacent to transit stops). **This type is financially more feasible, and with additional smaller units, potentially more attainable. While reduced parking may limit its appeal, it is likely to yield additional housing, in at least some of San Jose’s submarkets.**




### Lot + Building Specifications

Lot size	7,500 sf
Lot dimensions	60 ft x 125 ft
# of units	6
# of parking spaces	3 (0.5 per unit)
Unit types	2 bd / 2 ba
Unit sizes	1,080 sf
Density	35 du/ac
FAR	0.96

### Feasibility by Submarket

Note: Calculated based on residual value to acquisition cost ratio

	For-Sale	Rental
Tier 1	Feasible	Not feasible
Tier 2	Not feasible	Not feasible
Tier 3	Not feasible	Not feasible

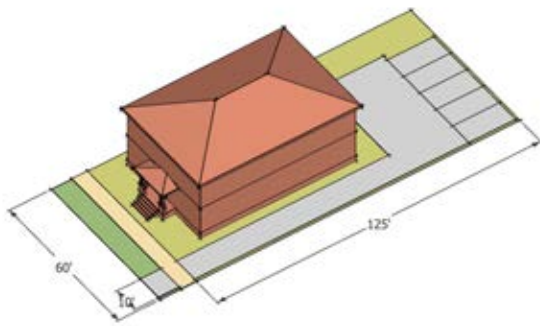
Attainability	Feasibility	Livability
		

### Variations Tested (not shown here)

Three-Story Stacked Eightplex. This prototype was derived by adding a 2-story, 2-unit wing to the rear of a 3-story fourplex. The increased FAR made this type feasible as both a for-sale and as a rental product but only in Tier 1, not Tiers 2 and 3.

# Round 3 (Continued)

## Two-Story Stacked Eightplex



Also as part of Round 3, a two-story stacked eightplex was tested as a rental product. This prototype had similar unit sizes to the fourplex tested in Round 1. While this configuration is likely to blend in well with adjacent single-family homes, and also has reasonably small unit sizes to address attainability, it does have higher construction costs per square foot. **This housing type was found to be infeasible, and is not likely to contribute to additional housing in San Jose.**




### Lot + Building Specifications

Lot size	7,500 sf
Lot dimensions	60 ft x 125 ft
# of units	8
# of parking spaces	5 (0.6 per unit)
Unit types	2 bd / 2 ba
Unit sizes	1,048 sf
Density	47 du/ac
FAR	1.24

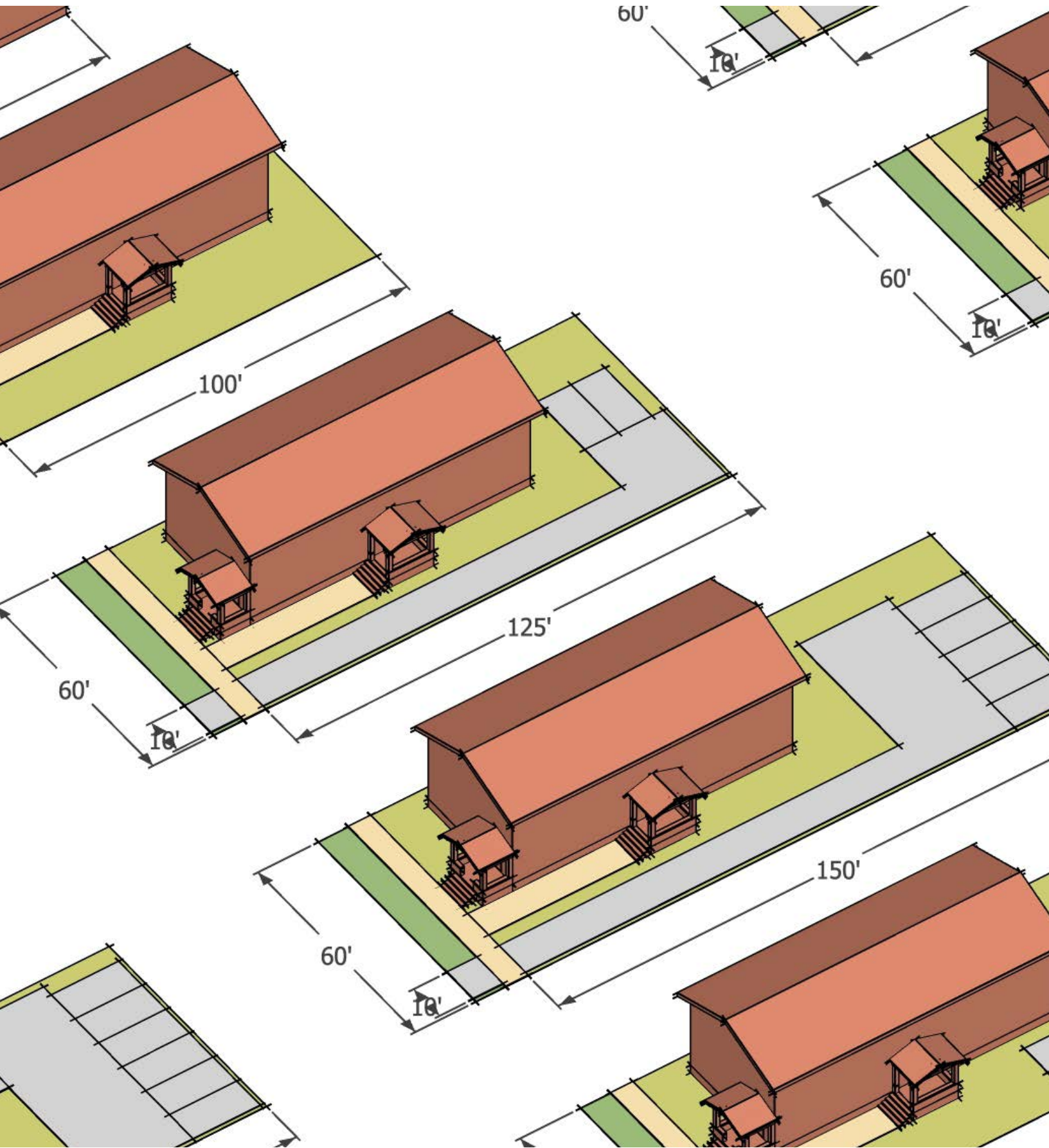
### Feasibility by Submarket

Note: Calculated based on residual value to acquisition cost ratio

	<i>For-Sale</i>	<i>Rental</i>
Tier 1	<i>Not tested</i>	<i>Not feasible</i>
Tier 2	<i>Not tested</i>	<i>Not feasible</i>
Tier 3	<i>Not tested</i>	<i>Not feasible</i>

Attainability	Feasibility	Livability
		





Blake Huntsman - Chair  
Michael Colbruno  
Doug Boxer

July 14, 2010

<b>Location:</b>	<b>Citywide</b>
<b>Proposal:</b>	Zoning Text amendments and Zoning Map revisions to update the City's commercial and residential zoning districts. This project also includes establishing height maps along the City's corridors and revising the "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations" to reflect the new zoning designations.
<b>Applicant:</b>	Planning Commission
<b>Case File Numbers:</b>	<b>ZT10-111, RZ10-112</b>
<b>General Plan:</b>	Hillside Residential, Mixed Housing Type Residential, Urban Residential, Mixed Housing Type Residential, Neighborhood Center Mixed Use, Community Commercial, Regional Commercial
<b>Zoning:</b>	Various
<b>Service Delivery District:</b>	All Districts
<b>City Council District:</b>	All Districts
<b>Action to be Taken:</b>	Public Hearing and Discussion
<b>For Further Information:</b>	Contact case planner Neil Gray at (510) 238-3878 or by email: <a href="mailto:ngray@oaklandnet.com">ngray@oaklandnet.com</a>

## SUMMARY/BACKGROUND

At the May 26, 2010 Zoning Update Committee (ZUC) meeting, staff presented an overview of the proposed commercial and residential zoning regulations. At that meeting, staff also recommended, and ZUC agreed to, a general timetable for the discussion and presentation of the proposed zoning maps. Review of the proposed zoning maps will first focus on North Oakland, West Oakland and North Hills (Area 1); followed by Central Oakland, including San Antonio, Fruitvale, Adams Point/Grand Lake and the Lower Hills (Area 2); and finally East Oakland, including areas such as Elmhurst, the South Hills and Central East Oakland (Area 3). This staff report describes the methodology used to produce the proposed zoning maps, it describes the highlights of the proposed zoning map for Area 1, and includes, as Attachment A, a response to comments received at the May 26, 2010 ZUC meeting.

The presentation of this staff report was originally scheduled for the June 26, 2010 ZUC meeting. That meeting was cancelled due to a lack of quorum. Changes to the zoning maps made after the publication of the June 26 staff report are summarized in the Proposed Mapping section, below.

## APPROACH

The following is a review of staff's approach to mapping zoning districts and height areas in the City's residential and commercial neighborhoods.

### Approach to Mapping the Zoning Districts

The mapping of the proposed zones is based on a consistent citywide methodology taking into consideration the criteria described in this section.

- General Plan Designation. The foremost criterion for how a property is zoned is its designation on the General Plan Land Use Diagram. The overarching goal of the zoning update is to achieve a zoning map that is fully consistent with the Land Use Diagram.
- Strategy Diagram Designation. As noted earlier, the LUTE Strategy Diagram designates some areas of Oakland as “Maintain and Enhance” and others as “Grow and Change.” For areas with the former designation, an effort was made to assign a zoning district which reflected *existing* densities. This was particularly important in areas designated “Mixed Housing Type” on the Land Use Diagram since there are four possible zoning districts consistent with this designation.
- Existing Zoning. Within a given General Plan category, existing zoning was a major factor in determining future zoning, particularly in areas that were rezoned during the 1990s and 2000s, and in commercial areas (such as C-31).
- Existing Land Uses. Extensive field work and Geographic Information Systems (GIS) analysis of parcel data was conducted as part of the mapping process. In residential areas, existing densities were used to assign the correct zoning designations. In commercial areas, the mix of uses was used to determine the “best fit” zone for a given General Plan category. The result is a much finer-grained zoning map than the current map.
- Parcelization. Geographic Information Systems (GIS) analysis was conducted to study patterns, such as median lot sizes, in order to determine the appropriate zone in many areas, particularly in residential areas.
- General Plan policies. The maps reflect the interpretation of General Plan policies as well as the Land Use Diagram. For instance, height limits on any given commercial parcel reflect Historic Preservation policies to promote context-sensitive design; hillside densities reflect OSCAR Element policies to conserve steep slopes; and densities near the BART stations reflect LUTE policies to promote transit-oriented development; and so on.
- Community Input. More than 50 neighborhood meetings have been held to date. The maps have been edited to reflect input from these meetings, as well as written correspondence from residents, and will continue to be amended during the coming months as the public process continues.

### **Approach to Mapping the Height Areas**

In the commercial and corridor zones (CN, CC, CR, RU-4 and RU-5 zones), height, bulk and intensity are proposed to be regulated separately from the base zoning district. Two areas may have the same base zoning district that encourages pedestrian-oriented commercial activities, but one location may be in a height area that allows greater intensity than the other, due to factors that will be described below.

Staff proposes seven height areas with corresponding maximum height limits, residential densities, nonresidential floor area ratios and number of floors. These regulations are summarized in Attachment C. The height maximums (35, 45, 60, 75, 90, 120, and 160 feet) were chosen to be just below where “life safety” requirements would necessitate a more

expensive building type. A minimum height of 25 feet is also proposed for new construction on major corridors that are at least 100 feet wide, such as Telegraph Avenue, San Pablo Avenue, International Boulevard and Broadway. This regulation is further discussed in the “Key Issues and Impacts” section of this report.

Height areas were mapped using the following basic principles:

- More intensity (and higher height limits) would be allowed on wider corridors, so new development could frame and enclose a wide expanse of street space;
- More intensity would be allowed near transit (BART stations and AC Transit hubs) to encourage new development to locate in areas with good transit accessibility;
- Less intensity would be allowed in intact historic districts, generally Areas of Secondary Importance (ASIs)<sup>1</sup>, to reduce development pressure and preserve the integrity of those districts;
- More intensity would be allowed on portions of a corridor that are adjacent to high intensity residential neighborhoods or industrial areas that would have fewer solar and privacy impacts from new development.
- Less intensity (and lower height limits) would be allowed for areas adjacent to a bluff to reduce view impacts.

The following table summarizes the rules of thumb for mapping height areas:

Condition	Height Area	Examples
<b>Wide Streets (right of way &gt; 100 feet), such as San Pablo Ave, Telegraph Ave and International Blvd</b>		
Near a BART Station	75 to 120 feet	Fruitvale, West Oakland BART station areas
At an AC Transit hub (trunk lines) or intersection of two major and wide streets	75 feet	40 <sup>th</sup> and Broadway
Not adjacent to a lower density residential neighborhood	75 feet	Telegraph Ave adjacent to Pill Hill
Adjacent to a lower density residential neighborhood	60 feet	Most of San Pablo Ave
In a historic neighborhood	45 feet	Grand Ave at Adams Point
Directly adjacent to a bluff	45 feet	Broadway 41 <sup>st</sup> to 45 <sup>th</sup>
Hegenberger Corridor	120 to 160 feet	Hegenberger Road, 98 <sup>th</sup> Ave
<b>Narrow Streets (right of way &lt; 100 feet), such as College Ave, Macarthur Blvd and Foothill Blvd</b>		
At an AC transit hub (trunk lines) or intersection of two major streets	60 feet	35 <sup>th</sup> Ave and Macarthur Blvd
Not adjacent to a lower density residential neighborhood	60 feet	International near 4 <sup>th</sup> Ave
Adjacent to a lower density residential neighborhood	45 feet	Dimond District
In a historic district	35 feet	Rockridge

<sup>1</sup> ASIs are historically or visually cohesive areas or property groups identified by City surveys that contain a high proportion of historic buildings. ASIs do not appear eligible and not considered CEQA Historic Resources. There are several ASIs on the corridors and tend to be located at commercial districts where major streets intersect, such as the Fruitvale, Rockridge, and Fairview Commercial Districts. ASIs are distinguished from APIs because APIs appear eligible for the National Register of Historic Places and thus are considered CEQA Historic Resources. The 7<sup>th</sup> Street commercial district is the only API on a commercial corridor outside of Downtown.

The above table does not include all contexts and situations. For example, the height limits for Telegraph and Shattuck Avenues in Temescal, were formulated as part of a previous process. That process and the proposed height limits for Temescal are described in the Key Issues and Impacts section of this report.

Staff also proposes to strengthen the regulations that create a transition from new, higher-intensity construction on the corridors to the middle- and lower-density residential neighborhoods behind the corridors. These regulations are especially important in Oakland because of its pattern of long corridors adjacent to residential neighborhoods and the General Plan's policies that focus development on the corridors. Current regulations require a ten-foot setback adjacent to residential neighborhoods and a 30-foot height maximum at this setback line. This 30-foot height limit is consistent with the height limit for low density residential neighborhoods. This height limit increases one foot for every foot from the setback line. Staff proposes to modify this regulation by requiring a fifteen-foot setback for lots that are deeper than 100 feet.

On June 14, 2010, the Landmarks Preservation Advisory Board reviewed the proposed heights for the City and proposed no changes to the Area 1 proposal, described in more detail below.

## **PROPOSED MAPPING**

The following is an overview of the proposed zoning maps for Area 1. The maps themselves are contained in Attachment B, the height/intensity regulations are contained in Attachment C, descriptions of the zones are contained in Attachment D, and the text of the zones is contained in Attachment E. Due to the number and extent of the changes, the narrative below is not intended to be comprehensive and only provides highlights. A more detailed narrative summarizing the changes is provided in Attachment F—but even that narrative does not annotate each individual change. Because the maps implement a new zoning framework for the entire city, virtually every residential and commercial property in the city will have a new zoning designation. This staff report focuses on large contiguous areas where substantive changes will occur.

For ease of presentation, Area 1 has been subdivided into three geographic subareas: North Hills, North Oakland, and West Oakland (which includes the area north of Downtown). These same subareas were used to present the maps to the community during the April 26, 2010 community workshop, and have been used in prior planning studies by the City (including the General Plan).

The maps themselves indicate the existing zoning and proposed zoning for all parcels. Shading has been used to distinguish those areas where substantive changes will occur. Light gray shading indicates an increase or decrease in the allowable intensity/ density. Dark gray shading indicates a change in the basic use category (i.e., from industrial to residential, from residential to commercial, etc.). Areas that are unshaded are proposed for no substantive change, and will essentially be rezoned with the zone that most closely matches the existing zone.

### *North Hills*

The North Hills area is generally located above Highway 13 between Berkeley on the north and Redwood Road on the south. It includes Claremont Hills, Hiller Highlands, parts of Upper Rockridge, Piedmont Pines, Montclair, and the Joaquin Miller/ Butters Canyon area. The prevailing General Plan designations are Hillside Residential and Resource Conservation Area, with a few “nodes” of Neighborhood Center Mixed Use. Existing residential zoning is generally R-30, with some areas of R-10 and R-20 and a few small areas of medium density (R-40 and R-50) zoning. Existing commercial zones include the C-27 district (Montclair) and pockets of C-10 and C-20 zoning corresponding to small shopping centers. The entire area is designated as “Maintain and Enhance” on the General Plan Strategy Diagram.

General Plan policies for the North Hills support low to very low density infill development, consistent with prevailing land use patterns. Policies generally do not support increases in the currently allowed density, and in some cases imply that decreases are desired. For instance, the Open Space, Conservation and Recreation (OSCAR) Element discourages subdivision of steeply sloping lots and the Safety Element calls for continued low densities in fire-prone and landslide prone hillside neighborhoods. The Land Use and Transportation Element (LUTE) itself calls for a minimum lot size of 8,000 square feet, which is substantially less dense than what is permitted by the existing R-30 zone.

The “default” designation for areas with a General Plan designation of “Hillside Residential” and an existing zoning designation of R-30 is RH-4. Most of the North Hills have been zoned this way. Consistent with the LUTE, an 8,000 square foot minimum lot size applies in these areas, with 6,500 square foot lots permitted under some circumstances (see attached materials). A number of R-30 areas have been further reduced to RH-1, RH-2, or RH-3, based on prevailing lot sizes that exceed 12,000 square feet. The reduction is justified by the General Plan directive to “maintain and enhance” these areas, as well as OSCAR and Safety Element policies to limit future subdivision. Examples include the Castle Canyon area in Piedmont Pines, the top of Fairlane Drive/ Gwin Canyon, and the Elverton Drive area. There are very few lots in these areas less than 12,000 square feet; an RH-3 designation would reduce subdivision potential relative to existing zoning, while maintaining the buildability of previously subdivided lots.

Commercial zoning in the North Hills is limited. Proposed zoning for Montclair Village is CN-1, which is not a substantive change relative to the existing C-27 zoning. The other “pockets” of commercial land use in the area (Village Market, Thornhill Shopping Center, Woodminster, etc.) are generally designated CN-3 or CN-4 depending on their General Plan designation. Areas shown on the General Plan as Neighborhood Center Mixed Use are generally CN-3, while the smaller “pockets” that correspond to gas stations or other single-parcel commercial districts are CN-4. The Claremont Hotel (designated Community Commercial on the General Plan) has been zoned RU-3 (equivalent to R-70, which is the current zoning of the site). Staff believes this zone is more consistent with General Plan policies than a Community Commercial zoning designation, given the location of the property and its current (and likely future) use.

Parts of the North Hills are currently included in special zoning overlay districts. Specifically, the S-10 (scenic route overlay) zone includes supplemental standards for driveway access, height on downslope lots, and design review. The S-11 zone is linked to the the North Oakland Hills Specific Plan Area (NOHASP) and includes special provisions for site planning and density along Skyline and in Shepherd Canyon. Both of these overlays have been retained and no changes to their boundaries have been proposed.

### ***North Oakland***

North Oakland includes the Golden Gate, Temescal, Rockridge, and Piedmont Avenue neighborhoods, as well as other areas roughly located “above” Highway 580, and “below” Highway 13 in the area between Piedmont, Emeryville, and Berkeley. The area includes a variety of General Plan designations, corresponding to a diverse land use pattern and mixed densities. Most of the area is designated “Maintain and Enhance” on the General Plan Strategy Diagram, but key areas such as the San Pablo corridor, the Telegraph Avenue corridor (in Temescal), the MacArthur corridor, the MLK Jr Corridor (below Children’s Hospital), and the Broadway corridor (below 51<sup>st</sup>) are designated “Grow and Change.” The Grow and Change designation suggests that greater development intensities than currently exist are appropriate in these areas.

West of Broadway, the prevailing residential zones in North Oakland are R-35 and R-40. There are a few pockets of medium to high density zoning corresponding to existing multi-family development, especially along corridor streets and near Mosswood Park. East of Broadway (e.g., in the Piedmont Avenue neighborhood), the current zoning allows for medium to high density residential uses, with large areas zoned R-50 or R-70. Some of these areas are developed with apartments but others have historically been “overzoned” and primarily contain single family homes or 2-4 unit buildings.

The new zoning maps propose downzoning in the Piedmont Avenue neighborhood to implement General Plan “maintain and enhance” policies as well as the “Mixed Housing Type” Residential designation. In areas designated “Mixed Housing Type” currently developed with mostly 1-3 unit buildings, RM-2 has typically been used. In areas with a mix of single family homes and 2-8 unit buildings, the designation is typically RM-3. “Mixed Housing Type” areas with existing concentrations of large apartment buildings have typically been designated RM-4. An effort was made to apply designations that would limit the number of structures that would become non-conforming, while still respecting General Plan directives. Areas in the Piedmont Avenue neighborhood designated “Urban Residential” are proposed to be zoned with a combination of RU-1, RU-2, and RU-3, with the locations of highest allowed densities corresponding to the locations of existing concentrations of higher density apartments.

Similar reductions in allowable density are proposed in the Mosswood area west of Broadway near 40<sup>th</sup> Street. Existing R-70 zoning will be replaced by a combination of RM-3 and RM-4 zoning, reflecting the General Plan designation of Mixed Housing Type Residential as well as existing land use patterns.

In the Rockridge and Temescal districts, proposed residential zoning generally mirrors existing designations. Most R-35 areas (currently the “default” zone for Rockridge) have been zoned RM-1. Most R-40 areas (currently the “default” zone for Temescal, the Santa Fe/ Longfellow, and Golden Gate neighborhoods) have been zoned RM-2. In the western part of North Oakland (near San Pablo Avenue), several blocks have been designated RM-3 to recognize existing concentrations of medium density housing.

Zoning changes along the commercial corridors in North Oakland are guided by General Plan designations. For instance, the Telegraph corridor includes sections designated on the Land Use Diagram as Urban Residential, Neighborhood Center Mixed Use, and Community Commercial. The existing C-28 zoning on this corridor will be replaced with a more fine-grained mix of RU-4 and RU-5 (in the Urban Residential areas), CN-2 (in the Neighborhood Center areas), and CC-2 (in the Community Commercial areas). Height limits on the corridor reflect prior community input during the Temescal planning process as well as the factors listed earlier in this staff report.

A few of the commercial corridors in North Oakland are proposed for rezoning as Urban Residential. For example, the Martin Luther King Junior corridor (below 51<sup>st</sup> Street) will be rezoned from C-30 to a combination of RU-4 and RU-5. The RU-4 designation has been proposed in areas where the existing land use is predominantly residential. The RU-5 designation has been proposed in areas where the existing land use is predominantly commercial.

Land around the MacArthur BART station is generally proposed for S-15 (Transit Oriented Development) zoning. This is the same district that applies in West Oakland and Fruitvale, and it is intended to accommodate high density mixed use development, consistent with the General Plan. Height limits in this area reflect prior planning studies for the BART station, as well as the factors listed earlier in this staff report. The adjacent stretch of MacArthur Boulevard between the BART Station and Emeryville will be rezoned from commercial (C-25 and C-30) to a mix of RU-4 and RU-5, responding both to the General Plan and existing land use patterns.

New zoning on the Market Street corridor in North Oakland reflects the General Plan designation of this area as Mixed Housing Type Residential. Historically this corridor has included a mix of housing and neighborhood-serving retail/ office uses, but the General Plan designation indicates it should trend residential. Thus, the existing commercial zoning on the corridor will be replaced with residential zoning. A proposed “RC” (Residential-Commercial) overlay district will be used in a few locations (such as 45<sup>th</sup>/Market) to reflect concentrations of existing businesses.

Proposed zoning on most of the other corridors in North Oakland is comparable to existing zoning and is already consistent with the General Plan. This includes Broadway (to be zoned CC-2, which is similar to the existing C-40 zone but with height limits and more emphasis on pedestrian-oriented design) and San Pablo Avenue (to be zoned CC-2, with CN-3 near the Powell Street intersection). The proposed zoning on both of these corridors would establish context-sensitive height limits where no height limits at all exist today. In addition, the Piedmont Avenue and College Avenue shopping districts are proposed for CN-1 zoning. This is similar to the existing C-31 zoning, including the 35-foot height limit.



### ***West Oakland/ Pill Hill***

For the purposes of this staff report, the West Oakland/ Pill Hill area includes those areas bounded by I-580 on the north, I-880 on the west and south, and Harrison Street or Downtown Oakland on the east. The most substantial zoning changes are on San Pablo Avenue, in the Oak Center area (roughly between 12<sup>th</sup> and Grand, between I-980 and Mandela Parkway), and along Market Street and Martin Luther King Junior Way.

San Pablo Avenue presently includes a mix of C-30 and C-40 zoning. Consistent with the General Plan, the corridor has been divided into segments of Community Commercial (CC-2 and CC-3) and Urban Residential (RU-4 and RU-5) zoning. Height limits ranging from 35 to 75 feet have been assigned to the corridor (there are no height limits today). The mapping has been structured to minimize the creation of new non-conforming uses, with RU-4 applied in those areas where the prevailing use is residential (including SROs) and CC-3 applied in areas with concentrations of quasi-industrial and automotive service uses.

Most of the Oak Center neighborhood has been downzoned from R-60 and R-70 to RM-2 and RM-4. This is consistent with the General Plan designation of this area as “Mixed Housing Type Residential” and its Strategy Diagram designation of “Maintain and Enhance.” The proposed zones on any given block reflect existing land use patterns and housing types as well as the historic character of the area. The S-20 (Historic Preservation) overlay district that presently applies in this area will be retained. RM-4 zoning is applied on the higher-volume streets (14<sup>th</sup>, 18<sup>th</sup>, Adeline Streets, etc.). The local streets in this area are generally proposed for RM-2, and the new single family subdivisions on the former Housing Authority sites are proposed as RM-1.

Significant changes are also proposed along Market Street (between 18<sup>th</sup> and 26<sup>th</sup> Streets). Although the predominant existing zoning is commercial (C-10, etc.), the General Plan designates the area as Mixed Housing Type Residential and does not acknowledge the existing business district. Accordingly, the extent of commercial zoning has been reduced, with a commercial (R/C) overlay used in areas where active small businesses in this area are presently clustered. The balance of the corridor in this area is proposed for RM-4, which will encourage residential infill development.

Similarly, the segment of Martin Luther King Junior Way from Grand Avenue to 29<sup>th</sup> Street will be rezoned from commercial (C-30) use to RU-4 and RU-5, implementing the General Plan designation of Urban Residential. Some of the existing “heavier” commercial uses on both the Market Street and MLK corridors would become non-conforming as a result of these changes.

Another change in West Oakland is on the south side of 7<sup>th</sup> Street between Union and Market, where the existing zoning is M-20. The General Plan designation in this area is Community Commercial. Accordingly, a zone change to CC-3 has been proposed. Most of the existing businesses in this area conform to the CC-3 regulations. At the other end of West Oakland, the East Baybridge Center (e.g., Home Depot, et. al) is proposed for rezoning from M-40 to RC-1, reflecting its designation on the General Plan as Regional Commercial.

Several remnant “pockets” of industrial zoning in residential areas will be eliminated in West Oakland. This is the case in the Clawson (Dogtown) neighborhood, where about a half-dozen scattered “islands” had retained M-30 (or C-10) zoning despite the previous rezoning of all properties around them as HBX-2. Such pockets would be rezoned HBX-2. Similarly, a number of M-20 parcels near McClymonds High School and along Adeline Street will be rezoned for residential uses (RM-2 or RM-4) to reflect their General Plan designations for housing. In some cases, these parcels have already been converted from industrial to residential use. In other cases, new non-conforming uses may result.

Elsewhere in West Oakland, the predominant existing residential zoning is R-36 and R-50. The “default” proposed zone for areas now zoned R-36 is RM-2, while the “default” proposed zone for areas now zoned R-50 is RM-3. In a few cases (for instance, the area around McClymonds High School and along Athens Avenue), a reduction from R-50 to RM-2 is proposed to reflect existing single family land uses. Other changes include the rezoning of the 14<sup>th</sup>/Peralta commercial district from C-10 to RM-4/C, and a slight expansion of the S-15 (Transit-Oriented Development) zone around the West Oakland BART station.

East of I-980 and north of Grand Avenue, zoning in the Pill Hill, Northgate, and Harrison/Oakland neighborhoods will be changed to match General Plan designations and better reflect General Plan policy directives. This will mean a reduction in allowable densities in areas between Telegraph and I-980 now zoned R-70 and R-80 (proposed for RU-1 and RU-2), and some conversion of C-45 zoning to RU-3 zoning (between Grand and 27<sup>th</sup> Street). The Broadway and Telegraph corridors in this area are proposed for CC-2 zoning, with height limits that reflect street widths, close proximity to Downtown, and transit access. CC-3 zoning has been applied to the existing cluster of automotive businesses along 24<sup>th</sup> and 25<sup>th</sup> Streets north of Downtown. Zoning designations in this area will be further refined and supplemented following the completion of the Upper Broadway Specific Plan.

### ***Mapping Changes since the June 23, 2010 ZUC staff report***

Since the publication of the June 23, 2010 ZUC staff report, staff has proposed additional minor changes to the new zoning maps. These changes respond to: (a) a detailed analysis of areas where the General Plan and proposed zoning were still inconsistent; and (b) staff-level discussions of the proposed maps and their consistency with evolving plans and economic development initiatives. The following designations appear on the maps that accompany this staff report, but were not on the previous maps:

- Single family parcels along Chadbourne Way and Stantonville Drive (near Skyline/Redwood) are proposed as RD-1 and not RH-4, as previously indicated (General Plan designation is Detached Residential, not Hillside Residential)
- Single family parcels along Dublin, Kearney, Pierpoint, Woodside Cir, Woodcrest Glen (Woodminster area) are proposed as RD-1 and not RH-4 as previously indicated (General Plan designation is Detached Residential, not Hillside Residential)
- Parcels on San Pablo Avenue between 32<sup>nd</sup> and 36<sup>th</sup> and between Grand Avenue and 27<sup>th</sup> are now proposed as RU-5 instead of a mix of RU-4 and RU-5

- A ½ block area on Martin Luther King Jr Way between 37<sup>th</sup> Street and MacArthur Blvd is proposed as CN-3 rather than RU-5.
- A single commercially used parcel on Pleasant Valley Road just west of Piedmont Av is now proposed as CN-3 rather than RM-2.
- Parcels on the north side of 27<sup>th</sup> Street between Northgate and Telegraph re now proposed as RU-4 rather than RU-2. A 45' height limit would apply.
- The boundary between the S-1 zone and the CC-2 zone on the east side of Pill Hill has been moved to the centerline of Webster Street to better match the Specific Plan boundary.
- The heights at the Macarthur BART Station have been adjusted to reflect those already approved for the master plan of the site.

## **KEY ISSUES AND IMPACTS**

### **Height Limits on Telegraph Avenue in Temescal**

In the mid-2000s, the Temescal neighborhood experienced a substantial amount of new development. That new development was to be built at an intensity greater than allowed by the existing zoning, but within the maximum density allowed by the General Plan. While that new development was seen positively by some, it was seen as inappropriate by others. A public dialogue ensued and a process began to formulate new zoning regulations (including rules about intensity of development) that would appropriately implement the policies of the General Plan in this particular neighborhood. In 2006 and 2007, a series of five, well-attended, community workshops were held regarding the rezoning of the Temescal corridor. Although the meetings produced consensus on several items, significant differences remained regarding the height limits along Telegraph Avenue from 41<sup>st</sup> Street (just north of the Macarthur BART station) to the Berkeley border. Some people were concerned about new development's impact on access to sunlight, views, privacy, and the appearance of Telegraph Avenue. Others stated that greater density and height is required to create a transit-oriented corridor, promote active retail nodes, mitigate regional sprawl, create an attractive streetscape, and contribute to the Bay Area's housing needs. Community opinions regarding height in the Temescal corridor ranged from instituting a height limit of three stories to an unrestricted height limit. There was a sizable number of people expressing a preference for a 40-45 foot height limit and a sizable number expressing a preference for a 65-75 foot height limit.

After this public process, staff developed recommendations that were presented to the Zoning Update Committee on May 16, 2007. Staff recommended a 45-foot height limit with a conditionally permitted maximum of 55 feet in all areas outside Shattuck Avenue and the core historic commercial ASI on Telegraph Avenue between 48<sup>th</sup> and 51<sup>st</sup> Streets. Staff recommended a 35-foot height limit for Shattuck Avenue and the Telegraph historic commercial district, with a conditionally permitted height of 45 feet (see Attachment G for maps). Staff recommended lower heights on Shattuck Avenue because it is narrower than Telegraph Avenue; the lower height at the core historic commercial area was proposed to respect the historic

context. Construction to the conditionally permitted heights in either of these areas required a top story step back and a package of community benefits.

The current proposal (see Attachment H for a close-up view of the proposed height limits for this particular area) is largely a continuation of the previous proposal. Staff proposes a height limit of 35 feet on Shattuck Avenue and at the core historical district of Telegraph Avenue and 45 feet for the rest of the Telegraph Corridor from 41<sup>st</sup> Street to the Berkeley border. Staff proposes that a trading of development rights (TDR) program be studied in the next phase of the zoning update process to allow greater heights along this corridor.

The rules of thumb for determining height areas, summarized in a table in the Approach section, above, indicate that Telegraph Avenue from 41<sup>st</sup> Street to the Berkeley Border should be assigned a 60-foot height limit except in the following areas:

- A 45-foot height maximum at the historic commercial ASI to respect the historic context;
- A height limit of 45 feet on Shattuck Avenue due to its relatively narrow 65 foot right of way; and
- A 75-foot height limit at the corner of 51<sup>st</sup> Street and Telegraph Avenue due to the intersection of these major streets.

**Staff requests input from the ZUC regarding whether current proposal (continuation of the past recommendation and process) is appropriate or whether the height limits proposed for similar areas of the rest of the City should be applied to the Temescal corridors.**

### **Height Limits on Broadway near 51<sup>st</sup> Street**

Residents of Desmond Street behind Broadway near 51<sup>st</sup> Street (see Attachment I for close-up view of this particular area) have commented to staff that the proposed height limits of 60 feet on Broadway between 49<sup>th</sup> Street and Coronado Avenue are too high. These residents prefer a 60-foot height limit on the parcels at the intersection of 51<sup>st</sup> Street and Broadway and a 45-foot height limit on all other parcels between 49<sup>th</sup> and Coronado Avenue. These residents have made the following points:

- New development built to the proposed height limit would create solar impacts on the properties on Desmond Street;
- The elevations of the lots facing Broadway are higher than the lots on Desmond Street, which increases their height relative to the Desmond Street neighborhood. *Staff analysis of the topography of Broadway and Desmond Street indicates that the parcels on Desmond Street between 49<sup>th</sup> and 51<sup>st</sup> Streets have approximately the same elevation as those on Broadway. Broadway and Desmond Street slope approximately five percent upward from 49<sup>th</sup> to 51<sup>st</sup> Streets. Two interior lots between 51<sup>st</sup> Street and Coronado Avenue are approximately 10 feet below the elevation of adjacent parcels on Broadway;*

Staff believes that the proposed height limits are appropriate for the following reasons:

- Staff has lowered the originally proposed height maximum of 75 feet to 60 feet for the lots at the intersection of 51<sup>st</sup> Street and Broadway due to neighborhood concerns; and
- The proposal is consistent with the principal stating that parcels on major corridors that are adjacent to low- and middle-density residential neighborhoods are assigned a 60-foot height maximum (see Approach section, above);
- The proposed height limits fulfill the General Plan Land Use and Transportation Element's objectives to focus development toward major corridors to revitalize retail, increase access to transit, and maintain lower-density residential neighborhoods;
- Line 51, an AC Transit trunk line, stops at the intersection of 51<sup>st</sup> and Broadway;
- The proposal does not represent an increase in allowed intensity, because there is currently no height limit on Broadway;
- Broadway runs approximately north-south, which minimizes the solar impacts of new development on adjacent residential neighborhoods;
- As described earlier, staff is proposing increased setback requirements to ease the transition from construction on the corridors to lower density zones behind the corridors.

**Staff requests input from the ZUC regarding the maximum height proposal for Broadway between 49<sup>th</sup> Street and Coronado Avenue. Staff has identified two alternatives for the ZUC to consider:**

- 1. A 60-foot height limit from 49<sup>th</sup> Street to Coronado Avenue (staff recommendation);**
- 2. A 45-foot height limit from 49<sup>th</sup> Street to Coronado Avenue except for a height limit of 60 feet at the intersection of 51<sup>st</sup> Street and Broadway (recommendation from residents of Desmond Street).**

### **Height Minimum on Wide Corridors**

Staff currently recommends a height *minimum* of 25 feet for the new construction of buildings on corridors 100 feet or wider. Structures used to accommodate certain activities, such as gas stations and electrical substations, would be exempt from the minimum. Staff originally proposed a 35-foot minimum, but lowered the recommendation to 25 feet after the Technical Advisory Group expressed concern that a 35-foot height minimum could discourage construction on underutilized or blighted properties. Staff has also received input that the previously recommended 35-foot minimum should be restored because it assures substantial construction on the major, wide corridors such as International Boulevard, San Pablo Avenue, Telegraph Avenue, and Broadway. Substantial development on these transit corridors is consistent with the policies of the General Plan.

**Staff requests guidance from the ZUC regarding whether a 35- or 25-foot height minimum is appropriate for the major, wide corridors.**

## RECOMMENDATIONS

Staff recommends that the Committee review and discuss the staff report and provide guidance to staff regarding the proposed zoning and height map for Area 1. Staff requests that in particular, the Committee provide guidance on the appropriate height proposals for the areas discussed in the Key Issues and Impacts section of this report.

Prepared by:

---

Neil Gray, Planner III

Approved for forwarding to the Zoning Update Committee:

---

ERIC ANGSTADT  
Deputy Director of CEDA

Attachments:

- A. Response to Comments from the May 26, 2010 ZUC Meeting
- B. Proposed Zoning and Height Maps
- C. Summary of Height and Intensity regulations
- D. Description of Proposed Zones
- E. Text of Proposed Zones
- F. Annotation of Proposed Changes to the Zoning Map
- G. Temescal Corridor Height Maximums Proposed in 2007
- H. Temescal Corridor Height Maximums Current Proposal
- I. Broadway and 51<sup>st</sup> Street Current Proposal

**2. COMMENT LETTERS RECEIVED ON  
THE REVISED PUBLIC HEARING DRAFT  
2023-2031 HOUSING ELEMENT  
NOVEMBER 29, 2022-DECEMBER 29, 2022**



December 4, 2022

Director William Gilchrist  
Department of Planning and Building  
City of Oakland  
350 Frank Ogawa Plaza  
Oakland, CA 94610

RE: Revised Draft Housing Element 6th Cycle (2023-2031) dated 11/29/22

Dear Director Gilchrist,

We write to provide comments on Oakland's Revised Draft Housing Element for the 6th Planning Cycle (2023 - 2031) released on November 29, 2022 ("Revised Draft").

Overall we are pleased with the direction of the Revised Draft and appreciate the incorporation of many of the comments from the East Bay for Everyone, YIMBY Law, HAC, Greenbelt Alliance and East Bay YIMBY letter dated October 14, 2022.

The Missing Middle Program is significantly improved by reductions in setbacks, reductions in parking requirements, and increase in allowable density for high-resource areas like Rockridge and Adams Point. We are also happy to see an increase in commercial corridor heights along Claremont and College as well as the inclusion of additional, more viable opportunity sites in Rockridge.

We are also encouraged to see the City of Oakland commit to studying single exit aka "single stair" reform. We disagree, however, that the City of Oakland is unable to implement changes at the local level. The City of Seattle, for example, has adopted local building code changes for a single exit up to five stories that meet NFPA 101 mitigation requirements, including a maximum of four units per floor, automatic sprinklers, one hour-rated walls around the core and half hour-rated walls between units. Oakland could similarly adopt amendments to its local code or establish an alternative means and methods process for four story single stair structures.

We offer the following comments on the Revised Draft:

1. For Missing Middle Housing, we appreciate the reduction of off-street parking requirements to 0.5 in residential areas and zero in the ½ mile radius of major transit stops, but we believe it would be more productive if zero-parking missing middle were allowed across significant transit corridors, rather than merely near BART stations, BRT stops, and



the (rare) intersection of two bus corridors each with up to 15-minute peak headways. We propose instead zero parking requirements within ½ mile radius of bus stops of lines running with at least 30-minute peak headways, which would allow not only Telegraph, Broadway, San Pablo, and MacArthur, but also Grand.

We also suggest a planned check-in midway through the planning period to examine whether missing middle standards are in fact being used at scale, and to amend further if not.

2. Table C-17 “Lower- Income Projects on Small Sites 2018 - 2021” describes projects less than ½ acre developed as low-income housing. Three of the five projects identified in this table are acquisition projects, including Project Homekey sites. Acquisition of sites for low-income housing less than ½ acre is an important goal for preserving and creating affordability but it does not address the underlying need for deeper analysis of building low-income housing on small sites as required under HCD guidance.

The purpose of additional analysis for low-income housing development for small sites less than ½ acre is to identify that the jurisdiction has a track record of developing new construction of low-income housing on such sites. This is important because smaller sites are difficult to finance through the Tax Credit Allocation Committee and other funding sources. Small sites are also more difficult to construct due to parking, circulation, second egress and other requirements. Please remove the acquisition sites and provide additional analysis of Oakland might pursue additional policy changes, including single stair reform, to increase the viability of low-income housing development on small sites.

3. We appreciate the broad reduction to parking standards in a range of zones, not just residential-only, reflecting Oakland's Transit First policy and climate goals. In light of recent counterproductive proposals of parking garages or overparked apartment complexes in transit-oriented areas of Oakland, this direction could be enhanced by:
  - a. Applying revised CBD parking maximums to apply equally to a ½-mile radius of all major transit stops;
  - b. Making new paid parking, structured or surface (as opposed to off-street parking serving another use) require conditional use permits; and
  - c. Require all structured parking be built to be convertible to non-parking uses in the future; currently their standard angled floors make it impossible to do anything else without demolishing.
4. We appreciate and are excited at the proposal to remove CUP requirements for small commercial establishments in residential zones (Accessory Commercial Units) and, in food deserts, for grocery stores. However, we suggest careful objective definition of "food desert," and to err on the side of an expansive definition, such as the USDA half-mile standard (as opposed to a 1-mile standard).

Thank you for considering these comments. We appreciate the City of Oakland's ongoing efforts to refine and deliver a compliant and equitable Housing Element.

EB4E - Oakland Revised Draft HE 11/29

Sincerely,

John Minot  
Jonathan Singh  
EB4E Co-Executives

cc:  
CA Department of Housing and Community Development

-

# LPC College, LLC

1475 Powell Street, Suite 201  
Emeryville, CA 94608

November 29, 2022

Edward Manasse  
Deputy Director  
City of Oakland Planning Bureau  
250 Frank H. Ogawa Plaza Suite 2114  
Oakland, CA 94612

Dear Ed,

I purchased the Dreyer's site in Rockridge in February 2020, just before the Covid shutdown, with the intent of turning it into a non-profit Jewish Community Campus serving the entire East Bay community. The property consists of ten parcels, anchored by the Dreyer's building at 5901 College Avenue. The property includes assessor's parcel numbers 014-126800901, 014-126801101, 014-126801200, 014-126801300, 014-126803900, 014-126803800, 014-126803600, 014-126803501, 014-126803201, and 014-126803000. In October 2020, the Jewish Community Center of the East Bay and several non-profit Jewish organizations began actively using the site as community space.

We had contacted the City with questions regarding the development of the Jewish Community Center in January 2022 but did not receive a response. We formally submitted a development application online for a Conditional Use Permit on November 2, 2022, for day care, after school, and community assembly for religious services that will operate in the existing Dreyer's and old Yoshi's buildings. The existing retail spaces on College Avenue will remain as tenants and no changes are proposed on the College Avenue frontage. We have met several times with RCPC and the Chabot neighbors and are building strong relationships there.

The draft Housing Element has now earmarked the site as a site for affordable housing and was added as a supplemental site to achieve Affirmatively Further Fair Housing. However, the Housing Element says that in identifying the Affirmatively Further Fair Housing sites that staff excluded sites with uses that serve the community. As such, we ask that the staff remove our properties from the city's affordable housing opportunity sites because it is currently, and will continue to be, a site that serves the community. It is understandable that staff was unaware of this, but we ask that it be corrected immediately.

Thank you and I look forward to providing a wonderful non-profit community center to Oakland and the East Bay.

Sincerely,



Moses Libitzky  
Principal

cc: Suzanne Brown, Equity Community Builders  
Amanda Monchamp, Monchamp Meldrum LLP  
Darin Ranelletti, City of Oakland Mayor's Office



December 6, 2022

*By electronic transmission*

General Plan Team, Lakshmi Rajagopalan, Audrey Lieberworth  
City of Oakland Bureau of Planning and Zoning  
250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612

**Subject: November 2022 Revised Draft Housing Element**

Dear General Plan Team:

Oakland Heritage Alliance is still studying the revised November, 2022 draft Housing Element, including the appendices, so the following comments are preliminary and subject to future modification and expansion.

**A. Housing Element main document.**

1. The 11/22 draft now commits the City to specific zoning revisions in specific areas, such as Action 3.2.1's provision for reducing minimum lot sizes in Detached Unit and Mixed Housing Type Residential Zones to 2000 ft.<sup>2</sup>. These kinds of provisions are appropriate to state in general terms as part of a General Plan element and/or as proposals for consideration, but when presented with the draft's level of specificity causes the draft to read more as a zoning ordinance rather than a general plan element. Such levels of specificity should be normally reserved for the zoning amendments. Related to this, the preliminary draft zoning amendments in Appendix J should be understood as just that – a preliminary draft that the City has not yet committed to. **Action 3.4.1, Bullet 8 regarding Appendix J should reflect this by adding “preliminary draft” before “proposal”.**
2. It is our understanding that an Environmental Impact Report (EIR) will be prepared for the zoning amendments implementing the Housing Element, rather than for the Housing Element itself. Therefore, **what will be the environmental review determination for the Housing Element?** If the Housing Element includes specific upzoning provisions, such as discussed above, an EIR or at a least negative declaration would appear necessary.
3. Action 3.4.3 states that, among other things, Action 3.4.8 will “create objective design review standards and... allow for streamlined ministerial approval”. However, Action 3.4.8 actually provides only for objective design standards and says nothing about ministerial approval. **The term “ministerial approval” needs to be explained.** It often

means over the counter approval, with no public notification, review or appeal. But **there still needs to be public notification and review to help ensure that staff application of objective standards is performed correctly.** OHA reviews numerous design review applications and has found many cases where existing zoning standards and/or design review criteria were not applied correctly or fell through the cracks.

In addition, “ministerial approval” indicates that such projects are exempt from environmental review. Such projects if located in historic areas could adversely impact the architectural integrity of these areas, which would normally constitute a “significant effect” under the California Environmental Quality Act (CEQA). **Therefore, if no project level environmental review will be conducted for ministerial projects, the environmental impacts of such projects must be considered as part of the Housing Element** which enables the projects, or at least in conjunction with the zoning amendments to implement the Housing Element. **If no EIR or negative declaration will be prepared for the Housing Element, Housing Element provisions such as requiring ministerial approval of projects must be presented with sufficient generality and caveats to clearly communicate that these provisions are subject to the zoning amendments or other follow up regulatory action that receives environmental review.**

4. **Use alpha-numeric designations to facilitate reference, rather than bullets,** especially for provisions that are part of the Goal/Policy/Action statements such as Actions 3.4.1, 4.1.4 and 5.2.9.

## **B. Specific problematic provisions in Appendix J.**

1. **Retain the existing two-tiered height limit system of wall height plus greater roof height in all zones.** For some zones, Appendix J proposes to replace the two-tiered system with a single overall height limit. Retaining the two-tiered system in residential zones is important in order to minimize the visual bulk of larger buildings, especially if there is no discretionary design review.
2. In many residential zones, reductions in front setbacks are proposed. **Front setback reductions should not be applied if the reduced setbacks are less than the prevailing front setback of the block face.** Otherwise new development will literally “stick out” and architecturally disrupt the streetscape. Existing provisions that allow reduced setbacks for new construction or front additions where adjacent buildings already have reduced setbacks should continue to be relied on.
3. **Retain the conditional use permit requirements for projects with five or more regular units,** since projects with five or more regular units allowed by right are eligible for a density bonus under the State Density Bonus Law that can trigger waivers and concessions for height limits, setbacks and other standards, potentially resulting in architectural disruptions to existing neighborhoods. 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. Some or all of the ADUs could be designated as deed-restricted affordable, accomplishing the State Density Bonus Law objective.

4. **Table 2 – Commercial Zone Height Limits.** Retain existing height limits in Areas of Primary and Secondary Importance (APIs and ASIs). In most cases, the existing limits were structured to avoid out-of-scale new buildings.
5. **Figure 3 – Downtown Oakland Specific Plan (DOSP) proposed height changes.** This map essentially preempts the height limit discussion that has been ongoing for five years as part of the DOSP and is intimately tied into other important DOSP initiatives, such as the transferable development rights and zoning incentive programs. The Housing Element zoning amendments should defer to the DOSP regarding height limits within the DOSP area.
6. **Affordable Housing Overlay (AHO) zone.** It is good that the AHO zone would not apply to City, state and federal historic landmarks and the height additions would not apply to APIs. However, in addition, the AHO should not apply to APIs and ASIs, since the unlimited residential density provision will make all parcels eligible for the State Density Bonus Law. As discussed in Item B.3 above, this would enable greater heights than otherwise allowed, incentivizing disruption of APIs and ASIs architecturally, and potentially incentivizing demolition.

**If unlimited density is desired in APIs and ASIs as part of the AHO program, it should be limited within APIs and ASIs to units within existing buildings, at least in lower density zones, and to no more than four regular units per parcel, plus perhaps unlimited ADUs.**

The AHO height changes for the DOSP area should be considered as part of the DOSP process, rather than as part of the Housing Element. The Housing Element can include a provision stating this.

Thank you for the opportunity to comment. Please contact Christopher Buckley at (510) 523-0411 or [cbuckleyaicp@att.net](mailto:cbuckleyaicp@att.net) or Naomi Schiff at (510) 835-1819 or [Naomi@17th.com](mailto:Naomi@17th.com) if you would like to discuss these comments.

Sincerely,



Mary Harper  
President

CC: William Gilchrist, Ed Manasse, Catherine Payne, Karen August, Betty Marvin, City Planning Commission, City Council, Landmarks Preservation Advisory Board

**Rajagopalan, Lakshmi**

---

**From:** Ryan Lester [REDACTED]  
**Sent:** Tuesday, December 6, 2022 8:08 PM  
**To:** General Plan  
**Subject:** Re: Oakland General Plan Update: Revised Draft of Housing Element Now Available for Public Review!

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Oakland Planning Department,

While the changes to the Oakland 2045 General Plan are commendable, I am disappointed that some of the most resource and transit rich neighborhoods in Oakland are not being upzoned significantly.

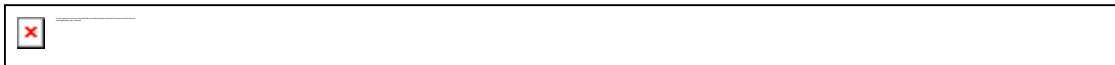
While Rockridge and North Oakland are being targeted (rightly) for additional housing density, the MacArthur Blvd Corridor in East Oakland (near Laurel and Dimond) neighborhoods are not being targeted for almost any additional density. This corridor is well served by numerous local and transbay bus lines, has abundant high-quality employment, food/grocery, park and school options but is currently almost exclusively single family only zoned. Housing built close to 580 is far away from the WUI and fire danger and would be a prime candidate to increase density in, so that all parts of Oakland affirmatively further fair housing.

I respectfully ask that the City of Oakland provide more access for residents who are not millionaires to live above 580 by providing housing options in these neighborhoods that are more than just single family only residences.

Respectfully,

Ryan Lester

On Tue, Nov 29, 2022 at 2:41 PM Lakshmi Rajagopalan <[generalplan@oaklandca.gov](mailto:generalplan@oaklandca.gov)> wrote:



## GENERAL PLAN UPDATE

### Housing Element Public Hearing Draft Released!



### Housing Element Public Hearing Draft Available for Public Review!

The City of Oakland has released the [2023-2031 Housing Element Public Hearing Draft](#). This revised draft of the Housing Element addresses community feedback received from June 2022 to mid-October 2022 and fulfills requirements for compliance with state law.

The Public Hearing Draft includes several new components:

1. An executive summary
2. A substantially updated Chapter 4: Housing Action Plan
3. Appendix J: Proposed Rezoning Changes
4. Appendix K: City of Oakland Response to the Findings Letter from State HCD, dated 9/28/22
5. Appendix L: Response to Public Comments.

The [Housing Element Public Hearing Draft](#) is also being shared with State Housing and Community Development (State HCD) department today. Pursuant to AB 215, the Housing Element Public Hearing Draft will be formally submitted to State HCD on December 7, 2022, after the seven-day public review period (Nov. 30 to Dec. 6). Comment letters received prior to the formal submittal will be included in the formal submittal package. Comment letters received after the formal submittal will be forwarded to State HCD at the time the comments are received.

After the seven-day public review period, the public can continue to provide feedback on the Housing Element Public Hearing Draft **until December 29, 2022**. Comment letters received after December 6, 2022 will be forwarded to State HCD at the time the comments are received and will be included as a supplemental document to the agenda reports for the Planning Commission and City Council public hearings beginning in January 2023.

Please see the project milestone dates below for an overview of the process moving forward:



- November 29, 2022 – Publication of Public Hearing Draft Housing Element
- November 30, 2022 - December 6, 2022 – Seven-day public review period, pursuant to AB 215
- December 7, 2022 – Submittal to State HCD
- December 29, 2022 – End of the comment period for the Housing Element Public Hearing Draft
- January 2023 – Public Hearings for Housing Element Adoption (Dates TBD)

## How to Comment on the Housing Element

There are several ways to comment on the 2023-2031 Housing Element before it is adopted by City Council in early 2023:

1. Email feedback to: [generalplan@oaklandca.gov](mailto:generalplan@oaklandca.gov)
2. Participate in community events posted on our [website](#)
3. Attend upcoming public hearings at the Planning Commission and City Council on the Housing Element, beginning in January 2023. An email will be sent out when the public hearing dates are scheduled.

## Questions?

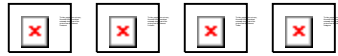
For more information and to find out how to get involved, visit the [General Plan Update website](#) or please contact Lakshmi Rajagopalan at [generalplan@oaklandca.gov](mailto:generalplan@oaklandca.gov).

---

The Planning & Building Department oversees the regulations for the City's growth and development. Through reviewing project plans, enforcing local ordinances, developing neighborhood plans, and responding to public concerns, we work to create a built environment that supports the health and welfare of all Oaklanders.

**IMPORTANT NOTE:** You are receiving this message because you have expressed interest in receiving updates on the General Plan Update with the Planning & Building Department. This is a courtesy notice to inform you of

important updates in relation to your business with the city. If you do not wish to receive future messages, please click on the "Unsubscribe" link below.



City of Oakland, Planning & Building Department  
250 Frank Ogawa Plaza, 2nd Floor, Oakland, CA 94612

City of Oakland, 1 Frank H Ogawa Plaza, Oakland, CA 94612

[Unsubscribe](#) | [Manage Preferences](#)

--

Ryan Lester

## Rajagopalan, Lakshmi

---

**From:** taptango [REDACTED]  
**Sent:** Tuesday, December 6, 2022 11:06 PM  
**To:** General Plan  
**Subject:** Housing Element Feedback -- Fact Checking TOPA program in Washington DC

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Dear Housing and Community Department,

I am writing to provide feedback for the Housing Element draft and express concerns about the Tenant Opportunity to Purchase Act, often referred to as TOPA. When TOPA was brought up to residents in neighborhood meetings, Washington DC was frequently referenced as having had TOPA for over 40 years where it was claimed to be “wildly successful”. **The below fact check of the Washington DC TOPA program suggests otherwise.**



TOPA has been in Washington DC since 1980 and has not widely spread across the country during this time because there are serious problems with it. In fact, Washington DC started to unwind TOPA. The DC council voted to defund TOPA and removed properties from TOPA restrictions, including single-family homes, condos and single-unit townhomes. The DC council took these actions after it deliberated and reviewed TOPA’s underperformance over 40 years. Many DC residents showed up at the council to provide hours of public testimony in opposition to TOPA.

The so-called “Tenant Opportunity” to Purchase Act (TOPA) is a False Promise. The bureaucratic and ineffective TOPA program strips affordable housing funds from efficient approaches that directly help tenants and homeless residents. DC prioritizes 3 effective housing programs over TOPA as is reflected in the funding budget each year:

1. Rental assistance to directly help low-income tenants.
2. [Down Payment Assistance](#) to directly help tenants purchase homes (first time homebuyer program).
3. [Shelter programs with supportive services](#) like drug treatment for homeless residents.

Serving as our nation’s capital, Washington DC (DC) had special access to vast funding and became a perfect Petri dish for testing many housing ideas. The city collected performance metric on different housing approaches over many years and allocates funds based on tangible outcomes. The [DC Local Affordable Housing budget](#) is an astounding \$291 Million for last year, Fiscal Year 2020. In 2020, DC devoted about 50% of its total affordable housing budget toward **rental assistance** while TOPA only received approximately 5%. Downpayment assistance and homeless shelter programs received more priority and funding than the ineffective TOPA program.

## Local Funding for DC’s Main Affordable Housing Programs

In millions of FY 2020 dollars

	FY 2017 Actual	FY 2018 Actual	FY 2019 Approved	FY 2020 Approved
Department of Housing and Community Development	25.8	25.0	25.5	22.7
Housing Preservation Fund	--	10.6	10.4	11.8
Housing Production Trust Fund [HPTF]	107.3	103.9	102.4	115.6
DC Housing Authority Subsidy [Rental Assistance]	54.1	82	109.9	141.2
<b>Total</b>	<b>187.2</b>	<b>196.4</b>	<b>222.7</b>	<b>291.3</b>

Rental Assistance is ~ 50% of Total 2020 budget, TOPA is ~ 5%.

Note: Department of Housing and Community Development figures exclude Preservation Fund, which is included separately on the table. DC Housing Authority Subsidy figure includes Permanent Supportive Housing and excludes Public Safety.  
 Source: Fiscal Year 2017-2020 Budget and Financial Plans; Office of the Chief Financial Officer via CFO info; information provided by the Mayor’s Budget Office and Council Budget Office.

During the 40+ years that TOPA has been in Washington DC (DC), it was so inefficient that the people administering the program avoided collecting data and could not produce the performance numbers required in formal city reports. The TOPA program in DC can not produce data before 2002, lacks data stretching decades and also recently failed to be forthcoming with data in official fiscal audit and [budget oversight reports](#).

## Performance metrics for various Affordable Housing Programs in Washington DC

### 10. Inclusionary Zoning (IZ)

Measure	New Measure/ Benchmark Year	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual
Number of IZ units available for occupancy	No	149	134	252

### 11. Down Payment Assistance

Measure	New Measure/ Benchmark Year	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual
Number of Employer Assisted Housing Program (EAHP) completed applications received by Administrators	No	New in 2020	New in 2020	New in 2020
Number of Home Purchase Assistance Program (HPAP) completed applications received by Administrators	No	767	904	1305

### 12. Affordable Housing Project Financing

Measure	New Measure/ Benchmark Year	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual
Number of affordable housing projects closed	No	28	28	18
Number of affordable units preserved through the Housing Preservation Fund	No	New in 2020	New in 2020	New in 2020
Number of financial applications submitted	No	48	64	71
Number of total affordable housing units preserved through TOPA acquisition assistance program	No	Not Available	Data Forthcoming	Data Forthcoming

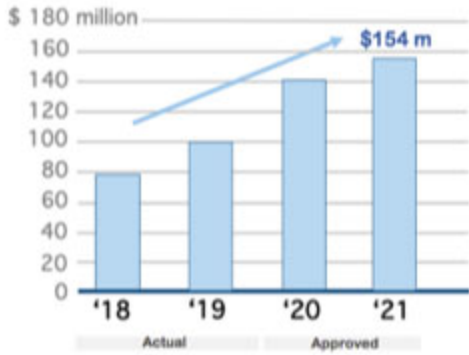
Performance metrics for TOPA lacks transparency in measurable outcomes. The TOPA program lacks official data stretching decades. TOPA recently lists "Data Forthcoming" for multiple years unlike other affordable housing programs in fiscal report.

Source: Fiscal Year 2021 Budget and Financial Plans – Congressional submission – Government of the District of Columbia

TOPA data is spotty or highly selective, unlike effective affordable programs which submit concrete numbers annually. What little TOPA data available is often not in formal financial review and disclosure reports, is selectively presented out of context. The people administering TOPA in DC still choose not to collect TOPA outcome data — they do not track completed sale to tenants because the rate is so poor and instead choose only to report TOPA notices. TOPA gets very little funding in DC due to its poor performance over decades.

The below graphs show DC spent over \$150 million on [rental assistance](#) in FY 2021 and over \$30 million in the prior year for downpayment assistance to promote home ownership. By contrast, TOPA received only a small fraction of the Housing Production Trust Fund (HPTF). The approved budget for TOPA in FY2021 is a mere [\\$10 million](#) out of the \$100 million in the Housing Production Trust Fund. The local total affordable housing budget is around \$300 million annually in DC for the last few years.

## Rental Assistance in DC: \$150+ million

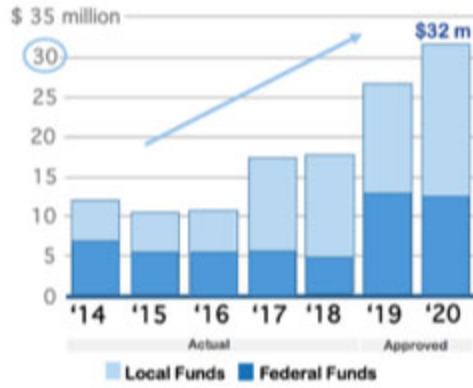


**Local Rent Supplement Program (LRSP)**

Note: DC Housing Authority Subsidy figure includes Permanent Supportive Housing and excludes Public Safety.  
 Source: Fiscal Year 2021 Budget and Financial Plans – Congressional submission

Government of the District of Columbia

## Down Payment Assistance in DC: \$30+ million



Note: Includes Home Purchase Assistance Program (HPAP), Employer Assisted Housing Program (EAHP), and Negotiated Employee Assistance Home Purchase Program (NEAHP). All figures are adjusted for inflation.  
 Source: Office of the Chief Financial Officer via CFO Info, and Fiscal Year 2020 Proposed Budget & Financial Plan.

DC FISCAL POLICY INSTITUTE | DCFPI.ORG

**DC HOMELESS PROGRAMS:** DC pours tens of millions to provide temporary and long term affordable housing to individuals, families and youths. It also emphasizes mental health services, addiction counseling and improving outreach and public restroom access for homeless citizens. Our local cities have a historic budget deficit. It does not make sense for Berkeley or Oakland to waste \$10-15 million taxpayer dollars each and every year on TOPA at the cost of supporting more effective homeless programs. Our homeless residents do not even have a roof over their heads and should be prioritized.

# Homeless Services for FY 2020

## SUMMARY

Adds the following for individuals:

- \$15.9 million for new Permanent Supportive Housing (PSH) units and \$737,000 for additional Targeted Affordable Housing units for individuals. While this is a significant investment, it falls short of the need.
- Nearly \$36 million for shelter repairs and shelter replacement.

Adds the following for families:

- \$6.3 million for 180 new PSH slots, fully meeting the need for PSH among families.
- \$5.1 million for 203 new TAH slots. This is well below the number of families experiencing homelessness who need long-term housing help.
- \$11.2 million for operating Short-Term Family Housing.

Adds the following for youth:

\$1.7 million for 50 PSH spots, \$2.1 million for 50 transitional beds, and \$1.3 million for 60 shelter beds.

Also includes:

- \$7.9 million for Emergency Rental Assistance Program (ERAP), a small increase from last year.
- \$400,000 to improve public restroom access.
- \$200,000 to develop a new strategic plan for housing for survivors of domestic violence.
- \$3.7 million to replace federal funding that is expiring for street outreach to people with high needs.
- \$21,600 for stipends for homeless residents who are members of the Interagency Council on Homelessness Consumer Work Group.

1275 FIRST STREET NE, SUITE 1200 - WASHINGTON, DC 20002  
202-886-5180 - WWW.DCFPI.ORG - @DCFPI

The proposed local TOPA legislation is much more problematic and restrictive than TOPA in DC, and thus much more worrisome for Bay Area residents. TOPA has **forced deed restrictions that is being sold using the benign sounding “permanently affordable” euphemism.** Unlike unencumbered properties, these forced deed restrictions would drop property values by hundreds and thousands of dollars, wiping out life long savings for many seniors and leaving them bereft of the means to pay for medical expenses and care for themselves in retirement. In practice, these restrictions would also make it difficult to maintain homes in habitable conditions which is especially detrimental to resident renters.

As is historically consistent, housing programs with heavy government regulation and management such as the TOPA program or Public Housing Projects has resulted in poor outcomes for residents. In DC, poorly managed [Public Housing](#) Projects led to dilapidated buildings with leaky plumbing, hazardous lead, rodent infestations and toxic mold which have sickened families and sent many children to hospitals. An estimated 7000+ of DCs’ 8000+ housing units are severely deteriorated, requiring HUD to take over management. Many social or public housing projects across the country experienced similar deteriorated living conditions. The local TOPA program would be the most convoluted and heavily regulated government run social housing program, which does not bode well for our Bay Area cities or residents.

Another Affordable Housing lesson in DC worth mentioning is the potential for misuse of public fund by trusted officials in the name of affordable housing and helping homeless residents. An auditor in DC had to issue a subpoena seeking documents during an investigation. The auditor was repeatedly stonewalled by bureaucrats and only eventually obtained the needed data from a concerned whistle blower. The subsequent DC [audit report](#) found “...the (government housing) agency appeared to have a hands-off approach to projects once they had been selected for funding.” There was a lack of accountability in measurable outcomes and insufficient transparency in the use of public money for housing. As a result, DC Council member Elissa Silverman introduced a bill, the Housing Production Trust Fund [Transparency Amendment Act](#) of 2019 that would require DC’s Department of Housing and Community Development (DHCD) to make information more public for increased transparency.

TOPA utterly failed in Washington DC. The Richmond city council unanimously rejected it unanimously in 2019 due to numerous concerns. We do NOT want TOPA and COPA either.

Sincerely,

Tuan Ngo

December 5, 2022

**TO: Housing & Community Department  
250 Frank H. Ogawa Plaza, Suite 6301  
Oakland, CA 94612**

**RE: PUBLIC COMMENT FOR SUBMITTAL RE: Housing Element draft on Dec 7th 2022**

- 1. We need an equity study BEFORE proposing TOPA/COPA legislation**
- 2. Negative impacts of TOPA/COPA on the minority community**
- 3. TOPA/COPA is the new/next form of property theft of Black Property Owners**
- 4. SB-1079 has already been creating problems similar to TOPA/COPA, even through Nancy Skinner had the 'best of intentions' as a legislator in our own community**

Dear Housing Policy Staff,

The “Tenant Opportunity to Purchase Act (**TOPA**) AND ‘Community Opportunity’ to Purchase Act (**COPA**) is being sold as a way to prevent gentrification and minority displacement. Contrary to these claims, **after DECADES of TOPA in Washington DC, a study found DC has had the most gentrifying neighborhoods across the country with 20,000 black residents displaced.** <https://dcist.com/story/19/03/19/d-c-has-had-the-most-gentrifying-neighborhoods-in-the-country-study-finds/> (also attached below).

My family and neighbors are extremely concerned that **TOPA/COPA would PREVENT West Oakland, East and Deep East Oakland (flatland) minorities and particularly black owners from keeping black properties in historically black communities in black hands.** Why should a black owner be PREVENTED from bequeathing her OWN home to a family member or neighbor? Passing properties directly to those who similarly endure discrimination is a strong tradition that arose as a result of redlining and housing discrimination and segregation and deed restrictions, when banks refused to offer mortgage loans to minorities. **TOPA/COPA** would undermine long-standing community tools that evolved into tradition, designed to instead steal generational wealth by acquiring their property as well as the equity built into it. To us, this is another clear example of “**dispossession through legislation**”, a known tactic frequently levied against minority communities. From the Urban Renewal housing policy that displaced people to Berkeley’s inception of racist single-family exclusionary zoning that segregated people across the country, there is a long line of supposedly “helpful” housing policies that hurt and rob black families of generational wealth. Word is spreading amongst our informed community members. We are most ALARMED that **TOPA/COPA is the next scheme similarly impacting our community to what redlining did.** We are seeing more legislation being slickly crafted. It is reminding us of the fairy tale where the juicy apple and the unsuspecting sleeping beauty is seduced by a solution to the housing stock and affordability problem, designed as a fix but is really a harm.



**An Equity Study on the impacts of TOPA/COPA is absolutely necessary BEFORE this legislation is proposed and it should be properly discussed in communities with public comment and awareness devoted to it, not just the marketing scheme language used by political operatives and promoters of this legislation to push it through in their usual fashion to acquire support for measures by the loudest who are usually first to seek most benefits from these oppressive legislative acts and housing pyramid schemes.**

Please consider the historical wrongs in Black communities related to government and housing, especially the building of wealth and Black property ownership . The diabolical ways society targeted Black wealth, from the 1980s crack epidemic, using property equity to secure high-cost bails and over-incarcerated family owners, as well as the more recent 2009 housing bubble where mortgage and finance professionals targeted Blacks with loans they knew they couldn't pay). For context to the equity issues at hand, please refer to books such as Richard Rothstein's **Color of Law**, Mehrsa Baradaran's **The Color of Money: Black Banks and the Racial Wealth Gap** and Keeanga-Yamahtta Taylor's **Race for Profit: How Banks and the Real Estate Industry Undermined Black Homeownership**.

**We DEMAND data before legislating harmful housing policies that would repeat the historical theft of wealth and community.**

**Our community has these specific concerns regarding TOPA/COPA:**

- 1. TOPA/COPA would dismantle a common pathway to Black homeownership:**  
TOPA/COPA would give 'first dibs' to special interest housing developers and prevent minority residents from directly selling to someone of our choosing. TOPA/COPA does nothing to increase investment in historically black communities. nor does it outline ways to build black wealth. In fact, homes in the hands of historical Black families typically have some equity value and this absorbs and extracts those values. The legal practices of segregation and redlining were supported by lending institutions failing to offer mortgage loans to minorities, denying wealth-building opportunities whites enjoy and support. Black residents who were able to obtain and sustain real estate passed it on to family and community members, often bequeathing homes below market price and providing seller carry-back loans with favorable terms, especially when banks refused to lend to us. When elders pass on their homes, they support their family legacies for the next generation in doing so. It is not uncommon to wait years for our family ready to buy to come up with downpayments and locate a bank that would loan to them. Homes in the Black community don't just have monetary value -- they represent our independence and ability to thrive and be free. They're where we celebrate family birthdays, take care of our loved ones, and are passed on to maintain the equity values within our community, that help them raise Black families, educate their children, create memories and thrive in old age. TOPA/COPA undermines these traditional pathways to homeownership for people of color by giving 'right of first refusal' to special interest developers over family members and long-time minority residents. This is more than just within Black communities; Hispanic/Latino, AAPI, LGBTQ+ communities and those divided and comforted by

ethnicity, religious persuasion and culturally aligned safe spaces exist all around us for these very reasons. Families purchase and hold their properties so that they can sustain and avoid racial discriminatory practices and treatment. From swastikas, cross burnings, telling unwelcome races to 'go home' using other symbols of hate and intolerance, our communities are considered safe spaces for these reasons.

- 2. TOPA/COPA targets properties in historically segregated areas and robs Black historical wealth.** **TOPA/COPA** targets "Naturally Occurring Affordable Housing (NOAH)" that are in historically segregated areas, often poor areas around Bay Area Rapid Transit (BART) stations, where highways and other destructive developments were instituted to divide cities. The creation of BART stations occurred during well-documented abusive eminent domain actions committed by the cities against minority residents considerations. Minority residents were never adequately compensated for loss of property via eminent domain where BART stations and railways were constructed. This was another silent criminal of wealth and equity theft by eminent domain, e.g. legislative actions with 'the greater good's intentions'. A largely disproportionate number of properties around BART that are now being targeted by **TOPA/COPA** for acquisitions and currently owned by multicultural and predominantly Black residents, in the Oakland flatlands and areas within zip codes predominantly occupied by ethnic minorities. According to the **Greenlining Institute**, **Americans of Color have 61% of their wealth in home equity**. Home equity is often used to fund college educations and take care of medical bills and our old age/elderly. **TOPA/COPA** would do irreparable and irreversible damage to the fabric of these minority communities by legislatively providing a false promise to give frequently non-family blood relative member tenants opportunity to purchase, when essentially all that tenant is doing is being the front for the land trust which is about to use this very legislation to steal the equity out of the home property owners spent a lifetime building. These historical environmental designs end up stolen under the guise of creating *affordable housing*. This is something that reparations is being discussed RIGHT NOW in the study developed by the California Task Force to Study and Develop Reparation Proposals for African Americans. Before that discussion is barely being approached, **TOPA/COPA** legislation is being determined by these very same communities that have already seen more than a CENTURY of harmful equity extraction. Further, while many communities were left out of the economic booms of industry, including tech and dotcom, we see former Black communities like East Palo Alto, decimated by legislative actions that liquidated Black homeownership and property wealth equity. **Ms. Beradaran's comments are clear in the discussions I'm speaking about. raising the difference between good and bad credit, segregation patterns, financial risk tools and discriminatory lending practices where the disparate impact exists between minorities and white credit markets and restricted credit markets/Bank InEquities and Exclusion from Mainstream Credit Systems:**

<https://www.hup.harvard.edu/catalog.php?isbn=9780674237476>

- 3. When you displace Black homeowners, you displace Black tenants and Black Families.** Due to segregation, minority residents were not welcomed in many neighborhoods. There are Black neighborhoods and white neighborhoods. Black owners rent out to Black family and community members, taking care of our own. When you target Black property owners, you target Black tenants. When you remove Black homeowners, you remove Black tenants. **TOPA/COPA** causes me as a Black female to ask "who's actually selling/buying these properties? 'What are their demographics in race, income, etc. Tich, white, wealthy, many of them out of area LLCs and

Corporations have been documented as the primary buyers of single family home properties in the SF Bay Area. These are **NOT** the targets of the properties being targeted/promoting **TOPA/COPA** in our communities.

<https://www.sfchronicle.com/projects/2022/bay-area-housing-power-players/>

4. **SB1079** has already created unintended consequences similar to **TOPA/COPA**, even as our representative, California 9th District State Senator Nancy Skinner had the ‘best of intentions’. A story published on August 25, 2022 by Erin Baldassari in KQED’s online edition speaks about **how non-profits used a legal loophole to flip homes for a profit**. I’ll include the link in the footnotes that references this story. Ironically, the story features an image of Oakland D3 Councilmember Carroll Fife in the article in front of the house on Magnolia Street featured in the community activist effort “Moms4Housing” that gave CM Fife rise to the very seat she represents in our West Oakland community. What these housing-promoting legislators don’t seem to take into account is that many black families are victimized by their well-intentioned legislation. They simply don’t help us. When asked, many families candidly share if they simply provided the knowledge, information, tools and supportive guidance on how to responsibly purchase, finance and build equity in their lives property, they can and do sustain. These individuals and families acquired property using tools via the federal government under programs such as FHA/CalFHA, VA and the myriad of programs supported by federal and state supported programs. These supportive groups should be able to do work without targeting poor minority property owners. Opportunists, in the form of mortgage investors, nonprofit organizations and do-gooders, see black community property owners as *low-hanging fruit* and a means to an end for their objectives to purchase their properties. And in the process, while the devaluing of their neighborhoods. As Andre Perry’s *Know Your Price* articulates and the recent media highlighting the actions of the national appraisal system process shows across the country the practices of minorities having to ‘whitewash’ their interiors in appraisal preparations, to disguise that their homes are owned by minorities to avoid creating disparities in home valuations. When provided guidance, financial education without the strings attached for third-parties, minority community members can sustain their homes. I’m living proof of that. Legislation that find it necessary to provide more than simple education and financial support that many property owners, especially seniors, can not more easily find themselves, is a trap and a danger. Right now, we live in a support-less system that is used as a bait-and-switch on how they can use their homes for THEIR FUTURE, and sadly, reverse mortgages and other practices have become the usual result, frequently too late to undo the damage. Legislation, and not just the shifty intentions of nonprofits that are turning communities into demographic wastelands where reverse migration has consistently shown in the census year after year, leaves us with communities with histories that have historical context that are stolen and erased, similar to 1921 Tulsa, OK Greenwood District (Black Wall Street). West Oakland was once a prosperous black community known for the Seventh Street District and the Black Panther Party. It has lost its history and every day that history is further diluted by outward migration, divestment and failure to reparate these communities that continue to be targeted, year after year.

**As a responsible, care-filled human, I am astute enough to review this with my own eyes, heart and mind. I've seen how government with good intentions do not see TOPA/COPA as a solution to the problems of housing in communities of color, especially without carve-outs and segments of the already harmed, historically protected communities that need to be identified, preserved and landmarked as preserved CULTURALLY. These communities are more than people's homes and it would be a mistake to just use them as opportunities to purchase using legislation that has been shown to be historically HARMFUL to communities of color, not HELPFUL in repatriating minorities into their communities that have been stolen from them by actions that are everything from building freeways to environmental poisoning to promotions by real estate hucksters marketing them as the new great place to raise a family and a cat or dog.**

**Please work with our community and our Race and Equity Department to conduct an INDEPENDENT Equity Study BEFORE proposing any TOPA/COPA legislation.**

Sincerely,

**Carol Wyatt**

[REDACTED]  
[REDACTED]  
[REDACTED]

Attachment

After DECADES of TOPA in Washington DC, a study found DC has had the most gentrifying neighborhoods across the country with 20,000 black residents displaced.

--

## D.C. Has Had the Most Gentrifying Neighborhoods In The Country, Study Finds

MAR 19, 2019, 4:21 PM

Cordilia James



D.C. is one of the most gentrified cities in the country, study says.

When it comes to the intensity of gentrification across the country—at least over the first 13 years of the 21st century—the District tops the list.

D.C. had the highest percentage of gentrifying neighborhoods in the country between 2000 and 2013, according to a [study from the National Community Reinvestment Coalition](#), a group that works to

“increase the flow of private capital into traditionally underserved communities.” It estimates that around 20,000 black residents were displaced over that period.

The study, which was first reported on by the [Washington Post](#), identified more than 1,000 neighborhoods in 935 cities and towns across the country where gentrification occurred during that time frame. Rapidly rising rents, property values, and taxes forced more than 135,000 residents to move away in 230 of those neighborhoods.

These neighborhoods for each city were considered eligible for gentrification if they were in the lower 40 percent of home values and family incomes in the area (the study used a [type of census data](#) that characterizes urban areas beyond just their physical borders). When the study began, half of the neighborhoods in D.C. were considered eligible for gentrification, which the study defines as a force that happens when “lower-income neighborhoods receive massive levels of new investment, adding amenities, raising home values and bringing in new upper-income residents [which] can lead to cultural displacement.”

By 2013, 41 percent of those neighborhoods were gentrified.

Black residents, in particular, have [struggled to stay in D.C.](#) Once known as Chocolate City, the D.C. population used to be 71.1 percent black in 1970. By 2015, that number had dropped to 48.3 percent. The study showed that D.C. was one of four cities that had the highest percentage of black displacement when adjusted for the number of gentrified neighborhoods it has, along with Richmond, Charlottesville, and New Orleans.

While D.C. [was the most gentrified city by percentage of eligible neighborhoods](#) that experienced gentrification, New York City was the most gentrified by sheer volume. Both cities were among the seven cities in the country that accounted for nearly half the amount of gentrification nationally, including Los Angeles, Philadelphia, Baltimore, San Diego, and Chicago.

The period that the study examined coincided with [significant population growth](#) in D.C. for the first time in decades, particularly amid the region’s comparatively stable economy during the Great Recession. While that [growth has slowed somewhat](#) in recent years, housing costs have continued to rise and make [affordable housing increasingly scarce](#).

“The tens of thousands who have migrated to the Washington, D.C., over the last five years live in a city that rolled out the proverbial red carpet for their arrival. Infrastructure has been altered, public property has been privatized, the will of voters has been rescinded, minority-owned businesses have been shuttered and the bodies of people of color have been stopped and frisked to accommodate and enhance the respective presence and comfort of newcomers,” Sabiyha Prince, an activist with the group Empower DC, wrote in an [essay accompanying the report](#).

Last year, one group of residents [sued the city](#) over its housing and renewal policies

### **References:**

<https://dcist.com/story/19/03/19/d-c-has-had-the-most-gentrifying-neighborhoods-in-the-country-study-finds/>

**Urban renewal...means negro removal, 1 minute video** <https://www.youtube.com/watch?v=T8Abhj17kYU>

**The tragedy of urban renewal, 6 minute video** <https://www.youtube.com/watch?v=mWGwsA1V2r4>

**“Berkeley denounces racist history of single-family zoning, begins 2-year process to change general plan”**

[https://www.berkeleyside.org/2021/02/24/berkeley-denounces-racist-history-of-single-family-zoning-begins-2-year-process-to-change-general-plan?gclid=CjwKCAiAp7GcBhA0EiwA9U0mtpjMqO3BJIAK1bgIkVoml6ZUR6te7AaVu\\_U4unZvmPRwMfpTT2q8SBoCoKIQAvD\\_BwE](https://www.berkeleyside.org/2021/02/24/berkeley-denounces-racist-history-of-single-family-zoning-begins-2-year-process-to-change-general-plan?gclid=CjwKCAiAp7GcBhA0EiwA9U0mtpjMqO3BJIAK1bgIkVoml6ZUR6te7AaVu_U4unZvmPRwMfpTT2q8SBoCoKIQAvD_BwE)

### **Single Family Zoning in Berkeley Forces Us to Reflect Our Past**

<https://www.sierraclub.org/san-francisco-bay/blog/2021/06/end-single-family-zoning-berkeley-forces-us-reflect-our-past>

**The appraisers across America is apparently 96% Caucasian workforce according to the US Bureau of Labor Statistics** <https://www.bls.gov/cps/cpsaat11.htm>

**Equity theft and Appraisal devaluation of Back property owners is SO PERVASIVE, the Biden Administration put together a task force called PAVE: [Property Appraisal and Valuation Equity \(PAVE\)](#)**

**West Oakland Toxics Reduction Collaborative:** [https://archive.epa.gov/care/web/pdf/west\\_oakland.pdf](https://archive.epa.gov/care/web/pdf/west_oakland.pdf)

**How Nonprofits Use a Legal Loophole to Flip California Homes — for a Profit**

<https://www.kqed.org/news/11923467/how-nonprofits-use-a-legal-loophole-to-flip-california-homes-for-a-profit>

**Understanding why some homeowners of color ‘whitewash’ their homes before appraisals**

<https://www.bankrate.com/mortgages/understanding-whitewashing-in-home-appraisals/>

**Black Couple Files Lawsuit Over Low Home Appraisal Surging Nearly \$300,000 After Trying ‘Whitewashing Experiment’**

<https://www.complex.com/life/black-couple-files-lawsuit-home-appraisal-surging-whitewashing-experiment>

**California Panel Sizes Up Reparation for Black Citizens**

<https://www.nytimes.com/2022/12/01/business/economy/california-black-reparations.html>

**Reparations could include tuition, housing grants, California task force say**

<https://calmatters.org/california-divide/2022/06/reparations-california-task-force/>

**California TaskForce to Study and Develop Reparations Proposals for African-Americans - **Interim Report 2022****

<https://oag.ca.gov/system/files/media/ab3121-reparations-interim-report-2022.pdf>

**In East Palo Alto, residents say tech companies have created ‘a semi-feudal society’**

[https://www.washingtonpost.com/national/a-semi-feudal-society-in-east-palo-alto-the-influx-of-tech-companies-pushes-residents-to-a-breaking-point-over-gentrification/2018/11/02/03e1004c-d17c-11e8-b2d2-f397227b43f0\\_story.html](https://www.washingtonpost.com/national/a-semi-feudal-society-in-east-palo-alto-the-influx-of-tech-companies-pushes-residents-to-a-breaking-point-over-gentrification/2018/11/02/03e1004c-d17c-11e8-b2d2-f397227b43f0_story.html)

**These 12 Secret Power Players and Shaping Bay Area Housing**

<https://www.sfchronicle.com/projects/2022/bay-area-housing-power-players/>

**Robert O. Self ,American Babylon: Race and the Struggle for Postwar Oakland**

<https://press.princeton.edu/books/paperback/9780691124865/american-babylon>

**Richard Rothstein, The Color of Law**

[https://www.shortform.com/summary/the-color-of-law-summary-richard-rothstein?gclid=Cj0KCQiAkMGcBhCSARIsAIW6d0Ds7bXiEPsTINCbaSalpdGZSYMkAmgQ08hYi3HdITawG1rDmG0WG7caAj8DEALw\\_wcB](https://www.shortform.com/summary/the-color-of-law-summary-richard-rothstein?gclid=Cj0KCQiAkMGcBhCSARIsAIW6d0Ds7bXiEPsTINCbaSalpdGZSYMkAmgQ08hYi3HdITawG1rDmG0WG7caAj8DEALw_wcB)

Mehrsa Baradaran's **The Color of Money: Black Banks and the Racial Wealth Gap**  
<https://www.hup.harvard.edu/catalog.php?isbn=9780674237476>

Keeanga-Yamahtta Taylor's **Race for Profit: How Banks and the Real Estate Industry Undermined Black Homeownership**  
<https://uncpress.org/book/9781469663883/race-for-profit/>

Andre Perry, **Know Your Price**  
<https://www.brookings.edu/book/know-your-price/>



## Rajagopalan, Lakshmi

---

**From:** nha vu [REDACTED]  
**Sent:** Wednesday, December 7, 2022 9:23 AM  
**To:** General Plan  
**Subject:** Please remove TOPA/COPA from Oakland's Housing Element Draft (on p. 66)

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

-----  
12/5/2022

Please remove TOPA/COPA from Oakland's Housing Element Draft (on p. 66)

I am strongly opposed to TOPA and COPA. Under TOPA/COPA, people would be prevented from taking care of their families during financial hardships.

As an example, my husband and I recently purchased a home from a local couple who needed to sell a property IMMEDIATELY due to a financial emergency. The couple had to sell quickly because they own a local restaurant that suffered during COVID-19 shelter-in-place closures. We were able to accommodate their 3-week quick sale requirement because, fortunately, there are no TOPA/COPA restrictions in place. TOPA/COPA's extended time delays and onerous red tape would have made such quick sales impossible. Under TOPA/COPA, this couple would have lost their family business, been forced into bankruptcy, and they and their young children would have been displaced onto the streets. How can the city even consider such a harmful policy as TOPA/COPA when it invasively interferes with the personal and financial lives of residents?!

These residents had done nothing wrong, yet TOPA/COPA restrictions would have made them HOMELESS!

TOPA/COPA would also disadvantage local residents looking to purchase. It would have denied us fair and equal access to housing in favor of TOPA/COPA developers. I can't imagine being in a contract and having to wait a year or longer while who knows how many TOPA/COPA developers take turns interfering with the purchase, which is stressful enough as it is. We are not outside speculators. TOPA/COPA holds both local buyers and sellers hostage to red tape and protracted time delays.

We strongly oppose TOPA/COPA. TOPA/COPA doesn't take into account the normal up and downs and frequent financial hardships that families endure. This is a horrible idea that harms local residents and families like ours.

Sincerely,

Nha Vu

## Rajagopalan, Lakshmi

---

**From:** taptango [REDACTED]  
**Sent:** Wednesday, December 7, 2022 11:28 AM  
**To:** General Plan  
**Subject:** Public comment for the Housing Element - Please SAVE 18% of Oakland's existing residential housing

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

---

December 6, 2022

**SUBJECT: - Unintended consequence -**

- Please SAVE 18% of Oakland's residential rental housing!**
- Approximately 18,835 rental units are being jeopardized by a housing policy which was recently passed in Oakland (2022)**

Dear Housing and Community Department,

On behalf of the working-class residents and immigrants, I am writing to request that you SAVE approximately existing 18,835 residential rental housing units in Oakland, which **represents approximately 18% of Oakland's total residential housing.**

These **unpermitted units can NOT be registered and are being threatened by Oakland's new Rental Registry which was passed without sufficient public input.** Oakland's existing unpermitted units serve as a source of desperately needed lower-cost housing, but are often older and do not meet current code requirements. **Removing 18% of rental housing from Oakland would create scarcity and drastically raise the rent, hurting and displacing low-income, minority and immigrant residents.**

According to the 2020 "Existing Conditions and Barriers Report" on ADUs in Oakland, there are approximately **7,500 to 13,600 unpermitted ADUs in Oakland on Single Family Parcels** (p. 10-11). Multi-family properties, including duplexes and triplexes, also have unpermitted units.

**We know there are approximately 18,835 unregistered or unpermitted housing units in Oakland from the below 2 pieces of information:**

1. The Business Tax Department shows **88,215 residential rental units that are registered** with the city and paying Business License Tax. Source: June 28, 2022 CED meeting report (attached). 30,829 units below a certain tax threshold + 57,386 units above a certain tax threshold = 88,215 registered units).

2. The most recent 2021 American Community Survey (ACS) data shows Oakland has 186,660 residential housing units total, with 57.4% renters and 42.6% homeowners. There are **approximately 107,050 total rental housing units** (97,705 occupied rental units + approximately 9,345 vacant rental units). Source: <https://data.census.gov/cedsci/table?q=Oakland,%20ca&t=Homeownership%20Rate&tid=ACSDP1Y2021.DP04>

**The 18,835 long, standing unpermitted units will be impacted by the implementation of the Rent Registry. There is concern over the significant loss of affordable housing stock and displacement, especially hurting working-class residents, minorities and immigrants. Many immigrants live in these unpermitted units and provide the essential maintenance labor to keep Oakland's older housing stock habitable.**

-----

**[The Rental Registry Oakland recently passed \(2022\) causes removal of long standing, unpermitted rentals from Oakland's housing for several reasons:](#)**

**1. The Rent Registry collects addresses that will trigger building inspections via the Proactive Rental Inspection (PRI) Program, requiring building code enforcement actions.** Oakland's Housing Element refers to the implementation of Proactive Rental Inspection.

**2. It is NOT possible to legalize these existing unpermitted units due to current code requirements.** Please pass building code amendments BEFORE implementation of the Rental Registry!

**3. Most residents do not have the financial means to legalize an unpermitted housing unit without additional city assistance.** Please sufficiently fund Oakland's existing CalHome ADU legalization program before implementation of the Rent Registry! The current CalHome ADU legalization program only has funds for 30 units – **we need to SAVE 18,835 existing units!**

**4. Residents do not want to lose their homes through city liens from the Business Tax Department.** Please implement a business tax amnesty program (for decades ADUs were discouraged so these unpermitted units could not be registered to pay business taxes and now there are huge penalties and late fees with compounding interest, forcing residents to remove rental units rather than registering).

**5. The Rent Registry removed 'Just Cause' Protections.** Please restore each and every 'Just Cause' protection. EACH 'Just Cause' protection exists as a bare minimal safeguard – removing each protection results in CLEAR ethical violations with dire, long-term consequences that harm both people and housing.

**6. There are many other reasons existing lower-cost rental units are being removed from Oakland. Please conduct genuine public outreach before passing housing legislation to avoid SIGNIFICANT unintended consequences and displacement of Oakland residents.**

--

**1. The Rent Registry collects addresses which will trigger building inspections via the Proactive Rental Inspection (PRI) Program.** Proactive Rental Inspection is in planning discussion and part of Oakland's Housing Element. People are reluctant to register unpermitted units for fear that the city will inspect and force removal of unpermitted units, causing displacement of current residents.

Some homeowners had negative experiences with building code enforcement and feel it is easier to stop renting out an unpermitted unit rather than face inspections and unit removal. Reverting a livable space back to its original uninhabitable state results in loss of very useful space.

**2. It is NOT possible to legalize units due to current code requirements,** eg. ceiling height too low, setbacks and other conditions, lack of fire egress, the city's amnesty guidelines do not have enough flexibility to accommodate legalization. For example, it would be helpful to grandfather in existing structures and allow up to a 100 square feet addition to accommodate entrance or stairs safety requirements, etc. Please update city building codes to allow for more flexibility and accommodate higher density (eg. 1 unit per 1,500 sf within 1/2 mile of BART or regulate building envelope and not restrict number of units based on lot size).

**3. Most residents do not have the financial means to legalize an unpermitted housing unit without additional city assistance.** Legalizing an ADU can easily cost \$100,000 – \$150,000 per unit. Oakland's CalHome ADU legalization program only has \$3 million. This funding amount only allows for \$90,000 loans to legalize 30 unpermitted units. Oakland has approximately 18,835 unpermitted units, far more than the 30 units that are funded. Entire families would be displaced if unpermitted units are registered, inspected, and forcibly removed through code enforcement action. Rent Registry implementation should be coordinated with adequate funding to save low-income housing units.

**4. Residents do not want to lose their homes through city liens from the Business Tax Department.** For many decades, the city discouraged ADUs due to concerns that they would change the neighborhood characteristics, cause traffic congestion, and take up parking space. However, people desperately needed low-cost housing and converted garages, basements, and attics. These units are unpermitted and could not be registered but were rented and technically should have been

paying business license tax. People will be removing these rental units to avoid penalties and late fees with years of accumulated interest. The city has gone back decades to the 1980s to assess back fees in the thousands of dollars and put liens on homes. A business tax amnesty is crucial to preserving these affordable rental housing units.

**5. The Rent Registry removed Just Cause.** All basic common sense protections have been removed with the Rent Registry resulting in significant negative consequences. For example, many residents don't want to be victimized by violence, especially since we've removed criminal history from rental considerations. Sometimes there's domestic violence coming from an unpermitted ADU which people can't escape from because of the Rent Registry. Parents understandably do not want their children hearing arguments through a shared common wall and see bruises the following day. Many parents would rather not rent out than risk not being able to remove violence from their home due to forced Rent Registry restrictions. The Rental Registry should be amended to restore Just Cause. Some cities have a simple fee for failure to register so innocent residents are not put in harm's way.

**Please SAVE these existing 18,835 affordable housing units and prevent displacement! As an immigrant who appreciates the need for low-cost housing, I am happy to help in any way toward this goal. Any units we save will count toward Oakland's state mandated RHNA requirements, especially at the lower affordability levels. Legalizing unpermitted units will also prepare us for Earthquakes and Keep Oakland Housed! It is much cheaper to work with Oakland residents to legalize existing affordable units than building new ones from scratch.**

Sincerely,

Tuan Ngo

**Attachments**

1. Oakland has approximately 18,835 unregistered / unpermitted units.

Approximately 18,835 unregistered / unpermitted units in Oakland (18% of Oakland residential housing stock)							
	Percent owner- or renter-occupied	Occupied units (Households)	vacant units	total units (occupied + vacant)	Residential rental units registered to pay Oakland Business License Tax	unregistered or unpermitted units (107,050 - 88,215)	Percent of Oakland rental housing stock that is unregistered or unpermitted (18,835/107,050= 17.6%)
Total units		170,366	16,294	186,660			
Owner-occupied housing units	42.6%	72,661	6,949	79,610			
Renter-occupied housing units	57.4%	97,705	9,345	107,050	88,215	18,835	17.6%
Data sources: 1. Oakland CED meeting, 6/28/2022 report from Business Tax Dept.; 2. American Community Survey (ACS) 2021 data, 1-year estimate <a href="https://data.census.gov/cedsci/table?q=Oakland,%20ca&amp;t=Homeownership%20Rate&amp;tid=ACSDP1Y2021.DP04">https://data.census.gov/cedsci/table?q=Oakland,%20ca&amp;t=Homeownership%20Rate&amp;tid=ACSDP1Y2021.DP04</a>		2021 ACS data	2021 ACS data	2021 ACS data (total vacant), breakdown calculated from % renter & owner	Oakland CED report (6/28/2022) from Business Tax Dept. (units above threshold + units below threshold = total units paying tax)		

2. Oakland has approximately 88,215 registered rental units.

American Community Survey  
**DP04 | SELECTED HOUSING CHARACTERISTICS**  
 2021: ACS 1-Year Estimates Data Profiles

Oakland city, California

Label	Estimate	Percent
<b>HOUSING OCCUPANCY</b>		
Total housing units	186,660	186,660
Occupied housing units	170,366	91.3%
Vacant housing units	16,294	8.7%
Homeowner vacancy rate	0.8	.00
Rental vacancy rate	6.0	.00
<b>UNITS IN STRUCTURE</b>		
<b>YEAR STRUCTURE BUILT</b>		
<b>ROOMS</b>		
<b>BEDROOMS</b>		
<b>HOUSING TENURE</b>		
Occupied housing units	170,366	170,366
Owner-occupied	72,661	42.6%
Renter-occupied	97,705	57.4%

3. Oakland’s state-mandated RHNA goal - 26,251 housing units.

### State-mandated Housing requirements for 2023-2031 (RHNA)

Jurisdiction	VERY LOW INCOME (<50% of Area Median Income)	LOW INCOME (50-80% of Area Median Income)	MODERATE INCOME (80-120% of Area Median Income)	ABOVE MODERATE INCOME (>120% of Area Median Income)	TOTAL
<b>ALAMEDA COUNTY</b>					
Alameda	1,421	818	868	2,246	5,353
Albany	308	178	175	453	1,114
Berkeley	2,446	1,408	1,416	3,664	8,934
Dublin	1,085	625	560	1,449	3,719
Emeryville	451	259	308	797	1,815
Fremont	3,640	2,096	1,996	5,165	12,897
Hayward	1,075	617	817	2,115	4,624
Livermore	1,317	758	696	1,799	4,570
Newark	464	268	318	824	1,874
<b>Oakland</b>	<b>6,511</b>	<b>3,750</b>	<b>4,457</b>	<b>11,533</b>	<b>26,251</b>
Piedmont	163	94	92	238	587
Pleasanton	1,750	1,008	894	2,313	5,965
San Leandro	862	495	696	1,802	3,855
Unincorporated Alameda County	1,251	721	763	1,976	4,711
Union City	862	496	382	988	2,728

### State penalties for *NOT* achieving RHNA Housing Production target:

1. Loss of state funding
2. Loss of local control over city planning (ministerial or automatic permit approvals)

## Remove TOPA and COPA from Oakland's Housing Element

Benjamin Scott [REDACTED]

Wed 12/7/2022 7:16 PM

To: General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

To Housing Element drafters,

TOPA and COPA would discriminate against the LGBTQ+ community. I am writing to request that you remove the TOPA and COPA references from Oakland's Housing Element draft. This misguided housing policy was proposed in neighboring Berkeley and would have prohibited LGBTQ+ residents from transferring our own homes to our nieces and nephews, who are essentially our children. TOPA/COPA proponents said family transfers are allowable, but that's not true because when we read the actual TOPA/COPA ordinance language as introduced in Richmond, Berkeley, and East Palo Alto -- transfers to nieces and nephews are NOT exempted from TOPA/COPA restrictions. Multiple people have raised concerns regarding negative, consequences of TOPA/COPA to LGBTQ+ residents but it COMPLETELY fell on deaf ears, and NOTHING was ever done to change this horrible, discriminatory legislation in various cities!

We should have equal rights and not be discriminated against under TOPA/COPA restrictions. I should be able to leave my home to my niece who is very much a daughter to me by blood.

Berkeley staff spent years analyzing the TOPA/COPA legislation, saw how harmful it is and removed it from their Housing Element after listening to overwhelming community opposition. I respectfully request that the Oakland Housing Element takes into account our own strong community opposition to TOPA and COPA as well.

Please remove TOPA and COPA from Oakland's Housing Element – It's still there on p. 66 of the Housing Element draft.

Thank you kindly,

Benjamin Scott

## TOPA and COPA LGBTQIA+ discrimination

Darryl Glass [REDACTED]

Wed 12/7/2022 7:28 PM

To: General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

To Housing Element drafters,

TOPA and COPA would discriminate against the LGBTQ+ community. I am writing to request that you remove the TOPA and COPA references from Oakland’s Housing Element draft. This misguided housing policy was proposed in neighboring Berkeley and would have prohibited LGBTQ+ residents from transferring our own homes to our nieces and nephews, who are essentially our children. TOPA/COPA proponents said family transfers are allowable, but that’s not true because when we read the actual TOPA/COPA ordinance language as introduced in Richmond, Berkeley, and East Palo Alto -- transfers to nieces and nephews are NOT exempted from TOPA/COPA restrictions. Multiple people have raised concerns regarding negative, consequences of TOPA/COPA to LGBTQ+ residents but it COMPLETELY fell on deaf ears, and NOTHING was ever done to change this horrible, discriminatory legislation in various cities!

We should have equal rights and not be discriminated against under TOPA/COPA restrictions. I should be able to leave my home to my niece who is very much a daughter to me by blood.

Berkeley staff spent years analyzing the TOPA/COPA legislation, saw how harmful it is and removed it from their Housing Element after listening to overwhelming community opposition. I respectfully request that the Oakland Housing Element takes into account our own strong community opposition to TOPA and COPA as well.

Please remove TOPA and COPA from Oakland’s Housing Element – It’s still there on p. 66 of the Housing Element draft.

Thank you kindly,

Darryl--

**Darryl Glass, Broker-Associate, Realtor®, CCRM**

[REDACTED]





[Redacted text]

[Redacted text]

[Redacted text]

[Redacted text]

[Redacted text]

[Redacted text]

[Redacted text]

[Redacted text]

[Redacted text]

CONFIDENTIAL: This e-mail including any attachments is intended only for the party or parties to whom it is addressed and may contain information which is privileged and/or confidential. If you are not the intended recipient, you are hereby notified that any use, disclosure, dissemination, distribution, copying, or printing of any information contained in or attached to this e-mail is **STRICTLY PROHIBITED** and may constitute a breach of confidentiality and/or privilege. If you have received this e-mail in error, please notify immediately the sender by reply e-mail and then delete this e-mail and any attachments in their entirety from your system. Thank you. This e-mail message including any attachments is believed to be free of any viruses; however, it is the sole responsibility of the recipient to ensure that it is virus free, and Advent Properties, Inc. does not accept any responsibility for any loss, disruption or damage to your data or computer system which may occur in connection with this e-mail including any attachments.

## Feedback on housing plan

Davide Russo [REDACTED]

Tue 12/13/2022 12:08 PM

To: General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

-----  
Hello,

I want to file a formal complaint that I strongly oppose the construction of new homes on Skyline Blvd. Your plan currently has 198 potential units plus an unknown number.

Those hills are very unstable and prone to landslides. The current natural habitat is what keeps the hills intact. Our neighborhood needs more green, not more construction. This is a small quaint residential neighborhood where everyone knows each other.

Such a project would change the neighborhood completely and we'd suffer irreparable monetary damages as a result.

We are planning to move forward with legal action if these plans are confirmed.

Best  
Davide Russo

[REDACTED]  
Sent on the move

## Formal complaint against new homes on Skyline Blvd

Nat Gardenswartz [REDACTED]

Tue 12/13/2022 3:40 PM

To: General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

-----  
To whom it may concern:

I am writing to file a formal complaint against the construction project under consideration on Skyline Blvd. The current plan to build 198 new homes would dramatically change the character of this quiet, intimate neighborhood. It would cause massive monetary damages to us and other homeowners here, as these neighborhoods are valued in part due to the quiet and intimate environment, and could also pose a seismic risk given the landslide conditions in the area where the homes are being built.

If the city moves forward with these plans, we will organize with nearby residents to campaign in opposition.

Nat Gardenswartz  
[REDACTED]

Sent from my iPhone

## Oakland Housing TOPA/COPA Element Public Input

gabrielmichael55@ [REDACTED]

Fri 12/16/2022 4:40 PM

To: General Plan <generalplan@oaklandca.gov>; Gilchrist, William <WGilchrist@oaklandca.gov>; david.zisser@hcd.ca.gov <david.zisser@hcd.ca.gov>; Branson, Michael <MBranson@oaklandcityattorney.org>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Oakland City Staff,

Per the City website, I am providing feedback on the Housing Element Public Hearing Draft. Please include my feedback in the public record and forward to State HCD (at the time the comments are received) and include as a supplemental document to the agenda reports for the Planning Commission and City Council public hearings beginning in January 2023.

### **TOPA/COPA should NOT be included in the City of Oakland Housing Element**

#### **Action 2.2.8: Investigate a Tenant/ Community Opportunity to Purchase Act**

#### **Background**

I retired from the national housing nonprofit NeighborWorks America based in Washington D.C. after 29 years as a Management Consultant. Prior to that I worked for the cities of Piedmont and Oakland Planning Departments. I continue to advocate for housing as a volunteer, consultant, and housing provider. My family has owned a 4-plex in Oakland since 1976. As an affordable housing professional and provider, I have a unique perspective on housing policies.

I was introduced to TOPA/COPA in 1985 and have followed its volatile path since its inception. While the acronym TOPA is compelling, it represents a false promise to tenants and does not assist them in meeting the challenges that prevent home purchases (i.e., insufficient income, lack of down payment, credit issues, lack of emergency reserves, employment instability). In COPA, the promise of "equity building" is subject to the nonprofit owner's governing board's policies and financial capacity. It too can be a false promise to tenants. From the perspective of tenants, in the COPA model the nonprofit buyer is simply the new landlord. It is worth noting that buildings owned by non-profit housing organizations (NPO) may not be subject to rent control.

#### **Proven Equity-building Models**

Before consideration of TOPA/COPA, there are numerous equity-building housing models with proven success metrics such as: limited-equity condominiums, co-housing, limited-equity cooperatives, mutual housing, employer assisted housing, condo conversions, tenant-in-common (TIC), extended household purchases and equity sharing programs. These models have proven legal structures that provide **consumer protection** and are familiar to lenders. The Housing Element should either refer broadly to these types of models or include them specifically. The Element should NOT refer solely to TOPA/COPA as it could be construed as advocacy.

By all measures, TOPA/COPA has been unsuccessful since it was introduced in Washington D.C. TOPA/COPA is a capital-intensive model requiring deep up-front inefficient per-tenant subsidies, capitalization of building rehab, operating reserves, and maintenance reserves. Fledgling tenant organizations require intensive, costly technical assistance, startup funding and sufficient free time to work as a group. TOPA buyers must agree to income restrictions for all future sales or transfers

and are individually and collectively responsible for mortgage, taxes, insurance, and all other building costs. They cannot individually encumber the property or access building equity. These characteristics are particularly unappealing to minority and working class households who hoped for full ownership rights. After reading the fine print or not qualifying for a TOPA purchase, frustrated tenants can assign their rights to COPA only to find no guarantee of “equity building”.

**Without COPA** non-profit housing organizations have successfully developed, acquired, and manage thousands of affordable units. With increased purchase and rehab capital subsidies, they can compete in the market with a strategy of buying and rehabbing buildings with existing low rent. NPOs are best suited to implement rehab, manage tenant relocation with sensitivity, identify government and private sector subsidies, ensure building maintenance, reach lower income households, and track long-term affordability. After acquisition, NPO organizations can develop and implement tenant equity-building programs as appropriate without COPA restrictions.

**The Housing Element is a guiding document and should NOT be used to advocate for TOPA/COPA over other models.**

## Skyline Blvd development

Gregg Penn [REDACTED]

Sat 12/17/2022 11:01 AM

To: General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

To whom it may concern,

I live in the Merriewood region of Oakland, and I recently received a flier opposing the development of affordable housing on Skyline Blvd as part of the Housing Element update. I strongly believe in the importance of creating additional housing, especially affordable housing, to sustain and improve the livability of our city. I wanted to voice my support of this project and I hope that it succeeds.

Sincerely,  
Gregory Penn

## Input for the Housing Element

Heather Kuiper [REDACTED]

Sat 12/17/2022 1:34 PM

To: General Plan <generalplan@oaklandca.gov>

 1 attachments (16 KB)

General Plan Housing Element Suggested Language December 2022.docx;

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hi Lakshmi,

I hope the end of year is finishing well for you. Thank you for your leadership in the Housing Element process - a big undertaking!

Attached and copied at the bottom of this email are comments pertaining to the latest draft in the form of suggested text in case that is of use. The hope is to increase alignment between the Housing, LUTE, and OSCAR Elements (and the ECAP) because housing, transportation, and parks are mutually reinforcing. Right now there are no substantive mentions of parks or green space in the housing element, which are key aspects of making housing liveable and neighborhoods complete. The suggested edits can also help meet the housing element's stated goals related to greenhouse gases, public health, environmental justice, and stable, healthy, integrated and vibrant neighborhoods.

I am also attaching Oakland Parks and Recreation Foundation's last two survey reports, as per referenced in the EJ Baseline report. Is it possible to post these in the General Plan's Project Documents page and to share with the Equity Working Group? These reports would be great to make available to the process because:

- They are citywide reports and as such help create the authentic inclusivity so important to general plan development. The 2020 report in particular gives voice to historically underrepresented residents and is the first time in a generation - since the last OSCAR update - that Oaklanders (about 1300!) were surveyed about their parks;
- They make a very strong equity and racial / environmental justice case;
- They convey how different aspects of a city - e..g, housing, transportation, and park infrastructure - work together for equity, justice, health, safety, and climate resilience. In fact, there are several modules in the 2020 report that could be useful pull-outs for different elements of the GP update. It would be inspiring to see this largely community-based research put to work in service to Oakland!

Here are the links:

**Parks & Equity: The Promise of Oakland's Parks**

<https://www.oaklandparks.org/wp-content/uploads/2021/01/OPRF-Parks-And-Equity-2021-01-12.pdf>

**Exec Summ**

<https://www.oaklandparks.org/wp-content/uploads/2021/01/OPRF-Parks-And-Equity-Executive-Summary-2021-01-12.pdf>

**Continuing Crisis: The 2018 Report on the State of Maintenance in Oakland Parks**

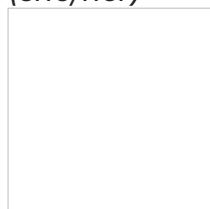
<https://www.oaklandparks.org/wp-content/uploads/2020/08/2018-Parks-Maintenance-Survey.pdf>

I am available for any questions/clarifications if of use and would love to hear back.

All the best to you,

Heather Kuiper DrPH, MPH

(she/her)



*I live and work in Huchiun Territory, on the unceded land of one of many vital Ohlone nations, [The Confederated Villages of Lisjan](#). Despite genocide and colonization, the Lisjan community is revitalizing cultural practices and upholding responsibility to protect and care for their homeland. I commit to their work by giving [Shuumi](#) to support rematriating the land through the [Sogorea Te' Land Trust](#).*

**This is the same as the attached document, in case more convenient to access here:**

**General Plan Housing Element Suggested Language December, 2022**

**Chapter 1 Page 8**

The City is also undertaking an update to its Land Use and Transportation Element of the General Plan, in tandem with this Housing Element, to promote a land use pattern and policies that will help accelerate and target housing production. **[Update of its Open Space, Conservation and Recreation Element will similarly align to ensure equitable access to complete neighborhoods and the conditions Oaklanders need to thrive.](#)**

**Chapter 1 Page 19**

Some initial amendments to the Land Use and Transportation Element and Planning Code and initial zoning map changes will be made during Phase I; this will allow for upzoning of areas to accommodate additional density on areas near BART stations, along transit corridors, and in existing residential neighborhoods to allow for “missing middle” housing. Anticipated development on these sites is expected to be in compliance with updated policy standards for noise, safety, open space, recreation, and conservation contained in the other General Plan elements, and, **[as population density increases, the health, environmental justice, climate resilience, safety and equity imperatives for open, green, and recreational space will be maintained or enhanced.](#)**



**Chapter 4 page 74**

the City will continue to release land designated as surplus for development of affordable housing and other uses, **ensuring in the process that a balance between the need for development and the need for green and recreational spaces is maintained.**

**Chapter 4 page 83****Action 3.4.1: Revise development standards, including allowable building heights, densities, open space and setback requirements**

The City will allow additional building heights and densities in certain corridors and districts, **while ensuring that surrounding community infrastructure such as access to healthy food and park space is adequate for a larger population.** These changes include:

**Chapter 4 page 86****Action 3.4.5: Revise open space requirements**

**Objective:** ~~Significantly reduce~~ Alter existing **private** open space requirements **(for decks, balconies, etc.)** to ~~reduce~~ constraints on development and increase production of housing to match housing need.

**Even with these changes, as population density increases, the health, environmental justice, climate resilience, equity and safety imperatives for open, green, and recreational space will be maintained or enhanced. Policy tools will be used to mitigate the impacts increased density will have on the need for open space, for example allowing the payment of park fees in lieu of providing private open space on-site.**

**Chapter 4 Page 108**

Goals, policies, and actions in the Housing Action Plan can address environmental justice by protecting residential areas from harmful pollution impacts **and promoting environmental benefits such as access to parks.**

**Chapter 4 Page 109**

Encourage higher-density, infill, and mixed- use development near transit **and parks** to reduce reliance on automobiles.

**Chapter 4 Page 110**

In Oakland, low-income communities and communities of color are more likely to suffer from environmental injustices such as disproportionate exposure to air pollution, toxics and hazardous facilities and substances, contaminated water, and other environmental hazards **as well as disproportionate barriers to environmental benefits such as parks and recreational spaces which promote health, safety, and climate and social resilience.**

As the City adds more housing stock over the course of this Housing Element period, it is imperative that new development sustains a healthy environment by working to “reduce the unique or compounded health risks in disadvantaged communities” and is prepared for the heightened impacts of climate change, especially protecting those who are most at risk. As part of this goal, efforts to align affordable housing development with transit—such as through the State’s Affordable Housing and Sustainable Communities program—and expand access to **parks,**

**healthy food**, high opportunity neighborhoods and good jobs

#### **Chapter 4 Page 112**

and increase opportunities to add multi-family housing in commercial areas that are well-served by transit, **while also ensuring that these areas can provide new residents with the adequate park and natural space needed for a healthy neighborhood.**

#### **Chapter 4 Page 114**

The City will ensure that new housing development within areas subject to flooding associated with sea level rise encourage placement of life safety, mechanical, and electrical systems above flood elevations (i.e., second story or higher), **while also relying upon green infrastructure to protect these resources.**

**Re: Oakland Housing TOPA/COPA Element Public Input**

Jeannie Llewellyn [REDACTED]

Sat 12/17/2022 11:07 PM

To: General Plan <generalplan@oaklandca.gov>; Gilchrist, William <WGilchrist@oaklandca.gov>; david.zisser@hcd.ca.gov <david.zisser@hcd.ca.gov>; Branson, Michael <MBranson@oaklandcityattorney.org>

Cc: gabrielmichael55@comcast.net <gabrielmichael55@comcast.net>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

In addition to what Mr. Michael Gabriel wrote, TOPA / COPA / OPA is easily misunderstood by the very people it allegedly is trying to help. The complexity of even a basic property purchase would flumox those new to the real estate world. Add to that the fact embedded deeply in the ordinance that ownership is indeed a "false promise" when a tenant / tenant group discovers how limited their powers and assets truly are when any assistance has been used toward the purchase through TOPA / COPA / OPA.

There is already in place assistance for first-time buyers, so why make this more complicated than it needs to be?

With the amount spent to support TOPA / COPA / OPA it would be more efficiently and better spent on other needs the city has, whether for housing or for the city infrastructure.

I agree that TOPA / COPA does not need to be advocated for in the Housing Element document.

Jeannie Llewellyn

On Fri, Dec 16, 2022 at 4:40 PM [REDACTED] <[REDACTED]> wrote:

Oakland City Staff,

Per the City website, I am providing feedback on the Housing Element Public Hearing Draft. Please include my feedback in the public record and forward to State HCD (at the time the comments are received) and include as a supplemental document to the agenda reports for the Planning Commission and City Council public hearings beginning in January 2023.

## **TOPA/COPA should NOT be included in the City of Oakland Housing Element**

### **Action 2.2.8: Investigate a Tenant/ Community Opportunity to Purchase Act**

#### **Background**

I retired from the national housing nonprofit NeighborWorks America based in Washington D.C. after 29 years as a Management Consultant. Prior to that I worked for the cities of Piedmont and Oakland Planning Departments. I continue to advocate for housing as a

volunteer, consultant, and housing provider. My family has owned a 4-plex in Oakland since 1976. As an affordable housing professional and provider, I have a unique perspective on housing policies.

I was introduced to TOPA/COPA in 1985 and have followed its volatile path since its inception. While the acronym TOPA is compelling, it represents a false promise to tenants and does not assist them in meeting the challenges that prevent home purchases (i.e., insufficient income, lack of down payment, credit issues, lack of emergency reserves, employment instability). In COPA, the promise of "equity building" is subject to the nonprofit owner's governing board's policies and financial capacity. It too can be a false promise to tenants. From the perspective of tenants, in the COPA model the nonprofit buyer is simply the new landlord. It is worth noting that buildings owned by non-profit housing organizations (NPO) may not be subject to rent control.

### **Proven Equity-building Models**

Before consideration of TOPA/COPA, there are numerous equity-building housing models with proven success metrics such as: limited-equity condominiums, co-housing, limited-equity cooperatives, mutual housing, employer assisted housing, condo conversions, tenant-in-common (TIC), extended household purchases and equity sharing programs. These models have proven legal structures that provide **consumer protection** and are familiar to lenders. The Housing Element should either refer broadly to these types of models or include them specifically. The Element should NOT refer solely to TOPA/COPA as it could be construed as advocacy.

By all measures, TOPA/COPA has been unsuccessful since it was introduced in Washington D.C. TOPA/COPA is a capital-intensive model requiring deep up-front inefficient per-tenant subsidies, capitalization of building rehab, operating reserves, and maintenance reserves. Fledgling tenant organizations require intensive, costly technical assistance, startup funding and sufficient free time to work as a group. TOPA buyers must agree to income restrictions for all future sales or transfers and are individually and collectively responsible for mortgage, taxes, insurance, and all other building costs. They cannot individually encumber the property or access building equity. These characteristics are particularly unappealing to minority and working class households who hoped for full ownership rights. After reading the fine print or not qualifying for a TOPA purchase, frustrated tenants can assign their rights to COPA only to find no guarantee of "equity building".

**Without COPA** non-profit housing organizations have successfully developed, acquired, and manage thousands of affordable units. With increased purchase and rehab capital subsidies, they can compete in the market with a strategy of buying and rehabbing buildings with existing low rent. NPOs are best suited to implement rehab, manage tenant relocation with sensitivity, identify government and private sector subsidies, ensure building maintenance, reach lower income households, and track long-term affordability. After acquisition, NPO organizations can develop and implement tenant equity-building programs as appropriate without COPA restrictions.

**The Housing Element is a guiding document and should NOT be used to advocate for TOPA/COPA over other models.**

## Re; 2023-2031 development plan

Rich S [REDACTED]

Sun 12/18/2022 4:53 PM

To: General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Your development plan shows potential 185 housing units at 5885 Skyline Blvd in Oakland. We live off Broadway Terrace somewhat lower down the hill from Skyline.

This area is all the the 1991 Hills Fire burn zone.

The roads are narrow and treacherous, a very high risk in case of fire, earthquake, or other disaster.

There is no way the narrow winding roads can safely take much additional traffic from large scale development.

The plan for 5885 Skyline is dangerous and faulty.

Richard Sigel  
[REDACTED]

## Public Input: 5885 Skyline

Susan Goodman [REDACTED]

Sun 12/18/2022 7:00 PM

To: General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hello.

As a neighbor, I would like to state that I am against rezoning 5885 Skyline Boulevard from Residential Hillside RH-3, with single family homes on lot sizes not less than 12,000 SF to allow for high-density housing. This area does not have the infrastructure (roads, parking, etc.), and would contribute to the dangerous conditions that are already in this area, especially under emergency evacuation circumstances, including those related to fire and earthquakes. It is also not transit-friendly and would have a low-walking score, making it impractical for especially elderly people and those with fewer resources to access needed services (e.g., food, medical, banking, work, etc.). Finally, this proposal would eliminate green space in this already very urban and concrete neighborhood, further reducing outdoor opportunities and eliminating the other benefits that natural areas provide to all of us.

Thank you for the opportunity to share my thoughts.

Susan Goodman  
[REDACTED]

# FW: Public Input: 5885 Skyline

[Redacted]

KG **Kenny Goodman** [Redacted]

To: General Plan

Like Reply Reply all Forward

Mon 12/19/2022 10:39 AM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hello,

As a neighbor, I would like to state that I am against rezoning 5885 Skyline Boulevard from Residential Hillside RH-3, with single family homes on lot sizes not less than 12,000 SF to allow for high-density housing. It appears that this area has an open space component but the zoning is not clear as it is also described as RH-9 which I don't see in your map descriptions. I agree that we need additional housing in Oakland and I am strongly in favor of building housing for low income families and elderly individuals. This site however does not make sense for that use. Locating housing at the top of Skyline would be difficult to access with no ability for a resident to walk or bike to critical services. These folks need to be able to easily obtain groceries, go to the bank, go to the doctor, etc.. Additionally the hillside area is already over impacted for fire response, police response and other emergency services. By locating these folks in this area you would be placing them and others at risk. I don't know what the additional load would be on the water and sewer systems but I would have to believe that the number of homes you are proposing for this area would be detrimental to the existing neighboring residences as well.

Finally I would be concerned that if we had another large fire or when the Hayward fault decides to move that we would be stranding a lot of at risk individuals. I would suspect that there will be no emergency services able to support the number of folks already living in this area and adding to that with individuals that might not be able to leave their homes would simply be an irresponsible act of the Planning Department. Simply building wherever there is open space is not an appropriate solution.

Thank you for the opportunity to provide input in this Planning/Zoning review process,

[Kenny Goodman](#)  
[Redacted]

Reply Forward

# Skyline Development Plan 2023-31

(i) [Redacted]

LJ

Louis J. Goodman [Redacted]

To: General Plan

Like Reply Reply all Forward ...

Wed 12/21/2022 3:16 PM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

I live in the City of Oakland.

I am informed that there is discussion of building "affordable" housing on Skyline Blvd.

If true, this is a poorly conceived plan that is not consistent with the recreational facilities that are available to all Oakland residents in the area. Skyline is already overused, the road is in poor condition, traffic is too fast and inconsistent with the park usage and the substantial bicycle usage in the area.

Please register my opposition to this project.

Thank you.

Oakland resident & voter.

Louis Goodman

[Redacted]

[Redacted]

[Redacted]

Reply Forward



December 25, 2022

*By electronic transmission*

General Plan Team, Lakshmi Rajagopalan, Audrey Lieberworth  
City of Oakland Bureau of Planning and Zoning  
250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612

**Subject: November 2022 Revised Draft Housing Element**

Dear General Plan Team:

As an Oakland resident I have included here my comments on the Housing Element. I have also shared my comments with the Piedmont Avenue Neighborhood Improvement League (PANIL), which I participate in. Overall I applaud the city's efforts to address decades of racial and economic inequities in our housing policy. Given that, I have a few comments and suggestions:

Housing Element Chapter 4:

2.1.3 -Proactive Rental Inspections:

We would suggest that multi-family buildings, dependent on size and age be inspected every 2-4 years similar to the program in the City of Los Angeles.

2.2.1 -Implementing Resale Controls on Assisted Housing:

As the City deploys Measure U funds, it should require that when the provided funds for a 100% affordable project are greater than the cost of the land (if not already a City owned parcel), that the developer transfer the land to the City and then the City will ground lease the property back to the project. This significantly strengthens the City's ability to ensure the land remains used for a public purpose. The City and County of San Francisco already use a similar practice. This is also relevant to 3.3.1.

2.2.8 -TOPA/COPA:

We support the implementation of a TOPA/COPA policy and look forward to seeing the legislation brought forward by Council since the City has already spent ample time analyzing this policy option.

3.2.1 -Missing Middle Housing:

We would suggest that the City not include owner-occupier requirements or similar onerous and financially infeasible rules for the development of missing middle housing, since this has proven to be a major challenge in other similar legislation.

3.3.2 -Expansion of Section 8 Vouchers:

We would suggest that the City in partnership with the Oakland Housing Authority (OHA) leverage OHA's status as a Moving to Work (MTW) housing authority in combination with unused Faircloth Authority to expand project based vouchers through

the Faircloth to RAD program. This would allow Oakland to expand voucher access beyond the current limit.

### 3.3.5 -Affordable Housing Overlay:

This is a valuable policy to help expand access to affordable housing in Oakland. As details are put into this regulation, the City should keep in mind that affordable housing projects are generally not financially viable with fewer than 80 units. The regulations should be adapted accordingly so that these changes can have the most substantive impact.

### 3.3.6 -Access to Low-Cost Financing for Development:

For 100% affordable projects the City should consider providing a larger bridge loan during construction, that can then be taken out with tax credit equity or other private or public permanent financing. This would reduce construction loan interest costs and provide savings for affordable housing projects.

### 3.3.7 & 3.3.15 -Inclusionary Housing and Density Bonus:

We support the use of a reasonable inclusionary housing percentage. It should incentivize deep affordability by requiring a smaller percentage of units affordable to tenants at 30% or 50% of Area Median Income. Ideally this could be combined with a density bonus for providing a larger percentage of affordable units - similar to the Los Angeles Transit Oriented Communities (TOC) program.

### 3.3.10 - Enhanced Infrastructure Financing District

We support the creation of an Enhanced Infrastructure Financing District for affordable housing funding. This is a valuable way to commit revenues to affordable housing and provide a permanent source for affordable housing funding.

### 3.3.14 - Creation of Debt and Equity Fund for Acquisition of Affordable Housing

We would suggest that the city also explore working with the Bay Area Housing Finance Agency (BAHFA) to create subsidized debt and equity products for the acquisition of unsubsidized housing.

### 3.3.16 - Transfer Tax on Affordable Housing

Transfer taxes should be waived for 100% affordable housing projects if units are restricted to households with incomes of 80% of Area Median Income or below. Charging these fees costs the City additional subsidy funds by making the projects more expensive.

### 3.4.1 - Upzoning

The upzoning and increased density should focus on upzoning high income areas so that development is not just pushed to historically Black neighborhoods as has long been the case. Upzoning should not just increase density to allow for duplexes and fourplexes but instead should be viable for large multifamily, which is more economically feasible and generates more affordable units. The updated zoning should result in at least 100 bedrooms per net acre, so as to be competitive for Low Income Housing Tax Credits.

### 3.6.1 - Streamline Permitting

The City should also focus on filling staff vacancies in the Planning Department so that there is adequate capacity to process applications.

### 3.6.1 - Streamline Permitting

The City should also focus on filling staff vacancies in the Planning Department so that there is adequate capacity to process applications.

### 3.6.3 Expanding By-Right Approvals

This is a valuable tool for moving projects along more quickly to lower costs and produce more housing. The City should also look at how this can be provided for projects where a portion of the units are affordable.

### 4.1.1: Expand, improve and maintain crisis response beds

In order to effectively do this, the City must commit other funds. The City has historically relied on federal and state funding for shelter funding - but this has proved inadequate to meet demand.

### 4.2.1: Encampment Management Policy

To avoid wasting City funds, per the City Auditor's report, the Encampment Management Policy should be altered to ensure that shelter offers are for long-term housing that allows pets, partners and possessions. The current implementation is ineffective and a waste of city funds.

### 5.2.8 - Encourage New Affordable Housing in Higher Resource Neighborhoods

We support building more affordable housing in high resource neighborhoods so that Oaklanders of all incomes have opportunities to live in all parts of the City. This will also make Oakland's affordable housing projects more competitive for state and federal funds.

Thank you for the opportunity to comment and for your hard work on these valuable policy improvements.

Sincerely,

William Wilcox



## Homesites to add to General plan

📘 You replied on Tue 12/27/2022 10:13 AM

BB

Ben Bowen [REDACTED]

To: General Plan

👍   ↩️   ↩️   ➡️   ⋮

Mon 12/26/2022 3:01 PM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Please be advised that there are two parcels at 7033 and 7039 Buckingham Blvd that could be added to the proposed 2023-2031 Housing Plan.

As a general comment, it would be great if Oakland HCDD could provide expedited and/or accelerated review of permits for sites that are included in your list of earmarked sites.

Thanks for your consideration.

Ben Bowen & Renee Kosslak

[REDACTED]

[REDACTED]s

↩️ Reply

➡️ Forward

## Housing Element Comment Submitted By #OaklandUndivided

### I. The Ask

The most recent release of the 2023-2031 Housing Element Public Hearing Draft was submitted by the City of Oakland on December 15, 2022. This draft is a plan that promotes “integrated, vibrant communities” through “protecting Oakland residents from displacement, improving Oakland’s existing housing stock, expanding affordable housing opportunities, expanding resources for the unhoused, and promoting neighborhood stability and health.”

**Ask:** An essential component missing from the Housing Element, which will prove essential to achieving the goals stated above, is broadband access and digital equity. #OaklandUndivided, a diverse coalition of elected officials, civic leaders, and community stakeholders, proposes that the Housing Element include that all residents should have access to high-speed internet at home. This internet service should be robust enough to perform essential functions, such as enrolling in government programs, seeking employment, and attending school. Internet speed and performance standards should increase over time to track the exponential growth in data usage. In addition, the Housing Element should define broadband as a necessary utility and inextricably linked to plans for improving existing housing stock and new builds.

### II. Background

The implementation of technology that can sustain high-speed internet throughout our city is inextricably linked to the housing market. For decades, internet service providers, or ISPs, have made broadband deployment decisions that replicate and perpetuate disinvestment in historically redlined communities and overinvestment in wealthy communities.<sup>1</sup> Even if the ISPs' business decisions are made for legitimate business purposes, the fact remains that those decisions create disparate impacts for communities of color and individuals with disabilities.<sup>2</sup> The digital divide and pervasiveness of digital redlining perpetuate systemic barriers to opportunity. While most people have access to the internet either through a phone or home broadband connection, there are significant racial and income gaps.<sup>3</sup>

This is also true for Oakland as historically unserved and underserved residents in our city suffer greatly from digital inequity. Findings from the American Communities Survey indicate that 37,000 residents in Oakland are unconnected, concentrated in three historically redlined areas of our city. A 2022 technology survey completed by approximately 33,000 students enrolling in Oakland Unified School District this year indicated that students in our historically redlined communities are most likely to indicate need of a laptop or home internet, as seen in the map below.

---

<sup>1</sup>California Public Utilities Commission. *Network Exam of AT&T and Frontier/Verizon* (2019),

<https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/service-quality-and-etc/network-exam-of-att-and-frontier-verizon>

<sup>2</sup>Paul Goodman, Ernesto Falcon, Chao Jun Liu, *Implementing the Infrastructure Investment and Jobs Act: Prevention and Elimination of Digital Discrimination* (May 16, 2022), <https://www.documentcloud.org/documents/22083399-20220516-joint-advocates-digital-discrimination-comment-1>

<sup>3</sup>The Greenlining Institute. *Leveraging Technology to Build Generational Wealth* (2022), <https://greenlining.org/work/economic-equity/bridging-the-digital-divide/>

In addition, research indicates that these [low-income areas pay more for less](#) while relying on legacy infrastructure that has been poorly maintained for decades. Inequitable investment and inadequate maintenance greatly impacts user experience, and, therefore, residents' ability to get and stay connected. A public option is needed where monopolistic/duopolistic markets lack the short-term return on investment to convince shareholders to dismantle digital redlining.

The housing department in the City of Oakland is uniquely positioned to create opportunities for wealth, health, and wellness, particularly in communities of color, by championing broadband accessibility in new and existing housing developments.

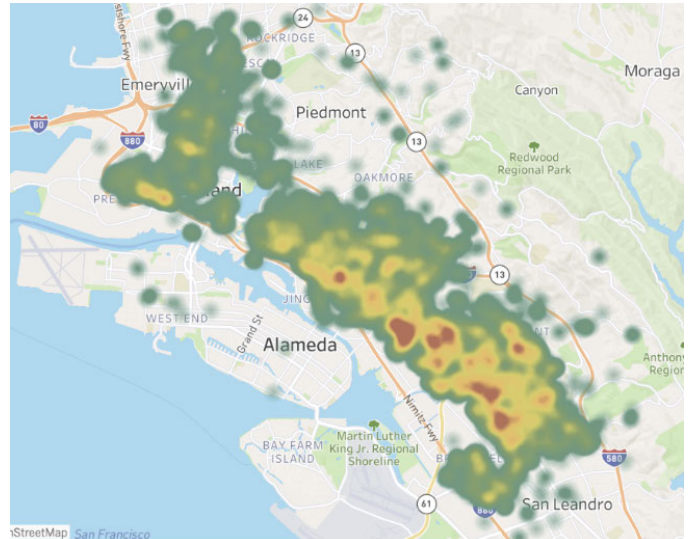
### III. The Why

Broadband is a 21st-century necessity. As COVID-19 remains a pervasive threat in our society, the importance of broadband only increases. People require an internet connection to learn, work, communicate with others, receive medical care, online bank, and so much more. Many studies have showcased this. For example, the Greenlining Institute found that internet connection is critical to economic opportunity. Andrew Peterson, former Oakland CIO, and Alexa Jeffress, former Oakland Director of Workforce Development, agree that increasing digital inclusion positively impacts economic development as well as the education, healthcare, and workforce of underserved communities.<sup>4</sup>

As such, adding broadband to the Housing Element would support the existing goals in the Housing Element. In particular, "Goal 2: Preserve and Improve Existing Housing Stock" as well as "Goal 5: Promote Neighborhood Stability and Health."

Housing, particularly multifamily housing projects, presents an opportunity to close this digital divide and improve the socioeconomic outcomes of many of the city's most vulnerable populations. The neighborhoods with the lowest rates of internet adoption are most likely the focus of the City's affordable housing developments. Therefore, it is imperative that broadband implementation is considered in relation to existing housing projects as well as new builds, particularly in the case of public housing.

- **Existing housing projects:** Digitally retrofitting existing housing projects will support "Goal 2: Preserve and Improve Existing Housing Stock." With 80% of Oakland's housing stock built before 1980,<sup>5</sup> it is essential to ensure that residents in the existing housing projects are able to access high-speed internet. That requires installing fiber, a futureproof technology, that is much more resistant to corrosion and deterioration than



<sup>4</sup>Andrew Peterson and Alexa Jeffress. *A Case For Digital Inclusion*. <https://cao-94612.s3.amazonaws.com/documents/A-Case-For-Digital-Inclusion.pdf>  
<sup>5</sup>Housing Needs Assessment. [https://cao-94612.s3.amazonaws.com/documents/Appendix-B-Housing-Needs-Assessment\\_clean.pdf](https://cao-94612.s3.amazonaws.com/documents/Appendix-B-Housing-Needs-Assessment_clean.pdf)

the legacy technology that many of these buildings are relying on. Whenever possible, fiber should be installed at free or low-cost to residents.

- **New Builds:** The current requirements listed in the Housing & Community Development NOFA have not been updated in the last 15 years. In discussing the future of housing in our city, it is imperative that city policy both encourage and require developers to integrate broadband technology in their initial planning. Projects should specifically plan the services available to their residents in order to ensure accessibility and connection.

#### IV. Vision for the Future

As [data](#) shows a significant gap between the internet speeds that providers are advertising and speeds that users are actually experiencing, it is vital the City includes a vision for the future which includes actual broadband speeds that will allow residents to engage in all aforementioned activities essential to their daily life, including education, work, and care.

**Recommendations:** #OaklandUndivded recommends the following for improving existing housing stock as well as planning for new builds.

##### 1. Installation

###### a. [Installation Method Requirements](#)

- i. **Supply** is how internet access gets to the premises of the building.
  - **Preferred Supply Installation:** Fiber is in a conduit that is trenched from the basement to the nearest telecommunications vault in the street and connected to a network switch in the basement. Additionally, fiber run from the network switch in the basement to the rooftop for use by a wireless internet service provider.
  - **Less Preferred Supply Installation:** Fiber is in a conduit that is trenched from the basement to the nearest telecommunications vault in the street and connected to a network switch in the basement.
  - **Least Preferred Supply Installation:** Fiber is vertically run from the network switch in the basement to the rooftop for use by a wireless internet service provider.
- ii. **Distribution** is how internet access gets from the basement or rooftop to the dwelling units and other parts of the building.
  - **Preferred Distribution Installation:** Fiber or cable terminates in the living room of each dwelling unit at a wall jack, where it can be plugged into a router.
  - **Less Preferred Distribution Installation:** Fiber or cable terminates at a ceiling-mounted access point (hotspot) in each dwelling unit vestibule.
  - **Least Preferred Distribution Installation:** Fiber or cable terminates at a hallway access point (hotspot) outside groups of multiple dwelling units

- iii. **Cabling Pathways Accessibility:** All vertical and horizontal cabling pathways should be easily accessible and have room for the addition of more cabling in the future.
- iv. **Basement & Rooftop Accessibility:** The building's network equipment should be accessible both in the basement and from the rooftop of the building.

**b. Technology**

- i. **Fiber Preference:** New projects are strongly encouraged to install fiber optic wiring for broadband services rather than DSL or cable wiring.
- ii. **Underground Wiring:** Franchisee must place its facilities underground except as otherwise expressly provided herein. All other facilities, including without limitation facilities required to operate or maintain such Optical Fiber and Optical Fiber housing, and splicing connections must be Underground Facilities if they are located in a Right of Way, unless otherwise expressly authorized by the City.
- iii. **Abandoned fiber and conduit policy:** When not in use, wiring once used for video or broadband services within multiple dwelling units (MDUs) should be made available to competitors to connect residents. Any abandoned fiber/conduit that is left vacant, and is not claimed by the owner within a designated time period, would revert to the local government agency.

**c. Safety & Labor Standards**

- i. **Legal Compliance:** Applicants for new builds as well as retrofitting existing housing stock should comply with all funding source requirements, including but not limited to: California prevailing wage requirements and federal Davis Bacon federal labor standards; Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act (ADA); Affirmatively Furthering Fair Housing Act; Section 3 of the U.S. Housing Act of 1968, Equal Opportunity and related requirements in 24 CFR Section 982.53, as amended; Architectural Barriers Act of 1968; federal and state requirements related to Minority Business and Women Business Enterprises (M/WBE), Duplication of Benefits, the Uniform Relocation Assistance and Real Property Acquisition Act, prohibition against Eminent Domain, Building Standards (CalGREEN, WUI, Broadband Infrastructure), Article XXXIV, and the National Objective of Demonstrating Benefit to LMI Persons; federal labor standards regulations under 29 CFR Part 5 and other regulations; and state and federal regulations pertaining to remediation of lead, asbestos and other hazards.

**d. Partnership with Internet Service Providers (ISPs)**

- i. **No Exclusive Contracts:** Projects should not negotiate exclusive contracts that block other Internet Service Providers from entering multi-tenant buildings. Building owners should not grant exclusive contracts to broadband providers.



- ii. **Building Retains Ownership of Infrastructure**: Building owners should retain ownership of the network infrastructure within the building. As a result, maintenance should be part of the contract with the ISP. Projects can also employ a third-party ISP to provide end-users with customer service, network diagnostics, billing, and other services.

## 2. Service Available to the Residents

- a. **No Fee For Residents**: The Franchisee shall offer and provide Services to all residential Subscribers under non-discriminatory rates, terms, and conditions. The Franchisee shall not require residential contracts for service. The Franchisee shall not charge a fee for the installation of services. Projects provide free high-speed in-unit internet access as an element of their lease contract and at no additional cost to the tenant. If the internet service provider decides to offer additional service plans in the building with faster speeds, households should be given the option to enhance their individual level of service at their own cost.
- b. **Tenant Protections**: Tenants should be protected from increases in rent on a month-to-month basis from changes in pricing for an internet service plan.
- c. **Unique Profile**: Each household must have secured access to high-speed internet through a unique profile.
- d. **Federal benefit communication**: Projects are strongly encouraged to notify all tenants of relevant state and federal benefits, such as the Affordable Connectivity Program and provide information for applying to subsidies within ninety (90) days of the tenant's move-in.
- e. **Wireless availability**: Wireless internet service should be available in common areas, including: lobbies, lounges and common rooms, laundry rooms, outdoor areas, and other shared spaces.
- f. **Computer Lab Space**: Projects should provide and maintain computers in a common area. Projects are strongly encouraged to provide access to the latest technology for resident use. Computers should be upgraded or replaced every five (5) years. For every ten (10) residents, there should be at least one (1) accessible computer for resident use or for every three (3) units in a multi-unit building, there should be at least one (1) accessible computer for resident use.
- g. **Digital Literacy Programs**: Projects should provide access to a digital literacy program or help line that is available in all residents' primary languages.
- h. **Language Accessibility**: Information distributed to tenants regarding internet service, computers, or digital literacy should be provided in English, Spanish, Vietnamese, Chinese, and any other language that the tenant may request.

## 3. Records

- a. **Post-installation inspection**: A post-installation inspection by [the city] must be conducted to confirm that standards have been met and all units in a multi-tenant building are wired.
- b. **Initial wiring report post-installation**: Franchisees must report the condition of the wiring in project buildings and report the status of the broadband, including current upload and download speeds, the number of devices that can be





December 28, 2022

City of Oakland Planning Department  
250 Frank H Ogawa Plaza  
Oakland, CA 94612

RE: Comments on Public Hearing Draft Housing Element for 2023-2031

Dear General Plan Update Team:

Thank you for the opportunity to comment on the Public Hearing Draft Housing Element. We appreciate all the work that has gone into producing this document, and we offer our comments with the hope that the City will incorporate them to produce a final document that moves the City in the direction of significant progress to achieve housing justice and meet our current and future housing needs.

EBHO is a non-profit organization that mobilizes the power and wisdom of our members to produce, preserve, and protect affordable housing opportunities for low-income communities in the East Bay.

Our comments here follow up on our written comments on June 13, 2022, as well as the many verbal comments we have offered over the course of the housing element process, including:

- Community & Economic Development Committee, May 24, 2022
- Stakeholder group meeting, June 8, 2022
- Community meeting, June 9, 2022
- City Council, July 26, 2022
- City Council, October 28, 2022
- Planning Commission, October 29, 2022

The City's latest draft makes a number of important changes, and we want to express our appreciation that the City has responded to our comments on process by making available its detailed responses to individual comments and publishing redlined copies of all revised documents. Nonetheless, we believe that the current draft still does not fully address all the issues raised in our previous comments. Many of these issues are noted again below.

### **Assessment of past performance**

- As we previously commented, while the assessment contains a listing of programs from the previous housing element and data on outputs, far less attention has been paid to outcomes and the extent to which programs contributed significantly to achieving the City's housing goals. The assessment should provide a real analysis of whether the programs worked. Why are they being continued? Were they worth the effort? Are any changes required? Are they adequate to the task of meeting the 6<sup>th</sup> Cycle needs?

### **Affirmatively Furthering Fair Housing**

- In several places, we believe the City still has not met the requirements and intent of AB 686 and other requirements to affirmatively further fair housing.
- We are dismayed that Appendix D (Fair Housing Assessment) has almost no changes from the previous draft. While the assessment provides a wealth of data to demonstrate patterns of segregation and racial and economic disparities in housing opportunity, conditions, and outcomes, it still lacks a serious analysis of the underlying factors that created and continue to maintain these patterns. We would expect to find a history of how these patterns came into being and a consideration of the legal and institutional factors that support these patterns on an ongoing basis.
- It is all the more surprising that this historic analysis is lacking, since the City has previously produced such analyses. A notable example is the report prepared by the Department of Race & Equity, entitled "Report on Redlined Neighborhoods in City Council District 3," which was presented at the June 28, 2022, meeting of the Community & Economic Development. This report includes an extensive history of factors giving rise to ongoing housing disparities, including redlining, exclusionary/single-family zoning, urban renewal, freeway construction, disparities in employment and income, and more. None of this is discussed in the Housing Element's Fair Housing Assessment.
- Despite our comments in our June 13 letter, the fair housing assessment still contains no analysis of the role that exclusionary zoning plays in maintaining patterns of racial and economic segregation. In fact, the word "zoning" scarcely appears in this analysis, and there is no mapping of racial concentration overlaid with areas that are zoned exclusively or mainly for single-family and low-density housing.
- Section D.7 and Table D-9 is completely inadequate. The table lists a number of fair housing issues and what are purported to be the underlying factors giving rise to these issues, but the "factors" are simply more detailed statements of the issues. For example, the factor underlying racial segregation is listed as "Affordable housing is limited by location and housing type." This is more of a tautology than an explanation – it states that racial segregation exists because affordable housing is not distributed in a geographically equitable manner. But it fails to address why this unequal distribution exists and how a concentration of single-family zoning effectively excludes low-income households (which disproportionately impacts BIPOC households), from those areas. The corresponding goals and actions include this statement: "Eliminate single-family zoning to ensure there are no restrictions on housing type." However, the City's

proposed elimination of single-family zoning does not remove all restrictions on housing type – for the most part it will permit 2-4 unit structures to be built on single family lots but does not provide zoning adequate to support multifamily housing at densities typically needed to make lower income housing feasible.

- While the City is proposing a number of actions to “eliminate single family zoning” and encourage “missing middle” housing, these actions stand outside the actual site inventory. Moreover, while permitting 2-4 unit development on single-family lots is a worthy change, at best this will yield an increase in housing for moderate income households. Given the extreme racial disparities in wealth and income (which are themselves the result of many decades of discrimination in education, employment, and public policy), an increase in missing middle housing may not have a significant impact on patterns of racial segregation. At a minimum, the City must produce evidence that such changes will have an impact and cannot merely assert this to be the case.
- The Fair Housing Assessment also lacks information on income disparities by race/ethnicity. It is well known that there is a substantial racial income gap (not unique to Oakland), with a particularly large disparity between White and Black household income. This is critical to understanding the impact of exclusionary, single-family zoning and the concentration of multifamily zoning in low resource and low-income areas. Restricting areas of the city only to housing types that are more expensive while prohibiting more affordable multifamily housing was explicitly designed to exclude Black and other people of color precisely because of racial disparities in income. Among other factors, these income disparities are themselves the result of decades of institutionalized discrimination in employment and education. Failure to identify these factors leaves the city with an incomplete analysis of the underlying causes of segregation and housing disparities, and thus an incomplete strategy for eliminating these structural barriers.

### **Site Inventory**

- We appreciate that the City’s new zoning proposals seek to provide more higher density housing in high resources and historically exclusionary areas. The site inventory itself would have benefitted from actions to include such sites in the inventory and a program committing to such rezoning. Ideally the City would have amended the inventory to include more high resource neighborhood sites that can support multi-family housing at densities of at least 30 units to the acre (if not higher). This should include a look at planning for and incentivizing higher-density residential development along commercial corridors and on vacant and underutilized parcels in high opportunity areas beyond Rockridge.
- The wholesale exclusion of areas within the severe fire hazard zones, which are also the most exclusionary and segregated portions of the City, will result in a continuation of existing geographic disparities. The City should take a more fine-grained approach to analyzing sites in the fire zones as there may be areas that are suitable for multi-family development that have been excluded by such a broad-brush determination.

- The City’s interactive online map of inventory sites includes a lot of information on zoning and height limits. However, the City has not responded to our comment that there should be layers for areas of opportunity and areas at risk, including both Racially and Economically Concentrated Areas of Poverty (R/ECAP) and Racially Concentrated Areas of Affluence (RCAA). This would permit an overlay of the site inventory by affordability level with these areas and provide a better way to visualize the extent to which the City’s site inventory does or does not significantly alter existing patterns of segregation.
- We continue to question the City’s assumptions about the potential affordability of newly created ADU units. While the City has revised its projections somewhat, it still estimates that 70% of ADU units will be affordable to lower income households. The City bases this assumption on ABAG data for the region as a whole. However, this is based on rents for existing ADU units and not newly constructed units, which already underestimates the likely rents for new ADU units.

More importantly, the City’s own ADU report from 2020 contradicts this assumption (see <https://cao-94612.s3.amazonaws.com/documents/Oakland-ADU-Research-Report-Jan-2020-Rev-June-2020.pdf>, particularly page 41). The City ADU study determined that new construction of all types of ADUs (attached, detached, etc.) was feasible in all parts of the City. However, the City’s feasibility assessment was based on presumed rents of \$2,100 to \$3,000, which require incomes of \$80,000 to \$120,000 to be considered affordable (rent less than 30% of gross income). These incomes are well above the lower income limits for one and two person households. The City’s own study demonstrates that new ADUs are feasible only to the extent that they are not affordable to lower income households. Accordingly, the City should not count future development of ADUs as meeting its lower income RHNA.

- It would be more helpful if Table C-26 were coded to indicate if a site is a potential development project – perhaps this could be done in the Site Status field.

### **Action Plan**

We want to acknowledge and express our appreciation that the City has amended and expanded the Housing Element’s Goals to specifically include affirmatively furthering fair housing and closing the gap between production of market-rate housing and production of affordable housing.

We also note that in many instances, vague language including terms such as “study,” “consider”, “evaluate”, etc. has been updated with more specific objectives and timelines.

In other places, the actions still lack specificity on timing and intended outcomes, or have timelines that are too long, and we have referenced those in the comments below.

**Action 1.1.2.** The language should be updated to reflect the passage of Measure V to amend the Just Cause for Eviction Ordination. More importantly, the City should describe concrete steps that will be taken to ensure that tenants and landlords alike are aware of the new provisions, and actions the City will take to enforce these requirements. While these actions may have an ongoing time frame, there should be specific actions identified for 2023 to make all parties aware of the new changes to the Ordinance. This should include a description of outreach and media efforts including provision of informational materials in multiple languages, and a commitment to work with tenant and community organizations to reach particularly vulnerable populations.

**Action 1.1.4.** Describe specific actions to be taken to enforce the Uniform Relocation Ordinance, including monitoring of actions that trigger these requirements and penalties for non-compliance.

**Action 1.1.5.** We commend the City for explicitly committing to provide legal representation for tenants in Rent Adjustment Program hearings.

**Action 1.1.6.** We commend the City for adding a clear commitment to seek out funding and provide eviction defense services and legal counseling for tenants facing eviction. Such legal assistance is proven to be a highly effective protection against displacement.

**Action 1.1.8.** The City should commit to provide all rental registry data (other than personally identifiable information or proprietary business information) to the public through its web site and other means in a format that permits the public to search, filter, sort and otherwise analyze the data.

**Action 2.2.1.** The City should describe mechanisms it will use to extend affordability restrictions beyond the usual 45- and 55-year timeframes to keep units affordable permanently. We encourage the City to consider extending affordability terms to 99 years or for the useful life of the building.

**Action 2.2.5.** As stated in our June 13 comments, codification of the requirements contained in SB 330 should happen within the first year of the Housing Element; the State requirements have been in place for three years already. Extension of these requirements beyond SB 330's sunset date should be permanent. The City should ensure that no permit for demolition or construction is issued without documentation of compliance with these provisions and recording of the required affordability covenants; similarly, no certificate of occupancy should be issued without an updated tenant assistance plan including how former tenants will be contacted. Returning tenants should be provided units at rents comparable to their pre-demolition rents, as simply replacing units at rents affordable to low-income households will not make units affordable to very low and extremely low-income tenants who previously occupied the property.

**Action 2.2.6.** We strongly support efforts to limit short-term speculation and "flipping" of housing, including implementation of an anti-speculation tax or an increase to the Real Estate Transfer Tax for properties held for only a short time. The Public Hearing Draft sets a target

date of 2026 for completion of a study; implementation of a tax presumably would not occur until 2027 at the earliest. This is too long a time frame and delays implementation of this Action until more than halfway through the Housing Element planning period. If this Action is to be effective at curbing speculation and displacement, the study should be completed by the end of 2023 and the stated objectives should include a commitment to bring specific policy recommendations to City Council for approval not later than mid-2024. Any fees or taxes generated should be required to be deposited into the City's Affordable Housing Trust Fund.

**Action 2.2.8.** We support establishment of a TOPA/COPA ordinance, but delaying implementation to 2027 (particularly since the public review draft had a 2025 date) greatly reduces the impact such a measure would have in the current housing element cycle. The draft identifies several jurisdictions where TOPA/COPA policies are under development, and efforts are being made to enact legislation at the State level as well. The City can learn from these efforts as well as already established TOPA/COPA programs elsewhere. The objectives for this Action should be revised to specify completion of a study, including a summary and assessment of these other ordinances, no later than the end of 2023 with presentation of an ordinance to City Council by the end of 2024.

**Action 3.1.1.** EBHO strongly supports efforts to fund and to secure additional funding for project based rental or operating subsidies to expand assistance to extremely low income people, including formerly unhoused people and people with special needs. The City should seek out new funding sources for this to ensure that this assistance is a supplement to existing capital subsidies.

**Action 3.1.2.** The City should commit to continuing to partner with the Oakland Housing Authority (OHA) to coordinate its project-based voucher program with the City's housing development program, as has happened in the past. Coordinating the application and funding process creates efficiencies for the public agencies and the affordable housing developers who make use of these funds.

**Action 3.2.6.** We support monitoring of newly created ADUs for affordability and occupancy characteristics. In our comments on the site inventory we have already indicated that the City's ambitious expectation that it can meet a portion of its lower income housing need with ADUs may not be warranted. The City's own ADU study, "Oakland ADU Initiative, Existing Conditions and Barriers Report," (<https://cao-94612.s3.amazonaws.com/documents/Oakland-ADU-Research-Report-Jan-2020-Rev-June-2020.pdf>) included a detailed feasibility study for multiple types of ADUs in different areas of the City. The study concluded that ADU development was generally feasible, but with rents in excess of \$2,000/month, which is out of reach for lower income households. It is incumbent on the City to demonstrate the feasibility of development of ADUs at rents affordable to lower income households

**Action 3.3.1** Any strategy regarding use of public land should start with adoption of a public land disposition ordinance consistent with the policy framework adopted by the City Council in December 2018. That resolution directed staff to return within six months with legislation to



implement the policy direction contained in the resolution. Four year later no legislation has yet been put forward for adoption. In this Action, the City is now proposing to abandon that framework and take a different approach. We instead call on the City to implement the 2018 policy without further delay.

- Notices of availability pursuant to the Surplus Land Act should be sent also to all affordable housing developers that have expressed interest in surplus land and are listed on the California Dept of Housing and Community Development's Surplus Land web page, not just those that are certified by CalHFA.
- This Action's statement that "The City will consider depositing up to 100 percent of net proceeds from such sales or leases to the Affordable Housing Trust Fund" is inconsistent with the adopted policy in City Council Resolution 87483 that "100 percent of all property net sale and lease proceeds shall go to Affordable Housing Trust Fund," We strongly object to efforts to modify or reverse this policy in Action 3.3.1.
- Recordation of conditional covenants requiring 15% percent affordable housing should be required regardless of the specific use anticipated by the purchaser. The Surplus Land Act requires affordable units if public land is ever subsequently developed with at least 10 residential units. This is not restricted to situations where there is a disposition agreement that specifies residential development.

**Action 3.3.2.** This Action includes efforts to educate owners about housing choice vouchers. This should include specific steps to publicize to both property owners and tenants the existing provisions in both State and local law that prohibit discrimination in housing based on sources of income, including rental assistance such as Section 8. This Action should also describe how the City will enforce these requirements. For example, the City could contract with fair housing organizations to do testing to determine if landlords are discriminating against Section 8 voucher holders even if they have not stated "No Section 8" in their marketing

**Action 3.3.5.** We strongly support an Affordable Housing Overlay (AHO) that provides by-right approval of 100% affordable housing projects. The by-right portion of the overlay zone proposal should not be limited to specific areas of the City. Any 100% affordable housing development that conforms to existing zoning, including any density bonuses, should be subject to ministerial approval. This portion of the overlay zone proposal should be implemented immediately and does not require waiting for the more complex incentives to be finalized and adopted.

We will continue to discuss and comment on specific development incentives and relaxation of development standards to be provided as part of the AHO program. We appreciate the City's efforts to work directly with housing producers to determine the optimum development standards to make affordable housing development more feasible, particularly in historically exclusionary and high resources neighborhoods. We do not support a blanket exclusion of many hill areas from this program – these are the whitest, most affluent, and most exclusionary area in the City, and failure to include these areas does not meet the requirement to affirmatively further fair housing.

**Action 3.3.7.** The timing for this Action should be accelerated, with completion of the study no later than June 2023. The five-year impact fee study was originally scheduled to be completed by the end of 2021 and presented to the City Council as part of the annual impact fee report in early 2022. This has not happened, and consideration of both revisions to the impact fee program and introduction of an inclusionary housing requirement have been delayed because this study is still not complete. There has been no new information or work products available to the public in over a year.

Staff previously provided assurances that there would be a robust public engagement and participation process while conducting the study, and not just after the study was completed. No such process has yet been initiated. This Action should include a specific commitment to establish a process for including community and stakeholder voices in the design and conduct of the study to ensure that the right questions, assumptions, and policy alternatives are incorporated from the outset.

**Action 3.3.8.** This Action is inadequate.

- It fails to acknowledge that the original five-year comprehensive analysis was supposed to have been completed by the end of 2021 with presentation to the City Council in early 2022. This has not happened. Action 3.3.8 should include a commitment to complete this study by mid-2023.
- This Action should also describe how the City will engage community and stakeholder participation in the design and implementation of the five-year study itself and include that group in defining and evaluating policy proposals for consideration by the City Council.
- This Action only calls for “initiating” the next five-year study in 2026. Adhering to a five-year update schedule for fees initiated in 2016 would require that the second-year assessment be completed by the end of 2026.

**Action 3.3.9.** As revised, this Action – to reduce or waive fees on affordable housing - is somewhat confusing. The new reference to the timing of the Affordable Housing Impact Fee seems out of place since this fee is not assessed on affordable housing.

We support deferral or reduction of both planning and building fees to increase the feasibility and reduce the cost of producing affordable housing. We support deferring or reducing building permit fees. We understand that an ordinance to defer payment of building permit fees for 100% affordable housing developments is under development. This should be called out here in the Housing Element with a specific date for consideration.

**Action 3.3.10.** We continue to support the creation of a Citywide Enhanced Infrastructure Financing District (EIFD) with a primary goal of providing additional funding resources for affordable housing. The timeline for this Action only addresses the completion of a study but should include a target date for bringing this issue before the City Council for enactment.

**Action 3.3.12.** We support continuation of the Acquisition and Conversion to Affordable Housing (ACAH) program, including support for community land trusts and limited equity cooperatives in addition to traditional nonprofit housing.

**Action 3.3.15.** We support continuation of density bonus incentives but call on the City to evaluate any barriers to a broader use of the density bonus program, including information on what developers have shared regarding how this program might be improved or expanded. This evaluation should also distinguish between use of density bonus for 100% affordable projects vs predominately market-rate projects.

- This Action should be expanded to include consultation with stakeholders as well as the Planning Commission and City Council to identify any possible additional incentives that could be provided.

**Action 3.3.16.** We support increasing the Real Estate Transfer Tax on higher end transactions including dedication of that increased revenue for programs that produce, preserve, and protect affordable housing opportunities.

- We also support measures that would waive or reduce transfer taxes on transactions where property is being sold to provide long-term or permanently affordable low-income affordable housing.
- To the extent that such changes require voter approval, we urge the City to accelerate the timeline for this Action to enable a putting a measure the November 2024 general election ballot, as this general election provides the best opportunity to maximize the likelihood of passage.

**Action 3.3.18.** The introductory paragraph for this Action should be revised to make clear that Measure U funds will be used to support production of new affordable housing as well as preservation of existing housing for long-term or permanent affordability. The discussion in the “Objectives” section is much clearer about this.

**Action 3.3.19.** We strongly support implementation of a system to track the disposition of sites identified in the site inventory.

- The tracking system should compare actual development to development anticipated in the inventory and ensure that the City remains in compliance with “no net loss” provisions.
- The tracking should also assess whether affordable housing is being sited in ways that affirmatively further fair housing.
- A unified database of all sites in the inventory (pipeline projects, potential development projects, and both 5<sup>th</sup> Cycle and new opportunity sties) should be maintained on the City’s website to allow for transparency and public oversight.
- The status of development of inventory sites should be included in the City’s Annual Progress Reports.

**Action 3.4.1.** EBHO supports revision to development standards to increase the feasibility of development of affordable housing and expects to be actively involved in implementation of the zoning proposals contained in Appendix J.

- We support proposals to “end single-family zoning” and permit duplexes, triplexes and fourplexes in low density neighborhoods. We do not anticipate that this will provide many units affordable to lower income households, but it may help the City to better meet its need for housing for moderate income households. To the extent possible, the City should monitor the initial sales prices and rents on such units to determine which income level are being served. However, unless these reforms yield significant amounts of housing affordable to lower income households (who are predominantly Black and other people of color), this policy will not substantially affirmatively further fair housing.
- We support elimination of conditional use permits for affordable multi-unit buildings but believe the City should carefully assess whether such incentives are needed for purely market-rate developments (keeping in mind that the City will have met more than 200% of its above-moderate income need in the current 5<sup>th</sup> Cycle). For market-rate developments, the City should waive conditional use permits only to the extent that significant amounts of affordable housing are being provided in excess of what’s projected for such sites in the housing inventory.
- We support rezoning to increase allowable height and density along corridors, in transit-proximate areas, and in resource areas, specifically to allow for densities needed to provide housing affordable to lower income households. Such incentives should be explicitly tied to affordability requirements; given the City’s historic over-production of above-moderate income housing we see no need to additional zoning incentives where the market is already working. We are pleased to see a specific focus on the Rockridge neighborhood, including both the Rockridge BART station and the College and Claremont Avenue corridors. Similar efforts should focus of these efforts to consider other high resource neighborhoods such as Piedmont Avenue, Grand Avenue, Lakeshore Avenue and other higher resources and more racially segregated areas to affirmatively further fair housing.

**Action 3.4.2.** We are strongly supportive of the City’s commitment here to study the relationship between zoning and racial segregation in the next phase of the General Plan Update. As we have urged from the outset, this analysis should have been a central part of the Housing Element’s Fair Housing Assessment and the failure to include it falls short of the requirements to affirmatively further fair housing. We look forward to this analysis as the prelude to the elimination of zoning barriers that maintain racial segregation.

**Action 3.4.3.** Reductions in parking requirements can reduce the overall cost of developing housing, but there is no guarantee that such cost reductions will automatically result in affordability to lower and moderate-income households. Given the City’s stated preference for bonuses and incentives rather than affordable housing mandates, we have generally opposed such relaxations without a corresponding requirement for affordability. Otherwise, the City is simply giving away the few tools it has to incentivize affordable housing.

**Action 3.4.10.** EBHO urges caution in pursuing a Housing Sites Overlay Zone so as not to undermine the availability of sufficient sites to meet its lower income RHNA.

- As noted, State law requires the City to permit by-right development of sites previously included in prior Housing Element site inventories if at least 20% of the units are affordable to lower income households. The City should explicitly amend its zoning ordinance to implement this requirement.
- Regarding sites newly identified in this Housing Element, we support requiring that they be developed as majority residential use.
- We cannot support a proposal to provide by-right approval for development on all newly identified opportunity sites if they provide as little as 20% of the units affordable to lower income households. Much of the capacity in newly designated opportunity sites (60 percent) has been designated as suitable for the development of 100% affordable housing for lower income households, and the City cannot meet its lower income RHNA without reliance on these opportunity sites. On the other hand, the City can meet its moderate and above-moderate need without relying on any of the new opportunity sites; for both moderate and above-moderate income, the capacity on sites already entitled (“pipeline projects”) or where entitlements are being pursued (“potential development projects”) is already more than sufficient to meet the RHNA.
- If sites designated for lower income are developed with fewer affordable housing units than claimed in the site inventory, the City could trigger “no net loss” requirements if the remaining lower income site inventory is insufficient to meet the unmet RHNA need for lower income units. If this were to happen, the City could not approve mixed-income projects on these sites without simultaneously identifying replacement sites that are appropriately zoned for densities of at least 30 units per acre.
- Providing by-right development for market-rate projects with a 20% affordability component could increase competition for opportunity sites, putting affordable housing developers at a further disadvantage.
- It is not necessary to provide additional incentives for market rate housing and doing so could make it more difficult to meet the City’s more pressing need for housing for lower income households and would be contrary to the requirement to affirmatively further fair housing.

**Actions 3.5.1 and 3.5.2.** EBHO supports efforts to encourage and fund alternative models such as community land trusts, housing limited equity cooperatives, and other forms of social housing. We note that adoption of a Tenant or Community Opportunity to Purchase Act (TOPA/COPA) would enhance the ability to pursue such models to preserve existing affordable housing otherwise at risk of loss to the affordable housing supply.

**Action 3.5.3.** EBHO generally supports efforts to expand social housing models, but we note that there are multiple definitions and understandings of what constitutes social housing, some of which are far more aimed at lower income households than others.

- Support for state legislation should consider the extent to which it encourages housing for those with the greatest needs.
- EBHO strongly supports efforts to repeal Article 34 of the State Constitution, which is not only a barrier to meeting lower income housing needs, but also has a well-know racist legacy designed to exclude Black and other people of color from predominantly white neighborhoods and cities.

**Action 3.5.4.** Shallow subsidy models must be approached with caution. Depending on how such projects are structured, particularly acquisition of existing buildings, there is a risk of displacement of low-income households. We are particularly concerned that such models are not used to eliminate rent control on existing buildings in return for rent and income restrictions that are too expensive for the lowest income tenants.

**Action 3.6.1.** We support streamlining permitting processes (both planning and building) for affordable housing. The City has long stated its goal of streamlining and prioritizing such housing, but with little details as to what that might entail or how it might be measured.

- Policies to streamline or prioritize processing of affordable housing should be coupled with specific goals to reduce processing time, with regular measurement and reporting of the extent to which this desired outcome is being achieved.

**Action 3.6.3.** As with Action 3.6.1 above, these efforts should have quantifiable and measurable performance goals (e.g., reduction in average time from application to approval) so we can access whether these actions are having their intended effect.

**Action 3.6.4.** We support active encouragement of use of SB 35 to provide by-right approval for 100% affordable housing, including training and direction to Planning staff that this should be affirmatively pursued.

**Action 5.2.8.** We strongly support efforts to place more affordable housing in higher resource and historically exclusionary neighborhoods, and also support continued investment in affordable housing in lower resource areas with high concentrations of low-income households to prevent displacement of at-risk communities from gentrifying neighborhoods.

- We have substantial concerns that, given the limited targeting of high opportunity neighborhoods in the site inventory, a “mixed-income” strategy in areas of concentration may lead to more gentrification and displacement. The City must ensure that a better mix of incomes in a neighborhood is not simply capturing a point in time where a neighborhood transition is taking place.
- Continued concentration of affordable housing in these neighborhoods must be coupled with place-based investments in infrastructure, transportation and economic development designed to improve opportunities and conditions for the existing low-income residents rather than simply accelerating gentrification.

**Action 5.2.9.** We are pleased to see the addition of a new Action to promote comprehensive place-based investment. Development of guidelines for spending Measure U bond funds should seek to establish comprehensive neighborhood investment strategies that combine housing and non-housing funding in historically under-invested and disinvested neighborhoods.

**Action 5.2.10.** “Mixed income” can mean many different things. The City’s use of the term implies a mix of market-rate units serving higher income households and a small percentage (generally not more than 20% and often less) of units serving lower income households at the high end of the lower income scale. This is a mix that excludes the vast majority of Oakland renters in need of housing. Typical 100% affordable projects are also “mixed income,” with rents affordable to a wide range of households – from no income up to \$75,000, which is where most Oakland’s renter households fall.

- Favoring Density Bonus over payment of impact fees should not take place without a full discussion of the implication of such a policy. Units produced using the State Density Bonus are generally affordable only at the top of the Low Income and Very Low-Income ranges and are rarely affordable to households with incomes less than 50% of AMI, which excludes half of all of Oakland’s renters. Units produced with impact fees tend to serve a range of incomes from 20% of AMI to 80% AMI. Reliance on density bonus will not enable the City to meet its goals for serving worst-case needs households including the large numbers of extremely low-income households who are currently rent burdened, overcrowded or living in substandard housing, the majority of whom are Black and other people of color. Supportive services are rarely provided in density bonus projects, and therefore don’t well serve people with special needs or who are previously unhoused. Reliance on Density Bonus without consideration of these factors may be a violation of the requirement to affirmatively further fair housing.

**Action 5.2.11.** We support closer monitoring of housing element implementation and look forward to establishment of a Planning Commission subcommittee. We would encourage formation of such a committee in early 2023 – this will permit the subcommittee to start its work with a review of the last annual progress report for the 5<sup>th</sup> Housing Element Cycle (2015-2022) and thus provide a baseline for comparison when monitoring the new Housing Element.

The Objectives should be expanded to include review of whether Oakland’s housing programs are affirmatively furthering fair housing by reducing segregation and racial disparities in housing opportunity and outcomes.

Thank you for the opportunity to again comment on Oakland’s draft Housing Element. We hope that our comments will be considered and incorporated into the final document prior to adoption.

We want to express our appreciation to City staff for the tremendous work that they have put into the development of this Housing Element – far more than we have seen in past housing elements including significantly more public outreach and engagement. And we appreciate staff’s willingness to meet with EBHO staff and members at various stages of the process, to respond to our information requests, and to answer our questions.

We look forward to working with the City to implement this Housing Element in a way that meets Oakland's most pressing housing needs while advancing racial and economic justice.

Sincerely,

Jeffrey Levin  
Senior Director of Policy

cc: Oakland Planning Commissioners  
Oakland City Councilmembers







Alameda-Contra Costa Transit District

## Oakland Housing Element Letter

Laura Kaminsky

[GeneralPlan@Oaklandca.gov](mailto:GeneralPlan@Oaklandca.gov)

Dear Ms. Kaminsky and Housing Element staff:

Thank you for the opportunity to comment on the Oakland Housing Element, 2023-2031. AC Transit has long been a strong supporter of transit-oriented housing and commercial development in Oakland and throughout our district. Transit-oriented development along AC Transit's frequent service corridors contributes to the goal of improving non-automotive access throughout Oakland. It also contributes to increasing AC Transit ridership. We wish to raise one concern about the current draft of the Element.

As you know, Oakland is required under state law to assure that it has zoned capacity allow an additional 26,000 housing units by 2031. This is an ambitious goal that must include adding zoned capacity along major AC Transit routes. We are pleased to see that the Element, as detailed in Appendix J, plans to add zoned capacity in segments along a number of these corridors. Portions of College Avenue., Broadway, International Blvd., Foothill Blvd., and Telegraph Avenue south of 55<sup>th</sup> Street are proposed for up zonings to higher density zones, or for increases in permitted heights in their existing zones.

Two segments of key bus transit corridors appear to have been overlooked: "Upper" Telegraph Avenue north of SR 24 to the Berkeley border. Another is Martin Luther King Junior Way between 40<sup>th</sup> St. and 47<sup>th</sup> St. These areas are not proposed for up zoning or height limit increases in the current draft Housing Element.

There are several reasons why the Telegraph segment is appropriate for allowing increased density. AC Transit, in conjunction with the City of Oakland, is planning to make capital improvements along this (line 6) corridor. This segment has a number of single-story commercial sites which could be reused for housing. In addition, this segment has travel demand going south into central Oakland, and north to Alta Bates Hospital, the University of California, and Downtown Berkeley.

The shorter segment on Martin Luther King Junior Way also has frequent bus service. It also has low intensity commercial uses which could be reused for housing. It is well-located between Children's Hospital and Macarthur BART.






We understand that the Element's proposals must be codified in changes to Oakland's zoning code. We urge that Upper Telegraph Avenue be considered for intensified housing development through appropriate changes to the zoning code.

Thank you for your consideration.

Ajay Martin *Ajay Martin*  
acting for Robert Del Rosario

## Mills Rezoning

SE SuzyJane Edwards [REDACTED]  
To: General Plan

      
Wed 12/28/2022 3:32 PM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

-----  
I'm disgusted that this hostile takeover was allowed by Oakland, destroying my college and leaving me with nothing.

Don't compound your error by allowing rezoning. Mills could have done that and remained otherwise intact rather than the hive of scum and villainy it has become under McEastern. I curse the house of everyone involved in approving this acquisition. Double that upon the houses of anyone that allows rezoning.

Prof. SuzyJane Edwards, MFA

Sent from my iPhone

 Reply

 Forward

## Public Comment for Proposed Rezoning for Mills College Campus at Northeastern University

KR

Kate Ruprecht [REDACTED]

To: General Plan

Cc: City Clerk

👍   ↩️   ↩️   ➡️   ⋮

Wed 12/28/2022 3:53 PM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

To Whom It May Concern:

I am a graduate of Mills College class of 2012 and a former Oakland resident. The Mills College Campus is full of history, including multiple buildings designed by renowned architect Julia Morgan. Rezoning and adding new buildings that are not part of a college campus is totally inappropriate for the space and goes against how the space has been used continuously for over a century. I cannot imagine that a similar proposal would be made for a campus such as UC Berkeley, which also houses many historic buildings.

I would like to voice my strong objection to rezoning the Mills College campus as I do not see any comparable precedents for this kind of proposal. The campus is still being used as a university campus and has been used for this sole purpose continuously for over 100 years. Changing the zoning of the Mills College campus would be a disservice to the current students, neighborhood, and set a new precedent in the city of Oakland for rezoning that is not common on other educational campuses or in most communities.

Respectfully,  
Kate Ruprecht

↩️ Reply

↩️ Reply all

➡️ Forward

## Rajagopalan, Lakshmi

---

**From:** Kaerla Fellows [REDACTED]  
**Sent:** Wednesday, December 28, 2022 10:59 PM  
**To:** General Plan  
**Subject:** Re-zoning Of Mills

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Good evening,

The re-zoning of Mills College is puzzling to me. With all of the space currently available that can be turned into low cost housing (abandoned business spaces in the Fairfax district, for instance off the top of my head), why does Oakland suddenly feel that the best thing to do is sub-divide the oldest women's college west of the Rockies? What other institutions of education are facing this same decision? Or is it just the women's college with its historic buildings, valuable art collections, and even more valuable land? Why is it only the women's liberal arts school that's being treated this way? If Mills were a person, I'd say it's misogyny, plain and simple.

It's an appalling idea, and there's no good reason for it as far as I can see, beyond simple greed.

Here's an alternative idea: Take the dorms up the hill - Mary Morse and Ethel Moore - and retrofit and convert them into a retirement community/extended care facility. Then re-start Mills' historic nursing program and add a geriatric specialty. Open the retirement community to the public, and offer a special rate for Mills alums and retired faculty and staff, and allow the Geriatric Nursing students to work at the retirement/extended care facility as part of their clinicals. It would be a teaching facility, like Stanford Hospital. This solution helps the community, the school, and the city. Re-zoning for retail and housing only puts money into certain pockets, and does nothing for the community at large.

There is literally no reason to re-zone Mills under this plan other than greed. Indeed, the very idea of re-zoning feels as if it's part and parcel of the fraud surrounding the takeover of Mills by Northeastern University in the first place. Why does it seem as if so many people are so intent upon erasing Mills from the public discourse? Mills as an independent entity no longer exists due to the NEU takeover; NEU is considered "the surviving entity". Now the very land itself is targeted to be covered over by single family dwellings and retail shops. Why? And don't tell us "the city needs more single family dwellings and retail spaces", because we know that for the lie it is. Who, ultimately, will profit from this deal? Not the people of Oakland, that's for certain.

Who is our champion? Is it Loren Taylor, who not only supports this resolution, but deprived the entire City of Oakland of one of its best school-to-teacher pipelines when he supported the takeover of Mills by NEU? Is it Barbara Lee who, after an initial lukewarm protest at the takeover remained silent for the next year? Is it Thao and Kaplan who passed a resolution to investigate the almost preternaturally fast sale of Mills - after the sale was complete - this past summer then did nothing about it in the run up to the election? Is it Rob Bonta, who worked at Mills but then turned his back on his students when he supported the sale, and is personal friends with Beth Hillman, the person responsible for the sale in the first place? Maybe Katie Sanborn, the Mills Board member who now sits on the NEU Board because surely that isn't a conflict of interest at all, surely she must support the people who lived and worked and learned at Mills all these years, musn't she?

What do we apparently invisible and voiceless people have to do to make ourselves seen and heard by our local government? What door do we need to unlock with what key held by which person? Because the world of politics - local, state, national and international - is absolutely a locked door to people like me unless I know someone who knows someone who knows someone, and that's why the spirit of Mills was lost in July and that's why Mills' land is going to be lost when this completely unnecessary resolution to re-zone is passed. Because it will pass, because the right peoples' palms have been greased and will therefore be rewarded. Because in your eyes, only you count. Mills doesn't count. The people who attended Mills - women, indigenous and Black and Latino and Hispanic and Asian and Pacific Island women, older women, LGBTQ+ people, first generation and Dreamers - don't count. We are being shown time and time again that our need for safe space to better ourselves just doesn't matter to our city leaders.

I'm so tired of not being seen or heard or counted by our government. I'm so tired of being walked all over and treated simply as a vote generator. I'm so tired of the city's lack of ethics and actual belief in what it's supposed to be doing. But i'm not so tired that I can't raise my voice one more time to shout to the skies "this is wrong!", because it is wrong and if the city managers would just listen for a moment, they'd know it's wrong, too.

Sincerely,

Kaerla Fellows  
Mills College  
BA 2020/MFA 2022



# Proposed rezoning of Mills College property

LS Lucia Savage <savagelucia@gmail.com> To: General Plan Cc: Fortunato Bas, Nikki Wed 12/28/2022 5:57 PM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Dear Planning Commission: I write in opposition to the proposed rezoning of Mills College. Not only am I an alumna, but I lived across from the College on Seminary Avenue (so named in honor of the school). I know that area well. Condos and retail are NOT what the city needs in this area. Here is why:

- 1. The Mills campus is full of mature trees that make Oakland more livable, give homes to animals, reduce pollution, and tamp down on noise, ESPECIALLY in this part of town that has hardly any green space or parks on the bay side of highway 13.
2. The college's location is disconnected from Mass transit. This is a terrible place to put more housing, because that housing will all need cars to get to it. More cars will be needed just to get to the housing, not to mention any retail installed. This area is NOT suitable for urban infill like we have built at Fruitvale and MacArthur bart stations.
3. More retail is unnecessary for that part of Oakland. Not only are large swaths of Eastmont Mall available to be repurposed, but just off the road is the existing retail at Redwood Road and highway 13, or existing retail on Seminary Ave. City dollars and subsidies (which I pay for as a taxpayer) would be better spent shoring up existing retail areas at Eastmont, on Seminary Ave, and in other locations in East Oakland.
4. The land in fact has a graveyard on it, where Susan and Cyrus Mills are buried.
5. Would build new construction out of character with the many historic and architecturally meaningful buildings already on the Mills campus, for example those designed by Julia Morgan.

WE don't really know where this proposal came from and why, or if it was an outgoing favor by Mayor Schaff to allies. We do know that changing zoning at Mills will change the campus essential character at a time that is suspiciously coincident with the hostile takeover of Mills by Northeastern--yes, the College trustees voted for it, but in the process they allegedly defrauded the Mills College students. Don't reward this bad behavior with a zoning change that is not necessary to meet Oakland's housing needs and is bad environmentally for East Oakland. I have lived in Oakland since 1980 and would agree that parts of Oakland's general plan need updating, but not one of the few remaining open spaces with trees and a sense of wildness in a part of town sorely lacking in open greenspace. Please do not rezone Mills.

-- Lucia Savage Oakland resident

savagelucia@gmail.com 415-505-2880 (mobile)

Reply Reply all Forward



## Recent Oakland legislation is removing 18,835 residential rental units / Housing Element comment

taptango [REDACTED]

Wed 12/28/2022 9:05 PM

To: Gilchrist, William <WGilchrist@oaklandca.gov>; Mun, Christina <CMun@oaklandca.gov>; Lieberworth, Audrey <ALieberworth@oaklandca.gov>; Rajagopalan, Lakshmi <LRajagopalan@oaklandca.gov>; Branson, Michael <MBranson@oaklandcityattorney.org>

Cc: Office of the Mayor <OfficeoftheMayor@oaklandca.gov>; **DL - City Council <council@oaklandca.gov>**; jramachandran@oaklandca.gov <jramachandran@oaklandca.gov>; kjenkins@oaklandca.gov <kjenkins@oaklandca.gov>; paul.mcdougall@hcd.ca.gov <paul.mcdougall@hcd.ca.gov>; melinda.coy@hcd.ca.gov <melinda.coy@hcd.ca.gov>; david.zisser@hcd.ca.gov <david.zisser@hcd.ca.gov>; jose.ayala@hcd.ca.gov <jose.ayala@hcd.ca.gov>; Danino, Shawn@HCD <Shawn.Danino@hcd.ca.gov>; connor.finney@hcd.ca.gov <connor.finney@hcd.ca.gov>; housingelements@hcd.ca.gov <housingelements@hcd.ca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

December 28, 2022

**SUBJECT: Recent Oakland legislation is removing 18,835 residential rental units**

Dear Housing staff,

The City of Oakland recently passed housing legislation that is **removing approximately 18,835 rental housing units**. Oakland's **Rental Registry** law requires all rental housing units be registered, but the city has approximately 18,835 rental units that CANNOT be registered because they are not permitted. These long-standing unpermitted units are known to offer below-market rent and serve as a source of desperately needed lower-cost housing but are older and do not meet current code requirements. Removing 18% of rental housing from Oakland would create scarcity and drastically raise the rent on tenants. Such a drastic 1/5 reduction in rental housing would hurt and displace low-income residents, minorities, and immigrants.

According to the 2020 "Existing Conditions and Barriers Report" on ADUs in Oakland, there are approximately **7,500 to 13,600 unpermitted ADUs in Oakland on Single Family Parcels** (p. 10-11, attached). Multi-family properties, including duplexes and triplexes, also have unpermitted units.

**We know there are approximately 18,835 unregistered or unpermitted housing units in Oakland from the below 2 pieces of information:**

1. The Business Tax Department shows 88,215 residential rental units that are registered with the city and paying Business License Tax. Source: June 28, 2022 CED meeting report (data attached).

2. The most recent 2021 American Community Survey (ACS) data shows Oakland has 186,660 residential housing units total, with 57.4% renters and 42.6% homeowners. There are approximately 107,050 total rental housing units (data attached).

**107,050 total rental units – 88,215 registered units = 18,835 unregistered rental units**

**Currently, MANY if not most of these unpermitted units can NOT be legalized in practice** due to prohibitive permitting and remodeling costs. Substantial upgrades will require the units to be vacant and tenants temporarily housed. Legalizing a unit can easily cost more than \$100,000. The rent registry's unintended consequences will force most of these 18,835 lower-cost housing units to be removed from Oakland unless the city adopts appropriate amendments and funding support. Each of these low-cost housing units is very expensive to replace and build new from scratch.

**The Rental Registry Oakland recently passed (2022) causes removal of long standing, unpermitted rentals from Oakland's housing for several reasons:**

- 1. The Rent Registry collects addresses that will trigger building inspections via the Proactive Rental Inspection (PRI) Program, requiring building code enforcement actions.**
- 2. It is NOT possible to legalize these existing unpermitted units due to current code requirements.**
- 3. Most residents do not have the financial means to legalize an unpermitted housing unit without additional city assistance.** Oakland's CalHome ADU legalization and loan program is a strong solution. However, it currently only supports the legalization of 30 units but the city has 18,835 unpermitted units.
- 4. Residents do not want to lose their homes through city liens from the Business Tax Department.**
- 5. The Rent Registry removed 'Just Cause' Protections.**
- 6. There are many other reasons existing lower-cost rental units are being removed from Oakland. Please conduct genuine public outreach before passing housing legislation to avoid SIGNIFICANT unintended consequences and displacement of Oakland residents.**

--

**THE BELOW EXPLAIN DISCUSS THESE POINTS IN MORE DETAIL AND OFFER RECOMMENDATIONS (underlined).**

**1. The Rent Registry collects addresses which will trigger building inspections via the Proactive Rental Inspection (PRI) program.** Proactive Rental Inspection is in planning discussion and part of Oakland's Housing Element. People are reluctant to register unpermitted units for fear that the city will inspect and force removal of unpermitted units, causing displacement of current residents.

Some homeowners had negative experiences with building code enforcement and feel it is easier to stop renting out an unpermitted unit rather than face inspections and unit removal. Reverting a livable space back to its original uninhabitable state results in loss of very useful space and housing units. The Proactive Rental Inspection program should be accompanied by rehab funding.

**2. It is NOT possible to legalize units due to current code requirements,** eg. ceiling height limits for converted basements, 1-hour fire wall requirement between the primary unit and an ADU, setbacks requirements, etc.

[Both state and local laws need to decrease the ceiling height limit by 2" for converted basement units. Please consider reducing the 1-hour firewall requirement to 1/2-hour, which shaves off tens of thousands of dollars and allows residents to remain in place during unit legalization. Other helpful code changes include allowing the vapor barrier to be under the laminate floor instead of under the concrete slab and allowing for 100 square feet of addition to existing structures so entrance and stairs can meet ingress/egress safety requirements, etc.]

**Additionally, there are existing buildings with higher density than what is permissible or being proposed in Oakland.** These buildings demonstrate that efficient floor plans allow for more density than what Oakland currently proposes to

adopt. We need to allow 1 unit per 1,000 sf within 1/4 mile of BART or regulate building envelope to encourage more efficient floor plans and not restrict the number of units based on lot size.

Please pass building code amendments to legalize long-standing ADUs BEFORE implementing the Rent Registry.

**3. Most residents do not have the financial means to legalize an unpermitted housing unit without additional city assistance.** In fact, residents are renting out these unpermitted units because they need supplemental income to survive and do not have funding to cover permits and rehab costs. Legalizing an ADU can easily cost \$100,000 – \$150,000 per unit.

**Oakland's CalHome ADU legalization program only has \$3 million. This funding amount only allows for \$90,000 loans to legalize 30 unpermitted units. However, Oakland needs to SAVE 18,835 unpermitted units.** Entire families would be displaced if unpermitted units are registered, inspected, and forcibly removed through code enforcement action.

**It is much cheaper to provide a \$90,000 revolving loan now to save an existing unit than to build a new one from scratch. With the increase in material and labor costs and the high-interest rate, a new affordable unit can cost \$600,000 - \$1,000,000 and would only be available years from now.**

**Any unpermitted unit that is legalized will count toward Oakland's state-mandated 26,251 housing unit requirement. ADU legalization is an efficient way to both preserve existing affordable housing and meet the city's RHNA target.**

Rent Registry should be implemented with adequate funding and in a way that would legalize Oakland's unpermitted housing units.

**4. Residents do not want to lose their homes through city liens from the Business Tax Department.** For many decades, the city discouraged ADUs due to concerns that they would change the neighborhood characteristics, cause traffic congestion, and take up parking space. However, people desperately needed low-cost housing and converted garages, basements, and attics. These units are unpermitted and cannot be registered so people were not able to pay business tax on these units. The back taxes and huge penalties from late fees with years of accumulated interest are forcing residents to remove rental units rather than register. The city has gone back decades to the 1980s to assess back fees in the thousands of dollars and put liens on homes. As Oakland pivots away from "NIMBY" policies, it needs to adopt a tax amnesty to incentivize compliance with the Rent Registry so that the registry can be useful. A business tax amnesty is also crucial to preserving these affordable rental units.

**5. The Rent Registry removed Just Cause protections.**

The unpermitted units often house 3-4 immigrants per unit, and house approximately 50,000-70,000 residents. **We cannot put these innocent residents living in unpermitted units in harm's way** with the rental registry. Oakland adopted the Fair Chance Ordinance which removed criminal history, including felonies, from rental consideration. When threats of bodily harm and violence arise, we need to protect tenant victims under Just Cause. The rental registration currently removes ALL Just Cause protections. **Time is of the essence when violence arises.** We cannot endanger people's lives, regardless if the unit is registered or not. The punishment should fit the crime. Failure to register needs to be a straightforward fine e.g. \$200 or the inability to increase rent but not compromise public safety.

Please amend the Rent Registry to restore each and every 'Just Cause' protection. EACH 'Just Cause' protection exists as a bare minimal safeguard – removing any protection results in scenarios with CLEAR ethical violations. **Innocent residents will get hurt. We will lose low-cost housing and harm the most vulnerable residents.**

--

In summary, please adopt the provided recommendations to preserve Oakland's 18,835 long-standing unpermitted units. These desperately needed affordable units house 50,000 - 70,000 Oaklanders, especially our working-class residents and

immigrants who help maintain Oakland’s older housing stock and contribute billions annually in taxes. If these Oakland residents are displaced, our city would suffer job loss that would greatly harm our local businesses and economy, not to mention the personal cost to individual lives and families. **Any unpermitted units the city legalizes will count toward Oakland’s state-mandated RHNA requirements**, especially at the lower affordability levels. Legalizing and getting unpermitted units up to code will also prepare us for Earthquakes and keep Oaklanders housed! It is much more cost-effective to legalize existing affordable units than to build new ones from scratch.

Sincerely,

Tuan Ngo

Attachments

---

## 1. Number of unpermitted units in Oakland = 18,835.

Approximately 18,835 unregistered / unpermitted units in Oakland (18% of Oakland residential housing stock)							
	Percent owner- or renter-occupied	Occupied units (Households)	vacant units	total units (occupied + vacant)	Residential rental units registered to pay Oakland Business License Tax	unregistered or unpermitted units (107,050 - 88,215)	Percent of Oakland rental housing stock that is unregistered or unpermitted (18,835/107,050= 17.6%)
<b>Total units</b>		<b>170,366</b>	<b>16,294</b>	<b>186,660</b>			
Owner-occupied housing units	42.6%	72,661	6,949	79,610			
Renter-occupied housing units	57.4%	97,705	9,345	107,050	<b>88,215</b>	<b>18,835</b>	<b>17.6%</b>
<p><b>Data sources:</b> 1. Oakland CED meeting, 6/28/2022 report from Business Tax Dept.; 2. American Community Survey (ACS) 2021 data, 1-year estimate <a href="https://data.census.gov/cedsci/table?q=Oakland,%20ca&amp;t=Homeownership%20Rate&amp;tid=ACSDP1Y2021.DP04">https://data.census.gov/cedsci/table?q=Oakland,%20ca&amp;t=Homeownership%20Rate&amp;tid=ACSDP1Y2021.DP04</a></p>							
2021 ACS data		2021 ACS data	2021 ACS data (total vacant), breakdown calculated from % renter & owner		Oakland CED report (6/28/2022) from Business Tax Dept. (units above threshold + units below threshold = total units paying tax)		

2. **Oakland has 88,215 registered units as of June 2022.** Source: June 28, 2022 CED meeting report (attached). 30,829 units below a certain tax threshold + 57,386 units above a certain tax threshold = 88,215 registered units).

**Business Tax report, 6/28/2022 Oakland CED meeting**

**Table 5: Estimated Change in Business Tax Revenue**

	Scenario 1	Scenario 2	Scenario 3	Scenario 4
	≤ 5 Units to Class E	≤ \$150k to Class E	≤ 3 Units & >=\$150K to Class E	≤ 5 Units to Class N
<b>Below Threshold:</b>				
Number of Taxpayers	15,879	16,830	13,434	15,879
Number of Rental Units	30,829	47,545	20,613	30,829
Total Gross Receipts (\$M)	\$616.0	\$680.1	\$437.5	\$616.0
Revenue at Current Rate (\$M)	\$8.59	\$9.49	\$6.10	\$8.59

<sup>3</sup> Potential Revenues under the proposed rates have been adjusted for inflation

<sup>4</sup> The Average Annual Gross Rent is based on the assumption that rents charged by landlords do not change.

Community & Economic Development Committee  
June 28, 2022

**Total registered residential rental units = 88,215 (from 30,829 + 57,386)**

Edward D. Reiskin, City Administrator  
Subject: Owner-Occupied Business Tax Exemption & Possible Changes of Tax Rates on Residential Rental  
Date: June 21, 2022

Page 6

Revenue at Proposed Rate (\$M)	\$1.2	\$1.3	\$0.9	\$1.1
Change in BLT Revenue (\$M)	(\$7.4)	(\$8.2)	(\$5.2)	(\$7.5)
Avg Change per Taxpayer (\$)	(\$468)	(\$488)	(\$387)	(\$472)
<b>Above Threshold:</b>				
Number of Taxpayers	2,508	1,557	4,953	2,508
Number of Rental Units	57,386	40,670	67,602	57,386
Total Gross Receipts (\$M)	\$922.1	\$858.1	\$1,100.7	\$922.1
Revenue at Current Rate (\$M)	\$12.9	\$12.0	\$15.4	\$12.9
Revenue at Proposed Rate (\$M)	\$12.9	\$12.0	\$15.4	\$12.9
Change in BLT Revenue (\$M)	\$0	\$0	\$0	\$0
<b>TOTAL CHANGE (\$M)</b>	<b>(\$7.4)</b>	<b>(\$8.2)</b>	<b>(\$5.2)</b>	<b>(\$7.5)</b>

**3. Total number of rental housing in Oakland (ACS 2021 data) Source:**

[https://data.census.gov/cedsci/table?](https://data.census.gov/cedsci/table?g=Oakland,%20ca&t=Homeownership%20Rate&tid=ACSDP1Y2021.DP04)

[g=Oakland,%20ca&t=Homeownership%20Rate&tid=ACSDP1Y2021.DP04](https://data.census.gov/cedsci/table?g=Oakland,%20ca&t=Homeownership%20Rate&tid=ACSDP1Y2021.DP04)

United States Census Bureau  
Oakland city, California dp04

3 Filters: DP04, 2021, Clear search & filters

1 Result: American Community Survey DP04 | SELECTED HOUSING CHARACTERISTICS

Label	Estimate	Percent
<b>HOUSING OCCUPANCY</b>		
Total housing units	186,660	186,660
Occupied housing units	170,366	91.3%
Vacant housing units	16,294	8.7%
Homeowner vacancy rate	0.8	(X)
Rental vacancy rate	6.0	(X)
<b>UNITS IN STRUCTURE</b>		
<b>YEAR STRUCTURE BUILT</b>		
<b>ROOMS</b>		
<b>BEDROOMS</b>		
<b>HOUSING TENURE</b>		
Occupied housing units	170,366	170,366
Owner-occupied	72,661	42.6%
Renter-occupied	97,705	57.4%

**4. Number of unpermitted ADUs on Single Family Parcels in Oakland.**

Source: Oakland ADU Initiative: Existing Conditions and Barriers Report (p. 10-11, 2020)

## UNPERMITTED UNIT PROJECTIONS

To estimate the number of unpermitted ADUs on single-family residential properties in Oakland, a sample of homes was pulled from Redfin's listing of homes for regular sale during Summer 2019. (See **Appendix A** for more information on the methodology used for this analysis.) We then reviewed Redfin listings to look for signs of an ADU, defined as an attached or detached structure with a bathroom, kitchen, and separate entrance. We found that **22 percent of single-family homes in Oakland likely have an ADU** (58 of the 269 single-family residences in our sample). This figure is raw; it does not account for when such a unit might have been built and under what circumstances.

After reviewing permit data (i.e., building permits, planning permits, and complaints) for each property with a suspected ADU, we found that **91 percent of suspected ADUs are likely unpermitted**. Overall, this suggests that between 11 and 20 percent of single-family homes likely have an unpermitted ADU and that **between 7,500 and 13,600 unpermitted ADUs exist on single-family lots in**

10

**Oakland.**<sup>12</sup> This does not include unpermitted ADUs that may be present on multi-family properties, including duplexes and triplexes. There has been limited research on unpermitted ADUs in other cities; however, a similar study in Los Angeles found that only 11 percent of single-family homes included unpermitted ADUs, indicating that Oakland may have a higher percentage of unpermitted units.

Legalizing unpermitted units can have benefits for tenants and homeowners. Most importantly, legalization ensures that ADUs are habitable and can improve the health and safety of unit occupants if ADUs are not currently up to code. Legalization can also improve property values and give homeowners peace of mind. On the other hand, legalizing unpermitted units will likely increase homeowners' property taxes and could displace tenants if they are required to vacate ADUs while the units are brought up to code.

## CONCLUSION

Existing research shows that homeowners constructing ADUs face barriers related to the financing and management of the building permit and construction processes, as well as obstacles deciphering and complying with use restrictions and tenant protections.

## 5. Oakland RHNA target – 26,251 housing units.

## State-mandated Housing requirements for 2023-2031 (RHNA)

Jurisdiction	VERY LOW INCOME (<50% of Area Median Income)	LOW INCOME (50-80% of Area Median Income)	MODERATE INCOME (80-120% of Area Median Income)	ABOVE MODERATE INCOME (>120% of Area Median Income)	TOTAL
<b>ALAMEDA COUNTY</b>					
Alameda	1,421	818	868	2,246	5,353
Albany	308	178	175	453	1,114
Berkeley	2,446	1,408	1,416	3,664	8,934
Dublin	1,085	625	560	1,449	3,719
Emeryville	451	259	308	797	1,815
Fremont	3,640	2,096	1,996	5,165	12,897
Hayward	1,075	617	817	2,115	4,624
Livermore	1,317	758	696	1,799	4,570
Newark	464	268	318	824	1,874
<b>Oakland</b>	<b>6,511</b>	<b>3,750</b>	<b>4,457</b>	<b>11,533</b>	<b>26,251</b>
Piedmont	163	94	92	238	587
Pleasanton	1,750	1,008	894	2,313	5,965
San Leandro	862	495	696	1,802	3,855
Unincorporated Alameda County	1,251	721	763	1,976	4,711
Union City	862	496	382	988	2,728

### State penalties for *NOT* achieving RHNA Housing Production target:

1. Loss of state funding
2. Loss of local control over city planning (ministerial or automatic permit approvals)

# Is it wrong to say 'homeless'? (Public comment for the Housing Element draft)

T

taptango



To: General Plan; paul.mcdougall@hcd.ca.gov; melinda.coy@hcd.ca.gov; dav Thu 12/29/2022 1:27 AM  
Cc: DL - City Council; jramachandran@oaklandca.gov; kjenkins@oaklandca.g

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

'Unhoused' or 'homeless'?

We used to say 'homeless' but now it's more politically correct to say 'unhoused'. Unhoused' fits the housing narrative better. We say people are living on the streets because they can't afford housing.

**But people aren't being pushed out onto the street the last few years because of the eviction moratorium. Yet homeless encampments sprung up everywhere during the moratorium.**

We can't address the homeless crisis unless we have a sobering conversation about fentanyl. Fentanyl overdose deaths far outpaced COVID-19 deaths, even at the height of the pandemic. Fentanyl is 100 times stronger than morphine. Fentanyl addiction drives property crimes, shooting violence, and is the reason why people won't accept permanent shelter with supportive services (because they have to be close to their drug source). Pimps are getting young girls hooked on fentanyl and prostituting them out.

Oakland needs attention and resources for fentanyl addiction if the city is serious about tackling homelessness. Housing and shelter is not enough if we do not provide wraparound supportive services to address the underlying causes of homelessness.

Reply

Reply all

Forward



## No such thing as NOAH (Naturally Occurring Affordable Housing)

T taptango [REDACTED]  
To: General Plan

👍   ↩️   ↩️   ➡️   ⋮  
Thu 12/29/2022 12:00 AM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

People keep saying NOAH. NOAH stands for “Naturally Occurring Affordable Housing” but there’s NO SUCH thing.

Housing most definitely does NOT “occur naturally”. Housing doesn’t naturally grow out of the ground. In fact, it takes a lot of work. Housing is expensive and difficult to do. And Affordable Housing is even harder to make happen.







So what do people refer to when they say “Naturally Occurring Affordable Housing”? These are low-rent housing units offered by local residents who trade in countless weekends to provide housing. Local mom and pops are able to deliver on lower cost housing because they pull “double duty” on maintenance. They answer repair calls themselves and often do their own repair work, notoriously underpaying themselves for their time and labor. They are much more efficient and willing to work hard to build home equity to send their children to college and to save for retirement.

The TOPA/COPA social housing model won’t pencil because right off the bat it has bloated staffing, with someone in the office taking tenant repair requests and then sending out expensive plumbers, roofers and painters for maintenance .

↩️ Reply

➡️ Forward

## No to TOPA- bad policy

DO **Dennis OLeary**      

To: General Plan Wed 12/28/2022 11:12 PM

Cc: DL - City Council; Danino, Shawn@HCD; paul.mcdougall@hcd.ca.gov

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

The Tenant Opportunity to Purchase Act is a false promise to tenants- as they do not ever own. That's a fact. Deed restriction is not ownership. It's also a distinct private property grab for unsuspecting small owners who have no desire to participate in this obscene shakedown. It is bad for all parties besides perhaps the lawyer groups and select non profits who are pushing it.

Tenants already have the opportunity to put offers in for a property they live in. Any owner would gladly help a good tenant get the place. I certainly would. No one needs TOPA nor would I ever get involved in such a scheme as a buyer. Furthermore I'm infuriated by the suggestion that I be forced to do so as a small owner. It's absurd and I want no part of it.

I am a small owner in Oakland. I am all about true home ownership with all its rights and responsibilities. TOPA is not that. There are so many responsible and proven ways to help people buy properties. Down payment assistance, subsidized loans come to mind.

There is already too much of an assault on small owners. TOPA is the icing on the cake. I've honestly lost all faith in local government. TOPA is a distinctly bad policy choice. Please get educated on what this thing really is.

Say NO TO TOPA.

Dennis OLeary  
13 year Oakland owner occupied

 Reply

 Reply all

 Forward

## Rajagopalan, Lakshmi

---

**From:** Claire Mays [REDACTED]  
**Sent:** Thursday, December 29, 2022 3:50 AM  
**To:** General Plan  
**Subject:** Comment on zoning plan with reference to Mills College campus

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Dear City Administrators,

I wish to write in support of the City resolution\* that calls for investigation of the recent takeover of Mills College, which to my view requires that rezoning of the Mills campus in Oakland be suspended until the facts of the takeover ("merger") are known and can be appropriately acted upon.

I have perused the Housing Element documents available to the public online and I recognize the intensive effort and the high expertise present in these documents, whether by city admin and elected people or by citizens who have commented. I respect this and acknowledge that my own experience is not similar.

However, I wish to communicate that my heart aches when reading about the high-handed, anti-transparent way the Mills takeover by North Eastern University was conducted, and about the real and potential impacts today and tomorrow produced by this extraordinary play.

As Class Secretary of the first college class to be accepted simultaneously to Radcliffe and Harvard Colleges (thus, a style of merger between a historic women's college and another institution), I am familiar with a 45-year history of Radcliffe seeking to maintain its identity as a resource center for women and for progress in integrating women's myriad contributions to intellectual and social life.

My heart aches to see that just as the latest derivative of Radcliffe was last year entirely swallowed into the Harvard "Brand" (sic), Mills has been thrown to the wolves.

The historic haven at the heart of Oakland for women intent on developing their full potential despite a restrictive environment, a place that has continued to lead on inclusiveness, quality and diversity in all its dimensions (disciplines in Social Sciences, Humanities and the Arts, gender, socio-economics) has to all appearances been sold off for short-term gain.

This gain appears to benefit only a few (the president who pushed through a manipulative vote then resigned when the deed was done; a reduced and already much-empowered demographic of white upper-class male students; future developers who can get their hands on a rezoned natural oasis within a major metropolitan area; future upper-class buyers of luxury homes installed in this oasis).

Mills students have lost their diploma majors (pointed fields now assembled in a general certificate). With Oakland, they have lost the historic and ever-developing haven for inclusiveness, tolerance, and social progress. Oakland and the region have lost, too, a supply of impassioned trained teachers, young people who chose Education as their undergraduate major (one that has now been cancelled).

It may be that appearances are wrong. However we cannot know that until the investigation called for by the City in the resolution\* has been conducted and released its conclusions. Awaiting that, the rezoning effort should not introduce further destabilizing change to the Mills historic campus nor open the door to further abuses.

Thank you for your time and attention in reading this and in stewarding the rezoning process, whose objectives aim at social justice.

Sincerely

Claire Mays Poumadère, Radcliffe '81, former President, Harvard Club of France

Daughter of Californian family (residing since the 1930s in LA County, San Francisco, Berkeley and also Oakland for 20+ years)

[REDACTED]

[REDACTED]

\*“Celebrating the contributions of Mills College to the City of Oakland and beyond, and calling on the California Bureau of Private and Post-Secondary Education and the U.S. Department of Education to conduct an independent investigation into the circumstances of the merger between Mills College and Northeastern University.”

Delete

Archive

Report

Reply

Reply all

Forward



## Investigate the NE takeover of Mills College/no rezoning

AW

Angela Watrous [REDACTED]

To: General Plan



Thu 12/29/2022 6:16 AM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Good morning, as an alum of Mills College (BA in English, 1996), I believe the corporate takeover of Mills by NE is a corrupt endeavor (why would we give up our extremely valuable and our endowment to an organization with literally nothing in overlapping values, if not for personal gain?), and I am requesting and am in support of all investigations into that takeover and the people involved in selling out Mills for personal gain. I would like to see prosecution and the reversal of the takeover of Mills College, and I am also strongly against rezoning of the Mills College campus, which has clearly been part of the intention all along.

Please protect the educational space for women/nonbinary people, especially BIPOC people, that Mills College has been to so many of us. Please investigate. Please don't let these people profit off their corruption.

Thank you,  
Angela

--

**Angela Watrous**  
**(she/her, they/them)**



Director and Producer, *In the Wake of Our Ancestors* (in production)

[www.IntheWakeofOurAncestors.com](http://www.IntheWakeofOurAncestors.com)

Empathic counselor

[www.RestorativeEmpathy.com](http://www.RestorativeEmpathy.com)

Somatic empathy, NVC, relational neuroscience, ancestral healing, and attachment repair through deep relational resonance

Reply

Forward

## Jobs not housing

T

To: General Plan



Thu 12/29/2022 6:36 AM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

This is in response to the Mills College call to action by alumna that we make our voices heard. As a resident of Oakland since the 1970s and an embarrassed Mills alum, I urge the new mayor (who I did not vote for) to please focus on job creation and addressing crime (FUND the police). The city doesn't need more apathetic people with zero accountability, zero sense of responsibility, zero motivation living on my dime in an already over crowded dump of a city. How about focusing on job creation, building parks not homes, addressing the crime (being committed by people of color at disproportionate rates).

Stop focusing on Mills sale to NE ( as a Mills alum the new mayor has a conflict of interest being involved). Focus on cleaning up this city. The homeless are not native to Oakland. They come from all over knowing you'll support them on my dime. Enough!!!!

Why would I buy property here if you're going to allow squatters and make eviction impossible. So, my request: make oakland clean, safe and livable for the people who have jobs. Create jobs. There's plenty of housing (in fact there is a surplus).

Thanks.

An unproductive and embarrassed Mills Alum

 Reply

 Forward

## Rajagopalan, Lakshmi

---

**From:** Christa Lewis [REDACTED]  
**Sent:** Thursday, December 29, 2022 3:38 AM  
**To:** General Plan  
**Subject:** Rezoning the Mills Campus for private development

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Dear General Plan Update Team,

In July Oakland's City Council voted to support an investigation of the closure and sale of Mills College. Northeastern University, which took over Mills, has not fulfilled its obligations to students, faculty, and staff, and disregarded Mills' commitment to the community, women, students of color, trans and non-binary students, and under-represented populations. There's no question that more affordable housing will benefit the Oakland community; however, it is unnecessary to butcher the Mills campus and permanently end access to education and opportunities to accomplish this, especially while the community supports an investigation of transfer of Mills' assets. When there is the unresolved question of the legitimacy of the sale of Mills College, it is malfeasant to plan to rezone and divvy up the campus for private development.

Oakland's City Council voted to support an investigation of the closure and sale of Mills for a number of reasons, including financial questions, irregularities in process, loss of student-centered resources, loss of local revenue, and defiance of founder and donor intent.

### **Finances**

The financial picture was misrepresented to force a closure. Mills brought in a profit of \$2 million in the 2020 fiscal year when the closure was announced and administration described a \$6 million loss. An economist's research has found Mills' fiscal health is better than 94% of private U.S. colleges of similar size. Mills' \$220 million endowment continued to grow and is now in the hands of Northeastern University.

### **Process**

Mills Board and Administration did not follow procedures put forth in the board of a trustees' bylaws, the California Attorney General's Guide for Charities, and Mills' accrediting body, Western Association of Schools and Colleges Senior College and University Commission. The decision to close Mills was concealed in a Board consent agenda and voted on without the examination or discussion such a decision deserves. Defying a court order, administration did not provide financial documentation as evidence of the closure to alumnae trustees. These alumnae trustees were then removed from the board. The Board of Trustees ceded oversight of merger negotiations to the President of Mills. By negotiating the merger deal and securing future employment for herself, the President of Mills has been self-dealing.

### **Student-Centered Resources**

Current Mills students and future local students are losing affordable and inclusive educational opportunities. Over 70 percent of Mills' majors were discontinued, and tuition more than doubled. With the merger, Mills College did not provide teach out plans (required by accreditation) for students to complete degrees for which they initially enrolled. Many are finding their coursework is not transferable, their majors were replaced with unsuitable alternatives, and their new pathways require additional semesters of study. Northeastern University is not included in Eligible Cal Grant Schools for 2022-23 through the California Student Aid Commission. California students are not able to qualify for CalGrants studying at the new entity. Among women's colleges, Mills College was the only Hispanic Serving Institution, but lost this designation when merged with Northeastern.

**Transfer of Resources**

Mills' sizable assets should not be transferred to an out-of-state entity without thorough examination. The cited amount of sale of Mills to Northeastern is \$30 million, less than a quarter of Mills' endowment alone. With the deal the Massachusetts-based Northeastern acquired the 135-acre campus, buildings, artworks, rare book collection, and music archives, were the value was not assessed in the sale.

**Founder and Donor Intent**

Mills College was founded as an independent degree granting institution for women. Over the years, this mission has expanded to include non-binary and transgender students at the undergraduate level and all genders in graduate programs. The founders and donors to the college supported Mills' long standing commitment to provide education to under-represented groups. By merging with Northeastern, the endowment and resources of Mills is no longer dedicated to this mission, but is used to support other objectives outside of founder and donor intent.

Dismantling educational opportunities at Mills to rezone the campus enriches Northeastern University, and perhaps facilitators, of the deal while sacrificing opportunities for women, people of color, and LGBTQ students of Oakland and California.

Regards,  
Christa Lewis  
Mills College Alumna



## Comments on 2023-2031 Housing Element — specifically rezoning the Mills College campus for land development.

Kristen Caven [REDACTED]

Thu 12/29/2022 10:22 AM

To: General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Dear fellow Citizens,

As our poet laureate Ayodele Nzinga urges in her poem, "Deep Roots," <to root here/in remembrance of/places/we intersected/& rose higher/than/"small talk" about us>, it is urgent that special consideration be given to protect the Mills College property, now owned by the global corporation Northeastern University. Mills, the oldest historical women's college on the west coast, was one of only two HWCs in the US that are also designated Hispanic Serving Institutions. It served women, non-binary and trans students at the undergraduate level, and graduate students of all genders including men. Latinx, Black, Indigenous, and Asian students; as well as the LGBTQ+, disabled, first-generation, and non-traditional students—such as resurers and mothers—collectively made up the majority of the student body. The student body of NU, globally, is predominantly male and white, and no financial aid is currently available to continuing Mills students.

I respectfully request that the zoning adjustments to the Mills Campus NOT be generally changed to allow for expanded residential and commercial development, and this is why:

- The 135-acre Mills campus acts as a public park and green space, with paths, trails, soccer fields and a pool that historically provided community access, functioning as a public good for the wider community of Oakland as both recreation and as a botanical preserve providing habitat for diverse species at a time of global extinction.
- The Mills campus has long been admired for its safety and lush beauty, two things we should be legitimately concerned being destroyed, given the reputation of Northeastern's Boston Campus towards its own green spaces and neighboring communities of color in Boston.
- Their track record shows a pattern of disruption and disregard for their neighbors. A 10-story student housing building now dominates and divides the predominantly African American community of Roxbury, Boston. The coastal community of Nahant, MA is losing their fight with NU, which aims to build a 60,000 sq. foot science building that will ironically damage the sensitive environment.
- A look at NU's community takeovers around the world show a trend for benefitting their predominantly white, male, upwardly mobile student populations, while gentrifying surrounding communities and pricing long-time residents out.
- Given the opportunity to develop and sell choice sections of the campus to private investors, NU could permanently destroy the integrity of this land parcel. Once soil is paved over, it is never returned to nature, which benefits us all in increasingly apparent ways.

Another reason for extreme caution in allowing increased development over the next decade at Mills is the suspicious nature under which the campus was acquired by its new owner.

- Mills had one of the highest endowments per capita for a College of its size. Mills' endowment, now owned by NU, was significantly higher than average among its peer colleges and was growing. The endowment grew substantially during the Covid era, reaching \$228 million by June 30, 2021, and showing no need for closure on publicly available audit records, or concern by accrediting bodies. Before announcing the closure, no feasibility studies were done, no experts

were consulted and no studies or independent reviews were commissioned by either the College or the Board of Trustees. There was no community process or opportunity for the vastly resourced alumnae body to support any sort of plan to help Mills thrive. The transition timeline was capriciously moved up two years, betraying and displacing the existing student body, which has filed a class-action lawsuit against the College for the agreements it broke and the damage it wrought on young lives.

- The Mills College Board of Trustees demonstrated repeatedly over the past two years that decisions were largely made based on the word of then-President Elizabeth Hillman, with very little corroborating evidence. The Board initially voted by a show of hands on a consent agenda to close the school. This fact bears repeating - they did not even bother with a roll call vote. Immediately after, Hillman announced the closure without consulting Faculty or staff, and prompting at least four trustees to sue, alleging they had no information, and didn't realize what they had voted on. Soon after, the board, at whose pleasure she served, made Hillman the CEO, consolidating her power. Hillman and her closest staff have all now moved up to higher profile careers.

Please use extreme caution in your decision to rezone Mills, only designating specific areas of the campus edges for commercial building. There may be some benefit to establishing outward-facing services for the MacArthur community but, given the opportunity to develop the entire land, NU is not to be trusted. The needs of our community absolutely include increased affordable housing, but this must be balanced with Oakland's needs for open space, protection from gentrification, and community partners that are integrated with the fabric of our city.

Thank you,

Kristen Caven  
Upper Patten District

## Resolution re:Mills College

Kristin Coan <[REDACTED]>

Thu 12/29/2022 11:02 AM

To: General Plan <generalplan@oaklandca.gov>

Cc: [REDACTED]

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Dear Sir or Madam,

I am writing to support the preservation of Mills College, its' campus, and what it represents for past, present and future students and faculty, as well as the many ways Mills College benefits Oakland and the surrounding communities.

Thank you for investing this matter.

Sincerely,

Kristin Coan, daughter of a Mills alumna

## Please remove TOPA/COPA from the Oakland Housing Element - & NOAH???

Chris Moore <[REDACTED]>

Thu 12/29/2022 11:06 AM

To: General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

I am a mom and pop housing provider (Landlord) for Oakland. I provide low cost subsidized housing to the community via rent control.

### TOPA/COPA:

TOPA/COPA is an example of a failed policy. Look at Washington DC - they are shutting the program down after 40 years...yet Oakland is considering starting the program. Has there been an independent equity study to show the negative impacts of TOPA/COPA...no there hasn't. If Oakland makes the bad decision to include TOPA/COPA in the Housing Element, then it should be clearly stated that an independent equity study will be performed. The approval for the preparer of the equity study should be selected with input from housing provider organizations including: EBRHA, CalRHA, CAA, In-It-Together.

### NOAH:

NOAH stands for "Naturally Occurring Affordable Housing". This makes no sense. Private individuals provide housing. Mom and pop housing providers provide affordable housing via rent control and the eviction moratorium. Additional rental regulations (TPO, Eviction Moratorium, Rent Control, Just Cause, TOPA/COPA) result in elimination of affordable housing by significantly increasing the cost to provide affordable housing.

Housing does NOT "occur naturally". Providing Housing does take a lot of work. Housing is expensive and difficult to do. There's a reason that the recent outgoing Oakland Housing Director, Shola Olatoye said in her exit interview that "the City of Oakland absolutely should not own or operate housing, by contract, City employees can only work from 9am to 5pm. Monday through Friday."

Mom and Pop housing providers provide low-rent housing units by trading in countless nights and weekends to provide housing. Local mom and pops are able to deliver on lower cost housing because they pull "double duty" on maintenance. They answer repair calls themselves and often do their own repair work, notoriously underpaying themselves for their time and labor. They are much more efficient and willing to work hard to build home equity to send their children to college and to save for retirement.

The TOPA/COPA social housing model won't pencil because it has bloated staffing, with someone in the office taking tenant repair requests and then sending out expensive plumbers, roofers and painters for maintenance. It only provides Not For Profits special benefits (discounts on property taxes and exemptions from rent control) to help make it more profitable. If they offered those benefits to privat housing providers the City of Oakland would have an explosion in new housing.

The single best solution to providing more housing in the City of Oakland would be to have a means test for Rent Control, Just Cause and TPO. If someone earns 100% of the BAY Area AMI - they don't get the Rent Control subsidy. Start there and you will see a significant increase in the supply of housing and a corresponding decrease in rents. At 100% AMI, those individuals will not go homeless in the streets, they have the means to find new housing.



December 29, 2022

Ed Manasse, Deputy Director  
City of Oakland Planning and Building Department, Bureau of Planning  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612

Re: Notice of Public Hearings to Adopt City of Oakland 2023-2031 Housing Element, Oakland

Dear Mr. Manasse:

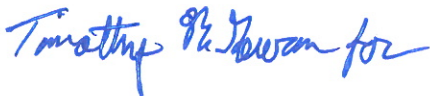
East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Public Hearings to Adopt City of Oakland 2023-2031 Housing Element, which encompasses the entire City of Oakland (City). EBMUD commented on the Notice of Preparation of a Draft Environmental Impact Report (EIR) for Phase 1 of the Oakland 2045 General Plan Update on April 14, 2022. EBMUD also commented on the 2023-2031 Housing Element Update in the City of Oakland's General Plan on June 9, 2022. EBMUD's original comments (see enclosures) still apply regarding water service, geology, wastewater service, water recycling, and water conservation. EBMUD has the following additional comments.

#### **WATER SERVICE**

Please see the attached EBMUD documents for California (Waterworks Standards) Code of Regulations, Title 22, Section 64572 (Water Main Separation) and EBMUD requirements for placement of water mains.

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,



David J. Rehnstrom  
Manager of Water Distribution Planning

Enclosures: A – EBMUD's April 14, 2022 Response to the Notice of Preparation of a Draft EIR for Phase 1 of the Oakland 2045 General Plan Update  
B – EBMUD's June 9, 2022 Reponse to the 2023-2031 Housing Element Update in the City of Oakland's General Plan  
C - Main Extension Applicant Information

DJR:MSW:

sb22\_368 Notice of Public Hearings to Adopt City of Oakland 2023-2031 Housing Element.docx

June 9, 2022

Lakshmi Rajagopalan, AICP, Planner IV  
City of Oakland  
Bureau of Planning  
250 Frank H Ogawa Plaza  
Suite 3315  
Oakland, CA 94612

Re: City of Oakland 2023 – 2031 Housing Element Update, Oakland

Dear Ms. Rajagopalan:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the 2023-2031 Housing Element Update in the City of Oakland's General Plan, which encompasses the entire City of Oakland (City). EBMUD commented on the Notice of Preparation of a Draft Environmental Impact Report for Phase 1 of the Oakland 2045 General Plan Update on April 14, 2022. EBMUD's original comments (see enclosure) apply to the 2023-2031 Housing Element Update regarding water service, geology, wastewater service, water recycling, and water conservation. EBMUD has the following additional comments.

## **GENERAL**

EBMUD appreciates the City's efforts to achieve its Regional Housing Needs Allocation (RHNA) through identifying opportunity sites where additional development could occur. As noted in the Housing Element Update, these opportunity sites include both vacant and non-vacant sites. It is important that the City consider existing surrounding uses so that those uses may continue after new housing is developed. In particular, EBMUD has its main offices in Downtown Oakland and additional administrative offices and service yards in West Oakland near Grand Avenue and Adeline Street. In addition, EBMUD is developing a service yard at Willow Street and 24th Street, and its wastewater treatment plant is located at West Grand Avenue and Wake Avenue. Finally, EBMUD has a facility along Oakport Street in East Oakland as well as numerous water and wastewater facilities that support the community and provide essential services to residents and business owners throughout the City.

## **WASTEWATER SERVICE**

The projected number of housing units within the City of Oakland as described in the Housing Element Update are higher than the quantities used by EBMUD in recent long-term planning efforts, and result in population growth rates higher than EBMUD assumed. The differences in EBMUD's assumptions and the Housing Element Update will not

necessarily result in a capacity deficiency, however, EBMUD will monitor the increase in flows over time and requests that the City continue to closely coordinate with EBMUD to ensure that implementation of the Housing Element Update proceeds as projected.

In addition, wet weather flows are a concern. The East Bay regional wastewater collection system experiences exceptionally high peak flows during storms due to excessive infiltration and inflow (I/I) that enters the system through cracks and misconnections in both public and private sewer lines. EBMUD has historically operated three Wet Weather Facilities (WWFs) to provide primary treatment and disinfection for peak wet weather flows that exceed the treatment capacity of the MWWTP. Due to reinterpretation of applicable law, EBMUD's National Pollutant Discharge Elimination System (NPDES) permit now prohibits discharges from EBMUD's WWFs. Additionally, the seven wastewater collection system agencies that discharge to the EBMUD wastewater interceptor system ("Satellite Agencies") hold NPDES permits that prohibit them from causing or contributing to WWF discharges. These NPDES permits have removed the regulatory coverage the East Bay wastewater agencies once relied upon to manage peak wet weather flows.

A federal consent decree, negotiated among EBMUD, the Satellite Agencies, the Environmental Protection Agency (EPA), the State Water Resources Control Board (SWRCB), and the Regional Water Quality Control Board (RWQCB), requires EBMUD and the Satellite Agencies to eliminate WWF discharges by 2036. To meet this requirement, actions will need to be taken over time to reduce I/I in the system. The consent decree requires EBMUD to continue implementation of its Regional Private Sewer Lateral Ordinance ([www.eastbaypsl.com](http://www.eastbaypsl.com)), construct various improvements to its interceptor system, and identify key areas of inflow and rapid infiltration over a 22-year period. Over the same time period, the consent decree requires the Satellite Agencies to perform I/I reduction work including sewer main rehabilitation and elimination of inflow sources. EBMUD and the Satellite Agencies must jointly demonstrate at specified intervals that this work has resulted in a sufficient, pre-determined level of reduction in WWF discharges. If sufficient I/I reductions are not achieved, additional investment into the region's wastewater infrastructure would be required, which may result in significant financial implications for East Bay residents.

To ensure that the proposed project contributes to these legally required I/I reductions, the lead agency should require the project applicant to comply with EBMUD's Regional Private Sewer Lateral Ordinance. Additionally, it would be prudent for the lead agency to require the following mitigation measures for the proposed project: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines to ensure that such systems and lines are free from defects or, alternatively, disconnect from the sanitary sewer system, and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent I/I to the maximum extent feasible while meeting all requirements contained in the Regional Private Sewer Lateral Ordinance and applicable municipal codes or Satellite Agency ordinances.



Lakshmi Rajagopalan, AICP, Planner IV  
June 9, 2022  
Page 3

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,



David J. Rehnstrom  
Manager of Water Distribution Planning

DJR:KTL:grd

sb22\_108. Oakland Draft 2023-2031 General Plan Housing Element NOA Response

Enclosure: EBMUD's April 14, 2022 Response to the Notice of Preparation of a Draft EIR for the Phase 1 of the Oakland 2045 General Plan Update

April 14, 2022

Lakshmi Rajagopalan, AICP, Planner IV  
City of Oakland  
Bureau of Planning  
250 Frank H Ogawa Plaza  
Suite 3315  
Oakland, CA 94612

Re: Notice of Preparation of a Draft Environmental Impact Report for Phase I of the  
Oakland 2045 General Plan Update, Oakland

Dear Ms. Rajagopalan:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for Phase I of the Oakland 2045 General Plan Update, which encompasses the entire City of Oakland (City). EBMUD has the following comments.

### **WATER SERVICE**

Effective January 1, 2018, water service for new multi-unit structures shall be individually metered or sub-metered in compliance with California State Senate Bill 7 (SB-7). SB-7 encourages conservation of water in multi-family residential, mixed-use multi-family and commercial buildings through metering infrastructure for each dwelling unit, including appropriate water billing safeguards for both tenants and landlords. EBMUD water services shall be conditioned for all development projects within the General Plan Update that are subject to SB-7 requirements and will be released only after the project sponsor has satisfied all requirements and provided evidence of conformance with SB-7.

Main extensions that may be required to serve any specific developments within the General Plan Update to provide adequate domestic water supply, fire flows, and system redundancy will be at the project sponsor's expense. Pipeline and fire hydrant relocations and replacements due to modifications of existing streets, and off-site pipeline improvements, also at the project sponsor's expense, may be required depending on EBMUD metering requirements and fire flow requirements set by the local fire department. When the development plans are finalized for individual projects within the General Plan Update, project sponsors for individual projects should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions of providing water service to the development. Engineering and installation of new and relocated pipelines and services require substantial lead time, which should be provided for in the project sponsor's development schedule.

Project sponsors for individual projects within the General Plan Update should be aware that EBMUD will not install piping or services in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may be hazardous to the health and safety of construction and maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping or services in areas where groundwater contaminant concentrations exceed specified limits for discharge to the sanitary sewer system and sewage treatment plants. The project sponsor must submit copies to EBMUD of all known information regarding soil and groundwater quality within or adjacent to the project boundary and a legally sufficient, complete, and specific written remediation plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of contaminated soil and groundwater.

EBMUD will not design piping or services until soil and groundwater quality data and remediation plans have been received and reviewed and will not start underground work until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists, or the information supplied by the project sponsor is insufficient, EBMUD may require the project sponsor to perform sampling and analysis to characterize the soil and groundwater that may be encountered during excavation, or EBMUD may perform such sampling and analysis at the project sponsor's expense. If evidence of contamination is discovered during EBMUD work on the project site, work may be suspended until such contamination is adequately characterized and remediated to EBMUD standards.

## **GEOLOGY**

On Page 3 of the NOP, under Existing Conditions, it states that the greater Oakland area is vulnerable to seismic hazards including earthquake-inducing landslides, liquefaction, and ground shaking. When the project sponsor applies for water service for individual projects within the General Plan, they will need to provide EBMUD with any proposed landslide mitigation measures for the developments so that no landslide impact hazard is posed to proposed water main extensions that will serve the projects.

## **WASTEWATER SERVICE**

EBMUD's Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to accommodate the proposed wastewater flows from this project and to treat such flows provided that the wastewater generated by the project meets the requirements of the EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. The East Bay regional wastewater collection system experiences exceptionally high peak flows during storms due to excessive infiltration and inflow (I/I) that enters the system through cracks and misconnections in both public and private sewer lines. EBMUD has historically operated three Wet Weather Facilities (WWFs) to provide primary treatment and disinfection for peak wet weather flows that exceed the treatment capacity of the MWWTP. Due to

reinterpretation of applicable law, EBMUD's National Pollutant Discharge Elimination System (NPDES) permit now prohibits discharges from EBMUD's WWFs. Additionally, the seven wastewater collection system agencies that discharge to the EBMUD wastewater interceptor system ("Satellite Agencies") hold NPDES permits that prohibit them from causing or contributing to WWF discharges. These NPDES permits have removed the regulatory coverage the East Bay wastewater agencies once relied upon to manage peak wet weather flows.

A federal consent decree, negotiated among EBMUD, the Satellite Agencies, the Environmental Protection Agency (EPA), the State Water Resources Control Board (SWRCB), and the Regional Water Quality Control Board (RWQCB), requires EBMUD and the Satellite Agencies to eliminate WWF discharges by 2036. To meet this requirement, actions will need to be taken over time to reduce I/I in the system. The consent decree requires EBMUD to continue implementation of its Regional Private Sewer Lateral Ordinance ([www.eastbaypsl.com](http://www.eastbaypsl.com)), construct various improvements to its interceptor system, and identify key areas of inflow and rapid infiltration over a 22-year period. Over the same time period, the consent decree requires the Satellite Agencies to perform I/I reduction work including sewer main rehabilitation and elimination of inflow sources. EBMUD and the Satellite Agencies must jointly demonstrate at specified intervals that this work has resulted in a sufficient, pre-determined level of reduction in WWF discharges. If sufficient I/I reductions are not achieved, additional investment into the region's wastewater infrastructure would be required, which may result in significant financial implications for East Bay residents.

To ensure that future projects following adoption of the City's General Plan Update contribute to these legally required I/I reductions, the lead agency should require all future housing project applicants to comply with EBMUD's Regional Private Sewer Lateral Ordinance. Additionally, it would be prudent for the lead agency to require the following mitigation measures for future proposed projects: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines to ensure that such systems and lines are free from defects or, alternatively, disconnected from the sanitary sewer system, and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent I/I to the maximum extent feasible while meeting all requirements contained in the Regional Private Sewer Lateral Ordinance and applicable municipal codes or Satellite Agency ordinances.

## **WATER RECYCLING**

EBMUD's Policy 9.05 requires that customers use non-potable water, including recycled water, for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health, and not injurious to plant, fish, and wildlife to offset demand on EBMUD's limited potable water supply.

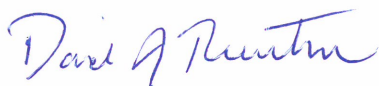
Some portions of the City's boundaries fall within and around the service area of the East Bayshore Recycled Water Project transmission and distribution pipeline infrastructure. Although the housing element is residential in nature, many housing projects and any related non-residential developments present opportunities for recycled water uses. Appropriate recycled water uses range from landscape irrigation, toilet flushing, cooling, and other non-potable commercial and industrial applications. These could be served by existing or expanded recycled water pipelines in the future. Therefore, EBMUD recommends that the City and project sponsors maintain coordination and consultation with EBMUD during the planning and implementation of the various projects within the General Plan Update, regarding the feasibility of providing recycled water for appropriate non-potable uses.

### **WATER CONSERVATION**

Individual projects within the General Plan Update presents an opportunity to incorporate water conservation measures. EBMUD requests that the City include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsors should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,



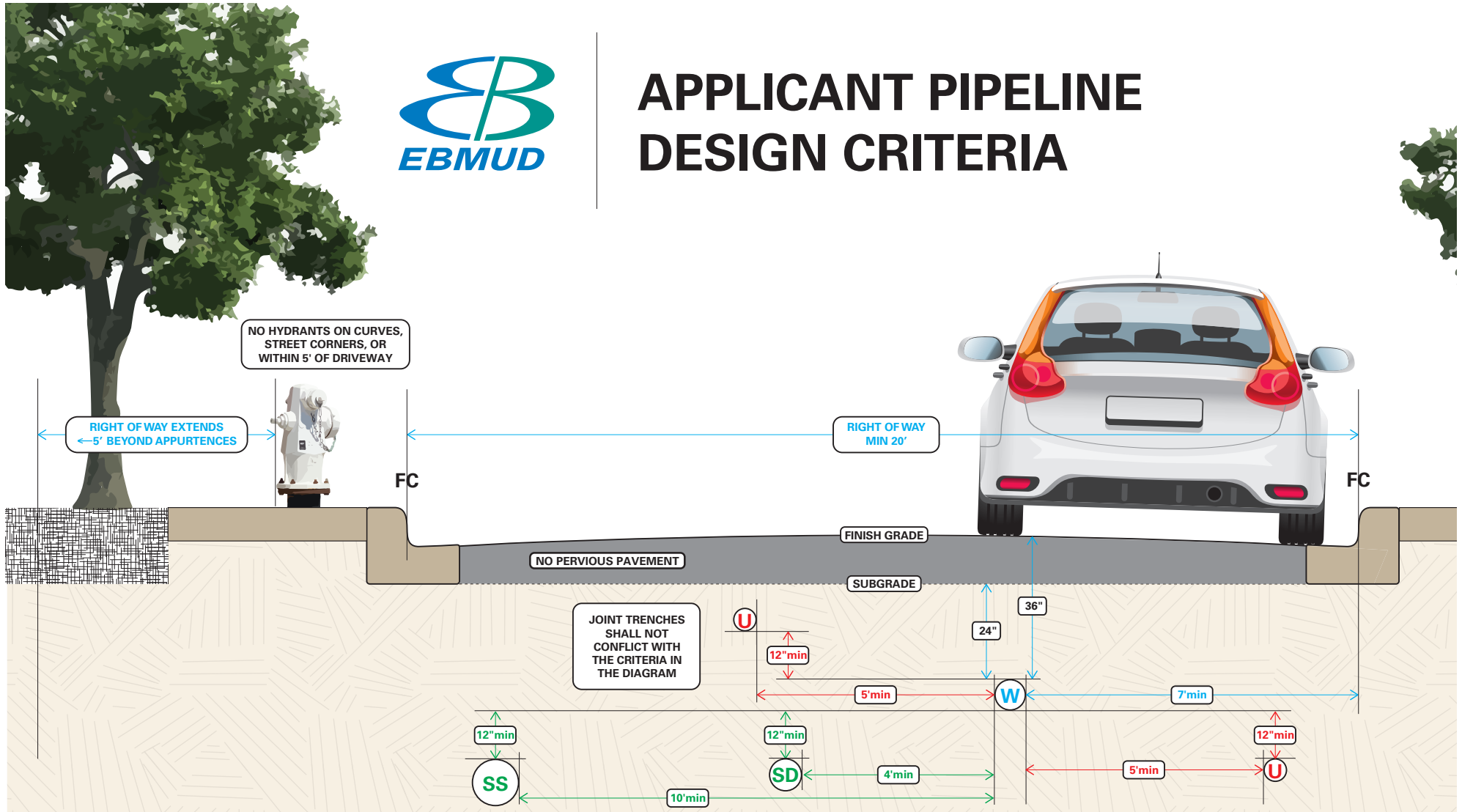
David J. Rehnstrom  
Manager of Water Distribution Planning

DJR:KTL:grd

sb22\_077 Oakland 2045 General Plan Update NOP Response



# APPLICANT PIPELINE DESIGN CRITERIA



<b>W = WATER</b> 24" cover to subgrade 36" cover to final grade 7' inset from face of curb	<b>U = UTILITY</b> min 12" vertical clearance min 5' horizontal clearance	<b>SS = SANITARY SEWER</b> min 12" below water min 10' horizontal clearance	<b>SD = STORM DRAIN</b> min 12" below water min 4' horizontal clearance	<b>FC= FACE OF CURB</b>
---	---	---	---	-------------------------



## **Applicant Pipeline Design Criteria**

EBMUD values applicant pipeline projects and is committed to providing a thorough and efficient design. To ensure an efficient design process and to avoid significant delays the design criteria below should be adhered to when submitting improvement plans.

### Design Criteria

- Water mains shall be seven (7) feet from face of curb.
- Water mains shall maintain a minimum one (1) foot vertical and five (5) foot horizontal clearance from other utilities.
- Gas mains shall meet the one (1) foot vertical separation requirement by installing the gas main below the water main only.
- Water mains shall maintain a minimum ten (10) foot horizontal clearance (O.D. to O.D.) and be located a minimum one (1) foot above any sewer main. Title 22 CCR
- Water mains shall maintain a minimum four (4) feet horizontal clearance (O.D. to O.D.) and be located a minimum one (1) foot above any storm drain. Title 22 CCR
- Water mains shall have a 36-inch cover to final grade and 24-inch cover to pavement subgrade.
- Joint trenches that are in conflict with the criteria above may delay the project. Submit to EBMUD final joint trench plans (no intent plans) which include the size of the joint trench and the utilities located inside.
- Water mains shall not be installed under pervious pavement.
- Water mains installed under decorative pavement, pavers, or stamped concrete will require an additional paving agreement.
- Hydrants shall not be located on curved sections of street, street corners, or within five feet of a driveway.
- Right of ways for 6-inch and 8-inch water mains shall be a minimum of 20 feet wide and extend five (5) feet past the water main centerline.
- Right of ways for 12-inch to 24-inch water mains shall be a minimum of 20 feet wide and extend eight (8) feet past the water main centerline.

Please contact the New Business Office representative assigned to your project if there are any questions regarding the requirements listed above. Meeting this criteria will enable the most efficient design possible.

## TOPA, housing element

Ilona Clark [REDACTED]

Thu 12/29/2022 11:47 AM

To: General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

TOPA is worse than a false promise Supporters say it will prevent displacement of renters by giving them the right and the ability (through 3<sup>rd</sup> party assistance) to buy the properties they live in, if put up for sale. These are good ideas. Everyone wants to encourage homeownership and the benefits that it confers. No one wants to be displaced.

Unfortunately, TOPA does not do any of these things.

In reality, if passed, it would make displacement more likely for many. At the same time, it will take away rent control and eviction protections from many of Oakland's renters, and hobble the city's ability to function by exempting many properties from property taxes.

TOPA controls the sale of any rental property in the city. Under TOPA, The renter has the first right of refusal and may express interest to purchase in writing.

Most of the time, a renter can't afford to buy the property on their own and they may assign their right to purchase to a 3<sup>rd</sup> party, non-profit. In this case, the house or unit, once purchased, will be considered affordable housing. Affordable, by definition, may not serve people who do not qualify. So, if a renter-purchaser does not meet income qualifications for affordable housing, they will be displaced in favor of another household that earns less. That's right, if they earn too much, they would be **evicted** from their homes.

Oakland has eviction protection for renters and income level is not a reason to evict. That is why TOPA takes away these protections so that renters may be legally evicted if they do not meet the affordable housing requirement.

Oakland also has rent control. But TOPA takes that away from its residents too. Monthly payments for residents (affordable housing recipients) may rise faster than rent control. But the residents must take responsibility for maintaining the buildings and surroundings. They must do all the work the previous owner did before them. This might be worth it, if they could expect to enjoy the benefits of ownership, but any home that becomes "affordable housing" under TOPA must be maintained as "affordable" for many decades. They may not be re-sold at market rate. All rights, freedoms, and financial incentives of ownership would be lost. People who live in properties purchased under TOPA get all the sweat and none of the equity.

To add insult to injury, no property taxes may be collected on affordable housing. This would hobble Oakland's ability to provide services and maintain infrastructure.

In fact, there is nothing to prevent a tenant from buying a home, or negotiating to buy the building they live in.



## Who could possibly benefit from this?

TOPA was written by lawyers for lawyers and bureaucrats will clean up. politicians who will do anything just so they say they did “something” will get votes. But the community will suffer and the housing crisis will deepen

TOPA is not a progressive way to promote ownership opportunities for existing tenants, it's a blatant attempt to seize private property through a coercive set of regulations that drive small property owners into financial distress and then gifts these properties to organizations that have monies interests at heart but their own. It is an attack on middle-class property owners and middle-class renters, alike.

Ilona clark, RN, SEIU

Oakland

--

Healing is figuring out how to coexist with the pain that will always live inside of you, without pretending it isn't there or allowing it to hijack your day. It is learning to confront ghosts and carry what lingers.

- *Suleika Jaouad*

## Mills Investigation

Al Nehl [REDACTED]

Thu 12/29/2022 12:03 PM

To: General Plan <generalplan@oaklandca.gov>

Cc: Martha <marthadeweese@gmail.com>; Kristin Coan <azathriel@gmail.com>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

On behalf of my mother, Rita Nehl, a Mills alumna, I am writing to support the preservation of Mills College, its campus, and what it represents for past, present and future students and faculty, as well as the many ways Mills College benefits Oakland and the surrounding communities.

Please investigate!

Thank you,

Al Nehl

## Oakland Housing Element Comment

Trey Hunter [REDACTED]

Thu 12/29/2022 1:06 PM

To: General Plan <generalplan@oaklandca.gov>

Cc: Kalb, Dan <DKalb@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Good afternoon,

I am a newer resident of Oakland and have recently had the opportunity to review the public draft of Oakland's Housing Element. I've listed a few comments/questions below:

1. It is clear that Oakland is taking this process seriously. Given that we are in a large metropolitan area, has Oakland considered what more it can do to triage other Bay Area communities who will continue to not take the development of housing (affordable housing especially) seriously? As noted in the draft, the issue of housing policy goes beyond the boundaries of the city of Oakland, the issue is regional in the context of the Bay Area. While I appreciate the fifteen percent buffer, given the market needs of the entire Bay Area, wouldn't something like a 100% buffer seem more appropriate?

Oakland has shown that it can meet housing goals as referenced by the City's ability to meet the last iteration of the Housing Element. I am concerned that this Housing Element doesn't challenge the city to do more given that other localities will continue to refuse to develop housing. Not only would a higher buffer allow for Oakland to grow where other communities refuse to build housing. This bolsters Oakland's position as a "YIMBY: city and increases future tax revenue further ameliorating some of the City's existing budgetary challenges. A larger housing buffer will result in systemically positive outcomes.

2. Has the City considered abolishing single-family zoning like other cities throughout the nation have done? Action 3.2.1. Might this be a consideration for the next iteration of Oakland's Housing Element?

3. Action 3.2.4: What is meant by "legalize ADUs' for low-income homeowners. Given the enactment of AB 68, AB 881, SB 13, AB 587, and other state law, ADUs are already legal throughout the State and subject to less local control, correct? Should this be geared toward assisting low and middle income homeowners in finding funding streams to support the development of ADUs where feasible?

4. Introduction – Paragraph 3: The housing backlog of 2,000,000 units is a debatable and somewhat arbitrary figure. In some cases, this number has been as high as \$3,500,000. It may be best to note that this figure is not a specifically defined metric as the introduction seems to indicate.

5. I am especially impressed by the Housing Element Survey (page 37) which allowed residents to provide feedback on interactive mapping questions. Also, impressed by the City's willingness and ability to follow State guidelines which have recently given RHNA more authority.

Happy to respond to any follow-up questions. Thank you for your consideration and for your very important work in keeping Oakland a pro-housing city.

Trey Hunter



**PUBLIC COMMENTS Submission Housing Element Public Hearing Draft /Oakland 2045 General Plan | Preliminary Zoning Proposal-**

Submitted by Mary Rose Kaczorowski [REDACTED] 12/29/2022

Please accept my public comments submission regarding the **Housing Element Public Hearing Draft /Oakland 2045 General Plan | Preliminary Zoning Proposal-**

I am a graduate of Mills College, (B.A. Public Policy & Natural Resources Systems), and I also attended the Lorry I. Lokey Graduate School of Business at Mills College. I also served as President of Mills College Botanical Ecology Society, 2003-04. I am also an AmeriCorps National Service alumni having served with the AmeriCorps CCC Collaboration in East Oakland CA . We were a team serving East Oakland Schools in building gardens, teaching gardening and nutrition and local watershed awareness. I am also a member of the Sierra Club, Women’s Intercultural, Network and Soroptimist International.

I respectfully request that the zoning adjustments to the property that encompasses Mills College at Northeastern University (the former Mills College campus property) NOT be rezoned to allow for expanded residential and/or commercial development. I have outlined this property’s role in Climate Change, Heat Island and Flood control mitigations as well as its history and role as public green space, a farm hub, and biodiversity and watershed integrity protection.

**Zoning Changes?**

I concur with several other organization’s public comments questioning why a proposed rezoning of the property area around and including Mills College at Northeastern University be changed from RM-3 to RM-4? (See October 14, 2022, comments by EB For Everyone, Greenbelt Alliance etc.) Please clarify the reasoning behind this since RM-4 is a residential neighborhood standard, and this is a private educational institution operating a college and providing associated student housing and basic services. This *up-zoning* is unsuitable and is incongruous with the established site use. Rezoning for conversion of residential or commercial use of this parcel is inappropriate.

**Negative Impact of proposed Zoning Change**

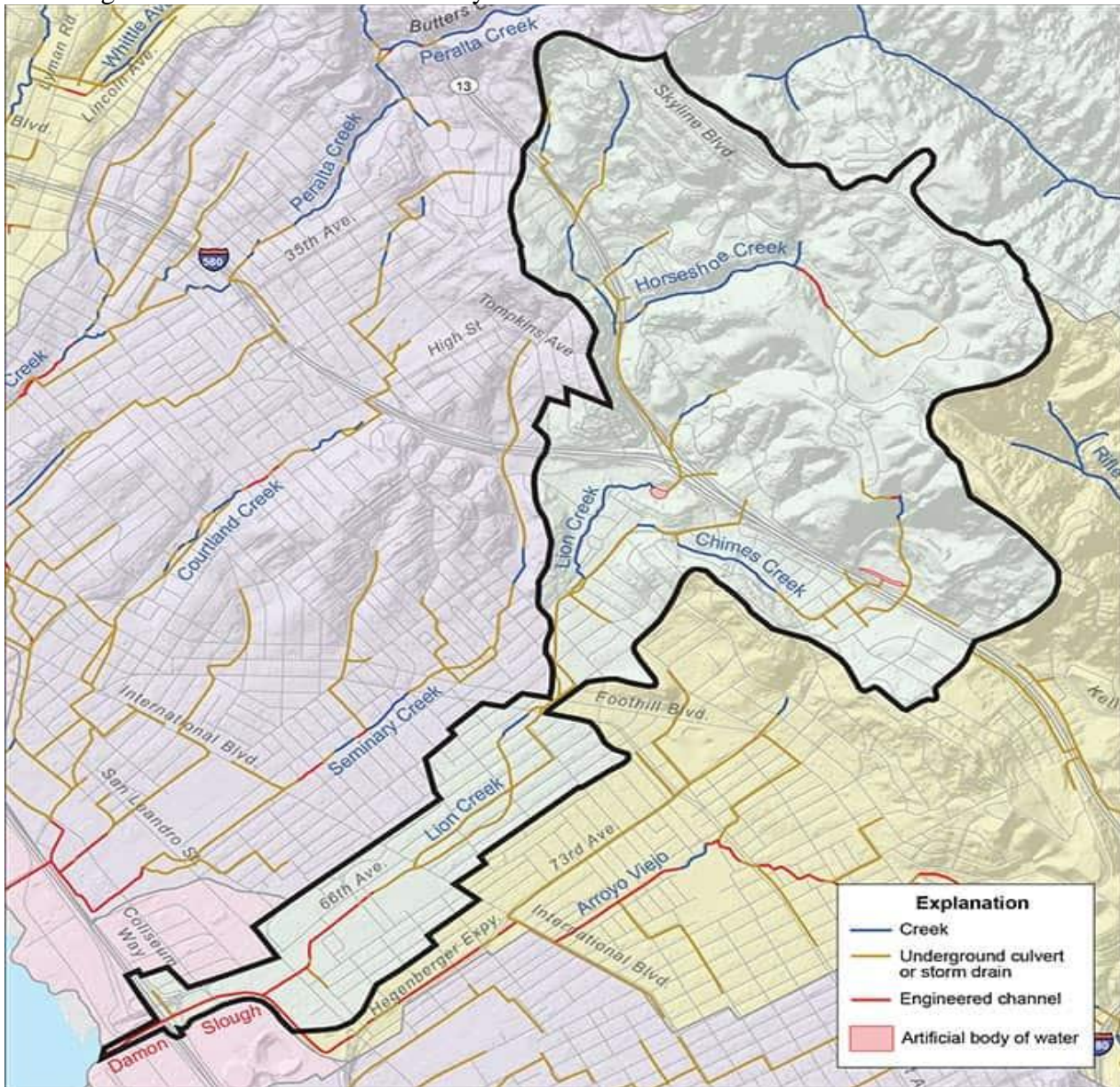
Mills College at Northeastern University, if ever given the opportunity to develop and sell choice sections of the campus to private investors, the integrity of this land parcel will be further diminished. This zoning change will permanently and further damage the ecological services that this parcel provides. Once vegetation is removed, once soil is leveled, compacted and paved over, it is never returned to supporting nature or serves the public good as access to nature-based recreation.

**Public Green Space**

This 135-acre Mills College at Northeastern University property has been used as a public oasis in a highly developed urban area. This campus has historically provided public access to its green space, with paths, creeks, trails, and a community farm, and access to soccer fields and a recreation swimming pool. This Mills College campus functions as a public good for the local residents and wider community of Oakland.

## Watershed Protection & Flood Control

Mills College is in the 3.5-square-mile Lion Creek Watershed that lies in the city of Oakland. The watershed begins on the west side of the Oakland hills and runs west to San Francisco Bay, narrowing as it passes through flatter land. The eastern boundary of the watershed roughly follows Skyline Boulevard where it borders the San Leandro Creek Watershed. The watershed includes three creeks: Chimes, Horseshoe, and Lion. The former Leona tributary, now part of Lion Creek, drains an abandoned sulfur mine. Horseshoe and Chimes creeks both discharge into Lion Creek, which empties into Lake Aliso on the Mills College campus. The creek is open through the Mills College campus before entering a culvert; it then daylights briefly between Avenal and Bancroft avenues before following channels and culverts to the bay.



Lake Aliso is a flood control pond located on the Mills College campus that, when full, creates a habitat for water birds. Horseshoe Creek discharges into Lion Creek, which empties into the lake. Historically (pre-1990) lake levels were maintained year-round. Currently the lake alternates between full and empty. Completed in 2010, the Lion Creek Restoration Project created 1.5 acres of creek and

wetland habitat for fish, birds, and other wildlife. The project is less than a mile from the Martin Luther King Regional Shoreline and Arrowhead Marsh, important stopping points for migrating birds. Located in the redeveloped Lion Creek Crossings Park, between 66th and 69th avenues at San Leandro Street, it is surrounded by new, mixed-use housing units developed by the Oakland Housing Authority. This watershed provides ecosystem services that cannot be mitigated or replaced once it is further degraded or removed.

## **Mills Campus property role in Climate Change Mitigation & Adaptation**

Harnessing the innovative spirit of California, Governor Gavin Newsom advanced an executive order enlisting California's vast network of natural and working lands – forests, rangelands, farms, wetlands, coast, deserts and urban greenspaces – in the fight against climate change. A core pillar of Governor Newsom's climate agenda, these novel approaches will help clean the air and water for communities throughout the state and support California's unique biodiversity.

### **Mills College at Northeastern University is a property that is particularly well situated to help California implement Governor Newsom's (Oct 07, 2020) [EXECUTIVE ORDER N-82-20](#).**

This Executive Order points to using nature-based solutions to combat the biodiversity loss and climate change crises in California.

## **Agricultural Use**

The Mills Community Farm at Mills College was founded as a 2.5-acre working farm that practices sustainable farming and provides urban agriculture education in collaboration with students, faculty, staff, local organizations, and Oakland schools. The farm provided produce to campus dining services and sold produce on campus at a weekly farm stand as well as to local restaurants. *"The Mills Community Farm became a widely known and valuable campus and community meeting place, a place that demonstrated the values of Mills College—leadership, social justice, and equity—in practical and replicable ways. It is/was a welcoming community hub, one that invited all neighbors to join in the creation and operation of the farm and to celebrate growing and eating nutritious food -- an active farm hub, employing progressive, financially viable, and sustainable approaches to farm planning, operations, harvesting, and distribution. This area can be further zoned for a 'living lab' for growing healthy food, deepening knowledge, and building community solidarity."*

## **Mills College at Northeastern University serves as a heat island mitigation**

Elevated temperatures in urban "heat islands" increase cooling energy use and accelerate the formation of urban smog. Urban shade trees and light-colored surfaces can offset or reverse the heat island and conserve energy. Implementation of heat island mitigation measures see <https://www.epa.gov/heatislands> & <https://www.epa.gov/heatislands/using-trees-and-vegetation-reduce-heat-islands>

## **Existing traffic is STILL an issue**

Mills College at Northeastern University needs to continue to reduce its carbon footprint by encouraging sustainable practices on the campus property. While efforts have been made to reduce the footprint caused by utility usage, transportation practices have contributed to a considerable portion of the College's environmental impact but have yet to be addressed.

## A comment on the proposal for rezoning Mills College

Sakura Vesely [REDACTED]

Thu 12/29/2022 1:50 PM

To: General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Dear Council of Oakland;

I am a Mills College alumna, class of 2006. I was horrified to hear that my beloved alma mater that gave so much to me (and pass it along in the world through my work) was first going to close, then "merge" with Northeastern University, and now is being assessed for further dismantling by proposing to build private-sector housing on the campus. I understand that Oakland and California in particular needs to build more housing and solve the issue of food deserts yet all of this dismantling that has come over the past two years really feels like pure colonization and a purposeful erasure of what Mills College stood for. I am still traumatized by how Mills presented itself as doing quite well only to have its administration quickly and suspiciously hand over the school to an expensive, massive colonizer school that stands for nothing Mills represents. Mills was a safe haven for women, gender minorities, LGBTQ+ people, racial minorities, and generally anyone who was traditionally marginalized by WASP culture. Oakland in the late twentieth and twenty-first centuries has prided itself on its diverse culture and sense of being a place for underprivileged communities, artists, and the like. The takeover and development by Northeastern University is one more step forward to gentrifying Oakland into being a place where only wealthy white people can reside. I urge all of you to support the investigation into the merger of Mills College/Northeastern University and put a stop to unnecessary development on the Mills campus. Please don't send us into the ash heap of history.

Thank you,

[REDACTED]



## I adamantly oppose the proposed zoning change at Mills College!

Alecto Caldwell [REDACTED]

Thu 12/29/2022 2:11 PM

To: General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Having been a part of the Maxwell Park community, just a block from Mills College for nearly 40 years, I have watched in horror and disbelief at the entire process of Mills being transformed into Mills at Northeastern University.

I fully support:

The Resolution Passed, July 19, 2022 "Celebrating the contributions of Mills College to the City of Oakland and beyond, and calling on the California Bureau of Private and Post-Secondary Education and the U.S. Department of Education to conduct an independent investigation into the circumstances of the merger between Mills College and Northeastern University."

I am appalled by the fact that:

The City of Oakland has released the 2023-2031 Housing Element Public Hearing Draft. This includes rezoning the Mills College campus for land development. This proposed rezoning to RM-4 is to "create, maintain, and enhance residential areas typically located on or near the City's major arterials and characterized by a mix of single-family homes, townhouses, small multi-unit buildings at somewhat higher densities than RM-3, and neighborhood businesses where appropriate." The RM-4 Zone allows for the development of the site with condominiums, townhouses and retail businesses. For 20 years, the Mills Campus was zoned as RM-3. We are seeing this proposed change just as Northeastern takes over.

It seems obvious that such changes will seriously, significantly, and permanently change the character of our community primarily for the benefit of Northeastern University and not for the existing residents of the neighborhood.

At the very least, existing zoning should be maintained until the investigations regarding this transfer are completed. Additionally, the impacts of such changes should be widely and deeply investigated with much more involvement from and communication with the wider community.

Lynda Caldwell  
[REDACTED]

## No on TOPA/COPA

chriscohn [REDACTED]

Thu 12/29/2022 3:24 PM

To: General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

City of Oakland policy has gone too far and TOPA/COPA would be the end of my housing provider journey. You have heard all the arguments against these policies and read about their failed histories in other communities. I waste my time writing you, but if you bother to read this, NO on TOPA/COPA. I prefer the Ellus Act.

Sent from my Verizon, Samsung Galaxy smartphone

## Oppose proposed zoning changes Mills College +MacArthur Blvd.

Beatriz Perez-Stable [REDACTED]

Thu 12/29/2022 4:24 PM

To: General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hello,

I am writing to oppose the proposed zoning changes at Mills College and land on MacArthur Blvd directly across Mills College.

I believe it would be prudent to know what the owners will propose, incorporating these zoning changes, and that surrounding neighbors should be notified of such and be allowed to comment.

Respectfully,

Beatriz Perez-Stable

## Housing Element Comments

Gabriel Guerriero [REDACTED]

Thu 12/29/2022 4:47 PM

To: General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hello Oakland General Plan -- Housing Element Team:

I am writing to submit comments to the Housing Element General Plan:

1. I support the development of **Action 3.5.2: Support housing cooperatives, co-living, and cohousing models**. I want to ask for more specificity and clarity on how the city will support these projects. Please provide exceptions to zoning provisions for direct support of cooperatives, co-living and cohousing models. Accelerate the study of how the Planning Code and building occupancy standards affect the viability of these models.
2. I support new affordable ownership housing opportunities for middle and low income families.
3. I support an increase in density for all Hillside Residential zones for properties located outside the Very High Fire Hazard Severity Zone (VHFSV), or provide opportunities for an increase of density on a case-by-case basis.
4. Provide an application process for spot zoning on eligible properties. Rezone some of the hillside areas with pocket communities in specific areas.

Thank you for your time!

Gabriel Guerriero

Oakland Resident

[REDACTED]

## Mills College

Martha DeWeese [REDACTED]

Thu 12/29/2022 5:01 PM

To: General Plan <generalplan@oaklandca.gov>; Martha DeWeese [REDACTED]

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Martha de Weese

[REDACTED]  
December 29, 2022

To: the Oakland City Council Housing Element committee  
concerns: rezoning vital Oakland Educational opportunity areas.

Dear Sir and Madam,

Please investigate this gross malfeasance. Mills College has been stolen through nefarious means. Mills students are being robbed of the Education they came to acquire.

Mills dates to 1854 at its' present location. The Academic opportunities and the legacy of this institution have always been an asset to Oakland.

Please look carefully at the past Mayor of Oakland and the past Mills President and the roles they played in this "land grab".

Thank you for this opportunity to speak up.

sincerely,

Martha de Weese

## Comments on the Housing Element of the General Plan

Jay Gregory [REDACTED]

Thu 12/29/2022 5:18 PM

To: General Plan <generalplan@oaklandca.gov>

Cc: jean gregory [REDACTED] Joewoen Gregory [REDACTED]

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hello there!

I'm **so excited** about the new General Plan for the City of Oakland and the Housing Element in particular. As an Oakland native it is incredibly inspiring to see my city acknowledging the systemic income inequality and affordable housing access issues that are so rampant and tearing at the fabric of our society.

There is so much in here to laud and I want to keep this focused, so let me just start by saying that I fully support the five goals of the housing element. I think they are spot on and worth relaying behind.

My specific comments come around co-housing and pushing for the easing of zoning restrictions in the non-fire zone hillside residential zones (RH) that seem to be untouched by this version of the plan. If the goals of the plan are to increase close the gap in housing affordability and to get lower income housing opportunities into traditionally exclusive hillside housing nozes I think a bit more work can be done in the plan in this regard.

In particular:

1. We support the development of **Action 3.5.2: Support housing cooperatives, co-living, and cohousing models** and ask for more specificity and clarity on how the city will support these projects. Specifically:
  1. Please provide exceptions (or specific pathways to request variances) to zoning provisions for direct support of cooperatives, co-living, and cohousing models.
  2. Accelerate the study of how the Planning Code and building occupancy standards affect the viability of these models.
2. We support new affordable ownership housing opportunities for middle and low income families, especially in traditionally exclusive Hillside Residential areas.
3. We support an increase in density for all Hillside Residential zones for properties located outside the Very High Fire Hazard Severity Zone (VHFSV), or provide opportunities for an increase of density on a case-by-case basis.
  1. Provide an application process for spot zoning on eligible properties. Rezone some of the hillside areas with pocket communities in specific areas.

Thank you and everyone who has been working on ambitious, exciting, and ever so desperately needed plan,

Jay Gregory  
Joewoen Greagory

[REDACTED]

## Oakland zoning

Hannah Bluhm [REDACTED]

Thu 12/29/2022 5:50 PM

To: General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

PUBLIC COMMENTS Submission Housing Element Public Hearing Draft /Oakland 2045 General

Plan | Preliminary Zoning Proposal:

As an alumna of Mills and an active member within the larger Mills College Community I ask that you preserve the current zoning of the Mills College campus (recently bought by Northeastern University).

- 1). Oakland deserves to keep and pass on its current green spaces for future generations. Not only for the physical environmental benefits that such spaces provide and support in the larger ecosystem but for the psychological health and well being that such green spaces foster in human communities. I believe that placing the development desires of a global, private, institution, of potential short term financial gain for NEU, above the intergenerational health and wealth of the larger Oakland community is shortsighted, unwise and amounts to a form of environmental racism.
- 2). Northeastern University is a massive, global, institution that behaves in a predatory for profit manner. The purchase of Mills occurred in a questionable and non-transparent way. If it is allowed an increased ability to develop the 135 acres of the Mills Campus in its first year of ownership, there will be no guarantee or leverage on the part of the city of Oakland to ensure that such development will be in any way, not only NOT harmful but beneficial to the neighboring residents and surrounding community.
- 3). Mills College is beautiful. With a beautiful and rich history in visual arts, music, dance and architecture. The legacy of the on campus Julia Morgan's buildings should be honored and protected. NEU has no cultural ties to the arts and should not be given carte blanche when it comes to deciding the use, purpose, and aesthetics of these buildings and creative spaces in the future.
- 4). Northeastern University already has strained relationships with its community neighbors in Boston and other sites. They have a reputation for using militarized campus police, racial profiling on their campuses, covering up incidents around fraternity rape culture, and aggressive gentrification of community spaces. Again, the new owners of Mills College should have to prove themselves worthy before being allowed to build skyscraper frat dorms, or luxury condos and retail spaces that cater exclusively to the wealthy.
- 5). The new owners of the Mills College campus should be the city of Oakland itself, not Northeastern University. At the very least by keeping limits on the scale and impact of development on the campus the city will ensure some accountability, respect, and health for the current citizens of Oakland and generations to come.

Sincerely,  
Hannah Bluhm [REDACTED]

## Rezoning of Mills College Campus

Melanie Vega [REDACTED]

Thu 12/29/2022 7:23 PM

To: General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Good evening,

It has come to my attention that the city of Oakland has released a housing public hearing draft which includes a plan to rezone Mills College campus to allow for building of housing and businesses on campus. As a Bay Area native and a Mills College alum, I am AGAINST this plan. Mills College was just recently acquired by Northeastern University in a highly contested and suspicious manner, and it would be a further blow to the Mills legacy to tear up the physical campus by allowing rezoning and building of housing/businesses. The campus is an oasis in Oakland that should be protected, not sold to greedy developers.

Thank you for reading my concerns,  
Melanie Vega



**3. COMMENT LETTERS RECEIVED ON  
THE REVISED PUBLIC HEARING DRAFT  
2023-2031 HOUSING ELEMENT  
AFTER DECEMBER 29, 2022**

## Re: Oakland Housing TOPA/COPA Element Public Input

Jeannie Llewellyn [REDACTED]

Fri 12/30/2022 3:26 PM

[REDACTED]

Cc: General Plan <generalplan@oaklandca.gov>; Gilchrist, William <WGilchrist@oaklandca.gov>; david.zisser@hcd.ca.gov <david.zisser@hcd.ca.gov>; Branson, Michael <MBranson@oaklandcityattorney.org>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

These are comments regarding COPA/TOPA/OPA specifically.

These bullet points assume:

1. In COPA an NPO would be the owner. In TOPA, qualifying tenants would buy with "**co-buyers**".
2. The COPA nonprofit is **exempt from rent control**.
3. A NPO is your **new landlord** under COPA.
4. In COPA, the NPO makes all the building and financial decisions.
5. NPO approvals are required for changes to your COPA apartment.
6. There is no guarantee of buyer equity in a COPA/TOPA deal.
7. NPOs can go bankrupt.
8. The NPO can sell your COPA building to a for-profit, corporate buyer.
9. COPA/TOPA **does not provide consumer protection**.
10. Do you really want to buy property with your tenant neighbors?
11. TOPA/COPA are organizing tools, not housing programs. Sample city ordinances show fine print.
12. TOPA/COPA are **not** grant programs.
13. TOPA **does not help a tenant's apartment be more affordable**.
14. Most tenants won't qualify for a TOPA purchase.
15. TOPA/COPA needs you to remain poor (to qualify).
16. Only low and moderate income people qualify for COPA **but they don't earn enough for TOPA**.
17. If you get a raise, you may not qualify for a COPA property.
18. Union jobs make too much money for COPA/TOPA.
19. COPA/TOPA is for college grads who like committees, meetings and group decisions.
20. COPA/TOPA takes all your free time for meetings.
21. **COPA/TOPA doesn't provide family sized housing**.
22. If your TOPA co-buyer loses his job, you can lose your house.
23. Your TOPA co-buyers' late payments can ruin your good credit

Overall, there already are good programs available for tenants to purchase a property if they qualify, and we don't need to reinvent the wheel.

Be a Hero, and utilize the tools already here for helping tenants get their own housing instead of wasting tax dollars.

As for the Homeless Issues, that's NOT part of TOPA/COPA/OPA. That's a separate problem that cannot be solved with TOPA/COPA/OPA.

It's another conversation.

Jeannie Llewellyn

On Fri, Dec 16, 2022 at 4:40 PM [REDACTED] wrote:

Oakland City Staff,

Per the City website, I am providing feedback on the Housing Element Public Hearing Draft. Please include my feedback in the public record and forward to State HCD (at the time the comments are received) and include as a supplemental document to the agenda reports for the Planning Commission and City Council public hearings beginning in January 2023.

## **TOPA/COPA should NOT be included in the City of Oakland Housing Element**

### **Action 2.2.8: Investigate a Tenant/ Community Opportunity to Purchase Act**

#### **Background**

I retired from the national housing nonprofit NeighborWorks America based in Washington D.C. after 29 years as a Management Consultant. Prior to that I worked for the cities of Piedmont and Oakland Planning Departments. I continue to advocate for housing as a volunteer, consultant, and housing provider. My family has owned a 4-plex in Oakland since 1976. As an affordable housing professional and provider, I have a unique perspective on housing policies.

I was introduced to TOPA/COPA in 1985 and have followed its volatile path since its inception. While the acronym TOPA is compelling, it represents a false promise to tenants and does not assist them in meeting the challenges that prevent home purchases (i.e., insufficient income, lack of down payment, credit issues, lack of emergency reserves, employment instability). In COPA, the promise of "equity building" is subject to the nonprofit owner's governing board's policies and financial capacity. It too can be a false promise to tenants. From the perspective of tenants, in the COPA model the nonprofit buyer is simply the new landlord. It is worth noting that buildings owned by non-profit housing organizations (NPO) may not be subject to rent control.

#### **Proven Equity-building Models**

Before consideration of TOPA/COPA, there are numerous equity-building housing models with proven success metrics such as: limited-equity condominiums, co-housing, limited-equity cooperatives, mutual housing, employer assisted housing, condo conversions, tenant-in-common (TIC), extended household purchases and equity sharing programs. These models have proven legal structures that provide **consumer protection** and are familiar to lenders. The Housing Element should either refer broadly to these types of models or include them specifically. The Element should NOT refer solely to TOPA/COPA as it could be construed as advocacy.

By all measures, TOPA/COPA has been unsuccessful since it was introduced in Washington D.C. TOPA/COPA is a capital-intensive model requiring deep up-front inefficient per-tenant subsidies, capitalization of building rehab, operating reserves, and maintenance reserves. Fledgling tenant organizations require intensive, costly technical assistance, startup funding and sufficient free time to work as a group. TOPA buyers must agree to income restrictions for all future sales or transfers and are individually and collectively responsible for mortgage, taxes, insurance, and all other building costs. They cannot individually encumber the property or access building equity. These characteristics are particularly unappealing to minority and working class households who hoped for full ownership rights. After reading the fine print or not qualifying for a TOPA purchase, frustrated tenants can assign their rights to COPA only to find no guarantee of "equity building".

**Without COPA** non-profit housing organizations have successfully developed, acquired, and manage thousands of affordable units. With increased purchase and rehab capital subsidies, they can compete in the market with a strategy of buying and rehabbing buildings with existing low rent. NPOs are best suited to implement rehab, manage tenant relocation with sensitivity, identify government and private sector subsidies, ensure building maintenance, reach lower income households, and track long-term affordability. After acquisition, NPO organizations can develop and implement tenant equity-building programs as appropriate without COPA restrictions.


**The Housing Element is a guiding document and should NOT be used to advocate for TOPA/COPA over other models.**

**Public Comment -- Submission Housing Element Public Hearing Draft /Oakland 2045  
General Plan | Preliminary Zoning Proposal-**

George [REDACTED]

Fri 12/30/2022 4:32 PM

To: General Plan <generalplan@oaklandca.gov>

 1 attachments (333 KB)

MRK Oak Housing Element PC .pdf;

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

To whom it may concern,

I have only just learned of this possibly alarming development. I hope you will add my voice to the many I am hearing that are concerned. I am attaching some very cogent comments from a friend. I support these comments.

George Reinhardt

E [REDACTED] tivist, [REDACTED]

[REDACTED]  
[REDACTED]

**PUBLIC COMMENTS Submission Housing Element Public Hearing Draft /Oakland 2045 General Plan | Preliminary Zoning Proposal-**

Submitted by Mary Rose Kaczorowski [REDACTED] 12/29/2022

Please accept my public comments submission regarding the **Housing Element Public Hearing Draft /Oakland 2045 General Plan | Preliminary Zoning Proposal-**

I am a graduate of Mills College, (B.A. Public Policy & Natural Resources Systems), and I also attended the Lorry I. Lokey Graduate School of Business at Mills College. I also served as President of Mills College Botanical Ecology Society, 2003-04. I am also an AmeriCorps National Service alumni having served with the AmeriCorps CCC Collaboration in East Oakland CA . We were a team serving East Oakland Schools in building gardens, teaching gardening and nutrition and local watershed awareness. I am also a member of the Sierra Club, Women's Intercultural, Network and Soroptimist International.

I respectfully request that the zoning adjustments to the property that encompasses Mills College at Northeastern University (the former Mills College campus property) NOT be rezoned to allow for expanded residential and/or commercial development. I have outlined this property's role in Climate Change, Heat Island and Flood control mitigations as well as its history and role as public green space, a farm hub, and biodiversity and watershed integrity protection.

### **Zoning Changes?**

I concur with several other organization's public comments questioning why a proposed rezoning of the property area around and including Mills College at Northeastern University be changed from RM-3 to RM-4? (See October 14, 2022, comments by EB For Everyone, Greenbelt Alliance etc.) Please clarify the reasoning behind this since RM-4 is a residential neighborhood standard, and this is a private educational institution operating a college and providing associated student housing and basic services. This *up-zoning* is unsuitable and is incongruous with the established site use. Rezoning for conversion of residential or commercial use of this parcel is inappropriate.

### **Negative Impact of proposed Zoning Change**

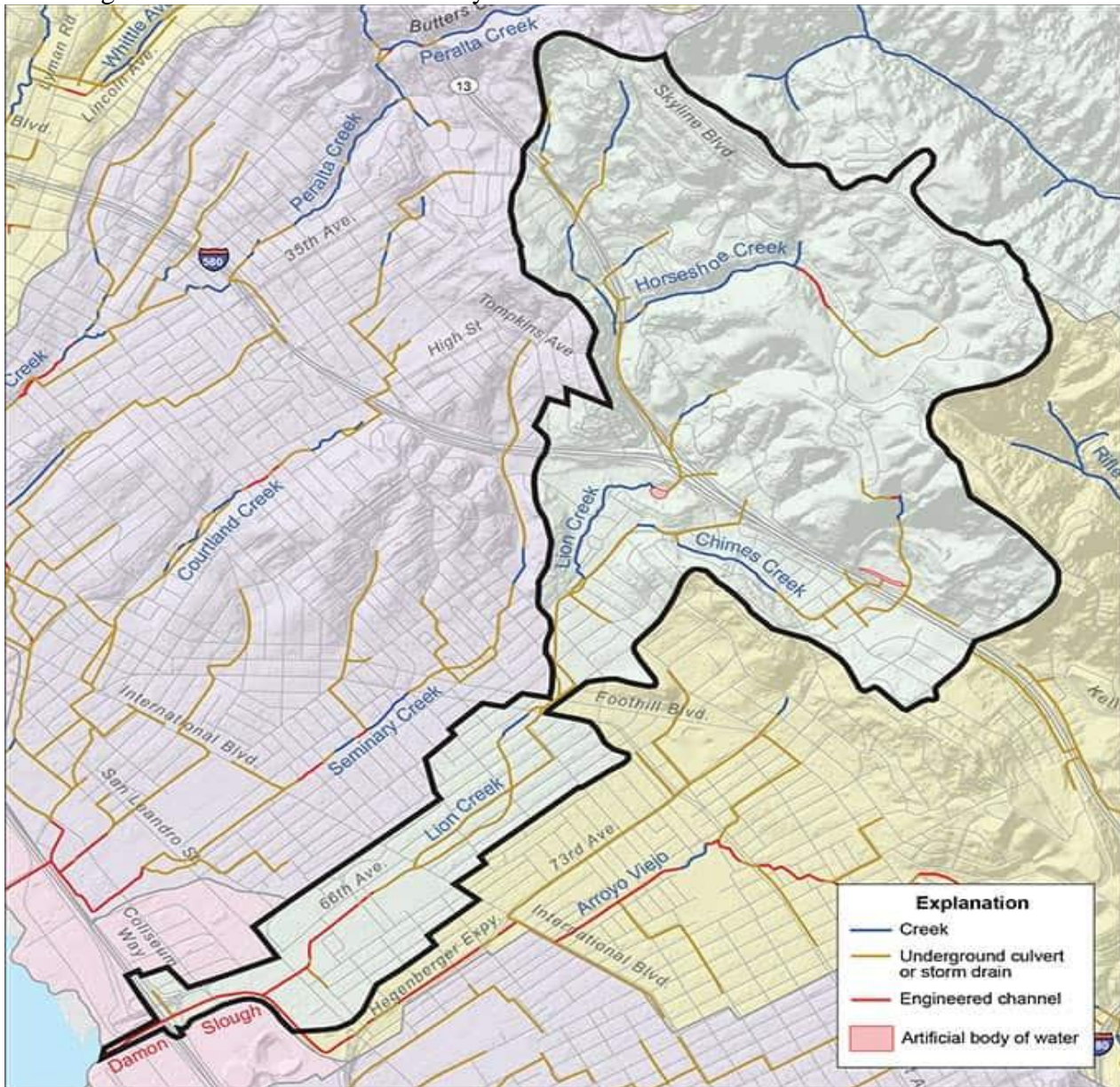
Mills College at Northeastern University, if ever given the opportunity to develop and sell choice sections of the campus to private investors, the integrity of this land parcel will be further diminished. This zoning change will permanently and further damage the ecological services that this parcel provides. Once vegetation is removed, once soil is leveled, compacted and paved over, it is never returned to supporting nature or serves the public good as access to nature-based recreation.

### **Public Green Space**

This 135-acre Mills College at Northeastern University property has been used as a public oasis in a highly developed urban area. This campus has historically provided public access to its green space, with paths, creeks, trails, and a community farm, and access to soccer fields and a recreation swimming pool. This Mills College campus functions as a public good for the local residents and wider community of Oakland.

## Watershed Protection & Flood Control

Mills College is in the 3.5-square-mile Lion Creek Watershed that lies in the city of Oakland. The watershed begins on the west side of the Oakland hills and runs west to San Francisco Bay, narrowing as it passes through flatter land. The eastern boundary of the watershed roughly follows Skyline Boulevard where it borders the San Leandro Creek Watershed. The watershed includes three creeks: Chimes, Horseshoe, and Lion. The former Leona tributary, now part of Lion Creek, drains an abandoned sulfur mine. Horseshoe and Chimes creeks both discharge into Lion Creek, which empties into Lake Aliso on the Mills College campus. The creek is open through the Mills College campus before entering a culvert; it then daylights briefly between Avenal and Bancroft avenues before following channels and culverts to the bay.



Lake Aliso is a flood control pond located on the Mills College campus that, when full, creates a habitat for water birds. Horseshoe Creek discharges into Lion Creek, which empties into the lake. Historically (pre-1990) lake levels were maintained year-round. Currently the lake alternates between full and empty. Completed in 2010, the Lion Creek Restoration Project created 1.5 acres of creek and

wetland habitat for fish, birds, and other wildlife. The project is less than a mile from the Martin Luther King Regional Shoreline and Arrowhead Marsh, important stopping points for migrating birds. Located in the redeveloped Lion Creek Crossings Park, between 66th and 69th avenues at San Leandro Street, it is surrounded by new, mixed-use housing units developed by the Oakland Housing Authority. This watershed provides ecosystem services that cannot be mitigated or replaced once it is further degraded or removed.

## **Mills Campus property role in Climate Change Mitigation & Adaptation**

Harnessing the innovative spirit of California, Governor Gavin Newsom advanced an executive order enlisting California's vast network of natural and working lands – forests, rangelands, farms, wetlands, coast, deserts and urban greenspaces – in the fight against climate change. A core pillar of Governor Newsom's climate agenda, these novel approaches will help clean the air and water for communities throughout the state and support California's unique biodiversity.

### **Mills College at Northeastern University is a property that is particularly well situated to help California implement Governor Newsom's (Oct 07, 2020) [EXECUTIVE ORDER N-82-20](#).**

This Executive Order points to using nature-based solutions to combat the biodiversity loss and climate change crises in California.

## **Agricultural Use**

The Mills Community Farm at Mills College was founded as a 2.5-acre working farm that practices sustainable farming and provides urban agriculture education in collaboration with students, faculty, staff, local organizations, and Oakland schools. The farm provided produce to campus dining services and sold produce on campus at a weekly farm stand as well as to local restaurants. *"The Mills Community Farm became a widely known and valuable campus and community meeting place, a place that demonstrated the values of Mills College—leadership, social justice, and equity—in practical and replicable ways. It is/was a welcoming community hub, one that invited all neighbors to join in the creation and operation of the farm and to celebrate growing and eating nutritious food -- an active farm hub, employing progressive, financially viable, and sustainable approaches to farm planning, operations, harvesting, and distribution. This area can be further zoned for a 'living lab' for growing healthy food, deepening knowledge, and building community solidarity."*

## **Mills College at Northeastern University serves as a heat island mitigation**

Elevated temperatures in urban "heat islands" increase cooling energy use and accelerate the formation of urban smog. Urban shade trees and light-colored surfaces can offset or reverse the heat island and conserve energy. Implementation of heat island mitigation measures see <https://www.epa.gov/heatislands> & <https://www.epa.gov/heatislands/using-trees-and-vegetation-reduce-heat-islands>

## **Existing traffic is STILL an issue**

Mills College at Northeastern University needs to continue to reduce its carbon footprint by encouraging sustainable practices on the campus property. While efforts have been made to reduce the footprint caused by utility usage, transportation practices have contributed to a considerable portion of the College's environmental impact but have yet to be addressed.



## RE: Housing element labor language approval

Harvey McKeon [REDACTED]

Tue 1/10/2023 9:27 AM

To: Lieberworth, Audrey <ALieberworth@oaklandca.gov>

Cc: Rajagopalan, Lakshmi <LRajagopalan@oaklandca.gov>; General Plan <generalplan@oaklandca.gov>

Good morning,

Following up on the below. I'd also like to point out that beyond the language I've proposed below, other cities are going further with the labor language they are including in their housing element.

Redwood City has included the following labor language in their latest Housing Element draft:

***POLICY H-5.7:** Encourage developers and contractors to evaluate hiring local labor, hiring from or contributing to apprenticeship programs, increasing resources for labor compliance, and providing living wages.*

(Page 49: [00\\_RWC\\_HE-1-6-23.pdf \(welcomehomerwc.org\)](#))

From my conversations with the HCD, I believe that remaining silent on labor supply could even prove to be an eventual impediment to housing production.

I look forward to hearing how Oakland is addressing the labor question in its housing element.

Harvey

---

**From:** Harvey McKeon

**Sent:** Thursday, January 5, 2023 10:17 AM

**To:** 'Lieberworth, Audrey' <ALieberworth@oaklandca.gov>

**Cc:** Rajagopalan, Lakshmi <LRajagopalan@oaklandca.gov>; General Plan <generalplan@oaklandca.gov>

**Subject:** Housing element labor language approval

**Importance:** High

Happy new year Audrey,

Following up on our previous discussions regarding the potential inclusion of some labor language in the Oakland housing element.

To recap, we foresaw language that addressed the labor shortage issue in residential construction, and which makes no qualitative judgement on labor standards, but simply acknowledges policymaking will be needed in this area in the future in order to ensure the labor supply necessary to meet RHNA goals. That language would look something like the below:

The issue of availability of an adequate construction workforce has been found in a ABAG survey of member jurisdictions to be a top-tier constraint for building additional housing. As such, the City supports labor standards conducive to ensuring the reliable supply of quality construction labor necessary to complete the growing number of residential projects foreseen by this Cycle's RHNA in a timely manner, without labor disputes or costly delays, thereby supporting the City's housing goals and objectives.

We have spoken to HCD staff, including reviewers for individual cities, and they have no legal issue with this language. In fact, to the contrary, this language actually seeks to meaningfully engage with a key

impediment to housing production (labor shortages). HCD staff can reaffirm this to you directly.

Please let me know if the City of Oakland can still include this language in their housing element constraints analysis. Please of course reach out if you would like to discuss this further over the phone.

Thank you,  
Harvey

---

**From:** Lieberworth, Audrey <[ALieberworth@oaklandca.gov](mailto:ALieberworth@oaklandca.gov)>  
**Sent:** Thursday, October 6, 2022 2:23 PM  
**To:** Harvey McKeon [REDACTED]  
**Cc:** Rajagopalan, Lakshmi <[LRajagopalan@oaklandca.gov](mailto:LRajagopalan@oaklandca.gov)>; General Plan <[generalplan@oaklandca.gov](mailto:generalplan@oaklandca.gov)>  
**Subject:** Re: Comments regarding Updated Oakland Housing Element

Hi Harvey,

Are you available to check in anytime between 9-11am next Wednesday, October 12<sup>th</sup>? I can send you a Zoom or Teams invite - let me know which one you would prefer. Thanks.

- Audrey

---

**From:** Harvey McKeon [REDACTED]  
**Sent:** Thursday, October 6, 2022 2:15 PM  
**To:** Lieberworth, Audrey <[ALieberworth@oaklandca.gov](mailto:ALieberworth@oaklandca.gov)>  
**Cc:** Rajagopalan, Lakshmi <[LRajagopalan@oaklandca.gov](mailto:LRajagopalan@oaklandca.gov)>  
**Subject:** RE: Comments regarding Updated Oakland Housing Element

Hi Audrey,

I just wanted to briefly discuss the housing element's analysis of labor constraints, and let you know how we have been working with other cities and the HCD in regards to this portion of the housing element update.

I don't think it is appropriate for me to write that all down in an email. So, if you can make some time for an approx. ten minute conversation in the next week or so that would be great.

Thanks,  
Harvey

---

**From:** Lieberworth, Audrey <[ALieberworth@oaklandca.gov](mailto:ALieberworth@oaklandca.gov)>  
**Sent:** Thursday, October 6, 2022 2:13 PM  
**To:** Harvey McKeon [REDACTED]  
**Cc:** Rajagopalan, Lakshmi <[LRajagopalan@oaklandca.gov](mailto:LRajagopalan@oaklandca.gov)>  
**Subject:** Re: Comments regarding Updated Oakland Housing Element

Hi Harvey,

Thank you for your message! I am in back to back meetings today (10/6) and tomorrow (10/7). Could you please send me your questions via email? I will try to respond between meetings.

- Audrey

---

**From:** Harvey McKeon [REDACTED]  
[REDACTED] October 6, 2022 1:04 PM  
**To:** Lieberworth, Audrey <[ALieberworth@oaklandca.gov](mailto:ALieberworth@oaklandca.gov)>  
**Subject:** RE: Comments regarding Updated Oakland Housing Element

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Dear Ms. Audrey Lieberworth,

My name is Harvey McKeon – I work in research and policy at the Nor Cal Carpenters Union.

Could you please give me a quick call at your convenience on [REDACTED]

I have been trying to reach you by phone. I have a few quick questions if you wouldn't mind speaking to me regarding Oakland's housing element process.

Many thanks,  
Harvey McKeon

---

**From:** Harvey McKeon  
**Sent:** Friday, June 10, 2022 3:34 PM  
**To:** 'generalplan@oaklandca.gov' <[generalplan@oaklandca.gov](mailto:generalplan@oaklandca.gov)>  
**Cc:** 'cityclerk@oaklandca.gov' <[cityclerk@oaklandca.gov](mailto:cityclerk@oaklandca.gov)>  
**Subject:** Comments regarding Updated Oakland Housing Element  
**Importance:** High

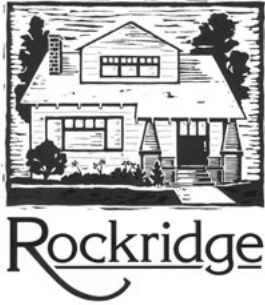
To Whom It May Concern,

Please find attached a letter with comments regarding the updated Oakland Housing Element. This is sent on behalf of Carpenters Local Union 713.

Thank you in advance for considering this submission. Please reach out if there are any questions whatsoever.

Yours sincerely,  
Harvey McKeon

**Harvey McKeon**  
**Field Representative**  
**Nor Cal Carpenters Union**



Oakland Planning Commission  
[By Email]

Re: Adoption of Final City of Oakland Housing Element

January 10, 2023

Dear Planning Commissioners:

The Rockridge Community Planning Council (RCPC) is supportive of the latest draft of the City of Oakland Housing Element and urges the Planning Commission to recommend adoption of the Element to the City Council, with one recommended change and one noted concern as outlined below.

RCPC is appreciative of the addition of the Ridge site to the Element's inventory of housing sites. We are supportive of the upzoning of the College Avenue Transit Corridor to facilitate potential development of upper story housing there in the future. We are also supportive of higher heights proposed for the Rockridge BART station site, as BART, the City and neighborhood stakeholders begin the process of discussing a potential housing development project there.

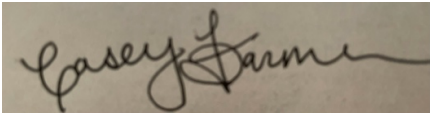
We note and are supportive of the proposal to increase the permitted density in most of Rockridge's residential areas to an RM-4 zone. However, we note that some areas of Rockridge are only proposed for RM-3 or less. We don't understand the reason for this discrepancy and would like the whole area to be moved to RM-4.

In addition, with respect to the Ridge site we call the Commission's attention to Action 3.4.10 on page 88 of the draft. This zoning implementation action would require sites included on the Housing Sites Inventory to be developed as majority-residential use. We very much appreciate this, as it would alleviate our worry that this critical site could be developed with an inappropriate non-residential use. However, the concern here is that it may take a number of months or even years for the Council to adopt this zoning change and in the meantime a currently code-compliant non-residential use could be proposed for the site. We urge the

Commission to recommend to the Council some means of protecting the Ridge site as a housing site in the short term.

We extend our thanks to the Planning Department staff for a difficult job well done!

Sincerely,



Casey Farmer  
Chair, RCPC Board of Directors

*Kenneth Rich*

Ken Rich  
Chair, RCPC Land Use Committee

## **RCPC Specific Comments and Questions on CCA Proposal 8-1-22**

### **Development and Amenities Program:**

1. Please specify the unit types, count and distribution of unit types by percentage. Also, it is unclear as to where the townhouses are located.
2. What are the anticipated commercial uses along Broadway within the building and in the courtyard entered via the Carriage Gate and/or the Clifton side of Building A?
3. What are the uses intended for Macky Hall and Carriage House? Will any of this space be made available to the community for scheduled activities?
4. What is envisioned for programmed activities within the meadow area and open space?
5. Will the program in the amenity wing of the upper building be accessible to the community?
6. Does this amenity program interact with the public space in ways other than visually?

### **Urban Form and Architectural Character:**

The CCA site sits at College Avenue's southern terminus, linking Rockridge to UC Berkeley, where each educational institution has contributed significantly to the American Arts and Craft Movement and the Northern California/Bay Regional Style with its multiple reinterpretations. As the guidelines indicate, these traditions are at the heart of Rockridge's character and quality as a place. In addition to the site's dramatic topography, it is located at the termination point of the Broadway commercial corridor, which then splits into two residential boulevards, where height limits drop significantly, as they do on College Avenue. Thus, the project must negotiate these architectural and urban form transitions with grace and respect, feeling new, yet fitting gracefully into the context.

This is not a generic housing site. As such, it calls for an urban form and architectural character that respects and responds to its presence and position in the urban fabric, the City's history, the architectural traditions of the region, and the sustainable environmental aspirations of the State. Hopefully, this project's response to context will serve as a model for other sites in and adjacent to our neighborhood.

We would like to continue working with you on the following aspects of the project's overall urban form:

- 1) Relationship of the project to adjacent existing buildings and potential future development sites such as the Ridge
- 2) Height and setback relationships between Building B and the adjacent apartment buildings

- 3) Relationship between the project and the existing developed portion of the Ridge Shopping Center and how they might be connected in the future, as the present design concept makes no connection.
- 4) Heights, setbacks and massing of the building along the Broadway frontage

### **Architectural Character**

We also have continuing concern and interest in the following issues of the project's architectural design. In general, the modulation of the buildings' facades has improved the overall aesthetics of the building to create a base-middle-top composition as articulated in the guidelines. This is further enhanced by changes in materials, though the precise nature and character of these materials is to be determined. Further development is needed to make these buildings worthy of their unique setting and consistent in character and quality with the architectural traditions of the region. We would like to continue a dialog with the project sponsor focusing on:

- 1) Ensuring that the building facades do not appear too industrial or "boxy"
- 2) Enriching the facades with some sort of three-dimensional window treatment and/or balconies
- 3) Adequately screening rooftop mechanical structures

### **Landscape and Streetscape:**

- 1) Can tall growing trees be planted between Macky Hall and the 90' tall façade that looms behind it to enhance its context as the focal point of the meadow?
- 2) Could benches be inset along the historic wall and the sidewalk be widened to accommodate the heavy pedestrian flows?
- 3) Could the wall be illuminated to enhance its landmark role and improve neighborhood safety?
- 4) How will streetscape and site lighting be handled?
  - a) This is important, as this section of Broadway can feel dark and unsafe in the evenings, particularly along the long concrete wall, where the few streetlights are buried in the trees.
  - b) Will the pathway and meadow area be publicly accessible and illuminated in the evenings?
  - c) Will Macky Hall and the Carriage House receive enhanced illumination?
- 5) How does this project truly connect to the history of the site? Other than preservation of a few artifacts from the CCA site, what other actions could be taken to tie this development back to the site's historic relevance to the Bay Area artworld?
  - a) Could there be sites for commissioned sculptures, or exhibits incorporated into the landscape?
  - b) Could some of the blank ground floor walls along Clifton become commissioned murals?

- c) Could the courtyards and walkways within the site also be opportunities to tell the story of the site or the arts community that arose here?

### **Sustainability and Resilience**

These characteristics of the project are not mentioned in either the site guidelines or the conceptual design presentation, yet we note that California energy codes are among the most advanced in the world, and we are amid a historic drought.

What are the sustainability and resiliency goals of this project and how will they be achieved?

- 1) Could and will this be a Zero Net Energy (ZNE) - Zero Carbon Building?
- 2) Will there be on-site grey water harvesting or storm water collection?
- 3) Will the project seek LEED or other environmental performance third-party certifications?
- 4) Could the Meadow and surrounding tree groves serve as stormwater retention areas?

### **Emergency Access:**

- 1) A full review by the Fire Marshal and Fire Department is warranted
- 2) How is fire access being managed to ensure that multiple emergency vehicles and fleeing residents can be accommodated via a single entrance and exit along the Paseo and Clifton?
- 3) Will fire-fighters be willing to enter the narrow passage between two buildings or scale up the slope from Broadway to reach the interior of the site?

### **Transit and Ride-Share Access:**

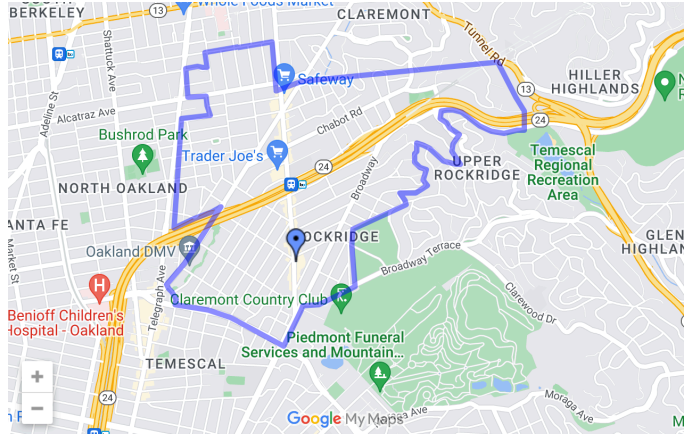
- 1) How do service and ride-share vehicles access, park and leave the site?
- 2) What are the intended intersection improvements at the intersection of Clifton and Broadway, as this area is already severely congested due to multiple signaled intersections?

How will the bus stops be improved to provide seating and shelter at the base of the wall along an exceedingly narrow sidewalk for the current and anticipated pedestrian traffic load?

### **Errata:**

We would appreciate your correction of Rockridge's boundaries in the context diagram on Page 7.







January 11, 2023

*By electronic transmission*

Oakland City Planning Commission  
250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612

**Subject: November 2022 Revised Draft Housing Element**

Dear Chair Fearn and City Planning Commissioners:

The following comments modify and expand upon our December 6, 2022 comments to the general plan team that were also previously provided to you. The changes are limited to Items A.1 and A.2.

**A. Housing Element main document.**

1. The 11/22 draft now commits the City to specific zoning revisions in specific areas, such as Action 3.2.1's provision for reducing minimum lot sizes in Detached Unit and Mixed Housing Type Residential Zones to 2000 ft.<sup>2</sup>. These kinds of provisions are appropriate to state in general terms as part of a General Plan element and/or as proposals for consideration, but when presented with the draft's level of specificity causes the draft to read more as a zoning ordinance rather than a general plan element. Such levels of specificity should be normally reserved for the zoning amendments.

**The statements committing the City to specific zoning revisions should therefore be revised so they don't read as commitments but rather as proposals subject to review and refinement as part of the ordinances implementing the zoning amendments,** using words such as "consider" and/or "may" rather than "will", thereby reserving the final determination of whether to proceed with these changes to the ordinances implementing the zoning amendments.

Related to this, the preliminary draft zoning amendments in Appendix J should be understood as just that – a preliminary draft that the City has not yet committed to.

**Action 3.4.1, Bullet 8 regarding Appendix J should reflect this by adding "preliminary draft" before "proposal".**

See attached marked-up pages from the Housing Element and Appendix J for specific wording reflecting the above.

2. **The environmental determination that adoption of the Housing Element is exempt from the California Environmental Quality Act (CEQA) is inappropriate.** The 11/22 draft’s commitment to specific zoning revisions as discussed in Item A .1 above allowing denser development will result in a variety of substantial adverse impacts as defined by CEQA, including but not limited to, conversion of pervious to impervious surfaces (increasing stormwater runoff and straining the capacity of the City’s already overtaxed storm sewer system), the architectural integrity of CEQA–defined historical resources (including historic districts and neighborhoods), and reductions in the urban tree canopy, impairing air quality and wildlife habitat.

However, it is our understanding that an Environmental Impact Report (EIR) will be prepared for the zoning amendments implementing the Housing Element, rather than for the Housing Element itself. Therefore, if the 11/22 draft language committing the City to specific zoning amendments is revised as recommended in Item A.1, the zoning amendment EIR can be relied on for CEQA purposes and the Housing Element’s environmental determination should therefore refer to the zoning amendment’s EIR as part of the Housing Element’s exemption determination.

See also the environmental review discussion regarding ministerial approval in Item A.3 below.

3. Action 3.4.3 states that, among other things, Action 3.4.8 will “create objective design review standards and... allow for streamlined ministerial approval”. However, Action 3.4.8 actually provides only for objective design standards and says nothing about ministerial approval. **The term “ministerial approval” needs to be explained.** It often means over the counter approval, with no public notification, review or appeal. But **there still needs to be public notification and review to help ensure that staff application of objective standards is performed correctly.** OHA reviews numerous design review applications and has found many cases where existing zoning standards and/or design review criteria were not applied correctly or fell through the cracks.

In addition, “ministerial approval” indicates that such projects are exempt from environmental review. Such projects if located in historic areas could adversely impact the architectural integrity of these areas, which would normally constitute a “significant effect” under CEQA. **Therefore, if no project level environmental review will be conducted for ministerial projects, the environmental impacts of such projects must be considered as part of the Housing Element** which enables the projects, or at least in conjunction with the zoning amendments to implement the Housing Element. **If no EIR or negative declaration will be prepared for the Housing Element, Housing Element provisions such as requiring ministerial approval of projects must be presented with sufficient generality and caveats to clearly communicate that these provisions are subject to the zoning amendments or other follow up regulatory action that receives environmental review.**

4. **Use alpha-numeric designations to facilitate reference, rather than bullets**, especially for provisions that are part of the Goal/Policy/Action statements such as Actions 3.4.1, 4.1.4 and 5.2.9.

## **B. Specific problematic provisions in Appendix J.**

1. **Retain the existing two-tiered height limit system of wall height plus greater roof height in all zones.** For some zones, Appendix J proposes to replace the two-tiered system with a single overall height limit. Retaining the two-tiered system in residential zones is important in order to minimize the visual bulk of larger buildings, especially if there is no discretionary design review.
2. In many residential zones, reductions in front setbacks are proposed. **Front setback reductions should not be applied if the reduced setbacks are less than the prevailing front setback of the block face.** Otherwise new development will literally “stick out” and architecturally disrupt the streetscape. Existing provisions that allow reduced setbacks for new construction or front additions where adjacent buildings already have reduced setbacks should continue to be relied on.
3. **Retain the conditional use permit requirements for projects with five or more regular units**, since projects with five or more regular units allowed by right are eligible for a density bonus under the State Density Bonus Law that can trigger waivers and concessions for height limits, setbacks and other standards, potentially resulting in architectural disruptions to existing neighborhoods. 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. Some or all of the ADUs could be designated as deed-restricted affordable, accomplishing the State Density Bonus Law objective.
4. **Table 2 – Commercial Zone Height Limits.** Retain existing height limits in Areas of Primary and Secondary Importance (APIs and ASIs). In most cases, the existing limits were structured to avoid out-of-scale new buildings.
5. **Figure 3 – Downtown Oakland Specific Plan (DOSP) proposed height changes.** This map essentially preempts the height limit discussion that has been ongoing for five years as part of the DOSP and is intimately tied into other important DOSP initiatives, such as the transferable development rights and zoning incentive programs. The Housing Element zoning amendments should defer to the DOSP regarding height limits within the DOSP area.
6. **Affordable Housing Overlay (AHO) zone.** It is good that the AHO zone would not apply to City, state and federal historic landmarks and the height additions would not apply to APIs. However, in addition, the AHO should not apply to APIs and ASIs, since the unlimited residential density provision will make all parcels eligible for the State Density Bonus Law. As discussed in Item B.3 above, this would enable greater heights

than otherwise allowed, incentivizing disruption of APIs and ASIs architecturally, and potentially incentivizing demolition.

**If unlimited density is desired in APIs and ASIs as part of the AHO program, it should be limited within APIs and ASIs to units within existing buildings, at least in lower density zones, and to no more than four regular units per parcel, plus perhaps unlimited ADUs.**

The AHO height changes for the DOSP area should be considered as part of the DOSP process, rather than as part of the Housing Element. The Housing Element can include a provision stating this.

Thank you for the opportunity to comment. Please contact Christopher Buckley at (510) 523-0411 or [cbuckleyaicp@att.net](mailto:cbuckleyaicp@att.net) or Naomi Schiff at (510) 835-1819 or [Naomi@17th.com](mailto:Naomi@17th.com) if you would like to discuss these comments.

Sincerely,



Mary Harper  
President

Attachment: Marked-up pages from the 11-22 Draft Housing Element and Appendix J.

CC: William Gilchrist, Ed Manasse, General Plan Team, Lakshmi Rajagopalan, Audrey Lieberworth, Catherine Payne, Karen August, Betty Marvin, City Council, Landmarks Preservation Advisory Board

City of Oakland Housing Element Update: 2023-2031

The Oakland Housing Authority will continue targeting vouchers to support the development of extremely-low-income Housing through the award of project-based vouchers and/or other Oakland Housing Authority funds.

**Responsible Agency:** *Oakland Housing Authority*

**Timeline:** *Ongoing, 2023-2031*

**Potential Funding Source:** *Federal Section 8 vouchers, VASH vouchers, and/or other Oakland Housing Authority funds.*

**Objective:** *As vouchers or funds are available, at least 20 percent of units in assisted developments will be deed restricted as extremely-low-income.*

### **POLICY 3.2 CREATE A MORE DIVERSE MIX OF HOMES TO MEET COMMUNITY NEEDS**

**Action 3.2.1: Develop zoning standards to encourage missing middle and multi-unit housing types in currently single-family-dominated neighborhoods, including flats, duplexes, triplexes, fourplexes, townhomes/rowhouses, and ADUs.**

The City will review and amend the Planning Code and implement objective design standards to encourage missing middle-density housing typologies, including flats, duplexes, multiplexes (triplexes, and fourplexes), bungalow courts, rowhouses/townhomes, and ADUs. The City will work to reduce pre-development costs and expedite the planning approval process for missing middle housing types resulting from both new construction and the conversion of existing structures.

The City will develop zoning standards that allow for two, three, and four units on parcels in Detached Unit Residential (RD) Zones and additional multi-unit housing types in Mixed Housing Type Residential (RM) Zones. The City will also ~~reduce~~ the minimum lot size in Detached Unit Residential and Mixed Housing Type Residential lots to 2,000 square feet to remove constraints on lot splitting. The City will permit a variety of building types (attached, detached, bungalow courts) to maximize flexibility, neighborhood scale and potential opportunities for homeownership (split lots and condominiums) in parallel with Policy 3.4 and Policy 5.1. See Appendix J for a summary of missing middle zoning amendments.

Under Action 3.4.1, the City will revise development standards, including allowable building heights, densities, open space and setbacks requirements.

Under Action 3.4.8, the City will develop objective design standards at the neighborhood level to ensure that multi-unit neighborhood scale housing types designed in a manner that is compatible with the scale of existing residential housing forms in these zoning districts is permitted ministerially.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees, SB2 Grant for Objective Design Standards*

**Timeframe:** *June - July 2023*

Consider reducing

possible

and architectural character

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *Mid-cycle (2027)*

**Objective:** *Identify and monitor adequate sites available for development, and increase the baseline of affordable units in high-resource areas.*

## **POLICY 3.4. REFORM ZONING AND LAND USE TO ADDRESS COMMUNITY PRIORITIES**

**Action 3.4.1: Revise development standards, including allowable building heights, densities, open space and setback requirements.**

The City will allow additional building heights and densities in certain corridors and districts. These changes include:

- **Zoning for diverse housing types:** *may* As discussed in Action 3.2.1, the City will develop revised zoning standards for a diversity of housing types in lower density neighborhoods, including but not limited to duplexes, triplexes, and fourplexes in zoning districts such as the RD Detached Unit Residential, RM Mixed Housing Type Residential, and RU-1 and RU-2 Urban Residential Zones. Zoning changes will include revised standards for building heights, densities, open space, lot coverage, and setbacks. The City will also reduce minimum lot sizes to facilitate the subdivision of existing lots. The City will permit a variety of building types (attached, detached, bungalow courts) to maximize flexibility and potential opportunities for home ownership (split lots and condominiums). *To the extent required by State law*
- **Elimination of Conditional Use Permits for Density:** Under Action 3.4.3, the City will also eliminate all conditionally permitted densities throughout Planning Code to permit multi-unit buildings according to objective criteria such as by building type and development size, without subjecting multi-unit residential projects to CUPs.
- **Objective Design Standards:** Under Action 3.4.8, the City will also develop objective design standards at the neighborhood level to ensure that such missing-middle housing is designed in a manner that is compatible with existing residential housing forms in these zoning districts.
- **Increased Heights and Densities along Corridors:** The current building height map and permitted densities along key corridors such as International, Foothill, College, Claremont, and MacArthur Boulevards does not always allow residential projects to meet their full potential. Consistent with the housing sites map, the City will undertake zoning map revisions to allow increased heights and densities. The City will also increase heights and densities on interior residential streets within close walking distance of key corridors.
- **Increased Heights and Densities in Transit-proximate areas:** Alongside efforts to increase missing-middle housing (see Action 3.2.1), the City will increase allowed height and density in areas in close proximity to high-capacity transit, including areas near Rockridge BART and International Boulevard BRT Stations.
- **Increased Heights and Densities in Resource-rich areas:** Oakland's high resource neighborhoods are typically lower-density and have historically been exclusive – both economically and racially. Allowing higher density multi-unit buildings in these areas that are rich in services will help increase the competitiveness of affordable housing projects for State funding, as well as the feasibility of developing significant numbers of housing units within these neighborhoods. Zoning

changes ~~will~~ include permitting residential densities above 30 dwelling units per acre by right in designated areas for affordable housing projects and height increases along College and Claremont Avenue. This will help further fair housing objectives by increasing the availability of affordable housing, in high resource areas.

- **Utilizing Senate Bill 10 Provisions:** Under Senate Bill 10 (Weiner) provisions, the City will identify parcels located in transit-rich areas and/or in Racially Concentrated Areas of Affluence (RCAAs) to allow up to ten units of residential density and increased heights, and provide additional opportunity for infill housing within high-resource areas. *being considered*
- See Appendix J for the City's ~~proposed~~ rezoning changes to increase housing production capacity and unlock additional opportunities for affordable and "missing middle" housing in high-resource neighborhoods and affirmatively further fair housing by opening up exclusionary neighborhoods such as Rockridge, Trestle Glen, and Crocker Highlands.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *June-July 2023*

**Objective:** *Reduce constraints to development to significantly increase production of housing to match housing need. Create additional opportunities for development along transit-rich areas and in urban infill sites to significantly increase production of housing to match housing need and to affirmatively further fair housing.*

### **Action 3.4.2: Study the Relationship Between Zoning and Racial Segregation as Part of the Phase 2 General Plan Update.**

The City is updating the 2023-2031 Housing Element as part of a comprehensive update to the General Plan. The General Plan Update (GPU) is undertaken in two phases in order to meet deadlines mandated by State law. Phase 1 focuses on updates to the Housing and Safety Elements, as well as preparation of a Racial Equity Impact Analysis, Zoning Code and Map update, and creation of a new Environmental Justice (EJ) Element. Subsequently, Phase 2 will include the update of the Land Use and Transportation (LUTE) Element; Open Space, Conservation and Recreation (OSCAR) Element; Noise Element, and the creation of a new Infrastructure and Facilities Element which are slated to be completed by the end of 2025.

As part of the LUTE update, the City will study the impact of historic and contemporary zoning restrictions, especially single-family zoning, on ongoing patterns of racial segregation. Existing data on historic zoning patterns highlights the racial disparities in homeownership and rental patterns. The City will utilize this study to direct zoning changes in the LUTE as part of Phase 2 of the GPU.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *Study complete by mid-2025*

**Objective:** *Through this study, inform zoning and land use designation changes to promote inclusive, equitable and diverse housing patterns.*



# Appendix J. Summary of Preliminary Draft Missing Middle, Other Planning Code Amendments, and Zoning Map Amendments to Facilitate More Housing Proposal

are currently proposed to

preliminary draft

As part of its Housing Action Plan, the City has identified several zoning reforms that would further increase housing production capacity and unlock additional opportunities for affordable and “missing middle” housing in high resource neighborhoods and affirmatively further fair housing by opening up exclusionary neighborhoods, and reducing the exposure to air pollution, toxic and other environmental hazards in environmental justice communities. Below is a summary of the proposed rezonings from the Housing Action Plan that will go to City Council for adoption in June/July of 2023. The proposed changes are also available as an interactive map and

## PURPOSE

subject to revision based on further analysis and comments from the City Planning Commission, Landmarks Preservation Advisory Board, City Council and general public.

The proposed missing-middle and other related Planning Code amendments will encourage a diversity of housing types such as flats, duplexes, triplexes, fourplexes, townhomes/rowhouses, and accessory dwelling units (ADUs) in currently single-family-dominated neighborhoods, and along corridors, transit-proximate areas, and high resource neighborhoods and remove constraints on the development of housing. The City is also proposing two overlay zones:

1. Affordable Housing Overlay (AHO) Zone: The proposed Affordable Housing Overlay (AHO) Zone is intended to create and preserve affordable housing restricted for extremely low, very low, low, and/or moderate-income households (as defined in California Government Health and Safety Code Sections 50093, 50105, and 50106 50052.5 and in Oakland Planning Code Section 17.107.020). By-right approvals for 100% affordable housing projects will apply in the AHO Zone.
2. Housing Sites Overlay Zone: The City is proposing through Action 3.4.10 to permit sites identified in the 4th and 5th RHNA cycles as part of the Housing Element’s Housing Sites Inventory (identified in Table C-26 in Appendix C) that build 20 percent or more of the units as affordable to lower-income households to be subject to by-right approval. In addition, the City will also look at ways to incentivize developers to build affordable housing on newly included sites identified through the 6th RHNA cycle in the Housing Sites Overlay. This could include by-right approval and/or other incentives to be further evaluated. All parcels within the Housing Sites Overlay Zone (whether they were in the 4th or 5th cycles or new in the 6th RHNA cycle), if redeveloped, will be required to be developed as a majority-residential use. A 100% non-residential use will not be allowed in this overlay.

The proposed missing-middle Planning Code amendments will:

- Reduce minimum lot size and setback standards where appropriate throughout the Planning Code to facilitate small lot development.