



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

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# 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**

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**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.

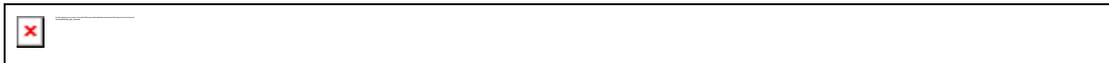
While Rockridge and North Oakland are being targeted (rightly) for additional housing density, the MacArthur Blvd Corridor in East Oakland (near Laurel and Dimond) neighborhoods are not being targeted for almost any additional density. This corridor is well served by numerous local and transbay bus lines, 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,

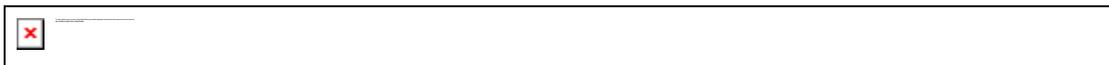
Ryan Lester

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?

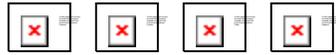
For more information and to find out how to get involved, visit the [General Plan Update website](#) or please contact Lakshmi Rajagopalan at [generalplan@oaklandca.gov](mailto:generalplan@oaklandca.gov).

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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

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Ryan Lester

## Rajagopalan, Lakshmi

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**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.

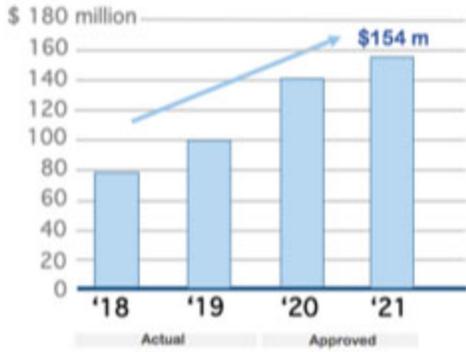
Source: Fiscal Year 2021 Budget and Financial Plans – Congressional submission – Government of the District of Columbia

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**

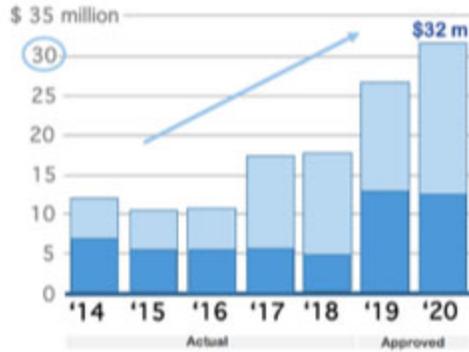
**Down Payment Assistance in DC: \$30+ million**



**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



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.

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## 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

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**“Berkeley denounces racist history of single-family zoning, begins 2-year process to change general plan”**

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**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 \(PAVE\)](#)**

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**California Panel Sizes Up Reparation for Black Citizens**

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**Reparations could include tuition, housing grants, California task force say**

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**In East Palo Alto, residents say tech companies have created ‘a semi-feudal society’**

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## Rajagopalan, Lakshmi

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**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.

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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

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**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.

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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.**

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**[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.**

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**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>

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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!

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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.

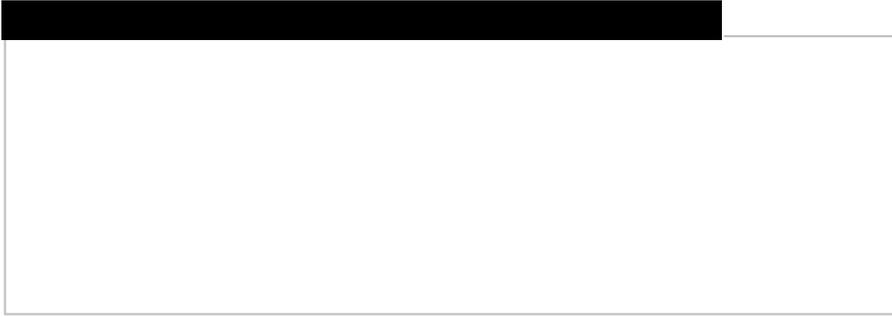
Please remove TOPA and COPA from Oakland’s Housing Element – It’s still there on p. 66 of the Housing Element draft.

Thank you kindly,

Darryl--

**Darryl Glass, Broker-Associate, Realtor®, CCRM**

[REDACTED]



[Redacted text]

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.

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### **Action 2.2.8: Investigate a Tenant/ Community Opportunity to Purchase Act**

#### **Background**

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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.

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**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 More

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

ⓘ [REDACTED]

LJ

**Louis J. Goodman** [REDACTED]

To: General Plan

👍   ↩️   ↩️   ➡️   ⋮

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

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## 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.

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<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.

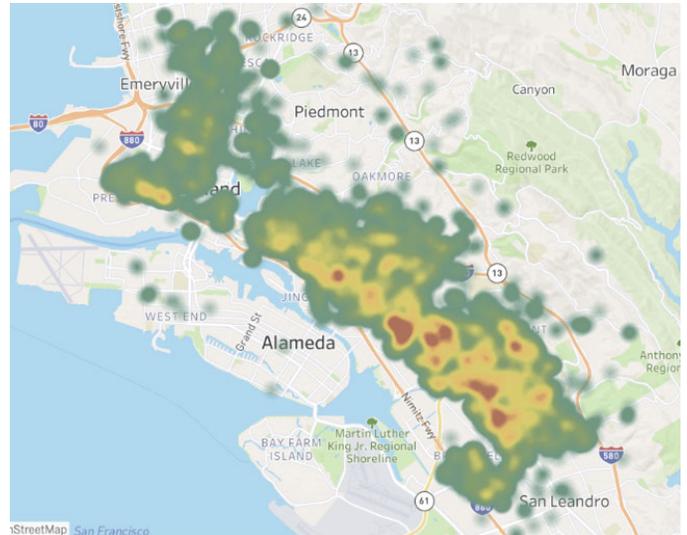
### III. The Why

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

simultaneously connected, and the number of computers accessible in the multi-tenant building).

- c. Regular reporting of broadband conditions:** This information aforementioned should be reported every 5 years in order to determine the possible impact of corrosion and deterioration.
- 4. Community Organization Outreach:** Franchisee shall confer with the City to identify eligible Community Organizations and perform outreach. Following the initial ten (10) year service term, the Community Organization may continue to subscribe to some or all of the Services that Franchisee offers to similar Subscribers at then-current rates for such Services. The City understands and acknowledges that Franchisee's System design and construction plans will be based on the optimal deployment of the System for residential services.



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   
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.

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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

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**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

Wed 12/28/2022 5:57 PM

Cc: Fortunato Bas, Nikki

[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](mailto:savagelucia@gmail.com)  
415-505-2880 (mobile)

## 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.**

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**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

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## 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>			
<b>Owner-occupied housing units</b>	<b>42.6%</b>	<b>72,661</b>	<b>6,949</b>	<b>79,610</b>			
<b>Renter-occupied housing units</b>	<b>57.4%</b>	<b>97,705</b>	<b>9,345</b>	<b>107,050</b>	<b>88,215</b>	<b>18,835</b>	<b>17.6%</b>
<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>	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

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?q=Oakland,%20ca&t=Homeownership%20Rate&tid=ACSDP1Y2021.DP04>

The screenshot shows the Census Bureau's data tool for Oakland, California. The selected table is 'DP04 | SELECTED HOUSING CHARACTERISTICS'. The data is as follows:

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>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.

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## 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 .

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## No to TOPA- bad policy

DO **Dennis OLeary** [REDACTED]       
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

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## 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.”

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## 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

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## 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.

Lakshmi Rajagopalan, AICP, Planner IV

April 14, 2022

Page 4

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,



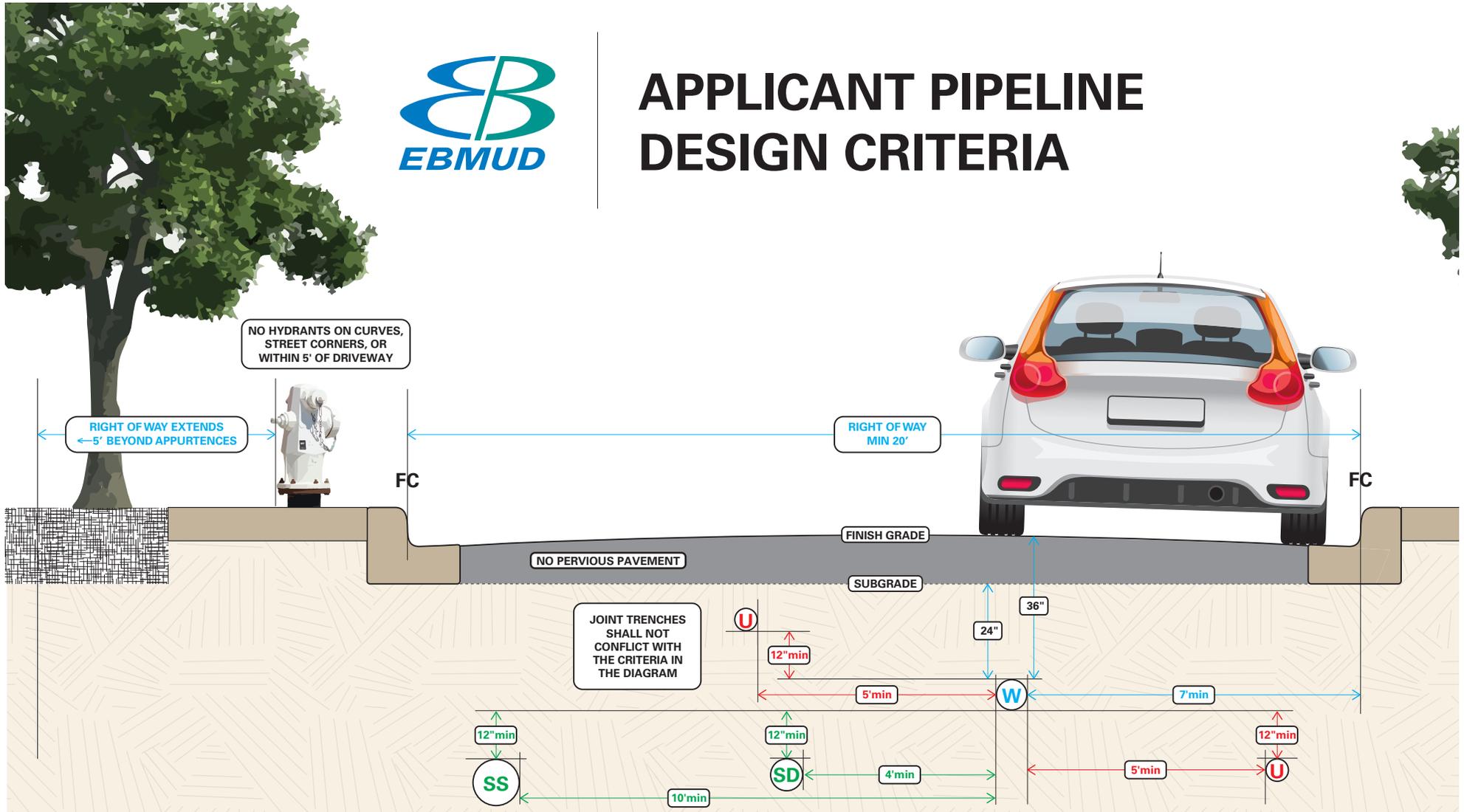
David J. Rehnstrom  
Manager of Water Distribution Planning

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>
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## **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**

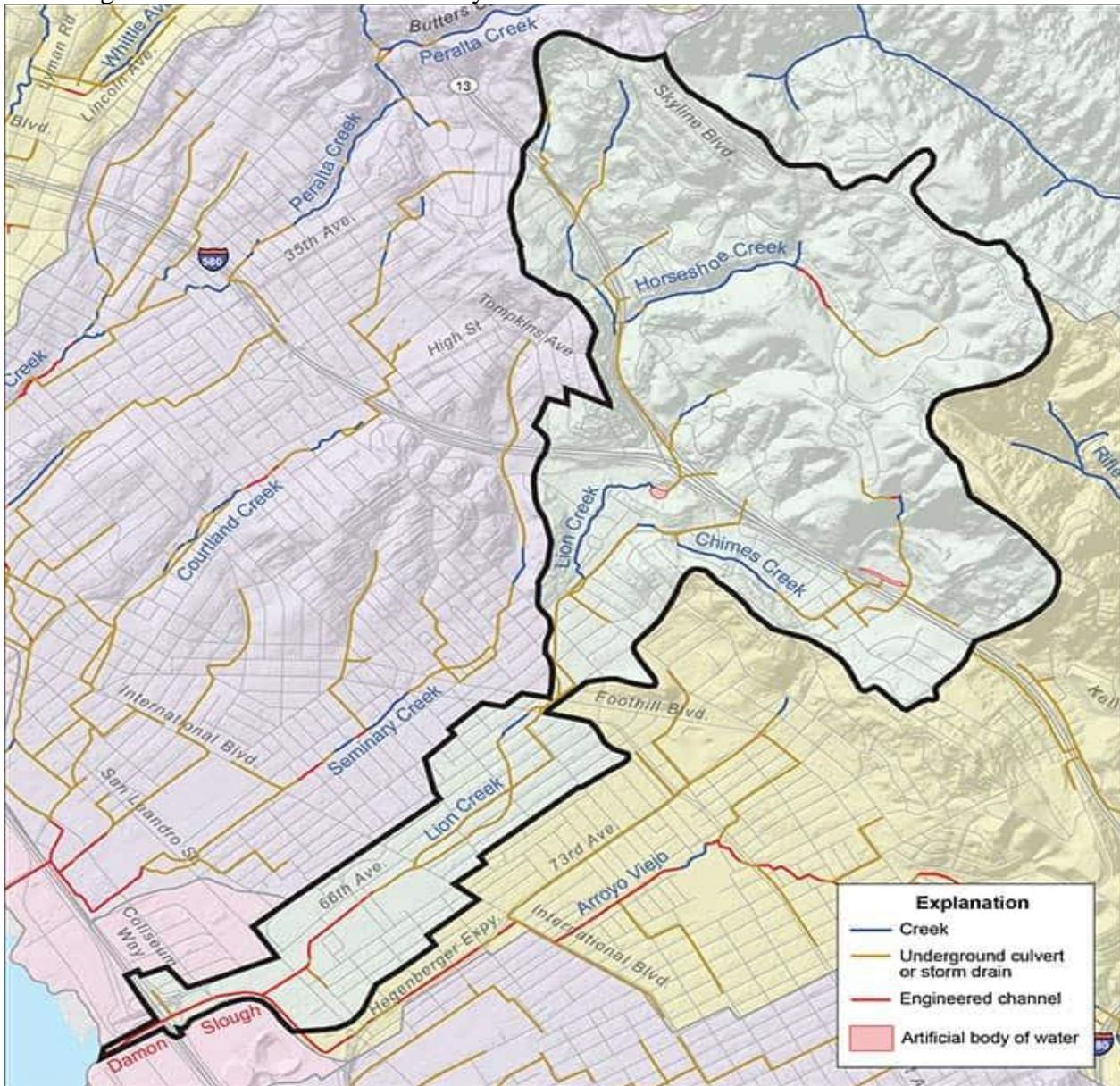
Mills College at Northeastern University, if ever given the opportunity to develop and sell choice sections of the campus to private investors, the integrity of this land parcel will be further diminished. This zoning change will permanently and further damage the ecological services that this parcel 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