

Appendix L – Response to Public Comments

The public comment period for the first Draft 2023-2031 Housing Element began on May 12, 2022. As required by AB 215, the first Draft Housing Element was available for a 30-day public review period, before incorporating public comments and sending the revised first draft to HCD. Based on community feedback and to ensure that the Oakland community had enough time to review and comment, the City kept the first public review draft of the Housing Element available for public comment through the 90-day State HCD review period (June 30 - September 30, 2022). Thank you to all those who submitted public comments and attended public meetings.

Based on community feedback and direction from Councilmembers, staff have prepared a response to comments to illustrate how the revised draft reflects public input received during the 142-day comment period.

A total of 54 comments, comment letters, and emails were received during the comment period. Comments and responses to comments are organized by the date they were received. Each letter or summary is identified by a designator (e.g., “1”). Specific comments within each letter or summary are identified by a designator in the page margin that reflects the sequence of the specific comment within the correspondence (e.g. “1-A” for the first comment in Letter 1). Click the TOC below to jump to a response.

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1	Sid Kapur, YIMBY Law, Greenbelt Alliance	4/21/2022	<p>To meet the 6th cycle RHNA target, the rate of new housing permits in Oakland would need to increase from 2,386 units per year in 2018-2021 to 3,281 units per year in the next 8 years. This is a 38% increase from recent years. If the current pace were to continue, Oakland would meet only 73% of its new housing target.</p> <p>Based on these trends, it is unlikely that Oakland’s existing realistic zoning capacity is sufficient to meet its 6th cycle RHNA target. According to HCD’s Housing Element Site Inventory Guidebook, housing elements must analyze the realistic capacity of their sites, which may include considerations of “[l]ocal or regional track re-cords”, “past production trends”, and “the rate at which similar parcels were developed during the previous planning period”. A housing element that does not include a significant rezoning component is therefore un-likely to be compliant with state law.</p> <p>We urge Oakland to include a major rezoning component in its Housing Element—a rezoning large enough to close the gap between recent housing production trends and the RHNA target. The rezoning should be within existing communities and should comply with the city’s obligation to Affirmatively Further Fair Housing. We also urge Oakland to ease any other constraints, such as discretionary approval processes or impact fees, that may impede the rate of development on your city’s housing sites.</p>	<p>Goals 3 and 5 in Chapter 4 - Housing Action Plan in the 2023-2031 Housing Element seek to close the gap between affordable and market- rate housing production by expanding affordable housing opportunities and promote neighborhood stability and health. Actions under Goals 3 and 5 will increase housing production capacity, unlock additional opportunities for affordable and missing middle housing, and affirmatively further fair housing by opening up high-resource and exclusionary neighborhoods, reducing exposure to air pollution, toxic and other environmental hazards in environmental justice communities, and prioritize improvements to meet the needs of low-resourced and disproportionately burdened communities.</p> <p>These actions will allow zoning for diverse housing types, elimination of Conditional Use Permits (CUPS), implementation of Objective Design Standards, increased heights and densities along corridors such as MacArthur, International, Foothill, College, Claremont, Dimond, increased heights and densities in transit proximate areas such as Rockridge BART, and resource-rich areas such as Rockridge, Trestle Glen, and Crocker Highlands. See Appendix J for the City’s proposed rezoning changes.</p> <p>In addition, the Housing Action Plan also includes actions to address constraints such as discretionary approval processes and impact fees.</p> <p>Specific actions include:- Action 3.2.1: Develop zoning standards to encourage missing middle and multi-unit housing types in currently single-family-dominated neighborhoods, including flats, duplexes, triplexes, fourplexes, townhomes/rowhouses, and ADUs. - Action 3.3.5: Implement an Affordable Housing Overlay - Action 3.3.9: Adjusting or waiving city fees and payment timing for affordable housing developments - Action 3.4.1: Revise development standards, including allowable building heights, densities, open space and setbacks requirements. - Action 3.4.3: Revise Conditional Use Permit (CUP) requirements - Action 3.4.4: Revise citywide parking standards - Action 3.4.5: Revise open space requirements - Action 3.4.8: Implement objective design standards - Action 3.4.10: Implement a Housing Sites Overlay Zone to permit sites included in the Housing Sites Inventory to develop affordable housing by right</p>

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				<ul style="list-style-type: none"> - Action 5.2.8: Encourage new affordable housing in higher resource neighborhoods - Action 5.2.10: Promote the development of mixed-income housing to reduce income-based concentration
2	Dimond Improvement Association	5/17/2022	<p>High Level Goals</p> <ol style="list-style-type: none"> 1. Develop without displacement <ol style="list-style-type: none"> a. Focus upzonings on commercial properties and single-family homes. Do not upzone multifamily buildings that are subject to rent control (i.e. multifamily buildings built before 1983). b. Continue to enforce the Housing Crisis Act of 2019 (SB 330) to ensure that any loss of rent controlled units is met with the addition of a corresponding number of new affordable units. 2. Encourage redevelopment in locations on and near transit lines in and around the Dimond to reduce vehicle miles traveled (VMT). <ol style="list-style-type: none"> a. In general, increase the number of people in the Dimond, but decrease the number of cars 3. Focus on mixed use developments in the Dimond Business District (DBD) and other commercial properties in and around the Dimond 	<p>The City actively enforces SB 330. Please see Action 1.1.11: Enforce the Tenant Right to Return and Action 2.2.5: Extend Local Replacement Unit Provisions.</p> <p>See Response to Letter #1 for actions included in the Housing Action Plan to expand affordable housing opportunities and promoting neighborhood stability and health.</p>
			<p>Focused Goals - Parking</p> <ol style="list-style-type: none"> 1. Eliminate parking minimums for new housing construction in the DBD and all areas in the Dimond within 1 mile of transit stops. 2. Establish parking maximums for new housing developments in the DBD of less than 0.1 parking space per dwelling unit. 3. Establish bicycle parking minimums of 3 spaces per dwelling unit. 	<p>As part of Action 3.4.4: Revise citywide parking standards, the City will eliminate parking minimums within ½ mile of a major transit stop and reduce parking minimums in downtown. The City also establish new parking minimums near BART stations. See Appendix J for the City’s proposed rezoning changes.</p> <p>Comment noted. Staff will coordinate a study of parking maximums in areas beyond downtown and areas near BART as well as increases to bicycle parking minimums citywide as part of the Land Use and Transportation Element (LUTE) update in Phase 2 of the General Plan Update process</p>
			<p>Focused Goals - Zoning</p> <ol style="list-style-type: none"> 4. Establish a base height limit of 55 ft in the DBD <ol style="list-style-type: none"> a. Upzone Opportunity Sites to a max height of 	<p>See Response to Letter #1 for actions included in the Housing Action Plan to expand affordable housing opportunities and promoting neighborhood stability and health.</p>

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			<p>65 ft.</p> <p>b. Make exceptions for rent controlled (built prior to 1983) multifamily housing.</p> <p>c. Structure zoning changes such that newly constructed housing does not interfere with current and future business license permitting requirements (eg., liquor, cannabis dispensary, restaurant licenses, etc).</p> <p>d. Developments seeking additional height and density may do so through the State Density Bonus Law.</p> <p>5. Upzone all transit corridors in and around the Dimond to 55 ft (MacArthur Blvd, Park Blvd, Fruitvale Ave, Lincoln Ave, etc).</p> <p>a. Make exceptions for rent controlled (built prior to 1983) multifamily housing.</p> <p>b. Modify zoning changes to within allowable density limits in high severity fire zones.</p> <p>Small Lots</p> <p>1. Draft clear rules for increasing density on smaller lots with different housing types (eg, apartments, bungalow courts, townhouses, etc), that allow for ministerial approvals.</p> <p>Small Lots</p> <p>2. Allow for six (6) units by-right for any lot that allows ADUs. Allow for ten (10) if two (2) are deed-restricted for affordable housing (subject to fire and building codes).</p> <p>a. Limit public hearings to only one (1) if, and only if, the appearance of the lot is changed from the street view.</p>	
			<p>Small Lots</p> <p>3. Legalize Accessory Commercial Units (ACUs) wherever ADUs are permitted to lower the barrier to entry for small-scale commercial businesses and encourage walkability within neighborhoods.</p> <p>a. Draft rules guiding the permitting process of ACUs that allow for ministerial approvals.</p>	<p>Comment noted. Staff will study this as part of the Land Use and Transportation Element (LUTE) update in Phase 2 of the General Plan Update process</p>

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			<p>b. Limit public hearings to only one (1) if, and only if, the appearance of the lot is changed from the street view.</p> <p>Potential Opportunity Sites for Redevelopment with a focus on Mixed Use</p> <ol style="list-style-type: none"> 1. Empty lot at MacArthur Blvd and Dimond Ave, 2114 MacArthur Blvd 2. Bank of America, 2154 MacArthur Blvd 3. Wells Fargo and Chase Bank, 3450-3438 MacArthur Blvd 4. Giant Burger, 2055 MacArthur Blvd 5. Safeway, 3500 Fruitvale Ave 6. 7-11, 2411 MacArthur Blvd 7. CVS, 3320 Fruitvale Ave 8. Old "Hopkinstown" intersection and strip mall, at MacArthur Blvd and Coolidge Ave (2809-2833 MacArthur Blvd, including 2828 MacArthur, 2846 Georgia St.) 9. Diamond Market building, 2979-2973 MacArthur Blvd 10. Solar Car Wash, 3092 MacArthur Blvd 11. Oakland Imported Cars, 3200 MacArthur Blvd <p>Suggested Project Homekey Sites</p> <ol style="list-style-type: none"> 1. Highlander Motel, 3255 MacArthur Blvd 2. The Oaks Motel, 3250 MacArthur Blvd 	<p>The revised 2023-2031 Housing Element includes these sites as part of Appendix M: Recommended Sites for Future Housing (Upzoning/General Plan Update Opportunity Sites)</p> <p>Oakland Housing and Community Development (Oakland HCD) department will encourage owners to work with sponsors to apply to the City's Homekey RFP due 11/18/22</p>
3	Jesse Boudart	5/19/2022	<p>My general comment for the plan is the following: Remove restrictions / increase incentives for developers and people to construct housing such as large buildings and/or ADUs</p>	<p>See Response to Letter #1 for actions included in the Housing Action Plan to expand affordable housing opportunities and promoting neighborhood stability and health.</p> <p>In addition, the Housing Action Plan also includes actions to address constraints to ADU development through actions in Chapter 4: Housing Action Plan.</p> <p>Specific actions include: Action 3.2.1: Develop zoning standards to encourage missing middle and multi-unit housing types in currently single-family-dominated</p>

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				<p>neighborhoods, including flats, duplexes, triplexes, fourplexes, townhomes/rowhouses, and ADUs.</p> <p>Action 3.4.9: Implement new ADU standards that streamline approvals and address unpermitted units.</p> <p>Action 3.4.8. Implement objective design standards.</p> <p>Action 3.4.10: Implement a Housing Sites Overlay Zone to permit sites included in the Housing Sites Inventory to develop with affordable housing by right</p> <p>Action 3.7.1: Incentivize the development of senior housing and provide financial assistance to developers of housing for seniors and persons with special needs.</p>
4	Derek Sagehorn	5/21/2022	<p>The draft housing element lists 288 9th Avenue (APN 018 046500204) as a low-income site zoned for 254 units. This is park space that contains Township Park and Rocky's Market. Both were built in the past 5 years. Please remove this site from the site inventory. I would encourage you to re-allocate the 254 low-income units to high-resource sites such as the Claremont/College flatiron or new sites like 5354 Claremont Ave.</p>	<p>This site has been removed from the Revised 2023-2031 Housing Element.</p>
5	Bret Peterson	5/22/2022	<p>The draft HE fails to list 3 sites that are mapped on the pg 7 "Housing Sites Inventory" map. These sites are 2441 MacArthur Blvd, 2055 MacArthur Blvd, and 2120 Montana St. 2441 and 2055 MacArthur should be listed as official sites, as they are underutilized lots. Since 2120 is a current gas station, it is unclear if it could be developed in the next 8 years.</p> <p>It is also strange that 2833 MacArthur has been left off the DHE. It is a dying strip mall with vacant storefronts and should be redeveloped for housing to reinvigorate the neighborhood. It is also on the MacArthur transit corridor and across the street from a public school.</p>	<p>Comment noted, see revised Housing Sites Inventory. 2055 MacArthur Blvd and 2120 Montana sites are included in Table C-17. 2441 MacArthur Blvd is an existing single-family residence and is not included in the sites inventory.</p> <p>The revised 2023-2031 Housing Element Housing Inventory includes the 2833 MacArthur site.</p>

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6	Roy Chan, Cultural Affairs Commission	5/23/2022	<p>Theme 1: Live/Work and Work/Live</p> <p>Recommendation 1A: Incentivize the development of affordable live/work and work/live units</p> <p>Benchmark: Increase number of affordable units available</p> <p>Guiding Principle: Have spaces that facilitate cultural production and allow for exchange and innovation</p> <p>Recommendation 1B: Provide guiding language in the general plan and policies in the Zoning regulations for live/work and work/live units to reduce absorption into residential-only uses</p> <p>Benchmark 1: Guiding language added to general plan</p> <p>Benchmark 2: Policies added to Zoning regulations</p> <p>Guiding Principles: Stay in their homes, Have spaces that facilitate cultural production and allow for exchange and innovation</p> <p>Recommendation 1C: Track live/work and work/live units as a category within the planning department</p> <p>Benchmark: Planning department begins tracking live/work and work/live as a category</p> <p>Guiding Principle: Have spaces that facilitate cultural production and allow for exchange and innovation</p> <p>Recommendation 1D: Codify policies in the general plan that ease the process and reduce expenses to get non-conforming spaces into code</p> <p>Benchmark: Adoption of approaches that increase code compliance and reduce harm</p> <p>Guiding Principle: Stay in their homes, Have spaces that facilitate cultural production and allow for exchange and innovation</p> <p>Recommendation 1E: Adopt policies in the general plan to protect cultural workers and</p>	<p>Recommendations 1A, 1B, 1C - Staff will address this as part of the Land Use and Transportation Element (LUTE) update in Phase 2 of the General Plan Update process.</p> <p>Recommendations 1D and 1E: See updated language included in Action 3.2.2: Promote and protect live/work and housing for artists to reflect these comments.</p> <p>Recommendations 2A, 2B, 3A, 4A: Comments noted. These comments are outside the scope of the 2023-2031 Housing Element Update</p>

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			<p>workspaces at risk of displacement or affected by cannabis manufacturing, cultivation and other cannabis businesses</p> <p>Benchmark: Policies that protect cultural workers and spaces in industrial areas</p> <p>Guiding Principles: Stay in their homes, Have spaces that facilitate cultural production and allow for exchange and innovation, Maintain and create thriving, culturally-rooted local businesses and organizations (particular of historically marginalized communities)</p> <p>Theme 2: Cultural Infrastructure</p> <p>Recommendation 2A: Expand the use of zoning regulations being piloted in the Downtown Oakland Specific Plan to increase first-floor cultural spaces to Districts 6 & 7</p> <p>Benchmark: Zoning regulations added to more districts</p> <p>Guiding Principle: Maintain and create thriving, culturally-rooted local businesses and organizations (particularly of historically marginalized communities), Return from being displaced from Oakland, Create and activate public and private spaces in which to negotiate and build community that are culturally-equitable, safe and healthy</p> <p>Recommendation 2B: Establish a working group to make recommendations to the City Council for the timely development and implementation of a Cultural Facilities Policy</p> <p>Benchmark 1: Working group established</p> <p>Benchmark 2: Cultural Facilities Policy added to general plan</p> <p>Guiding Principle: Have spaces that facilitate cultural production and allow for exchange and innovation, Create and activate public and private spaces in which to negotiate and build community that are culturally-equitable, safe and healthy</p>	

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			<p>Theme 3: Cultural Equity Impact Assessment Recommendation 3A: Establish the use of a Cultural Equity Impact Assessment as a condition of California Environmental Quality Act (CEQA) review Benchmark: Addition of Cultural Equity Impact Assessment to CEQA review process Guiding Principle: Stay in their homes, Maintain and create thriving, culturally-rooted local businesses and organizations (particularly of historically marginalized communities), Create and activate public and private spaces in which to negotiate and build community that are culturally-equitable, safe and healthy Theme 4: Right of Return Recommendation 4A: Codify guiding preference policy in the general plan to allow displaced Oaklanders the right of return Benchmark: Preference policy added to General Plan Guiding Principle: Return from residential and business displacement</p>	
7	Kristin Spanos, First 5 Alameda County	6/1/2022	<p>A. Increase the supply of affordable housing options for families with young children to support child health and well-being and prevent displacement of Black families and families disproportionately impacted by inequitable policies with racist and classist underpinnings. Housing costs result in little or no disposable income for many families—putting pressure on families to decide between other basic needs like child care, food, and diapers.</p> <ul style="list-style-type: none"> •50% of renters in Alameda County pay more than one-third of their income for rent. For families of young children, the cost of child care creates an additional financial burden and contribute to financial 	<p>A. Comment noted. B. Comment noted. The City can also help to advance First 5’s interest in affordable housing for young families by continuing to bring to market the City’s surplus properties for affordable housing development consistent with the State Surplus Lands Act. It’s up to market actors (e.g., affordable housing developers) to propose projects that might specifically address the needs of this cohort. C. and D. See Action 5.2.8: Encourage new affordable housing in higher resource areas, which seeks to increase access to exclusive neighborhoods coupled with NEW Action 5.2.9: Prioritize improvements to meet the needs of low-resourced and disproportionately burdened communities.</p>

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			<p>instability. See more in our Data for Action guide.</p> <p>B. Adopt housing policies that support and advance the workforce of professionals who support our families including the ECE workforce, navigators, case workers, and family resource providers. The high-cost of living in Alameda County also impacts our local community workforce. For example, the ECE workforce has historically earned lower wages than other educators in the public system. Affordable housing is a particularly pressing need for the population of mostly women small business owners who operate local family child cares homes; without affordable and stable housing, family child care providers who provide home-based care face this risk of losing their business, and our community faces the risk of losing the critical service they provide. In Alameda County:</p> <ul style="list-style-type: none"> • Fifty-nine (59%) of family child care providers reported earning less than \$15 per hour and struggle to meet their basic needs including covering the cost of rent or mortgage. In Oakland, approximately 40% of center directors and family child care providers rent their facility/home (192 of 481 child care programs). • Eighty-seven (87%) of ECE professionals, 79% of whom identify as Black, Indigenous, or other women of color, are considered very low-income for the county • In our recent ECE facilities needs assessment survey we found: 87% of Oakland center directors and family child care providers expressed interest in expanding their program to serve more children but have not been able to due to 	

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			<p>lack of resources and support. 69% of Oakland center directors and family child care providers reported at least one component of their center or home as “inadequate or substandard”</p> <p>A. Expand and prioritize supports for unhoused pregnant people and families with young children. The high costs of housing and population growth have made Alameda County a hot spot for housing instability and homelessness in the state of California. According to the Department of Housing and Urban Development, the first year of life is when people are most likely to enter shelter and transitional housing programs, followed by ages one to five. Pregnant women and families with young children are particularly at risk when they face housing instability. Currently in our county, families with newborns cannot leave the hospital without a car seat, but they can leave without a home.</p> <ul style="list-style-type: none"> •One in five pregnant women who are homeless give birth prematurely, according to research findings cited in the California Health Report. •In 2018, the homeless management information system showed 969 families with 2,917 members as homeless in Alameda County, including 433 children ages 0-5. We know these numbers do not reflect the true extent of the issue as many families do not come forward to ask for assistance out of fear and live in their vehicles or with friends instead. 	

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			<p>B. Support place-based investments to promote family friendly neighborhoods. As part of the Neighborhoods Ready for School (NRFS) strategy, First 5 Alameda funds trusted community organizations and family resource centers to build an ecosystem of support for families in the community. Three of our four NRFS grantees are in Oakland - Lincoln, San Antonio Family Resource Center, and Roots Community Health Center are working with partners to promote neighborhood conditions where families can thrive. These grantees quickly pivoted at the start of the pandemic to provide basic needs, health and safety supplies, and other family resources via trusted messengers in community. The city could build upon such place-based investments in a coordinated effort to support family friendly neighborhoods - including access to basic needs, affordable housing, child care, transportation, neighborhood libraries, and safe, green and accessible schools, parks, playgrounds. In our latest KRA we found that:</p> <ul style="list-style-type: none"> •Connection to resources (i.e. family navigation to economic supports and basic needs, including housing) was significantly correlated to higher kindergarten readiness •Families who resided in a higher-income neighborhoods reported higher readiness, and neighborhood assets (i.e. safety, parks/playgrounds, libraries) were correlated with 	

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			<p>readiness, regardless of family income</p> <ul style="list-style-type: none"> Families want policies that invest in the local economic development to support job creation and advance living wages particularly for Black and Brown communities 	
8	<p>Comments Received on City Staff Presentation to EBHO Oakland Committee</p>	6/1/2022	<p>A. Constraints – noted that staff mentioned high impact fees as a constraint, but from what Liana hears, fees aren’t high enough</p> <p>B. Please include an executive summary of the HE – organization and content</p> <p>C. Site inventory – need map of sites across the city with council districts, distinguish sites for lower income housing/market rate. Map sites against areas of concentration race/income - higher income and largely white neighborhoods; to what extent is the City putting multifamily and affordable housing into those areas. What share of lower income housing sites are going into high opportunity/high segregation areas?</p> <p>D. Housing Action Plan - is the list of new programs in the HE anywhere?</p> <p>E. Plan/study/consider - show that proposed HAP policies will be presented to the Council for consideration by a specific date so that we are not endlessly studying. Show that policies will in fact reduce the racial disparities in housing opportunity/outcomes/conditions identified in the fair housing assessment</p>	<p>A. Comment received. Impact fee constraints are discussed in Appendix F: Housing Constraints</p> <p>B. The revised 2023-2031 Housing Element includes an Executive Summary.</p> <p>C. The interactive Sites Inventory Map includes sites, Council Districts, and affordability level and is available at: https://oakgis.maps.arcgis.com/apps/instant/interactivelegend/index.html?appid=2cb71a0c3b5e45df9dabe3e0239c245d</p> <p>D. Chapter 4: Housing Action Plan in the revised 2023-2031 Housing Element highlights new actions with blue text. E. Actions in Chapter 4: Housing Action Plan includes discrete implementation timelines and milestones within the eight-year Housing Element planning period.</p>
9	<p>Jeff Levin, Planning Commission Hearing</p>	6/1/2022	<p>A. What actions is the city taking to encourage affordable housing development as a result of SB9</p> <p>B. Five year impact fee study – when will this occur?</p> <p>C. AFFH - sites need to show how we are breaking down patterns of segregation. Are we</p>	<p>A. The City has published a Planning Application For Ministerial Approval of Two-Unit Residential Development or Parcel Subdivision Resulting in Two Lots With Residential Units On Each Lot (SB-9) and provided clear step-by-step instructions for potential applications. More information can be found at: https://www.oaklandca.gov/services/apply-for-two-unit-residential-development-and-parcel-subdivision-resulting-in-two-lots-under-senate-bill-9-sb-9</p>

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			<p>also providing opportunities in racially segregated areas, specifically white affluent parts of town? Policies need to show that we will reduce racial disparities in housing and metrics</p> <p>D. Place-based strategies in investing in non-housing like infrastructure and facilities must be coupled with investing in lower income neighborhoods</p>	<p>B. The Five-Year impact fee study is currently underway. More information can be found at: https://www.oaklandca.gov/projects/5-year-impact-fee-review-and-update-reports</p> <p>C. The Housing Element presents an inventory under existing zoning of housing sites suitable for new homes in Oakland at all income levels. The purpose of the inventory is to evaluate whether the City currently has a sufficient number of sites available to meet its RHNA over the next eight years, and to determine whether the distribution of these sites will either further entrench or help to ameliorate existing patterns of segregation. While the Housing Sites Inventory documents that Oakland does have sufficient zoning capacity to meet Oakland's RHNA requirements, the City has identified in its Housing Action Plan several zoning reforms that would further increase production capacity and unlock opportunity for affordable and missing middle housing in high resource areas. These are in addition to the continued enforcement and strengthening of identified tenant protection and anti-displacement measures. Sites for upzoning are included in Table B of Table C-26, and an analysis of how sites affirmatively further fair housing is available in Appendix D.</p> <p>D. See Response to Letter #6 C. and D.</p>
10	Daniel Gregg, Planning Commission Hearing	6/1/2022	Encourage development of local construction labor, apprenticeship programs, workable local hire, workforce necessary to build housing we desperately need	Comment noted.
11	Michael Gabriel, Planning Commission Hearing	6/1/2022	Lean toward objectivity. Action 2.2.8 "Investigate" TOPA/COPA, Action 1.1.3 - Strengthen Ellis Act – "strengthen" is an advocacy word. Implement, evaluate, monitor might be better words. Lacking information and education about how to follow rules on the landlord's side. Action 1.1.8 - rental registry – "evaluate the value of" instead of advocacy. Limit condo conversions – "evaluate" or "impact" instead	Comments Noted.
12	Tuan Ngo, Planning Commission Hearing	6/1/2022	<p>TOPA/COPA</p> <p>- Change on p. 57 to reference this as an approach</p> <p>- Moving private properties into social housing will negatively impact small mom and pop owners</p>	Comments noted. Enactment of a Tenant/Community Opportunity to Purchase Act (TOPA/COPA) policy would require City Council review and approval. See updates to Action 2.2.8: Investigate a Tenant/Community Opportunity to Purchase Act.

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			<ul style="list-style-type: none"> - Richmond City Council unanimously voted to halt this program - Instead, put affordable housing directly into the hands of low income tenants, provide downpayment assistance to homebuyers 	
13	Lucky Thomas, Planning Commission Hearing	6/1/2022	<p>TOPA/COPA</p> <ul style="list-style-type: none"> - Housing can be provided in many different ways/forms than just TOPA/COPA - Housing plan needs to be objective, shouldn't be advocacy for a political view or position - We should look at how do we best preserve our city, support mom and pop businesses, small property owners - Remove TOPA/COPA. Explore condo conversions, cooperatives, etc 	
14	Daniel Gonzalez, Planning Commission Hearing	6/1/2022	TOPA/COPA - in the current version, it allows for a 50% rent increase on tenants in a 5-year period. Policy isn't well thought out yet, shouldn't be a part of the housing element	
15	Planning Commissioner Fearn, Planning Commission Hearing	6/1/2022	<p>A. Why didn't we build on opportunity sites from the previous cycle(s)?</p> <p>B. Is there a cliff notes version of what the State wants to see related to AFFH thresholds in the HE? Are we leaning on our policies to ensure we meet RHNA because w're not locating housing in opportunity sites?</p>	<p>A. Majority of new housing development occurred in neighborhoods targeted for new development such as the Broadway Valdez area, Downtown, and West Oakland, in addition to along major transit corridors.</p> <p>B. The Housing Element presents an inventory under existing zoning of housing sites suitable for new homes in Oakland at all income levels. The purpose of the inventory is to evaluate whether the City currently has a sufficient number of sites available to meet its RHNA over the next eight years, and to determine whether the distribution of these sites will either further entrench or help to ameliorate existing patterns of segregation. While the Housing Sites Inventory documents that Oakland does have sufficient zoning capacity to meet Oakland's RHNA requirements, the City has identified in its Housing Action Plan several zoning reforms that would further increase production capacity and unlock opportunity for affordable and missing middle housing in high resource areas. These are in addition to the continued enforcement and strengthening of identified tenant protection and anti-displacement measures.</p>

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16	Planning Commissioner Sugrue, Planning Commission Hearing	6/1/2022	Are Staff having conversations with market rate and affordable housing developers about the types of housing they want to build within a 5-10 year range? Townhomes are the most lucrative products now. How can we be as predictable as possible?	Between March - May 2022, Staff held a series of Housing Element focused discussion groups with affordable and market rate developers, housing justice and tenant rights advocates and received feedback on housing types. Staff will hold a series of discussion groups starting in December 2022 to discuss and gather feedback on the zoning reforms proposed in conjunction with the Housing Element Update
17	Planning Commissioner Renk, Planning Commission Hearing	6/1/2022	We already know we need to expand City resources, so how do we think about taking all of these goals, policies, and actions and turn them into reality? How do we do this when staff are already low capacity? Is there a step where some of this is winnowed down?	Comment noted.
18	Planning Commissioner Jones, Planning Commission Hearing	6/1/2022	How does City see growing trend of integrating ADUs in townhomes? How does this contribute to the housing element as a whole?	<p>On January 18, 2022, the City updated its zoning standards related to ADUs to be consistent with State law. The adopted local ordinance clarified and simplified existing requirements and offered additional allowances to encourage creation of ADUs. The City has seen continued interest in ADU development and has continued to approve building permits for ADU development.</p> <p>The revised 2023-2031 Housing Element includes 2 NEW actions related to ADU development and affordability projections:</p> <ul style="list-style-type: none"> - Action 3.2.5: Reduce constraints to the development of ADUs - Action 3.2.6: Monitor affordability of permitted ADUs
19	Planning Commissioner Shirazi, Planning Commission Hearing	6/1/2022	<p>A. Are Staff working with EWD and HCD to ensure that displacement pressures are mitigated / working with other existing plans and policies to align?</p> <p>B. Overarchingly, all of these policies are either proven to be positive or good to study in Oakland since we are not quite sure yet about some policies. Implementation is the next step (iterative) - we should think about an assessment at the midway point in the housing element cycle, which would ultimately save us time and resources.</p>	<p>A. Oakland Planning Staff are working in collaboration with Economic and Workforce Development Department, Oakland Housing and Community Development Department, and all City departments, as appropriate, to ensure that displacement pressures are mitigated and are in alignment with other existing plans and policies.</p> <p>B. Progress toward addressing each Housing Element program and policy is evaluated in the Annual Progress Reports submitted to State HCD. In addition, the revised 2023-2031 Housing Element includes a NEW Action 3.3.19: Sites Inventory and Fair Housing Accomplishments Tracking Program, which will require mid-cycle assessment of the effectiveness of AFFH programs.</p> <p>C. Comment received.</p> <p>D. Comment received.</p>

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			<p>C. Action 2.2.3 residential demolition - current ordinance may not be living up to what the goals were. We should look broader</p> <p>D. Limit condo conversions - has good intentions, but may unintentionally limit housing purchase opportunities</p>	
20	East Bay for Everyone	6/7/2022	<p>Site inventory</p> <p>1. 288 9th Avenue (APN 018 046500204) - This site is on top of Township Park and Rocky's Market. It is unlikely this site will discontinue use within the eight year planning period. Please re-allocate these 274 units of low-income to another site or sites</p>	This site has been removed from the Revised 2023-2031 Housing Element
			<p>Site inventory</p> <p>2. 514 Shattuck Avenue (APN 013 115400905) - This site is a low vacancy strip mall in Temescal and tagged as an supplementary AFFH site. The prescribed 182 units are unlikely to outbid the existing profitable uses.</p> <p>a. Does the City of Oakland have documentation from the landowner demonstrating interest in developing this site within the next eight years?</p> <p>b. There are nearly a dozen businesses renting on this site. Will those leases run beyond the planning period?</p> <p>c. The City of Oakland should consider increasing the allowable density above 182 units and increasing allowable heights to ensure this site is actually developed within the planning period</p>	This site has been added to the Sites Inventory, Table C-26.
			<p>Site inventory</p> <p>3. 6039 and 6029 College Avenue (APNs 014 126800100; 014 126800100) - These are two adjacent vacant parcels in a high-resource tract very close to Rockridge BART. Collectively these sites of .4 acres will yield 26 units under existing zoning and development standards. Despite being ¼ mile from Rockridge BART, the City of</p>	These sites have been added to the Sites Inventory, Table C-26.

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			<p>Oakland imposes a 35' height limit on this site.</p> <p>a. In the notes for these parcels, the City of Oakland says it will not designate these parcels as Low-Income RHNA sites and re-zone them because they are below a .5 acre adequacy threshold for Low-Income sites per HCD Guidance.</p> <p>b. These sites received some of the highest Maptionaire Site Selections within the city's survey tool designed to solicit community feedback for siting housing as part of the Housing Element. Collectively these parcels received 23 recommendations for additional housing.</p> <p>c. The NIMBY group Rockridge Community Planning Council has tried to get the City of Oakland to buy these parcels and create a park for years in order to prevent mixed-income or affordable housing development at the site.</p> <p>d. The City of Oakland's reasoning for not designating this site as Low-Income and re-zoning is inconsistent with its other actions within the Draft Housing Element. For example, 4225 Broadway is a .15 acre site that is designated as a Low-Income site. 4225 Broadway is far below the .5 acre adequacy threshold for Low-Income sites provided by HCD guidance. By contrast, 6039 and 6029 College Avenue are only a 1/10th of an acre below this same threshold. In addition, 4225 Broadway has existing uses that would need to be demolished whereas 6039 and 6029 College Avenue are currently vacant. 6039 and 6029 College Avenue are also closer to Rockridge BART and are in higher-resource tracts compared to 4225 Broadway and are more likely to be feasible for construction provided additional height and density.</p>	

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			<p>e. The City of Oakland should designate 6039 and 6029 College Avenue Low-Income sites. In addition, the City of Oakland should rezone and relax development standards to allow for at least 75 DUAs and 55' of height. This density and height is typical for sites in close proximity to BART stations. Given the wide range of small lot infill in Oakland over the past ten years as well as the prime location for TCAC scoring, the City of Oakland should be able to provide additional analysis to meet HCD's scrutiny of Low-Income sites below the .5 acre threshold.</p> <p>f. In the alternative, the City of Oakland should retain 6039 and 6029 College Avenue as Moderate-Income sites and rezone and relax development standards to allow for at least 75 DUAs and 55'. This density and height is typical for sites in close proximity to BART stations.</p> <p>g. As discussed below, every BART station in Oakland apart from Rockridge has been host to specific plans to facilitate transit-oriented development. The City of Oakland's failure to identify 6039 and 6029 College Avenue as sites for Low-Income or otherwise increase the allowable height and density perpetuates a pattern or practice of the City of Oakland excluding low-income and multi-family housing from this high-resource and heavily segregated neighborhood.</p>	
			<p>Site Inventory 4. 4400 Telegraph (APN 013 109902600) - This site is proposed for 24 units of Low - Income RHNA housing at a site owned by Critical Resistance, an abolitionist non-profit. a. An August 12, 2019 article from KQED describes how the prior owner of this parcel sold it to Critical Resistance after rejecting offers from "condo developers." b. Does the City of Oakland have</p>	<p>This site is included in the Sites Inventory. It is part of a larger group of sites; most of these sites are within an above 30 du/ac zone. While redevelopment would be at the discretion of the property owner, the HAP provides access to low-cost financing for developers, density bonus incentives, and support of grassroots developers. This parcel may also change the land use designation of this parcel as part of the LUTE phase 2.</p>

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			documentation of interest from the property owner in developing this parcel within the eight year planning period?	
			<p>Site Inventory 5. 525 21st Street (APN 008 064503301) - This site is owned by the Department of Veterans Affairs and is proposed for 137 Low-Income units per RHNA. This site is coded as an AFFH supplementary site in a “moderate-resource” census tract.</p> <p>a. Does the City of Oakland have documentation of interest from the property owner in developing this parcel within the eight year planning period?</p> <p>b. The Draft Housing Element claims this site is in a moderate-resource tract. The 2022 TCAC Opportunity Map, however, shows this site as a low-resource tract. Given the concentration of low-income housing, supportive services, particulate matter from 980 and 580, lack of access to grocery stores and other resources, few Oaklanders would consider siting low-income housing at 525 21st Street as affirmatively furthering fair housing.</p> <p>c. Provided the Department of Veterans Affairs has expressed written interest in developing the site within the eight year planning period, this site should remain in the site inventory but should not be counted as a supplemental AFFH site. We have provided several sites in moderate and high-resource tracts below where these Low-Income RHNA units could be accommodated.</p>	<p>A-c: This site is included in the Sites Inventory. It is part of a larger group of sites; most of these sites are within an above 30 du/ac zone, and located in a moderate resource tract based on TCAC 2021 maps. The site is within walking distance to 19th Street BART and within a 0.6 and 0.7 miles of two full service grocery stores. The site is also close to Downtown, a major jobs center. See response above regarding HAP actions that incentivize housing development on sites identified in the Inventory.</p>
			<p>Site Inventory 6. 4225 Broadway (APN 012 100200900) - This .15 acre site projected at 8 units of Low-Income RHNA housing is coded as a supplementary AFFH site.</p> <p>a. This site falls below the .5 acre adequacy</p>	<p>A-c: As indicated in the Sites Inventory, this is an underutilized commercial site (low AV ratio and low FAR) with previous development interest and adjacent to a potential residential project. See response above regarding HAP actions that incentivize housing development on sites identified in the Inventory and provide support to affordable housing developers.</p>

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			<p>threshold per HCD guidance. The City of Oakland provides zero analysis or justification as to why this small site would be developed or the city's track record of developing low-income housing on these sites.</p> <p>b. TCAC will not finance 8 unit low-income projects with tax credits. How does the City of Oakland expect a low-income housing developer to finance new construction at this site?</p> <p>c. There are several vacant and underutilized parcels surrounding 4225 Broadway that could be consolidated to create a more feasible low-income development opportunity site. Why weren't these sites included?</p>	
			<p>Site Inventory 7. 4200-4224 Broadway (various APNs) - This supplementary AFFH site is in a good location and would replace underutilized commercial uses and parking lots. The 60 DUAs, however, are unlikely to outbid existing commercial uses. Consider increasing allowable density to 75 DUAs.</p>	<p>This site is part of group III. Realistic capacity does not reflect allowable density; this site's current permitted density is 96.8 du/ac. The site may be considered for upzoning or land use designation change as part of Phase 2.</p>
			<p>Site Inventory 8. 6028 Claremont Avenue (APN 014 126803501) - This site is proposed for 23 Low-Income RHNA units in Rockridge on top of an existing office building. It is less than a ¼ mile from Rockridge BART. The site does not include adjacent parking lots that appear to serve the subject office building. The site is subject to a 35' height limit.</p> <p>a. The decision to include the office building, but not the parking lots that serve it is bizarre. The former Dreyer's headquarters, of which the subject site is part of, are owned by a single owner. Why would the owner demolish an existing office building to be rebuilt into 23 units of low-income housing but retain the</p>	<p>These sites have been revised to indicate grouping (ZZZ) which includes adjacent parking lots.</p>

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			<p>surrounding parking lots that serve that office? b. 23 units of low-income housing will not outbid an office use so close to BART, especially with a 35' height limit</p>	
			<p>Site Inventory 9. 3875 Telegraph Avenue (APN 012 096800301) - This supplementary AFFH site is proposed for 35 Low-Income RHNA units. The existing use is a surgery center that is close to MacArthur BART, on a commercial corridor and is underutilized relative to its land value. a. The owners of this site previously refused rezoning between 2006 and 2008 as part of the MacArthur BART Transit Village PUD. b. The owners previously expressed interest in expanding the surgery use as recently as 2017. c. Given the owners' prior resistance to rezoning the site for housing, the City of Oakland must provide written proof of interest from the landowner in development of the site within the eight year planning period. d. This site, 1/8 of a mile from MacArthur BART, can accommodate much more density than 75 DUAs. If the owner provides written proof of interest in development, please consider increasing allowable density to 125 DUAs.</p>	<p>a-d: This site is upzoned in Table B of C-26; it is given a height increase to 95 ft, increasing allowable density to 158.4 du/ac. HAP Action 3.4.10 states that any site included in the inventory, should the property owner choose to redevelop, develop as a majority residential use.</p>
			<p>In order to effectively meet the demand for additional sites, especially in moderate to high-resource areas with low-VMT, we have provided a list of additional sites we ask you to consider.</p> <p><u>Suggested Site Inventory</u> 1. 501 MacArthur - underutilized commercial use at the corner of two commercial corridors. 2. 5352 Claremont Avenue - 1.5 acre underutilized commercial use surrounded by a large parking lot. 3. 3901 Broadway - underutilized fraternal</p>	<p>The revised 2023-2031 Housing Element includes these sites as part of Appendix M: Recommended Sites for Future Housing (Upzoning/General Plan Update Opportunity Sites)</p>

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			<p>lodge and parking lot.</p> <p>4. 5216 Broadway - one of two Shell Gas stations within ½ mile of each in a high-resource neighborhood.</p> <p>5. 6046 Claremont - .6 acre surface parking lot near Rockridge BART.</p> <p>6. APN 14-1268-9-1 - .5 acre surface parking lot near Rockridge BART</p>	
			<p>Programs and Policies Program</p> <p>A. Action 3.2.1 - Plex upzoning in single-family neighborhoods</p> <ul style="list-style-type: none"> o Consider using five units as the base permitted density to allow for projects opt-in to the State Density Bonus Law and provide deed-restricted units on-site. o Consider allowing up to six units for larger lots and corner lots. o Provide a ministerial approval process so that small developers and property owners with lower risk tolerances can participate in the program. <p>B. Action 3.3.5 - Affordable Housing Overlay</p> <ul style="list-style-type: none"> o Please do not exempt historic districts from this policy. Historic districts and potential designated historic properties (PDHPs) tend to exist in high-resource areas that have historically excluded low-income housing. For reference, Oakland PDHPs are most highly concentrated in Rockridge, Trestle Glen and other high-resource neighborhoods that historically excluded low-income housing. By contrast there are relatively few PDHPs in low-resource places like East and Deep East Oakland where many low-income housing units have been developed historically. <p>[- See image on page 6 of EB4E's comments - use link to the right of this column]</p> <p>- In case the City of Oakland decides to allow</p>	<p>A. See updated language included in Action 3.2.1: Develop zoning standards to encourage missing middle and multi-unit housing types in currently single-family-dominated neighborhoods, including flats, duplexes, triplexes, fourplexes, townhomes/rowhouses, and ADUs. Also see Response to Letter #1 for actions included in the Housing Action Plan to expand affordable housing opportunities and promoting neighborhood stability and health.</p> <p>B. See updated language included in Action 3.3.5: Implement an Affordable Housing Overlay.</p> <p>C. See Response to Letter #1 for actions included in the Housing Action Plan to expand affordable housing opportunities and promoting neighborhood stability and health</p> <p>D. Comment noted.</p> <p>E. Comment noted. The City has been approached about and has thus far declined to join bond-financed JPAs for exactly the reasons described in this public comment. The City welcomes additional information about successful examples of arms-length corporations that engaged in the development of limited equity cooperatives.</p> <p>F. See NEW Action 3.5.5: Study feasibility of single-stair residential buildings is included in the Housing Element to address this comment.</p> <p>G. The City Administrator's contract authority limit is a matter of Council policy and would require amendment by the City Council.</p> <p>H. As part of implementing Action 1.1.9: Implement a rental housing registry, the City will seek to use the rental registry to support SB 330 demolition protections.</p> <p>I. See updated language included in Action 2.2.5: Extend local replacement unit provisions to require that developers notify existing and prospective tenants of their tenant rights as provided both under SB 330 as well as Oakland's Just Cause for Eviction Notice.</p>

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			<p>historic districts to be exempted from an Affordable Housing Overlay that exemption should only apply to historic districts that existed as of January 1, 2022. This will prevent the sort of defensive, dubious landmarking that we have seen from high-resource areas such as St. Francis Wood and Pasadena in direct response to the passage of SB9</p> <p>C. Action 3.4.1 - Revise development standards, including allowable building heights, densities, open space and setbacks requirements</p> <ul style="list-style-type: none"> ○ Transit-proximate zoning areas <ul style="list-style-type: none"> ■ The following BART station areas within Oakland have been subject to a specific plan to allow for transit-oriented development on public and/or private land nearby: Coliseum, Fruitvale, Lake Merritt, West Oakland, 12th Street, 19th Street, MacArthur. Tens of thousands of units have been constructed or in the process of being developed within these specific plan areas. <p>The only BART station area in Oakland that has not had a specific plan developed and implemented is Rockridge. This station area contains some of the highest-resource tracts in Oakland and is one of the most “whites-only” census tracts in Alameda County, according to the Haas Institute for a Fair and Inclusive Society.</p> <p>The last low-income housing development constructed in Rockridge was the Otterbein Manor (SAHA Homes) in 1973. This development was completed one year prior to the 1974 Rockridge Downzoning. The 1974 Downzoning was an explicitly racist downzoning movement reacting to state and federal fair housing laws, the perceived encroachment of</p>	

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			<p>Black families into the neighborhood and plans for transit-oriented development near the newly constructed BART station.</p> <p>Any transit-proximate rezoning and revision of development standards must include the Rockridge station area. If the City Oakland fails to include the Rockridge station area with transit-proximate revision of zoning and development standards, it would perpetuate an existing pattern or practice of the City of Oakland of excluding low-income and multi-family housing from this high-resource and heavily segregated neighborhood.</p> <ul style="list-style-type: none"> ■ Additional height and density should be allowed at least a ½ mile of heavy rail stations and within ¼ mile of high frequency bus stops. This represents the walkshed for most transit users. Where areas have access to both rail and high-frequency bus transit access overlap, such as in North Oakland, greater additional height and density should be allowed. ■ For these rezonings priority should be given to vacant or underutilized commercial land and owner-occupied residential land. Consider limiting rezonings on top of filtered or rent-controlled rental housing. <p>Action 3.4.1 - Revise development standards, including allowable building heights, densities, open space and setbacks requirements</p> <ul style="list-style-type: none"> ○ Resource-rich areas ■ Consider providing setback and other development standard relief in addition to permitting 30 DUAs by-right in resource rich areas. <p>Action 3.4.1 - Revise development standards, including allowable building heights, densities,</p>	

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			<p>open space and setbacks requirements</p> <ul style="list-style-type: none"> o Corridors <ul style="list-style-type: none"> ■ Foothill Boulevard, MacArthur Boulevard and International Boulevard are all commercial corridors in East Oakland that are specifically called out by name as requiring additional height and density for development to work. While we support additional height and density along these corridors, it is frustrating that similar corridors with low height limits remain unmentioned despite having similar issues with height and density. <p>For example, Shattuck Avenue in North Oakland was downzoned to a 40' height from 50' in 2011. In 2021 a development application at 6300 Shattuck for housing at 50' (grandfathered in from a deemed complete application from 2010) was appealed by nearby property owners. This stretch of Shattuck Avenue is within easy walking/cycling distance to Ashby BART and near several bus routes and is in a high-resource tract. The appeal was dismissed by the Planning Commission, but it exemplifies how badly-needed multi-family housing near transit and low-VMT in higher-resource neighborhoods is often opposed and delayed by homeowners and property owners. The homeowners and property owners in higher-resource tracts have also historically been able to downzone heights and densities on their corridors while allowable heights and densities on corridors in lower-resource areas of Oakland are increased.</p> <p>The City of Oakland should commit to increasing heights and densities on commercial corridors in moderate and high-resource neighborhoods by name. Exemplar commercial</p>	

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			<p>corridors: Shattuck Avenue, Piedmont Avenue, upper Broadway, upper Telegraph Avenue, 51st Street, College Avenue, Grand Avenue, Lakeshore Avenue and Claremont Avenue</p> <p>C. Action 3.4.2 - Revise Conditional Use Permit (CUP) requirements</p> <ul style="list-style-type: none"> o While we support the removal of CUPs for multifamily housing development in RD-2 and RM zones, we request the City of Oakland please extend this action to include RD-1 zones as well. <p>C. Action 3.4.3 - Revise citywide parking standards</p> <ul style="list-style-type: none"> o Consider removing all parking minimums for housing development. At the very least, expand the ability to zero out parking minimums to all low-VMT areas. o Consider instituting parking maximums for residential development to reduce VMT and prevent overparking in downtown high-rise development. <p>D. Action 3.5.3 - Advocate for statewide legislation on social housing</p> <ul style="list-style-type: none"> o We are happy to see support for our sponsored legislation AB2053. Please consider sending a letter of support on behalf of the City of Oakland ahead of AB2053's June 21, 2022 Senate Housing Committee hearing <p>E. Action - 3.5.4: Evaluate acquisition and development opportunities for moderate- and middle-income households</p> <ul style="list-style-type: none"> o While we support efforts to acquire and develop moderate-income housing we must caution against the use of bond-financed JPAs such as CalCHA for this task. These entities command high fees and underwrite risky debt. o The City of Oakland should consider creating and capitalizing an arms-length corporation to develop limited-equity cooperatives for 	

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			<p>moderate-income households, including public sector and essential workers.</p> <p>F. Action 3.7.5 - Encourage different sizes of housing for larger families – including affordable housing with courtyards, multigenerational housing</p> <ul style="list-style-type: none"> o The City of Oakland should commit to studying the impact of second egress requirements for the feasibility of small and medium lot development of multifamily housing with 3 and 4 bedroom units. <ul style="list-style-type: none"> ■ The requirement of a second stairwell for purposes of egress reduces the usable floor plate for living space. The additional circulation forces many designers to arrange units along double-loaded corridors with internal hallways. This layout reduces the ability to provide natural light for more than 1 or 2 bedrooms (access to light or a light well is required for a habitable bedroom). The requirement for a second stair is a key driver in the relative overproduction of studios and 1 bedroom units compared to family-sized units. ■ The US is one of two developed countries in the world that doesn't allow single stair multifamily construction for at least four to five story buildings. Other developed countries provide a second means of egress via a fire ladder or other means. ■ Single stair multifamily buildings can also provide better access to light as well cross-ventilation. This makes it easier for new housing to meet passivehouse standards and reduce operational energy demands. In addition, because less circulation space allows for more floor space to be dedicated to group open space like courtyards or private open space like balconies or decks. o The City of Seattle passed and implemented 	

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			<p>local building code amendments in 1975 to allow a single stair as means of egress for buildings up to six stories. The current code caps such single stair structures to four units per floor, requires automatic fire sprinklers and imposes other fire-rated and corridor requirements. The City of New York also allows single stair buildings with similar mitigations. https://secondegree.ca/</p> <ul style="list-style-type: none"> o The City of Oakland should study local building code amendments to allow up to six stories with single stairs with mitigations for fire, life and safety. o The City of Oakland should commit to supporting state legislation to direct the California Building Standards Commission to study allowing single stair multifamily housing up to six stories with proper fire, life and safety mitigations. <p>G. Action 3.3.14 - Evaluate the creation of a leveraged acquisition fund or debt/equity funds for small sites to support site acquisitions for affordable housing</p> <ul style="list-style-type: none"> o Under Section 2.41.020 of the OMC, the City Administrator must seek City Council approval for purchases of any land valued at over \$100,000. There is no parcel in Oakland with development or anti-displacement utility valued at \$100,000 in 2022. This authority should be increased to, at least, \$1,000,000 (pegged at CPI) to allow Oakland HCD staff to move quickly when the opportunity and funding present themselves for land acquisition <p>H. Action 1.1.8 - Create and maintain a rental housing registry</p> <ul style="list-style-type: none"> o This policy is critical for the enforcement of SB330/SB8 tenant demolition and right to return policies. Oakland HCD needs this tool to be able to coordinate with Oakland Planning on 	

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			<p>evaluating development applications that propose to demolish protected housing and ensuring compliance with relocation and right of first refusal policies post-entitlement</p> <p>I. Action 2.2.5 - Extend local replacement unit provisions</p> <ul style="list-style-type: none"> o We appreciate Oakland’s commitment to codifying these provisions locally beyond the current 2031 sunset. That codification must be paired with more proactive enforcement of SB330/SB8 demolition protections. In November 2021, EB4E notified Oakland Planning that an application for development at 469 40th Street did not include sufficient replacement units under SB330. The application was eventually re-submitted and approved with the necessary replacement units. Projects should not be put out to public notice unless they have clearly demonstrated they have complied with SB330/SB8 demolition protections and provision of replacement units. o We request that Oakland Planning work proactively with Oakland HCD to create internal processes to help ensure displaced tenants are not lost in the post-entitlement and demolition process. 	
21	Stuart Flashman	6/8/2022	<p>Has the city considered the alternative of an affordable housing overlay district for high resource areas, rather than a blanket up-zoning?</p> <p>A blanket up-zoning will act as an invitation for market-rate housing projects, while an affordable housing overlay will encourage projects that meet the overlay district's affordability requirement (which should be higher than what is required for the state's density bonus).</p>	<p>See Action 3.3.5: Implement an Affordable Housing Overlay (AHO). Proposed features of this overlay include ministerial approval of 100 percent affordable housing projects, increased height and density allowances, waiver of parking requirements, and reduction of zoning barriers. The City will broadly apply this overlay, except for contaminated sites, protected historical sites/districts, and areas in the Very High Fire Hazard Severity Zone.</p>

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			<p>The affordability overlay could also allow for multiple levels of affordability to meet its threshold - i.e., 3% extremely low income, 5% very low income, 10% low income, 20% moderate income, with multipliers based on level of affordability - i.e., 4x for extremely low, 3x for very low, and 2x for low. Thus the suggested project would get 3x4 = 12 points + 5x3 = 15 points + 10x2 = 20 points + 20x1 = 20 points, for a total of 67 points. The threshold for triggering the overlay district's density and height levels might be 55 points. a standard 15% very low income density bonus project would only get 45 points - not enough. The overlay could allow more height and density than the state density bonus, encouraging developers to "go the extra mile" to qualify. A mixed-income project would also provide a healthier mix of different income levels than the standard 15% very low income, 85% market rate project.</p> <p>Please think about this idea.</p>	
22	Kevin Morsony	6/8/2022	<p>I am writing to express concern that 4035 Park Blvd in Glenview was not included in the site inventory in the Oakland Housing Element. This .2 acre site is an empty lot (remediated former gas station) in a high resource area served by both local and transbay bus lines that both stop in front of this location. It is adjacent to a 7 unit apartment building (on a lot half the size). At minimum, this lot should support at least 14 units even if only zoned for current capacity. This lot has been vacant for 30 years as owners have failed to develop it due to personal issues. It is exactly the type of location that the city should use their power of eminent domain to acquire and turn over to low income housing developers to ensure that high resource</p>	<p>The revised 2023-2031 Housing Element includes this site as part of Appendix M: Recommended Sites for Future Housing (Upzoning/General Plan Update Opportunity Sites)</p>

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			neighborhoods have low income housing. This is a ready to build location that should be included in the site inventory and the housing element.	
23	Annette Floystrup	6/8/2022	<p>The “othering” of the Rockridge neighborhood of north Oakland is on full display in this document. The Summary of Community Outreach Activities, Page 19, shows that Rockridge has been omitted from the list of neighborhoods contacted for input on the Housing Element Draft – even though Rockridge will be deeply affected by the final version. Housing Element Draft, Page 63:</p> <p>“POLICY 3.2 CREATE A MORE DIVERSE MIX OF HOMES TO MEET COMMUNITY NEEDS</p> <p>“Action 3.2.1: Develop zoning standards to encourage missing middle and multi-unit housing types in currently single-family-dominated neighborhoods, including flats, duplexes, triplexes, fourplexes, townhomes/rowhouses, and ADUs.</p> <p>Oakland has a huge need for affordable housing, but nothing in this policy element addresses the building of affordable housing as defined by HUD, but rather will exclusively encourage the building of market-rate, luxury-class housing dominated by studio and 1-bedroom apartments/condos.</p> <p>According to the National Low Income Housing Coalition, housing is affordable if it costs no more than 30 percent of one’s income. Renters who pay more than this are considered “cost-burdened;” those who pay more than 50 percent are “severely cost-burdened.” In Oakland, 59 percent of residents are renters,</p>	Comments noted. Oakland Planning Staff presented the first Public Review Draft Housing Element to the Rockridge Community Planning Council on August 18, 2022. This presentation took place during the extended public review period (June 30 - September 30, 2022).

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			<p>with the median income of these households around \$40,000, more than half of them qualify as very low income.</p> <p>However, due to the high cost of Bay Area housing, even households that bring in as much as six figures can be designated as “low income,” as set by the Department of Housing and Urban Development (HUD). Its threshold is set for those earning incomes at or below 80 percent of area median income (AMI). In Oakland, 80 percent of AMI is very high — \$73,100 for a single person; and for a 4-person household, \$104,400.</p> <p>Housing Cost Burdens Have Stark Racial Impacts</p> <p>In Oakland, African American households face the highest housing cost burden, with 63 percent devoting more than 30 percent of their income to housing (according to the PolicyLink National Equity Atlas). Overall, 59 percent of households of color are housing-cost-burdened, compared to 42 percent of white households. Between 2000-2010, the City of Oakland lost 34,000 African American residents (a 24 percent decline). This included 10,000 OUSD students. Lack of affordable housing fuels the fire of Oakland’s ongoing and dramatic exodus of African American and other POC households. Is it really Affordable?</p> <p>The need for genuinely affordable housing in Oakland is very high, but are proposed developments in Rockridge going to meet these affordability standards? The cost of land in Rockridge means that the answer is generally, no. For example, the multistory tower proposed for the CCA property would consist of ~467 residential units, 10 percent of which would be</p>	

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			<p>“affordable”. That sounds good until you realize that here affordable is defined to mean “moderate-income” households, with eligibility defined as 120 percent of area median income (AMI).</p> <p>For 2020, that was \$109,600 (1-person household) and \$156,600 (4-person household). In other words, there would not be one single unit of affordable housing, as defined by HUD, created by the project and available to low-income renters.</p> <p>Affordable housing is desperately needed in Oakland if we are to retain housing stock for low-income workers, seniors, and the disabled. About 93 percent of new construction in Oakland is market-rate developments geared to luxury class apartments like the 40 story Atlas Tower downtown. While rents dropped significantly during the initial COVID lock down, rents have rebounded and none fall into the affordable range. The number of available and genuinely affordable units is almost non-existent. The demand far outstrips the supply. Current building costs have risen steeply in the past years in response to Trump Administration tariffs on Canadian lumber and COVID slowed production of building materials</p> <p>Much of the newly proposed and /or built housing is also singularly family unfriendly. Few apartments are 2-bedrooms or more, and the vast majority are studio and 1-bedroom. It is assumed that people will not have private cars, but if you have two or three children who each require a different size car seat, Uber and Lyft cannot accommodate you. If you have a mobility impaired family member, someone in a wheelchair or one who uses adaptive tools to</p>	

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			<p>enter and exit a car from a walker, you also cannot be accommodated by ride-share or gig-vehicles within minutes of a phone call. These are wider issues of societal sustainability that are going utterly unaddressed by this housing element. But they eventually impact the lives of most of us.</p> <p>For low to moderate income residents, housing is difficult at best, but as currently conceived, the new housing is also inadequately meeting the needs of child families, multigenerational families, and the disabled of higher income levels as well.</p> <p>In summary, land and building costs are very high and rising, making public-private partnerships and government-subsidized construction perhaps the surest ways to add more truly affordable housing in Oakland — and particularly here in Rockridge. Lack of inclusion in the process</p> <p>The Summary of Community Outreach Activities, Page 19, shows that Rockridge has been omitted from the list of neighborhoods contacted for input on the Housing Element Draft – even though Rockridge will be deeply affected by the final version.</p> <p>There is an organization that represents Rockridge, a registered 501(c)3, the Rockridge Community Planning Council (RCPC). It is usual for RCPC to schedule local town hall meetings on topics of importance, which the Housing Element Draft certainly is. The City could have easily arranged with RCPC for a meeting and notified residents through RCPC’s monthly newsletter, The Rockridge News. Instead, a small number of poorly publicized Zoom</p>	

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			<p>meetings were held. The exclusion of the RCPC, the most significant citizen institution in Rockridge, which has been reshaping the neighborhood since the early 1970s, when a resurrected RCPC led the way to obtaining funding from the Department of Housing and Urban Development (HUD) for planning studies which resulted in the City of Oakland adopting a new zoning designation C-31, currently CN-1, for College Avenue in 1973, consisting of pedestrian oriented retail with mixed use upper stories is remarkable and inexcusable. It argues for a total lack of knowledge about the neighborhood by City staff.</p> <p>It cannot have gone unnoticed that in the past 30 years, RCPC has directly brought in excess of \$7 million into the City and the neighborhood, can it? A new branch library funded by a citizen originated Mello-Roos taxation district, FROG Park, Hardy Dog Park, hundreds of thousands in traffic mitigation funds negotiated from CalTrans (4th Bore), Dreyer's and Safeway projects, and \$3 million in environmental mitigation funds obtained by through litigation by the 4th Bore Coalition, a coalition of Oakland and Berkeley neighborhood groups organized and led by RCPC. Those \$3 million dollars were used to add enhanced HVAC and filtration systems, sound dampening windows and environmental plantings to the two schools in the RCPC catchment, Chabot Elementary and Claremont Middle School severely impacted by the particulate, fume and noise pollution resulting from their locations within less than 100 feet of Hwy 24. A registered non-profit creating that much benefit to the City of Oakland should have been contacted, in particular when planning and zoning have been</p>	

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			<p>the primary focus of the organization for more than 50 years.</p> <p>The “Introduction of the Housing Element Draft” on Page 5 has a heading:</p> <p>“CHARTING AN EQUITABLE, INCLUSIVE FUTURE”</p> <p>It is not equitable to exclude some neighborhoods from the process of producing the Housing Element Draft. It is not equitable to promote the building of market-rate housing which does not produce truly affordable housing but does produce profits for private real-estate developers. And it is not equitable to unduly burden a neighborhood that already brought itself back from an earlier round of governmental policy originated destruction.</p>	
24	Housing Element Discussion Session #3	6/8/2022	<p>A. General Comments</p> <ul style="list-style-type: none"> - Despite the increase [in Oakland's 6th cycle RHNA] how do we assure that the disenfranchised needs are met. - Who do we target, and how do we penalize them when lower income needs are not met? - Is there a way for the public to track who paid impact fee's, for what, and where and how are those funds being used? - Are the state-mandates on site size for low income housing, or for all housing that can count towards RHNA requirements? - Does the city have a published methodology for when to count new market housing as Moderate Income? I know San Jose does - One other point: I am pleased to see parts of the Element devoted to remediation of environmental contaminated sites. Urge the city to consider that housing located near freeways, Oakland Ports and other heavy duty trucking concentrations to be included in definition of a contaminated sites and to help 	<p>A: Comments noted. See notes from Housing Element Discussion Session #3 - https://cao-94612.s3.amazonaws.com/documents/Housing-Element-Discussion-Session-3_06.08.2022.pdf</p> <p>B. See Response to Letter #1 for upzoning actions included in the Housing Action Plan.</p> <p>C. The revised 2023-2031 Housing Element includes an Executive Summary. Chapter 4: Housing Action Plan in the revised 2023-2031 Housing Element highlights new actions with blue text.</p> <p>D. The City through Action 3.3.6: Access to low-cost financing for development will continue to work with affordable developers to set loan terms in a way that will help maximize their ability to leverage funding from banks and other lending agencies. Further, the City will also continue to coordinate with developers to help ensure that they qualify for additional funding from county, State, and federal sources.</p>

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			<p>building owners in those locations to retrofit air filtration to reduce exposure of residents to transport related emissions. David Wooley, UC Berkeley, Goldman School davidwooley@berkeley.edu</p> <ul style="list-style-type: none"> - Yes, a summary analysis of what C-21 actually tells us would be useful - We should not be putting housing next to freeways and we need to have a fund to in the GP to retrofit existing near road housing exposures. - One more comment: please consider ALL of AC Transit's Rapid corridors, not just the BRT line, when considering upzoning opportunities. - So A Diamond in the Ruff is working with The Oakland Community Land Trust on a project for more affordable housing overlay with ADU'S. Is there a certain number of units that can be placed on the current acquisition of land? Which may include the Zoning in that part of Oakland? Which is right off Seminary <p>B. On the upzoning contemplated, is that discussed explicitly anywhere in the document beyond Policy 3.4? If you could let me know, I would appreciate it.</p> <p>C. Please ensure that the next draft includes an Executive Summary and a clear table on NEW policies</p> <p>D. What can the city do to improve the funding tools and flexibility of local lenders / CDFI's for affordable housing?</p>	
25	Equity Work Group Meeting #2	6/8/2022	<p>A. General Comments</p> <ul style="list-style-type: none"> - The city has a vacancy tax right? they should be tracking vacancy somehow 	<p>A. Comment noted.</p> <p>B. Appendix L in the revised 2023-2031 Housing Element includes Responses to Public Comments</p> <p>C. The State Housing & Community Development Department (HCD) requires that all California jurisdictions prepare an annual progress report</p>

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			<p>- it's hard to rank, but would like to include low-income non english speakers as having a barrier to accessing housing</p> <p>B. where are the input not included going to be noted, if at all, in the housing element? which chapter or appendix?</p> <p>C. APR</p> <p>- so the number of permits does NOT reflect on actual built units? the 1k under very low income might in actuality be less?</p> <p>- is there a way to find actual units built?</p> <p>- so basically some developments are stalled and that isn't captured... is there another table that reflects actually built #s?</p> <p>- my concern is folks looking at the "approved permits" data might misunderstand that as the actual # of available housing. if a lot of projects get stalled it would not be an accurate indication</p>	<p>(APR) on the jurisdiction's status and progress in implementing its housing element. For the 5th cycle Housing Element period (2015-2023), State HCD required that jurisdictions report completed units in the APR form beginning in 2019. Oakland Planning Staff have data on permitted units for the 2015-2023 period and completed units for 2019 and onward. See Table A2 of Oakland's APR form to view completed units beginning in 2019: https://www.oaklandca.gov/documents/housing-element-annual-progress-reports.</p>
26	EBMUD	6/9/2022	<p>General</p> <p>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</p>	Comments noted.

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			<p>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.</p> <p>Wastewater Service</p> <p>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.</p> <p>Wastewater Service</p> <p>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</p>	

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			<p>discharge 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.</p> <p>Wastewater Service</p> <p>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), 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</p> <p>Wastewater Service</p>	

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			<p>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 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, 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.</p>	
27	Deeply Rooted	6/10/2022	<p>A. Provided track changes to the Engagement section that includes removing the DR Partners map and adding more detail to the Partners table. Oakland HE_compiled with TOC_DR_2022_0610: Section: 7.1</p> <p>B. Acknowledgement of Community Policy ideas: As we have discussed, the City needs to explain why some of the community policy ideas in the Public Participation section didn't make it to the HAP. We recommend the following columns in the appendix for each community policy idea: policy idea, decisionmaker, issue/ disagreement, consensus, and next steps.</p> <p>C. Create and staff Neighborhood Planning Councils for residents to weigh in on what gets built in their neighborhoods during planning and implementation (i.e. RCPC or Mission</p>	<p>A. Oakland Planning Staff included this information in the updated Draft Housing Element submitted to State HCD on June 30, 2022.</p> <p>B. Appendix L in the revised 2023-2031 Housing Element includes Responses to Public Comments</p> <p>C. Oakland already has a Neighborhood Council structure that City staff engage with on a variety of issues of interest, including public safety, improvements, and more. Staff will look at options of improving this structure and broadening its scope for purposes of engagement as well as look at options of creating neighborhood groups for the specific purpose of gathering feedback on planning initiative and projects. Action 5.2.9 addresses the need to reduce barriers with inclusive engagement with actions in the Environmental Justice (EJ) Element. A policy in the EJ Element will be written to address this.</p> <p>D. Creation of new commissions requires action by City Council. The City should utilize existing boards and commissions instead of establishing a new body. However, Planning Staff will bring an item to the Planning Commission to set up a new subcommittee that monitors City performance with Housing Element and other housing policy implementation, see Action 5.2.11:</p>

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			<p>group), particularly in areas where rapid displacement is happening. (Policy 5.2)</p> <p>D. Citywide Housing Commission to review City's progress on Housing Element actions. (Policy 5.2)</p> <p>E. Integrate Healthy Development Guidelines into GP (note under actions where it's come from HDG) (Policy 5.2) Examples include disclosure and reporting on rental unit loss, eviction, and relocation compensation; and displacement impact mitigation.</p> <p>F. Human Health/Socioeconomic Impacts Analysis: require public analysis of displacement/homelessness impacts of market rate projects prior to City providing permits or any zoning changes (Policy 1.1)</p> <p>G. Acknowledge that proactive rental inspections can only be implemented with a new law. (Policy 2.1)</p> <p>H. A law requiring anti-displacement strategies for the proactive rental inspection program. (Policy 2.1)</p> <p>I. Moratorium on market rate development for neighborhoods experiencing rapid gentrification. (Policy 1.1)</p> <p>J. Community outreach & enforcement of City's Fair Chance Housing Ordinance (banning housing discrimination of people with criminal records). (Policy 1.1, 5.3)</p> <p>K. Cultural Districts will protect existing residents from displacement. (Policy 3.2)</p> <p>L. Address needs of undocumented residents, i.e. new local ordinance for removing Social Security Number from housing applications. (Policy 5.3)</p> <p>M. Measure KK assessment (low-income homeowners applied and used funds). Update so low-income homeowners will not have to pay the new taxes. (Policy 3.3)</p>	<p>Provide accountability measures for housing programs, including annual monitoring.</p> <p>E. It is not within the City's authority to implement all of the Healthy Development Guidelines as they are written. Staff conducted an assessment of the HDGs and will incorporate those goals and policies that are within the City's purview as part of the General Plan Update for the various related Elements. For the Housing Element the following Actions are included to address the Healthy Development Guidelines (HDG). See Action 5.2.1: Protect against smoke and wildfire to address HDG EH 1.7 Project Wide no smoking policy. See Action 5.2.9 and zoning in Appendix J to remove CUP for grocery stores in food deserts for HDG goal F1 Increase Access to Healthy Foods. For HDG H1.3 see Action 3.3.7: Study the targeted implementation of an inclusionary housing requirement and Action 3.5.1: Support community land trusts and other shared equity models. For HDG H1.4: Prioritization of housing units for vulnerable populations see Action 3.3.4: Development of permanent housing affordable to extremely-low-income (ELI) households on public land. For HDG goal H2: Preserve existing affordable housing and protect residents from involuntary displacement see Action 1.1.14: Protect Oakland residents from displacement and becoming homeless and Action 2.2.2: Enforce, monitor, and preserve affordable housing covenants with an emphasis on "at-risk" units. For HDG CC2.2 and OS1.1 see Action 5.2.9: Prioritize improvements to meet the needs of low-resourced and disproportionately burdened communities.</p> <p>F. Due to a series of new State laws that streamline and regulate the timeline for project approvals, the required review structure and timing would not allow Staff to conduct a study of this nature on a project-by-project basis. Instead, this analysis could be performed prior to adoption of new zoning regulations (ex. General Plan zoning amendments).</p> <p>G. Building Bureau staff updated the language of the Housing Element Action 2.1.3: Conduct proactive rental inspections to reflect this comment. The City is also staffing up to respond more rapidly to code complaints.</p> <p>H. The City will look at ways to consider anti-displacement strategies as part of this program. With regard to displacement as a result of code enforcement, in coordination with the Planning & Building Department, Oakland HCD administers the Code Compliance Relocation Program. In addition, the upcoming Rent Registry will allow for a form of proactive protection for Oakland residents.</p> <p>I. The State will not approve a Housing Element that places a moratorium on market rate housing or any type of housing at any affordability level.</p>

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			<p>KN. City kept as is because it aligns with HCD Site Guidelines. We are concerned that size assumptions are in violation of fair housing laws. (Appendix C pages 50, 80-81; and Oakland HE page 39)</p> <p>O. Use of City-owned land as 100% affordable housing (includes 10+ acre sites as well): Action 3.3.1 discusses prioritizing ELI households on public land, but Table C-16 (Appendix C) in Housing Sites Inventory shows that housing at all income levels is being planning for on public land.</p> <p>All public land for 100% affordable housing (includes 10+ acres). (Policy 3.3).</p> <p>P. Utilize neighborhood Area Median Income for housing projects. (Policy 3.2)</p> <p>Q. Increase Housing Impact Fees.(Policy 3.3)</p> <p>R. Create a real Inclusionary Zoning law. (Policy 3.3)</p> <p>S. Link zoning changes for market rate projects to affordability requirements so more affordable housing is built. (Policy 3.4) A developer who wants to build more units (say, 200 units instead of 100 units) should also increase the number of affordable housing units on site.</p> <p>T. Prioritize re-entry housing in City funding applications. (Policy 3.7)</p> <p>U. Ensure that TOD projects provide housing that neighborhood residents can afford (Policy 5.2)</p> <p>V. A tax on speculators AFTER they purchase the property does not reduce housing speculation and the City already has a registration fee & inspection requirement for speculators. The City should instead evaluate how the current program is working. (Policy 2.2)</p>	<p>J. Staff need more information about what Deeply Rooted is proposing in order to prepare a response.</p> <p>K. See response to Letter #53</p> <p>L. Comment noted. This comment speaks to issues outside the scope of the 2023-2031 Housing Element Update.</p> <p>M. When Measure KK was approved by voters, the measure did not include an exemption for low-income property owners.</p> <p>N. See Action 3.4.10 and Appendix J for revisions for the new 6th cycle RHNA sites to look at ways to incentivize affordable housing. This will be further discussed and various options analyzed during the Zoning implementation.</p> <p>O. The City disposes of public land according to State and local law, specifically the State Surplus Land Act (SLA) and the Oakland Municipal Code (OMC), specifically Chapter 2.42 that governs the disposition of real property. Decisions about the disposition of a particular parcel are made by City Council action, consistent with the requirements of the OMC</p> <p>P. This would greatly impact and complicate funding, closing, and asset monitoring processes for the City with impacts on the pace of AH creation/admin capacity. Neighborhood AMIs don't align with State or Federal funding mechanisms. The City will however continue to seek opportunities to target deeper AMI groups. The City welcomes examples of this being successfully implemented in other communities</p> <p>Q. An economic feasibility study is underway as part of the five-year impact fee update to determine the potential for increasing impact fees. In addition, the affordable housing impact fees automatically increase at the beginning of each fiscal year with the rate of construction inflation. Most recently, in July 2022, the affordable housing impact fees went up by 15% because of the high construction inflation rate. Action 3.3.8: Right size development fees on market rate housing addresses the City to look at its Impact Fees on a regular basis.</p> <p>R. An economic feasibility study is underway as part of the five-year impact fee update to assess the benefits of impact fees versus inclusionary requirements. This analysis will be presented to City Council for further discussion and direction. Legislative authority to enact an Inclusionary Zoning law must come from City Council action. This comment is addressed in Action 3.3.7: Study the targeted implementation of an inclusionary housing requirement.</p>

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			<p>W. Goals, policies, and actions should treat unhoused people with dignity and respect the communities they have built rather than allowing for City evictions under the current Homeless Encampment Management Policy. The current policies focused on unhoused people describes just enhancing operations of the EMP.</p> <p>X. Stopping Encampment Management Policy. (Policy 4.2)</p> <p>Y. Changing zoning so tiny homes or RV's can be allowed across the City. (Policy 4.3)</p> <p>Z. No mention of permanent housing and how that aligns with AFFH. (Goal 4. How this Goal AFFH section)</p> <p>Z1. Missing Special Needs Groups (prioritize housing for them): Formerly incarcerated individuals (Policy 1.1, 3.7), Single parents (not just mother's) (Policy 1.1, 3.7) young adults (Policy 1.1, 3.7) low-income non-english speakers (Policy 1.1, 3.7) youth aging out of foster care (Policy 1.1, 3.7) Black Americans (this population particularly in relation to landlord housing discrimination). (Policy 1.1, 3.7) Teachers (Policy 1.1, 3.7)</p> <p>Z2. Need to integrate the following community input into Intro, Housing Needs (Appendix B) and AFFH sections (Appendix D and relevant Oakland HE sections): Historic and Current Racism are intentional public policy choices Including intentional decrease of public housing in neighborhoods like Lower Bottoms. It was another policy choice that exacerbated racialized displacement.</p>	<p>S. As part of the impact fee study from Action 3.3.8, the City is studying the potential increase of onsite affordable housing instead of paying the affordable housing impact fees. Onsite requirements are already based on a percentage of the overall units, so the more units that are built the higher the number of affordable units that are required in order not to pay Affordable Housing Impact Fees. In addition, Action 3.3.7: Study the targeted implementation of an inclusionary housing requirement will be looking at how much affordable units would be required with market rate development.</p> <p>T. See response to 27-Z1</p> <p>U. This comment is addressed in Action 5.2.2: Promote infill, transit-oriented development (TOD), and mixed use development.</p> <p>V. The City does not regulate homeownership sales or transfers. Policies would need to go through City Council and/or the County Assessor's Office for consideration. An anti-speculation tax is already a study item in the Housing Element (Action 2.2.6: Reduce short-term home purchases/sales (i.e., "house flipping") to ensure affordability and prevent displacement.). A direct ban on investors buying and flipping homes would likely require a change to state law.</p> <p>W. Each year, it is estimated that 15,786 people in 13,135 households experience homelessness in Alameda County, and approximately 60% of them reside in Oakland. The conditions at many encampments are inhumane, dangerous, often fatal. The Encampment Management policy is rooted to a shelter offer policy that places a requirement on the City to provide shelter options when closing an encampment. While improvements are still being developed in the homelessness system, when an encampment is closed, individuals at the camp are offered a shelter bed and an alternative to sleeping in a place not fit for human habitation as defined by US Department of Housing and Urban Development.</p> <p>X. Comment noted. This comment speaks to issues outside the scope of the 2023-2031 Housing Element Update.</p> <p>Y. The Oakland Construction Innovation and Expanded Housing Options Ordinance was approved by City Council on November 16, 2021, and went into effect on January 15, 2022. This Ordinance updated the City's zoning regulations to allow RVs, mobile homes, manufactured homes and tiny houses on private properties in any zone that allows residential. See more</p>

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			<p>Facts about ethnic enclaves created in part by racial housing covenants (Chinatown, West and East Oakland).</p> <p>The negative impacts of California legislature's Costa Hawkins law</p> <p>The negative impacts in the 1990s of the tech boom and Mayor Brown's 10k market rate housing plan to make Oakland attractive for SF tech workers.</p> <p>Generational economic and housing discrimination impacts Oakland residents.</p> <p>Market force displacement from lack of sufficient tenant protections</p> <p>Blighted Housing Conditions: Lower income residents in West and East Oakland are facing unhealthy housing conditions ie. no heat, electrical issues, and faulty plumbing).</p> <p>Mention Housing Equity Roadmap in Appendix A. Lots of community orgs were involved in the development of that document and may not have been involved with HCD's Strategic Plan so may not see themselves reflected in the Strategic Plan.</p> <p>More information/data on assessment of previous housing cycle production. A summary of the previous HE assessment should be included in the Oakland HE (main chapters of document) for transparency and framing for the new RHNA goals. Draft HE (Appendix A) has only one sentence on total housing built in the previous cycle. Also include 1) the number of built units by affordability level in the 2015-2023 RHNA table alongside permitted, 2) Table by planning area and income level for built units, and a map of where those sites are by income level. Just Cities ended up doing this analysis with sample data.</p>	<p>information here: https://www.oaklandca.gov/news/2022/new-policies-expand-housing-options-on-single-family-parcels-allow-rv-residences.</p> <p>Z. See response to Letter #53</p> <p>Z1. Existing language aligns with federal and State funding sources, allowing projects to qualify for unique "special needs" funding that would not otherwise be available.</p> <p>Some of the suggested prioritizations conflict with CA Prop 209 (e.g. explicitly targeting Black residents). We have focused on deepening affordability and addressing homelessness (following US Department of Housing and Urban Development target populations under homelessness) as top priorities with the limited resources we have. Within that, we have sought to encourage projects that serve a range of household needs, and with a focus on deepening affordability.</p> <p>We do have several layers of local preference for our affordable projects: displaced residents (code enforcement), residents within one mile of development/same council district, and then Citywide.</p> <p>Z2. The revised 2023-2031 Housing Element incorporates this feedback. Additional information on historic context of discriminatory housing actions and the legacy of exclusionary zoning as a significant housing constraints and barrier to affirmatively furthering fair housing. This context is incorporated in the Introduction (1-1 through 1-4); Appendix D (section D.2, pp. D-14 and 15, and new section D.5D.6 [Housing Sites Inventory Analysis]); Appendix F (F-10 through F-11).</p> <p>Z3. The text describing the intent of Housing Action Plan Goal 5 was updated to make it more explicit that policies and actions are focused on homeownership strategies.</p>

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			<p>Z3. HAP: Goal 5 should make it more explicit that policies and actions are focused on homeownership strategies</p>	
28	Harvey McKeon, Carpenters Local 713	6/10/2022	<p>The City of Oakland Housing Element notes in its housing constraints analysis that a shortage of construction labor can significantly increase "the time necessary to complete the development of a project." Indeed, the Housing Element Update also outlines that construction workers make up a lower proportion of overall employment in Alameda County than even that of the wider Bay Area, where an acute shortage of housing production and labor is also a pressing, widespread issue.</p> <p>To be clear, neither Alameda county nor the City of Oakland have enough skilled, highly productive residential construction workers to build the 26,000+ units that the city of Oakland is supposed to produce over an 8 year time period. This is itself an almost 80 percent increase from the prior Housing Element cycle's RHNA goals. However, as the housing crisis in our communities has continued to deteriorate in recent years, the number of workers employed in residential building construction in Alameda County has actually decreased by 18% since 2004. A continuously shrinking residential construction workforce cannot build 26,000 units of housing in 8 years.</p> <p>The City Should Bar Issuance of Building Permits Unless Each Future Residential Development of 10 units or Above has a Viable Apprenticeship Program and Local Hiring Requirements</p> <p>The Carpenters propose the following additions to the Municipal Code of the City of Oakland. for any residential project larger than 10 units</p>	Comments noted.

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			<p>Permitting requirements in the Municipal Code of the City of Oakland</p> <p>A person, firm, corporation, or other entity applying for a building permit under the relevant section of the Municipal Code of the City of Oakland, California shall be required to comply with the apprenticeship, healthcare, and local hire requirements of the Housing Element and General Plan. Failure to comply with the requirements set forth in this section shall be deemed a violation of this article.</p> <p>Apprenticeship:</p> <p>For every apprenticeable craft, each general contractor and each subcontractor (at every tier for the project) will sign a certified statement under penalty of perjury that it participates in a Joint Apprenticeship Program Approved by the State of California, Division of Apprenticeship Standards OR in an apprenticeship program approved by the State of California Division of Apprenticeship Standards that has a graduation rate of 50% or higher and has graduated at least thirty (30) apprentices each consecutive year for the five (5) years immediately preceding submission of the pre qualification documents. The contractor or subcontractor will also maintain at least the ratio of apprentices required by California Labor Code section 1777.5.</p> <p>Local Hire Policy:</p> <p>Contractor will be required to provide documentation that the contractor will hire a minimum of twenty-five percent (25%) of staff for any job classification with more than four (4) employees employed whose primary residence,</p>	

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			<p>which is not a post office box, is, and has been, within Alameda county within 180 days of the expected date of issuance of the Notice to Proceed for the project.</p>	
29	Jon Gabel	6/10/2022	<p>1. Some of the stated goals in the Housing Element Draft are at odds with City policy, particularly with respect to Rockridge</p> <p>As noted in the Housing Element Draft, Chapter 1: Introduction, Page 4:</p> <p>“In the 1950s and 1960s, urban renewal cut through these disinvested areas to build new high-rises and transportation infrastructure that displaced many low-income residents and residents of color.</p> <p>“The direct and indirect displacement of residents in these areas, driven by the heated and inequitable housing market, threatens not only households but the cultural identity and viability of these communities.”</p> <p>As long as 100 years ago, Rockridge was a vibrant residential and business district. Construction of the Grove-Shafter freeway (Highway 24) and BART in the 1960's devastated the existing businesses. Half of them closed and crime was rampant. In 1973, the Rockridge Community Planning Council (RCPC) worked with the City of Oakland to rezone College Avenue and Rockridge, which led to its recovery and current prosperity. (For details, see www.PreserveRockridge.com/UpDownAndUp)</p> <p>The people of Rockridge responded and brought our neighborhood back. With no funding and little help from the City of Oakland,</p>	<p>Comments noted.</p> <p>Oakland Planning Staff presented the first Public Review Draft Housing Element to the Rockridge Community Planning Council on August 18, 2022. This presentation took place during the extended public review period (June 30 - September 30, 2022).</p>

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			<p>Rockridge was resurrected after the BART and Highway 24 construction was completed. Old homes, including many Craftsman houses, were preserved and restored. Rockridge funded and built its own branch library. Parental support has helped make local public schools desirable. Strong local activism has resulted in many public benefit projects.</p> <p>We should be lauded for this (For details, see www.PreserveRockridge.com/Accomplishments). But instead, the City of Oakland has adopted and supported policies – like SB9 - which threaten the viability of the community which rebuilt Rockridge. Quoting from the home page of www.PreserveRockridge.com:</p> <p>“The creation of financial incentives to tear down existing single family houses and replace them with larger market rate buildings would:</p> <p>“- Eventually destroy the beautiful and architecturally historic Craftsman houses that we presently have;</p> <p>- Push out the community that individually and collectively rebuilt itself after the construction of BART and Highway 24 right through the heart of it;</p> <p>- Actually be a vehicle for real estate interests to make big profits.”</p> <p>1. Some of the stated goals in the Housing Element Draft are at odds with City policy, particularly with respect to Rockridge</p> <p>Again, from the Housing Element Draft, Pages 11-12:</p>	

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			<p>“This Housing Element identifies a foundational framework of five overarching goals in Chapter 4: Housing Action Plan to comprehensively address the housing crisis and needs of Oaklanders... The goals include:</p> <p>“1. Protect Oakland Residents from Displacement and Prevent Homelessness: Protect Oakland tenants from displacement and create conditions that enable them to remain in their homes and communities.</p> <p>“2. Preserve and Improve Existing Housing Stock: Conserve and improve the affordability of existing housing stock in Oakland and address substandard conditions.</p> <p>“5. Promote Neighborhood Stability and Health: Promote resilient development in safe, healthy, and just communities. Increase resources in disinvested communities and create long-time stability through homeownership opportunities.”</p> <p>These stated goals are at odds with the actual performance of the City of Oakland. The passage of SB9 by the State of California has enabled this threat to Rockridge and to other neighborhoods throughout the State. Oakland’s support of SB9 has put it in a tiny minority of California cities.</p> <p>The following cities supported the passage of SB9: Alameda, Oakland, and San Diego.</p> <p>The following cities opposed the passage of SB9: Arcata, Azusa, Bellflower, Belmont, Beverly</p>	

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			<p>Hills, Brea, Brentwood, Burbank, Calabasas, Camarilla, Carpinteria, Carson, Cerritos, Chino, China Hills, Clayton, Clearlake, Clovis, Colton, Corona, Costa Mesa, Cupertino, Cypress, Del Mar, Diamond Bar, Dorris, Downey, Dublin, Eastvale, El Segundo, Escalon, Fillmore, Fortuna, Foster City, Fountain Valley, Garden Grove, Glendora, Grand Terrace, Half Moon Bay, Hesperia, Hidden Hills, Huntington Beach, Indian Wells, Inglewood, Irvine, Irwindale, Kerman, King,</p> <p>La Canada Flintridge, La Habra, La Habra Heights, La Mirada, La Palma, La Quinta, La Verne, Lafayette, Laguna Beach, Laguna Niguel, Lakeport, Lakewood, Lancaster, Lawndale, Lomita, Los Alamitos, Los Altos, Malibu, Martinez, Maywood, Menifee, Merced, Mission Viejo, Montclair, Monterey, Moorpark, Murrieta, Newman, Newport Beach, Norwalk, Novato, Oakdale, Ontario, Orinda, Pacifica, Palm Desert, Palo Alto, Palos Verdes Estates, Paramount, Pasadena, Pinole, Pismo Beach, Placentia, Pleasanton, Poway,</p> <p>Rancho Cucamonga, Rancho Palos Verdes, Rancho Santa Margarita, Redding, Redondo Beach, Ripon, Rocklin, Rohnert Park, Rolling Hills, Rolling Hills Estates, Rosemead, San Buenaventura, San Carlos, San Clemente, San Dimas, San Fernanda, San Gabriel, San Jacinto, San Marcos, San Marino, Santa Clara, Santa Clarita, Santa Monica, Santa Paula, Saratoga, Signal Hill, Simi Valley, South Gate, South Pasadena, Stanton, Sunnyvale, Temecula, Thousand Oaks, Torrance, Tracy, Upland, Vacaville, Ventura, Visalia, Vista, West Covina, Westlake Village, Whittier, Yorba Linda, Yuba City</p>	

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			<p>(For a more detailed discussion of SB9’s impact on Rockridge, see www.PreserveRockridge.com/ZoningBusting)</p> <p>2. The Housing Element Draft appears to subscribe to “Trickle-down” housing theory, which is false and similar to “Trickle-down” economics</p> <p>Again from the Housing Element Draft, Page 63:</p> <p>“POLICY 3.2 CREATE A MORE DIVERSE MIX OF HOMES TO MEET COMMUNITY NEEDS</p> <p>“Action 3.2.1: Develop zoning standards to encourage missing middle and multi-unit housing types in currently single-family-dominated neighborhoods, including flats, duplexes, triplexes, fourplexes, townhomes/rowhouses, and ADUs.</p> <p>“The City will review and amend the Planning Code and implement objective design standards to encourage missing middle-density housing typologies, including flats, duplexes, multiplexes (triplexes, and fourplexes), bungalow courts, rowhouses/townhomes, and ADUs. The City will work to reduce pre-development costs and expedite the planning approval process for missing middle housing types resulting from both new construction and the conversion of existing structures.</p> <p>“The City will develop zoning standards that allow for two, three, and four units on parcels in Detached Unit Residential (RD) and Mixed Housing Type Residential (RM) zones. The City will also reduce the minimum lot size in Detached Unit Residential and Mixed Housing</p>	

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			<p>Type Residential generally to 3,000 square feet to remove constraints on lot splitting.”</p> <p>I believe that there is support locally for allowing single family homes to be converted into duplexes; and ADU conversions are popular under existing statutes. But SB9-style changes which would incentivize tear-downs of existing homes in favor of market rate multiple unit dwellings – with no affordable housing required – is opposed locally by a margin of around 2 to 1. Adoption of Policy 3.2 would be counter to public sentiment here, and would be in contradiction of three of the Chapter 4: Housing Action Plan goals.</p> <p>The concept that building more market rate housing will result in more affordable housing is called “Trickle-down” housing theory. It is false and is equivalent to “Trickle-down” economics.</p> <p>“Trickle-down” economics theory, also referred to as “supply side” economics, “Reaganomics”, and (by President George H.W. Bush) “voodoo” economics, is believed by most Americans to be false. However, it is still being promoted by some Republicans. “Trickle-down” housing theory, also referred to as “filtering” or “housing as opportunity”, is based on the same concept as “trickle-down” economics: that increases in the supply of market rate housing will “trickle-down” to provide more affordable housing. Unlike “trickle-down” economics, “trickle-down” housing theory is being promoted by supposedly progressive Democrats.</p> <p>The basic fallacy of “trickle-down” housing theory is that there is not a single unified</p>	

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			<p>housing market. To the contrary, supply and demand are different in different price ranges of housing. The "housing market" actually consists of multiple, non-intersecting sub-markets delineated by price. "Trickle-down" housing theory is not supported by econometric modeling, as shown in "The Maze of Urban Housing Markets: Theory, Evidence, and Policy" by Jerome Rothenberg et al.</p> <p>Unless upzoning is tied to a requirement for truly affordable housing, it serves developers at the expense of the current residents. (For a detailed discussion of this topic, see www.PreserveRockridge.com/trickledown)</p> <p>3. Lack of inclusion in the process</p> <p>2.1 Summary of Community Outreach Activities, Page 19, shows that Rockridge has been omitted from the list of neighborhoods contacted for input on the Housing Element Draft – even though Rockridge will be deeply affected by the final version.</p> <p>There is an organization that represents Rockridge: the Rockridge Community Planning Council (RCPC). It is usual for RCPC to schedule local town hall meetings on topics of importance, which the Housing Element Draft certainly is. The City could have easily arranged with RCPC for a meeting and notified residents through RCPC's monthly newsletter, The Rockridge News. Instead, a small number of poorly publicized Zoom meetings were held.</p> <p>Chapter 1: Introduction of the Housing Element Draft, Page 5 has a heading:</p> <p>"CHARTING AN EQUITABLE, INCLUSIVE FUTURE"</p>	

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			<p>Both the process of producing the “City of Oakland 2023-2031 Housing Element Draft - Public Review May, 2022” and its contents are not equitable. Some neighborhoods were excluded from the process. The draft promotes “Trickle-down” housing theory, which does not produce truly affordable housing but does produce profits for real-estate developers. And enabling the destruction of a neighborhood, Rockridge, that brought itself back from an earlier round of destruction is the antithesis of what a City Plan should do.</p>	
30	Colin Piethe	6/10/2022	<p>A. POLICY 3.5. EXPLORE INNOVATIVE AND ALTERNATIVE HOUSING MODELS - The City should take a much more proactive approach to expanding the role of land trusts and other collective ownership strategies that take housing either into the City's, or the community's hands. The words "explore" and "support" are passive words, and don't commit the City to changing how it does business. Merely studying and considering these strategies continues to let primarily private developers make decisions about how the City's housing stock is built, and their decisions are not in the best interests of our residents. We need to move the City away from relying on the whims of the market and let Oakland residents take collective ownership of their land and housing.</p> <p>Reduce the police budget and put it into other City priorities so that we have money in a dedicated housing fund to help subsidize rent for our most underserved residents living paycheck to paycheck. 32% of americans cannot afford a \$400 emergency, and providing our</p>	<p>A. See Action 3.5.1: Support community land trusts and other shared equity models and Action 3.5.2: Support housing cooperatives, co-living, and cohousing models . Actions in Chapter 4: Housing Action Plan includes discrete implementation timelines and milestones within the eight-year Housing Element planning period.</p> <p>B. See the revised Action 3.4.4: Revise citywide parking standards in the Housing Element.</p>

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			<p>residents with stable housing can help them stay on their feet.</p> <p>B. Action 3.4.3: Revise citywide parking standards</p> <p>- Please implement parking maximums city-wide, or with neighborhood-specific approaches. Developers still think there's a "market demand" for providing more parking than necessary, even in Downtown where we're trying to limit parking. While there's no minimum Downtown, developers are not reducing parking supply, such as at 1919 Webster, where the developer is currently proposing an extra wide driveway which will create conflicts with the future bike lane that's planned for Webster.</p>	
31	<p>Alliance of Californians for Community Empowerment, Asian Pacific Environmental Network, Causa Justa :: Just Cause, the East Bay Permanent Real Estate Cooperative, the Oakland Community Land Trust, Oakland Tenants Union, PolicyLink, Public Advocates, and Urban Habitat</p>	6/10/2022	<p>We urge the City of Oakland to take meaningful action in the 6th Cycle Housing Element update to address the unmet housing needs of low-income households and commit to policies and programs that affirmatively further fair housing. Specifically, we are calling on the City to commit to (1) passing a strong Tenant Opportunity to Purchase Act by 2023 and (2) reauthorizing Measure KK with significantly increased funding (at least \$350 million) for anti-displacement and affordable housing preservation. These actions are essential to prevent displacement, stabilize current residents and existing communities, and preserve affordable housing for the long term Renters at risk of displacement in Oakland urgently need TOPA so that they can stay in their communities and have a voice in their housing options. Tenant Opportunity to Purchase Act (TOPA) policies give tenants and qualified organizations, like community land trusts and nonprofit affordable housing developers, the right to make the first offer and the right to match competitors' offers so that</p>	<ol style="list-style-type: none"> 1. COPA/TOPA policies are relatively new to the Bay Area and are complex undertakings that require careful financial, regulatory, and legal alignment. Before proceeding with a COPA/TOPA policy, staff would require direction from Council on the scope and goals of such a potential policy. Such direction has not yet been received, and as such, COPA/TOPA policy must remain a study item. 2. See Action 3.3.18: Implement affordable housing investments contained in Measure U. . This action has been updated to include information about Measure U, the November 2022 Infrastructure Bond that was approved and includes \$350 million for affordable housing.

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			<p>they can purchase their homes when offered for sale. As a key intervention against speculation, TOPA preserves housing as permanently affordable for future generations. TOPA expands stability and wealth-building opportunities for tenants by creating pathways to homeownership. TOPA does not require landlords to sell their properties or sell for less than market rate.</p> <p>Both the implementation of a strong TOPA policy and dedicated funding for preservation are essential to actually preserving units as permanently affordable. Funding to support the acquisition and rehabilitation of properties is critical to ensure that TOPA leads to meaningful outcomes. As a package, this policy coupled with much-needed preservation resources will create new permanently affordable housing in Oakland and allow Oakland residents to stay in their current homes, avoiding the disruption and trauma of displacement.</p> <p>Concrete commitments to pass TOPA on an urgent timeline and increase funding for affordable housing preservation will advance multiple Housing Element requirements. Among these, Oakland is required to address the housing needs of low-income households, identify specific strategies to conserve and improve affordable housing stock, and Affirmatively Further Fair Housing (AFFH). The acquisition and preservation of currently market-rate rental housing stock as permanently affordable housing is a crucial strategy that would help Oakland meet these obligations</p> <p>Action 2.2.8 Should Commit to More Specific Action on TOPA on a More Urgent Timeline “Action 2.2.8: Investigate a Tenant/Community Opportunity to Purchase Act,” as currently</p>	

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			<p>drafted, is both insufficient to meet the needs of low-income community members and people of color at risk of displacement and inadequate to meet state statutory requirements. Action 2.2.8 states, "Oakland will study, and if appropriate implement, a TOPA/COPA policy by 2025."</p> <p>Action 2.2.8 Should Commit to More Specific Action on TOPA on a More Urgent Timeline "Studying" TOPA is unlikely to yield any benefit, and is also unnecessary as City Staff have already been exploring this policy for years, including drafting several different Tenant/Community Opportunity to Purchase ordinances since 2019, at the direction of two different City Council Members.</p> <p>Action 2.2.8 Should Commit to More Specific Action on TOPA on a More Urgent Timeline Moreover, state law requires all Housing Element programs to have beneficial impact within the planning period, including identification of specific actions, which agency or official is responsible for those actions, and a timeline. Programs to affirmatively further fair housing must identify "metrics and milestones for determining what fair housing results will be achieved." A recent survey of HCD reviews of draft housing actions from Southern California jurisdictions emphasizes that time bound actions with "specific commitments [from local actors], metrics, and milestones" are required and that jurisdictions are expressly discouraged from relying on vague words like "study" or "explore" as such non-specific actions are unlikely to have any real-world impact within the planning period</p> <p>Action 2.2.8 Should Commit to More Specific Action on TOPA on a More Urgent Timeline</p>	

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			<p>Action 2.2.8 should instead commit to passing TOPA by 2023. A TOPA policy should include several key components – a right of first offer and right of first refusal for tenants (and for qualified organizations if tenants assign or waive their rights); sufficient timelines for tenants and qualified organizations to organize, negotiate a contract, secure financing, and close; technical assistance for tenants to understand the process, financing, and different ownership options; permanent affordability restrictions on all TOPA purchases; and clear enforcement mechanisms if owners of covered properties fail to comply with the law.</p> <p>Action 3.3.18 Should Commit to a More Specific Action on Funding for Anti-Displacement and Affordable Housing Preservation</p> <p>“Action 3.3.18: Reauthorize Measure KK” should commit to significantly increased funding for anti-displacement and affordable housing preservation. As currently drafted, the objective simply states, “The size of the new infrastructure bond and the amount set-aside for Affordable Housing is still being determined.” It goes on to provide details about the number of units of housing preserved under Measure KK.</p> <p>Action 3.3.18 Should Commit to a More Specific Action on Funding for Anti-Displacement and Affordable Housing Preservation</p> <p>Action 3.3.18 should provide additional details and clear commitments about the reauthorization of the infrastructure bond measure, such as the size of the bond, the amount set-aside for affordable housing, and the number of housing units that will be preserved. As discussed above, state law</p>	

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			<p>requires all Housing Element programs to include identification of specific actions, and programs to affirmatively further fair housing must identify “metrics and milestones for determining what fair housing results will be achieved.”</p> <p>Action 3.3.18 Should Commit to a More Specific Action on Funding for Anti-Displacement and Affordable Housing Preservation</p> <p>Action 3.3.18 should commit to set aside at least \$350 million of the general obligation bond for anti-displacement and affordable housing preservation projects. The 2016 measure only set aside about 16 percent (\$100 million) of the \$600 million general obligation bond for affordable housing. Given the scope of the housing crisis in Oakland, we need more funding for resident-led and community land trust-supported preservation projects. And because low-income tenants lack the financing to purchase their own homes, this consistent funding source dedicated to preservation will be essential to make a TOPA policy effective.</p> <p>TOPA and Affordable Housing Preservation Funding Address Unmet Needs of Low-Income Households</p> <p>Housing Element law requires jurisdictions to develop an assessment of housing needs for all income levels and a plan to address these needs.⁹ A TOPA policy and enhanced affordable housing preservation funding will clearly address the identified housing needs in Oakland’s draft Housing Element. According to the draft Oakland Housing Needs Assessment, “housing affordability is particularly out of reach for lower-income households.” Nearly half (46.5 percent) of all renters experience some level of cost burden. 11.5 percent of</p>	

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			<p>renter occupied households experience overcrowding. Nearly half of all households in Oakland live in tracts at risk of or experiencing gentrification, while almost a quarter live in tracts susceptible to or experiencing displacement.</p> <p>TOPA and Affordable Housing Preservation Funding Address Unmet Needs of Low-Income Households</p> <p>TOPA is a proven strategy to address these unmet needs of low-income renter households – the high rates of cost burdens, overcrowding, and displacement risk. For households facing unaffordable rent increases, doubling up with friends and family, and paying more than 30 percent of their income on rent, the time to “study” proven anti-displacement strategies like tenant opportunity to purchase policies is long overdue. TOPA policies can only effectively address the unmet needs of low-income households when coupled with a dedicated funding source to assist in financing tenant purchases.</p> <p>TOPA and Affordable Housing Preservation Funding Affirmatively Further Fair Housing</p> <p>Affirmatively Furthering Fair Housing (AFFH) means taking meaningful actions to address disparities in housing needs and access to opportunity, and that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Protected characteristics under California law include race, sex, national origin, and disability status. In this Housing Element Cycle, cities and counties are now required to analyze the fair housing issues, including “disproportionate housing needs” and “displacement risk” of members of protected groups, and identify and</p>	

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			<p>prioritize concrete actions to remedy these injustices.</p> <p>TOPA and Affordable Housing Preservation Funding Affirmatively Further Fair Housing</p> <p>The draft Oakland Housing Element correctly identifies that “[m]ost of Oakland is considered vulnerable to displacement pressures.”¹⁷ The City identified “disproportionate housing needs and displacement risk” as a fair housing issue with one of the contributing factors as “high rates of cost burden for renters and BIPOC individuals.” One of the goals and actions the City identified to address this fair housing issue is “implement[ing] affordable housing preservation ... strategies.” This should be a high instead of medium priority.</p> <p>TOPA and Affordable Housing Preservation Funding Affirmatively Further Fair Housing</p> <p>As communities of color continue to be the primary demographic affected by displacement and lack of affordable housing in Oakland based on local data, Oakland should put forward concrete commitments to pass TOPA by next year and significantly expand preservation funding to address these fair housing issues. TOPA policies effectively prevent displacement, preserve existing housing as affordable for the long term, and convert market rate housing into permanently affordable housing stock.</p> <p>TOPA and Affordable Housing Preservation Funding Affirmatively Further Fair Housing</p> <p>As stated in Oakland’s draft Housing Element, “actions that preserve the affordability of existing homes also play a key role in preventing displacement and allowing lower-income and BIPOC tenants to remain in place despite the gentrification of their neighborhoods... A Community Opportunity to Purchase/Tenant Opportunity to Purchase Act,</p>	

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			<p>if adopted, would allow for tenants to access the wealth building and stability of benefits of homeownership.”</p> <p>Oakland Must Incorporate Input from Renters and Low-Income People in the Housing Element Process</p> <p>Jurisdictions must make a “diligent effort [...] to achieve public participation of all economic segments of the community in the development of the housing element.” During the public engagement process, low-income residents and community-based organizations representing low-income people and members of protected classes identified housing preservation as a top priority. The City highlighted that a key public participation theme that emerged to mitigate the pressures of displacement and gentrification was preserving the city’s existing affordable housing stock, “including through implementation of a Community/Tenant Opportunity to Purchase Act” and “innovative solutions to maintain permanent affordability like community land trusts.” As we have detailed above, “investigating” a Tenant/Community Opportunity to Purchase Act is an insufficient action to respond to this community-identified priority.</p> <p>Oakland Must Incorporate Input from Renters and Low-Income People in the Housing Element Process</p> <p>Our local TOPA campaign is deeply rooted in the needs of the community, as this policy aims to support tenants at risk of displacement, facilitate tenant organizing and power-building, stabilize gentrifying neighborhoods, and take property off the speculative market and place it under community control. Oakland residents need the City of Oakland to take concrete steps in the 6th Cycle Housing Element to not only</p>	

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			meet its legal obligations, but to ensure that every resident can continue to thrive and prosper here without fear of losing their homes	
32	Elizabeth Wampler, Bay Area LISC	6/13/2022	<p>Do you think the City would be open to considering an overlay for all faith-owned land as part of the housing element? We can include the folks we're working with now, but I'm guessing this will up again for faith organizations in future cohorts.</p> <p>Re: zoning/densities for the site at 8400 Enterprise Way (City of Refuge), it looks like 5-6 stories, up to 100 units/acre, mixed-use multi-family housing and ground floor services/retail would be ideal. Between now and the fall, COR will be doing more work to further refine a more specific project vision, and I'd love to share where they land with you.</p>	<p>The revised 2023-2031 Housing Element includes these sites as part of Appendix M: Recommended Sites for Future Housing (Upzoning/General Plan Update Opportunity Sites). In addition, the preliminary zoning reforms proposed include changing the zoning of some of these faith-owned sites to the new Regional Commercial CR-2 zone, where residential activities will be permitted. Furthermore, the new proposed Affordable Housing Overlay Zone will apply to all of these faith-owned sites. Also, see Action 4.3.6: Expand opportunities for permitting of Emergency Shelters, where the City will revise the Oakland Planning Code to permit by right, without discretionary review, emergency shelters citywide when located on properties owned by churches, temples, synagogues, and other similar institutions approved for Community Assembly Civic Activities.</p>
33	TransForm	6/13/2022	<p>A. Oakland has been a leader in the Bay Area when it comes to smart parking policy. In 2015, the City eliminated parking minimums in the downtown zone and set parking minimums for residential and commercial development. These changes greatly reduced the financial and physical constraint posed by excessive parking mandates. Also by requiring unbundling for all developments of 10 or more units in the downtown development zone, it is clear Oakland understands the power of implementing many smart parking policies in tandem, a nuance missed by other municipalities.</p> <p>B. Oakland's draft 2023-2031 Housing Element includes Action 3.4.3 which will fund a continued review of parking policies after the Housing Element is enacted. We commend this proposed action but are concerned with the lack of specificity in the proposed review. The action speaks to a "review of existing residential</p>	<p>A. Comment noted.</p> <p>B. See the revised Action 3.4.4: Revise citywide parking standards in the Housing Element and Appendix J for a summary of zoning amendments related to parking.</p>

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			<p>parking standards and the identifications of appropriate new standards to match long-term development and environmental goals” and, beyond a reference to exploring flexibility in parking requirements, the action lacks a concrete policy goal.</p> <p>With the importance of implementing smarter parking policies, especially given our climate and housing affordability crises, we at TransForm want to ensure this funded review has clear goals so it is not ignored or pushed to the next Housing Element cycle. Specifically, we encourage implementing unbundling beyond the downtown development zone, and strengthening TDM by requiring provision of transit passes and bike share memberships to each resident.</p> <p>To show the tremendous benefits these policies can have, we have used our GreenTRIPConnect tool to create scenarios for a potential future development site at 7000 Bancroft Ave. GreenTRIP Connect is recommended by the California Office of Planning and Research as a tool to use while developing General Plans and is especially useful during development of Housing Elements. The tool is free to use whether planning at the site or city-wide level.</p> <p>By implementing unbundling, and providing bikeshare and transit passes at this site, we saw a 26% decrease in parking and resident transportation savings of \$988 per year. When combined with 100% affordable housing these strategies resulted in an incredible 50% reduction in driving and greenhouse gas emissions for the site, compared to the city average. If an affordable development with</p>	

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			<p>smart parking strategies were built on this site each household would drive 5,066 less miles per year creating a greener and safer community.</p> <p>With a RHNA allocation of 26,251, it is essential that Oakland makes eliminating constraints to housing development such as parking a top priority for this Housing Element. Policies and investments that also maximize the amount of affordable housing will also be critical. These two crucial issues—smart parking strategies and affordable housing—go hand-in-hand and we hope the City defines concrete goals for parking reduction.</p>	
34	Stuart Flashman	6/13/2022	<p>Stuart's annotations on Appendix A - see link in column to the right</p> <p>Stuart's annotations on Ch 1-4 - see link in column to the right</p>	Comments noted.
35	Ronnie Spitzer	6/13/2022	<p>A. Many terms used within the document require more precise definition. The document currently contains phrases which could be construed one way within the current context but might assume an entirely different meaning in the future. One such example is “missing middle”, which is in common usage within planning circles but might be considered “jargon” to the general public even now.</p> <p>B. Most important, the Housing Element states the upcoming 2023-2031 RHNA allocation is already covered by the identified inventory of adequate sites within the EXISTING General Plan, even adding in a 15% buffer. No further changes should be required. Therefore, the main purpose of this document might be to incorporate the Housing Action Plan goals listed on page 11, although that point is not clearly described in the document. This should be made explicit throughout the document.</p>	<p>A. See Appendix H: Glossary for key terms used in the Housing Element.</p> <p>B. Comment noted and the role of the Housing Action Plan to affirmatively further fair housing has been made explicit throughout the document</p> <p>C. The 2023-2031 is Housing Element identifies a foundational framework of five overarching goals to comprehensively address the housing crisis and needs of Oaklanders and to affirmatively further fair housing. The goals seek to</p> <ul style="list-style-type: none"> - Reduce racial segregation and disparities in housing opportunities and outcomes - Significantly address disparities in housing needs and access to opportunity, - Replace segregated living patterns with truly integrated and balanced living patterns - Transform racially and ethnically concentrated areas of poverty into areas of opportunity, foster and maintain compliance with civil rights, and affirmatively further fair housing. <p>In addition, the City seeks to combat entrenched patterns of segregation by ensuring its laws, programs, and activities affirmatively further fair housing. This means taking specific actions targeted at overcoming patterns of segregation and fostering inclusive communities free from barriers that restrict access to opportunity and housing, and closing the gap between</p>

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			<p>C. Likewise, upzoning around transit stations and along transit corridors is not required to meet 2023-2031 RHNA goals. A justification within the context of RHNA goals should be made to support statements such as, "Some initial amendments to the Land Use Element and Planning and Zoning Code along with initial zoning map changes will allow for upzoning of areas to accommodate additional density on areas near BART stations, along transit corridors, and in existing residential neighborhoods to allow for "missing middle" housing on page 14. Is this change proposed on general principles, to meet and equity goal, to encourage a more diverse mixture of housing, or some other reason?</p> <p>High resource areas ("high resource" itself should be precisely defined and the locations identified within the draft Element) are discussed in several places within this document. What exactly are the goals for the high resource areas; is it the exact RHNA housing mix goal or something else?</p> <p>Implementation of the Housing Action Plan broadly in the City's high resource areas requires an understanding of the barriers to development there, is not cohesively described in one location within the draft.</p> <p>Based on studies, the largest barrier to housing production in an area such as Rockridge is the high land cost. Development of any housing other than market-rate housing is difficult to pencil out. This needs to be explicitly discussed in the HE and policies proposed to overcome this difficulty. One option proposed in the HE is an affordable housing overlay. It should be specific to each area within the City, and take into account local conditions.</p>	<p>market- rate & affordable housing by prioritizing preservation and development of housing for those of the greatest need, including Black & Brown households. Each goal includes a statement of how the programs and actions supporting that goal will help affirmatively further fair housing including but not limited to the promotion of equal access to housing for low -income households. An assessment of patterns of segregation in Oakland can be found in Appendix D Assessment of Fair Housing</p>

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			<p>Another point regards tenant and anti-displacement protections explicitly removing properties with existing units from further development to avoid displacement. Those policies look very different in higher resource areas than low ones, and would require the development of vacant parcels in Rockridge. As mentioned earlier in this comment, those are few and far between. For example, much of College Ave, Claremont and portions of Upper Broadway, i.e. the arterials, already include the types of housing proposed in the HE. How those housing goals can be accomplished should be explicitly described.</p>	
36	Rockridge Community Planning Council	6/13/2022	<p>A. As a statement of general principles, the Rockridge Community Planning Council (RCPC) wants to acknowledge that the State of California is experiencing a housing crisis of historic proportions and that Oakland as a City and Rockridge as a neighborhood within the City must do their parts to ease this crisis. Furthermore, as a “high resource” neighborhood with some of the highest housing prices in the entire region, we believe it is incumbent upon us to lead by example in advocating for more housing development within our borders. We believe that welcoming significant numbers of new residents to Rockridge would be entirely consistent with our values and the cherished historically diverse character of our neighborhood.</p> <p>B. Housing Sites Inventory First and foremost, we were extremely surprised and disappointed to see that the large “Shops at the Ridge Phase II” site at Broadway and Pleasant Valley was not included in the Inventory and we cannot understand the reasoning behind this omission. This site, which is flat, not within an established low-density</p>	<p>A. Comment noted. B. Oakland Planning Staff included the "Shops at the Ridge Phase II" site at Broadway and Pleasant Valley in the revised Housing Element Sites Inventory. C. Comment noted. The Draft Housing Inventory Sites Interactive Map has been updated here: https://oakgis.maps.arcgis.com/apps/instant/interactivelegend/index.html?appid=2cb71a0c3b5e45df9dabe3e0239c245d D. The revised 2023-2031 Housing Element includes these sites as part of Appendix M: Recommended Sites for Future Housing (Upzoning/General Plan Update Opportunity Sites) E. Comment noted. Goal #3 has been revised to read "Close the Gap Between Affordable and Market Rate Housing Production by Expanding Affordable Housing Opportunities." F. See Response to Letter #1 for actions included in the Housing Action Plan to expand affordable housing opportunities and promoting neighborhood stability and health. G. The City will broadly apply the Affordable Housing Overlay (AHO) citywide, except for contaminated sites, protected historical sites/districts, and selected areas in the Very High Fire Hazard Severity Zone, per Action 3.4.10 Implement a Housing Sites Overlay Zone to permit sites included in the Housing Sites Inventory to develop with affordable housing by right , the City will create a Housing Opportunity Sites Overlay Zone to permit sites included in the Housing Element’s Housing Sites Inventory (identified in Table C-26 in Appendix C) to develop owner-occupied and rental multifamily</p>

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			<p>neighborhood and less than a 15-minute walk from Rockridge BART, is clearly one of the most important undeveloped housing opportunity sites in the City. The current Home Depot proposal for this site would be an extremely inappropriate use. A survey of Rockridge residents from RCPC indicated that neighbors overwhelmingly prefer housing at the Ridge Phase II. The site should be included within the Inventory. As an implementation action of the Housing Element, the site should be rezoned to encourage high density residential development and prohibit stand-alone non-residential uses. While some infill and densification is likely to occur organically in Rockridge’s lower density residential neighborhoods, we believe the most important opportunities exist on a handful of larger sites within the neighborhood.</p> <p>C. The maps and tables in the draft are a little difficult to navigate, but we believe we can see the following sites identified on Figure 3-1: Housing Sites Inventory:</p> <ul style="list-style-type: none"> • CCA Site • Rockridge BART Site • Triangular site at the corner of Claremont and College • A portion of the Dreyer’s Ice Cream site • Wendy’s site at College and Broadway <p>D. We agree with the inclusion of these sites on the inventory but believe several other important potential housing development sites have been left out, including:</p> <ul style="list-style-type: none"> • Ridge site at Broadway and Pleasant Hill (already discussed above) • Carpet store site at College and Kales • Dialysis Center site at Claremont and Clifton • DMV Site at Claremont and Cavour 	<p>uses by right for developments in which 20 percent or more of the units are affordable to lower-income households.</p> <p>H. Comment noted. Staff will undertake a comprehensive update of the Land Use and Transportation Element (LUTE) and the Planning Code in Phase 2 of the General Plan Update process</p>

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			<ul style="list-style-type: none"> <li data-bbox="604 204 1134 261">• Chevron Station Site at Telegraph near highway 24 <p data-bbox="604 302 1134 781">The omission of these sites or others yet to be identified in Rockridge contradicts a key narrative discussed in the Housing Action Plan beginning on page 60 to affirmatively further fair housing goals. The section reads: “The City must work towards breaking down barriers towards accessing high-opportunity neighborhoods for those who choose to live there, while simultaneously investing in “lower resource” neighborhoods. Increasing affordability and expanding the housing types permitted in high-opportunity neighborhoods will be key to ensuring that currently exclusive neighborhoods become inclusive.”</p> <p data-bbox="604 821 1134 1105">We are aware that some of the sites on the second list above may have been omitted from the Inventory by staff because of technical guidelines governing what sorts of sites are eligible for inclusion. However, we feel strongly that we should err on the side of inclusivity due to the seriousness of the housing crisis. We would welcome an opportunity to discuss these criteria further with Planning Department staff.</p> <p data-bbox="604 1114 1134 1463">E. Housing Action Plan: <u>Five Overarching Goals</u> The first paragraph of the narrative on page 59 under Goal #3 “<u>Expand Affordable Housing Opportunities</u>” discusses the importance of the general production of housing and asserts that “thoughtfully adding housing at every level can reduce market competition for existing homes...” before going on to point out the overarching importance of making a concerted effort to increase production of homes that are</p>	

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			<p>affordable to very-low, low and moderate income households. We agree with these sentiments but feel that the headline “Expand Affordable Housing Opportunities” is not descriptive of the Element’s stated policy goals. We recommend the headline be amended to read something like “<u>Expand Housing Opportunities at All Income Levels, With a Very Strong Emphasis on Affordable Housing.</u>”</p> <p>F. Policy 3.2: Create a More Diverse Mix of Homes to Meet Community Needs This policy would be implemented in part by zoning amendments to permit more “missing middle” type small scale multi-unit housing in low density zoning districts like those found in most of Rockridge. Our own economic studies have shown that similar to SB 9 which is already in effect, these regulatory changes will result in only a small amount of change in Rockridge, where very high land values mean that demolition of most existing houses is unlikely. However, we are supportive of these policy changes for both our own neighborhood and the City as a whole. If feasible, we would like to see these zoning amendments incentivize family, senior and disabled – friendly units.</p> <p>This policy would also be implemented by actions taken by the City to reduce regulatory constraints to the development of ADUs and also to help older or lower-income homeowners develop ADUs. We are very supportive of these efforts and feel that they could help bring a modest number of moderately affordable units to Rockridge</p> <p>G. Policy 3.3: Expand Resources for the Construction of Affordable Homes We are broadly supportive of the intent and implementation ideas contained in this section,</p>	

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			<p>recognizing that while it is important to add housing at all affordability levels, by far the greatest need is for affordable units. We also recognize that construction of affordable housing is unfortunately very expensive and there is a need to find more resources and innovative ways to pay for this.</p> <p>In particular, we are intrigued by the concept of an “affordable housing overlay” outlined in action 3.3.5. We would be interested in exploring this idea along College Avenue as well as on some or all of the opportunity sites discussed above</p> <p>H. Lastly, we think there is a role to play for measures that don’t involve new construction, such as discouraging holding of units off the rental market and condo conversions. In addition, the City should look at amending the CN-1 zoning to prohibit conversions of upper floor residential units to non-residential uses.</p>	
37	Oakland Heritage Alliance	6/13/2022	<p>A. Some of the upzoning proposals could adversely affect historic properties, but they are presented very generally in the draft with the intent of being fleshed out as part of the upcoming zoning amendments and objective design review standards. We therefore are considering these implementing documents as the appropriate vehicles for evaluating the impact of housing element proposals on historic properties and look forward to opportunities for early input on these documents</p> <p>B. It is good that “landmarks/historic properties” are included among the constraints considered in Figure C-6 regarding Supplemental Housing Sites for AFFH. However, Figure C-6 does not include Areas of Secondary Importance (ASIs) as defined in the Historic Preservation Element and Oakland Cultural</p>	<p>A. Comment noted.</p> <p>B. Areas of Secondary Importance (ASIs) are not included in Figure C-6, but the City is considering how ASIs will be impacted with regard to the Housing Element and development of the proposed zoning reforms and objective design standards.</p>

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			Heritage Survey. We therefore request that ASIs be reflected in Figure C-6 and that the housing element and follow up zoning amendments and objective design review standards be structured to avoid adverse impacts on ASIs as well as other historic properties.	
38	Kirk Peterson	6/13/2022	<p>A. Affordable housing is housing very hard to find for low income families. The Housing Element should promote the construction of more affordable/subsidized units that will accommodate families, as well as families that can afford to occupy market rate housing. I'd say a family is a group of more than three related individuals, possibly including multiple generations and generally including children, or we can simply say a related group that needs three bedrooms. There are legal definitions. It's easier and more lucrative to build studio, or one or two bedroom units. Many (most?) landlords would rather rent to adults only, as the wear and tear on the unit will probably be less, and these people are more likely to move out, and not stay for a longtime. In addition to that, there is likely to be a loss of family-sized dwellings, as existing single family houses are divided into apartments, or demolished to make way for multi-unit structures with small units. It would be negligent of the City to ignore the possibility of significant demographic changes related to the Housing Element. Until such potential changes are examined it cannot be determined if they are good or not, or consistent with the goals of the City. It is important that the Housing Element include language to help promote housing for families. This means numbers of people housed, not numbers of units.</p> <p>B. When the draft talks about 'opportunity sites' it seems to only look at large parcels that could</p>	<p>A. Comment noted. This comment is addressed in revised Action 3.7.5: Encourage a range of unit sizes for affordable housing that matches local household needs and family sizes.</p> <p>B. See Response to Letter #1 for actions included in the Housing Action Plan to expand affordable housing opportunities and promoting neighborhood stability and health.</p> <p>C. Comment noted. Actions in Goal 5 Policy 5.1 Sustain Affordable First-Time Homeownership Incentives address this comment, as well as actions in Goals 1 and 2, which are designed to protect homeowners from displacement pressures and provide investments to help homeowners preserve and improve their homes.</p> <p>D. Comment noted. Staff will study these issues as part of the Land Use and Transportation Element (LUTE) and Open Space, Conservation and Recreation Element updates, as well as through the new Infrastructure / Facilities Element in Phase 2 of the General Plan Update process.</p>

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			<p>hold many units, of which there are relatively few in most neighborhoods. These are often owned by entities that have no interest in building housing. I would like the Element to look at our boulevards and arterial streets as 'opportunity sites' that could yield a large number of units. There are about fifty miles of such streets, with thousands of small parcels. The element should look at how to promote development of the smaller (up to five story) multi-unit buildings along the street that are already zoned for it. This would be a more 'organic' sort of growth that could be more 'Oaklandish' and neighborhood-friendly than the huge boxes most developers want to build. The city should encourage 'mom and pop' local development done by local people who own small parcels. The Housing Element should look at how the City can facilitate such development, instead of devoting so much effort to helping corporations build big lucrative projects.</p> <p>C. Home ownership has many benefits for individuals and cities. The Element should address the importance of home ownership. People who are literally invested in Oakland are most likely to be involved in and contributing to the community over time, which is good for all. The City should promote home ownership, and facilitate projects that allow for it. This could include requiring that projects include for sale units, possibly with developer-subsidized down payments or financing assistance. Such a policy would be a contrast to historic institutional exclusionary practice.</p> <p>D. To what extent is planning considering the effects of lots of new development on the character and quality of life for Oakland citizens. present and future. I have seen the negative effects of 'redevelopment ' in Oakland</p>	

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			<p>in person. The Draft does not seem to include much on possible widespread cumulative negative impacts on cultural and natural resources. In the denser more crowded Oakland will the increase in housing result in diminishing the quality of and access to other things cities need. Will there be a commensurate increase of parks and open space, or libraries. or accessibility to historic sites and districts, or their expansion. Our present citizens care about these things. To what extent shall we socialize the risk of the loss or diminishment of such things, while the economic benefit of development remains private? Meeting a state quota for housing is a bureaucratic legal goal - but it cannot be a lived reality</p>	
39	BART	6/13/2022	<p>A. We also appreciate the City of Oakland's (City) interest in including BART's land in its 2023-2031 Housing Element, as shown in Appendix C: Sites Inventory of the draft Housing Element. As the City is aware, BART's Transit-Oriented Development Program Work Plan currently does not categorize all of the BART properties that are listed in Appendix C: Sites Inventory as 'Near-term (project initiation in 2020-2025)'.</p> <p>It is our collective goal to deliver as much housing near transit as possible, and BART would like to support local jurisdictions to achieve the Bay Area's regional housing goals. However, BART has limited staffing resources and few funding sources for the infrastructure - most notably parking replacement - that is often required to free-up space on BART's land for development. Given current resources, it will be challenging for BART to support</p>	<p>A. Comment noted.</p> <p>B. These sites have been removed from the Revised 2023-2031 Housing Element.</p> <p>C. Comment noted. The City has been working closely with BART during the 2023-2031 Housing Element Update. In addition, Action 5.2.2 also promotes infill, transit-oriented development (TOD), and mixed-use development and directs staff to work with Bay Area Rapid Transit (BART) to rezone and facilitate development of high-density multifamily and mixed-use housing on BART-owned sites within the City, per AB 2923.</p> <p>The City has applied for the State Prohousing Designation and is awaiting final decision.</p>

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			<p>development of all the land that has been planned for inclusion in BART partner jurisdictions' Housing Elements during the 2023-2031 upcoming cycle.</p> <p>B. In addition, several BART properties that are listed in Appendix C: Sites Inventory are not suitable for development due to proximity to BART infrastructure and associated structural issues. Please see attached for a detailed analysis of each of BART properties. [see link to comment letter p.4-5 in column to the right]</p> <p>C. If conditions have changed since the last assessment in 2019/2020, the timeframe for TOD development in station areas can be updated in BART's TOD Work Plan. Key considerations by BART for prioritizing development projects are 1) availability of local funding and resources to support development, including staff support and funding for community outreach, affordable housing, and infrastructure, and 2) seamless coordination with local jurisdiction staff.</p> <p>Jurisdictions with station areas that are currently listed in BART's TOD Work Plan timeframes of Mid-term or Long-term need to meet the following conditions to be considered for prioritization:</p> <p>1. Local Support and Funding: First and foremost, we see TOD projects on our property not as solely a BART project, but a BART/local jurisdiction-partnership. BART TOD projects are civic destinations, and transformative to the community, often including off-site improvements. The City must be committed to working closely with BART to find funds and resources to facilitate community outreach, discussions, and decisions on TOD development and area-wide parking. It takes</p>	

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			<p>several years of pre-development work prior to issuance of a RFP for developers, so any development of BART land within the planning period of 2023-2031 must dedicate sufficient BART and City staff time to advance a TOD project within a reasonable timeframe.</p> <p>2.Prohousing Designation: BART will prioritize projects in jurisdictions that are pursuing a Prohousing Designation by California Department of Housing and Community Development. We may advance housing development on BART’s property located within a Prohousing Designation even if other conditions have not yet been met.</p> <p>3.Station Access and Parking Strategies: Maintaining access to the station is important for the City and region. BART will work with City staff and developers to develop and implement a Station Access Plan that identifies potential improvement projects to enhance pedestrian, bicycle, transit, and vehicular access. The City should plan for and implement a locally led parking resource assessment and management plan for at least ¼-mile radius around the station area. It should identify parking opportunities for BART riders that would minimize the number of spaces to be included in the TOD project and address spillover concerns by neighbors. BART staff will work with the jurisdiction to provide support and guidance as needed but will not be able to lead the development and implementation of a parking management plan.</p> <p>4.Environmental Studies: The City should ensure that environmental studies associated with the 2023-2031 Housing Element assume a minimum density of 75 dwelling units per acre for BART’s land that is likely to be developed</p>	

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			<p>within the planning period.</p> <p>5. BART Policies and Standards: Any development on BART’s land is subject to BART’s review procedures and approvals and shall follow relevant guidelines, policies, and regulations. The jurisdiction should commit to support and meet BART’s policies and standards. Most of these policies and are summarized on our TOD Guidelines and Procedures webpage.</p>	
40	EBHO	6/13/2022	<p>A. The draft document, which runs to more than 800 pages including all its appendices, contains no executive summary or other guide. At a minimum, both the draft and final document should include a summary narrative that outlines the key findings of the evaluation of past performance, the results of the Fair Housing Assessment including identification of the most important underlying factors to be addressed, the identified governmental and non-governmental constraints to housing, a summary of the site inventory that quantifies and maps key issues such as the geographic distribution or concentration of sites – particularly those for lower income households, and key elements of the action plan including a listing that highlights new programs and policies.</p> <p>B. The presentation of the draft Housing Element to both Planning Commission and City Council was subsumed within a much larger information report on the overall update of the City’s General Plan. As such it wasn’t clear from the lengthy title of the agenda item that this was the opportunity to provide comments on the Housing Element. At those meetings, the presentation focused on the update process but did not include any information on the actual content of the document. It wasn’t until we</p>	<p>A. The revised 2023-2031 Housing Element includes an Executive Summary. Chapter 4: Housing Action Plan in the revised 2023-2031 Housing Element highlights new actions in blue text.</p> <p>B. Comment noted. The Draft Housing Element was presented to the Planning Commission on June 1, 2022. Staff also presented to City Council on October 18, 2022, and Planning Commission on October 19, 2022, to review the findings letter from State HCD.</p> <p>C. Appendix A: Evaluation of the 2015-2023 Housing Element includes a discussion on shortfalls in producing affordable housing</p> <p>D. An assessment of patterns of segregation in Oakland can be found in Appendix D Assessment of Fair Housing. In addition, the 2023-2031 Housing Element identifies a foundational framework of five overarching goals to comprehensively address the housing crisis and needs of Oaklanders and to affirmatively further fair housing. The goals seek to:</p> <ul style="list-style-type: none"> - Reduce racial segregation and disparities in housing opportunities and outcomes - Significantly address disparities in housing needs and access to opportunity, - Replace segregated living patterns with truly integrated and balanced living patterns - Transform racially and ethnically concentrated areas of poverty into areas of opportunity, foster and maintain compliance with civil rights, and affirmatively further fair housing. <p>The City seeks to combat entrenched patterns of segregation by ensuring its laws, programs, and activities affirmatively further fair housing. This means taking specific actions targeted at overcoming patterns of segregation and fostering inclusive communities free from barriers that restrict access to opportunity and housing, and closing the gap between market-rate & affordable housing by prioritizing preservation and development of housing for those of the greatest need, including Black & Brown households. Each</p>

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			<p>commented on this that a summary presentation was finally made available halfway through the public comment period. We do note that the Planning Commission scheduled a subsequent meeting to review the draft in more detail.</p> <p>C. Evaluation of Past Performance As noted in Appendix A, performance in meeting the RHNA goals of the 5th Cycle Housing Element has been mixed. From 2015 through 2021 (7 years out of the 8-year planning period), the City has issued permits for more units than its total RHNA. However, as the Draft notes, this has been disproportionately concentrated in the Above-Moderate Income category, where the City has already issued permits for nearly 200% of its RHNA, while falling far short for Very Low, Low and Moderate Income. The result has been a “housing balance ratio” of one unit of lower income (VLI+ LI) housing for every eight units of Above Moderate-Income housing, despite a RHNA goal of one unit of lower income housing for every 1.9 units of Above Moderate-Income housing.</p> <p>Oakland has long passed the point where it needs to make special efforts to attract market-rate development. Over the 3rd and 4th housing element cycles (1999-2014), Oakland permitted an average of just under 700 units per year, rarely exceeding 1,000 in a year, and of which 73% were Above Moderate Income. In the current cycle, the average has been 2,400 permits per year, with only two years below 1,000, of which 88% were Above Moderate Income.</p> <p>In light of this record, the evaluation of past</p>	<p>goal includes a statement of how the programs and actions supporting that goal will help affirmatively further fair housing including but not limited to the promotion of equal access to housing for low-income households.</p> <p>E. The interactive Sites Inventory Map includes sites, Council Districts, and affordability level and is available at: https://oakgis.maps.arcgis.com/apps/instant/interactivelegend/index.html?appid=2cb71a0c3b5e45df9dabe3e0239c245d</p> <p>F. The Excel table was updated on the City's Housing Element website on August 9, 2022. Please see the revised table here: https://www.oaklandca.gov/topics/oakland-general-plan-2045-housing-element.</p> <p>G. The revised 2023-2031 Housing Element incorporates this feedback and includes an updated analysis of nonvacant sites</p> <p>H. Based on a recent online survey conducted by the City as well as data provided by the Association of Bay Area Governments, the Appendix C Sites Inventory estimates that ADUs produced from 2023 to 2031 will have the following projected affordability levels (See Table C-8): 35% affordable to very-low-income households, 35% affordable to low-income households, and 30% affordable to moderate-income households. Based on a total projected ADU production of 1,978 units through 2031, the City has estimated that ADU construction will result in the creation of 692 very-low-income units, 692 low-income units, and 593 moderate-income units.</p> <p>To ensure that Oakland's ADU production aligns with these projections, the City has added a NEW Action 3.2.6: Monitor Affordability of Permitted ADUs to identify any additional actions in the event of a shortfall.</p> <p>I. The revised 2023-2031 Housing Element incorporates this feedback. The revised 2023-2031 Housing Element includes additional sites as part of Appendix M: Recommended Sites for Future Housing (Upzoning/General Plan Update Opportunity Sites)</p> <p>J. See Response to Letter #1 for actions included in the Housing Action Plan to expand affordable housing opportunities and promoting neighborhood stability and health.</p> <p>K. See Response to Letter #1 for actions included in the Housing Action Plan to expand affordable housing opportunities and promoting neighborhood stability and health. The revised 2023-2031 Housing Element includes additional sites as part of Appendix M: Recommended Sites for Future Housing (Upzoning/General Plan Update Opportunity Sites)</p>

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			<p>performance should take a harder look at the reasons for this disproportionality. In particular, the City should assess the need for continuing to incentivize production of market-rate housing without conditioning such incentives on production of affordable units or payments of appropriate fees to the Affordable Housing Trust Fund, particularly since the 6th cycle RHNA requires not only a much greater number of units, but also a higher proportion of lower income units.</p> <p>The evaluation needs to not just provide data on past performance, it should include analysis of what is working and what is not, the reasons for this performance, and a serious consideration of which programs need to be discontinued or seriously modified.</p> <p>D. Affirmatively Furthering Fair Housing Despite having completed a Fair Housing Assessment in Appendix D, there still appears to be a disconnect between this assessment and the housing element itself. In the Introduction chapter, the City refers to “an affirmatively furthering fair housing analysis (AFFH), which guides the analysis of each set of requirements.” Similarly, Appendix D is labeled as the “Affirmatively Furthering Fair Housing Draft” but is primarily a fair housing analysis. The new statutory requirement to affirmatively further fair housing requires more than an analysis of fair housing issues. The analysis must identify and prioritize the key factors contributing to segregation and disparities in housing opportunity and conditions, and then the City must develop both the site inventory and the action plan in ways that address these factors, along with clear metrics for determining whether those actions result in real</p>	<p>L. See Action 5.2.8: Encourage new affordable housing in higher resource areas, which seeks to increase access to exclusive neighborhoods coupled with NEW Action 5.2.9: Prioritize investments and improvements to meet the needs of low-resourced and disproportionately burdened communities.</p> <p>M. Comment received.</p> <p>N. Chapter 4: Housing Action Plan in the revised 2023-2031 Housing Element includes discrete implementation timelines and milestones within the 8-year planning period.</p> <p>O. Chapter 4: Housing Action Plan in the revised 2023-2031 Housing Element includes updated milestones and objectives for programs and policies, especially actions that address fair housing issues, within the 8-year planning period.</p> <p>P. In the revised 2023-2031 Housing Element, Goal 3 of the Housing Action Plan is reframed to state "Close the Gap Between Affordable and Market-Rate Housing Production by Expanding Affordable Housing Opportunities." In addition, "Reduce racial segregation and racial disparities in housing opportunities and outcomes" is explicitly called out as a priority in the introduction to the Housing Action Plan.</p> <p>Q-1. See the revised Action 2.2.5: Extend local replacement unit provisions.</p> <p>Q-2: Comment noted.</p> <p>Q-3: COPA/TOPA policies are relatively new to the Bay Area and are complex undertakings that require careful financial, regulatory, and legal alignment. Before proceeding with a COPA/TOPA policy, staff would require direction from Council on the scope and goals of such a potential policy. Such direction has not yet been received, and as such, COPA/TOPA policy must remain a study item.</p> <p>Q-4: City staff dispose of public land according to Council direction and State and local law, specifically the State Surplus Land Act (SLA) and the Oakland Municipal Code (OMC) (see Chapter 2.42 which governs the disposition of real property). Decisions about the disposition of a particular parcel are made by City Council action, consistent with the requirements of the OMC</p> <p>Q-5: See revised Action 3.3.3</p> <p>Q-6 See revised Action 3.3.5: Implement an Affordable Housing Overlay.</p> <p>Q-7: See updated timeline to Action 3.3.8: Right-sized development fees on market-rate developments.</p> <p>Q-8: See revised Action 3.3.9: Adjusting or waiving City fees and payment timing for affordable housing developments.</p>

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			<p>improvements. It is not enough to determine after the fact whether an AFFH-neutral selection process results in non-discriminatory outcomes. The requirement to affirmatively further fair housing must fully inform the site inventory and action plan. We encourage the City to review HCD’s April 2020 AFFH Memo (AB 686 Summary of Requirements in Housing Law)and its April 2021 AFFH Guidance, which includes detailed explanations of specific requirements for housing elements, to ensure it is fully meeting these requirements</p> <p>The Fair Housing analysis does not consider whether the City’s zoning contributes to enduring patterns of racial segregation. The word “zoning” barely appears in the analysis, and while the Draft Housing Element notes that most of the City’s residentially zoned land is zoned for single-family housing, this is not related back to patterns of racial segregation. Not surprisingly, in the absence of such an analysis, the City conducted its site inventory with the aim of meeting its RHNA numbers without having to rezone any sites. The Housing Element should include an analysis of the extent to which existing zoning is a barrier and a set of strategies to overcome this barrier through strategic rezoning.</p> <p>Table D-9 provides a brief summary of fair housing issues, contributing factors and proposed actions, but the proposed actions are fairly general and not tied back to the action plan. We recommend that Table D-9 be revised to explicitly cross-reference specific actions described in the action plan itself.</p> <p>Table D-9 notes as one issue that “Affordable housing is limited by location and housing type,” but there’s little examination of the reasons for this. The table recommends that</p>	<p>Q-9: On May 17, 2022, Oakland City Council directed the City Administration to study the creation and implementation of a citywide enhanced infrastructure financing district (EIFD) funding affordable housing and infrastructure improvements. Staff will be conducting a feasibility study of various EIFD scenarios and anticipate that a final recommendation will be provided by Fiscal Year 2024. See Action 3.3.10: Citywide Enhanced Infrastructure Financing District (EIFD).</p> <p>Q-11: Comment noted.</p> <p>Q-12: Please see the revised Action 3.3.15: Continue and expand density bonus incentives. The City will solicit additional ideas for incentives and expansion of the density bonus program and gather feedback from Planning Commission and City Council, as well, during a mid-cycle Housing Element assessment.</p> <p>Q-13: Planning Staff are exploring this with the Department of Finance.</p> <p>Q-14: Action 3.3.18: Implement affordable housing investments contained in Measure U</p> <p>has been updated to include information about Measure U, the November 2022 Infrastructure Bond that, if approved, will include \$350 million for affordable housing.</p> <p>Q-15: See revised Action 3.4.10: Implement a Housing Sites Overlay Zone to permit sites included in the Housing Sites Inventory to develop with affordable housing by right. The City will create a Housing Opportunity Sites Overlay Zone to permit all sites included in the Housing Element’s Housing Sites Inventory (identified in Table C-26 in Appendix C) to develop owner-occupied and rental multifamily uses by right for developments in which 20 percent or more of the units are affordable to lower-income households.</p> <p>Q-16: Comment noted</p> <p>Q-17: See Action 5.2.8: Encourage new affordable housing in higher resource areas, which seeks to increase access to exclusive neighborhoods coupled with NEW Action 5.2.9: Prioritize investments and improvements to meet the needs of low-resourced and disproportionately burdened communities.</p>

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			<p>this be addressed primarily through mobility strategies including expanded use of Housing Choice Vouchers but fails to note that in many of the higher opportunity areas, rents are far higher than what's allowed for with the Housing Choice Voucher payment standards. While there is a vague call to "eliminate single-family zoning," it's unclear if this refers to allowing 2-4 units buildings in single-family zones, or if it means expanding multifamily zoning at densities of 30 du/acre or greater. Finally, while it is proposed that affordable housing be increased in high opportunity areas, there's no specific program referenced here by which this might be achieved, particularly given the limited number of lower income sites identified in high opportunity areas.</p> <p>E. Site Inventory</p> <p>The site map is at a scale that makes it difficult to adequately see whether these is an equitable geographic distribution of sites, particularly sites for lower income housing. The City should provide a series of maps for each planning area or council district in addition to a single citywide map.</p> <p>The site maps should be overlaid on maps of key demographic indicators, particularly racial concentrations and concentrations of high-and low-income households. It would be especially useful to map sites against areas of concentration of white residents vs concentrations of people of color.</p> <p>The City recently provided links to an interactive GIS map. This map would also benefit from additional layers showing key demographic indicators including race and income. Sites should be color coded for income level (lower income, moderate income, above moderate income). Rather than shading the</p>	

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			<p>parcels, which at best indicates the relative size of parcels, sites should be indicate with dots of different sizes representing the number of units that can be accommodated on the site.</p> <p>F. The Excel table for the site inventory has modified the total capacity column and eliminated the formula that is in the State’s template spreadsheet and replaced it with actual numbers. The result is that in a number of places the entry for "total capacity" does not equal the sum of the columns for lower, moderate and above-moderate income capacity. This should be corrected, since at present the sum of the total capacity column exceeds the sum of the individual columns.</p> <p>G. The inventory should provide more detail on the current use of non-vacant sites. In particular, while the inventory identifies whether non-vacant sites have office, commercial, or other uses, it does not distinguish between sites with active uses and those with vacant buildings. That information is needed to assess the likelihood that a site will become available during the planning period.</p> <p>H. The projection that roughly 90% of all new ADUs will be affordable to lower income households is significantly different from the regional ADU affordability distribution provided by ABAG (see Appendix C, page 25). The City has relied on a limited (and not necessarily representative) survey that was conducted as part of a City-commissioned report. Data on ADU rental rates is based on just 56 responses to this question. It indicated that the average rent for an existing ADU is \$1,112. However, one third of the responses indicated that their ADUs were being occupied rent free. As these units are likely being provided to family members, without further</p>	

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			<p>data it cannot be assumed that these units are available to and occupied by low-income households. The calculation of average rents should remove the zero rent units from the calculation.</p> <p>Further evidence that the \$1,112 figure is unlikely to apply to newly created ADUs is contained in this same City-commissioned report. That study includes model pro-formas for several ADU development scenarios and uses rents that range between \$2,360 and \$3,029 per month. The City should re-evaluate its projections of affordability level for newly created ADUs and revise the site inventory accordingly.</p> <p>I. There is little discussion or analysis of how the inventory does or doesn't change patterns of segregation. Table C-19 on page C-83 shows that for the preliminary site inventory, 26.1% of lower income capacity is located in moderate to highest resource tracts, while 36.4% of above moderate-income capacity is located in these tracts. On its face this does not appear to further fair housing. While the City has provided additional AFFH sites, it has not indicated the extent to which those supplemental sites would offset the disparity described above.</p> <p>J. The geographic distribution of sites is not surprising in light of the City's decision to focus only on opportunity sites that require no rezoning, and to rule out in advance any rezoning of low-density areas to accommodate some of the lower income portion of the RHNA. While the City proposes, outside of the site inventory, to consider some future rezoning, the areas that will be studied are not identified and it appears that the focus will be more on</p>	

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			<p>accommodating “missing middle” housing types that cannot be assumed necessarily to be affordable to lower income households.</p> <p>K. The City explains the relatively small proportion of lower income sites in high and moderate resource areas by noting that significant portions of these areas are also very high fire hazard or seismic hazard areas, which are located primarily in the most affluent portions of the city with the greatest degree of racial segregation. At the same time, other hazards such as industrial pollution, poor air quality, or sea level rise, were not considered disqualifying. The result is a set of criteria that by definition rule out the majority of high opportunity areas and areas of concentration of affluence and white population.</p> <p>L. The City justifies concentration of affordable housing in lower opportunity areas as a strategy of investment in these areas to prevent displacement. However, State guidance is clear that this needs to be coupled with place-based community development strategies that involve investments not only in housing, but also in enhanced infrastructure, services, schools, jobs, and other community needs that serve the existing population in at-risk neighborhoods. While the Draft Housing Element makes reference to the need for such investments, it does not provide adequate detail on specific programs, strategies or non-housing investments to be pursued, the anticipated outcomes, or any metrics for determining if such programs are effective in stabilizing at-risk communities.</p> <p>M. Action Plan Much of the Action Plan consists of continuation of policies and programs already in place. Since it’s clear that existing policies have</p>	

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			<p>resulted in over-production of market-rate housing and under-production of lower income housing, the City must consider how existing programs can be recalibrated to produce better results.</p> <p>N. Where new programs are mentioned, they are generally described with terms such as “consider,” “study”, or “evaluate”. These are not actions in themselves. HCD has been clear in its guidance and in reviews of draft housing elements in other regions that these kinds of general statements are not sufficient. In its review of Los Angeles’ Draft Housing Element, HCD clearly stated:</p> <p>Programs must commit to completing an action that will have an actual impact on housing such as “amend,” “revise,” or “establish”</p> <p>While we would like to see the Housing Element itself be the vehicle for new housing policies, where this is not possible then at a minimum the Housing Element should commit to bringing concrete legislation before the City Council for adoption by a specific date. Moreover, these dates should be in the first few years of the housing element. Postponing these studies to the later years means that many of these new programs, if implemented at all, will have limited impact in the housing element cycle.</p> <p>This is not a new issue. There are a number of policies and programs that the City has pledged to “consider” for multiple housing element cycles without ever having a full policy discussion and proposed legislation before the City Council. For this update, the City should commit to move beyond this</p>	

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			<p>In many cases the time frames are vague. Specific milestones and deadlines for completion should be called out.</p> <p>O. There is no clear prioritization of the many actions contained in the Action Plan. Which actions are most important to achievement of the City’s goals and objectives? For the many new programs and policies that the City will “consider” or “study,” which are the most important and what resources will be available to ensure that they are completed in a timely fashion?</p> <p>Anticipated outcomes and metrics are insufficient. Many of the action items have no quantified objectives and it is unclear what outcomes are anticipated or how the effectiveness of these actions, particularly in addressing fair housing issues, will be assessed. While the Action Plan discusses how the City’s major goals address AFFH, it doesn’t clearly identify specific actions that address priority factors for AFFH. HCD’s guidance on affirmatively furthering fair housing is clear that jurisdictions must identify underlying factors that create and maintain segregations and inequitable opportunities and outcomes, and then select a number of factors that are the highest priority and ensure that the site inventory and action plan are clearly related back to these priority factors.</p> <p>P. The City should not take actions that incentivize market-rate housing without requiring affordability in return. In the past, many policies that could be used to incentivize affordable housing have been implemented across the board without any affordability requirements, leaving the City with limited options for incentives specifically to produce affordable housing. After two decades of</p>	

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			<p>significant above-moderate income housing production dating back to the “10K” plan, it’s clear that such incentives are no longer needed. Rather than continuing to “expand housing for all economic levels” the housing element action plan needs to focus on the most deficient areas and therefore must prioritize actions that will improve performance in creating and preserving housing for the lowest income individuals, including persons who are currently unhoused.</p> <p>Q-1 Action 2.2.5 The City should provide a specific date for adopting SB 330 anti-demolition protections. Since this is a matter of bringing the City’s code into compliance this should be implemented by the end of 2023 at the latest, including extending it beyond SB 330’s sunset date.</p> <p>Q-2: Action 2.2.6 We strongly support efforts to reduce speculation in housing through both a speculation tax and adoption of Tenant Opportunity to Purchase Act/Community Opportunity to Purchase Act (TOPA/COPA) legislation.</p> <p>Q-3: Action 2.2.8. In place of vague action to study a possible TOPA/COPA policy, the City should commit to bringing a TOPA/COPA ordinance before the City Council for adoption within the first year of the housing element.</p> <p>Q-4 Action 3.3.1 Any strategy regarding use of public land should start with adoption of a public land disposition ordinance consistent with the policy framework adopted by the City Council in December 2018. If the City is now proposing to abandon that framework and take a different approach, that should be clearly stated and presented to the City Council as a change in adopted policy.</p>	

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			<p>Q-5: Action 3.3.3 This action speaks primarily to provision of rental assistance but includes as part of its objective the statement that “100% of tenants facing eviction will have access to counsel by the end of the Housing Element cycle.” This statement should be included in action 1.1.5, which currently contains no actual commitment.</p> <p>Q-6: Action 3.3.5 We strongly support an Affordable Housing overlay that provides by-right approval of 100% affordable housing projects citywide, wherever zoning currently permits it. We also support identifying specific incentives and bonuses that could be part of such an overlay, but that process should not delay the immediate adoption and implementation of a by-right overlay.</p> <p>Q-7: Action 3.3.8 We support revision of the Affordable Housing and Jobs/Housing Impact Fee programs, with particular attention to the amount and timing of the fee and recalibration of the on-site alternative compliance option to provide an outcome (number and affordability of units) comparable to what would be achieved through investment of the fee in affordable housing. This analysis was supposed to have been completed by the end of 2021 for presentation to the City Council in early 2022 and was to involve community participation throughout the process and not just in response to a completed study. This has not been the case. The City should commit to a firm date for revision of these ordinances, and should ensure that all evaluations and assessments include meaningful community involvement.</p> <p>Q-8: Action 3.3.9 We support deferral or reduction of planning and building fees to increase the feasibility and reduce the cost of producing affordable housing. In particular, we</p>	

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			<p>support deferring or reducing building permit fees. For City-financed affordable housing, fee payments could be deferred until a certificate of occupancy is issued, as the City has ample leverage to ensure that those fees will be paid.</p> <p>Q-9: Action 3.3.10 We support the creation of a Citywide Enhanced Infrastructure Financing District (EIFD) with a primary goal of providing additional funding resources for affordable housing.</p> <p>Q-11: 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.</p> <p>Q-12: 3.3.15: We support continuation of density bonus incentives, but call on the city to evaluate any barriers to a broader use of the density bonus program, including information on what developers have shared regarding how this program might be improved or expanded. His evaluation should also distinguish between use of density bonus for 100% affordable projects vs predominately market-rate projects.</p> <p>Q-13: Action 3.3.16 We support increasing the Real Estate Transfer Tax on higher end transactions including dedication of that increased revenue for programs that produce, preserve and protect affordable housing opportunities. We urge the City to move forward to place such an item on the November 2024 ballot to maximize the likelihood of passage.</p> <p>Q-14: Action 3.3.18 We strongly support extension of the Measure KK infrastructure and affordable housing bond, with a substantial increase in the share and amount devoted to housing production and preservation, at a scale</p>	

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			<p>that will make a significant impact on Oakland’s pressing affordable housing needs. This is an urgent priority and should be implemented as rapidly as possible.</p> <p>Q-15: Action 3.4.10 For inventory sites that are carried over from previous housing element cycles, the City must commit to actually rezone those sites –perhaps through use of a zoning overlay – that provides for by-right approval on these sites if a minimum of 20 percent of the units will be affordable to lower-income households. Ideally this should be implemented as part of the Housing Element itself. If not, then the Housing Element must include a specific rezoning program for these sites.</p> <p>Q16: 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.</p> <p>Q-17: Action 5.2.8 We have substantial concerns that, given the limited targeting of high opportunity neighborhoods in the site inventory, a “mixed-income” strategy in areas of concentration may lead to more gentrification and displacement. The City must ensure that a better mix of incomes in a neighborhood is not simply capturing a point in time where a neighborhood transition is actually taking place. We note that despite acknowledging the need for place-based strategies to stabilize and improve low resource areas, these programs are not included in the Action Plan.</p>	
41	WOCAP Steering Committee	6/14/2022	A. Indoor air pollution: We are glad to see references to indoor air pollution remediation in the Housing Element, for existing homes.	<p>A. See updates to Action 2.1.6: Increased Funding for Improved Indoor Air Quality</p> <p>B. See Action 5.2.5: Encourage earthquake-resilient housing</p>

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			<p>From an equity, resource and health perspective it makes sense to preserve existing housing wherever possible. We know that indoor air pollution is a significant health burden on Oakland residents, particularly heavy for people who suffer from other air pollution exposure burdens. We urge the City to add specifics about how it will undertake the objective of improving air pollution exposure and how that effort will be targeted. We suggest that the city commit to work with Alameda County Health Department, local hospitals, nonprofits and others to specifically target these efforts toward families with asthmatic children, for the purpose of reducing emergency room visits for treatment of asthma and other lung diseases. There was a program operating several years ago called "Pay for Success" that pioneered an approach to identify these families, coordinate housing improvement services and secure innovative forms of funding from health care providers. That program may have information or lessons that could help the City establish a larger effort.</p> <p>Unintended consequences: Actions should be more explicit about steps to avoid inequitable and unintended consequences and steps to overcome access barriers (ex. Many times do not have electrical systems that will accommodate filtration, how will people be protected from utility/PGE imposed fees resulting from electrification)</p> <p>Strengthen Wording: Actions related to air quality are currently worded too vaguely and use very weak language, and at some points don't propose any new actions. This would be fine if air quality wasn't a serious issue, however we know there are serious air quality issues in many areas that lead to elevated rates</p>	<p>C. Comment noted. See updates to Action 2.1.2: Promote Healthy Homes Lead-Safe Housing and Action 5.2.6: Encourage Climate Resilient Housing.</p> <p>D. The City recommends that the definition of a contaminated site is not expanded to include air pollution. Air pollution is too transitory to assign a "site" to it. More broadly, the definition of contaminated sites can be addressed through the Citywide Vulnerability Assessment & Comprehensive Adaptation Plan (ECAP A-3).</p> <p>Several long-term solutions to address unhealthy levels of air pollution in low income communities of color are provided through the Zero Emissions Vehicle Plan (i.e., reducing truck pollution through the transition to 100% zero-emission vehicles), and to a latter extent will be included in the Building Electrification Roadmap. Improving building envelopes and indoor air filtration (addressed in the Building Electrification Roadmap) are critical interim steps to protect most-impacted communities - as are vegetated buffers. However, the City currently does not have funding nor organizational placement for vegetated buffer work.</p> <p>Action 5.2.3: Study options to provide financing for the remediation of environmentally contaminated sites, with priority for affordable projects would only pursue grant and loan programs and other technical assistance programs to support the contamination characterization and remediation costs. Pursuing funding for this program would rely upon leadership from the Sustainability and Resilience Division of the City Administrator's Office, as well as the Planning & Building Department and Economic and Workforce Development Department. Historically, the Environmental Services Division of Oakland Public Works has only worked on obtaining grants for City-owned properties or public/private partnerships where the City was listed as a property owner.</p> <p>F. AHSC funding is not used for existing buildings.</p> <p>G. Comment noted</p> <p>H. Comment noted.</p> <p>I. Comment noted.</p>

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			<p>of asthma and other health issues. For example 2.1.1, and 2.1.2 use the phrase "the city will continue to..." implying that they will not be doing anything new. We expect the city to step up and find additional ways to expand this important work. Additionally, 2.1.6 says the "city will explore..." explore feels like weak language - please make a more serious commitment to this important action</p> <p>2.1.6 Explore funding for improved indoor air quality:</p> <ul style="list-style-type: none"> - Ways to strengthen this language could include: "Increase funding" "Create dedicated funding" "match funding" "secure funding". - Some requirements are triggered when property changes hands (ex. 1031 swap). Or at the point of vacancy (new tenant). - Additionally why just "federal and state \$", why not all sorts of sources of funds, from the City, creative philanthropic partners (e.g. the California Endowment), community benefits funds from the health care sector, etc. <p>B. 2.1.1 Support home rehabilitation programs:</p> <ul style="list-style-type: none"> - Can this also include rehab for soft story buildings. We want to ensure that if a big earthquake hits, we aren't in danger of losing precious housing stock. <p>C. 2.1.2 Promote healthy homes and lead-safe housing AND 5.2.5 Encourage climate-resilient housing.</p> <ul style="list-style-type: none"> - Get Gas Out of Residential Buildings: Recent research shows that indoor gas appliances emit unhealthy levels of air pollution, sometimes in concentrations much higher than outdoor air pollution. Gas use in buildings regularly causes explosions - particularly in older buildings and from aging gas infrastructure. The City's ECAP rightly establishes a goal to gradually remove 	

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			<p>fossil gas from existing buildings to be replaced with heat pump technology. We understand that the City Staff is developing a Building Electrification Roadmap The Housing Element of the General Plan should contain specific actions to implement this ECAP objective and fully actualize the Roadmap. This is important from a public health and safety perspective, will help the City reduce greenhouse gas emissions, and in the long run lower the cost of residential heating, cooling and hot water services for Oakland residents.</p> <ul style="list-style-type: none"> - Need to protect people from additional charges from PG&E related to decommissioning or removing gas infrastructure from existing homes - For 2.1.2, we'd encourage the city to meet with and partner with Alameda County Department of Public Health's Asthma Start Program and the Alameda County Healthy Homes Department to collaborate in future efforts. - We hope the city can think through what happens for existing buildings if they switch to electric? How can we prevent an owner from switching back to gas in the future? Please better define what it would mean to remove natural gas. Also, it might be appropriate to connect with the Fire Department and understand if they have a role? How will OFD get educated around the removal of natural gas since this will reduce the risk of explosions and fires. <p>D. Remediation of Contaminated Sites: The Housing Element rightly contains planning to remediate environmentally contaminated sites. Historically this has meant cleanup of hazardous waste dump sites. That work certainly needs to continue. But there is another form of</p>	

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			<p>contamination that the City should address in this plan. Due to decades of structural racism, many low income people and communities of color live in or near places that experience unhealthy levels of air pollution. This is evident near the Port of Oakland, near freeways and places with high concentrations of heavy duty diesel powered vehicle traffic. We urge the City to expand the definition of contaminated sites to include neighborhoods exposed to high levels of air pollution. This will help prioritize remediation efforts such as retrofitting existing housing with indoor air filtration. Funding could be used to support and incentivize housing upgrades in highly polluted locations. Also consider that in West Oakland the City is working with businesses (CASS and CSW) to relocate out of the main neighborhood. This would open up some VERY large contaminated parcels for potential housing development and neighborhood amenities.</p> <p>These comments relate to</p> <ul style="list-style-type: none"> - 3.2.3 Promote flexibility in adaptive reuse to increase the housing stock - 5.2.3 Study options to provide financing for the remediation of environmentally contaminated sites, with priority for affordable projects <ul style="list-style-type: none"> - This action currently reads as if it will subsidize redevelopment regardless of who the developer is ("to property owners") and for whom the housing is being made available. This is too broad. This actions needs to be focus on equitable development and housing. - We'd like to see additional details (and we're open to brainstorming with you) related to HOW the city can help coordinate between developers and federal clean up funds. <p>Strengthen language to include "Support, find,</p>	

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			<p>locate and arrange for clean up funcs" or something similar.</p> <ul style="list-style-type: none"> - Should the Building Dept also be a stakeholder / leader for this? Do Public Works and Sustainability have a role as well? Also consider partnering with foundations. - Alameda County's Dept of Environmental Health - Land and Water Protection Local Oversight Program has an initiative to map environmentally polluted sites in the whole county. They could potentially partner data and clean up funding efforts. <p>F. 5.2.4 "Secure funding from the State's Affordable Housing and Sustainable Communities AHSC) Program"</p> <ul style="list-style-type: none"> - Are there opportunities to use this funding source for remediation and/or electrification / decarbonization? <p>G. Innovative Financing for New and Renovated Housing: In the past year, we have entered a period of rising interest rates and inflation that makes it more difficult to finance housing. One partial solution is to use Green or Social Bonds to finance the city's housing efforts. Recent experience indicates rising demand from investors for these kinds of bonds. There are a wide range of benefits. Green and Social bonds tend to attract wider participation from investors in bond issues, Green bonds help align city finance with other objects including: equity and climate resilience. There is also evidence from Europe and from corporate bond market that these kinds of financing instruments can attract investors to accept a lower interest rate, partly because of lower risk and partly to satisfy growing investor interest in projects having sustainability and equity attributes. We urge the City to actively consider using green or social bond frameworks</p>	

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			<p>to finance housing costs, and potentially lower finance costs for this part of the General Plan</p> <p>H. Take advantage of point of sale or change of occupancy rules. Across several action areas, the City can take a more programmatic approach to require or facilitate property modifications that promote environmental health at the point at which a property changes hands (e.g. someone vacates a lease, sells a home or residential building). This approach should include equity measures to ensure lower-resource property owners and/or properties that are "naturally occurring" affordable housing, can implement the improvements. Funding can come from some of the resources mentioned above.</p> <p>I. 5.2.6 Consider adoption of a disaster reconstruction overlay zone.</p> <ul style="list-style-type: none"> - We hope this action can ensure that new homes have strict air quality / electrification / weatherization standards and that affordability is preserved? - Maybe consider creating a low-interest construction loan program for income-qualified owners trying to recover. This type of support should prioritize folks who need it the most and/or who's housing can be preserved for low and moderate income Oaklanders. 	
42	The Unity Council	6/14/2022	<p>"Housing action plan draft HE, chapter 4, action 3.6.3 (page 83): Expand by-right approvals and implement entitlement reform for affordable housing".</p> <p>Recommendation: Building Fee Deferral for City-sponsored affordable housing development is a Housing Element policy recommendation that the City of Oakland should enact.</p> <ul style="list-style-type: none"> - Issue: The requirement to pay fees up front without ability to defer is a "governmental 	<p>Comment noted. Please see revised Action 3.3.9: Adjusting or waiving City fees and payment timing for affordable housing developments. The City currently requires only one-half of the amount of impact fees to be paid before permit issuance and the remaining half to be paid before the issuance of a Certificate of Occupancy. The City also defers other fees such as public art and school tax. The City will explore additional ways to increase flexibility in payment timing and potential fee reductions and/or waivers to reduce the burden imposed by the collection of City fees and requirements.</p>

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			<p>constraint on housing. - Policy solution: The solution is to provide for a deferral of fees on 100% affordable housing developments.</p> <p>As part of the entitlement reform, the city of Oakland will consider fee subsidies/or payment deferrals to better accommodate affordable housing developers, therefore the City of Oakland should consider including Building Fee deferral to fruition the shared goals of providing desperately needed affordable housing for Oakland’s most at-risk and vulnerable residents.</p> <p>Reform in the process to allow building fee deferral for city-sponsored affordable housing developments would allow nonprofit organizations to build more affordable housing. This important step would allow nonprofit affordable housing developers to make it sustainable and ensure that affordable housing developers have an equal opportunity.</p> <p>The building fee deferral would address the specific barriers of the fees so that we can expand affordable housing in our community which is so urgently needed. By deferring these fees, the City of Oakland will be showing itself as a true partner to affordable housing organizations like The Unity Council, who has been a trustworthy, reliable and steadfast partners to the City of Oakland, and has worked together for years.</p>	
43	Crystal Lynn Keeler	6/14/2022	A. "An affirmative effort was made to locate affordable housing in higher resource neighborhoods to reduce patterns of exclusion and segregation, and the City remains committed to increasing opportunity in neighborhoods that have experienced historic	A. Comment noted. See Response to Letter #1 for actions included in the Housing Action Plan to expand affordable housing opportunities and promoting neighborhood stability and health. B. See updates to Action 3.2.4: Provide financial incentives for lower-income homeowners to legalize ADUs.

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			<p>disinvestment. Providing opportunity for lower-income households must be a multipronged approach – the provision of affordable housing in areas that are already higher resourced must be coupled with continued investments in placebased strategies for historically marginalized neighborhoods. As outlined in Appendix D, the production of affordable housing and other strategies that enhance opportunity and housing security where lower-income residents already live—including gentrifying neighborhoods that face significant displacement pressures—must complement strategies to locate additional affordable housing in existing high-opportunity areas." - Chapter 3</p> <p>We own a home in East Oakland that serves the criteria above from Chapter 3. It is an area with high displacement (displacement especially occurs on Outlook Avenue - with the View - just above us (68th Ave). We have very nice houses on our block, but areas nearby and down the hill are a bit more rugged. I believe our neighborhood region is an area with historic disinvestment, but with substantial gentrifying forces (houses on the block are now going for a million, a 2-bedroom one block over went for \$750K). We're on the low hills, not the high hills, so not much risk of mudslide, or much risk of being flooded (I think we're too high). Our property is 10,000 square feet with a very large yard behind us with fruit trees and an area for an urban garden. There is another chunk of vacant lot just next to our large backyard lot that is currently housing a discarded moldy van (sometimes inhabited by homeless people) and a non-operational boat detritus. I would love to be able to purchase the small slot just next to</p>	<p>C. Although the state-level Costa-Hawkins Act constrains Oakland’s ability to further extend rent control tenant protections, there are several provisions in the Housing Element that will better protect tenants. Action 2.2.5 would extend replacement unit protections beyond the expiration of SB 330. Action 1.1.9 implements a housing registry, which will be a valuable tool in enforcing existing tenant protection laws. Action 2.2.6 studies a possible “flip tax” that might reduce speculation.</p> <p>D. Comment noted. Please see revised Action 1.1.14 Protect Oakland residents from displacement and becoming homeless.</p> <p>E. Comment noted. Please refer to the City of Oakland's Housing Resource Center- https://www.oaklandca.gov/topics/housing-resource-center.</p> <p>F. An economic feasibility study is underway as part of the five-year impact fee update to assess the benefits of impact fees versus inclusionary requirements. This analysis will be presented to City Council for further discussion and direction. Legislative authority to enact an Inclusionary Zoning law must come from City Council action.</p> <p>G. Comment noted. If someone believes they are compensated below the minimum wage, they should file a claim: https://www.oaklandca.gov/topics/measure-ff-and-measure-z.</p> <p>H. Comment noted. Revisions to the Encampment Management Policy itself will be addressed outside of the Housing Element.</p> <p>I. Comment noted.</p> <p>J. There are multiple safeguards placed for redevelopment of contaminated sites. Alameda County Environmental Health is the local agency responsible for review and oversight of redevelopment of contaminated sites. Known contaminated sites would be required to be remediated prior to redevelopment activities with human health risk exposure screening processes that would be in compliance with local, state, and federal requirements. The proposed policy would pursue grant and loan programs and other technical assistance programs to support the contamination characterization and remediation costs.</p>

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			<p>our large backyard and combine the properties to build the largest ADU allowed, or possibly a small house (depending how zoning might go), or two ADUs. The area cannot stand alone without an easement off our neighbors apartment complex for access in the back, or easement off our property. My goal would be to provide it as affordable housing. However, we are stretched thin with the current mortgage and lack the capital to develop this area for affordable housing currently (building and a bit of leveling out the low hill area for proper foundation). I know second-hand of the displacement that has happened in my neighborhood, even my best friend was forced to move to Antioch (someone who had called Oakland home for 20 years). Rising rent costs caused him to be displaced along with two of his roommates, all African-American. Prior to owning this house, we previously managed a 48-unit building for several years near Lake Merritt, so we are very familiar with Fair Housing Practices and non-discriminatory methods for renting units. We employed every strategy we could to ensure absolute fairness in renting out the units available at that complex; however, we were constrained by the owner's requirements and a lack of affordable housing units in that building. We were well aware of the housing crisis when the owner asked us to rent studios for \$1750 (this was four years ago), and we had two tiny efficiency units that went in a day, because their cost was only \$1350 (but they were tiny rooms with a separate bathroom).</p> <p>Goal 3, p. 61</p> <p>"Like other Bay Area cities, one of the major challenges to developing permanent affordable housing in Oakland is the extremely high cost of</p>	

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			<p>development, especially the cost of land, labor, and materials. As California's housing crisis continues into another decade, new and innovative models for the development and maintenance of permanently affordable housing are needed to overcome these obstacles and meet Oakland's increased housing needs. Recognizing the limited resources that staff already operate with, the City will welcome models that are community-based and are eligible for external funding. For the next eight years and beyond, the City will cultivate an atmosphere that encourages new approaches to meet Oakland's affordable housing needs. The City will also encourage models that emphasize community ownership of land and housing to promote permanent affordability. Oakland also has very little vacant land available for development and is reliant primarily on reuse of existing sites for development. The vacant parcels that do exist, however, can often provide significant opportunities for residential development. Further, vacant residential and commercial buildings and units could provide potential sources of additional housing supply that are not currently available. As part of this goal, the City will enact a variety of strategies to incentivize active residential uses on vacant land and units."</p> <p>We're not a unit that falls within the category of a vacant lot. We are a unit that has a very large space that could be developed into affordable housing, but lack the capital means to do so currently.</p> <p>"The City will also reduce the minimum lot size in Detached Unit Residential and Mixed Housing Type Residential generally to 3,000 square feet</p>	

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			<p>to remove constraints on lot splitting." p.65</p> <p>This softening of requirement would allow for at least the possibility of what I'd like to do to the land available.</p> <p>B. "Action 3.2.4: Provide financial incentives for older or lower-income homeowners who want ADUs."</p> <p>We might or might not be eligible for something like this. We aren't high income, but we have one city income and one disability income, so we might fall in the middle of this action step.</p> <p>C. Comment about rent control: increase the options for rent control, expand rent control</p> <p>I personally believe it should be within the city's housing plan to increase the rental control increase cap to all housing units in Oakland, not just those built before 1983. New developers, new housing construction should also be bound by the same laws, and rent control has saved so many people in the past (including myself when fully disabled, on limited income).</p> <p>D. Action 1.1.13</p> <p>This is not an exhaustive list. Catholic Charities and other entities helped prevent homelessness through various programs, but have not been mentioned here.</p> <p>E. Action 3.7.1:</p> <p>This is an extremely important area. I know two elderly ladies (76 and 80) with ailing health concerns. If either one of them dies, the other will become homeless, with no housing options, because neither of them can afford the rent on their own (disability social security - only funding). Both are physically disabled, one in a wheelchair, one requiring a scooter, and need accessible housing.</p>	

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			<p>F. Action 3.7.3 I think this is NOT STRONG ENOUGH! Promoting affordable units in new construction is not enough. REQUIRING IT is the only thing that will force most developers to even offer. Policy efforts should be undertaken to make this kind of policy change into law. Simple carrots are not effective enough, as evidenced by what has happened in Los Angeles.</p> <p>Action 3.8.3 This is a tough one. The actions of this will fall primarily on the shoulders of low or underpaid property managers (with the exception of large corporate property managers - who usually do receive a salary). We worked super hard as building managers of the 48-unit complex to fill the units, but it was so much work at market rate (set by owner). We received only \$300/month in compensation if the building was full (in addition to our no rent in exchange for exhaustive duties of a building manager). Most work was unpaid. Any extra city requirements, like city garbage - push/pull, bulk waste pick-ups, composting were always unpaid. An action like this will invite retaliation from building owners down on underpaid building managers. A caution should be applied here, perhaps only enacting this action after 3-months vacant. Sometimes units were also rehabbed, being updated, and this construction process took longer than 3 months, and an exception should be made for units that are being improved for tenants.</p> <p>H. POLICY 4.2 ENCAMPMENT MANAGEMENT Action 4.2.1 I believe offering mental health site access, or social work ability near these encampment sites should be part of this section. It would require funding, but should not just be funding security</p>	

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			<p>guards or police for safety, should offer the material and immaterial services really needed by this population group.</p> <p>I. Goal 5 First time home buyer programs should also help to address the extra mortgage insurance that folks without quite enough of a down payment have to pay, just extra, which substantially disadvantages marginalized groups and further perpetuates inequity. We didn't have to pay that extra insurance cost because we were very fortunate, but others are not so lucky.</p> <p>J. Action 5.2.3 The caution here is that contaminated sites truly must be deemed decontaminated and safe by EPA standards at bare minimum. Too many low income housing projects in other cities have been built over these sites, and residents were never informed of the risks. Some sites had a small sign saying do not play on the soil/grass, but parents didn't know that their children were receiving high levels of contamination. How do you have children in these areas without safety? Children should be allowed safe places to play and safe areas outside, not to mention inside. Extreme caution must be used not to perpetuate environmental injustice at the expense of meeting demand.</p>	
44	Scott Forman	6/14/2022	<p>My main point of feedback is that, especially with respect to the housing element, we should go much farther in making it possible to build lots of new homes.</p> <p>I think our default stance should be much closer to "all and every type of home building allowed, everywhere, by right." The same goes for any and all commercial activities that don't have significant negative externalities like lots of</p>	Comments noted. See Response to Letter #1 for actions included in the Housing Action Plan to expand affordable housing opportunities and promoting neighborhood stability and health.

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			<p>noise or noxious fumes.</p> <p>In other words, while I love that we're liberalizing and loosening some constraints, I believe most of the remaining restrictions are themselves entirely unnecessary and counterproductive, and that Oakland can be much denser, and welcoming many new neighbors with dramatically lower housing costs.</p> <p>I think we should be planning to increase the population of Oakland by 25-50% in the next decade, and even well-meaning constraints on growth, like to preserve the character of certain neighborhoods, or to extract concessions from real estate developers in exchange for more density... as if density is a bad thing that we begrudge! -- are profoundly misguided.</p> <p>In short, I'm an enthusiastic "yes" to a lot of what's in this plan, but I'd like to see it go much further in actively promoting new homes and businesses, and discouraging cars and parking.</p>	
45	Sarah Karlinsky, SPUR	6/15/2022	<p>A. The Housing Element should take stronger steps to affirmatively further fair housing. We appreciate the effort that the team has taken to analyze how this Housing Element draft affirmatively furthers fair housing. However, we believe that more can be done to achieve this goal. The draft notes that most of the residential capacity for housing is located in low resource, high segregation areas due to the fact that over 60% of the land in Oakland is in these categories. And the land that is located in high and highest resource categories is impacted by environmental constraints such as very high fire hazard severity zones.</p> <p>These are challenging constraints to address. Nevertheless, we believe that there are some</p>	<p>A. See Response to Letter #1 for actions included in the Housing Action Plan to expand affordable housing opportunities, particularly in high resource areas, and promoting neighborhood stability and health. Also, see Appendix J for a summary of zoning amendments, including a summary of a Housing Sites Overlay zone that requires a majority of a site listed as a housing opportunity site be developed as residential.</p> <p>B. Comment noted. As part of the Phase 1 GPU Environmental Justice Element, as well as Phase 2 of the GPU with the Open Space, Conservation and Recreation Element update and creation of the new Infrastructure and Facilities Element, staff will be assessing the current state of community assets to identify improvements, increase assets, and identify locations in underserved residential areas.</p> <p>C. See Response to Letter #1 for actions included in the Housing Action Plan to expand affordable housing opportunities and promoting neighborhood stability and health, with more detail about locations impacted by these measures.</p>

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			<p>steps that can be taken to increase the housing capacity in high resource areas. Specifically, we believe that Oakland's Housing Element should look at sites that can be intensively upzoned within the Rockridge and Elmwood neighborhoods, including the Rockridge BART parking lot. Potential sites could include the Trader Joe's site directly adjacent to the BART station (inclusive of parking lot) and the triangular lot at the corner of College Avenue and Claremont. While some sites in this area may be too small to support affordable housing, they could accommodate apartments that would be more affordable than the single family homes that currently exist in this majority of the neighborhood.</p> <p>Additionally, the city may wish to consider requiring that some larger lots that are currently zoned for community commercial include housing at some required minimum density. This would be particularly appropriate for the large, currently undeveloped portions of the shopping center site at the corner of Pleasant Hill and Broadway.</p> <p>B. The Housing Element should identify concrete strategies to build more community infrastructure in low-income communities in order to make affordable housing in those neighborhoods more equitable. Given that so much of the residential capacity in Oakland is located in low resource and high segregation areas, and therefore that a sizable portion of affordable housing in Oakland may be located in these areas, it is important to ensure that appropriate community infrastructure is being planned in these neighborhoods. Building affordable housing in low-income neighborhoods can help stabilize communities</p>	D. Comment noted.

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			<p>and is an important anti-displacement strategy. However it must be paired with investments in parks, community spaces, and programs that benefit low-income families.</p> <p>C. The Housing Element should clarify where upzoning is being contemplated. Policy 3.4 - Reforming zoning and Land Use to Address Community Priorities references allowing additional building heights and/or housing densities along certain corridors such as International, Foothill and MacArthur Boulevards, allowing a diversity of housing types in single-family neighborhoods, increasing height and density in areas approximate to BART and BRT and increasing density in resource rich neighborhoods.</p> <p>We appreciate and support all these policies. However, we feel that it is important for the Housing Element to provide more specific detail about precisely which locations are being contemplated for upzoning and by how much.</p> <p>Additionally, we understand that the Housing Element team is considering tools such as affordable housing overlays to help encourage more affordable housing production. We support the use of affordable housing overlays, but feel that the team should provide more information about where they should be utilized.</p> <p>D. State housing agencies should prioritize numerous important goals - including funding affordable housing near transit and stabilizing neighborhoods at risk of displacement - when determining where to allocate affordable housing funds. Appendix F of the Draft Housing Element notes that the California Tax Credit Allocation Committee's competitive tax credit</p>	

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			<p>applications disadvantage Oakland because so much of the residentially zoned land is considered "low resource". While affirmatively furthering fair housing is an absolutely critical goal that the state should be advancing, it is also important that Oakland, as a regional hub with many BART stations, be able to access tax credits and other funding to build affordable housing close to transit. Additionally, as mentioned earlier, affordable housing is an important tool for stabilizing neighborhoods at risk of displacement. It would be helpful for HCD to work with partner agencies at the state level to help balance these important values in the allocation of affordable housing resources.</p>	
46	Thomas Cooke	6/29/2022	<p>A. The draft plan identifies a multitude of housing issues and problems and sets forth many admirable goals and policies to be addressed. The draft checks off all the boxes, and makes the case there are sufficient parcels and capacity to meet the State mandated housing goal, to meet compliance with State housing element requirements. However, if Oakland is to make any meaningful process in addressing its housing needs a more <i>proactive, implementation orientation is required</i>. The comments below suggest several means by which to do so.</p> <p>B. Expand search and identification of potential housing sites. It appears the planners relied primarily of other sources to identify potential sites and did not conduct original search and analysis. Have the many church properties for example been surveyed? Have there been any surveys done to identify underutilized commercial property with housing potential for either rezoning or mixed use. other than those suggested by the community? Provide scheduling for any planning or zoning changes</p>	<p>A. Comment noted.</p> <p>B. The revised 2023-2031 Housing Element includes these sites as part of Appendix M: Recommended Sites for Future Housing (Upzoning/General Plan Update Opportunity Sites).</p> <p>Please also see NEW Action 3.4.10: Implement a Housing Sites Overlay Zone to permit sites included in the Housing Sites Inventory to develop with affordable housing by right.</p> <p>C. See updates to Action 3.5.1: Support community land trusts and other shared equity models.</p>

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			<p>required to facilitate housing construction and conditions thereof.</p> <p>Although extensive tables documenting the characteristics of many sites are provided, any sense priority is lost. To off set this problem a more selective, high priority site category should be established to promote and expedite housing construction. Sites on this list should be given priority for local and other funding resources. Criteria already provided in the draft should be refined (simplified) to distinguish such sites. As necessary such sites should be designated for plan and/or zoning changes to avoid preemption by non-residential development.</p> <p>A good example of such sites is the Ridge 2 site located at Broadway and Pleasant Valley Road.</p> <p>C. Identify and set forth more specific models for housing/rental mechanisms such as limit equity condominium, co-housing, and cooperatives.</p>	
47	Liana Molina, Build Affordable Faster	6/30/2022	<p>A. Meeting our goals to produce affordable housing is a priority for Oakland residents. In a September 2020 David Binder survey of Oakland voters (Margin of Error: ±5.7%) by David Binder for BAF, 83% of residents believe we are not building enough for low- and middle-income residents. 71% believe market rate construction is too expensive and pushes out existing residents, and 83% believe market rate housing should include as many affordable housing units as possible. [See chart on page 2 of comment letter.]</p> <p>B. It is not clear how the action plan outlined in the draft housing element will achieve our RHNA goals for affordable housing, especially when many of the strategies are a mere continuation of policies and programs currently</p>	<p>A. Comment noted.</p> <p>B. Chapter 4: Housing Action Plan in the revised 2023-2031 Housing Element highlights new actions with blue text.</p> <p>C. Appendix A: Evaluation of the 2015-2023 Housing Element includes a discussion on shortfalls in producing affordable housing.</p> <p>See response to Letter #1 for more actions included in the Housing Action Plan to expand affordable housing opportunities and promote neighborhood stability and health. In addition, NEW Action 3.3.19: Sites Inventory and Fair Housing Accomplishments Tracking Program was included in the Housing Action Plan to conduct a mid-cycle assessment of progress toward meeting the City's RHNA housing production goals and to ensure there is adequate capacity to develop units at each income level.</p> <p>D. Goals 1 and 3 of the Housing Action Plan address anti-displacement measures and affordable housing production. The description of Goal 4 in the Housing Action Plan explicitly reaffirms the principle of housing as a human right.</p>

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			<p>in place which have not been sufficient to prevent displacement of long-term residents and have resulted in the massive under-production of moderate- and lower-income housing.</p> <p>C. There is no reflective assessment of what program elements have been most successful, nor indication of how existing programs should be amended to produce better outcomes. The site inventory and action plan should include an explicit correlation with and metric for how these components address patterns of racial segregation that exist in Oakland, and specific action steps that will affirmatively further fair housing (AFFH) and correct exclusionary neighborhoods. While each section features a discussion of how the overarching goals address AFFH, the site inventory and action plan are not clearly related back to the priority contributing factors identified in the fair housing assessment, along with clear metrics to measure results, as directly by HCD's guidance.</p> <p>D. The housing element should reaffirm the principle of housing as a fundamental human right, as this has been a recurring theme in many of the community workshops and other public meetings over the past several years. In these meetings and in our poll, it is clear - Oaklanders want stronger anti-displacement measures and more affordable housing.</p> <p>Below we highlight and comment on key issues and action steps we encourage the city to prioritize:</p> <p>Tenant Protections, Anti-Displacement and Preservation of Existing Affordable Housing</p> <p>E. We support Action 1.1.3 to strengthen Ellis Act Ordinance protections. The city should be more actively advocating for state legislative reform to ensure the Ellis Act is not used by</p>	<p>E. Although the state-level Costa-Hawkins Act constrains Oakland's ability to further extend tenant protections, there are several provisions in the Housing Element that will better protect tenants. Action 2.2.5 would extend replacement unit protections beyond the expiration of SB 330. Action 1.1.9 implements a housing registry, which will be a valuable tool in enforcing existing tenant protection laws. Action 2.2.6 studies a possible "flip tax" that might reduce speculation.</p> <p>F. Comment noted.</p> <p>G. Comment noted. Staff will address this as part of the Land Use and Transportation Element (LUTE) update in Phase 2 of the General Plan Update process.</p> <p>H. Comment noted.</p> <p>I. The City will work on establishing a standardized approach to the community benefits provided within a development agreement. Language updated in Action 1.1.13: Negotiate for appropriate community benefits during development agreement approvals for major entitlements and use of City land" to reflect this.</p> <p>J. City staff currently prioritize review of affordable housing projects. Please see updated Actions 3.3.1, 3.3.4, and 3.3.5 in the revised 2023-2031 Housing Element.</p> <p>K. Almost all of Oakland's zoning allow both residential and commercial, except industrial zones and the CR-1 and CC-3 zones. The Affordable Housing Overlay and Housing Sites Overlay Zones will apply in areas that could help facilitate commercial-residential conversions.</p> <p>L. The City will meet with stakeholders periodically to discuss emerging innovations and gather more information to understand and accommodate barriers. See updated language for Action 3.3.11: Support innovations by design.</p> <p>M. Please see the revised Action 3.3.15: Continue and expand density bonus incentives. The City will solicit additional ideas for incentives and expansion of the density bonus program and gather feedback from Planning Commission and City Council, as well, during a mid-cycle Housing Element assessment.</p> <p>N. The Affordable Housing and Infrastructure Bond Measure (Measure U) allocates \$350 million to affordable housing preservation projects.</p> <p>O. An economic feasibility study is underway as part of the five-year impact fee update to determine the potential for increasing impact fees. In addition, the affordable housing impact fees automatically increase at the beginning of each fiscal year with the rate of construction inflation. Most recently, in</p>

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			<p>large conglomerates to push out tenants. We encourage more specificity regarding City Council direction to ensure that this is a legislative priority for the firm representing the city's interests in Sacramento.</p> <p>F. We support Action 1.1.5 to provide eviction defense and implement a right to counseling. Post pandemic, the city needs to increase its ability and capacity to represent individuals in unfair evictions. The administration and city council should ensure adequate funding for these programs during the current and upcoming two year and mid cycle budget processes.</p> <p>G. We support Action 1.1.7 to monitor neighborhood displacement risk factors. The city should build on the mapping work already produced for the site inventory, zoning, environmental justice analysis and other components of the housing element and general plan by conducting further analysis including an overlay of key demographic information to identify communities vulnerable to displacement. The city should allocate resources accordingly and center outreach and advocacy efforts in these areas in appropriate languages.</p> <p>H. We strongly support Action 1.1.11 to provide a local preference in affordable housing projects, Action 2.2.6 to reduce housing speculation through an anti-speculation tax, and the adoption of Action 2.2.8: Investigate a Tenant/Community Opportunity to Purchase Act that grants the right of first offer and right of refusal to tenants, community land trusts and nonprofits.</p> <p>I. Regarding Action 1.1.12 to negotiate for appropriate community benefits during development agreement approvals for major</p>	<p>July 2022, the affordable housing impact fees went up by 15% because of the high construction inflation rate.</p> <p>P. On May 17, 2022, Oakland City Council directed the City Administration to study the creation and implementation of a citywide enhanced infrastructure financing district (EIFD) funding affordable housing and infrastructure improvements. Staff will be conducting a feasibility study of various EIFD scenarios and anticipates that a final recommendation will be provided by Fiscal Year 2024. Please see Action 3.3.10: Citywide Enhanced Infrastructure Financing District (EIFD).</p> <p>Q. Comment noted. Revisions to the Encampment Management Policy itself will be addressed outside of the Housing Element.</p>

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			<p>entitlements and use of City land: we urge the city to set strong community benefits standards including deeply affordable housing requirements and anti-displacement resources for tenants, across the board, which the approval of development agreements is conditioned upon. This would help offset the impacts of further displacement and gentrification and help provide more certainty for the city, project developers and other stakeholders, versus an unpredictable and resource intensive negotiation process.</p> <p>J. Housing Production</p> <p>We strongly support the recommendations in the overarching Policy Goal 3.1 to facilitate production of deeply affordable housing. This policy goal goes hand in hand with Action 3.3.5 to implement an affordable housing overlay to establish by right (non-discretionary) zoning for 100% affordable housing developments and development projects that offer higher affordability and Action 3.3.1 is key to make all available city-owned property for affordable housing and ensure that city-owned property goes to extremely low-income households as stated in Action 3.3.4. For any streamlining of 100% affordable, the city should explicitly mandate city staff to prioritize affordable housing projects.</p> <p>K. In addition, Action 3.2.3, is key to opening more land, and to promote flexibility in adaptive reuse to increase the housing stock. The city should look at vacant commercial stock and make it easier for it to be residential with higher affordability. In our previously referenced 2020 David Binder poll, allowing for residential for underutilized commercial properties had 90% support among Oakland voters. We believe in unlocking the potential of</p>	

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			<p>thousands of square miles of urban and suburban commercial districts, transforming underutilized office parks and expansive parking lots into hundreds of thousands -- or even millions -- of new market-rate and affordable homes</p> <p>L. The cost of construction materials, high interest rates, and cost/competition for land are huge factors that will impact the delivery of housing projects, especially affordable housing projects. The city should not only engage Action 3.3.11: Support innovations by design but convene stakeholders such as labor and developers to significantly increase production of housing using construction innovations, such as exploring modular, to match housing needs.</p> <p>M. Lastly, given the city's absolute failure to deliver adequate affordable housing, and exceeding the market rate production goals, any implementation of Action 3.3.15 (density bonus incentives) should always be coupled with increased affordability requirements.</p> <p>N. Financing</p> <p>If the City is to meet its goal of building housing for the working and middle class it must provide a comprehensive financing plan for how we will build 10,000 very low-, low-, and moderate-income units by 2031, as required by our RHNA. We support Action 3.3.16: Consider revising the Real Estate Transfer Tax to use "a portion of the revised tax rate as a dedicated funding stream for affordable housing." We also support Action 3.3.18 to reauthorize Measure KK if it is a bond that predominantly addresses our housing affordability crisis.</p> <p>O. We also support Action 3.3.8 to right-size development fees on market-rate developments. In our analysis below, the city only gets a mere fraction of what a developer</p>	

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			<p>could afford in 2020. Factors such as the current recession conditions, interest rates, and cost of construction materials may need to be re-visited. [See Table on page 4 of comment letter.]</p> <p>P. EIFD</p> <p>In 2019, the Mayor's Housing Cabinet published recommendations in the report <i>Oakland at Home: Recommendations for Implementing A Roadmap Toward Equity</i> which explored an Enhanced Infrastructure Financing District (EIFD) for affordable housing. Three years later, the draft Housing Element, also recommends considering an EIFD via Action 3.3.10, Consider a citywide Enhanced Infrastructure Financing District (EIFD). We're concerned about the proposed timeline and advocate that the city act with urgency regarding an EIFD that invests in the public good- affordable housing and associated infrastructure. A study and subsequent steps to form an EIFD should be completed in the near term, not 2028. Our agency has contracted with a respected third-party agency to do this analysis and is working with the city administration and other stakeholders to identify specific boundaries and uses for the EIFD revenues. An EIFD would allow for increased bonding capacity to leverage funding that local Oakland based developers can access to support the production and preservation of affordable housing.</p> <p>Q. Homelessness and Services for the Unhoused</p> <p>Regarding Goal 4. Address Homelessness and Expand Services for the Unhoused, the codification of the controversial "Encampment Management Policy" in Policy 4.2, Action 4.2.1 and 4.2.3, should be reconsidered. While addressing homelessness should be a top</p>	

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			<p>priority for the city, many directly impacted members of the unhoused community and advocates for the homeless have registered formal opposition to the EMP and have requested that City Council rescind the ordinance. We urge the city to continue to engage these stakeholders to identify and build more consensus on ways to meet the health and safety needs of both unhoused residents and the greater Oakland community.</p>	
48	Jeff Levin, EBHO	7/26/2022	<p>A. Item 3.1: Housing Element Annual Progress Report (APR)</p> <p>This report summarizes the City’s progress in meeting its Housing Element goals after 7 of the 8 years of the current housing element cycle have been completed. Unfortunately, the City has fallen far short of meeting it’s assigned housing production targets.</p> <p>The report notes that building permits peaked at slightly more than 4,000 annually in both 2017 and 2018, and have since fallen off. In 2021, there were “only” 1,667 units permitted. This needs to be taken in historical perspective. These are still record-breaking numbers.</p> <ul style="list-style-type: none"> - For the previous two housing element cycles, covering the period 1999 – 2014, the average number of units permitted was 690 per year. - For the last seven years, the average is nearly 2,400, more than three times the average over the preceding 16 years. <p>This record level of production has been anything but equitable. As we have pointed out many times before, there is a tremendous imbalance between production of housing for above-moderate income and production for very-low, low and moderate income.</p> <ul style="list-style-type: none"> - While the City has permitted nearly double its 	<p>A. Comment noted.</p> <p>See also response to Letter #1 for more actions included in the Housing Action Plan to expand affordable housing opportunities and promote neighborhood stability and health. In addition, NEW Action 3.3.19: Sites Inventory and Fair Housing Accomplishments Tracking Program was included in the Housing Action Plan to conduct a mid-cycle assessment of progress toward meeting the City's RHNA housing production goals and to ensure there is adequate capacity to develop units at each income level.</p> <p>B. The revised 2023-2031 Housing Element includes additional sites in Rockridge to meet the State's requirement to AFFH. In addition, Chapter 4: Housing Action Plan (HAP) describes in more detail the goals, strategies, and actions the City will implement in the 2023-2031 planning period to reduce racial segregation and eliminate racial disparities in access to opportunity and housing. NEW Action 3.3.19: Sites Inventory and Fair Housing Accomplishments Tracking Program was added to the Housing Element to conduct a mid-cycle assessment of the effectiveness of AFFH programs, including sites that develop in high resource areas.</p> <p>See response to Letter #1 for more actions included in the HAP to expand affordable housing opportunities, particularly in high resource areas, and promote neighborhood stability and health.</p> <p>C. The revised 2023-2031 Housing Element incorporates this feedback. This context is incorporated in the Introduction (1-1 through 1-4); Appendix D (section D.2, pp. D-14 and 15, and new section D.5D.6 [Housing Sites Inventory Analysis]); Appendix F (F-10 through F-11).</p> <p>D. Chapter 4: Housing Action Plan in the revised 2023-2031 Housing Element includes discrete implementation timelines and milestones within the 8-year planning period</p>

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			<p>RHNA target for above-moderate income, it has permitted only 26% of the RHNA target for lower and moderate income.</p> <ul style="list-style-type: none"> - Put another way, while the RHNA called for 53% of new housing to be targeted to above-moderate income, 89% of the building permits for new housing have been higher-end, above-moderate income housing that very few Oakland renters and first-time homebuyers can afford, while only 11% have been for affordable housing. - Only 1 affordable unit has been built for every 8 unaffordable market-rate units. <p>Given this track record, a vague call to develop “housing for all economic levels” is not enough. Oakland needs a housing strategy that explicitly prioritizes affordable housing for those with the greatest needs, and does not need to provide additional incentives for above-moderate income, market-rate housing, which has been substantially over-produced. We hope you will consider this as Oakland moves forward to update its housing element for the 2023-2031 cycle.</p> <p>B. We believe the draft Housing Element falls far short of meeting the State requirement to affirmatively further fair housing – that is, to identify concrete goals, strategies and actions to reduce racial segregation and eliminate racial disparities in access to opportunity and housing outcomes.</p> <p>C. While the draft Housing Element contains an extensive Fair Housing Assessment with a wealth of data and maps, it falls short on at</p>	<p>F. In the revised 2023-2031 Housing Element, Goal 3 of the Housing Action Plan is reframed to state "Close the Gap Between Affordable and Market-Rate Housing Production by Expanding Affordable Housing Opportunities." In addition, "Reduce racial segregation and racial disparities in housing opportunities and outcomes" is explicitly called out as a priority in the introduction to the Housing Action Plan.</p> <p>G. The Housing Element was taken to City Council on October 18, 2022, and Planning Commission on October 19, 2022 to review the findings letter from State HCD, and will be presented to Planning Commission and Council for adoption in January 2023.</p>

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			<p>least two counts. While there is a description of current racial and economic segregation and disparities, there is little analysis of the history and underlying factors that gave rise to, and continue to perpetuate, these conditions. The most glaring issue is that the Fair Housing Assessment completely fails to analyze exclusionary zoning patterns as a key factor in racial segregation, despite passing mention that zoning was an issue. This is particularly disappointing in light of the informational report on redlining, segregation and reparations in West Oakland that you received at your meeting last week, which does a far better job of identifying historical, structural and systemic factors and policies to address these.</p> <p>The draft Housing Element does not clearly identify and prioritize factors underlying racial segregation and disparities, and therefore also does not adequately link the goals, strategies and actions to the prioritized fair housing factors. This is explicitly required by the State, and failure to do so will likely result in the State rejecting the City's draft Housing Element.</p> <p>Inventory of Available Sites</p> <p>Of particular concern is the inventory of availability of suitable sites to meet Oakland's Regional Housing Needs Allocation (RHNA) targets for the various income levels. The draft was developed with the stated intent to create an inventory based on current zoning, without the need to identify additional parcels to be rezoned to accommodate the City's housing needs. As a result, most of the sites suitable for affordable housing continue to be concentrated in lower opportunity areas with higher concentrations of low income households and</p>	

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			<p>communities of color, particularly Black residents who historically have suffered the worst segregation and discrimination. Even if all the identified housing sites were developed as projected, racial segregation would not be significantly reduced, and the high opportunity, historically exclusive areas would remain as inaccessible as before. The City cannot say that it is affirmatively furthering fair housing if its plans and goals don't even mention reducing patterns of segregation and overcoming the historical barriers posed by exclusionary zoning.</p> <p>Proposed Strategies and Programs</p> <p>D. Another area of concern is the identification and description of new strategies and programs. Many of the new actions described in the draft Housing Element are policies and programs that EBHO and many other organizations had long advocated, such as greater tenant protections, a Tenant and Community Opportunity to Purchase Act, finalization of the City's public land policy, and more, and we are pleased to see these included here.</p> <p>Unfortunately, the language in the draft element says only that the City will "study" or "consider" such programs, with no concrete steps, milestones, expected outcomes, or performance metrics. The State has explicitly instructed cities that such vague statements are not sufficient, and has rejected draft housing elements from other cities for just this reason. If it is not possible to fully adopt new policies and programs as part of the Housing Element, then at a minimum the document must commit to bringing concrete legislation before the City Council by a specific date in order to implement these new programs. Simply continuing the</p>	

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			<p>same actions that have been undertaken to date is not sufficient, since as clearly demonstrated in the City’s Annual Performance Report, the City is falling far short of meeting its RHNA goals in the current cycle.</p> <p>F. Additional Goals</p> <ul style="list-style-type: none"> - The draft Housing Element is organized around five goals. We would suggest that at least two additional goals be included: Reduce racial segregation and racial disparities in housing opportunities and outcomes. Simply stating a goal to “expand affordable housing opportunities” is not sufficient. - Close the gap between market-rate and affordable housing production by prioritizing preservation and development of housing affordable to those with the greatest needs, including Black and Brown households that constitute the bulk of the lower income population. Instead of “promoting housing opportunities for all economic levels,” the City must explicitly prioritize actions that address these pressing needs, in both its funding priorities and its land use and other regulatory actions. <p>G. Council and Public Review of the Draft Housing Element</p> <p>To date the City Council has not had an opportunity to consider the draft Housing Element. Despite an extensive community outreach process during preparation of the draft, once it was completed, consideration of the draft was subsumed within a larger report on development of the entire General Plan update. Initially there was no summary or overview of the content of the housing element and particularly new policies and actions and</p>	

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			<p>consideration of the obligation to affirmatively further fair housing until we explicitly called for such a summary. Previous draft Housing Elements have at least included an Executive Summary; there was no such summary in the current draft.</p> <p>We note with some dismay that the title of today’s agenda item was modified in Rules Committee to remove the reference to “Receive Public Comments And Provide Feedback To Staff On The Draft Housing Element.” While the initial formal 30-day public comment period closed on June 13, staff have repeatedly stated that they will continue to accept and consider public comment while the draft undergoes a 90-day review by the State. We are therefore puzzled and concerned that this language was omitted from the title as it suggests that the City is not prepared to consider public comments on the draft Housing Element at this meeting.</p> <p>We call on the City to ensure an open and inclusive process in the next revision of the draft Housing Element. Once staff receives comments from the State, that information should be brought before the City Council to get input on how best to address the State’s comments. After the new draft is developed, there should be a public comment period of not less than 30 days, including a public hearing before the Council to consider and comment on the revised draft, prior to preparing a final draft for adoption and submission.</p>	
49	Sangeeta Sarkar, Save the Bay	8/5/2022	As the City of Oakland plans to meet its RHNA goals, selecting sites that are resilient to the impacts of climate change is critically	Comment noted.

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			<p>important. New housing construction, especially for low-income communities who face the greatest risk from climate impacts, should be located away from areas prone to fires, flooding, extreme heat, and sea level rise. Dense, affordable, infill development close to transit can connect historically under-invested communities to resources and infrastructure across the city and region. Building SMART housing will also advance Oakland's climate goals by mitigating greenhouse gas emissions from driving by supporting the use of alternative modes.</p> <p>One opportunity to add more climate SMART housing in Oakland is in the Rockridge neighborhood. Housing built here would be accessible by BART and bus lines, and would be more resilient to extreme heat due to an abundance of trees and parks. This neighborhood is also more resilient to other climate impacts, as it is outside of the sea level rise and fire hazard zones. Affordable housing in this high opportunity area is especially impactful toward reducing income inequality and racial segregation, which the City of Oakland is required to address under AB 686. Prioritizing dense, affordable housing development in this and other high opportunity areas through strategic rezoning is necessary to affirmatively further fair housing as required by law, and to move toward racial and environmental equity in Oakland.</p>	<p>See Response to Letter #1 for actions included in the Housing Action Plan to expand affordable housing opportunities and promoting neighborhood stability and health.</p>
50	Louis Eisenberg	8/15/2022	<p>I am writing to express my strong support for a comment letter submitted by the Rockridge Community Planning Council (RCPC) Board on the topic of Oakland's draft Housing Element. In particular, I want to emphasize my support for the following paragraph:</p>	<p>Oakland Planning Staff included the "Shops at the Ridge Phase II" site at Broadway and Pleasant Valley in the revised Housing Element Sites Inventory.</p>

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			<p>First and foremost, we were extremely surprised and disappointed to see that the large “Shops at the Ridge Phase II” site at Broadway and Pleasant Valley was not included in the Inventory and we cannot understand the reasoning behind this omission. This site, which is flat, not within an established low-density neighborhood and less than a 15-minute walk from Rockridge BART, is clearly one of the most important undeveloped housing opportunity sites in the City. The current Home Depot proposal for this site would be an extremely inappropriate use. A survey of Rockridge residents from RCPC indicated that neighbors overwhelmingly prefer housing at the Ridge Phase II. The site should be included within the Inventory. As an implementation action of the Housing Element, the site should be rezoned to encourage high density residential development and prohibit stand-alone non-residential uses.</p>	
51	Maya Schechter	8/16/2022	<p>I am writing to share a comment in advance of Thursday's Rockridge meeting on the draft Housing Element. I cannot attend the meeting but I strongly support the points made by RCPC in the letter sent to the city, including allowing and incentivizing housing, especially affordable housing, on all of sites listed in the letter:</p> <ul style="list-style-type: none"> - CCA Site - Rockridge BART Site - Triangular site at the corner of Claremont and College - A portion of the Dreyer's Ice Cream site - Wendy's site at College and Broadway - Ridge site at Broadway and Pleasant Hill - Carpet store site at College and Kales - Dialysis Center site at Claremont and Clifton - DMV Site at Claremont and Cavour - Chevron Station Site at Telegraph near highway 24 	Comment noted. See Response to Letter #36

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			I also support the other points made to encourage housing in Rockridge.	
52	Khanh Russo, Partnership for the Bay's Future	8/26/2022	<p>We believe the following policies can play an important role in meeting the requirements of this housing element and supporting thriving communities:</p> <p>A. Favorable Zoning and Land Use</p> <ul style="list-style-type: none"> + Make multifamily infill easier to develop + Allow, require or encourage multifamily housing in more places + Allow or encourage missing middle housing in single-family neighborhoods + Provide incentives for affordable housing development + Provide incentives for affordable ADUs and "missing middle" housing <p>B. Accelerating Production Timeframes</p> <ul style="list-style-type: none"> + Streamline development approvals and environmental review process for multifamily housing + Streamline permitting process for multifamily housing <p>C. Reducing Construction and Development Costs</p> <ul style="list-style-type: none"> + Ensure local requirements are not making development more expensive without requisite benefits + Actively support the use of modular and factory-built construction methods <p>D. Providing Financial Subsidies: Generate new or dedicate existing revenue for affordable housing</p> <p>F. Advocating for Rent Control and Just Cause for Eviction Policies</p> <ul style="list-style-type: none"> + Adopt or update rent stabilization policies + Adopt or update just cause eviction policies <p>G. Advocating for Community Land Trusts (CLTs): Support the formation and operation of community land trusts</p>	<p>Comments noted.</p> <p>A. See Response to Letter #1 for actions included in the Housing Action Plan to expand affordable housing opportunities and promoting neighborhood stability and health.</p> <p>B. Please see the following actions, which address this issue:</p> <ul style="list-style-type: none"> - NEW Action 3.3.5: Implement an Affordable Housing Overlay - Action 3.3.15 Continue and expand density bonus incentives - NEW Action 3.4.3: Revise Conditional Use Permit (CUP) requirements - NEW Action 3.4.8: Implement Objective Design Standards - NEW Action 3.4.10 Implement a Housing Sites Overlay Zone to permit sites included in the Housing Sites Inventory to develop with affordable housing by right - NEW Action 3.6.1: Streamline the City permitting process, especially for low-income and nonprofit builders - Action 3.6.4: Continue SB 35 streamlining and encourage projects to use it <p>C. See Response to Letter #1 for actions included in the Housing Action Plan to expand affordable housing opportunities and promoting neighborhood stability and health, in particular Action 3.3.5: Implement an Affordable Housing Overlay and NEW Action 3.4.10: Implement a Housing Sites Overlay Zone. In addition, please see Action 3.3.11: Support innovations by design, which addresses support for modular and factory-built construction methods.</p> <p>D. Measure U was placed on the ballot for November 2022. If passed by voters, Measure U will issue bonds to raise \$850 million, including \$350 million dedicated to funding affordable housing.</p> <p>F. This comment is addressed in the Housing Element by Action 1.1.1: Continue to implement the rent adjustment ordinance.</p> <p>G. HCD's Acquisition and Conversion to Affordable Housing (ACAH) Notices of Funding Availability (NOFA) for the 2019-20 and 2020-21 funding rounds contained funding set-asides for Coop/CLT projects and will continue with this approach in upcoming NOFA rounds. HCD staff is also preparing revised loan documents to address potential tenant ownership in properties.</p> <p>H. An economic feasibility study is underway as part of the five-year impact fee update to assess the benefits of impact fees versus inclusionary requirements. This analysis will be presented to City Council for further</p>

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			<p>H. Advocating for Inclusionary Zoning and Impact Fees: Create or review/update inclusionary housing (including in-lieu fees) and commercial linkage fee requirements</p> <p>I. Inventory of Sites: Ensure that land is equitably zoned for multifamily housing, especially in high-opportunity areas</p>	<p>discussion and direction. Legislative authority to enact an Inclusionary Zoning law must come from City Council action.</p> <p>I. See Response to Letter #1 for actions included in the Housing Action Plan to expand affordable housing opportunities and promoting neighborhood stability and health.</p>
53	Deeply Rooted	10/1/2022	<p>Community Proposed Strategy</p> <p>A. Treat unhoused people with dignity and respect the communities they have built rather than allowing for City evictions under the current Homeless Encampment Management Policy.</p> <p>B. Prioritize Compassionate Care and Facilities: Support humane and positive spaces with services such as showers, coffee, and groups that encourage individual expression; hire counselors and formerly/currently unhoused people to conduct outreach in communities they are familiar with; improve benefits and higher pay for social service workers and homeless shelter staff.</p> <p>C. Ensure Clean Environments: Support trash removal and address illegal dumping around homeless encampments in active partnership with unhoused residents.</p> <p>D. [New City policy states] Update zoning of single family (one home per parcel) to allow for duplex, fourplex, townhomes, and accessory dwelling units. Upzoning to allow for more live/work housing (live in and run a business) and artist housing in cultural districts). Create Cultural Preservation Districts to protect existing residents from displacement, i.e. require on-site affordable units from market rate projects (instead of in-lieu fee), use neighborhood area median income for defining affordability, require fair housing impact</p>	<p>A. Each year, it is estiated that 15,786 people in 13,135 households experience homelessness in Alameda County, and approximately 60% of them reside in Oakland. The conditions at many encampments are inhumane, dangerous, often fatal. The Encampment Management policy is rooted to a shelter offer policy that places a requirement on the City to provide shelter options when closing an encampment. While improvements are still being developed in the homelessness system, when an encampment is closed, individuals at the camp are offered a shelter bed and an alternative to sleeping in a place not fit for human habitation as defined by US Department of Housing and Urban Development.</p> <p>B. Many of the Emergency Shelter interventions operated by the Human Services Department offer showers, groups, services and housing navigation as part of a managed program. Futhermore, the local Continuum of Care (CoC) provides training and opportunities for individuals with lived expertise to contribute to the development of the Homeless Services System in Alameda County and the City of Oakland. Lastly the Commission on Homelessness regularly recruits individuals with lived experience to participate in meetings and inform the city on issues faced by people experiencing homelessness.</p> <p>C. It is the goal of the City to provide regular and adequate trash collection from encampments, to ensure that porta-potties and hand-washing stations are serviced regularly as needed, and that encampments receive regular deep cleanings to ensure that our unhoused residents are not living in conditions that threaten health and/or safety.</p> <p>D. Typically, affordable housing needs to be built at fairly sizable densities for it to be feasible to develop on-site affordable units. It would be challenging to finance affordable units for small increases in density, such as any upzoning projects to allow for duplexes, fourplexes, townhomes, and accessory dwelling units. Requiring affordable units to be developed for small-scale upzoning projects could limit development of single family neighborhoods altogether and therefore keep them single-family. In addition, this would create an equity problem where it would be more</p>

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			<p>assessment of market rate projects, have a Community Planning Council to vote on new development projects, etc.</p> <p>F. Support streamlined communication with affordable housing applicants for quicker response times and accurate updates on housing application status [Action items in the current Housing Element include housing preference policies for displaced residents and current Oakland residents and workers].</p> <p>G. Provide Financial Assistance: Consider publicly subsidized housing stipends for Oakland natives.</p> <p>H. Grow Shared Ownership/Homeownership Opportunities: Support pathway to homeownership and shared ownership programs for Black and other residents of color; create shared housing options for formerly incarcerated people.</p> <p>I. Fund Supportive Housing: Fund permanent supportive housing with intensive wraparound services, including mental health and case management services; dedicate housing for unhoused veterans and people with disabilities.*</p> <p>J. The State Affirmatively Furthering Fair Housing new rules requires the City to acknowledge the history of and current fair housing violations, and to affirmatively solve for these problems. The City's consultants should work closely with DR groups to include the history of Oakland's different communities that have experienced housing and racial exclusion and fair housing discrimination in Housing Element sections.</p> <p>K. Value Community Assets: Prioritize community assets such as recreation centers</p>	<p>expensive to build additional units in these proposed cultural preservation districts than those areas that would not have this requirement of building affordable units on site. And, it is a more complicated process that the average mom and pop home owner would have difficulty managing (often duplexes, fourplexes, and ADUs are a home owner or smaller developer).</p> <p>Anti-displacement protections are outlined in detail in Chapter 4, Goal 1 of the Housing Element. These existing and proposed anti-displacement programs and policies will be implemented during the 2023-2031 Housing Element planning period.</p> <p>F. This is a major challenge for most jurisdictions. Oakland HCD has been working with the County to develop an online affordable housing access portal for residents to apply to new construction lease ups; several Oakland projects and other projects in the county have gone through the portal. We are currently in conversations on how to improve the portal's functionality. Please also note that Bay Area Housing Finance Authority is working on developing a region-wide portal: http://housing.acgov.org/.</p> <p>G. Oakland HCD focuses on producing new affordable housing units and rehabilitating existing units. We rely on our partnership with the Oakland Housing Authority to subsidize unit affordability via vouchers or other operating subsidy.</p> <p>The City is monitoring pilots that offer "shallow subsidy" programs which offer a middle path between one-time emergency rental assistance and long-term Section 8 vouchers. Such a program would most effectively be run through Oakland Housing Authority, but could be piloted together with HCD. A challenge overall has been the difficulty of finding rental units in the City, as demonstrated by the Emergency Housing Vouchers absorption rates.</p> <p>H. City of Oakland has continuously applied for State funding to support homeownership opportunities for Oaklanders, but we have consistently been denied (three years in a row now) because we are a "high-cost city." Oakland HCD staff are advocating with State officers and lobbyists to shift scoring criteria and priorities for future application rounds. We encourage Deeply Rooted to work with us and Council on these and other State advocacy efforts - many of the State's programs are in conflict with each other (e.g. Multifamily Housing Program deeper affordability that is higher cost, or Affordable Housing Sustainable Communities in transit rich areas,</p>

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			<p>and parks; increase trees and green spaces in underserved residential areas.</p> <p>L. Require/Provide an air purifier per unit in neighborhoods with high levels of pollution. This will also help address wildfire smoke.</p> <p>M. Commission a market force displacement study (building on the City's 2005 West Oakland Wood Street Project Impact study conducted by Mundie & Associates) and utilizing data from the City's Affirmatively Furthering Fair Housing, develop a moratorium on market rate housing in displacement vulnerable areas.</p>	<p>but Oakland is too high cost or too low opportunity to be competitive for CDLAC/TCAC or CalHOME).</p> <p>With the limited funds Oakland HCD has available, we continue to operate a First Time Homebuyer program. Though not large in scale, it exists and can be scaled up again once additional funding sources are identified. (https://www.oaklandca.gov/topics/first-time-homebuyer-mortgage-assistance-program-map)</p> <p>Other opportunities include the Acquisition and Conversion to Affordable Housing (ACAH) program, which has provided funds for Community Land Trusts and Coops.</p> <p>I. The City will continue funding permanent supportive, homeless, and extremely-low income units, and have focused more intensely on expanding homeless units. Specifically, the New Construction Notice of Funding Availability requires a minimum of 20% homeless set aside, but the points encourage 30% or more set-aside for homeless units. The challenge continues to be funding: we are pursuing every funding opportunity we come across, like aggressively competing for HomeKey or LHTF, or creating local operating subsidy from new State sources like PLHA and working with the Oakland Housing Authority to stretch their operating dollars. We have learned from working with City Human Services Department and Alameda County Continuum of Care that while full PSH and wrap-around services are desired, deeply affordable units with a range of services are just as critical.</p> <p>J. The Oakland General Plan Update includes Deeply Rooted Collaborative and Dyett and Bhatia as the City's consultant team. Deeply Rooted Collaborative serves as the Community Consultant and Dyett and Bhatia serve as the Technical Consultant. How would DR like City Staff to acknowledge/include this history beyond what was provided as part of the DR (and DR partner) feedback that was provided to City staff on the Draft Housing Element? Staff have shared DR's feedback with D&B for incorporation.</p> <p>K. As part of the Phase 1 GPU Environmental Justice Element, as well as Phase 2 of the GPU with the Open Space, Conservation and Recreation Element, and the Infrastructure/Facilities Element, staff will be assessing the current state of community assets to identify improvements, increase assets, and identify locations in underserved residential areas.</p> <p>L. Installation of air filter devices rated MERV-13 is required for new construction in Oakland.</p>

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				<p>If funding became available, the City would pursue funding sources such as grants to provide property owners with standalone air purifiers for existing residential buildings. The City is actively working to support and expand neighborhood resilience hubs and respite centers so that residents in heavily-impacted areas who lack sufficient air purification systems can have a central, convenient place to go to escape smoke. See also Housing Element Action 2.1.6: Increase funding for improved indoor air quality.</p> <p>M. The State will not approve a Housing Element that places a moratorium on market rate housing or any type of housing at any affordability level.</p>
54	EB4E	10/14/2022	<p>A. Revise the Missing Middle Program to ensure high-resource neighborhoods allow four units on most lots in practice, including providing setback relief and reducing/eliminating off-street parking minimums.</p> <p><u>Missing Middle Program:</u></p> <ul style="list-style-type: none"> ● Sixplexes: Sixplexes are more likely to be both feasible in the context of high land values and produce middle income housing (see study from San Jose; attached as Exhibit A). Consider allowing up to six units by right in certain high-opportunity residential zones, as well as on corner lots and lots over 5,000 square feet. ● Minimum Lot Sizes and Lot Splits: <ul style="list-style-type: none"> ○ Please confirm explicitly that lot splits in residential zones will be approved ministerially. ○ The minimum lot size in residential zones should be reduced from 2,500 to 2,000 square feet. Under SB9 the minimum lot size post-split is 1,200 square feet. While we appreciate Oakland reducing minimum lot sizes across residential zones, the 2,500 square foot minimum is twice that of the SB9 baseline. Moreover, 4,000 square feet is a common Oakland lot size, perhaps the most common. A 2,000 square foot minimum lot size would facilitate lot splits in most cases, whereas a 	<p>A. Comments noted, see Appendix J for a summary of zoning amendments the City will implement. The following changes below also summarize some of the Missing Middle Planning Code Amendments that will be implemented in June-July 2023 to include the following changes:</p> <ul style="list-style-type: none"> - Reduce minimum lot size and setback standards where appropriate throughout the Planning Code to facilitate small lot development. <ul style="list-style-type: none"> - Minimum lot size will be reduced to 2,000 sf. in RD and RM Residential Zones <ul style="list-style-type: none"> - Residential side setbacks will be reduced to 3' for lots less than 3,000 sf. and 4' for lots 4,000 sf. or greater in RD and RM Zones - Revise density, maximum building heights, and minimum lot size standards to permit more housing units per lot where appropriate throughout the city in Hillside Residential RH-4, all Detached Residential (RD) Zones, all Residential Mixed Housing Type (RM) Zones, and Urban Residential RU-1 and RU-2 Zones. <ul style="list-style-type: none"> - Create new RD zone to replace RD-1 and RD-2 - All RD, RM and RU Residential Zones will now allow 4 or more units - Maximum floor area ratio (FAR) and lot coverage will be increased in RD and RM Zones <ul style="list-style-type: none"> - Minimum lot frontage for RD and RM Zones will reduced from 25 ft. to 20 ft. in RD and RM Zones - Open space requirements reduced in RD, RM, and RU Zones - Rezone Lower Rockridge and Temescal to RM-4. - Rezone Adams Point to RM-4 - Reduce minimum lot frontage to 20 feet - Increase lot coverage to 55% in all residential zones for projects seeking 3 or more units. - Create a new RD zone to replace RD-1 and RD-2 to ensure that 2-4 unit development is feasible in high-resource residential neighborhoods

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			<p>2,500 square foot minimum would largely exclude them. As it stands, the proposed minimum lot sizes constitute a downzoning of development capacity in residential zones from SB9 and should be revised.</p> <ul style="list-style-type: none"> ● Lower Rockridge and Temescal: <ul style="list-style-type: none"> ○ To ensure Lower Rockridge and Temescal allow fourplexes in practice, consider rezoning them to RM-4. Lower Rockridge and Temescal typical lots are roughly 4,000 square feet. The proposed rezoning of these high-resource and low-VMT areas requires 1,500 square feet of land per unit. In practice this means only 2 units are allowed, which is the bare minimum under SB9. Moreover, 2 units does not meet the goals of Oakland City Council to allow at least 4 units in residential zones and reduces owner incentives to add those units (these projects will often be complex and expensive). Rezoning these areas to RM-4 would require 1,000 square feet of land per unit, which would allow 4 units per lot by right in most or all cases. ● Adams Point: The zoning map shows a rezoning of the center of Adams Point from RM-1 to RM-2. This neighborhood is already full of medium-sized apartment buildings (see Figure 1 below, taken from the Oakland Map Atlas) These zoned capacity should match the existing built environment to allow for 4-8 story apartments. Alternatively, consider rezoning this area to RM-4. ● High Resource Areas: Bushrod, Santa Fe, Trestle Glen, Crocker Highlands (currently RD-1 – mostly not on VHFHSZ. Only a small portion is in VHFHSZ) are all high-resource or moderate-resource areas that are untouched by the proposed Missing Middle Program rezonings. These are also low-VMT 	<ul style="list-style-type: none"> - Create a new residential facility type called “Two- to Four-Family Residential Facility” that would replace the current “Two-Family Residential Facility” Type throughout the Planning Code; and change the definition of a “Multifamily Residential Facility” from the current 3 or more units to 5 or more units. - Eliminate all conditionally permitted densities throughout Planning Code (densities will all be by right); and the current requirement for a Major Conditional Use Permit for 3 or more dwelling units in the RM-2 Zone; 7 or more dwelling units in the RM-3 or RM-4 Zone; and for any project that exceeds the basic or permitted density resulting in 7 or more dwelling units in the RU or CBD-R Zones. <p>See also Response to Letter #1 for actions included in the Housing Action Plan to expand affordable housing opportunities and promoting neighborhood stability and health and • Appendix J for the City’s proposed rezoning changes to increase housing production capacity and unlock additional opportunities for affordable and “missing middle” housing in high-resource neighborhoods and affirmatively further fair housing by opening up exclusionary neighborhoods such as Rockridge, Trestle Glen, and Crocker Highlands</p> <p>As part of the city's rezoning proposal to implement the rezoning actions in the Housing Action Plan, the undeveloped western edge of the Mills College campus adjacent to MacArthur Blvd. was identified as a potential location for the addition of infill housing. Any rezoning of that portion of the campus would only occur if the community and decisionmakers support such a change and only for the purpose of facilitating the addition of housing along this undeveloped campus edge. The City has not received any proposals for the redevelopment of the Mills College campus, nor does it any seek to encourage such a proposal. The rezoning, if adopted, would only apply to the MacArthur Blvd.-fronting campus edge to facilitate the addition of housing on a currently undeveloped portion of the campus.</p> <p>RM-3 is the Mixed Housing Type Residential-3 Zone and RM-4 is the Mixed Housing Type Residential-4 Zone. Both these RM zones allow a variety of residential, commercial, and civic activities. The primary difference between RM-3 and RM-4 is the amount of allowed residential density: RM-3 allows 1 unit per 1,500 sf. of lot area, whereas RM-4 allows slightly more density (1 unit per 1,100 sf. of lot area).</p>

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			<p>neighborhoods with easy non-car access to jobs, parks and schools. They should be rezoned to at least RM-2. (Also in Figure 1 below).</p> <ul style="list-style-type: none"> ● Heights: RM-1 should allow 3 stories by right. ● Parking: The current requirement of 1 unit of off-street parking requirement in most Oakland greater than ½ mile from transit makes most missing middle projects infeasible. The off-street parking requirements should be fully eliminated. Alternatively, the city could match the California ADU standard by eliminating off-street parking requirements within one (1) mile of any bus stop, but if so should require no more than 0.5 spaces per unit elsewhere. ● Setbacks: <ul style="list-style-type: none"> ○ As written, the Missing Middle Program offers no reduction in setbacks. As we have seen in Minneapolis and other places the failure to reduce lot coverage and setback rules in tandem with upzoning for 2-4 units will result in few to any construction. The existing RM front setback of 15-20' is a nonstarter for middle housing development. ○ Consider reducing RM setbacks to 10' for front setbacks (or average of immediately adjacent neighboring buildings, whichever is less), 4' on all sides, and 0' for inner side or street side on lots less than 50' wide. ○ Increase lot coverage to allow 50% lot coverage in all residential zones for projects seeking 3 or more units. - increased to 55% ○ Some zones have not only minimum lot area but minimum average width and minimum frontage. Those should be reduced in tandem with minimum lot areas. ● High-resource/Low-VMT gradation: <ul style="list-style-type: none"> ○ In order to reduce patterns of spatial segregation, Oakland should make special effort 	<p>Comment noted. Staff will undertake a comprehensive update of the Land Use and Transportation Element (LUTE) and the Planning Code in Phase 2 of the General Plan Update process</p> <p>B. Guidance from State HCD requires sites to be between 0.5 to 10 ac to accommodate lower income RHNA. Using that guidance and feedback from State HCD, staff identified additional sites in Rockridge (that are not included in the Draft Sites Inventory) that conform to State HCD requirements (0.5 - 10 ac) to accommodate lower income RHNA. The 3 sites that were identified include: 5354 Claremont Ave, 5257 College Ave, and 6209 College Ave.</p> <p>The 51st and Broadway site has also been added to the updated Sites Inventory for the Revised Housing Element. This site was previously excluded as the City had received a pre-app for development on the site, but Staff recently provided a decision that the proposed activity was not an allowed use.</p> <p>In order to avoid split zoning/zoning inconsistencies along Claremont Ave, other sites such as the DMV site at 5300 Claremont Ave were included.</p> <p>Claremont flatiron parcels are included in the sites inventory</p> <p>The revised 2023-2031 Housing Element includes additional sites as part of Appendix #: Recommended Sites for Future Housing (Upzoning/General Plan Update Opportunity Sites) (list Table #)</p> <p>See also Response to Letter #1 for actions included in the Housing Action Plan to expand affordable housing opportunities and promoting neighborhood stability and health and • Appendix J for the City's proposed rezoning changes to increase housing production capacity and unlock additional opportunities for affordable and "missing middle" housing in high-resource neighborhoods and affirmatively further fair housing by opening up exclusionary neighborhoods such as Rockridge, Trestle Glen, and Crocker Highlands</p> <p>C. Comments noted and the City will create a 55 feet height area and increase heights along College Avenue and Claremont Avenue to 55'. These changes will be implemented via the Missing Middle Planning Code Amendments in June-July 2023.</p> <p>See also Response to Letter #1 for actions included in the Housing Action</p>

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			<p>to ensure that 2-4 unit development is feasible in high-resource residential neighborhoods. The high land values of these neighborhoods also makes it harder for 2-4 residential uses to outbid luxury single-family homes. Therefore, we have previously written to Oakland suggesting that additional density beyond 4 units and additional setback relief be offered in high-resource areas. The proposed Missing Middle Program makes no effort in that regard. We recommend Oakland revise the program to confer additional density (baseline 5 units) and additional setback relief in high-resource residential zones.</p> <ul style="list-style-type: none"> ○ In order to reduce VMT, Oakland should allow additional density and setback relief in residential zones near BART stations. ● Mills College: <ul style="list-style-type: none"> ○ Please clarify the reasoning behind rezoning Mills College at Northeastern University from RM-3 to RM-4. Plans for student housing on the actual Mills site should be tailored to student housing; RM-4 is a residential neighborhood standard. Without additional context, this appears to be a paper upzoning that will result in no new housing. ● Accessory Commercial Units: <ul style="list-style-type: none"> ○ The Proposals' key points from community engagement cites the need to attract retailers in food deserts. In many Oakland neighborhoods, especially East Oakland, the distance between commercial corridors where retail uses are permitted exceeds easy walking distance. Moreover commercial floor plates are often too big or expensive for many start-up or would-be retailers. ○ All RM zones in the current intent section 	<p>Plan to expand affordable housing opportunities and promoting neighborhood stability and health and • Appendix J for the City's proposed rezoning changes to increase housing production capacity and unlock additional opportunities for affordable and "missing middle" housing in high-resource neighborhoods and affirmatively further fair housing by opening up exclusionary neighborhoods such as Rockridge, Trestle Glen, and Crocker Highlands</p> <p>D. Comment noted and the City will upzone Lower Rockridge from RM-2 to RM-4 via the Missing Middle Planning Code Amendments that will be implemented in June-July 2023.</p> <p>See also Response to Letter #1 for actions included in the Housing Action Plan to expand affordable housing opportunities and promoting neighborhood stability and health and • Appendix J for the City's proposed rezoning changes to increase housing production capacity and unlock additional opportunities for affordable and "missing middle" housing in high-resource neighborhoods and affirmatively further fair housing by opening up exclusionary neighborhoods such as Rockridge, Trestle Glen, and Crocker Highlands</p> <p>E. Comments noted and the City will increase heights along Shattuck Avenue back to 45' or more to facilitate housing development in this high-resource and low-VMT neighborhood via the Missing Middle Planning Code Amendments that will be implemented in June-July 2023.</p> <p>See also Response to Letter #1 for actions included in the Housing Action Plan to expand affordable housing opportunities and promoting neighborhood stability and health and • Appendix J for the City's proposed rezoning changes to increase housing production capacity and unlock additional opportunities for affordable and "missing middle" housing in high-resource neighborhoods and affirmatively further fair housing by opening up exclusionary neighborhoods such as Rockridge, Trestle Glen, and Crocker Highlands</p> <p>F. As part of the Safety Element Update, the City is studying the potential for areas that might be appropriate to be included in the Very High Fire Hazard Severity Zone (VHFHSZ) based on analysis regarding evacuation scenarios. The City will implement the Affordable Housing Overlay between June - July 2023</p> <p>Action 3.3.5: Implement an Affordable Housing Overlay includes the</p>

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			<p>include "and neighborhood businesses where appropriate", but in practice all subzones except RM-5 make food sales, restaurants, cafes, and retail sales require conditional use approval, and alcohol sales are only allowed if grandfathered. Consider allowing a wider range of commercial businesses as permitted in any space less than 600 square feet in all RM and RU zones ("Accessory Commercial Units") to facilitate greater food access, increased walkability and low impact diversity of uses.</p> <p>B. The proposed Rockridge rezoning sites have significant related to feasibility, equity and displacement risk swath of land rather than picking a handful of sites effective.</p> <p>• DMV: Does Oakland have written confirmation that DMV plans to redevelop its property on Claremont? The use of state-owned land for redevelopment must be accompanied by a firm commitment by the Department of General Services to redevelop the site within the eight year planning period.</p> <p>• 5248 Claremont Avenue: Site 5 on Figure 4 is a 3-story, 42-unit apartment building constructed in 1959 called Claremont Park Apartments. It is highly likely that this property is subject to Oakland's rent control ordinance. In any case, this property should not be rezoned. If it remains as a rezoning site either:</p> <ol style="list-style-type: none"> 1) no redevelopment will occur due to the costs associated with SB330/SB8 replacement, relocation and right to return requirements; or 2) redevelopment will occur and 42 units of rent-controlled housing will be destroyed when vacant, commercial and owner-occupied sites abound nearby. Oakland should not be in the business of designating rent-controlled housing in high-resource areas for upzoning and redevelopment. Please remove this site. 	<p>following revisions:</p> <p>The City will create an Affordable Housing Overlay (AHO) to streamline the approval of affordable housing by right. Proposed potential features of this overlay could include ministerial approval of 100 percent affordable housing projects, increased height and density allowances, waiver of parking requirements, and reduction of zoning barriers. The City will study the feasibility of broadly applying this overlay, except for <u>study the feasibility of broadly applying this overlay, except for</u> <u>limitations on designated historic resources as well as selected areas in the Very High Fire Hazard Severity Zone (VHFHSZ). contaminated sites, and protected historical sites/districts.</u> The City will also study the possibility of extending the streamlined approval provisions of the affordable housing overlay to mixed income projects that qualify for the super density bonus and/or other strategies to augment the City's density bonus program, <u>as well as the potential for select areas within the VHFHSZ for the overlay to apply.</u> The City will also study allowing allow SROs and Rooming Houses by right in areas subject to the prospective affordable housing overlay.</p> <p><u>100 percent affordable projects within the AHO zone would be subject to a ministerial approval process. A proposed project would be exempt from CEQA and not be appealable. This would provide greater certainty to affordable housing developers that if the project is within the AHO zone and meets the objective design standards and zoning criteria listed in the Planning Code, the project will be approved and not held up through an appeal process.</u></p>

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			<ul style="list-style-type: none"> ● Trader Joe's parking lot: This is a high-volume grocery store with two surface parking lots. It is highly unlikely either the store itself or the parking lot fronting College Avenue will be redeveloped. The Miles Avenue fronted surface parking lot may be feasible for redevelopment, but it will be difficult given that the CN-1 standards only permit approximately 40 units. ● 5264 Claremont and 5256 Claremont: These sites include approximately four residential units. Under the CN-1 density standards and unchanged 35' height limit these sites could yield 9 units at most each. If there are existing low-income tenants on-site then 1 or 2 of 9 units will be required to be replaced with deed-restricted units. Does Oakland have a track record of producing developments with less than 10 units and on-site affordable housing in this manner? If not, they should be considered for higher density or removed. ● 6209 College: This site has an existing banking use and surface parking lot. Under the CN-1 standards it can yield at best 20 units. It is unlikely that 42 dwelling units per acre will outbid the existing banking use. ● 5220 Claremont: This site has an existing pediatric use that is part of UCSF Benioff Hospital. Has Oakland obtained written evidence that the property owner intends to discontinue this use within the eight year planning period? ● Unpicked Sites: As seen above, there are significant issues with Oakland's Rockridge rezoning sites. There are many sites that Oakland could identify for rezoning that would be more feasible for housing while minimizing displacement. ○ The vacant site at Pleasant Valley/51st Street and Broadway - This is a large vacant site near 	

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			<p>BART and Lines 51A and 18. It is in a high-resource tract and has easy access to health services, grocery stores and open space. - Home Depot</p> <ul style="list-style-type: none"> o Claremont flatiron - This vacant parcel at Claremont and College is currently zoned to only allow 18 units. It was also a very popular site in the city's survey data. Consider rezoning to allow 75 dwelling units per acre. o Gas Stations - There are several gas stations that could be rezoned within Rockridge. - can be considered for rezone/upzoning but not for sites inventory due to non-vacant sites issues and contaminants-cleanup o 51st Street - This is a 75' wide residential street with bus service and is within a ½ mile of Rockridge BART. It is proposed to be rezoned to RM-2. It should be rezoned to allow for multifamily housing with heights of 45' and up to 55 dwelling units per acre. The existing uses of mostly owner-occupied single family homes and a few duplexes would reduce the impacts of potential displacement and relocation costs. o In practice, most development usually occurs in places outside those designated in housing elements, because for- and non-profit developers evaluate prospects in different ways from planning professionals and often come to different conclusions. In addition to trying to pick winners among sites, the city should consider a broader upzoning to 6+ stories and 75+ units per acre in a one-mile radius of Rockridge BART." <p>C. Choosing to leave in place current heights in Rockridge along College Avenue and Claremont Avenue, while miles of MacArthur Boulevard and International Boulevard in East Oakland are rezoned to allow significantly more height and</p>	

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			<p>development, is reinforcing patterns of spatial segregation. Oakland needs to be more ambitious with North Oakland standards to affirmatively further fair housing as required by state law.</p> <ul style="list-style-type: none"> ● Commercial Corridor: <ul style="list-style-type: none"> ○ As noted below, commercial corridors throughout West and East Oakland are having their heights increased. These include commercial corridors close to BART and high-frequency bus (Fruitvale, West Oakland, Coliseum, and Telegraph Avenue near MacArthur BART) as well as on BRT lines (International Boulevard in San Antonio and between 73rd Avenue and Durant Avenue) and also some corridors miles from BART (Dimond District and Laurel District). All the while, heights for the commercial corridor of College Avenue near Rockridge BART remain untouched at 35' in CN-1 zones. ○ While Oakland proposes to rezone eight sites along College Avenue and Claremont Avenue, there are significant issues with many of these sites (see below). Moreover, it is concerning that Oakland seems perfectly willing to increase heights along miles of MacArthur and International boulevards but cannot countenance allowing more than two parcels to go up to 65' on College Avenue. ○ While we support height increases in commercial corridors generally, we are concerned about the horizontal inequity of excluding College Avenue and Claremont Avenue. Why should a strong commercial corridor in the Laurel District, over 2 miles from Fruitvale BART, be rezoned from 35' to 65', while College Avenue, within 1/2 mile of Rockridge BART, remains at 35'? Why should 	

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			<p>commercial land in Deep East Oakland in Elmhurst along International Boulevard go from 75' to 95' while Claremont Avenue near Rockridge is stuck at 35'? Are the existing commercial uses in Rockridge simply more valuable to Oakland than the existing commercial uses in East Oakland?</p> <ul style="list-style-type: none"> o This concentration of multifamily development potential in lower income and non-white neighborhoods, especially in East Oakland, while preserving the height limits of commercial land in high-income and mostly white Rockridge is reinforcing, not reversing, existing patterns of spatial segregation. o Oakland, in order to affirmatively further fair housing, should increase heights along College Avenue and Claremont Avenue to 55'. <p>D. RM Zoning: As noted above, Lower Rockridge needs to go from RM-2 to RM-4 in order to allow for 3- or 4-unit development to occur - or the entire RM zone needs to allow 3- or 4-unit development both by right and in practice.</p> <p>E. Oakland should undo the 2011 downzoning along the high and moderate-resource Shattuck Avenue commercial corridor and increase heights to 45'.</p> <p>Commercial Corridors</p> <p>We understand that many of Oakland's proposed commercial corridor rezonings are meant to reconcile planning code with building typologies. In addition, the Proposals increase heights in commercial corridors in several key areas near transit (excluding College Avenue and Claremont Avenue in Rockridge). While these heights increases are certainly helpful for increasing housing feasibility and lowering VMT we are concerned about the lack of height</p>	

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			<p>increases in key areas.</p> <p>Park Boulevard: Heights along the commercial sections of Park Boulevard in Eastlake and Glenview should be increased.</p> <p>Shattuck Avenue:</p> <p>This section was downzoned in 2011 to 35' in response to housing development in the mid-2000s. Homeowners in these high-resource areas pushed to downzone the corridor due to concerns about development exceeding existing zoning (through use of State Density Bonus Law) but within the general plan designations; the groups supporting the downzoning cited impacts to "sunlight, privacy and appearance." [Oakland Planning Commission staff report, July 14, 2010; attached as Exhibit B]. This was a poor justification for downzoning a high-resource, low-VMT transit corridor and should be undone.</p> <p>In February 2021 a 45' multifamily development project at 6501 Shattuck Avenue (½ mile from Ashby BART) that had submitted an application prior to the 2011 35' downzoning was appealed and delayed for months by nearby homeowners and landlords. The appeal was ultimately rejected but such appeals add risk and cost to housing development.</p> <p>Recently, a proposal was submitted for an apartment building at 6341 Shattuck Avenue. Consistent with the zoning, it is limited to 3 stories; allowing 4 stories would likely enable a 30-40% increase in new homes built.</p> <p>Consider increasing heights along Shattuck</p>	

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			<p>Avenue back to 45' or more to facilitate housing development in this high-resource and low-VMT neighborhood.</p> <p>F. We make various suggestions to improve the proposed Affordable Housing Overlay, including removing the exemption for height bonuses for prospective Areas of Primary Importance that are formed after the effective date of the rezoning.</p> <p>Overall we are highly encouraged by the Affordable Housing Overlay (AHO) proposal. We believe it has the potential to open up more residential land for affordable housing development, including in high-resource areas. The by-right provisions of this rezoning program can provide needed greater certainty to affordable housing developers. The AHO, if implemented with care, can deliver more low and moderate income housing and help reverse patterns of spatial segregation.</p> <p>We offer the following suggestions:</p> <p>Co-ops and CLTs: Make sure the ordinance explicitly allows co-ops and land trusts to use the AHO.</p> <p>Relax open space requirements: convert open space per unit into open space per residential living space, so that more density does not penalize them in terms of open space requirements. For further context, the CN zone already has lower requirements for efficiency units but residential zones do not.</p> <p>Cohousing: Allow cohousing with shared bathrooms and shared kitchens.</p>	

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			<p>Historic Districts: Not allowing +20ft height in historic areas, aka Areas of Primary Importance (APIs), is inequitable. Some of the high-resource areas affected include most of the rectangle between Alcatraz, Woolsey, College, & Telegraph; as well as the entire CCA site at 5200 Broadway. A historical building is not demeaned or diminished by having a taller building next to it.</p> <p>We strongly request that Oakland does not allow newly formed, prospective APIs at the effective date of the rezoning to be exempted from AHO height bonuses.</p> <p>Roof Heights: Many zones like RM currently allow 5 feet more roof height than wall height to allow for pitched roofs. But when this proposal adds 20 feet that +5 feet often vanishes. What is the rationale for this? Pitched roofs can work in taller buildings too. Consider allowing +5 feet for pitched roof in every AHO zoning category.</p> <p>DBL Consistency: Clarify the meaning of 100% affordable in terms of income levels that the units must be restricted to. At a minimum, 100% affordable projects under the definition of State Density Bonus Law (AB1763), which are defined as 20% moderate-income, 80% extremely, very low or low-income, and one manager's unit, should qualify under the city AHO. Additionally, the city could consider allowing more than 20% of units to be moderate-income-restricted to open more options.</p> <p>Parking: Off-street parking requirements</p>	

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