

# **Public Hearing Draft 2023-2031 Housing Element – Response to Public Comments**

The Public Hearing Draft 2023-2031 Housing Element was published on November 29, 2022 and is available on the City’s webpage at <https://oaklandca.gov/housingelement>. Pursuant to AB 215, the Housing Element Public Hearing Draft was available for a seven-day public review period between November 30, 2022, to December 6, 2022, and staff received seven comment letters. The Public Hearing Draft was formally submitted to State HCD on December 7, 2022, along with the seven comment letters, for their subsequent 60-day review. After the seven-day public review period, the Public Hearing Draft was available for public input until December 29, 2022. Between December 7, 2022, to December 29, 2022, staff received 47 comment letters. In total staff received 54 comment letters, and emails between November 29, 2022, to December 29, 2022.

Comments and responses to comments are organized by the date they were received. Relevant portions of the comment letter are captured in the table below. 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.

<b>1. EB4E.....</b>	<b>4</b>
<b>2. Moses Libitzky LPC College, LLC.....</b>	<b>5</b>
<b>3. Oakland Heritage Alliance .....</b>	<b>5</b>
<b>4. Ryan Lester.....</b>	<b>8</b>
<b>5. Tuan Ngo .....</b>	<b>8</b>
<b>6. Carol Wyatt.....</b>	<b>9</b>
<b>7. Nha Vu .....</b>	<b>10</b>
<b>8. Tuan Ngo .....</b>	<b>11</b>
<b>9. Benjamin Scott .....</b>	<b>13</b>
<b>10. Darryl Glass.....</b>	<b>14</b>
<b>11. Davide Russo.....</b>	<b>14</b>
<b>12. Nat Gardenswartz .....</b>	<b>14</b>
<b>13. Gabriel Michael.....</b>	<b>15</b>
<b>14. Gregg Penn .....</b>	<b>16</b>

<b>15. Heather Kuiper .....</b>	<b>16</b>
<b>16. Jeannie Llewellyn.....</b>	<b>17</b>
<b>17. Rich Sigel.....</b>	<b>17</b>
<b>18. Susan Goodman .....</b>	<b>17</b>
<b>19. Kenny Goodman .....</b>	<b>17</b>
<b>20. Louis Goodman.....</b>	<b>18</b>
<b>21. William Wilcox .....</b>	<b>18</b>
<b>22. Ben Bowen and Renee Kosslak.....</b>	<b>21</b>
<b>23. Oakland Undivided .....</b>	<b>21</b>
<b>24. EBHO.....</b>	<b>23</b>
<b>25. AC Transit.....</b>	<b>36</b>
<b>26. Prof. SuzyJane Edwards .....</b>	<b>37</b>
<b>27. Kate Ruprecht.....</b>	<b>37</b>
<b>28. Kaerla Fellows .....</b>	<b>37</b>
<b>29. Lucia Savage .....</b>	<b>37</b>
<b>30. Tuan Ngo .....</b>	<b>38</b>
<b>31. Tuan Ngo .....</b>	<b>38</b>
<b>32. Tuan Ngo .....</b>	<b>38</b>
<b>33. Dennis OLeary .....</b>	<b>39</b>
<b>34. Claire Mays .....</b>	<b>39</b>
<b>35. Angela Watrous .....</b>	<b>39</b>
<b>36. Tilly Maui .....</b>	<b>40</b>
<b>37. Christa Lewis .....</b>	<b>40</b>
<b>38. Kristen Caven .....</b>	<b>40</b>
<b>39. Kristin Coan.....</b>	<b>41</b>
<b>40. Chris Moore.....</b>	<b>41</b>
<b>41. EBMUD .....</b>	<b>42</b>
<b>42. Ilona Clark.....</b>	<b>42</b>
<b>43. Al Nehl .....</b>	<b>43</b>
<b>44. Trey Hunter .....</b>	<b>44</b>
<b>45. Mary Rose Kaczorowski .....</b>	<b>45</b>

**46. Sakura Vesely .....46**  
**47. Alecto Caldwell/Lynda Caldwell .....46**  
**48. Chris Cohn .....47**  
**49. Beatriz Perez-Stable.....47**  
**50. Gabriel Guerriero.....47**  
**51. Martha de Weese .....48**  
**52. Jay Gregory .....48**  
**53. Hannah Bluhm.....48**  
**54. Melanie Vega .....49**

Letter #	Name/Organization	Date	Comment	Staff Response
1	EB4E	12/4/22	<p>We are also encouraged to see the City of Oakland commit to studying single exit aka “single stair” reform. We disagree, however, that the City of Oakland is unable to implement changes at the local level. Oakland could similarly adopt amendments to its local code or establish an alternative means and methods process for four story single stair structures.</p> <p>We offer the following comments on the Revised Draft:</p> <p>1. For Missing Middle Housing, we appreciate the reduction of off-street parking requirements to 0.5 in residential areas and zero in the 1/2 mile radius of major transit stops, but we believe it would be more productive if zero-parking missing middle were allowed across significant transit corridors, rather than merely near BART stations, BRT stops, and the (rare) intersection of two bus corridors each with up to 15-minute peak headways. We propose instead zero parking requirements within 1/2 mile radius of bus stops of lines running with at least 30-minute peak headways, which would allow not only Telegraph, Broadway, San Pablo, and MacArthur, but also Grand.</p> <p>We also suggest a planned check-in midway through the planning period to examine whether missing middle standards are in fact being used at scale, and to amend further if not.</p> <p>2. Table C-17 “Lower- Income Projects on Small Sites 2018 - 2021” describes projects less than 1/2 acre developed as low-income housing. Three of the five projects identified in this table are acquisition projects, including Project Homekey sites. Acquisition of sites for low-income housing less than 1/2 acre is an important goal for preserving and creating affordability, but it does not address the underlying need for deeper analysis of building low-income housing on small sites as required under HCD guidance. The purpose of additional analysis for low-income housing development for small sites less than 1/2 acre is to identify that the jurisdiction has a track record of developing new construction of low-income housing on such sites. This is important because smaller sites are difficult to finance through the Tax Credit Allocation Committee and other funding sources. Small sites are also more difficult to construct due to parking, circulation, second egress and other requirements. Please remove the acquisition sites and provide additional analysis of Oakland might pursue additional policy changes, including single stair reform, to increase the viability of low-income housing development on small sites.</p> <p>3. We appreciate the broad reduction to parking standards in a range of zones, not just residential-only, reflecting Oakland's Transit First policy and climate goals. In light of recent counterproductive proposals of parking garages or overparked apartment complexes in transit-oriented areas of Oakland, this direction could be</p>	<p>Comment Noted</p> <p>1. Comment Noted. Staff will be conducting community outreach between Winter - Spring 2023 to discuss and get further feedback on the implementation actions of proposed Housing Element-related rezonings and overlays. The proposed code amendments will be brought forward to Council for adoption in Summer 2023.</p> <p>2. Table C-17 includes a list of six lower-income projects recently developed on sites less than 0.5 acres. Three of the six sites – 3720 Telegraph, 5276 Broadway, and 514-524 41st Street – are examples of acquisition and rehabilitation projects. Nonetheless, the City has additional examples of new construction lower-income projects that have been proposed on sites less than 0.5 acres, including 7664 MacArthur Boulevard (PLN22172), 3135 San Pablo Avenue (PLN22046), and 3419 San Pablo Avenue (PLN22165). Each of these projects were approved in 2022 and propose 100% affordable development. Table C-17 will be revised to include these projects. As noted in Appendix C, with the exception of parcels that are parts of larger sites and sites with active permit applications, the City has identified eight parcels smaller than 0.5 acres as appropriate for lower-income housing based on their location within high resource areas and proximity to transit. Each of these sites are permitted to develop with at least 30 du/ac and upon zoning code changes will be subject to by right approval if the proposal includes at least 20% lower income units.” Finally, staff have also been seeking feedback from affordable housing developers on optimal lot sizes. Developers mentioned lot sizes above 12,000 square feet (0.27 ac) as being viable to develop and secure financing. Developers agreed that lot sizes smaller than 12,000 square feet becomes challenging to finance.</p> <p>3. Comment Noted. Staff will be conducting community outreach between Winter - Spring 2023 to discuss and get further feedback on the implementation actions of proposed Housing Element-related rezonings and overlays. The proposed code amendments will be brought forward to Council for adoption in Summer 2023.</p> <p>4. Comment Noted. Staff will include an objective definition of "food desert"</p>

Letter #	Name/Organization	Date	Comment	Staff Response
			<p>enhanced by:</p> <ul style="list-style-type: none"> <li>a. Applying revised CBD parking maximums to apply equally to a 1/2-mile radius of all major transit stops;</li> <li>b. Making new paid parking, structured or surface (as opposed to off-street parking serving another use) require conditional use permits; and</li> <li>c. Require all structured parking be built to be convertible to non-parking uses in the future; currently their standard angled floors make it impossible to do anything else without demolishing.</li> </ul> <p>4. We appreciate and are excited at the proposal to remove CUP requirements for small commercial establishments in residential zones (Accessory Commercial Units) and, in food deserts, for grocery stores. However, we suggest careful objective definition of "food desert," and to err on the side of an expansive definition, such as the USDA half-mile standard (as opposed to a 1-mile standard).</p>	
2	Moses Libitzky LPC College, LLC	11/29/22	<p>I purchased the Dreyer's site in Rockridge in February 2020, just before the Covid shutdown, with the intent of turning it into a non-profit Jewish Community Campus serving the entire East Bay community. The property consists of ten parcels, anchored by the Dreyer's building at 5901 College Avenue. The property includes assessor's parcel numbers 014-126800901, 014-126801101, 014-126801200,014-126801300, 014-126803900, 014-126803800, 014-126803600, 014-126803501, 014-126803201, and 014-126803000. In October 2020, the Jewish Community Center of the East Bay and several non-profit Jewish organizations began actively using the site as community space.</p> <p>The draft Housing Element has now earmarked the site as a site for affordable housing and was added as a supplemental site to achieve Affirmatively Further Fair Housing. However, the Housing Element says that in identifying the Affirmatively Further Fair Housing sites that staff excluded sites with uses that serve the community. As such, we ask that the staff remove our properties from the city's affordable housing opportunity sites because it is currently, and will continue to be, a site that serves the community. It is understandable that staff was unaware of this, but we ask that it be corrected immediately.</p>	<p>Assessor Parcel Numbers (APNs) 014-126800901, 014-126801101, 014-126801200,014-126801300, 014-126803900, 014-126803800, 014-126803600, 014-126803501, 014-126803201, and 014-126803000 were removed from the Sites Inventory and the revised documents were published on 12/15/22</p>
3	Oakland Heritage Alliance	12/6/22	<p><b>A. Housing Element main document.</b></p> <p>1. The 11/22 draft now commits the City to specific zoning revisions in specific areas, such as Action 3.2.1's provision for reducing minimum lot sizes in Detached Unit and Mixed Housing Type Residential Zones to 2000 ft.2. These kinds of provisions are appropriate to state in general terms as part of a General Plan element and/or as proposals for consideration, but when presented with the draft's level of specificity causes the draft to read more as a zoning ordinance rather than a general plan element. Such levels of specificity should be normally reserved for the zoning amendments. Related to this, the preliminary draft zoning amendments in Appendix J should be understood as just that – a preliminary draft</p>	<p><b>A. Housing Element main document</b></p> <p>1. Comment Noted. Action 3.4.1 Bullet 8 references Appendix J which is titled "Summary of Preliminary Draft Missing Middle, Other Planning Code Amendments, and Zoning Map Amendments to Facilitate More Housing Proposal"</p> <p>2. The adoption Of The 2023-2031 Housing Element Is Exempt From The California Environmental Quality Act (CEQA) Pursuant To Each As An Independent Basis (A) CEQA Guidelines Sections 15061(b)(3), (B) CEQA Guidelines Section 15283 and California Government Code Section 65584(g), (C) CEQA Guidelines Section 15262 And California Public Resources Code Sections 21102 and 21150, And (D) CEQA</p>

Letter #	Name/Organization	Date	Comment	Staff Response
			<p>that the City has not yet committed to. <b>Action 3.4.1, Bullet 8 regarding Appendix J should reflect this by adding “preliminary draft” before “proposal”.</b></p> <p>2. It is our understanding that an Environmental Impact Report (EIR) will be prepared for the zoning amendments implementing the Housing Element, rather than for the Housing Element itself. Therefore, what will be the environmental review determination for the Housing Element? If the Housing Element includes specific upzoning provisions, such as discussed above, an EIR or at a least negative declaration would appear necessary.</p> <p>3. Action 3.4.3 states that, among other things, Action 3.4.8 will “create objective design review standards and... allow for streamlined ministerial approval”. However, Action 3.4.8 actually provides only for objective design standards and says nothing about ministerial approval. The term “ministerial approval” needs to be explained. It often means over the counter approval, with no public notification, review or appeal. But there still needs to be public notification and review to help ensure that staff application of objective standards is performed correctly. OHA reviews numerous design review applications and has found many cases where existing zoning standards and/or design review criteria were not applied correctly or fell through the cracks. In addition, “ministerial approval” indicates that such projects are exempt from environmental review. Such projects if located in historic areas could adversely impact the architectural integrity of these areas, which would normally constitute a “significant effect” under the California Environmental Quality Act (CEQA). Therefore, if no project level environmental review will be conducted for ministerial projects, the environmental impacts of such projects must be considered as part of the Housing Element which enables the projects, or at least in conjunction with the zoning amendments to implement the Housing Element. If no EIR or negative declaration will be prepared for the Housing Element, Housing Element provisions such as requiring ministerial approval of projects must be presented with sufficient generality and caveats to clearly communicate that these provisions are subject to the zoning amendments or other follow up regulatory action that receives environmental review.</p> <p>4. Use alpha-numeric designations to facilitate reference, rather than bullets, especially for provisions that are part of the Goal/Policy/Action statements such as Actions 3.4.1, 4.1.4 and 5.2.9.</p> <p><b>B. Specific problematic provisions in Appendix J.</b></p> <p>1. Retain the existing two-tiered height limit system of wall height plus greater roof height in all zones. For some zones, Appendix J proposes to replace the two-tiered system with a single overall height limit. Retaining the two-tiered system in</p>	<p>Guidelines Section 15308. The Environmental Impact Report for Phase 1 of the General Plan Update will address the City’s updates to its Safety Element and its adoption of a new Environmental Justice Element. In addition, it addresses the impacts of zoning code and general plan amendments implementing several actions contained in the City’s 2023-2031 Housing Element.</p> <p>3. See response to comment A.2</p> <p>4. Comment Noted</p> <p><b>B. Appendix J</b></p> <p>1-4 Staff will be conducting community outreach between Winter - Spring 2023 to discuss and get further feedback on the implementation actions of proposed Housing Element-related rezonings and overlays. The proposed code amendments will be brought forward to Council for adoption in Summer 2023.</p> <p>5. Comment Noted. Figure 3 depicts the height limits that are proposed within the DOSP Area.</p> <p>6. Staff will be conducting community outreach between Winter - Spring 2023 to discuss and get further feedback on the implementation actions of proposed Housing Element-related rezonings and overlays. The proposed code amendments will be brought forward to Council for adoption in Summer 2023.</p>

Letter #	Name/Organization	Date	Comment	Staff Response
			<p>residential zones is important in order to minimize the visual bulk of larger buildings, especially if there is no discretionary design review.</p> <p>2. In many residential zones, reductions in front setbacks are proposed. Front setback reductions should not be applied if the reduced setbacks are less than the prevailing front setback of the block face. Otherwise, new development will literally “stick out” and architecturally disrupt the streetscape. Existing provisions that allow reduced setbacks for new construction or front additions where adjacent buildings already have reduced setbacks should continue to be relied on.</p> <p>3. Retain the conditional use permit requirements for projects with five or more regular units, since projects with five or more regular units allowed by right are eligible for a density bonus under the State Density Bonus Law that can trigger waivers and concessions for height limits, setbacks and other standards, potentially resulting in architectural disruptions to existing neighborhoods. If more density is desired, provide it in the form of more accessory dwelling units (ADUs) (which don’t count toward the five-unit bonus trigger), especially ADUs within existing buildings. Some or all of the ADUs could be designated as deed-restricted affordable, accomplishing the State Density Bonus Law objective.</p> <p>4. Table 2 – Commercial Zone Height Limits. Retain existing height limits in Areas of Primary and Secondary Importance (APIs and ASIs). In most cases, the existing limits were structured to avoid out-of-scale new buildings.</p> <p>5. Figure 3 – Downtown Oakland Specific Plan (DOSP) proposed height changes. This map essentially preempts the height limit discussion that has been ongoing for five years as part of the DOSP and is intimately tied into other important DOSP initiatives, such as the transferable development rights and zoning incentive programs. The Housing Element zoning amendments should defer to the DOSP regarding height limits within the DOSP area.</p> <p>6. Affordable Housing Overlay (AHO) zone. It is good that the AHO zone would not apply to City, state and federal historic landmarks and the height additions would not apply to APIs. However, in addition, the AHO should not apply to APIs and ASIs, since the unlimited residential density provision will make all parcels eligible for the State Density Bonus Law. As discussed in Item B.3 above, this would enable greater heights than otherwise allowed, incentivizing disruption of APIs and ASIs architecturally, and potentially incentivizing demolition.</p> <p>If unlimited density is desired in APIs and ASIs as part of the AHO program, it should be limited within APIs and ASIs to units within existing buildings, at least in</p>	

Letter #	Name/Organization	Date	Comment	Staff Response
			<p>lower density zones, and to no more than four regular units per parcel, plus perhaps unlimited ADUs.</p> <p>The AHO height changes for the DOSP area should be considered as part of the DOSP process, rather than as part of the Housing Element. The Housing Element can include a provision stating this.</p>	
4	Ryan Lester	12/6/22	<p>While the changes to the Oakland 2045 General Plan are commendable, I am disappointed that some of the most resource and transit rich neighborhoods in Oakland are not being upzoned significantly.</p> <p>While Rockridge and North Oakland are being targeted (rightly) for additional housing density, the MacArthur Blvd Corridor in East Oakland (near Laurel and Dimond) neighborhoods are not being targeted for almost any additional density. This corridor is well served by numerous local and transbay bus lines, has abundant high-quality employment, food/grocery, park and school options but is currently almost exclusively single family only zoned. Housing built close to 580 is far away from the WUI and fire danger and would be a prime candidate to increase density in, so that all parts of Oakland affirmatively further fair housing.</p> <p>I respectfully ask that the City of Oakland provide more access for residents who are not millionaires to live above 580 by providing housing options in these neighborhoods that are more than just single family only residences.</p>	<p>Staff will be conducting community outreach between Winter - Spring 2023 to discuss and get further feedback on the implementation actions of proposed Housing Element-related rezonings and overlays. The proposed code amendments will be brought forward to Council for adoption in Summer 2023.</p>
5	Tuan Ngo	12/6/22	<p>I am writing to provide feedback for the Housing Element draft and express concerns about the Tenant Opportunity to Purchase Act, often referred to as TOPA. The so-called "Tenant Opportunity" to Purchase Act (TOPA) is a False Promise. The bureaucratic and ineffective TOPA program strips affordable housing funds from efficient approaches that directly help tenants and homeless residents.</p> <p>The proposed local TOPA legislation is much more problematic and restrictive than TOPA in DC, and thus much more worrisome for Bay Area residents. TOPA has forced deed restrictions that is being sold using the benign sounding "permanently affordable" euphemism. Unlike unencumbered properties, these forced deed restrictions would drop property values by hundreds and thousands of dollars, wiping out lifelong savings for many seniors and leaving them bereft of the means to pay for medical expenses and care for themselves in retirement. In practice, these restrictions would also make it difficult to maintain homes in habitable conditions which is especially detrimental to resident renters. TOPA utterly failed in Washington DC. The Richmond city council unanimously rejected it unanimously in 2019 due to numerous concerns. We do NOT want TOPA and COPA either.</p>	<p>Action 2.2.8 in the Housing Action Plan (Page 77) directs the City to study the effectiveness of TOPA/COPA model in Oakland and bring forward the findings to City Council for discussion by FY 2025. The City will study the effectiveness of a TOPA/COPA model suited to local conditions, which may include equity-building mechanisms, funding needs and sources, racial equity impact considerations, or other approaches that may be appropriate to Oakland. Enactment of a TOPA/COPA policy would require City Council review and approval.</p>



Letter #	Name/Organization	Date	Comment	Staff Response
6	Carol Wyatt	12/5/22	<p>The “Tenant Opportunity to Purchase Act (TOPA) AND ‘Community Opportunity’ to Purchase Act (COPA) is being sold as a way to prevent gentrification and minority displacement. Contrary to these claims, after DECADES of TOPA in Washington DC, a study found DC has had the most gentrifying neighborhoods across the country with 20,000 black residents displaced.</p> <p>My family and neighbors are extremely concerned that TOPA/COPA would PREVENT West Oakland, East and Deep East Oakland (flatland) minorities and particularly black owners from keeping black properties in historically black communities in black hands. Why should a black owner be PREVENTED from bequeathing her OWN home to a family member or neighbor? Passing properties directly to those who similarly endure discrimination is a strong tradition that arose as a result of redlining and housing discrimination and segregation and deed restrictions, when banks refused to offer mortgage loans to minorities.</p> <p>TOPA/COPA would undermine long-standing community tools that evolved into tradition, designed to instead steal generational wealth by acquiring their property as well as the equity built into it. To us, this is another clear example of “dispossession through legislation”, a known tactic frequently levied against minority communities. From the Urban Renewal housing policy that displaced people to Berkeley’s inception of racist single-family exclusionary zoning that segregated people across the country, there is a long line of supposedly “helpful” housing policies that hurt and rob black families of generational wealth. Word is spreading amongst our informed community members. We are most ALARMED that TOPA/COPA is the next scheme similarly impacting our community to what redlining did. We are seeing more legislation being slickly crafted. It is reminding us of the fairy tale where the juicy apple and the unsuspecting sleeping beauty is seduced by a solution to the housing stock and affordability problem, designed as a fix but is really a harm.</p> <p>An Equity Study on the impacts of TOPA/COPA is absolutely necessary BEFORE this legislation is proposed and it should be properly discussed in communities with public comment and awareness devoted to it, not just the marketing scheme language used by political operatives and promoters of this legislation to push it through in their usual fashion to acquire support for measures by the loudest who are usually first to seek most benefits from these oppressive legislative acts and housing pyramid schemes.</p> <p>Please consider the historical wrongs in Black communities related to government and housing, especially the building of wealth and Black property ownership . The diabolical ways society targeted Black wealth, from the 1980s crack epidemic, using property equity to secure high-cost bails and over-incarcerated family</p>	See response to Letter #5

Letter #	Name/Organization	Date	Comment	Staff Response
			<p>owners, as well as the more recent 2009 housing bubble where mortgage and finance professionals targeted Blacks with loans they knew they couldn't pay). Our community has these specific concerns regarding TOPA/COPA:</p> <ol style="list-style-type: none"> <li>1. TOPA/COPA would dismantle a common pathway to Black homeownership.</li> <li>2. TOPA/COPA targets properties in historically segregated areas and robs Black historical wealth.</li> <li>3. When you displace Black homeowners, you displace Black tenants and Black Families.</li> <li>4. SB1079 has already created unintended consequences similar to TOPA/COPA, even as our representative, California 9th District State Senator Nancy Skinner had the 'best of intentions'.</li> </ol> <p>As a responsible, care-filled human, I am astute enough to review this with my own eyes, heart and mind. I've seen how government with good intentions do not see TOPA/COPA as a solution to the problems of housing in communities of color, especially without carve-outs and segments of the already harmed, historically protected communities that need to be identified, preserved and landmarked as preserved CULTURALLY. These communities are more than people's homes and it would be a mistake to just use them as opportunities to purchase using legislation that has been shown to be historically HARMFUL to communities of color, not HELPFUL in repatriating minorities into their communities that have been stolen from them by actions that are everything from building freeways to environmental poisoning to promotions by real estate hucksters marketing them as the new great place to raise a family and a cat or dog.</p> <p>Please work with our community and our Race and Equity Department to conduct an INDEPENDENT Equity Study BEFORE proposing any TOPA/COPA legislation.</p>	
7	Nha Vu	12/7/22	<p>Please remove TOPA/COPA from Oakland's Housing Element Draft (on p. 66) I am strongly opposed to TOPA and COPA. Under TOPA/COPA, people would be prevented from taking care of their families during financial hardships.</p> <p>As an example, my husband and I recently purchased a home from a local couple who needed to sell a property IMMEDIATELY due to a financial emergency. The couple had to sell quickly because they own a local restaurant that suffered during COVID-19 shelter-in-place closures. We were able to accommodate their 3-week quick sale requirement because, fortunately, there are no TOPA/COPA restrictions in place. TOPA/COPA's extended time delays and onerous red tape would have made such quick sales impossible. Under TOPA/COPA, this couple would have lost</p>	See response to Letter #5

Letter #	Name/Organization	Date	Comment	Staff Response
			<p>their family business, been forced into bankruptcy, and they and their young children would have been displaced onto the streets. How can the city even consider such a harmful policy as TOPA/COPA when it invasively interferes with the personal and financial lives of residents?!</p> <p>These residents had done nothing wrong, yet TOPA/COPA restrictions would have made them HOMELESS!</p> <p>TOPA/COPA would also disadvantage local residents looking to purchase. It would have denied us fair and equal access to housing in favor of TOPA/COPA developers. I can't imagine being in a contract and having to wait a year or longer while who knows how many TOPA/COPA developers take turns interfering with the purchase, which is stressful enough as it is. We are not outside speculators. TOPA/COPA holds both local buyers and sellers hostage to red tape and protracted time delays.</p> <p>We strongly oppose TOPA/COPA. TOPA/COPA doesn't take into account the normal up and downs and frequent financial hardships that families endure. This is a horrible idea that harms local residents and families like ours.</p>	
8	Tuan Ngo		<p><b>The Rental Registry Oakland recently passed (2022) causes removal of long standing, unpermitted rentals from Oakland's housing for several reasons:</b></p> <ol style="list-style-type: none"> <li>1. The Rent Registry collects addresses that will trigger building inspections via the Proactive Rental Inspection (PRI) Program, requiring building code enforcement actions. Oakland's Housing Element refers to the implementation of Proactive Rental Inspection.</li> <li>2. It is NOT possible to legalize these existing unpermitted units due to current code requirements. Please pass building code amendments BEFORE implementation of the Rental Registry!</li> <li>3. Most residents do not have the financial means to legalize an unpermitted housing unit without additional city assistance. Please sufficiently fund Oakland's existing CalHome ADU legalization program before implementation of the Rent Registry! The current CalHome ADU legalization program only has funds for 30 units – we need to SAVE 18,835 existing units!</li> <li>4. Residents do not want to lose their homes through city liens from the Business Tax Department. Please implement a business tax amnesty program (for decades ADUs were discouraged so these unpermitted units could not be registered to pay business taxes and now there are huge penalties and late fees with compounding interest, forcing residents to remove rental units rather than registering).</li> <li>5. The Rent Registry removed 'Just Cause' Protections. Please restore each and every 'Just Cause' protection. EACH 'Just Cause' protection exists as a bare</li> </ol>	<p>Comment noted. In June 2022, the Oakland City Council adopted Ordinance No. 13695 CMS to establish a rental registry in Oakland. The City will use data collected in the rental housing registry to monitor and understand neighborhood change at a more granular level, to better target anti-displacement policies and ensure that rent increases are compliant under the Rent Adjustment Ordinance. By 2023, the City will design and implement a rental housing registry. This registry will cover housing units subject to rent stabilization and/or just cause protections under City law.</p> <p>Also see City Resolution No. 88571 C.M.S. in support of Assembly Bill 854 (Lee) that would have prohibited a rental housing owner from removing a building from the market pursuant to the Ellis Act unless all owners of the property have held their ownership interest for at least five years. Furthermore, the City's requirements when removing a property through the Ellis Act Ordinance are bolstered by protections under the City's Just Cause for Eviction Ordinance (see Action 1.1.2) and Relocation Ordinance (Action 1.1.4 ). The City's newly implemented rental registry will also help the City monitor Ellis Act-related eviction cases. The City will continue to enforce the Ellis Act Ordinance and based on any changes allowed by statewide reform, explore ways to strengthen renter protections—including proactive enforcement of eviction protections—in case of an Ellis Act eviction where feasible.</p> <p>The adopted rental registry ordinance does not prevent someone from registering a unit that is unpermitted and does not remove Just Cause protections. The rental</p>

Letter #	Name/Organization	Date	Comment	Staff Response
			<p>minimal safeguard – removing each protection results in CLEAR ethical violations with dire, long-term consequences that harm both people and housing.</p> <p>6. There are many other reasons existing lower-cost rental units are being removed from Oakland. Please conduct genuine public outreach before passing housing legislation to avoid SIGNIFICANT unintended consequences and displacement of Oakland residents.</p> <p>1. The Rent Registry collects addresses which will trigger building inspections via the Proactive Rental Inspection (PRI) Program. Proactive Rental Inspection is in planning discussion and part of Oakland's Housing Element. People are reluctant to register unpermitted units for fear that the city will inspect and force removal of unpermitted units, causing displacement of current residents.</p> <p>Some homeowners had negative experiences with building code enforcement and feel it is easier to stop renting out an unpermitted unit rather than face inspections and unit removal. Reverting a livable space back to its original uninhabitable state results in loss of very useful space.</p> <p>2. It is NOT possible to legalize units due to current code requirements, e.g. ceiling height too low, setbacks and other conditions, lack of fire egress, the city's amnesty guidelines do not have enough flexibility to accommodate legalization. For example, it would be helpful to grandfather in existing structures and allow up to a 100 square feet addition to accommodate entrance or stairs safety requirements, etc. Please update city building codes to allow for more flexibility and accommodate higher density (e.g. 1 unit per 1,500 sf within 1/2 mile of BART or regulate building envelope and not restrict number of units based on lot size).</p> <p>3. Most residents do not have the financial means to legalize an unpermitted housing unit without additional city assistance. Legalizing an ADU can easily cost \$100,000 – \$150,000 per unit. Oakland's CalHome ADU legalization program only has \$3 million. This funding amount only allows for \$90,000 loans to legalize 30 unpermitted units. Oakland has approximately 18,835 unpermitted units, far more than the 30 units that are funded. Entire families would be displaced if unpermitted units are registered, inspected, and forcibly removed through code enforcement action. Rent Registry implementation should be coordinated with adequate funding to save low-income housing units.</p> <p>4. Residents do not want to lose their homes through city liens from the Business Tax Department. For many decades, the city discouraged ADUs due to concerns that they would change the neighborhood characteristics, cause traffic congestion, and take up parking space. However, people desperately needed low-cost housing and converted garages, basements, and attics. These units are unpermitted and could not be registered but were rented and technically should have been paying business license tax. People will be removing these rental units to avoid penalties and late fees with years of accumulated interest. The city has</p>	<p>registry ordinance adds a just cause defense such that a landlord cannot recover possession of a rental unit if the landlord failed to substantially comply with the registry requirements.</p> <p>The rental registry's goal is to identify and collect rental data for units that are subject to the Rent Adjustment and/or Just Cause ordinances. It will also allow RAP to more effectively administer these two ordinances and to advise owners and tenants of their rights and obligations accordingly. Therefore, when owners register their units for the first time, they will be asked for the information necessary to allow RAP to determine whether their units are subject to the Rent Adjustment or Just Cause ordinances and the registration requirement. This will include information on when and how units were created and as needed, information on whether/when a Certificate of Occupancy was issued. Permit information is not necessarily needed to determine whether a unit is subject to either ordinance and therefore requires registration and would not forestall an owner's ability to register a unit.</p>

Letter #	Name/Organization	Date	Comment	Staff Response
			<p>gone back decades to the 1980s to assess back fees in the thousands of dollars and put liens on homes. A business tax amnesty is crucial to preserving these affordable rental housing units.</p> <p>5. The Rent Registry removed Just Cause. All basic common-sense protections have been removed with the Rent Registry resulting in significant negative consequences. For example, many residents don't want to be victimized by violence, especially since we've removed criminal history from rental considerations. Sometimes there's domestic violence coming from an unpermitted ADU which people can't escape from because of the Rent Registry. Parents understandably do not want their children hearing arguments through a shared common wall and see bruises the following day. Many parents would rather not rent out than risk not being able to remove violence from their home due to forced Rent Registry restrictions. The Rental Registry should be amended to restore Just Cause. Some cities have a simple fee for failure to register so innocent residents at not put in harm's way.</p> <p>Please SAVE these existing 18,835 affordable housing units and prevent displacement! As an immigrant who appreciates the need for low-cost housing, I am happy to help in any way toward this goal. Any units we save will count toward Oakland's state mandated RHNA requirements, especially at the lower affordability levels. Legalizing unpermitted units will also prepare us for Earthquakes and Keep Oakland Housed! It is much cheaper to work with Oakland residents to legalize existing affordable units than building new ones from scratch.</p>	
9	Benjamin Scott	12/7/22	<p>TOPA and COPA would discriminate against the LGBTQ+ community. I am writing to request that you remove the TOPA and COPA references from Oakland's Housing Element draft. This misguided housing policy was proposed in neighboring Berkeley and would have prohibited LGBTQ+ residents from transferring our own homes to our nieces and nephews, who are essentially our children. TOPA/COPA proponents said family transfers are allowable, but that's not true because when we read the actual TOPA/COPA ordinance language as introduced in Richmond, Berkeley, and East Palo Alto -- transfers to nieces and nephews are NOT exempted from TOPA/COPA restrictions. Multiple people have raised concerns regarding negative, consequences of TOPA/COPA to LGBTQ+ residents but it COMPLETELY fell on deaf ears, and NOTHING was ever done to change this horrible, discriminatory legislation in various cities!</p> <p>We should have equal rights and not be discriminated against under TOPA/COPA restrictions. I should be able to leave my home to my niece who is very much a daughter to me by blood.</p> <p>Berkeley staff spent years analyzing the TOPA/COPA legislation, saw how harmful it is and removed it from their Housing Element after listening to overwhelming community opposition. I respectfully request that the Oakland Housing Element</p>	See response to Letter #5

Letter #	Name/Organization	Date	Comment	Staff Response
			takes into account our own strong community opposition to TOPA and COPA as well. Please remove TOPA and COPA from Oakland's Housing Element – It's still there on p. 66 of the Housing Element draft.	
10	Darryl Glass	12/7/22	<p>TOPA and COPA would discriminate against the LGBTQ+ community. I am writing to request that you remove the TOPA and COPA references from Oakland's Housing Element draft. This misguided housing policy was proposed in neighboring Berkeley and would have prohibited LGBTQ+ residents from transferring our own homes to our nieces and nephews, who are essentially our children. TOPA/COPA proponents said family transfers are allowable, but that's not true because when we read the actual TOPA/COPA ordinance language as introduced in Richmond, Berkeley, and East Palo Alto -- transfers to nieces and nephews are NOT exempted from TOPA/COPA restrictions. Multiple people have raised concerns regarding negative, consequences of TOPA/COPA to LGBTQ+ residents but it COMPLETELY fell on deaf ears, and NOTHING was ever done to change this horrible, discriminatory legislation in various cities!</p> <p>We should have equal rights and not be discriminated against under TOPA/COPA restrictions. I should be able to leave my home to my niece who is very much a daughter to me by blood.</p> <p>Berkeley staff spent years analyzing the TOPA/COPA legislation, saw how harmful it is and removed it from their Housing Element after listening to overwhelming community opposition. I respectfully request that the Oakland Housing Element takes into account our own strong community opposition to TOPA and COPA as well.</p> <p>Please remove TOPA and COPA from Oakland's Housing Element – It's still there on p. 66 of the Housing Element draft.</p>	See response to Letter #5
11	Davide Russo	12/13/22	<p>I want to file a formal complaint that I strongly oppose the construction of new homes on Skyline Blvd. Your plan has 198 potential units plus an unknown number. Those hills are very unstable and prone to landslides. The current natural bait at is what keeps the hills intact. Our neighborhood needs more green, no more construction. This is a small quaint residential neighborhood where everyone knows each other.</p> <p>Such a project would change the neighborhood completely and we'd suffer irreparable monetary damages as a result. We are planning to move forward with legal action if these plans are confirmed.</p>	<p>There are a number of other potential projects at various stages in the planning process. This includes projects ranging from the pre-application stage to those with filed and under review planning permits. As these projects have not yet received entitlement, they cannot be credited towards the RHNA. However, a pre-application or an application for a planning permit indicates developer interest and that a site is likely to redevelop with housing.</p> <p>This site on 5885 Skyline Blvd was included on the Sites Inventory as the City had a preapplication on file. The Preapplication number is - ZP210085/ZP190056 Preapplications are subject only to review and analysis, and no entitlement.</p>
12	Nat Gardenswartz	12/12/22	I am writing to file a formal complaint against the construction project under consideration on Skyline Blvd. The current plan to build 198 new homes would dramatically change the character of this quiet, intimate neighborhoods are valued in part due to the quiet and intimate environment, and could also pose a	See response to Letter #11

Letter #	Name/Organization	Date	Comment	Staff Response
			<p>seismic risk given the landslide conditions in the area where the homes are being built.</p> <p>If the city moves forward with these plans, we will organize with nearby resident to campaign in opposition.</p>	
13	Gabriel Michael	12/16/22	<p>TOPA/COPA should NOT be included in the City of Oakland Housing Element; Action 2.2.8: Investiage a Tenant/Community Opportunity to Purchase Act</p> <p>Background:</p> <p>I retired from the national housing nonprofit NeighborWorks America based in Washington D.C after 29 years as Management Consultant. Prior to that I worked for the cities of Piedmont and Oaklan Planning Departments. I continue to advocate for housing as a volunteer, consultant, and housing provider. My family has owned a 4-plex in Oakland since 1976. As an affordable housing professional and provider, I have a unique perspective on housing policies.</p> <p>I was introduced to TOPA/COPA in 1985 and have followed its volatile path since its inception. While the acronym TOPA is compelling, it represents a false promise to tenants and does not assiste them in meeting the challenges that prevent home purchases (i.e., insufficient income, lack of emergency reserves, employment instability). In COPA, the promise of "equity building" is sbject to the nonprofit owner's governing board's policies and financial capacity. It too can be a false promise to tenants. From the perspective of tenants, in the COPA model the nonprofit buyer is simply the new landlord. It is worth noting that buildings owned by non-profit housing organizations (NPO) may not be subject to rent control.</p> <p>Proven Equity-building Models</p> <p>Before consideration of TOPA/COPA, there are numerous equity-building housing models with proven success metrics such as: limited-equity condominiums, co-housing, limited-equity condominiums, co-housing, limited-equity cooperatives, mutual housing, employer assisted housing, condo conversions, tenant-in-common (TIC), extended household purchases and equity sharing programs. These models have proven legal structures that provide consumer protection and are familiar to lenders. The Housing Element should either refer broadly to these types of models or include them specifically. The Element should NOT refer solely to TOPA/COPA as it could be construed as advocacy.</p> <p>By all measures, TOPA/COPA has been unsuccessful since it was introduced in Washington D.C. TOPA/COPA is a capital-intensive model requiring deep up-front inefficient per-tenant subsidies, capitalizaiton of building rehab, operating reserves, and maintenance reserves. Fledging tenant organizations require intensive, costly technicail assistance, startup funding and sufficient free time to work as a group. TOPA buyers must agree to income restrictions for all future sales or transfers and are individually and collectively responsible for mortgage, taxes, insurance, and all other building costs. They cannot individual encumber</p>	See response to Letter #5

Letter #	Name/Organization	Date	Comment	Staff Response
			<p>the property or access building equity. These characteristics are particularly unappealing to minority and working class households who hoped for full ownership rights. After reading the fine print or not qualifying for a TOPA purchahse, frustrated tenants can assign their rights to COPA only to find no guarantee of "equity building".</p> <p>Without COPA non-profit housing oranzations have successfully developed, acquired, and manage thousands of affordable units. With increased purchase and rehab capital subsidies, they can compete in the market with a strategy of buying and rehabbing buildings with existing low rent. NPOs are best suited to implement rehab, manage tenant relocation with sensitivity, identify households, and track long-term affordability. After acquisition, NPO organizations can develop and implement tenant equity-building programs as appropriate without COPA restrictions.</p>	
14	Gregg Penn	12/17/22	<p>I live in Merriewood region of Oakland, and I recently received a flier opposing the development of affordable housing on Skyline Blvd as part of the Housing Element update. I strongly believe in the importance of creating additional housing, especially affordable housing, to sustain and improve the livability of our city. I wanted to voice my support of this project and I hope that it succeeds.</p>	Comment Noted.
15	Heather Kuiper	12/17/22	<p>Attached and copied at the bottom of this email are comments pertaining to the latest draft in the form of suggested text in case that is of use. The hope is to increase alignment between the Housing LUTE, and OSCAR Elements. (and the ECAP) because housing transportation, and parks are mutually reinforcing. Right now there are no substantive mentions of parks or green space in the housing element, which are key aspects of making housing liveable and neighborhoods complete. The suggested edits can also help meet the housing element's stated goals related to greehouse gases, public health, environmental justice, and stable, healthy, integrated, and vibrant neighborhoods</p> <p>I am also attaching Oakland Parks and Recreations Foundation's last two survey reports, as per referenced in the EJ Baseline report. Is it possible to post these in the General Plan's Project Documents page and to share with the Equity Working Group? These reports would be greate to make available to the process because: They are citywide reports and as such help create the authentic inclusivity so important to general plan development. The 2020 report in particular gives voice to historically underrepresented residents and is the first time in a generation- since the last OSCAR update- that Oaklanders (about 1300!) were surveyed about their parks;</p> <ol style="list-style-type: none"> <li>1. They make a very strong equity and racial/environmental justice case;</li> <li>2. They convey how different aspects of a city- e.g, housing, transportation, and park infrastructure work together for equity, justice, health, safety, and climate resilience. In fact, there are several modules in the 2020 report that could be</li> </ol>	<p>The City is updating the 2023-2031 Housing Element as part of a comprehensive update to the General Plan. The General Plan Update (GPU) is undertaken in two phases in order to meet deadlines mandated by State law. Phase 1 focuses on updates to the Housing and Safety Elements, as well as preparation of a Racial Equity Impact Analysis, Zoning Code and Map update, and creation of a new Environmental Justice (EJ) Element. Subsequently, Phase 2 will include the update of the Land Use and Transportation (LUTE) Element; Open Space, Conservation and Recreation (OSCAR) Element; Noise Element, and the creation of a new Infrastructure and Facilities Element which are slated to be completed by the end of 2025.</p> <p>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> <p>As part of Phase 2 of the GPU, the City will promote complete neighborhoods where residents have safe and convenient access to goods and services on a daily or regular basis—that address unique neighborhood needs, and support physical activity, including walking, bicycling, active transportation, recreation, and active play. The LUTE, OSCAR and the Infrastructure and Capital Facilities elements will include targeted policies and actions for communities designated through the EJ screening process (i.e., low-resourced, traditionally underserved, and</p>



Letter #	Name/Organization	Date	Comment	Staff Response
			useful pull-outs for different elements of the GP update. It would be inspiring to see this largely community-based research to put to work in service in Oakland.	disproportionately burdened communities) that focus on: <ul style="list-style-type: none"> <li>• Equitable distribution of new beneficial public, civic, and cultural facilities and maintenance of existing facilities</li> <li>• Expand access to high-quality open space, pedestrian and bicycling amenities, and increase opportunities for physical activity and recreation spaces</li> </ul>
16	Jeannie Llewellyn	12/17/22	In addition to what Mr. Michael Gabriel wrote, TOPA/ COPA/OPA is easily misunderstood by the very people it allegedly is trying to help. The complexity of even a basic property purchase would flummox those new to the real estate world. Add to the fact embedded deeply in the ordinance is indeed a "false promise" when a tenant/tenant group discovers how limited their powers and assets truly are when any assistance has been used toward a purchase through TOPA/ COPA/ OPA. There is already in place assistance for first-time buyers, so why make this more complicated than it needs to be? With the amount spent to support TOPA/COPA/OPA it would be more efficiently and better spent on other needs the city has, whether for housing or for the city infrastructure. I agree that TOPA/COPA does not need to be advocated for in the Housing Element document.	See response to Letter #5
17	Rich Sigel	12/18/22	Your development plan shows potential 185 housing units at 5885 Skyline Blvd in Oakland. We live off Broadway Terrace somewhat lower down the hill from Skyline. This area is all the 1991 Hills Fire burn zone. The roads are narrow and treacherous, a very high risk in case of fire, earthquake, or other disaster. There is no way the narrow winding roads can safely take much additional traffic from large scale development. The plan for 5885 Skyline is dangerous and faulty.	See response to Letter #11
18	Susan Goodman	12/18/22	As a neighbor, I would like to state that I am against rezoning 5885 Skyline Boulevard from Residential Hillside RH-3, with single family homes on lot sizes not less than 12,000 SF to allow high-density housing. This area does not have the infrastructure (roads, parking, etc.), and would contribute to the dangerous conditions that are already in this area, especially under emergency evacuation circumstances, including those related to fire and earthquakes. It is also not transit-friendly and would have a low-walking score, making it impractical for especially elderly people and those with fewer resources to access needed services (e.g., food, medical, banking, work, etc.). Finally, this proposal would eliminate green space in this already very urban and concrete neighborhood, further reducing outdoor opportunities and eliminating the other benefits that natural areas provide to all of us.	See response to Letter #11
19	Kenny Goodman	12/19/22	As a neighbor, I would like to state that I am against rezoning 5885 Skyline Boulevard from Residential Hillside RH-3 with single family homes on lot sizes not less than 12,000 SF to allow for high density housing. It appears that this area has an open space component but the zoning is not clear as it is also described as RH-9 which I don't see in your map descriptions. I agree that we need additional	See response to Letter #11

Letter #	Name/Organization	Date	Comment	Staff Response
			<p>housing in Oakland and I am strongly in favor of building housing for low income families and elderly individuals. This site however does not make sense for that use. Locating housing at the top of Skyline would be difficult to access with no ability for a resident to walk or bike to critical services. These folks need to be able to easily obtain groceries, go to the bank, go to the doctor, etc.</p> <p>Additionally the hillside area is already over impacted for fire response, police response, and other emergency services. By locating these folks in this area would be placing them and others at risk. I don't know what the additional load would be on the water and sewer systems but I would have to believe that the number of homes you are proposing for this area would be detrimental to the existing neighboring residences as well.</p> <p>Finally I would be concerned that if we had another large fire or when the Hayward fault decides to move that we would be stranding a lot of at risk individuals. I would suspect that there will be no emergency services able to support the number of folks already living in this area and adding to that with individuals that might not be able to leave their homes would simply be an irresponsible act of the Planning Department. Simply building wherever there is open space is not an appropriate solution.</p>	
20	Louis Goodman	12/21/22	<p>I live in the City of Oakland. I am informed that there is discussion of building "affordable" housing on Skyline Blvd. If true, this is a poorly conceived plan that is not consistent with the recreational facilities that are available to all Oakland residents in the area. Skyline is already overused, the road is in poor condition, traffic is too fast inconsistent with the park usage and the substantial bicycle usage in the area. Please register my opposition to this project.</p>	See response to Letter #11
21	William Wilcox		<p><b>Housing Element Chapter 4</b></p> <p>A. 2.1.3- Proactive Rental Inspections: We would suggest that multi-family buildings, dependent on size and age be inspected every 2-4 years similar to the program in the City of Los Angeles.</p> <p>B. 2.2.1 - Implementing Resale Controls on Assisted Housing: As the City deploys Measure U funds, it should require that when the provided funds for 100% affordable project are greater than the cost of the land (if not already a City owned parcel), that the developer transfer the land to the City and then the City will ground lease the property back to the project. This significantly strengthens the City's ability to ensure the land remains used for a public purpose. The City and County of San Francisco already use a similar practice. This is also relevant to 3.3.1</p> <p>C. 2.2.8 TOPA/COPA: We support the implementation of a TOPA/COPA policy and look forward to seeing the legislation brought forward by Council since the City has already spent ample time analyzing this policy option.</p>	<p>A. Action 2.1.3 – Comment noted. As part of the Proactive Rental Inspection Program, the City will identify the timeline at which multi-family buildings, dependent on age and size be inspected</p> <p>B. Action 2.2.1 - Staff appreciate this comment and will consider options to implement resale controls, including but not necessarily limited to ground leases and remainder interests.</p> <p>C. Action 2.2.8 - Comment noted.</p>

Letter #	Name/Organization	Date	Comment	Staff Response
			<p>D. 3.2.1 Missing Middle Housing: We would suggest that the City not include owner-occupier requirements or similar onerous and financially infeasible rules for the development of missing middle housing, since this has proven to be a major challenge in other similar legislation.</p>	<p>D. Action 3.2.1 - Comment noted. Staff will be conducting community outreach between Winter - Spring 2023 to discuss and get further feedback on the implementation actions of proposed Housing Element-related rezonings and overlays. The proposed code amendments will be brought forward to Council for adoption in Summer 2023.</p>
			<p>E. 3.3.2 Expansion of Section 8 Vouchers: We would suggest that the City in partnership with the Oakland Housing Authority (OHA) leverage OHA's status as a Moving to Work (MTW) housing authority in combination with unused Faircloth Authority to expand project-based vouchers through the Faircloth to RAD program. This would allow Oakland to expand voucher access beyond the current limit.</p>	<p>E. Action 3.3.2 - The City appreciates this comment and has previously considered opportunities to use the Faircloth to RAD program to increase the number of available vouchers. The City will continue to consider suitable opportunities to pursue this matter further, if such opportunities present themselves.</p>
			<p>F. 3.3.5 Affordable Housing Overlay: This is a valuable policy to help expand access to affordable housing in Oakland. As details are put into this regulation, the City should keep in mind that affordable housing projects are generally not financially viable with fewer than 80 units. The regulations should be adapted accordingly so that these changes can have the most substantive impact.</p>	<p>F. Action 3.3.5 – Comment noted. Staff will consider this suggestion further.</p>
			<p>G. 3.3.6 Access to Low-Cost Financing for Development: For 100% affordable projects the City should consider providing a larger bridge loan during construction, that can then be taken out with tax credit equity or other private or public permanent financing. This would reduce construction loan interest costs and provide savings for affordable housing projects.</p>	<p>G. Action 3.3.6 - The City will consider a variety of options to address interim financing needs. Opportunities to address interim financing needs may include the use of Measure U bond funds, regional financing from the Bay Area Housing Finance Agency, or a future product offered by Public Bank East Bay.</p>
			<p>H. 3.3.7 &amp; 3.3.12- Inclusionary Housing and Density Bonus: We support the use of a reasonable inclusionary housing percentage. It should incentivize deep affordability by requiring a smaller percentage of units affordable to tenants at 30% or 50% of Area Median Income. Ideally this could be combined with a density bonus for providing a larger percentage of affordable units- similar to the Los Angeles Transit Oriented Communities (TOC) Program.</p>	<p>H. Action 3.3.7 and Action 3.3.12 – Comment noted. Staff will consider this suggestion as it studies the inclusionary housing options further.</p>
			<p>I. 3.3.10- Enhanced Infrastructure Financing District: We support the creation of an Enhanced Infrastructure Financing District for affordable housing funding. This is a valuable way to commit revenues to affordable housing and provide a permanent source for affordable housing funding.</p>	<p>I. Action 3.3.10 – Comment noted.</p>
			<p>J. 3.3.14 Creation of Debt and Equity Fund for Acquisition of Affordable Housing: We would suggest that the city also explore working with the Bay Area Housing Finance Agency (BAHFA) to create subsidized debt and equity products for the acquisition of unsubsidized housing.</p>	<p>J. Action 3.3.14 - This comment is noted. The City is engaging with BAHFA on opportunities to fill a variety of affordable housing needs, and an acquisition and conversion program with BAHFA support would be an excellent complement to Oakland's existing Acquisition and Conversion to Affordable housing program.</p>
			<p>K. 3.3.16- Transfer Tax on Affordable Housing: Transfer taxes should be waived for 100% affordable housing projects if units are restricted to households with incomes of 80% of Area Median Income or below.</p>	<p>K. Action 3.3.16 - Comment noted</p>

Letter #	Name/Organization	Date	Comment	Staff Response
			Charging these fees costs the City additional subsidy funds by making the projects more expensive.	
			<p>L. 3.4.1 Upzoning: The upzoning and increased density should focus on upzoning high income areas so that development is not just pushed to historically Black neighborhoods as has long been the case. Upzoning should not just increase density to allow for duplexes and fourplexes but instead should be viable for large multifamily, which is more economically feasible and generates more affordable units. The updated zoning should result in at least 100 bedrooms per net acre, so as to be competitive for Low Income Housing Tax Credits.</p>	L. Action 3.4.1 - - Comment noted. Staff will be conducting community outreach between Winter - Spring 2023 to discuss and get further feedback on the implementation actions of proposed Housing Element-related rezonings and overlays. The proposed code amendments will be brought forward to Council for adoption in Summer 2023.
			<p>M. 3.6.1 Streamline Permitting: The City should also focus on filling staff vacancies in the Planning Department so that there is adequate capacity to process applications.</p>	M. Action 3.6.1 – Comment noted. The City is currently recruiting planners at all levels.
			<p>N. 3.6.3 Expanding By-Right Approvals: This is a valuable tool for moving projects along more quickly to lower costs and produce more housing. The City should also look at how this can be provided for projects where a portion of the units are affordable.</p>	N. Action 3.6.3 – Comment noted. The City will work with community partners and affordable housing developers to identify and implement appropriate entitlement reform actions.
			<p>O. 4.1.1: Expand, improve and maintain crisis response beds: In order to effectively do this, the City must commit other funds. The City has historically relied on federal and state funding for shelter funding- but this has proved inadequate to meet demand.</p>	O. Action 4.1.1 - Comment noted. Pursuant to the recent audit, the City has engaged HUD TA to develop a strategic plan along with recommendations on the scaling of department resources to support the progressive expansion from four emergency shelter programs to the current 23 emergency shelter programs that occurred without an equitable expansion of staffing for sufficient oversight. It is important to note that crises beds alone do not deliver individuals to housing without an inventory of available affordable and deeply affordable housing which is the actual goal. Expansion of crisis beds has been supported and maintained by competitive State and other funding streams since elimination of Redevelopment agency funding in 2012 which provided 25% for affordable housing development with remaining for community/economic development support. The City is advocating for ongoing dedicated State funding/support while developing a grant horizon report to ensure crisis beds can be maintained, and specifically to continue to support programming for acquired permanent supportive and transitional housing.
			<p>P. 4.2.1 Encampment Management Policy: To avoid wasting City funds, per the City Auditor's report, the Encampment Management Policy should be altered to ensure that shelter offers are for long-term housing that allows pets, partners, and possessions. The current implementation is ineffective and a waste of city funds.</p>	P. Action 4.2.1 – Comment noted. The encampment management policy serves to address encampment impacts to City ROW and infrastructure per Federal, State, and local health and safety laws. Each operation minimizes and/or cures violations of environmental, ADA, and other access laws reducing associated legal expenses to the City. Thus the EMP is implemented subject to the 9 <sup>th</sup> Circuit Court decision, Martin v. Boise, that mandates the offer of shelter and/or housing to those impacted by closures and is calibrated to serve as a pathway to shift individuals into shelter, services, and available housing. Failures to responded to federal, state, and local health and safety violations do not advance housing development objectives

Letter #	Name/Organization	Date	Comment	Staff Response
			<p>Q. 5.2.8 Encourage New Affordable Housing in Higher Resource Neighborhoods: We support building more affordable housing in high resource neighborhoods so that Oaklanders of all incomes have opportunities to live in all parts of the City. This will also make Oakland's affordable housing projects more competitive for state and federal funds.</p>	<p>to increase the inventory of deeply affordable and affordable permanent, supportive, and transitional housing. The Homelessness Division with the Housing, Human Services, other relevant departments are continuing work to enhance programming to support the needs of crisis beds programs; pursue funding that supports programming for acquired transitional and supportive housing programs, and to expand the needed housing inventory for low income and ELI housing units.</p> <p>Q. Action 5.2.8 – Comment noted.</p>
22	Ben Bowen and Renee Kosslak	12/26/22	<p>A. Please be advised that there are two parcels at 7033 and 7039 Buckingham Blvd that could be added to the proposed 2023-2031 Housing Plan. As a general comment, it would be great if Oakland HCDD could provide expedited and/or accelerated review permits for sites that are included in your list of earmarked sites.</p>	<p>Comment noted. These parcels are located in RH-4/S-9 Overlay Zone. Staff have reviewed the feasibility of adding these sites to the sites inventory. While the sites are zoned for residential use, the sites do not meet the criteria used throughout the housing element process for identifying sites because the realistic capacity of potential units is very low. There is nothing restricting housing from still being built on the site even though they are not listed in the Housing Element.</p>
23	Oakland Undivided		<p><b>Ask:</b>  An essential component missing from the Housing Element, which will prove essential to achieving the goals stated above, is broadband access and digital equity. Oakland Undivided, a diverse coalition of elected officials, civic leaders, and community stakeholders, proposes that the Housing Element include that all residents should have access to high-speed internet at home. This internet service should be robust enough to perform essential functions, such as enrolling in government programs, seeking employment, and attending school. Internet speed and performance standards should increase over time to track the exponential growth in data usage. In addition, the Housing Element should define broadband as a necessary utility and inextricably linked to plans for improving existing housing stock and new builds.  The housing department in the City of Oakland is uniquely positioned to create opportunities for wealth, health, and wellness, particularly in communities of color, by championing broadband accessibility in new and existing housing developments.  As such, adding broadband to the Housing Element would support the existing goals in the Housing Element. In particular, "Goal 2: Preserve and Improve Existing Housing Stock" as well as "Goal 5: Promote Neighborhood Stability and Health." Housing, particularly multifamily housing projects, presents an opportunity to close this digital divide and improve the socioeconomic outcomes of many of the city's most vulnerable populations. The neighborhoods with the lowest rates of internet adoption are most likely the focus of the City's affordable housing developments. Therefore, it is imperative that broadband implementation is</p>	<p>This comment is noted and will be brought to the attention of the team involved in crafting Oakland's New Construction NOFA. While the NOFA has been updated within the past 15 years, the City is grateful for this suggestion on how digital access requirements could be better clarified.</p>

Letter #	Name/Organization	Date	Comment	Staff Response
			<p>considered in relaxation to existing housing projects as well as new builds, particularly in the case of public housing.</p> <p><b>Existing housing projects:</b> Digitally retrofitting existing housing projects will support "Goal 2: Preserve and Improve Existing Housing Stock." With 80% of Oakland's housing stock built before 1980, it is essential to ensure that residents in the existing housing projects are able to access high-speed internet. That requires installing fiber, a futureproof technology, that is much more resistant to corrosion and deterioration than the legacy technology that many of these buildings are relying on. Whenever possible, fiber should be installed at free or low-cost to residents.</p> <p><b>New Builds:</b> The current requirements listed in the Housing and Community Development NOFA have not been updated in the last 15 years. In discussing the future of housing in our city, it is imperative that city policy both encourage and require developers to integrate broadband technology in their initial planning. Projects should specifically plan the services available to their residents in order to ensure accessibility and connection.</p> <p><b>Recommendations:</b> #OaklandUndivided recommends the following for improving existing housing stock as well as planning for new builds.</p> <ol style="list-style-type: none"> <li>1. <b>Installation:</b> Installation Method Requirements.</li> <li>ii. <b>Distribution</b> is how internet access gets from the basement or rooftop to the dwelling units and other parts of the building.</li> <li>iii. <b>Cabling Pathways Accessibility:</b> All vertical and horizontal cabling pathways should be easily accessible and have room for the addition of more cabling in the future.</li> <li>iv. <b>Basement &amp; Rooftop Accessibility:</b> The building's network equipment should be accessible both in the basement and from the rooftop of the building.</li> </ol> <p><b>b. Technology</b></p> <p><b>C. Safety and Labor Standards</b></p> <p><b>d. Partnership with Internet Service Providers (ISPs)</b></p> <ol style="list-style-type: none"> <li>2. <b>Service Available to the Residents</b> <ol style="list-style-type: none"> <li>a. <b>No Fee for Residents</b></li> <li>b. <b>Tenant protections</b></li> <li>c. <b>Unique Profile</b></li> <li>d. <b>Federal benefit communication</b></li> <li>e. <b>Wireless availability:</b> Wireless internet service should be available in common areas, including: lobbies, lounges and common rooms, laundry rooms, outdoor areas, and other shared spaces.</li> <li>f. <b>Computer Lab Space</b></li> <li>g. <b>Digital Literacy Programs</b></li> </ol> </li> </ol>	

Letter #	Name/Organization	Date	Comment	Staff Response
			<p><b>h. Language Accessibility:</b> Information distributed to tenants regarding internet service, computers, or digital literacy should be provided in English, Spanish, Vietnamese, Chinese, and any other language that the tenant may request.</p> <p><b>3. Records</b></p> <ul style="list-style-type: none"> <li><b>a. post-installation inspection</b></li> <li><b>b. Initial wiring report post-installation</b></li> <li><b>c. Regular reporting of broadband conditions</b></li> </ul> <p><b>4. Community Organization Outreach</b></p>	
24	EBHO	12/28/22	<p><b>Assessment of past performance</b> As we previously commented, while the assessment contains a listing of programs from the previous housing element and data on outputs, far less attention has been paid to outcomes and the extent to which programs contributed significantly to achieving the City's housing goals. The assessment should provide a real analysis of whether the programs worked. Why are they being continued? Were they worth the effort? Are there any changes required? Are they adequate to the task of meeting the 6th Cycle needs?</p> <p><b>Affirmatively Furthering Fair Housing</b> 1. We are dismayed that Appendix D (Fair Housing Assessment) has almost no changes from the previous draft. While the assessment provides a wealth of data to demonstrate patterns of segregation and racial and economic disparities in housing opportunity, conditions, and outcomes, it still lacks a serious analysis of the underlying factors that created and continue to maintain these patterns. We would expect to find a history of how these patterns came into being and a consideration of the legal and institutional factors that support these patterns on an ongoing basis. It is all the more surprising that this historic analysis is lacking, since the City has previously produced such analyses. A notable example is the report prepared by the Department of Race &amp; Equity, entitled "Report on Redlined Neighborhoods in City Council District 3," which was presented at the June 28, 2022 meeting of the Community and Economic Development. This report includes an extensive history of factors giving rise to ongoing housing disparities, including redlining, exclusionary/single-family zoning, urban renewal, freeway construction, disparities in employment and income, and more. None of this is discussed in the Housing Element's Fair Housing Assessment. Despite our comments in our June 13 letter, the fair housing assessment still contains no analysis of the role that exclusionary zoning plays in maintain patterns of racial and economic segregation. In fact, the word "zoning" scarcely appears in this analysis, and there is no mapping of racial concentration overlaid with areas that are zoned exclusively or mainly for single-family and low-density housing.</p> <p>2. Section D.7 and Table D-9 is completely inadequate. The table lists a number of</p>	<p><b>Assessment of past performance</b> Appendix A includes an evaluation of the City's 2015-2023 Housing Element and how the City fared in meeting its housing needs over the eight-year period. It provides an evaluation of Oakland's Regional Housing Needs Allocation Progress, describes accomplishments of each of the Goals and Policies, and additionally assesses the effectiveness and appropriateness of each of the 131 actions, and whether adjustments and new programs may be needed. It also includes an evaluation of the Housing Element's cumulative impacts on special needs.</p> <p><b>Affirmatively Furthering Fair Housing</b> 1. Information on historic context of discriminatory housing actions and the legacy of exclusionary zoning as a significant housing constraint and barrier to affirmatively furthering fair housing. This context is incorporated throughout the Housing Element - 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]); and Appendix F (F-10 through F-11). In addition, Chapter 4: Housing Action Plan includes a NEW Action 3.4.2 to Study the Relationship Between Zoning and Racial Segregation as Part of the Phase 2 General Plan Update.</p> <p>The City is updating the 2023-2031 Housing Element as part of a comprehensive update to the General Plan. The General Plan Update (GPU) is undertaken in two phases in order to meet deadlines mandated by State law. Phase 1 focuses on updates to the Housing and Safety Elements, as well as preparation of a Racial Equity Impact Analysis, Zoning Code and Map update, and creation of a new Environmental Justice (EJ) Element. Subsequently, Phase 2 will include the update of the Land Use and Transportation (LUTE) Element; Open Space, Conservation and Recreation (OSCAR) Element; Noise Element, and the creation of a new Infrastructure and Facilities Element which are slated to be completed by the end of 2025.</p> <p>As part of the LUTE update, the City will study the impact of historic and contemporary zoning restrictions, especially single-family zoning, on ongoing patterns of racial segregation. Existing data on historic zoning patterns highlights</p>

Letter #	Name/Organization	Date	Comment	Staff Response
			<p>fair housing issues and what are purported to be the underlying factors giving rise to these issues, but the "factors" are simply more detailed statements of the issues. For example, the factor underlying racial segregation is listed as "Affordable housing is limited by location and housing type." This is more of a tautology than an explanation- it states that racial segregation exists because affordable housing is not distributed in a geographically equitable manner. But it fails to address why this unequal distribution exists and how a concentration of single-family zoning effectively excludes low-income households (which disproportionately impacts BIPOC households), from those areas. The corresponding goals and actions include this statement: "Eliminate single-family zoning to ensure there are no restrictions on housing type." However, the City's proposed elimination of single-family zoning does not remove all restrictions on housing type- for the most part it will permit 2–4-unit structures to be built on single family lots but does not provide zoning adequate to support multifamily housing at densities typically needed to make lower income housing feasible.</p> <p>- While the City is proposing a number of actions to "eliminate single family zoning" and encourage "missing middle" housing, these actions stand outside the actual site inventory. Moreover while permitting 2-4 unit development on single-family lots is a worthy change, at best this will yield an increase in housing for moderate income households Given the extreme racial disparities in wealth and income (which are themselves the result of many decades of discrimination in education, employment, and public policy), an increase in missing middle housing may not have a significant impact on patterns of racial segregation. At a minimum, the City must produce evidence that such changes will have an impact and cannot merely assert this to be the case.</p> <p>3. The Fair Housing Assessment also lacks information on income disparities by race/ethnicity. It is well known that there is a substantial racial income gap (not unique to Oakland), with a particularly large disparity between White and Black household income. This is critical to understanding the impact of exclusionary, single-family zoning and the concentration of multifamily zoning in low resource and low-income areas. Restrictions areas of the city only to housing types that are more expensive while prohibiting more affordable multifamily housing was explicitly designed to exclude Black and other people of color precisely because of racial disparities in income. Among other factors, these income disparities are themselves the result of decades of institutionalized discrimination in employment and education. Failure to identify these factors leaves the city with an incomplete analysis of the underlying causes of segregation and housing disparities, and thus an incomplete strategy for eliminating these structural barriers.</p>	<p>the racial disparities in homeownership and rental patterns. The City will utilize this study to direct zoning changes in the LUTE as part of Phase 2 of the GPU.</p> <p>2. Comment noted. Table D-9 on page D-74 identifies additional actions to address issues of segregation and, disproportionate housing needs, and access to opportunity.</p> <p>3. See response to AFFH 1 above.</p>



Letter #	Name/Organization	Date	Comment	Staff Response
			<p><b>Sites Inventory</b></p> <p>1. We appreciate that the City's new zoning proposals seek to provide more higher density housing in high resources and historically exclusionary areas. The site inventory itself would have benefited from actions to include such sites in the inventory and a program committing to such rezoning. Ideally the City would have amended the inventory to include more high resource neighborhood sites that can support multi-family housing at densities of at least 30 units to the acre (if not higher). This should include a look at planning for an incentivizing higher-density residential development along commercial corridors and on vacant and underutilized parcels in high opportunity areas beyond Rockridge.</p> <p>2. The wholesale exclusion of areas within the severe fire hazard zones, which are also the most exclusionary and segregated portions of the City, will result in a continuation of existing geographic disparities. The City should take a more fine-grained approach to analyzing sites in the fire zones as there may be areas that are suitable for multi-family development that have been excluded by such a broad-brush determination.</p> <p>3. The City's interactive online map of inventory sites includes a lot of information on zoning and height limits. However, the City has not responded to our comment that there should be layers for areas of opportunity and areas at risk, including both Racially and Economically Concentrated Areas of Poverty (R/ECAP) and Racially Concentrated Areas of Affluence (RCAA). This would permit an overlay of the site inventory by affordability level with these areas and provide a better way to visualize the extent to which the City's site inventory does or does not significantly alter existing patterns of segregation.</p> <p>4. We continue to question the City's assumptions about the potential affordability of newly created ADU units While the City has revised its projections somewhat, it still estimates that 70% of ADU units will be affordable to lower income households. This City bases this assumption on ABAG data for the region as a whole. However, this is based on rents for existing ADU units and not newly constructed units, which already underestimates the likely rents for new ADU units. More importantly the City's own ADU report from 2020 contradicts this assumption. The City ADU study determined that new construction of all types of ADUs was feasible in all parts of the City. However, the City's feasibility assessment was based on presumed rents of \$2,100 to \$3,000, which require incomes of \$80,000 to 120,000 to be considered affordable. These income are well above the lower income limits for one and two person households. The City's own study demonstrates that new ADUs are feasible only to the extent that they are not affordable to lower income households. Accordingly, the City should not</p>	<p><b>Sites Inventory</b></p> <p>1.The Sites Inventory identifies sufficiently zoned land to accommodate RHNA at all income levels. Based on the City's current General Plan and zoning regulations, there is sufficient capacity to accommodate its RHNA allocation with a buffer. Table B in Table C-26 of the Sites inventory includes additional sites in high opportunity areas that will be rezoned. In addition to the sites, the City is also upzoning to incentivize development along commercial corridors and other areas that include vacant and underutilized parcels in high opportunity areas beyond Rockridge.</p> <p>2. As part of the Safety Element Update, the City is studying the potential for areas that might be appropriate to be included in the Affordable Housing Overlay and for increased densities to be included in the Very High Fire Hazard Severity Zone (VHFHSZ) based on analysis regarding evacuation scenarios.</p> <p>3. Comment noted. Staff will add these layers to the interactive map.</p> <p>4. Through actions of expanding pre-approved ADUs and with recent changes to State and local code requirements that make it easier to construct ADUs, especially in existing buildings that previously did not meet setback requirements, within multi-family buildings, and JADUs there are more ways to produce ADUs quicker and at a lower cost than when the study was conducted in 2020. In addition, the study only looked at rents at a certain level, it did not conclude that rents at a lower level would not be feasible. The feasibility is somewhat determined by the expectations of how long a homeowner wants to pay off their investment and/or if an owner is building an ADU in anticipation of a higher value and sales price when they go to sell their property. The analysis of actual rents is more important because rents can only be charged as to what people will actually pay. In addition, the study did not look at JADUs that are often taking existing finished space and converting them to a JADU, nor did it look at ADUs within existing multi-family buildings. As Action 3.2.6 states, the City will be monitoring the affordability level to determine if additional programs or changes to regulations are needed in order to meet the affordability levels for lower-income households.</p>

Letter #	Name/Organization	Date	Comment	Staff Response
			<p>count future development of ADUs as meeting its lower income RHNA.            - It would be more helpful if Table C-26 were coded to indicate if a site is a potential development project- perhaps this could be done in the Site Status field.</p>	
			<p><b>Action Plan</b>            1. We want to acknowledge and express our appreciation that the City has amended and expanded the Housing Element's Goals to specifically include affirmatively furthering fair housing and closing the gap between production of market-rate housing and production of affordable housing. We also note that in many instances, vague language including terms such as "study," "consider", "evaluate", etc. has been updated with more specific objectives and timelines. In other places, the actions still lack specificity on timing and intended outcomes, or have timelines that are too long, and we have references those in the comments below.</p>	<p><b>Action Plan</b>            1. Comment noted</p>
			<p><b>2. Action 1.1.2:</b>            The language should be updated to reflect the passage of Measure V to amend the Just Cause for Eviction Ordination. More importantly, the City should describe concrete steps that will be taken to ensure that tenants and landlords alike are aware of the new provisions, and actions the City will take to enforce these requirements. While these actions may have an ongoing time frame, there should be specific actions identified for 2023 to make all parties aware of the new changes to the Ordinance. This should include a description of outreach and media efforts including provision of informational materials in multiple languages, and a commitment to work with tenant and community organizations to reach particularly vulnerable populations.</p>	<p><b>2. Action 1.1.2:</b>            Comment noted. Rental Adjustment Program (RAP) plans a postcard mailing in 2023 to notify potentially affected owners of new Measure V requirements. In Spring 2023, RAP will include owners of units potentially subject to Measure V when conducting mass outreach to Oakland property owners for RAP's inaugural rent registry effort. Owners will be directed to RAP website, workshops, and housing counselors for additional information and compliance.</p>
			<p><b>3. Action 1.1.4:</b>            Describe specific actions to be taken to enforce the Uniform Relocation Ordinance, including monitoring of actions that trigger these requirements and penalties for non-compliance.</p>	<p><b>3. Action 1.1.4</b>            Comment noted. Rental Adjustment Program (RAP) staff engage in proactive landlord education to promote awareness of these requirements. Willful violation of these rules may lead to civil and/or criminal penalties.</p>
			<p><b>4. Action 1.1.5:</b>            We commend the City for explicitly committing to provide legal representation for tenants in Rent Adjustment Program Hearings.</p>	<p><b>4. Action 1.1.5:</b> Comment noted</p>
			<p><b>5. Action 1.1.6:</b>            We commend the City for adding a clear commitment to seek out funding and provide eviction defense services and legal counseling for tenants facing eviction. Such legal assistance is proven to be a highly effective protection against displacement.</p>	<p><b>5. Action 1.1.6:</b> Comment noted</p>
			<p><b>6. Action 1.1.8:</b>            The City should commit to provide all rental registry data (other than personally identifiable information or proprietary business information) to the public</p>	<p><b>6. Action 1.1.8:</b>            Comment noted. Rental Adjustment Program (RAP) will offer high-level rent registry data through its public-facing portal, filtered by zip code or other</p>

Letter #	Name/Organization	Date	Comment	Staff Response
			through its web site and other means in a format that permits the public to search, filter, sort and otherwise analyze the data.	parameters. Detailed information on individual rents and rental units will be available through the standard PRA process.
			<p><b>7. Action 2.2.1:</b> The City should describe mechanisms it will use to extend affordability restrictions beyond the usual 45- and 55- year time frames to keep units affordable permanently. We encourage the City to consider extending affordability terms to 99 years or for the useful life of the building.</p>	<p><b>7. Action 2.2.1:</b> The comment is noted. The City will carefully consider how to pursue permanent affordability for projects while at the same time positioning Oakland projects to be competitive for essential rehabilitation funding (which has historically been linked to projects with expiring deed restrictions).</p>
			<p><b>8. Action 2.2.5:</b> As stated in our June 13 comments, codification of the requirements contained in SB 330 should happen within the first year of the Housing Element; the State requirements have been in place for three years already. Extension of these requirements beyond SB 330s sunset date should be permanent. The City should ensure that no permits for demolition or construction is issued without documentation of compliance with these provisions and recording of the required affordability covenants; similarly, no certificate of occupancy should be issued without an updated tenant assistance plan including how former tenants will be contacted. Returning tenants should be provided units at rents comparable to their pre-demolition rents, as simply replacing units at rents affordable to low-income tenants who previously occupied the property.</p>	<p><b>8. Action 2.2.5:</b> Comment noted. The Housing Action Plan proposes codification of requirements building on SB 330 within the short-term, by 2024. All applicants are required to comply with the requirements contained in SB 330 at Government Code Section 66300(d), including the replacement of existing or demolished protected units, requirement to allow existing occupants to continue to occupy the units until six months before the start of construction activities, and compliance with relocation benefits for protected units that are occupied by lower income households. The state legislature extended the sunset date of these provisions to 2034. The Planning Bureau has incorporated a replacement unit determination into its basic development application and will continue to strengthen enforcement of state requirements prior to adoption of a local ordinance building on protections under state law.</p>
			<p><b>9. Action 2.2.6:</b> We strongly support efforts to limit short-term speculation and "flipping" of housing, including implementation of an anti-speculation tax or an increase to the Real Estate Transfer Tax for properties held for only a short time. The Public Hearing Draft sets a target date of 2026 for completion of a study; implementation of a tax presumably would not occur until 2027 at the earliest. This is too long a time frame and delays implementation of this Action until more than halfway through the Housing Element planning period. If this Action is to be effective at curbing speculation and displacement, the study should be completed by the end of 2023 and the stated objectives should include a commitment to bring specific policy recommendations to City Council for approval not later than mid-2024. Any fees or taxes generated should be required to be deposited into the City's Affordable Housing Trust Fund.</p>	<p><b>9. Action 2.2.6:</b> Comment noted. As this tax requires a ballot measure, adequate time is needed in order to complete the analysis needed to present to voters.</p>
			<p><b>10. Action 2.2.8:</b> We support establishment of a TOPA/COPA ordinance but delaying implementation of 2027 (particularly since the public review draft had a 2025 date) greatly reduces the impact such a measure would have in the current housing element cycle. The draft identifies several jurisdictions where TOPA/COPA policies are under development, and efforts are being made to enact legislation at the State level as well. The City can learn from these efforts as well as already established TOPA/COPA programs elsewhere. The objectives for this action should be revised to specify completion of a study, including a summary and assessment</p>	<p><b>10. Action 2.2.8:</b> As noted above, staff will require direction from the City Council before preparing a TOPA/COPA ordinance. While several other jurisdictions have pursued such an ordinance, many of these efforts have ultimately failed or stalled out. While Council could direct staff to pursue a COPA/TOPA ordinance on a more aggressive timeframe, the proposed timeframe includes lengthy periods of time for robust community engagement and feedback on a potential draft ordinance.</p>

Letter #	Name/Organization	Date	Comment	Staff Response
			of these other ordinances, no later than the end of 2023 with presentation of an ordinance to City Council by the end of 2024.	
			<p><b>11. Action 3.3.1:</b> EBHO strongly supports efforts to fund and to secure additional funding for project based rental or operating subsidies to expand assistance to extremely low income people, including formerly unhoused people and people with special needs. The City should seek out new funding sources for this to ensure that this assistance is a supplemental to existing capital subsidies.</p>	<p><b>11. Action 3.3.1:</b> Comment noted. The City is constantly seeking out new sources of operating subsidy beyond OHA's resources, including most recently using the Permanent Local Housing Allocation (PLHA) program as a local operating subsidy source.</p>
			<p><b>12. Action 3.1.2:</b> The City should commit to continuing to partner with the Oakland Housing Authority (OHA) to coordinate its project-based voucher program with the City's housing development program, as has happened in the past. Coordinating the application and funding process creates efficiencies for the public agencies and the affordable housing developers who make use of these funds.</p>	<p><b>12. Action 3.1.2:</b> Comment noted. The City continues to partner closely with the OHA on project funding and advocacy for more resources.</p>
			<p><b>13. Action 3.2.6:</b> We support monitoring of newly created ADUs for affordability and occupancy characteristics. In our comments on the site inventory, we have already indicated that the City's ambitious expectation that it can meet a portion of its lower income housing need with ADUs may not be warranted. The City's own ADU study, "Oakland ADU Initiative, Existing conditions and Barriers Report" included detailed feasibility study for multiple types of ADUs in different areas of the City. The study concluded that ADU development was generally feasible, but with rents in excess of \$2,000/month, which is out of reach for lower income households. It is incumbent on the City to demonstrate the feasibility of development of ADUs at rents affordable to lower income households.</p>	<p><b>13. Action 3.2.6:</b> See the response to the Site Inventory question number 4 above.</p>
			<p><b>14. Action 3.3.1:</b> Any strategy regarding use of public land should start with adoption of a public land disposition ordinance consistent with the policy framework adopted by the City Council in December 2018. That resolution directed staff to return within six months with legislation to implement the policy direction contained in the resolution. Four years later no legislation has yet been put forward for adoption. In this Action, the City is not proposing to abandon framework and take a different approach. We instead call on the City to implement the 2018 policy without further delay.</p> <ul style="list-style-type: none"> <li>- Notices of availability pursuant to the Surplus Land Act should also be sent to all affordable housing developers that have expressed interest in surplus land and are listed on the California Dept of Housing and Community Development's Surplus Land Web page, not just those that are certified by CALHFA.</li> <li>-This action's statement that "The City will consider depositing up to 100 percent of new proceeds from such sales or leases to the Affordable Housing Trust Fund" is inconsistent with the adopted policy in City Council Resolution 87483 that "100</li> </ul>	<p><b>14. Action 3.3.1:</b> As stated in the August 15, 2019 informational memorandum to the City Council, an equity impact analysis establishing racial equity measures needs to be completed. Once this analysis is complete, staff will formulate recommendations for Council consideration as part of the Public Lands policy. <a href="#">See informational report.</a></p>

Letter #	Name/Organization	Date	Comment	Staff Response
			<p>percent of all property net sale and lease proceeds shall go to Affordable Housing Trust Fund" We strongly object to efforts to modify or reverse this policy in Action 3.3.1.</p> <p>-Recordation of conditional covenants requiring 15% affordable housing should be required regardless of the specific use anticipated by the purchaser. The Surplus Land Act requires affordable units if public land is ever subsequently developed with at least 10 residential units. This is not restricted to situations where there is a disposition agreement that specifies residential development.</p>	
			<p><b>15. Action 3.3.2:</b> This Action includes efforts to educate owners about housing choice vouchers, This should include specific steps to publicize to both property owners and tenants the existing provisions in both State and local law that prohibit discrimination in housing based on sources of income, including rental assistance such as Section 8. This Action should also describe how the City will enforce these requirements. For example, the City could contract with fair housing organizations to do testing to determine if landlords are discriminating against Section 8 voucher holders even if they have not stated "No Section 8" in their marketing.</p>	<p><b>15. Action 3.3.2:</b> The Oakland Housing Authority is responsible for identifying landlords for Housing Choice Voucher holders. The commenter is encouraged to contact that agency regarding the possibility of fair housing testing, and we can share this comment with them.</p>
			<p><b>16. Action 3.3.5:</b> We strongly support an Affordable Housing Overlay (AHO) that provides by-right approval of 100% affordable housing projects. The by-right portion of the overlay zone proposal should not be limited to specific areas of the City. Any 100% affordable housing development that conforms to existing zoning, including any density bonuses, should be subject to ministerial approval. This portion of the overlay zone proposal should be implemented immediately and does not require waiting for the more complex incentives to be finalized and adopted. We will continue to discuss and comment on specific development incentives and relaxation development standards to be provided as part of the AHO program. We appreciate the City's efforts to work directly with housing producers to determine the optimum development standards to make affordable housing development more feasible, particularly in historically exclusionary and high resource neighborhoods. We do not support a blanket exclusion of many hill areas from this program- these are the whitest, most affluent, and most exclusionary areas in the City, and failure to include these areas does not meet the requirement to affirmatively further fair housing.</p>	<p><b>16. Action 3.3.5:</b> Comment noted. Staff will be conducting community outreach between Winter - Spring 2023 to discuss and get further feedback on the implementation actions of proposed Housing Element-related rezonings and overlays. The proposed code amendments will be brought forward to Council for adoption in Summer 2023. As part of the Safety Element Update, the City is studying the potential for areas that might be appropriate to be included in the Affordable Housing Overlay and for increased densities to be included in the Very High Fire Hazard Severity Zone (VHFHSZ) based on analysis regarding evacuation scenarios.</p>
			<p><b>17. Action 3.3.7:</b> The timing for this Action should be accelerated, with completion of the study no later than June 2023. The five-year impact fee study was originally scheduled to be completed by the need of 2021 and presented to the City Council as part of the annual impact fee report in 2022. This has not happened, and consideration of both revisions to the impact fee program and introduction of an inclusionary housing requirement have been delayed because this study is still not complete.</p>	<p><b>17. Action 3.3.7:</b> There has been delay of the study because of several staff that have left the City in the past year and not enough staff resources. New staff have been hired and are starting in January and February 2023. There will be a public process with a working group similar to the original process of creating the Impact Fees. The timeline cannot be moved up because of consultant and staff availability, with most of staff resources currently working on the Housing Element (including zoning changes to</p>

Letter #	Name/Organization	Date	Comment	Staff Response
			<p>There has been no new information of work products available to the public in over a year.</p> <p>Staff previously provided assurances that there would be a robust public engagement and participation process while conducting the study, and not just after the study was completed. No such process has yet been initiated. This Action should include a specific commitment to establish a process for including community and stakeholder voices in the design and conduct of the study to ensure that the right questions, assumptions, and policy alternatives are incorporated from the outset.</p>	<p>implement the Housing Element), Safety Element, and Environmental Justice Element as well as Objective Design Standards. The Impact Fees automatically increase every year with construction inflation rate and this past July the Impact Fees increased by 15%. The 5-Year Impact Fee update of the Nexus analysis, which is required by the State Mitigation Fee Act, was completed in December 2021.</p>
			<p><b>18. Action 3.3.8. This Action is inadequate.</b></p> <ul style="list-style-type: none"> <li>• It fails to acknowledge that the original five-year comprehensive analysis was supposed to have been completed by the end of 2021 with presentation to the City Council in early 2022. This has not happened. Action 3.3.8 should include a commitment to complete this study by mid-2023.</li> <li>• This Action should also describe how the City will engage community and stakeholder participation in the design and implementation of the five-year study itself and include that group in defining and evaluating policy proposals for consideration by the City Council.</li> <li>• This Action only calls for “initiating” the next five-year study in 2026. Adhering to a five-year update schedule for fees initiated in 2016 would require that the second-year assessment be completed by the end of 2026.</li> </ul>	<p><b>18. Action 3.3.8.</b></p> <p>Action 3.3.8 is intended to initiate and finish the requirements of the State Mitigation Fee Act in 2026 (the study to meet the State Mitigation Fee Act requirements was finished in 2021). See also response to 17.</p>
			<p><b>19. Action 3.3.9.</b></p> <p>As revised, this Action – to reduce or waive fees on affordable housing - is somewhat confusing. The new reference to the timing of the Affordable Housing Impact Fee seems out of place since this fee is not assessed on affordable housing. We support deferral or reduction of both planning and building fees to increase the feasibility and reduce the cost of producing affordable housing. We support deferring or reducing building permit fees. We understand that an ordinance to defer payment of building permit fees for 100% affordable housing developments is under development. This should be called out here in the Housing Element with a specific date for consideration.</p>	<p><b>19. Action 3.3.9.</b> Comment noted. The timeline for Action 3.3.9 is mid-2024.</p>
			<p><b>20. Action 3.3.10.</b></p> <p>We continue to support the creation of a Citywide Enhanced Infrastructure Financing District (EIFD) with a primary goal of providing additional funding resources for affordable housing. The timeline for this Action only addresses the completion of a study but should include a target date for bringing this issue before the City Council for enactment.</p>	<p><b>20. Action 3.3.10.</b> The comment is noted, but it would not be appropriate to commit to adopting an EIFD in the Housing Element before a full analysis of the costs and benefits of the proposal has been made. Establishing and operating an EIFD is one option to expand funding for affordable housing, but it may also feature a high overhead cost relative to the amount borrowed. This raises questions about the efficiency of EIFDs that should be addressed before a final decision is reached.</p>

Letter #	Name/Organization	Date	Comment	Staff Response
			<p><b>21. Action 3.3.12.</b> 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><b>21. Action 3.3.12.</b> Comment noted</p>
			<p><b>22. Action 3.3.15.</b> We support continuation of density bonus incentives but call on the City to evaluate any barriers to a broader use of the density bonus program, including information on what developers have shared regarding how this program might be improved or expanded. This evaluation should also distinguish between use of density bonus for 100% affordable projects vs predominately market-rate projects.</p> <ul style="list-style-type: none"> <li>• This Action should be expanded to include consultation with stakeholders as well as the Planning Commission and City Council to identify any possible additional incentives that could be provided.</li> </ul>	<p><b>22. Action 3.3.15.</b> Comment noted and as part of implementation efforts, staff will consult with stakeholders, Planning Commission and City Council to identify additional incentives.</p>
			<p><b>23. Action 3.3.16.</b> 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.</p> <ul style="list-style-type: none"> <li>• We also support measures that would waive or reduce transfer taxes on transactions where property is being sold to provide long-term or permanently affordable low-income affordable housing.</li> <li>• To the extent that such changes require voter approval, we urge the City to accelerate the timeline for this Action to enable a putting a measure the November 2024 general election ballot, as this general election provides the best opportunity to maximize the likelihood of passage.</li> </ul>	<p><b>23. Action 3.3.16.</b> Comment noted. As this tax requires a ballot measure, adequate time is needed in order to complete the analysis needed to present to voters.</p>
			<p><b>24. Action 3.3.18.</b> The introductory paragraph for this Action should be revised to make clear that Measure U funds will be used to support production of new affordable housing as well as preservation of existing housing for long-term or permanent affordability. The discussion in the “Objectives” section is much clearer about this.</p>	<p><b>24. Action 3.3.18.</b> Comment noted. Staff will add clarifying language.</p>
			<p><b>25. Action 3.3.19.</b> We strongly support implementation of a system to track the disposition of sites identified in the site inventory.</p> <ul style="list-style-type: none"> <li>• The tracking system should compare actual development to development anticipated in the inventory and ensure that the City remains in compliance with “no net loss” provisions.</li> <li>• The tracking should also assess whether affordable housing is being sited in ways that affirmatively further fair housing.</li> <li>• A unified database of all sites in the inventory (pipeline projects, potential development projects, and both 5th Cycle and new opportunity sties) should be</li> </ul>	<p><b>25. Action 3.3.19.</b> Comment noted</p>

Letter #	Name/Organization	Date	Comment	Staff Response
			<p>maintained on the City’s website to allow for transparency and public oversight.</p> <ul style="list-style-type: none"> <li>• The status of development of inventory sites should be included in the City’s Annual Progress Reports.</li> </ul>	
			<p><b>26. Action 3.4.1.</b> EBHO supports revision to development standards to increase the feasibility of development of affordable housing and expects to be actively involved in implementation of the zoning proposals contained in Appendix J.</p> <ul style="list-style-type: none"> <li>• We support proposals to “end single-family zoning” and permit duplexes, triplexes and fourplexes in low density neighborhoods. We do not anticipate that this will provide many units affordable to lower income households, but it may help the City to better meet its need for housing for moderate income households. To the extent possible, the City should monitor the initial sales prices and rents on such units to determine which income level are being served. However, unless these reforms yield significant amounts of housing affordable to lower income households (who are predominantly Black and other people of color), this policy will not substantially affirmatively further fair housing.</li> <li>• We support elimination of conditional use permits for affordable multi-unit buildings but believe the City should carefully assess whether such incentives are needed for purely market-rate developments (keeping in mind that the City will have met more than 200% of its above-moderate income need in the current 5th Cycle). For market-rate developments, the City should waive conditional use permits only to the extent that significant amounts of affordable housing are being provided in excess of what’s projected for such sites in the housing inventory.</li> <li>• We support rezoning to increase allowable height and density along corridors, in transit proximate areas, and in resource areas, specifically to allow for densities needed to provide housing affordable to lower income households. Such incentives should be explicitly tied to affordability requirements; given the City’s historic over-production of above-moderate income housing we see no need to additional zoning incentives where the market is already working. We are pleased to see a specific focus on the Rockridge neighborhood, including both the Rockridge BART station and the College and Claremont Avenue corridors. Similar efforts should focus of these efforts to consider other high resource neighborhoods such as Piedmont Avenue, Grand Avenue, Lakeshore Avenue and other higher resources and more racially segregated areas to affirmatively further fair housing.</li> </ul>	<p><b>26. Action 3.4.1.</b> Comment noted.</p>
			<p><b>27. Action 3.4.2.</b> We are strongly supportive of the City’s commitment here to study the relationship between zoning and racial segregation in the next phase of the General Plan Update. As we have urged from the outset, this analysis should have been a central part of the Housing Element’s Fair Housing Assessment and the failure to include it falls short of the requirements to affirmatively further fair</p>	<p><b>27. Action 3.4.2.</b> Comment noted.</p>



Letter #	Name/Organization	Date	Comment	Staff Response
			housing. We look forward to this analysis as the prelude to the elimination of zoning barriers that maintain racial segregation.	
			<p><b>28. Action 3.4.3.</b> Reductions in parking requirements can reduce the overall cost of developing housing, but there is no guarantee that such cost reductions will automatically result in affordability to lower and moderate-income households. Given the City’s stated preference for bonuses and incentives rather than affordable housing mandates, we have generally opposed such relaxations without a corresponding requirement for affordability. Otherwise, the City is simply giving away the few tools it has to incentivize affordable housing.</p>	<p><b>28. Action 3.4.3.</b> Comment noted. State Law now requires elimination of parking minimums within ½ mile of major transit stop.</p>
			<p><b>29. Action 3.4.10.</b> EBHO urges caution in pursuing a Housing Sites Overlay Zone so as not to undermine the availability of sufficient sites to meet its lower income RHNA.</p> <ul style="list-style-type: none"> <li>• As noted, State law requires the City to permit by-right development of sites previously included in prior Housing Element site inventories if at least 20% of the units are affordable to lower income households. The City should explicitly amend its zoning ordinance to implement this requirement.</li> <li>• Regarding sites newly identified in this Housing Element, we support requiring that they be developed as majority residential use.</li> <li>• We cannot support a proposal to provide by-right approval for development on all newly identified opportunity sites if they provide as little as 20% of the units affordable to lower income households. Much of the capacity in newly designated opportunity sites (60 percent) has been designated as suitable for the development of 100% affordable housing for lower income households, and the City cannot meet its lower income RHNA without reliance on these opportunity sites. On the other hand, the City can meet its moderate and above-moderate need without relying on any of the new opportunity sites; for both moderate and above-moderate income, the capacity on sites already entitled (“pipeline projects”) or where entitlements are being pursued (“potential development projects”) is already more than sufficient to meet the RHNA.</li> <li>• If sites designated for lower income are developed with fewer affordable housing units than claimed in the site inventory, the City could trigger “no net loss” requirements if the remaining lower income site inventory is insufficient to meet the unmet RHNA need for lower income units. If this were to happen, the City could not approve mixed-income projects on these sites without simultaneously identifying replacement sites that are appropriately zoned for densities of at least 30 units per acre.</li> <li>• Providing by-right development for market-rate projects with a 20% affordability component could increase competition for opportunity sites, putting affordable housing developers at a further disadvantage.</li> <li>• It is not necessary to provide additional incentives for market rate housing and doing so could make it more difficult to meet the City’s more pressing need for</li> </ul>	<p><b>29. Action 3.4.10</b> Staff will be conducting community outreach between Winter - Spring 2023 to discuss and get further feedback on the implementation actions of proposed Housing Element-related rezonings and overlays.</p>

Letter #	Name/Organization	Date	Comment	Staff Response
			housing for lower income households and would be contrary to the requirement to affirmatively further fair housing.	
			<p><b>30. Actions 3.5.1 and 3.5.2.</b> EBHO supports efforts to encourage and fund alternative models such as community land trusts, housing limited equity cooperatives, and other forms of social housing. We note that adoption of a Tenant or Community Opportunity to Purchase Act (TOPA/COPA) would enhance the ability to pursue such models to preserve existing affordable housing otherwise at risk of loss to the affordable housing supply.</p>	<b>30. Actions 3.5.1 and 3.5.2.</b> Comment noted
			<p><b>31. Action 3.5.3.</b> EBHO generally supports efforts to expand social housing models, but we note that there are multiple definitions and understandings of what constitutes social housing, some of which are far more aimed at lower income households than others.</p> <ul style="list-style-type: none"> <li>• Support for state legislation should consider the extent to which it encourages housing for those with the greatest needs.</li> <li>• EBHO strongly supports efforts to repeal Article 34 of the State Constitution, which is not only a barrier to meeting lower income housing needs, but also has a well-know racist legacy designed to exclude Black and other people of color from predominantly white neighborhoods and cities</li> </ul>	<b>31. Action 3.5.3.</b> Comment noted. The City has supported and will continue to support social housing legislation on the State level as well as Article 34 repeal.
			<p><b>32. Action 3.5.4.</b> Shallow subsidy models must be approached with caution. Depending on how such projects are structured, particularly acquisition of existing buildings, there is a risk of displacement of low-income households. We are particularly concerned that such models are not used to eliminate rent control on existing buildings in return for rent and income restrictions that are too expensive for the lowest income tenants.</p>	<b>32. Action 3.5.4.</b> This comment is noted with appreciation- the City has been approached with and rejected multiple proposals that would seek to provide a shallow subsidy for workforce housing that did not show adequate public benefit. The City will continue to evaluate shallow subsidy proposals and monitor the performance of such programs in other jurisdictions.
			<p><b>33. Action 3.6.1.</b> We support streamlining permitting processes (both planning and building) for affordable housing. The City has long stated its goal of streamlining and prioritizing such housing, but with little details as to what that might entail or how it might be measured.</p> <ul style="list-style-type: none"> <li>• Policies to streamline or prioritize processing of affordable housing should be coupled with specific goals to reduce processing time, with regular measurement and reporting of the extent to which this desired outcome is being achieved.</li> </ul>	<b>33. Action 3.6.1.</b> Comment noted. Through Action 3.3.5, the City will implement an Affordable Housing Overlay to streamline the approval of affordable housing by right.
			<p><b>34. Action 3.6.3.</b> As with Action 3.6.1 above, these efforts should have quantifiable and measurable performance goals (e.g., reduction in average time from application to approval) so we can access whether these actions are having their intended effect.</p>	<b>34. Action 3.6.3.</b> Comment noted. See response to 33.
			<p><b>35. Action 3.6.4.</b> We support active encouragement of use of SB 35 to provide by-right approval</p>	<b>35. Action 3.6.4.</b> Comment noted

Letter #	Name/Organization	Date	Comment	Staff Response
			for 100% affordable housing, including training and direction to Planning staff that this should be affirmatively pursued.	
			<p><b>36. Action 5.2.8.</b> We strongly support efforts to place more affordable housing in higher resource and historically exclusionary neighborhoods, and also support continued investment in affordable housing in lower resource areas with high concentrations of low-income households to prevent displacement of at-risk communities from gentrifying neighborhoods.</p> <ul style="list-style-type: none"> <li>• We have substantial concerns that, given the limited targeting of high opportunity neighborhoods in the site inventory, a “mixed-income” strategy in areas of concentration may lead to more gentrification and displacement. The City must ensure that a better mix of incomes in a neighborhood is not simply capturing a point in time where a neighborhood transition is taking place.</li> <li>• Continued concentration of affordable housing in these neighborhoods must be coupled with place-based investments in infrastructure, transportation and economic development designed to improve opportunities and conditions for the existing low-income residents rather than simply accelerating gentrification.</li> </ul>	<p><b>36. Action 5.2.8.</b> Comment noted</p>
			<p><b>37. Action 5.2.9.</b> We are pleased to see the addition of a new Action to promote comprehensive place-based investment. Development of guidelines for spending Measure U bond funds should seek to establish comprehensive neighborhood investment strategies that combine housing and non-housing funding in historically under-invested and disinvested neighborhoods.</p>	<p><b>37. Action 5.2.9.</b> Comment noted. Oakland Housing and Community Development (Oakland HCD) is currently working on the community engagement process for Measure U.</p>
			<p><b>38. Action 5.2.10.</b> “Mixed income” can mean many different things. The City’s use of the term implies a mix of market-rate units serving higher income households and a small percentage (generally not more than 20% and often less) of units serving lower income households at the high end of the lower income scale. This is a mix that excludes the vast majority of Oakland renters in need of housing. Typical 100% affordable projects are also “mixed income,” with rents affordable to a wide range of households – from no income up to \$75,000, which is where most Oakland’s renter households fall.</p> <ul style="list-style-type: none"> <li>• Favoring Density Bonus over payment of impact fees should not take place without a full discussion of the implication of such a policy. Units produced using the State Density Bonus are generally affordable only at the top of the Low Income and Very Low-Income ranges and are rarely affordable to households with incomes less than 50% of AMI, which excludes half of all of Oakland’s renters. Units produced with impact fees tend to serve a range of incomes from 20% of AMI to 80% AMI. Reliance on density bonus will not enable the City to meet its goals for serving worst-case needs households including the large numbers of extremely low-income households who are currently rent burdened, overcrowded</li> </ul>	<p><b>38. Action 5.2.10.</b> Comment noted. Action 3.3.7 includes studying the targeted implementation of an inclusionary housing requirement. The study will consider the number of units likely to be produced through impact fees versus inclusionary affordable housing requirements and their likely affordability levels; and whether targeted inclusionary housing requirements may increase the provision of affordable housing units in higher-resource neighborhoods.</p>

Letter #	Name/Organization	Date	Comment	Staff Response
			<p>or living in substandard housing, the majority of whom are Black and other people of color. Supportive services are rarely provided in density bonus projects, and therefore don't well serve people with special needs or who are previously unhoused. Reliance on Density Bonus without consideration of these factors may be a violation of the requirement to affirmatively further fair housing.</p> <p><b>39. Action 5.2.11.</b> We support closer monitoring of housing element implementation and look forward to establishment of a Planning Commission subcommittee. We would encourage formation of such a committee in early 2023 – this will permit the subcommittee to start its work with a review of the last annual progress report for the 5th Housing Element Cycle (2015-2022) and thus provide a baseline for comparison when monitoring the new Housing Element. The Objectives should be expanded to include review of whether Oakland's housing programs are affirmatively furthering fair housing by reducing segregation and racial disparities in housing opportunity and outcomes.</p>	<p><b>39. Action 5.2.11.</b> Comment noted.</p>
25	AC Transit	12/29/22	<p>AC Transit has long been a strong supporter of transit-oriented housing and commercial development in Oakland and throughout our district. Transit-oriented development along AC Transit's frequent service corridors contributes to the goal of improving non-automotive access throughout Oakland. It also contributes to increasing AC Transit ridership. We wish to raise one concern about the current draft of the Element.</p> <p>As you know, Oakland is required under state law to assure that it has zoned capacity allow an additional 26,000 housing units by 2031. This is an ambitious goal that must include adding zoned capacity along major AC Transit routes. We are pleased to see that the Element, as detailed in Appendix J, plans to add zoned capacity in segments along a number of these corridors. Portions of College Avenue., Broadway, International Blvd., Foothill Blvd., and Telegraph Avenue south of 55th Street are proposed for up zonings to higher density zones, or for increases in permitted heights in their existing zones. Two segments of key bus transit corridors appear to have been overlooked: "Upper" Telegraph Avenue north of SR 24 to the Berkeley border. Another is Martin Luther King Junior Way between 40th St. and 47th St. These areas are not proposed for up zoning or height limit increases in the current draft Housing Element.</p> <p>There are several reasons why the Telegraph segment is appropriate for allowing increased density. AC Transit, in conjunction with the City of Oakland, is planning to make capital improvements along this (line 6) corridor. This segment has a number of single-story commercial sites which could be reused for housing. In addition, this segment has travel demand going south into central Oakland, and</p>	<p>Comment Noted. Staff will be conducting community outreach between Winter - Spring 2023 to discuss and get further feedback on the implementation actions of proposed Housing Element-related rezonings and overlays.</p>

Letter #	Name/Organization	Date	Comment	Staff Response
			<p>north to Alta Bates Hospital, the University of California, and Downtown Berkeley. The shorter segment on Martin Luther King Junior Way also has frequent bus service. It also has low intensity commercial uses which could be reused for housing. It is well-located between Children's' Hospital and MacArthur BART.</p> <p>We understand that the Element's proposals must be codified in changes to Oakland's zoning code. We urge that Upper Telegraph Avenue be considered for intensified housing development through appropriate changes to the zoning code.</p>	
26	Prof. SuzyJane Edwards	12/29/22	<p>Don't compound your error by allowing rezoning. Mills could have done that and remained otherwise intact rather than the hive of scum and villainy it has become under McEastern. I curse the house of everyone involved in approving this acquisition. Double that upon the houses of anyone that allows rezoning.</p>	<p>As part of the city's current effort to update its Housing Element, 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. Staff will be conducting community outreach between Winter - Spring 2023 to discuss and get further feedback on the implementation actions of proposed Housing Element-related rezonings and overlays. The proposed zoning amendments to implement the Housing Element will come before City Council in Summer 2023</p>
27	Kate Ruprecht	12/29/22	<p>I would like to voice my strong objection to rezoning the Mills College campus as I do not see any comparable precedents for this kind of proposal. The campus is still being used as a university campus and has been used for this sole purpose continuously for over 100 years. Changing the zoning of the Mills College campus would be a disservice to the current students, neighborhood, and set a new precedent in the city of Oakland for rezoning that is not common on other educational campuses or in most communities.</p>	<p>See response to Letter #26</p>
28	Kaerla Fellows	12/29/22	<p>The re-zoning of Mills College is puzzling to me. With all of the space currently available that can be turned into low cost housing(abandoned business spaces in the Fairfax district, for instance off the top of my head), why does Oakland suddenly feel that the best thing to do is sub-divide the oldest women's college west of the Rockies?</p>	<p>See response to Letter #26</p>
29	Lucia Savage	12/29/22	<p>I write in opposition to the proposed rezoning of Mills College.</p> <ol style="list-style-type: none"> <li>1. The Mills campus is full of mature trees that make Oakland more livable, give homes to animals, reduce pollution, and tamp down on noise, ESPECIALLY in this part of town that has hardly any green space or parks on the bay side of highway 13.</li> <li>2. The college's location is disconnected from Mass transit. This is a terrible place to put more housing, because that housing will all need cars to get to it,. More cars will be needed just to get to the housing, not to mention any retail installed. This area is NOT suitable for urban infill like we have built at Fruitvale and MacArthur bart stations.</li> </ol>	<p>See response to Letter #26</p>

Letter #	Name/Organization	Date	Comment	Staff Response
			<p>3. More retail is unnecessary for that part of Oakland. Not only are large swaths of Eastmont Mall available to be repurposed, but just off the road is the existing retail at Redwood Road and highway 13, or existing retail on Seminary Ave. City dollars and subsidies (which I pay for as a taxpayer) would be better spent shoring up existing retail areas at Eastmont, on Seminary Ave, and in other locations in East Oakland.</p> <p>4. The land in fact has a graveyard on it, where Susan and Cyrus Mills are buried.</p> <p>5. Would build new construction out of character with the many historic and architecturally meaningful buildings already on the Mills campus, for example those designed by Julia Morgan.</p> <p>Please do not rezone Mills.</p>	
30	Tuan Ngo	12/29/22	Duplicate of Letter #8	
31	Tuan Ngo	12/29/22	<p>We used to say 'homeless' but now it's more politically correct to say 'unhoused'. Unhoused' fits the housing narrative better. We say people are living on the streets because they can't afford housing. But people aren't being pushed out onto the street the last few years because of the eviction moratorium. Yet homeless encampments sprung up everywhere during the moratorium.</p> <p>We can't address the homeless crisis unless we have a sobering conversation about fentanyl. Fentanyl overdose deaths far outpaced COVID-19 deaths, even at the height of the pandemic. Fentanyl is 100 times stronger than morphine. Fentanyl addiction drives property crimes, shooting violence, and is the reason why people won't accept permanent shelter with supportive services (because they have to be close to their drug source). Pimps are getting young girls hooked on fentanyl and prostituting them out. Oakland needs attention and resources for fentanyl addiction if the city is serious about tackling homelessness. Housing and shelter is not enough if we do not provide wraparound supportive services to address the underlying causes of homelessness.</p>	The underlying reason for Oakland's homelessness crisis is the lack of quality affordable homes. While substance abuse is a serious issue- and providers of supportive housing are required by the City to provide residents with connections to appropriate services- the City is not aware of any data that suggests substance abuse is more severe in Oakland than it is in the rest of the country. The City is, however, aware of the compelling research that suggests that differences in housing affordability largely explain regional variations in homelessness. The rise in homelessness in Oakland occurred during a period when rent growth rapidly outpaced wage growth, which, combined with an inadequate supply of affordable housing, explains the trend. Our focus is on creating more affordable homes and preserving the ones we have; as well, we are partnering with OHA, the County, and the State, to access service dollars to ensure that residents receive the supportive services they need to stabilize and remain housed.
32	Tuan Ngo	12/29/22	<p>People keep saying NOAH. NOAH stands for "Naturally Occurring Affordable Housing" but there's NO SUCH thing.</p> <p>Housing most definitely does NOT "occur naturally". Housing doesn't naturally grow out of the ground. In fact, it takes a lot of work. Housing is expensive and difficult to do. And Affordable Housing is even harder to make happen.</p> <p>So what do people refer to when they say "Naturally Occurring Affordable Housing"? These are low-rent housing units offered by local residents who trade in countless weekends to provide housing. Local mom and pops are able to deliver on lower cost housing because they pull "double duty" on maintenance. They answer repair calls themselves and often do their own repair work, notoriously underpaying themselves for their time and labor. They are much more efficient and willing to work hard to build home equity to send their children to college and to save for retirement. The TOPA/COPA social housing model won't</p>	See response to Letter #5

Letter #	Name/Organization	Date	Comment	Staff Response
			pencil because right off the bat it has bloated staffing, with someone in the office taking tenant repair requests and then sending out expensive plumbers, roofers and painters for maintenance.	
33	Dennis OLeary	12/29/22	<p>The Tenant Opportunity to Purchase Act is a false promise to tenants- as they do not ever own. That's a fact. Deed restriction is not ownership.</p> <p>It's also a distinct private property grab for unsuspecting small owners who have no desire to participate in this obscene shakedown. It is bad for all parties besides perhaps the lawyer groups and select non profits who are pushing it.</p> <p>Tenants already have the opportunity to put offers in for a property they live in. Any owner would gladly help a good tenant get the place. I certainly would.</p> <p>No one needs TOPA nor would I ever get involved in such a scheme as a buyer.</p> <p>Furthermore I'm infuriated by the suggestion that I be forced to do so as a small owner. It's absurd and I want no part of it. I am a small owner in Oakland. I am all about true home ownership with all its rights and responsibilities. TOPA is not that. There are so many responsible and proven ways to help people buy properties. Down payment assistance, subsidized loans come to mind.</p> <p>There is already too much of an assault on small owners. TOPA is the icing on the cake. I've honestly lost all faith in local government. TOPA is a distinctly bad policy choice. Please get educated on what this thing really is. Say NO TO TOPA.</p>	See response to Letter #5
34	Claire Mays	12/29/22	<p>I wish to write in support of the City resolution* that calls for investigation of the recent takeover of Mills College, which to my view requires that rezoning of the Mills campus in Oakland be suspended until the facts of the takeover ("merger") are known and can be appropriately acted upon. I have perused the Housing Element documents available to the public online and I recognize the intensive effort and the high expertise present in these documents, whether by city admin and elected people or by citizens who have commented. I respect this and acknowledge that my own experience is not similar.</p> <p>Awaiting that, the rezoning effort should not introduce further destabilizing change to the Mills historic campus nor open the door to further abuses.</p>	See response to Letter #26
35	Angela Watrous	12/29/22	<p>I believe the corporate takeover of Mills by NE is a corrupt endeavor (why would we give up our extremely valuable and our endowment to an organization with literally nothing in overlapping values, if not for personal gain?), and I am requesting and am in support of all investigations into that takeover and the people involved in selling out Mills for personal gain. I would like to see prosecution and the reversal of the takeover of Mills College, and I am also strongly against rezoning of the Mills College campus, which has clearly been part of the intention all along. Please protect the educational space for women/nonbinary people, especially BIPOC people, that Mills College has been to so many of us. Please investigate. Please don't let these people profit off their corruption.</p>	See response to Letter #26

Letter #	Name/Organization	Date	Comment	Staff Response
36	Tilly Maui	12/29/22	<p>This is in response to the Mills College call to action by alumna that we make our voices heard. As a resident of Oakland since the 1970s and an embarrassed Mills alum, I urge the new mayor (who I did not vote for) to please focus on job creation and addressing crime (FUND the police). The city doesn't need more apathetic people with zero accountability, zero sense of responsibility, zero motivation living on my dime in an already overcrowded dump of a city. How about focusing on job creation, building parks not homes, addressing the crime (being committed by people of color at disproportionate rates). Stop focusing on Mills sale to NE ( as a Mills alum the new mayor has a conflict of interest being involved). Focus on cleaning up this city. The homeless are not native to Oakland. They come from all over knowing you'll support them on my dime. Enough!!!! Why would I buy property here if you're going to allow squatters and make eviction impossible. So, my request: make oakland clean, safe and livable for the people who have jobs. Create jobs. There's plenty of housing (in fact there is a surplus).</p>	See response to Letter #26
37	Christa Lewis	12/29/22	<p>In July Oakland's City Council voted to support an investigation of the closure and sale of Mills College. Northeastern University, which took over Mills, has not fulfilled its obligations to students, faculty, and staff, and disregarded Mills' commitment to the community, women, students of color, trans and non-binary students, and under-represented populations. There's no question that more affordable housing will benefit the Oakland community; however, it is unnecessary to butcher the Mills campus and permanently end access to education and opportunities to accomplish this, especially while the community supports an investigation of transfer of Mills' assets. When there is the unresolved question of the legitimacy of the sale of Mills College, it is malfeasant to plan to rezone and divvy up the campus for private development.</p> <p>Dismantling educational opportunities at Mills to rezone the campus enriches Northeastern University, and perhaps facilitators, of the deal while sacrificing opportunities for women, people of color, and LGBTQ students of Oakland and California.</p>	See response to Letter #26
38	Kristen Caven	12/29/22	<p>I respectfully request that the zoning adjustments to the Mills Campus NOT be generally changed to allow for expanded residential and commercial development, and this is why: The 135-acre Mills campus acts as a public park and green space, with paths, trails, soccerfields and a pool that historically provided community access, functioning as a public good for the wider community of Oakland as both recreation and as a botanical preserve providing habitat for diverse species at a time of global extinction. The Mills campus has long been admired for its safety and lush beauty, two things we should be legitimately concerned being destroyed, given the reputation of Northeastern's Boston Campus towards its own green spaces and neighboring communities of</p>	See response to Letter #26



Letter #	Name/Organization	Date	Comment	Staff Response
			<p>color in Boston.· Their track record shows a pattern of disruption and disregard for their neighbors. A 10-story student housing building now dominates and divides the predominantly African American community of Roxbury, Boston. The coastal community of Nahant, MA is losing their fight with NU, which aims to build a 60,000 sq. foot science building that will ironically damage this sensitive environment.· A look at NU's community takeovers around the world show a trend for benefitting their predominantly white, male, upwardly mobile student populations, while gentrifying surrounding communities and pricing long-time residents out.· Given the opportunity to develop and sell choice sections of the campus to private investors, NU could permanently destroy the integrity of this land parcel. Once soil is paved over, it is never returned to nature, which benefits us all in increasingly apparent ways.</p> <p>Please use extreme caution in your decision to rezone Mills, only designating specific areas of the campus edges for commercial building. There may be some benefit to establishing outward-facing services for the MacArthur community but, given the opportunity to develop the entire land, NU is not to be trusted. The needs of our community absolutely include increased affordable housing, but this must be balanced with Oakland's needs for open space, protection from gentrification, and community partners that are integrated with the fabric of our city.</p>	
39	Kristin Coan	12/29/22	I am writing to support the preservation of Mills College, its' campus, and what it represents for past, present and future students and faculty, as well as the many ways Mills College benefits Oakland and the surrounding communities.	See response to Letter #26
40	Chris Moore	12/29/22	<p>TOPA/COPA:  TOPA/COPA is an example of a failed policy. Look at Washington DC - they are shutting the program down after 40 years....yet Oakland is considering starting the program. Has there been an independent equity study to show the negative impacts of TOPA/COPA...no there hasn't. If Oakland makes the bad decision to include TOPA/COPA in the Housing Element, then it should be clearly stated that an independent equity study will be performed. The approval for the preparer of the equity study should be selected with input from housing provider organizations including: EBRHA, CalRHA, CAA, In-It-Together.</p> <p>NOAH:  NOAH stands for "Naturally Occurring Affordable Housing". This makes no sense. Private individuals provide housing. Mom and pop housing providers provide affordable housing via rent control and the eviction moratorium. Additional rental regulations (TPO, Eviction Moratorium, Rent Control, Just Cause, TOPA/COPA) result in elimination of affordable housing by significantly increasing the cost to provide affordable housing.  Housing does NOT "occur naturally". Providing Housing does take a lot of work.</p>	See response to Letter #5

Letter #	Name/Organization	Date	Comment	Staff Response
			<p>Housing is expensive and difficult to do. There's a reason that the recent outgoing Oakland Housing Director, Shola Olatoye said in her exit interview that "the City of Oakland absolutely should not own or operate housing, by contract, City employees can only work from 9am to 5pm. Monday through Friday." Mom and Pop housing providers provide low-rent housing units by trading in countless nights and weekends to provide housing. Local mom and pops are able to deliver on lower cost housing because they pull "double duty" on maintenance. They answer repair calls themselves and often do their own repair work, notoriously underpaying themselves for their time and labor. They are much more efficient and willing to work hard to build home equity to send their children to college and to save for retirement.</p> <p>The TOPA/COPA social housing model won't pencil because it has bloated staffing, with someone in the office taking tenant repair requests and then sending out expensive plumbers, roofers and painters for maintenance. It only provides Not For Profits special benefits (discounts on property taxes and exemptions from rent control) to help make it more profitable. If they offered those benefits to private housing providers the City of Oakland would have an explosion in new housing. The single best solution to providing more housing in the City of Oakland would be to have a means test for Rent Control, Just Cause and TPO. If someone earns 100% of the Bay Area AMI – they don't get the Rent Control subsidy. Start there and you will see a significant increase in the supply of housing and a corresponding decrease in rents. At 100% AMI, those individuals will not go homeless in the streets, they have the means to find new housing.</p>	
41	EBMUD	12/29/22	<p>East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Public Hearings to Adopt City of Oakland 2023-2031 Housing Element, which encompasses the entire City of Oakland (City). EBMUD commented on the Notice of Preparation of a Draft Environmental Impact Report (EIR) for Phase 1 of the Oakland 2045 General Plan Update on April 14, 2022. EBMUD also commented on the 2023-2031 Housing Element Update in the City of Oakland's General Plan on June 9, 2022. EBMUD's original comments (see enclosures) still apply regarding water service, geology, wastewater service, water recycling, and water conservation. EBMUD has the following additional comments. WATER SERVICE Please see the attached EBMUD documents for California (Waterworks Standards) Code of Regulations, Title 22, Section 64572 (Water Main Separation) and EBMUD requirements for placement of water mains.</p>	Comment Noted
42	Ilona Clark	12/29/22	<p>TOPA is worse than a false promise Supporters say it will prevent displacement of renters by giving them the right and the ability (through 3rd party assistance) to buy the properties they live in, if put up for sale. These are good ideas. Everyone wants to encourage homeownership and the benefits that it confers. No one wants to be displaced. Unfortunately, TOPA does not do any of these things.</p>	See response to Letter #5

Letter #	Name/Organization	Date	Comment	Staff Response
			<p>In reality, if passed, it would make displacement more likely for many. At the same time, it will take away rent control and eviction protections from many of Oakland’s renters, and hobble the city’s ability to function by exempting many properties from property taxes.</p> <p>TOPA controls the sale of any rental property in the city. Under TOPA, The renter has the first right of refusal and may express interest to purchase in writing. Most of the time, a renter can’t afford to buy the property on their own and they may assign their right to purchase to a 3rd party, non-profit. In this case, the house or unit, once purchased, will be considered affordable housing. Affordable, by definition, may not serve people who do not qualify. So, if a renter-purchaser does not meet income qualifications for affordable housing, they will be displaced in favor of another household that earns less. That’s right, if they earn too much, they would be evicted from their homes.</p> <p>Oakland has eviction protection for renters and income level is not a reason to evict. That is why TOPA takes away these protections so that renters may be legally evicted if they do not meet the affordable housing requirement.</p> <p>Oakland also has rent control. But TOPA takes that away from its residents too. Monthly payments for residents (affordable housing recipients) may rise faster than rent control. But the residents must take responsibility for maintaining the buildings and surroundings. They must do all the work the previous owner did before them. This might be worth it, if they could expect to enjoy the benefits of ownership, but any home that becomes “affordable housing” under TOPA must be maintained as “affordable” for many decades. They may not be re-sold at market rate. All rights, freedoms, and financial incentives of ownership would be lost. People who live in properties purchased under TOPA get all the sweat and none of the equity.</p> <p>To add insult to injury, no property taxes may be collected on affordable housing. This would hobble Oakland’s ability to provide services and maintain infrastructure. In fact, there is nothing to prevent a tenant from buying a home, or negotiating to buy the building they live in.</p> <p>Who could possibly benefit from this? TOPA was written by lawyers for lawyers and bureaucrats will clean up. politicians who will do anything just so they say they did “something” will get votes. But the community will suffer and the housing crisis will deepen TOPA is not a progressive way to promote ownership opportunities for existing tenants, it's a blatant attempt to seize private property through a coercive set of regulations that drive small property owners into financial distress and then gifts these properties to organizations that have monies interests at heart but their own. It is an attack on middle-class property owners and middle-class renters, alike.</p>	
43	Al Nehl	12/29/22	On behalf of my mother, Rita Nehl, a Mills alumna, I am writing to support the preservation of Mills College, its campus, and what it represents for past, present	See response to Letter #26

Letter #	Name/Organization	Date	Comment	Staff Response
			and future students and faculty, as well as the many ways Mills College benefits Oakland and the surrounding communities.	
44	Trey Hunter	12/29/22	<p>1. It is clear that Oakland is taking this process seriously. Given that we are in a large metropolitan area, has Oakland considered what more it can do to triage other Bay Area communities who will continue to not take the development of housing (affordable housing especially) seriously? As noted in the draft, the issue of housing policy goes beyond the boundaries of the city of Oakland, the issue is regional in the context of the Bay Area. While I appreciate the fifteen percent buffer, given the market needs of the entire Bay Area, wouldn't something like a 100% buffer seem more appropriate?</p> <p>Oakland has shown that it can meet housing goals as referenced by the City's ability to meet the last iteration of the Housing Element. I am concerned that this Housing Element doesn't challenge the city to do more given that other localities will continue to refuse to develop housing. Not only would a higher buffer allow for Oakland to grow where other communities refuse to build housing. This bolsters Oakland's position as a "YIMBY: city and increases future tax revenue further ameliorating some of the City's existing budgetary challenges. A larger housing buffer will result in systemically positive outcomes.</p> <p>2. Has the City considered abolishing single-family zoning like other cities throughout the nation have done? Action 3.2.1. Might this be a consideration for the next iteration of Oakland's Housing Element?</p> <p>3. Action 3.2.4: What is meant by "legalize ADUs" for low-income homeowners. Given the enactment of AB 68, AB 881, SB 13, AB 587, and other state law, ADUs are already legal throughout the State and subject to less local control, correct? Should this be geared toward assisting low and middle income homeowners in finding funding streams to support the development of ADUs where feasible?</p> <p>4. Introduction – Paragraph 3: The housing backlog of 2,000,000 units is a debatable and somewhat arbitrary figure. In some cases, this number has been as high as \$3,500,000. It may be best to note that this figure is not a specifically defined metric as the introduction seems to indicate.</p> <p>5. I am especially impressed by the Housing Element Survey (page 37) which allowed residents to provide feedback on interactive mapping questions. Also, impressed by the City's willingness and ability to follow State guidelines which have recently given RHNA more authority</p>	<p>1. Comment noted</p> <p>2. On March 16, 2021, City Council voted unanimously to look into allowing fourplexes citywide and removing long-standing laws that officials called "exclusionary." 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.</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 proposed rezoning including revised 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.</p> <ul style="list-style-type: none"> <li>- Create new RD zone to replace RD-1 and RD-2</li> <li>- All RD, RM and RU Residential Zones will now allow 4 or more units</li> <li>- Maximum floor area ratio (FAR) and lot coverage will be increased in RD and RM Zones</li> <li>- Minimum lot frontage for RD and RM Zones will be reduced from 25 ft. to 20 ft. in RD and RM Zones</li> <li>- Open space requirements reduced in RD, RM, and RU Zones</li> </ul> <p>3. Oakland's Accessory Dwelling Unit Loan Program (ADULP) provides financing and technical assistance to low-income homeowners to convert an existing unpermitted secondary unit into a legal Accessory Dwelling Unit (ADU) or Junior Accessory Dwelling Unit (JADU). The property must be located in an Opportunity Zone.</p> <p>Many secondary units in Oakland were developed outside of the required permitting process. The ADU Loan Program was designed to help ensure that these units are safe, legal, and can continue to provide flexible housing options for tenants or family members and potentially rental income for low-income Oakland homeowners. Participants receive a deferred payment loan of up to \$100,000 and guidance with the design, bidding, permitting, and construction processes. For more details see: <a href="https://www.oaklandca.gov/resources/accessory-dwelling-unit-">https://www.oaklandca.gov/resources/accessory-dwelling-unit-</a></p>

Letter #	Name/Organization	Date	Comment	Staff Response
				<a href="#">loan-program</a> In addition to this specific loan program, the City will implement forthcoming state law that allows unpermitted ADUs to be legalized if they correct substandard conditions. This will likely help many older ADUs that are fundamentally safe, but out of conformance with the letter of modern standards, to access legalization 4. Comment Noted 5. Comment Noted
45	Mary Rose Kaczorowski	12/29/22	<p>I respectfully request that the zoning adjustments to the property that encompasses Mills College at Northeastern University (the former Mills College campus property) NOT be rezoned to allow for expanded residential and/or commercial development. I have outlined this property's role in Climate Change, Heat Island and Flood control mitigations as well as its history and role as public green space, a farm hub, and biodiversity and watershed integrity protection.</p> <p>Zoning Changes?</p> <p>I concur with several other organization's public comments questioning why a proposed rezoning of the property area around and including Mills College at Northeastern University be changed from RM-3 to RM-4? (See October 14, 2022, comments by EB For Everyone, Greenbelt Alliance etc.) Please clarify the reasoning behind this since RM-4 is a residential neighborhood standard, and this is a private educational institution operating a college and providing associated student housing and basic services. This up-zoning is unsuitable and is incongruous with the established site use. Rezoning for conversion of residential or commercial use of this parcel is inappropriate.</p> <p>Negative Impact of proposed Zoning Change</p> <p>Mills College at Northeastern University, if ever given the opportunity to develop and sell choice sections of the campus to private investors, the integrity of this land parcel will be further diminished. This zoning change will permanently and further damage the ecological services that this parcel provides. Once vegetation is removed, once soil is leveled, compacted and paved over, it is never returned to supporting nature or serves the public good as access to nature-based recreation.</p> <p>Public Green Space</p> <p>This 135-acre Mills College at Northeastern University property has been used as a public oasis in a highly developed urban area. This campus has historically provided public access to its green space, with paths, creeks, trails, and a community farm, and access to soccer fields and a recreation swimming pool. This Mills College campus functions as a public good for the local residents and wider community of Oakland.</p> <p>Watershed Protection &amp; Flood Control</p> <p>Mills Campus property role in Climate Change Mitigation &amp; Adaptation</p>	See response to Letter #26

Letter #	Name/Organization	Date	Comment	Staff Response
			<p>Mills College at Northeastern University is a property that is particularly well situated to help California implement Governor Newsom’s (Oct 07, 2020) EXECUTIVE ORDER N-82-20. This Executive Order points to using nature-based solutions to combat the biodiversity loss and climate change crises in California.</p> <p>Agricultural Use The Mills Community Farm at Mills College was founded as a 2.5-acre working farm that practices sustainable farming and provides urban agriculture education in collaboration with students, faculty, staff, local organizations, and Oakland schools. The farm provided produce to campus dining services and sold produce on campus at a weekly farm stand as well as to local restaurants. . This area can be further zoned for a ‘living lab’ for growing healthy food, deepening knowledge, and building community solidarity."</p> <p>Mills College at Northeastern University serves as a heat island mitigation Existing traffic is STILL an issue</p>	
46	Sakura Vesely	12/29/22	<p>I am a Mills College alumna, class of 2006. I was horrified to hear that my beloved alma mater that gave so much to me (and pass it along in the world through my work) was first going to close, then "merge" with Northeastern University, and now is being assessed for further dismantling by proposing to build private-sector housing on the campus. I understand that Oakland and California in particular needs to build more housing and solve the issue of food deserts yet all of this dismantling that has come over the past two years really feels like pure colonization and a purposeful erasure of what Mills College stood for. I am still traumatized by how Mills presented itself as doing quite well only to have its administration quickly and suspiciously hand over the school to an expensive, massive colonizer school that stands for nothing Mills represents. Mills was a safe haven for women, gender minorities, LGBTQ+ people, racial minorities, and generally anyone who was traditionally marginalized by WASP culture. Oakland in the late twentieth and twenty-first centuries has prided itself on its diverse culture and sense of being a place for underprivileged communities, artists, and the like. The takeover and development by Northeastern University is one more step forward to gentrifying Oakland into being a place where only wealthy white people can reside. I urge all of you to support the investigation into the merger of Mills College/Northeastern University and put a stop to unnecessary development on the Mills campus. Please don't send us into the ash heap of history.</p>	See response to Letter #26
47	Alecto Caldwell/Lynda Caldwell	12/29/22	<p>Having been a part of the Maxwell Park community, just a block from Mills College for nearly 40 years, I have watched in horror and disbelief at the entire process of Mills being transformed into Mills at Northeastern University.</p> <p>I fully support: The Resolution Passed, July 19, 2022 “Celebrating the contributions of Mills College to the City of Oakland and beyond, and calling on the California Bureau of Private and Post-Secondary Education and the U.S.</p>	See response to Letter #26

Letter #	Name/Organization	Date	Comment	Staff Response
			<p>Department of Education to conduct an independent investigation into the circumstances of the merger between Mills College and Northeastern University." I am appalled by the fact that:</p> <p>The City of Oakland has released the 2023-2031 Housing Element Public Hearing Draft. This includes rezoning the Mills College campus for land development. This proposed rezoning to RM-4 is to "create, maintain, and enhance residential areas typically located on or near the City's major arterials and characterized by a mix of single-family homes, townhouses, small multi-unit buildings at somewhat higher densities than RM-3, and neighborhood businesses where appropriate." The RM-4 Zone allows for the development of the site with condominiums, townhouses and retail businesses. For 20 years, the Mills Campus was zoned as RM-3. We are seeing this proposed change just as Northeastern takes over.</p> <p>It seems obvious that such changes will seriously, significantly, and permanently change the character of our community primarily for the benefit of Northeastern University and not for the existing residents of the neighborhood.</p> <p>At the very least, existing zoning should be maintained until the investigations regarding this transfer are completed. Additionally, the impacts of such changes should be widely and deeply investigated with much more involvement from and communication with the wider community.</p>	
48	Chris Cohn	12/29/22	<p>City of Oakland policy has gone too far and TOPA/COPA would be the end of my housing provider journey. You have heard all the arguments against these policies and read about their failed histories in other communities. I waste my time writing you, but if you bother to read this, NO on TOPA/COPA. I prefer the Ellus Act.</p>	See response to Letter #5
49	Beatriz Perez-Stable	12/29/22	<p>I am writing to oppose the proposed zoning changes at Mills College and land on MacArthur Blvd directly across Mills College. I believe it would be prudent to know what the owners will propose, incorporating these zoning changes, and that surrounding neighbors should be notified of such and be allowed to comment.</p>	See response to Letter #26
50	Gabriel Guerriero	12/29/22	<ol style="list-style-type: none"> <li>I support the development of Action 3.5.2: Support housing cooperatives, co-living, and cohousing models. I want to ask for more specificity and clarity on how the city will support these projects. Please provide exceptions to zoning provisions for direct support of cooperatives, co-living and cohousing models.</li> <li>Accelerate the study of how the Planning Code and building occupancy standards affect the viability of these models.</li> <li>I support new affordable ownership housing opportunities for middle and low income families.</li> <li>I support an increase in density for all Hillside Residential zones for properties located outside the Very High Fire Hazard Severity Zone (VHFSV), or provide opportunities for an increase of density on a case-by-case basis.</li> <li>Provide an application process for spot zoning on eligible properties. Rezone some of the hillside areas with pocket communities in specific areas.</li> </ol>	<ol style="list-style-type: none"> <li>Comment noted- the City has and will continue to provide financial support for cooperatives and community land trusts through its "Acquisition and Conversion to Affordable Housing NOFA." The forthcoming Affordable Housing Overlay may also serve as a useful tool to increase the feasibility of developing new cooperatives, co-living, and cohousing projects.</li> <li>Comment noted.</li> <li>Comment Noted.</li> <li>See Appendix J for the City's proposed rezoning changes, including revised 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. As part of the Safety Element Update, the City is studying the potential for areas that might be</li> </ol>

Letter #	Name/Organization	Date	Comment	Staff Response
				appropriate to be included in the Affordable Housing Overlay and for increased densities to be included in the Very High Fire Hazard Severity Zone (VHFHSZ) based on analysis regarding evacuation scenarios. 5. The City does not encourage spot zoning.
51	Martha de Weese	12/29/22	Please investigate this gross malfeasance. Mills College has been stolen through nefarious means. Mills students are being robbed of the Education they came to acquire Mills dates to 1854 at its' present location. The Academic opportunities and the legacy of this institution have always been an asset to Oakland. Please look carefully at the past Mayor of Oakland and the past Mills President and the roles they played in this "land grab". Thank you for this opportunity to speak up.	See response to Letter #26
52	Jay Gregory		My specific comments come around co-housing and pushing for the easing of zoning restrictions in the non-fire zone hillside residential zones (RH) that seem to be untouched by this version of the plan. If the goals of the plan are to increase close the gap in housing affordability and to get lower income housing opportunities into traditionally exclusive hillside housing zones I think a bit more work can be done in the plan in this regard. 1. We support the development of Action 3.5.2: Support housing cooperatives, co-living, and cohousing models and ask for more specificity and clarity on how the city will support these projects. Specifically: Please provide exceptions (or specific pathways to request variances) to zoning provisions for direct support of cooperatives, co-living, and cohousing models.  2. Accelerate the study of how the Planning Code and building occupancy standards affect the viability of these models.  3. We support new affordable ownership housing opportunities for middle and low income families, especially in traditionally exclusive Hillside Residential areas. 4. We support an increase in density for all Hillside Residential zones for properties located outside the Very High Fire Hazard Severity Zone (VHFSV), or provide opportunities for an increase of density on a case-by-case basis.  5. Provide an application process for spot zoning on eligible properties. Rezone some of the hillside areas with pocket communities in specific areas.	See response to Letter #50
53	Hannah Bluhm	12/29/22	Mills College campus (recently bought by Northeastern University 1). Oakland deserves to keep and pass on its current green spaces for future generations. Not only for the physical environmental benefits that such spaces provide and support in the larger ecosystem but for the psychological health and well being that such green spaces foster in human communities. I believe that placing the development desires of a global, private, institution, of potential short term financial gain for NEU, above the intergenerational health and wealth of the	See response to Letter #26



Letter #	Name/Organization	Date	Comment	Staff Response
			<p>larger Oakland community is shortsighted, unwise and amounts to a form of environmental racism.</p> <p>2). Northeastern University is a massive, global, institution that behaves in a predatory for profit manner. The purchase of Mills occurred in a questionable and non-transparent way. If it is allowed an increased ability to develop the 135 acres of the Mills Campus in its first year of ownership, there will be no guarantee or leverage on the part of the city of Oakland to ensure that such development will be in any way, not only NOT harmful but beneficial to the neighboring residents and surrounding community.</p> <p>3). Mills College is beautiful. With a beautiful and rich history in visual arts, music, dance and architecture. The legacy of the on campus Julia Morgan's buildings should be honored and protected. NEU has no cultural ties to the arts and should not be given carte blanche when it comes to deciding the use, purpose, and aesthetics of these buildings and creative spaces in the future.</p> <p>4). Northeastern University already has strained relationships with its community neighbors in Boston and other sites. They have a reputation for using militarized campus police, racial profiling on their campuses, covering up incidents around fraternity rape culture, and aggressive gentrification of community spaces. Again, the new owners of Mills College should have to prove themselves worthy before being allowed to build skyscraper frat dorms, or luxury condos and retail spaces that cater exclusively to the wealthy.</p> <p>5). The new owners of the Mills College campus should be the city of Oakland itself, not Northeastern University. At the very least by keeping limits on the scale and impact of development on the campus the city will ensure some accountability, respect, and health for the current citizens of Oakland and generations to come.</p>	
54	Melanie Vega	12/29/22	<p>It has come to my attention that the city of Oakland has released a housing public hearing draft which includes a plan to rezone Mills College campus to allow for building of housing and businesses on campus. As a Bay Area native and a Mills College alum, I am AGAINST this plan. Mills College was just recently acquired by Northeastern University in a highly contested and suspicious manner, and it would be a further blow to the Mills legacy to tear up the physical campus by allowing rezoning and building of housing/businesses. The campus is an oasis in Oakland that should be protected, not sold to greedy developers.</p>	See response to Letter #26