



Oakland Housing Element Discussion Group Meeting #3

Wednesday, June 8 10:00 – 11:30am

Held via Zoom

Participating Organizations:

- Oakland Housing and Community Development (HCD)
- Parent Voices Oakland
- East Oakland Collective
- Alameda County Public Health Department, Health Equity Policy, and Planning
- Homeless Action Center (HAC)
- California YIMBY (Yes In My Backyard)
- Ellis Partners
- YIMBY (Yes In My Backyard) Law
- West Oakland Environmental Indicators Project (WOEIP)
- Oakland Starting Smart and Strong
- UC Berkeley Goldman School
- East Bay YIMBY (Yes In My Backyard)
- SPUR San Francisco Planning and Urban Research)
- Transport Oakland
- California Renters and Legal Advocacy Fund (CaRLA)
- Eden Housing
- Housing Action Coalition
- East Bay Housing Organizations
- Emerald New Deal
- A Diamond in the Ruff Incorporated

Meeting facilitated by Alison Moore and Rajeev Bhatia of Dyett & Bhatia



DISCUSSION SUMMARY

Many participants were generally supportive of the Housing Action Plan, but key issues emerged around zoning and affordability, accountability and compliance, environmental justice and air quality, distribution of housing sites by area and income level, resource allocation, and public availability of housing element information.

Affordability was top of mind: One childcare focused participant requested low and very low-income housing include housing geared towards retaining specific groups such as early childhood educators and childcare givers. After housing childcare is the biggest expense for families, so childcare and housing should be considered in tandem, and it was suggested that co-locating childcare facilities with new development could lessen this burden. Several participants echoed a desire to see the affordable housing overlay expanded from 4 to 6 units, which would allow state density bonus to come into effect, and that a baseline affordability standard be implemented for all new development.

Several participants mentioned a need for stronger compliance measures to hold developers accountable. Participants mentioned that fees are often too low to provide meaningful incentives for developers to follow through with affordable housing agreements and remarked that developers have consistently violated current zoning rules and not being held to their proposals once approved. Participants suggested fees be raised to encourage developers to take affordability requirements more seriously.

Another key theme emerged around environmental justice and housing quality. A participant from the UC Berkeley Goldman school encouraged planners to consider collaboration with County inspection offices to regulate indoor air quality for Oakland households, particularly those with children and those in low-income areas. Many participants echoed the need for greater consideration of air quality issues when determining affordable housing sites and urged planners to consider locating affordable housing away from freeways. One participant urged the city to include existing housing near freeways, Oakland Ports and other heavy duty trucking concentrations under its definition of contaminated sites and help building owners retrofit air filtration to reduce exposure of residents to transport related emissions

Participants desired more clarity and summary analysis of the table to demonstrate the relationship more clearly between the geographic distribution of affordable housing and resources available in proposed neighborhoods. Participant commented that affordable housing is often located in the lowest-resource neighborhood, suggesting that planners consider upzoning all transit corridors, with additional emphasis on Rockridge BART. Another participant raised the concern that the AFFH analysis be made a part of the site selection and action plan, and not just analysis.

Some logistical concerns were also raised regarding the public availability of items such as up zoning & overlay maps, which ideally would be provided in advance, indicate areas that are being considered for rezoning, and coded according to income and racial discrimination considerations. Additionally, participants requested tools to allow the public to monitor impact fees collection and use, as well as an executive summary and clear table containing new policies. Many participants commented on the need for better prioritization to ensure



most needed HE action items were addressed in a timely manner, reiterating the need to translate analysis into action.

DETAILED DISCUSSION NOTES:

Affordable Housing Overlay

- Participant remarked that “Oakland's RHNA increase is actually a lower percentage than the region as a whole.”
- Childcare-focused participant suggested that low and very low-income housing include housing that is geared towards retaining specific groups such as early childhood educators and childcare giver, also co-locating childcare facilities with new develop. Additionally, participant urged planners to consider providing childcare support for unhoused people.
 - Children and their families should be key stakeholders in HE; after housing childcare is the biggest expense for families, so childcare and housing should be thought of in conjunction.
- Several participants urged that planners please consider ALL of AC Transit’s Rapid corridors, not just the BRT line, when considering up zoning opportunities.
- A participant commented that the City of Oakland has been too accommodating to developers and has been building too much above-moderate housing. Low-income housing is determined based on property values of the surrounding neighborhood, and there needs to be a clear standard how affordable housing is determined.
- One participant remarked, “from attending some housing projects, I would say homeowners do block housing projects that have between 15-40% BMR (below-market-rate) housing w/MR (market-rate). It's hard to get that diversification, and thus we get mostly >95% BMR or MR buildings we see today.”
- Participants supported development in Rockridge, given that it’s the only BART station in Oakland that doesn’t have TOD, it’s the whitest census tract in Oakland. Suggested flatiron site that Oakland hasn’t wanted to rezone is a worthwhile site to up zone for affordable housing despite its small size.
 - Other participants echoed support for up zoning the flatiron parcel and upzoning in Rockridge in general.
- Several participants support a move towards ministerial approval
- Historic resources deserve fair housing analysis because historic housing is often located in wealthier neighborhoods. These comments were echoed by several participants.
- One participant mentioned that they “would love to see housing overlay expanded from 4 to 6 units, which would allow state density bonus to come into effect.” These comments were echoed by several participants.
- Participant is concerned with city requiring compliance for AFFH requires fair housing analysis and that the analysis be made a part of the site selection and action



plan, and not just analysis. There needs to be a better connection between analysis and action plan, encourages staff to read memo by ABAG about how SoCal cities got rejected by HCD.

- Thinks its problematic that sites were determined in advance to fit where sites were already zoned properly.
- Thinks zoning should be identified as a constraint, and that exclusionary areas should have been identified in advance and then re-zoned.
- One participant remarked about the “H overlay” - allowing approval by-right for affordable housing should be citywide anywhere that the project is consistent with zoning, including density bonus

Accountability, Compliance, and Enforcement

- Participant commented that identifying affordable housing sites is only a first step, and suggested that without meaningful accountability measures and quantifiable financial repercussions for non-compliance, the site inventory would not be effective.
- One participant questioned “Who do we target, and how do we penalize them when lower income needs are not met?” with regards to non-compliant developers.
- Participant urged increased penalties associated with non-compliance on housing developers, stating that “developers are not building housing for people who live in Oakland but for people who are moving to Oakland”.
 - Participant requests planners establish a baseline affordability requirement for all new development.
 - Participant commented that “with all the new buildings being built that impact fee account should at least be 300 million by now.”
- Several participants remarked that current developers have already been violating existing zoning rules and not being held to their proposals once approved.
- Participant commented that developers are looking to waive fees, but affordable housing advocates would like to raise fees on developers to fund affordable housing.

Environmental Justice and Air Quality

- Participant from UC Berkeley Goldman School suggested adding provision in the HE to coordinate with county inspection offices for households (particularly with children) to regulate indoor air quality. Participant also expressed support for provision in HE (G2) getting gas out buildings.
 - This participant also suggested financing green bonds and social bonds, and mentioned a sustainable finance program at the university. These bonds have the potential to lower permitting costs for the issuer and can lower costs for developer.



- Participant from UC Berkeley Goldman School also commented, “I am pleased to see parts of the Element devoted to remediation of environmental contaminated sites.”
 - Participant urged the city to consider that housing located near freeways, Oakland Ports and other heavy duty trucking concentrations to be included in definition of a contaminated sites.
 - Participant also urged planners to help building owners in those locations retrofit air filtration to reduce exposure of residents to transport related emissions.
- Participant strongly seconds the previous comments, and addition to commenting, “We should not be putting housing next to freeways and we need to have a fund to in the GP to retrofit existing near road housing exposures.”
- One participant mentioned, “I’d be careful about exclusively putting housing next to freeways, as noise & car pollution on minority communities is a concern. I do love the alternative mentioned— up zoning opportunities near ****all**** transit corridors.”
- Participant suggested that health of housing is not identified, nor is equity. Census tract name of neighborhood is not identified in Housing Element Appendix C, Table C-21.
 - Affordable housing above Upper Broadway or MacArthur freeway is not being discussed. EJ and housing health is not being adequately discussed.
 - There should be policy and changes and language in HE regarding environmental justice
- Participant echoed the need for plans for investments for opportunity in low-income neighborhoods. Need to improve the air in West Oakland, because air pollution is one of the most challenging parts of living in West Oakland.
 - Other participants agree that the poor air and no green space is a disadvantage to improvements.

Planning Timeline and Resource Allocation

- Participant commented, “I’d love to see city take a stance on what strategies are going to come first given how busy city staff are. Actions in HE are fantastic, but there are too many of them to deal with immediately so city should identify which actions come first and which come last.”
- The participant remarked that “study, evaluate, consider” are not viable action-oriented terms according to the HCD. The participant mentioned that the study has proposed inclusionary housing, but the city council has never actually considered it.
- City Council was promised by staff that a 5 year study would be done by the end of 2021, but the annual impact fee report still has not been presented to city council and has not involved public input.
 - The nexus study and feasibility fee study are being done with no public participation. There should be a specific plan that planning and building codes are updated to comply with SB9 and SB 330 especially the demolition protection.



- Participant echoed need for established timelines for implementing affordable housing and remarked that it shouldn't take that long given how easy the policy is to pass.

Public Availability of Housing Element Information

- There is a push and pull between locating housing where communities need to be supported versus the level of resources located in the community. Most affordable housing is in lowest resource neighborhoods.
 - Many participants requested table detailing affordable housing locations versus resource allocation and distribution.
- Participant suggested the city have a published methodology for when to count new market housing as Moderate Income, like San Jose does.
- Participant expressed support for up zoning around transit corridors, and suggested circulating maps illustrating these plans ahead of time to allow for public comment by affordable housing developers. Participant requested platform for public to monitor impact fee account.
- Oakland online housing portal was not user friendly for affordable housing developer
- The way that zoning code is written in the city breaks everything down into small pieces, which makes it difficult for affordable developers to utilize density bonus. Other cities don't have standards broken down into so many small parts and encouraged Oakland to consolidate zoning code into more straightforward and broader groupings.
- Maps should be coded according to income and racial discrimination consideration. Investing in lower income areas need to go beyond housing, there needs to be broader neighborhood improvements strategies.
 - The participant suggested that planning staff put out a map about what is being considered for rezoning.
- Participant questioned if there is a way for the public to track who paid impact fees and see what is being collected as well as where and how are those funds are being used.
 - Participants echo the need for improved transparency in this process.
- Please ensure that the next draft includes an Executive Summary and a clear table on NEW policies.

