

City of Oakland Draft 2015-2023 Housing Element
Response to Comments

No	Commenter	Source	Topic	Comment	Response
1	BIA of the Bay Area	Email dated November 25, 2013	Housing Element - Overview of the statutory provisions	The element must identify and analyze potential and actual governmental constraints to the maintenance, improvement, or development of housing for all income levels, including housing for persons with disabilities. The analysis should identify the specific standards and processes and evaluate their impact, including cumulatively, on the supply and affordability of housing. The analysis should determine whether local regulatory standards pose an actual constraint and must also demonstrate local efforts to remove constraints that hinder a jurisdiction from meeting its housing needs.... The analysis of potential governmental constraints should describe past or current efforts to remove governmental constraints. Where the analyses identifies that constraints exist, the element should include program responses to mitigate the effects of the constraint. Each analysis should use specific objective data, quantified where possible. A determination should be made for each potential constraint as to whether it poses as an actual constraint. The analysis should identify the specific standards and processes and evaluate their impact, including cumulatively, on the supply and affordability of housing.	Addressed in Chapter 6 of the Public Review Draft 2015-22 Housing Element, May 2014. Chapter 6 of the Public Review Draft 2015-22 Housing Element, May 2014 analyzes City policies and regulations that could potentially constrain the City's abilities to achieve its housing objectives. The chapter further presents a brief discussion of the City's policy and regulatory context. The chapter also discussed the City of Oakland's efforts to reduce the impact of local government regulations and fees on the cost and availability of housing. Some of which include increasing residential densities, creating new mixed-use housing opportunities along major transportation corridors and in the downtown, reducing open space requirements in high density residential zones in the Downtown and in the Transit Oriented Development Zone (S-15), streamlining the environmental review process for downtown projects, adopting a Density Bonus Ordinance, adopting a secondary unit ordinance and streamlining the process for approval, creating new fast-track and streamlined permit processes, and adopting Standard Conditions of Approval to, in part, streamline the CEQA review process.
2	BIA of the Bay Area	Email dated November 25 2013 (& letter dated 11/26/13)	Specific constraints as a condition of HCD certification	Did your jurisdiction commit to addressing specific constraints as a condition of HCD certification of the existing housing element? If so, what was the constraint and what has been done to address it?	The City of Oakland's 2007-2014 Housing Element did not have any specific constraints to the production of housing that it had to address as a condition of its certification by CA State HCD.
3	BIA of the Bay Area	Email dated November 25 2013 (& letter dated 11/26/13)	Policy 2.2; Policy Action 2.2.6: Inclusionary Zoning New Construction of Ownership Housing	Does your jurisdiction have a mandatory inclusionary zoning policy? If so, has an analysis been done that measures the economic impact? Does it contain meaningful and regularly available incentives, and is its implementation flexible so that there are alternatives to a "like for like must build requirement" such as payment of reasonable in lieu fees, land dedication, or acquisition and rehabilitation of existing units with provision affordability covenants? Are such alternatives available at the developer's option or with staff approval—but without need for Council or Board approval on a project-by-project basis?	Addressed in Chapter 2 of the Public Review Draft 2015-22 Housing Element, May 2014. In California, Inclusionary Zoning for rental housing was invalidated in 2009 by the California Court of Appeal for the Second Appellate District because it directly conflicted with a provision of the state's Costa-Hawkins Rental Housing Act of 1996 which specifically gave all landlords the right to set the "initial rental rate" for new housing units. In October 2013, California Governor Jerry Brown vetoed legislation that would reauthorize municipalities to adopt or continue implementing ordinances with inclusionary rental housing requirements for low income households. The legislation, AB 1229, would have overturned a 2009 appellate court ruling known as the Palmer Decision, which held that state rent control law prohibited cities and counties from using inclusionary zoning practices. Given this, the City of Oakland does not intend to pursue inclusionary zoning as was originally imagined or amended by proposed AB1229.
4	BIA of the Bay Area	Email dated November 25 2013 (& letter dated 11/26/13)	Density Bonus ordinance	Has your jurisdiction adopted a density bonus ordinance consistent with governing state law (Gov't Code Section 65915)? Does the density bonus ordinance count mandatory inclusionary zoning units toward the density bonus threshold as required by the recent court of appeal decision in <i>Latinos Unidos del Valle de Napa y Solano v. County of Napa</i> , 217 Cal. App. 4th 1160 (2013)?	In 2011, the Strategic Planning division began preparing an ordinance to amend the Planning Code, adopting a revised density bonus. Expected public hearings and attempted adoption in 2014.
5	BIA of the Bay Area	Email dated November 25 2013 (& letter dated 11/26/13)	Policy 3.3; Policy Action 3.3.2 and Development Impact Fees (nexus study)	What is the cumulative fee and exaction burden on new housing in your jurisdiction? This analysis should include not only development fees that are "formally" reflected in published fee schedules, but also include exactions imposed via housing allocation program/ "beauty contests," community benefits/amenities agreements, CFD annexation requirements, and the like. The analysis should also include fees imposed by other agencies, for example school fees, sewer and water fees, and fees imposed pursuant to an applicable regional Habitat Conservation Plan. The analysis should determine the % of the sales of price of new housing in the jurisdiction is represented by the cumulative fee/exaction burden, as well as the % of costs for rental housing units represented by the cumulative fee/exaction burden.	Chapter 6 of the draft 2015-2023 Housing Element documents the fees related to development. Those fees include planning permit fees and building permit fees. According to a study done by the California Department of Housing and Community Development, these were not considered to be a hinderance to development. Currently the City of Oakland does not charge an impact fee for residential development.
6	BIA of the Bay Area	Email dated November 25 2013 (& letter dated 11/26/13)	Policy 2.7; Policy Action 2.7.2: Housing Impact Fee	Does your jurisdiction have any recently adopted, proposed, or under consideration new or increased fee or exaction, such as an affordable housing impact fee?	The City of Oakland is planning to commission a nexus study to determine if an affordable housing impact fee is supportable, given current market conditions, and if so, what an appropriate fee structure would be given the housing demand and investment activity. Adoption of impact fees requires "nexus" study demonstrating the benefit of the facilities to new development and the proportional allocation of costs to be funded by the fees. Impact fees must be adopted by a majority of the legislative body of an entity with the power to impose land use regulatory measures (e.g., Oakland City Council). Impact fees are usually imposed either jurisdiction-wide or in other relatively large areas anticipating significant amounts of new development.

City of Oakland Draft 2015-2023 Housing Element
Response to Comments

No	Commenter	Source	Topic	Comment	Response
7	BIA of the Bay Area	Email dated November 25 2013 (& letter dated 11/26/13)	Special tax for ongoing general governmental service	Has your jurisdiction required new housing projects, including multifamily/attached projects, to pay a fee or special tax for ongoing general governmental services?	No, the City of Oakland does not require new housing projects, including multifamily/attached projects, to pay a fee or special tax for ongoing general governmental service.
8	BIA of the Bay Area	Email dated November 25 2013 (& letter dated 11/26/13)	PDA/Specific/Large Development Planning	Does your jurisdiction have a designated Priority Development Area (PDA)? Is it a "planned" or "potential" PDA? Have the number of residential units and densities shown in the PDA application been incorporated into the General Plan? Has the CEQA process been completed for the PDA so that no additional CEQA review is necessary for a proposed project consistent with the PDA? Have development restrictions and processes been streamlined in the area covered by the PDA?	In February 2010, the Oakland City Council adopted Resolution No. 82526 designating six established transit-oriented development centers in Oakland as PDAs. Oakland designated PDAs at the area surrounding the Eastmont Transit Center (73rd Avenue and MacArthur Blvd), and the areas around the following BART stations: 12th/19th Streets (downtown), MacArthur, West Oakland, Fruitvale, and Airport/Coliseum. These PDAs are located in zones that have adopted new commercial and residential zoning to align with the City's General Plan that is very generous with regard to densities and FARs. There has not been a CEQA process for the adopted PDAs. The City's development restrictions and approval processes are streamlined and are detailed in Chapter 6 of the Public Review Draft 2015-22 Housing Element, May 2014.
9	BIA of the Bay Area	Email dated November 25 2013 (& letter dated 11/26/13)	Appendix C: Detailed Site Inventory	What were the sites relied on for the adequate sites compliance of the existing housing element? What has been the entitlement/development activity for these sites during the prior planning period? Were any of the sites subject to "by right" development procedures?	Addressed in Chapter 4 of the Public Review Draft 2015-22 Housing Element, May 2014. Chapter 4 of the Housing Element Update 2015-22, May 2014 presents an inventory of sites suitable for residential development in Oakland within the planning period of the Housing Element. It demonstrates that the housing potential on land suitable for residential development is more than adequate to accommodate Oakland's housing allocation under ABAG's Regional Housing Need Allocation (RHNA). The City's approach to identifying suitable sites involved two distinct exercises. First, the City looked at sites where there was a specific housing development identified for that site, and therefore it was possible to identify a specific number of housing units and the income level to which those units were targeted. Within this tier, there were three groups – projects already constructed, projects under construction or with planning approvals in place, and projects in predevelopment where a specific number of units has been proposed but had not yet been approved. Second, the City identified additional sites sufficient to accommodate the need for very low, low and moderate income units, in addition to sites for above-moderate income units to meet its RHNA. As a result, there is a second tier ("opportunity sites") consisting of vacant and underutilized sites suitable for multifamily development that could accommodate affordable housing units. Appendix C presents the inventory of sites suitable for residential development in Oakland, as discussed and summarized in Chapter 4, Land Inventory. Background on assumptions and sources also are included.
10	BIA of the Bay Area	Email dated November 25 2013 (& letter dated 11/26/13)	Housing Development - "cap" linked to new job creation	Does your jurisdiction have any type of cap or limitation on the number or type of housing units that may be permitted or constructed jurisdiction wide or in specific areas of the jurisdiction—including a cap or limitation tied to a specified level of new job creation in the jurisdiction?	No, the City of Oakland does not have a cap or limitation on the number or type of housing units that may be permitted or constructed jurisdiction wide or in specific areas of the jurisdiction—including a cap or limitation tied to a specified level of new job creation in the jurisdiction
11	BIA of the Bay Area	Email dated November 25 2013 (& letter dated 11/26/13)	Housing Development - "By-right"	Has your jurisdiction provided for "by right" housing development in any areas?	No, the City of Oakland does not provide for "by right" housing development in any areas within our jurisdiction. Design review is required for all residential development.
12	BIA of the Bay Area	Email dated November 25 2013 (& letter dated 11/26/13)	Housing Development - impediments to infill and/or transit oriented development	Are there zoning or other development restrictions (such as voter approval requirements, density limits or building height restrictions) that have impeded infill and/or transit oriented development?	Discretionary land use control in Oakland is exercised by the Planning Commission and the City Council, and administered by the Planning and Building Department, Bureau of Planning. The City has not identified any specific constraints to the approval of housing resulting from the application of the General Plan policies or current zoning.

City of Oakland Draft 2015-2023 Housing Element
Response to Comments

No	Commenter	Source	Topic	Comment	Response
13	BIA of the Bay Area	Email dated November 25 2013 (& letter dated 11/26/13)	Compliance with Permit Streamlining Act	Has your jurisdiction consistently demonstrated compliance with both the letter and spirit of the Permit Streamlining Act?	Addressed in Chapter 6 of the Public Review Draft 2015-22 Housing Element, May 2014. Since the start of 2007, the Design Review procedures in the Oakland Planning Code have become more effective, streamlined, and consistent throughout the City. There is now one unified residential design review program, in three parts: Regular Design Review, Small Project Design Review, and Design Review Exemption. As part of its streamlining efforts, applications for design review are now processed concurrently with other planning permits. Design review is triggered when an applicant is adding floor area or a secondary unit. Because of the new procedures and the efficiencies which they bring to the application process, the City staff considers the design review procedures as removing constraints to housing production.
14	BIA of the Bay Area	Email dated November 25 2013 (& letter dated 11/26/13)	Historic Preservation - Citywide policy	What are your jurisdiction's historic preservation policies and review procedures and have they had a significant impact on the permit and entitlement processes for new development projects?	The City of Oakland has a program for officially designating select Landmarks and Preservation Districts. The California Environmental Quality Act (CEQA) requires review of impacts on major historic resources. Demolition of a CEQA-level historic resource requires the preparation of an environmental impact review document. The City's requirements are consistent with State law. Many housing development projects use Federal funds and require Section 106/NHPA review to avoid adverse effects on historic resources. The Landmarks Preservation Advisory Board or its staff reviews changes to any designated properties (about 160 individual landmarks and 1500 buildings in districts out of 100,000 properties Citywide). The Board also advises on projects involving other historic properties. Design review for any modifications to these structures is conducted concurrently with the regular project review but may need to take into account the Board's monthly meeting schedule. A project that respects the historic character of the resource, e.g. by following the Secretary of the Interior's Standards for Rehabilitation, will have a faster and smoother review process. Design review fees are waived for Designated Historic Properties. The City also has other programs can assist with preservation though they are not restricted to historic properties. For homes in the Community Development Districts, several City and County grant and loan programs assist with access improvements, lead abatement, and emergency repairs. In addition, the City is authorized to offer financial assistance for seismic strengthening of existing residential buildings
15	BIA of the Bay Area	Email dated November 25 2013 (& letter dated 11/26/13)	Credit for private open space	Has your jurisdiction adopted an ordinance pursuant to the Quimby Act that gives developers credit for private open space?	No, the City of Oakland has not adopted an ordinance pursuant to the Quimby Act that gives developers credit for private open space.
16	BIA of the Bay Area	Email dated November 25 2013 (& letter dated 11/26/13)	Criteria for Parkland Dedication	In implementing the Quimby Act, does your jurisdiction provide for consistency between the calculation of the existing neighborhood and community park inventory, and the criteria and procedures for determining whether to accept land offered for parkland dedication or to give credit for private open space? For example, has your jurisdiction refused to accept an area in whole or in partial satisfaction of the parkland dedication ordinance on the basis that it is unsuitable for park and recreational uses even though the area is substantially similar to areas included in the overall parkland inventory used to calculate the parkland dedication requirement and fee	These comments are beyond the scope of the Oakland Housing Element 2015-23.

City of Oakland Draft 2015-2023 Housing Element
Response to Comments

No	Commenter	Source	Topic	Comment	Response
17	BIA of the Bay Area	Email dated November 25 2013 (& letter dated 11/26/13)	CEQA - Bay Area Air Quality Management District's CEQA Thresholds of Significance for Toxic Air Contaminants	In the project review process, has your jurisdiction required developers to use the Bay Area Air Quality Management District's CEQA Thresholds of Significance for Toxic Air Contaminants (TAC Receptor Thresholds)? Has your jurisdiction explored alternative procedures for addressing project siting and air quality concerns, such as in the general plan or zoning code?	The City of Oakland uses CEQA Thresholds of Significance tailored to Oakland; an excerpt from this document regarding TACs is included below: 4. For new sources of Toxic Air Contaminants (TACs), during either project construction or project operation expose sensitive receptors to substantial levels of TACs under project conditions resulting in (a) an increase in cancer risk level greater than 10 in one million, (b) a non-cancer risk (chronic or acute) hazard index greater than 1.0, or (c) an increase of annual average PM2.5 of greater than 0.3 micrograms per cubic meter; or, under cumulative conditions, resulting in (a) a cancer risk level greater than 100 in a million, (b) a non-cancer risk (chronic or acute) hazard index greater than 10.0, or (c) annual average PM2.5 of greater than 0.8 micrograms per cubic meter [NOTE: Pursuant to the BAAQMD CEQA Guidelines, when siting new TAC sources consider receptors located within 1,000 feet. For this threshold, sensitive receptors include residential uses, schools, parks, daycare centers, nursing homes, and medical centers. The cumulative analysis should consider the combined risk from all TAC sources.]; 5. Expose new sensitive receptors to substantial ambient levels of Toxic Air Contaminants (TACs) resulting in (a) a cancer risk level greater than 100 in a million, (b) a non-cancer risk (chronic or acute) hazard index greater than 10.0, or (c) annual average PM2.5 of greater than 0.8 micrograms per cubic meter [NOTE: Pursuant to the BAAQMD CEQA Guidelines, when siting new sensitive receptors consider TAC sources located within 1,000 feet including, but not limited to, stationary sources, freeways, major roadways (10,000 or greater vehicles per day), truck distribution centers, airports, seaports, ferry terminals, and rail lines. For this threshold, sensitive receptors include residential uses, schools, parks, daycare centers, nursing homes, and medical centers.]
18	BIA of the Bay Area	Email dated November 25 2013 (& letter dated 11/26/13)	ECAP - Climate Adaptation Plan	Has your jurisdiction adopted a Climate Adaptation Plan that is more stringent with respect to the per capita GHG reductions for the land use sector/transportation sector than the equivalent per capita targets established for the region by CARB pursuant to SB 375?	Addressed in Chapter 9 of the Public Review Draft 2015-22 Housing Element, May 2014. In an effort to reduce energy consumption and GHG emissions in Oakland, the Oakland Energy and Climate Action Plan (ECAP) was adopted by the City Council on December 4, 2012. Optimizing the use of energy and minimizing associated energy costs and GHG emissions are important components of Oakland's sustainable city vision. The ECAP establishes GHG reduction actions, as well as a framework for coordinating implementation and monitoring, and reporting on progress. The ECAP outlines a ten-year plan including more than 150 actions that will enable Oakland to achieve a 36% reduction in GHG emissions. The ECAP assists the City of Oakland in continuing its legacy of leadership on energy, climate and sustainability issues. Here is a link to the Plan, which discusses your question: http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak039056.pdf
19	City Planning Commission	19-Feb-14		Commissioners felt that important housing-related issues in Oakland included housing cost, school quality, neighborhood walkability, and access to public transit (including coordinating with AC Transit). A suggestion was made to locate new housing near transit oriented development areas, and to balance land uses by planning for housing while respecting the importance of commercial and industrial land. Additionally, a suggestion was made to offer leniency in the application of the City's parking standards for housing when ample public transportation options exist.	The City's new proposed context for the goals, policies and actions contained in Chapter 7 of the draft 2015-2023 Housing Element includes new housing in the City's Priority Development Areas, or existing neighborhoods near transit that the City Council has designated as appropriate locations for future growth. As summarized in Chapter 6 of the draft 2015-2023 Housing Element, the City currently requires half a parking space in the two Transit-Oriented zones at the Fruitvale and West Oakland BART Stations. Some zones in the downtown and other commercial areas have no parking requirements. While some consider the residential parking and commercial parking standards of the City a constraint to new housing, the City routinely offers parking waivers, permits mechanical and stacked parking where feasible, encourages shared parking in mixed-use buildings and allows for "unbundling" — separating the cost of a new residential unit from the cost of a parking space. Additionally, the City's Standard Conditions of Approval require transportation demand management measures be taken when new projects over 50 units are proposed that include things such as subsidized transit passes.
20	City Planning Commission	19-Feb-14		Commissioners felt it was important to increase the percentage of owner-occupied housing and to concentrate on measures to maintain existing housing.	Policy 2.2 in Chapter 7 of the draft 2015-2023 Housing Element contains the City's policies on affordable ownership opportunities and maintaining the existing housing stock. This policy has been revised given the dissolution of redevelopment, however, it is noted that the City's First Time Homebuyer Program will be operated as funds are available and that a number of initiatives have been proposed to address neighborhood condition including foreclosure prevention and addressing abandoned properties. These programs include the Community Buying Program and Restoring Ownership Opportunities Together program (ROOT).

City of Oakland Draft 2015-2023 Housing Element
Response to Comments

No	Commenter	Source	Topic	Comment	Response
21	City Planning Commission	19-Feb-14		Since there has been a decrease in household size, are we still going to keep as a policy units for Larger Families? Staff should work with Oakland Housing Authority (OHA) on finding out what their market research has found out regarding the need for affordable large-size units (3+ bedrooms). It was also noted that the OHA is shifting assets to non-profit development and property management.	Although there has been an overall decrease in household size, as documented in Chapter 3 of the draft <i>2015-2023 Housing Element</i> , Oakland continues to experience overcrowding rates which are especially severe for large families, regardless of income. This is due to an acute shortage of housing units with four or more bedrooms, especially rental units. Thus, Policy 2.6, which encourages the development of affordable rental and ownership housing units that can accommodate large families, will be retained
22	City Planning Commission	19-Feb-14		There should be a policy around manufactured housing in residential districts.	Policy 1.5 in the draft 2015-2023 Housing Element provides for the inclusion of manufactured housing in appropriate locations, consistent with state mandates to plan for a variety of housing types and income levels.
23	City Planning Commission	19-Feb-14		Improve the current "mini-lots" policy to facilitate homeownership.	Mini-lot development is allowed in all residential zones and commercial zones that permit residential uses. The City's current standards are designed to encourage the comprehensive planning of tracts of land; provide flexibility in the application of certain regulations in a manner consistent with the general purposes of the zoning regulations; and to promote a harmonious variety of uses, the economy of shared services and facilities, compatibility with surrounding areas, and the creation of attractive, healthful, efficient, and stable environments for living, shopping, or working
24	City Planning Commission	19-Feb-14		What is the City's strategy for resiliency (climate change and location, design of affordable housing)?	Chapter 7 of the draft <i>2015-2023 Housing Element</i> contains the City's climate change policy as it relates to housing issues. The chapter specifically addresses smart growth principles and encourages development that reduces carbon emissions. Also, new State law requires the City to address flood management and flood hazards and annually review flood maps. A flood hazard and land management discussion is included in Chapter 9 of the draft <i>2015-2023 Housing Element</i> Housing Element.
25	City Planning Commission	19-Feb-14		The City needs a comprehensive citywide community benefits policy. This comprehensive strategy should be realistic and consider different market realities in different areas of the City, rather than becoming an inflexible, blanket policy that may stifle certain districts, rather than improve them.	The new proposed Policy 1.1.5 Housing Incentive Zoning states that the City will explore the feasibility of developing Housing Incentive Zoning as a way of incentivizing development to include community benefits, while considering the costs of those benefits (to developers) as well as the value of the benefit (to the community); and the economic feasibility of requiring community benefits in exchange for additional height or density, among other important considerations.
26	City Planning Commission	19-Feb-14		Commissioners were curious about the barriers to building market-rate housing in the City. They were specifically interested in whether there were issues with planning/permitting; public safety (police and perceptions of crime); or the Oakland Unified School District. Commissioners felt that input from the developer and investment community was critical to understanding such barriers.	With the publication of the Draft 2015-2023 Housing Element, City staff will solicit feedback from the investment and development community to understand any barriers to housing and this feedback will be incorporated into the Final Draft 2015-2023 Housing Element.
27	City Planning Commission	19-Feb-14		Commissioners also had the following information/text change requests: • Include an update on housing production accomplishments from the last Regional Housing Needs Allocation (RHNA) period. • Ideas for replacing Redevelopment Funding? • Change references from "landscaping" to "planting"	Chapter 2 of the final draft of the 2015-2023 Housing Element will include an evaluation of how the City performed in meeting the actions of the 2007-2014 Housing Element. As a place-holder, the contents of Chapter 2 included in this draft are the 2013 Annual Report to California Housing and Community Development Department on the 2007-2014 Housing Element. Additionally, Chapter 5 of the draft 2015-2023 Housing Element contains ideas for replacing former redevelopment funding. The references from landscaping to planting have been made.
28	Mayor's Commission on Aging	5-Mar-14		The advisory board members were interested in various statistics about seniors and housing including the following: • Do you have statistics on homeless seniors (or an age distribution of the homeless)?	The City relies on Alameda County data for the homeless estimate. The County does not estimate the number of homeless seniors, rather the age breakdown is generally people under 17, 18-24, and over 25 years of age.
29	Mayor's Commission on Aging	5-Mar-14		• Is it possible to revise the age of a "senior" to someone who is 55 (rather than the current 65)?	California Civil Code (section 51.3) defines senior citizen as a person 62 years or older. For state-funded or regulated affordable housing developments, the definition of a senior citizen is 55 years or older (except for projects utilizing federal funds whose programs have differing definitions for senior projects that for many housing funding programs is 62 years or older)
30	Mayor's Commission on Aging	5-Mar-14		• Do you have data on seniors living alone?	Chapter 3 of the Housing Element contains data on seniors living alone. It is noted that "nearly 45 percent of senior-headed households consist of a single elderly person living alone."
31	Mayor's Commission on Aging	5-Mar-14		• Do you have data on seniors with language isolation?	The City does not collect data on seniors with language isolation as part of the Housing Element.

City of Oakland Draft 2015-2023 Housing Element
Response to Comments

No	Commenter	Source	Topic	Comment	Response
32	Mayor's Commission on Aging	5-Mar-14		• What rents are considered "affordable"?	It is generally accepted that spending 30% of household income on rent is considered affordable. Income and rents are discussed in Chapter 3 of the draft 2015-2023 Housing Element.
33	City Council Community and Economic Development (CED) Committee Meeting	25-Mar-14		Need detailed plans and policies for how to address affordable housing in PDAs. This could include Public Benefits Zoning and Housing Impact Fees (including a nexus study).	The new proposed Policy 1.1.5 Housing Incentive Zoning is designed as a way to investigate the feasibility of incentivizing development to extract public benefits. The policy indicates that the City will explore the feasibility of developing Housing Incentive Zoning, while considering the costs of benefits (to developers) as well as the value of the benefit (to the community); and the economic feasibility of requiring community benefits in exchange for additional height or density, among other important considerations. Policy 2.7.2 calls for the City to explore implementing a housing impact fee and notes the importance of funding a nexus study to determine the feasibility of the fee, and an appropriate fee structure. The City will be issuing a Request for Proposals (RFP) during the Housing Element planning period for an impact fee study that will consider transportation, infrastructure, and affordable housing.
34	City Council Community and Economic Development (CED) Committee Meeting	25-Mar-14		Address the risks of displacement within the PDAs (look at policies to address displacement such as updating the Condominium Conversion Ordinance). The City must also coordinate housing development along AC Transit transfer hubs and high traffic routes. When focusing new housing in PDAs we must consider bus transit routes as key access modes (not just BART; that is for more affluent communities).	Action 1.1.6 International Boulevard Community Revitalization Without Displacement Initiative documents staff's work with community members and large foundations to pilot a revitalization and anti-displacement planning initiative to improve transportation connections, housing economic development, and health and public safety along the corridor. Additionally, Policy 5.6 presents the City's limitations on conversion of rental housing to condominiums. The extent of the condominium conversion impact area may be extended in some of the areas currently undergoing Specific Planning processes as a method to avoid displacement.
35	City Council Community and Economic Development (CED) Committee Meeting	25-Mar-14		In Appendix C, the Site Inventory, identify affordable housing sites located within Priority Development Areas (PDAs) and work with non-profit developers to do preliminary Tax Credit Allocation Committee (TCAC)/Low Income Housing Tax Credit (LIHTC) scoring to see if any of these sites are appropriate for affordable housing development and would be competitive for funding.	The "opportunity sites" in Appendix C have been mapped according to PDA. City staff has emailed active Community Housing Development Organizations in the City to partner with them to evaluate this list of opportunity sites in light of TCAC/LIHTC funding potential.
36	City Council Community and Economic Development (CED) Committee Meeting	25-Mar-14		How well did we do with production in the past?	Chapter 2 of the final draft of the 2015-2023 Housing Element will include an evaluation of how the City performed in meeting the actions of the 2007-2014 Housing Element.
37	City Council Community and Economic Development (CED) Committee Meeting	25-Mar-14		Consider the ABAG/Plan Bay Area Grant criteria when developing new housing policies and locations for housing	ABAG's four-year \$320 million One Bay Area Grant (OBAG) Program requires a City to have a Complete Streets Policy (which Oakland adopted in February of 2013 in Resolution 84204) and also requires a jurisdiction to have a housing element adopted and certified by the State Department of Housing and Community Development (completion of the 2015-2023 Housing Element is in progress; final adoption is scheduled for January 2015 and will be on-time). OBAG funding is targeted toward achieving local land-use and housing policies by supporting the Sustainable Communities Strategy by promoting transportation investment in PDAs. OBAG is currently funding a variety of projects in the City's PDAs including local streets and road preservation, bicycle and pedestrian improvements and safe routes to school. Since the majority of opportunity sites are in PDAs, the City is well positioned to leverage housing investment with areas primed to receive transportation and infrastructure OBAG funding (upon the submittal of successful grant proposals).
38	City Council Community and Economic Development (CED) Committee Meeting	25-Mar-14		Suggestion to circulate the 2015-2023 Housing Element announcement through City Council members' email lists and newsletters.	Staff sent out an announcement to all City Council members with a newsletter write up for distribution in e-newsletters

City of Oakland Draft 2015-2023 Housing Element
Response to Comments

No	Commenter	Source	Topic	Comment	Response
39	Mayor's Commission on Persons with Disabilities	14-Apr-14		Homeownership policies should be encouraged and the existing housing stock should be preserved. New housing should be located near grocery stores and transit. Similarly, housing for people with developmental disabilities should be located near easily accessible public transit routes. Public safety response to emergency calls should be equal across all neighborhoods.	Policies 2.2 and 4.1 cover homeownership and preservation of the existing housing stock, respectively. Housing opportunity sites are located near PDAs. These areas are well served by public transportation and a mix of commercial, civic and residential uses.
40	Engage Oakland	Comments received through May 7, 2014		Newly developed affordable housing must be built with a holistic lens, considering how this housing integrates with public transit, fresh food availability, and proximity to community based resources. Additionally, developers should solicit feedback from community based organizations serving the areas to be developed to better understand the needs of the community. In regard to individuals with disabilities, it is critical to ensure that affordable housing is developed in coordination with community service providers and in proximity to public transportation.	The housing opportunity sites identified in the 2015-2023 Housing Element are mostly in PDAs. These areas are well served by public transportation and have a mix of commercial, civic and residential uses.
41	Engage Oakland	Comments received through May 7, 2014		In Copenhagen, renters in apartment buildings have first refusal on buying the building and turning it into a Housing Cooperative (not to be confused with co-housing), which ensures that a constant stream of affordable housing enters the market, while raising the quality of living for the inhabitants. This program should be adopted in Oakland	Policy 5.6 in the draft 2015-2023 Housing Element discusses condominium conversions. Such an idea would need to be discussed within the larger condominium conversion context.
42	Engage Oakland	Comments received through May 7, 2014		We need to create more affordable housing--without destroying the look and feel of existing neighborhoods, and without adding high-rise luxury condos. This can be accomplished by promoting secondary/in-law units through improved permitting, eliminate limits on the number of "units" per parcel (instead, create standards for minimum unit size, parking availability, and building height), and standardizing height to five stories (similar to Paris) for an ideal balance of livable, walkable and economically vibrant neighborhoods.	Policy 1.4 covers the City's policy on secondary units. The City uses both density (i.e., units per parcel) and development standards (setbacks, height) to regulate development. The City has varying height limitations throughout the City based on surrounding context and State mandates to plan for a growing population.
43	Engage Oakland	Comments received through May 7, 2014		<ul style="list-style-type: none"> • Set schedules (5 to 7 days) for appropriate response time of landlords to tenant inquiry or request. • All residential properties should be furnished with access to appropriate green waste disposal with garbage pick-up and there should be more reasonable dumping/bulky pick up policies. • Require buildings housing 10 or more living units to have on-site maintenance (and provide on-site property managers with compensation i.e., reduced/free rent). • Ensure all tenants of public housing have access and are trained to use internet at home for \$10/month or less. • There should be fewer hurdles to evicting problem tenants. 	These comments are beyond the scope of the Housing Element 2015-23.
44	NCLT/OCLT (Northern CA Land Trust/Oakland Community Land Trust)	Comments dated 4/28/14	Policy 2.4; Policy Action 2.4.1 Community Land Trust Program	Increase the profile of community land trusts (CLTs) as affordable housing providers and long-term stewards, and desirable community investments.	Policy 2.4.1 covers the City's policy on CLTs. The City commits to continuing support, to the extent feasible, of the existing CLTs in the City. The City will also support the expansion of CLTs in the City if land values make it financially feasible for the CLT and worthwhile for the homeowners. City staff will, to the extent feasible, attend any regional events related to CLTs.

City of Oakland Draft 2015-2023 Housing Element
Response to Comments

No	Commenter	Source	Topic	Comment	Response
45	NCLT/OCLT (Northern CA Land Trust/Oakland Community Land Trust)	Comments dated 4/28/14	Policy 2.2 Affordable Homeownership Opportunities - Community Land Trusts	<p>Adapt first-time homebuyer programs to account for community land trust (CLT) homebuyer's particular needs, so as to avoid putting the homebuyer at a disadvantage due to the resale restrictions incorporated into the land lease intended to maintain the unit's affordability.</p> <p>1) Meet with representatives of local CLTs to discuss how City programs affect CLT homebuyers, and propose solutions that would ensure CLT homes remain affordable under the various programs and avoid developing negative equity.</p> <p>2) When developing new homeownership programs invite CLT staff to comment on the potential impact of CLT homeownership.</p>	<p>The City's First-Time Homebuyer program is designed to assisted low and moderate income homebuyers by bridging the gap between market rate housing prices and what is affordable to the homebuyer. Resale price restricted properties such as the CLTs should be priced to be affordable to its target market in order to ensure sustainability. The layering of recapture mechanism used by the first-time homebuyer program and a price restriction makes it challenging for both the buyer and the City to recover their costs. This has been demonstrated by a sampling of transactions in the first-time homebuyer portfolio. City Staff is currently working on a proposal to resolve this issue for loans in the portfolio so that the buyer can recover its costs. Given the first time homebuyer program's limited resources, it would be difficult to justify focusing its resources on a subset of eligible low and moderate income first-time homebuyer. Additionally, some of the program's funding sources have specific recapture requirements that can not be modified.</p> <p>In the future, City Staff recommend NCLT/OCLT proceed with developing projects using developer-side subsidies by applying for the annual competitive NOFA for affordable housing development funds in order to make a development feasible without buyer-side subsidies. City Staff welcome pre-NOFA project consultation with interested developers.</p>
46	NCLT/OCLT (Northern CA Land Trust/Oakland Community Land Trust)	Comments dated 4/28/14	Policy 2.2 Affordable Homeownership Opportunities - Community Land Trusts	<p>Increase the portfolios of community land trusts (CLTs) in Oakland in order to provide more permanent affordable housing for City residents, as well as improve the economies of scale for Oakland based CLTs.</p> <p>1) Convert existing mortgage assistance program (MAP) down payment assistance loans recorded against CLT units to shared appreciation mortgage (SAM) loans, made explicitly assumable by qualified purchasers, in order to prevent negative equity for homeowners of limited appreciation CLT units.</p> <p>2) Develop a new program in conjunction with CLT staff to allow the conversion of the City's down payment assistance loans, including MAP and SAM, into permanently affordable homes in the CLT model, providing an option to purchase to CLTs and leveraging loan forgiveness to preserve affordable homeownership opportunities for Oakland residents.</p> <p>3) Identify Oakland-based CLTs as approved recipients of land donation under the updated Density Bonus Ordinance.</p> <p>4) Provide an opportunity to identified CLTs to purchase and steward affordable housing developments with expiring affordability covenants in order to expand Oakland's existing stock of permanently affordable housing.</p> <p>5) Provide for CLT specific programs when considering the adoption of an Inclusionary Zoning Ordinance.</p> <p>6) Subsidize CLT projects by donating land and buildings from the municipality's own inventory to a CLT or by selling the properties to the CLT at a discounted rate.</p>	<p>1) See agenda report for June 6, 2014 City Council Community Economic Development (CED) committee meeting--item on proposed modification to MAP program loans. Staff proposes converting existing MAP loans recorded against selected ownership projects with affordability restrictions and that are currently facing negative equity.</p> <p>2) As noted above, it is more appropriate for the CLTs to apply for funds under the City's NOFA. This will enable the project to design a project specific mechanism for maintaining affordability.</p> <p>3) Historically, very few developers have used the Density Bonus Program in Oakland due to existing permissive densities. In any future housing developments where the developer uses the City of Oakland's density bonus program, City staff will consider, through a competitive process, outside organizations as the recipient of the land donation in exchange for ongoing monitoring of the density bonus units.</p> <p>4) In the Housing Element 2015-23, Chapter 3 Needs Assessment, Section J Analysis of Assisted, At-risk Housing Projects, there is a table of all regulated units in the City of Oakland whose affordability agreements will expire in the next 10 years (Federal, State and local regulatory agreements). There are very few units whose affordability will expire in this period of time and none are homeownership projects. Please refer to Table 3-54 for more detail. Please also refer to another incomplete listing of regulated ownership units as requires by State code per AB 987 for Redevelopment-funded units and their regulatory agreement expiration dates. (http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/dowd008179.pdf)</p> <p>5) At the moment, the City of Oakland does not have an Inclusionary Zoning Ordinance.</p> <p>6) City Staff do not have the authority to gift public funds which includes land donations. City Staff will consider proposals, in the context of a competitive bid process, for the disposition of sites currently in their site acquisition program--see Appendix C, Table C-4.</p>
47	Oakland Resident	email dated 2/27/14		<p>Changing lifestyle preferences is raising the demand for housing in the North Gate/Koreatown area, for example. I encourage dense housing and cite the popularity of the Ellington and the Broadway Grand, for example.</p> <p>I encourage developments with units of a range of sizes, which would encourage economic diversity, aside from any affordability requirement.</p> <p>I support meeting affordability requirements in or near new market rate developments rather than being pushed out to neighborhoods already facing economic challenges.</p> <p>New dense housing should be planned to allow nearby rich commercial and cultural experiences, so that the new residents can find the quality urban life they sought in Oakland</p>	<p>As outlined in Chapter 6, the City has generous density standards in many zoning districts, particularly near downtown, and major transportation corridors.</p> <p>Chapter 3 demonstrates the need for and advocates for larger units, which will continue to be pursued by the City.</p> <p>The City's policy of directing financial resources to Priority Development Areas will foster the development of mixed-income communities, as the development of mixed income communities is supported by <i>Plan Bay Area</i>, a significant grant source.</p>

City of Oakland Draft 2015-2023 Housing Element
Response to Comments

No	Commenter	Source	Topic	Comment	Response
48	Oakland Resident	email dated 2/27/14		I have reservations about affordable housing ownership. It is not responsive to the dynamic nature of the housing market. A young family may find affordable purchase attractive. But then as the family size or the family budget changes, they are constricted from moving by price controls, whereas if they were renters or market rate buyers, they would be more free to move if they wanted to.	The City supports a variety of housing types and tenures, as required by State law.
49	Oakland Resident	email dated 2/27/14		I encourage strict enforcement of zoning so that so that neighborhoods are not degraded by surreptitious units built to respond to an otherwise unanswered housing pressure.	The City adopted new residential and commercial zoning regulations in 2011 and will continue to implement these regulations into the future.
50	Oakland Resident	email dated 2/27/14		When considering the policy of rental assistance I ask that the City consider what percentage of Oakland residents either receive some form of direct rental assistance or live in "affordable (subsidized) housing" of some sort or another. There should be a balance between helping working class people and people on fixed income on the one hand, and attracting an ever growing pool of low income residents through more and more subsidies. There should come a point where the city says, "We've done our share and more. Let other cities do their share."	The City determines its rental subsidies based on need (of City residents) and subsidy availability.
51	East Bay Housing Organizations (EBHO)	Comment letter received at 6/11/14 focus group	Anti-displacement	need an explicit anti-displacement goal to clarify that this is a major public policy need	City staff have added the following Policy 4.4: Anti-displacement of City of Oakland Residents. The following is the stated policy goal: The City will consider strengthening existing policies and introducing new policies or policy terms to current City policies to help prevent displacement of current Oakland residents and to preserve existing housing affordable to low income residents, including both publicly-assisted and non-assisted housing that currently has affordable rents.
52	East Bay Housing Organizations (EBHO)	Letter dated 6/16/14	Anti-displacement	Include programs and policies to monitor potential and actual displacement of lower income renters.	City staff have added the following Policy 4.4: Anti-displacement of City of Oakland Residents. The following is the stated policy goal: The City will consider strengthening existing policies and introducing new policies or policy terms to current City policies to help prevent displacement of current Oakland residents and to preserve existing housing affordable to low income residents, including both publicly-assisted and non-assisted housing that currently has affordable rents.
53	Alameda County Public Health Department	Email dated 6/16/2014	Anti-displacement	Establish strong anti-harassment policies to prevent landlords to coercing tenants to leave their homes due to negligence, intimidation and buy-out option. Cities can prohibit tenant harassment by clearly defining harassment to include the following: failure to provide housing services in line with housing, health, and safety laws; attempts to coerce tenants to vacate units with intimidation and offers of payment; and interference of tenant's right to quiet use and enjoyment of rental housing.	City staff have added the following Policy 4.4: Anti-displacement of City of Oakland Residents. The following is the stated policy goal: The City will consider strengthening existing policies and introducing new policies or policy terms to current City policies to help prevent displacement of current Oakland residents and to preserve existing housing affordable to low income residents, including both publicly-assisted and non-assisted housing that currently has affordable rents.
54	Enterprise Community Partners	Email dated 6/24/14	Anti-displacement	We recommend that the City do more to track potential and actual displacement.	City staff have added the following Policy 4.4: Anti-displacement of City of Oakland Residents. The following is the stated policy goal: The City will consider strengthening existing policies and introducing new policies or policy terms to current City policies to help prevent displacement of current Oakland residents and to preserve existing housing affordable to low income residents, including both publicly-assisted and non-assisted housing that currently has affordable rents.
55	Oakland Heritage Alliance (OHA)	Letter dated 6/10/14 commenting on the Broadway Valdez Specific Plan--requested that Housing Element Staff accept as public comment on the Housing Element	Anti-displacement	<p>Anti-displacement strategies must occur now, simultaneously with approval, or at least be attached to a timetable.</p> <p>Language existing in BVSP: Develop programs to support residents who are displaced as a result of development in the Plan Area (replace with "City"?).</p> <p>Suggested added language: Identify which City department or group would develop the program. Program proposal must return to the Planning Commission and City Council by December 1, 2014 for implementation by June 2015.</p> <p>Specifically referred to 94 units housing approximately 300 people--there are currently no enforceable protections for these units and no relocation plan.</p>	City staff have added the following Policy 4.4: Anti-displacement of City of Oakland Residents. The following is the stated policy goal: The City will consider strengthening existing policies and introducing new policies or policy terms to current City policies to help prevent displacement of current Oakland residents and to preserve existing housing affordable to low income residents, including both publicly-assisted and non-assisted housing that currently has affordable rents.

City of Oakland Draft 2015-2023 Housing Element
Response to Comments

No	Commenter	Source	Topic	Comment	Response
56	Larry Mayers	Emails dated 6/12/14 and 6/17/14	Appendix C: Detailed Site Inventory (Opportunity Sites-Unit Yield Estimates)	<p>As you may remember, I volunteered to look at a few sites with an architect's perspective relative to what's allowed for a particular site by code. I recently looked at the site at 2330 Webster for Joel Devalcourt of the Better Broadway Coalition. While that 45,000+ sf site could theoretically yield as many as 180 units just by height and density restrictions, other requirements, such as parking an usable open space, bring that number down to about 110 for family housing or 130 for senior housing. This is not factoring in possible increases due to density bonuses. Open space seems to be the most restrictive limiter.</p> <p>I looked for this site in the Housing Element Draft, but found only a site indicated as PPDA-127 (page 322). The address is not given, but the zoning and height are the same. However, it is about ¼ of the full site in area.</p> <p>I am not sure if that is another site, or just part of the 2330 site, but in any case, I am hard-pressed to figure out how that site would yield 52 units as indicated.</p> <p>And in response to his email on the City's methodology: There are some unknowns (possibility of parking reductions, adding balconies) which could boost the unit total back to 180—and even more depending on if it is a senior project. The efficacy of going above the high-rise limit would have to be checked, but note that would put even more strain on the other two limiters.</p> <p>A conservative approach would be to assume no high-rise, no balconies, but allow some reduction in parking since the project is pretty well located. That means 110 family units/130 senior units.</p> <p>So you can see other limiters reduce the buildable number of units. This is a much more realistic look.</p>	The estimate of build out potential for the opportunity sites was intended to be conservative; staff could not do an individual analysis (considering site specific circumstances) for each site.
57	BIA of the Bay Area	email dated 6/10/14	Community Benefits	The Housing Element should be clear that the City will not attempt to extract "community benefits" or other exactions based on a City calculation of developer profitability/feasibility. Fees and exactions should only be considered and assessed in order to mitigate the the need for public facilities specifically caused by the new development	City staff have made changes to Policy 2.7: Expand local resources for affordable housing. The following is the stated policy goal: Increase local resources to support affordable housing development and develop new sources of funding. Per Policy Action 2.7.2, the City will consider various types of community benefits via mandatory and/or voluntary options for developer contributions to affordable housing development by conducting a Nexus Study and Economic Feasibility Study for affordable housing development. Based on this study a comprehensive strategy will be devised based on current development economics.
58	Enterprise Community Partners	Email dated 6/24/14	Community Benefits	It will be important to be clear and consistent with private developers what the fee or the community benefit will be if these tools (inclusionary zoning and housing impact fees) are pursued. We encourage the City to make it a policy to communicate with developers consistently and to prioritize key transit corridors and/or PDAs for fees and/or community benefit districts.	City staff have made changes to Policy 2.7: Expand local resources for affordable housing. The following is the stated policy goal: Increase local resources to support affordable housing development and develop new sources of funding. Per Policy Action 2.7.2, the City will consider various types of community benefits via mandatory and/or voluntary options for developer contributions to affordable housing development by conducting a Nexus Study and Economic Feasibility Study for affordable housing development. Based on this study a comprehensive strategy will be devised based on current development economics.
59	Housing Element Focus Group with Affordable Housing Advocates	Oral comments during the focus group held on 6/11/14	Community Benefits	The City should adopt a Citywide Community Benefits Policy.	City staff have made changes to Policy 2.7: Expand local resources for affordable housing. The following is the stated policy goal: Increase local resources to support affordable housing development and develop new sources of funding. Per Policy Action 2.7.2, the City will consider various types of community benefits via mandatory and/or voluntary options for developer contributions to affordable housing development by conducting a Nexus Study and Economic Feasibility Study for affordable housing development. Based on this study a comprehensive strategy will be devised based on current development economics.
60	Housing Element Focus Group with Affordable Housing Advocates	Oral comments during the focus group held on 6/11/14	Community Benefits	We need a Citywide policy that will require developers to contribute to provision and/or preservation of affordable housing. Glad that Housing Incentive Zoning is included but some elements need to be mandatory. (Not against higher density bonus but they are not sufficient.)	City staff have made changes to Policy 2.7: Expand local resources for affordable housing. The following is the stated policy goal: Increase local resources to support affordable housing development and develop new sources of funding. Per Policy Action 2.7.2, the City will consider various types of community benefits via mandatory and/or voluntary options for developer contributions to affordable housing development by conducting a Nexus Study and Economic Feasibility Study for affordable housing development. Based on this study a comprehensive strategy will be devised based on current development economics.

City of Oakland Draft 2015-2023 Housing Element
Response to Comments

No	Commenter	Source	Topic	Comment	Response
61	Housing Element Focus Group with Affordable Housing Advocates	Oral comments during the focus group held on 6/11/14	Community Benefits	Add Inclusionary Zoning Policy for ownership housing.	City staff have made changes to Policy 2.7: Expand local resources for affordable housing. The following is the stated policy goal: Increase local resources to support affordable housing development and develop new sources of funding. Per Policy Action 2.7.2, the City will consider various types of community benefits via mandatory and/or voluntary options for developer contributions to affordable housing development by conducting a Nexus Study and Economic Feasibility Study for affordable housing development. Based on this study a comprehensive strategy will be devised based on current development economics.
62	East Bay Housing Organizations (EBHO)	Letter dated 6/16/14	Community Benefits	The City should add as a separate action Inclusionary Zoning: The City will consider adoption of an inclusionary zoning ordinance that requires new ownership developments to include a specified percentage of units with sales prices and resale restrictions that make such units permanently affordable to low income households. The City will also consider alternative compliance options, such as deposit of an in-lieu fee to the City's Affordable Housing Trust Fund, and dedication of land for development of affordable housing.	City staff have made changes to Policy 2.7: Expand local resources for affordable housing. The following is the stated policy goal: Increase local resources to support affordable housing development and develop new sources of funding. Per Policy Action 2.7.2, the City will consider various types of community benefits via mandatory and/or voluntary options for developer contributions to affordable housing development by conducting a Nexus Study and Economic Feasibility Study for affordable housing development. Based on this study a comprehensive strategy will be devised based on current development economics.
63	James Vann	Email dated 6/13/14 in response to Focus Group Mtg 6/11/14	Community Benefits	(Recommendation): The City should consider aligning with legislative or legal actions that have the objective of reinstating inclusionary zoning / inclusionary housing polices to mandate that portions of multifamily rental developments be affordable.	City staff have made changes to Policy 2.7: Expand local resources for affordable housing. The following is the stated policy goal: Increase local resources to support affordable housing development and develop new sources of funding. Per Policy Action 2.7.2, the City will consider various types of community benefits via mandatory and/or voluntary options for developer contributions to affordable housing development by conducting a Nexus Study and Economic Feasibility Study for affordable housing development. Based on this study a comprehensive strategy will be devised based on current development economics.
64	BIA of the Bay Area	email dated 6/10/14	Height Restrictions	The Housing Element should commit to revising building height restrictions citywide so that they are no longer a constraint to housing development. Developers have specifically identified building height limitations as a significant constraint and BIA suggests that the Housing Element commit to address this issue. Considering both construction cost and building code issues, BIA recommends the following height limitation categories: <ul style="list-style-type: none"> o 35'-40' for 3 stories o 65' for 5 over 1 story podium o 85' for 5 over 2 story podium o 120' o Above 120' o For every 1' of retail clear height above 12/, the building height should increase a commensurate 1' (e.g., if a developer proposes a 15' clear, then the building height can increase by 3') 	Planning staff will look into whether height limits in the recently revised zoning constitute a constraint to development
65	Oakland Heritage Alliance (OHA)	Letter dated 6/10/14 commenting on the Broadway Valdez Specific Plan--requested that Housing Element Staff accept as public comment on the Housing Element	Historic Preservation - Residential Displacement/Commercial Design	Firmer provisions concerning adaptive reuse of historic buildings; A section of the BVSP Area is a contiguous area of the potentially designated historic properties sites, that provides family housing and context and scale to the area's architectural fabric...it should not be wiped out for some speculative future commercial development, on a street which historically has not been commercial, where nearby vacant land should be so developed first; A section of BVSP Area has ominous and unattractive concepts and assumes demolition of B-rated cultural resources that could provide an attraction to the area more so than a large floorplate retail anchor.	See Broadway Valdez District Specific Plan adopted by City Council June 17, 2014; Resolution number 85065 C.M.S.

City of Oakland Draft 2015-2023 Housing Element
Response to Comments

No	Commenter	Source	Topic	Comment	Response
66	Oakland Resident	Email dated 6/15/14	Housing Development - Affordable Housing Production	must have diverse housing for all income levels; need rental stock for all income levels	<p>City staff have made changes to Policy 2.7: Expand local resources for affordable housing. The following is the stated policy goal: Increase local resources to support affordable housing development and develop new sources of funding. Per Policy Action 2.7.2, the City will consider various types of community benefits via mandatory and/or voluntary options for developer contributions to affordable housing development by conducting a Nexus Study and Economic Feasibility Study for affordable housing development. Based on this study a comprehensive strategy will be devised based on current development economics.</p> <p>Additionally, City staff have added the following Policy 4.4: Anti-displacement of City of Oakland Residents. The following is the stated policy goal: The City will consider strengthening existing policies and introducing new policies or policy terms to current City policies to help prevent displacement of current Oakland residents and to preserve existing housing affordable to low income residents, including both publicly-assisted and non-assisted housing that currently has affordable rents.</p>
67	James Vann	Email dated 6/13/14 in response to Focus Group Mtg 6/11/14	Housing Development - Affordable Housing Production	Whereas the HUD standard for housing is 30% of income, the median income of households in PDA areas is \$33,621; and, whereas 82% of Oakland households pay more than 30% of income for housing; and, whereas almost 60% of renter households pay 50% or more for housing [verify by Census or latest American Community Survey], the City therefore establishes the provision, production, and supply of rental housing, affordable at all income levels, but primarily for very low, and low income households as the highest priority for actions anticipated for this Housing Element.	<p>City staff have made changes to Policy 2.7: Expand local resources for affordable housing. The following is the stated policy goal: Increase local resources to support affordable housing development and develop new sources of funding. Per Policy Action 2.7.2, the City will consider various types of community benefits via mandatory and/or voluntary options for developer contributions to affordable housing development by conducting a Nexus Study and Economic Feasibility Study for affordable housing development. Based on this study a comprehensive strategy will be devised based on current development economics.</p> <p>Additionally, City staff have added the following Policy 4.4: Anti-displacement of City of Oakland Residents. The following is the stated policy goal: The City will consider strengthening existing policies and introducing new policies or policy terms to current City policies to help prevent displacement of current Oakland residents and to preserve existing housing affordable to low income residents, including both publicly-assisted and non-assisted housing that currently has affordable rents.</p>
68	Alameda County Public Health Department	Email dated 6/16/2014	Housing Development - Affordable Housing Production	<p>1. Consider prioritizing the use of remaining funds for affordable housing development towards groups with most extreme housing needs, i.e. individuals with extremely low income, individuals living on fixed income (seniors and disabled), and the households that are currently homeless. This recommendation is based on significant reductions in available City Of Oakland housing funding development.</p> <p>2. Unsold community land trust homes within the City could and should be made available to rental housing for extremely low income households. Alameda County partnered with Hello Housing and the Housing Consortium of East Bay on a model to convert foreclosed properties into rental properties for this population. (report included in the email).</p>	<p>1. See Policy 2.1 Affordable Housing Development Programs with the stated policy goal to "provide financing for the development of affordable housing for low- and moderate-income households. The City's financing programs will promote a mix of housing types, including homeownership, multifamily rental housing, and housing for seniors and persons with special needs." Additionally, see Policy 2.9 Path Plan for the Homeless; with the stated policy goal to "expand the City's Permanent Access to Housing (PATH) Plan to prevent and end homelessness and increase housing opportunities to the homeless through acquisition, rehabilitation and construction of housing, master leasing and short-term financial assistance."</p> <p>2. City staff have requested that OCLT consider this option.</p>
69	East Bay Housing Organizations (EBHO)	Letter dated 6/16/14	Housing Element - Annual Progress Reporting	The City should include in the Housing Element a program that commits the City, by April 1 of each year, to prepare and submit to CA HCD an Annual Progress Report on the Housing Element in the format prescribed by HCD. The City should also conduct annual review public hearings before the Planning Commission and the City Council that will include consideration of the Housing Element Progress Report as defined in Government Code Section 65400(a)(2)(B)	The City has added Policy 6.5, Action 6.5.1: Submit, on an annual basis by April 1, a report to the California Department of Housing and Community Development on progress made by the City of Oakland on policies adopted in the 2015-2023 Housing Element (as required by state law).
70	East Bay Housing Organizations (EBHO)	Comment letter received at 6/11/14 focus group	Housing Element - Implementation Schedule	need a timeline for all policies and actions	See Table 7-1, Implementation Program; Column titled "Approximate Timeline."
71	Housing Element Focus Group with Affordable Housing Advocates	Oral comments during the focus group held on 6/11/14	Housing Element - Implementation Schedule	All policies and actions should be prioritized into short/medium and long term (particularly the new initiatives).	See Table 7-1, Implementation Program; Column titled "Approximate Timeline."

City of Oakland Draft 2015-2023 Housing Element
Response to Comments

No	Commenter	Source	Topic	Comment	Response
72	Alameda County Public Health Department	Email dated 6/16/2014	Housing Element - suggested edits to needs assessment	<p>4. Review and update the table listing shelters and transitional housing should be reviewed and updated. The list of shelters and transitional housing in the report contains a list of programs residing outside of the City of Oakland.</p> <p>5. Correct incorrect references to Medicare. On page 134, the Draft erroneously refer to Medicare, which should be Medicaid funding for transitional housing.</p>	<p>4. City staff from the Human Service Department recommended including shelters beyond the City of Oakland boundaries since what commonly happens is that the homeless from Oakland are placed in shelters in surrounding cities. Staff feels that because this is explained in the text, it is okay to leave as is.</p> <p>5. Correction made to Housing Element 2015-23 Draft to CA HCD</p>
73	Alameda County Public Health Department	Email dated 6/16/2014	Housing Element - suggested edits to needs assessment	<p>1. Use up-to-date data on persons with disabilities. The reports section on persons with disabilities uses 2000 census data. More recent data for this population should be available.</p> <p>2. Revise the following statement related to persons with disabilities on p. 122: "The proportion of the population in Oakland with disabilities is much greater than countywide due to the availability of social services, alternative housing, income support, and relatively lower housing costs than in other central Bay Area locations. These factors create a high demand for housing and services to meet the needs of persons with disabilities." This statement implies a migration of disabled people in Oakland due to availability of resources and alternative housing rather than the establishment of social services, alternative housing, income support and relatively lower housing costs to meet the needs of persons with disabilities. A revision of the statement should be : "The proportion of the population in Oakland with disabilities is much greater than countywide. These factors create a high demand for affordable and alternative housing and support services to meet the needs of persons with disabilities."</p>	<p>1. See Footnote on the first page of Chapter 3 for the City's opinion of the American Community Survey Data. Staff reviewed ACS 5-year for 2008-2012 for the City's Disabled population estimates (ACS ID# S1810 and S1811) and found that the data estimates are much reduced, down to approximately 38% of the 2000 Census figures, prompting skepticism in using that data given it represents such a dramatic decrease in Oakland's disabled population.</p> <p>2. Correction made to Housing Element 2015-23 Draft to CA HCD.</p>
74	Housing Element Focus Group with Affordable Housing Advocates	Oral comments during the focus group held on 6/11/14	Industrial Lands Conversion Policy	Revisit the industrial lands conversion policy	This comment is beyond the scope of the Housing Element.
75	East Bay Housing Organizations (EBHO)	Letter dated 6/16/14	Land banking	We urge the City to include the following language in Policy 1.3: The City will consider policies within these areas that (a) promote land banking for affordable housing development, (b) assist affordable housing developers to acquire sites, and (c) encourage and provide incentives to developers to make land available within these areas for development of affordable housing.	City of Oakland staff will be releasing an RFP for a Nexus Study and Economic Feasibility Analysis for various impact fees (see Policy Action 3.3.2) during the Summer of 2014. Although "land banking (among other community benefit suggestions) are not specifically cited in the RFP as an area of study, City staff think that there will be other opportunities to incorporate specific language into the final contract for this study.
76	East Bay Housing Organizations (EBHO)	Letter dated 6/16/14	Land banking	Recommends the following language: The City will also consider programs for acquisition and land banking of opportunity sites in these areas to ensure that development of affordable housing takes place within the Plan Area and doesn't simply generate fee revenue that builds affordable housing elsewhere.	City of Oakland staff will be releasing an RFP for a Nexus Study and Economic Feasibility Analysis for various impact fees (see Policy Action 3.3.2) during the Summer of 2014. Although "land banking (among other community benefit suggestions) are not specifically cited in the RFP as an area of study, City staff think that there will be other opportunities to incorporate specific language into the final contract for this study.
77	Housing Element Focus Group with Affordable Housing Advocates	Oral comments during the focus group held on 6/11/14	Land banking	The City should adopt a Citywide Land Banking Policy.	City of Oakland staff will be releasing an RFP for a Nexus Study and Economic Feasibility Analysis for various impact fees (see Policy Action 3.3.2) during the Summer of 2014. Although "land banking (among other community benefit suggestions) are not specifically cited in the RFP as an area of study, City staff think that there will be other opportunities to incorporate specific language into the final contract for this study.
78	East Bay Housing Organizations (EBHO)	Letter dated 6/16/14	Land-value Recapture	To the extent that the City's strategy includes the use of voluntary incentives and bonuses, the Housing Element should only allow greater height and density (or other incentives and bonuses) if such changes are accompanied by provision of affordable housing.	City of Oakland staff will be releasing an RFP for a Nexus Study and Economic Feasibility Analysis for various impact fees (see Policy Action 3.3.2) during the Summer of 2014. Although "land banking (among other community benefit suggestions) are not specifically cited in the RFP as an area of study, City staff think that there will be other opportunities to incorporate specific language into the final contract for this study.
79	BIA of the Bay Area	email dated 6/10/14	Parking Ratio Requirement Reductions	The Housing Element should include an implementation measure that commits to reducing parking ratios wherever a TDM plan is required and for transit corridors and where care sharing programs exist	Staff plans to undertake a comprehensive citywide parking study as captured in Policy 3.2.3

City of Oakland Draft 2015-2023 Housing Element
Response to Comments

No	Commenter	Source	Topic	Comment	Response
80	BIA of the Bay Area	email dated 6/10/14	PDA/Specific/Large Development Planning	for those areas in the City that are Priority Development Areas (PDAs) in Plan Bay Area, BIA suggests that the Housing Element contain an implementation measure that commits to developing a program for development "by right" under appropriate circumstances. The appropriate circumstances could be fleshed out as part of developing the Housing Incentive Zoning program.	The City of Oakland does not provide for "by right" housing development in any areas within our jurisdiction. Design review is required for all residential development.
81	EBALDC	Email dated 6/12/14	PDA/Specific/Large Development Planning	reconcile the discrepancies between the PDA map on city's website and in Housing Element	There is a website under the City Administrator's Office, Division of Economic & Workforce Development that has a page titled "Priority Development Areas." This webpage pre-dates the Region's and City's current Priority Development Area planning (even though there is a bit of overlap—it was unintended and reflects that the City's PDA planning supported some already ongoing efforts). City staff have requested that this website be renamed. City staff are also considering creating a new website to address the City's current Priority Development Area planning efforts.
82	East Bay Housing Organizations (EBHO)	Letter dated 6/16/14	PDA/Specific/Large Development Planning	The Housing Element should include specific programs that will be undertaken to ensure inclusion of affordable units in the PDAs and other major development projects. This must be beyond a simple recitation of existing housing policies (most of which are inadequately funded, especially in the wake of the dissolution of redevelopment) and will make clear how and when affordable housing will be developed within these areas. See recommendations for Policy Actions 2.7.2 and 3.3.2.	City staff have made changes to Policy 2.7: Expand local resources for affordable housing. The following is the stated policy goal: Increase local resources to support affordable housing development and develop new sources of funding. Following is language added to Policy Action 2.7.2 "The City is committed to equitable development Citywide—with a focus on Specific Plan Areas, Priority Development Areas (PDAs) and large development projects—that provides housing for a range of economic levels to ensure the development of thriving, vibrant and complete communities." Additionally, this Policy Action states that the City will consider various types of community benefits via mandatory and/or voluntary options for developer contributions to affordable housing development by conducting a Nexus Study and Economic Feasibility Study for affordable housing development. Based on this study a comprehensive strategy will be devised based on current development economics.
83	East Bay Housing Organizations (EBHO)	Letter dated 6/16/14	PDA/Specific/Large Development Planning	Recommends the following language: The City is committed to equitable development in Specific Plan Areas, Priority Development Areas (PDAs) and large development projects that provides housing for a range of economic levels to ensure the development of thriving, vibrant, complete communities.	City staff have made changes to Policy 2.7: Expand local resources for affordable housing. The following is the stated policy goal: Increase local resources to support affordable housing development and develop new sources of funding. Following is language added to Policy Action 2.7.2 "The City is committed to equitable development Citywide—with a focus on Specific Plan Areas, Priority Development Areas (PDAs) and large development projects—that provides housing for a range of economic levels to ensure the development of thriving, vibrant and complete communities." Additionally, this Policy Action states that the City will consider various types of community benefits via mandatory and/or voluntary options for developer contributions to affordable housing development by conducting a Nexus Study and Economic Feasibility Study for affordable housing development. Based on this study a comprehensive strategy will be devised based on current development economics.
84	Housing Element Focus Group with Affordable Housing Advocates	Oral comments during the focus group held on 6/11/14	PDA/Specific/Large Development Planning	The City should prioritize the development of affordable housing in PDAs.	City staff have made changes to Policy 2.7: Expand local resources for affordable housing. The following is the stated policy goal: Increase local resources to support affordable housing development and develop new sources of funding. Following is language added to Policy Action 2.7.2 "The City is committed to equitable development Citywide—with a focus on Specific Plan Areas, Priority Development Areas (PDAs) and large development projects—that provides housing for a range of economic levels to ensure the development of thriving, vibrant and complete communities." Additionally, this Policy Action states that the City will consider various types of community benefits via mandatory and/or voluntary options for developer contributions to affordable housing development by conducting a Nexus Study and Economic Feasibility Study for affordable housing development. Based on this study a comprehensive strategy will be devised based on current development economics.

City of Oakland Draft 2015-2023 Housing Element
Response to Comments

No	Commenter	Source	Topic	Comment	Response
85	EBALDC	email dated 6/16/14	PDA/Specific/Large Development Planning	As the City considers amending its NOFA scoring criteria to reflect prioritization of projects located in Priority Development Areas (PDAs), we request that: 1. EBALDC projects located in close proximity to existing PDAs, or within planned PDAs, will continue to be considered for future funding allocations. 2. The planned PDA along International Boulevard between the Downtown/Jack London Square and Fruitvale PDAs be included in future NOFA scoring criteria. The City has placed a priority on the OSNI effort to provide affordable housing and this Planned PDA includes a very important segment of International Blvd.	DHCD, Housing Development Services staff, prior to the annual release of the NOFA, review the guidelines and scoring mechanism to confirm that it is still aligned with City/DHCD affordable housing policy goals. The City/DHCD's NOFAs in recent years have included preference points for development proposals "on a major thoroughfare that transverses residential communities and is in need of infill housing due to the decline of local retail and/or commercial uses" and "contribute to an existing or planned pattern of targeted redevelopment (housing or commercial development, streetscape improvements, etc.) occurring within 1/4 mile of the project site." It is likely that sites within a Priority Development Area would receive points under the most recent NOFA's scoring criteria. Housing Development staff will consider the request to specifically include PDAs in the upcoming NOFA. If any of the "Potential Planned PDAs" are adopted as a PDA, City staff will treat them as such unless there is specific language in the adoption of those PDAs that dictate that City policy treat those PDAs differently.
86	East Bay Housing Organizations (EBHO)	Letter dated 6/16/14	Policy 1.1; Policy Action 1.1.3 Sale of City-owned Property for Housing	There is not provision for affordable housing in this policy. Note that State law requires cities to offer surplus property to affordable housing developers first. We urge the City to include the following language: In disposing of City-owned properties, the City will give first priority to affordable housing on these sites. For those sites that are sold without affordable housing requirements, 25% of the proceeds of such sales shall be deposited to the Affordable Housing Trust Fund.	See added language to Policy Action 2.7.3 (formerly Policy Action 1.1.3 in Public Review Draft of the Housing Element) Sale of City-Owned Property for Housing: Solicit Requests for Proposals (RFPs) from interested developers to construct housing on City-owned sites. RFPs will be posted on the City's website and distributed directly to developers, including nonprofit housing providers. In disposing of City-owned surplus properties, the City will give first consideration to affordable housing developers per the California Surplus Lands Act, Government Code 54220 et seq. For those sites that are sold without affordable housing requirements, the City should consider depositing 25% of the proceeds of such sales to the Affordable Housing Trust Fund.
87	James Vann	Email dated 6/13/14 in response to Focus Group Mtg 6/11/14	Policy 1.1; Policy Action 1.1.3 Sale of City-owned Property for Housing	(Recommendation): Any City-owned property in areas zoned for multi-family housing sold for development must include an equitable share of affordable rental or for-sale housing in the development.	See added language to Policy Action 2.7.3 (formerly Policy Action 1.1.3 in Public Review Draft of the Housing Element) Sale of City-Owned Property for Housing: Solicit Requests for Proposals (RFPs) from interested developers to construct housing on City-owned sites. RFPs will be posted on the City's website and distributed directly to developers, including nonprofit housing providers. In disposing of City-owned surplus properties, the City will give first consideration to affordable housing developers per the California Surplus Lands Act, Government Code 54220 et seq. For those sites that are sold without affordable housing requirements, the City should consider depositing 25% of the proceeds of such sales to the Affordable Housing Trust Fund.
88	BIA of the Bay Area	email dated 6/10/14	Policy 1.1; Policy Action 1.1.5: Housing Incentive Zoning	BIA supports Policy 1.1.5 calling for creation of a Housing Incentive Zoning program; program should be approached differently than currently described. This type of program is especially important for the areas Oakland has designated as Priority Development Areas (PDAs) in Plan Bay Area, as the purpose of PDAs is to identify areas where development will be streamlined and encouraged through the removal of building constraints because it is in the appropriate location and of the proper place type. The purpose of PDA designations is not to impose additional fees or extractions on PDAs in "exchange" for developing at the height and density that makes sense economically and environmentally	Policy Action 1.1.5 from the Public Review Draft of the Housing Element was folded into Policy Action 2.7.2 with the following title: Consider Implementing Mandatory and/or Voluntary Options for Developer Contributions to Affordable Housing Development by Conducting a Nexus Study and Economic Feasibility Study for Affordable Housing (among other areas studied—see Policy Action 3.3.2).
89	East Bay Housing Organizations (EBHO)	Letter dated 6/16/14	Policy 1.1; Policy Action 1.1.5: Housing Incentive Zoning	Reliance on incentives alone is unlikely to be successful. This has already been confirmed by the City's own consultant on the Downtown Development Feasibility Study, AECOM, in its letter dated March 2014, which explicitly recommends establishment of a citywide development fee rather than use of incentives and bonuses. City staff admits that existing density bonuses have not really been effective and incentivizing affordable housing. In the context of multiple Specific Plans that will provide additional height and density to existing zoning, there are even fewer prospects for meaningful and effective incentives and bonuses.	Policy Action 1.1.5 from the Public Review Draft of the Housing Element was folded into Policy Action 2.7.2 with the following title: Consider Implementing Mandatory and/or Voluntary Options for Developer Contributions to Affordable Housing Development by Conducting a Nexus Study and Economic Feasibility Study for Affordable Housing (among other areas studied—see Policy Action 3.3.2).

City of Oakland Draft 2015-2023 Housing Element
Response to Comments

No	Commenter	Source	Topic	Comment	Response
90	Greenbelt Alliance	email dated 6/16/14	Policy 1.1; Policy Action 1.1.5: Housing Incentive Zoning	<p>Feasibility analysis of the Housing Incentive Zoning should consider the following criteria: (language should be coordinated with Specific Plans):</p> <ol style="list-style-type: none"> 1. Determine geographic area program will target. Different parts of the city will have different market conditions. In order to develop an effective policy, areas where the bonus program will apply should be identified up front. As any development in an area may show its effects on the surrounding areas, the policy will be applied on a city level but will also be considering the local area specific feasibility and market conditions. The policy will have clear direction on the relationship between city-wide mechanisms and the implementation in PDA specific plans, such as BVDSP, West Oakland, Lake Merritt, etc. 2. Conduct community process to determine public benefits. The community benefits that will be incentivized through this program will be established through a robust community process, engaging residents in each neighborhood where the program will be in effect. This will help to identify community benefits upfront, or an effective "points" system for individual developments, so that benefits are conferred in a timely manner after development is approved. 	Policy Action 1.1.5 from the Public Review Draft of the Housing Element was folded into Policy Action 2.7.2 with the following title: Consider Implementing Mandatory and/or Voluntary Options for Developer Contributions to Affordable Housing Development by Conducting a Nexus Study and Economic Feasibility Study for Affordable Housing (among other areas studied—see Policy Action 3.3.2).
91	Housing Element Focus Group with Affordable Housing Advocates	Oral comments during the focus group held on 6/11/14	Policy 1.1; Policy Action 1.1.6: International Blvd Community Revitalization Without Displacement Initiative	Update language to reflect community involvement; "Revitalization" implies that this part of the City is depressed/not vital—implies top-down planning and gentrification.	<p>Policy Action 1.1.6 language changed to the following: An inter-departmental City team is working with residents, businesses, community groups, County and other public agencies, foundations, private industry and other partners to improve International Blvd Corridor's housing, economic development, health, transportation, and public safety conditions, as well as develop strategies to prevent the displacement of long-time residents and small businesses. Key parts from the City's award-winning International Boulevard Transit Oriented Development Plan will be implemented.</p> <p>Additionally, staff underscored that there is a strong community development process happening in this neighborhood precisely meant to counter gentrification. Commenter was invited to participate in the community development process.</p>
92	James Vann	Email dated 6/13/14 in response to Focus Group Mtg 6/11/14	Policy 1.2; Policy Action 1.2.1: Land Inventory (Opportunity Sites)	(Recommendation): The City shall prioritize opportunities to receive, acquire, develop, obtain land, and landbank sites suitable for development of affordable rental or for-sale housing, and to dispose of such sites as to best attain this objective.	City of Oakland staff will be releasing an RFP for a Nexus Study and Economic Feasibility Analysis for various impact fees (see Policy Action 3.3.2) during the Summer of 2014. Although "land banking (among other community benefit suggestions) are not specifically cited in the RFP as an area of study, City staff think that there will be other opportunities to incorporate specific language into the final contract for this study.
93	East Bay Housing Organizations (EBHO)	Letter dated 6/16/14	Policy 1.3: Appropriate Locations and Densities for Housing	There is no language include in this Policy's Action items that ensure development of affordable housing (with the exception of the Brooklyn Basin plan--and that plan is not feasible). The City should identify specific actions that would ensure that sites are not just adequately zoned for affordable housing, but that they will in fact be available for affordable housing development.	City staff have made changes to Policy 2.7: Expand local resources for affordable housing. The following is the stated policy goal: Increase local resources to support affordable housing development and develop new sources of funding. Following is language added to Policy Action 2.7.2 "The City is committed to equitable development Citywide—with a focus on Specific Plan Areas, Priority Development Areas (PDAs) and large development projects—that provides housing for a range of economic levels to ensure the development of thriving, vibrant and complete communities." Additionally, this Policy Action states that the City will consider various types of community benefits via mandatory and/or voluntary options for developer contributions to affordable housing development by conducting a Nexus Study and Economic Feasibility Study for affordable housing development. Based on this study a comprehensive strategy will be devised based on current development economics.
94	James Vann	Email dated 6/13/14 in response to Focus Group Mtg 6/11/14	Policy 1.3; Policy Action 1.3.6: Promote new housing opportunities in the Estuary Area	(Recommendation): The City should vigorously promote the inclusion of 15% of the 3100 units planned for the Brooklyn Basin Project (formerly Oak to Ninth) to be affordable as required by Redevelopment law, and should strongly encourage the developer to provide the units as an integral component of the development.	The City of Oakland's Development Agreement/Cooperation Agreement for the Brooklyn Basin Project has a requirement of 15% affordable units to be included in the development, although in the wake of Redevelopment's dissolution, there is limited funding available to develop those units and there are fairly minimal requirements for the developer to contribute to the development of the affordable units. The City cannot re-open the development agreement to change its current language. The City of Oakland's challenge will be to help secure funding for those approximately 465 units.
95	James Vann	Email dated 6/13/14 in response to Focus Group Mtg 6/11/14	Policy 1.4: Secondary Units	(Recommendation): The City should assess the possibility and potential of "grandfathering" currently occupied secondary units, as-is. Such units are presently classified by the Rent Adjustment Program as rental units if rent is paid for the housing.	City staff will continue to consider the concept of legalizing existing secondary units built without permits; however, due to code enforcement and building inspections priorities and workload, this will not be an action included in the 2015-23 Housing Element.

City of Oakland Draft 2015-2023 Housing Element
Response to Comments

No	Commenter	Source	Topic	Comment	Response
96	Housing Element Focus Group with Affordable Housing Advocates	Oral comments during the focus group held on 6/11/14	Policy 1.4: Secondary Units	Expand the supply of affordable housing by supporting added development of secondary units by creating a loan program that could be a hybrid of the residential lending program and the foreclosure prevention loans.	City staff will continue to consider the concept of creating a new program to fund the construction of new secondary units; however, because the current DHCD Residential Lending program is over-subscribed, this will not be an action included in the 2015-23 Housing Element.
97	James Vann	Email dated 6/13/14 in response to Focus Group Mtg 6/11/14	Policy 2.1: Affordable Housing Development Programs	(Recommendation): The City will encourage the Oakland Housing Authority to retain in its ownership and management as much as possible of its Title 1 Housing Units, as public housing is the only available resource for persons and households of no or very low income.	City staff will send comment to Oakland Housing Authority for their response.
98	EAH Housing	Email dated 6/12/14	Policy 2.10; Policy Action 2.10.1: Provide incentives for location of City-assisted developments in areas of low concentration of poverty	2.10.1 is a bit unclear – are these areas with low concentrations of poverty going to be part of the PDAs identified? And will there be some regulations in place to ensure homeless, at-risk, extremely low and very low income populations will have access to such developments, along with low and moderate? In other words, will these projects be mixed-income so a high concentration of one population over another doesn't occur? 2.10 in general, what about areas with high concentrations of poverty, in terms of future development and incentives for equity?	Areas with low concentrations of poverty are identified each year in the NOFA and in 2013 it was based on American Community Survey 2006-10 (5 year estimate) Data. The City's current policy is to award points to affordable housing developments that are located in census tracts with low concentrations of poverty--as an incentive to support equity Citywide for the location of affordable housing. The City's DHCD staff determination of areas of low concentration of poverty is independent of the City's determination of PDA areas. There has not been an analysis of PDA areas to determine how many census tracts with low concentrations of poverty fall within those areas. Please see responses under topic "PDA Planning" for more detail on planning for affordable housing in PDAs.
99	Adam Maloon, Northern California Land Trust and Bay Area Consortium of Land Trust	Email and Document submitted 6/12/14	Policy 2.2: Affordable Homeownership Opportunities	As currently written, none of the action items in section 2.2 explicitly discuss how they achieve any degree of affordability. They read simply as homeownership-oriented programs	Policy 2.2: Affordable Homeownership Opportunities has goal language as follows: Develop and promote programs and mechanisms to expand opportunities for lower-income households to become homeowners. It is the intent and the current implementation of existing programs of this policy goal that all the City's Affordable Homeownership programs listed in this section target lower-income households if they receive public funds. Additionally, commenter submitted specific text edits for this section which have been incorporated where possible.

City of Oakland Draft 2015-2023 Housing Element
Response to Comments

No	Commenter	Source	Topic	Comment	Response
100	Oakland Resident	Email dated 6/13/14	Policy 2.2: Affordable Homeownership Opportunities	<p>Policy 2.2 AFFORDABLE HOMEOWNERSHIP OPPORTUNITIES Action 2.2.x (Recommendation): The City will seek out and, as feasible, will cooperate with, and encourage participation in Least-to-Own programs to assist the furtherance of homeownership.</p> <p>Action 2.2.x (Recommendation): The City shall prioritize opportunities to receive, acquire, develop, or obtain land in order to landbank sites suitable for development of affordable rental or for-sale housing, and to dispose of such sites as to best attain this objective.</p> <p>Action 2,2.x (Recommendation): The City shall require long-term price and resale restrictions on properties that benefit from City financial or material assistance.</p>	<p>Regarding lease-to-own programs, please City Policy Action 2.2.2 and 4.3.4.</p> <p>Regarding landbanking sites, City of Oakland staff will be releasing an RFP for a Nexus Study and Economic Feasibility Analysis for various impact fees (see Policy Action 3.3.2) during the Summer of 2014. Although "land banking (among other community benefit suggestions) are not specifically cited in the RFP as an area of study, City staff think that there will be other opportunities to incorporate specific language into the final contract for this study.</p> <p>Regarding long-term price and resale restrictions on properties that benefit from City financial or material assistance, Policy 2.2 Affordable Homeownership Opportunities has goal language as follows: Develop and promote programs and mechanisms to expand opportunities for lower-income households to become homeowners. It is the intent and the current implementation of existing programs of this policy goal that all the City's Affordable Homeownership programs listed in this section target lower-income households if they receive public funds.</p>
101	East Bay Housing Organizations (EBHO)	Letter dated 6/16/14	Policy 2.2: Affordable Homeownership Opportunities	<p>Increase the supply of permanently affordable homeownership opportunities available to low-income residents and retain the public's investment in affordable housing, we urge the City to assure that long-term affordability of these properties through the use of effective resale restrictions in partnership with local community land trust or through other means.</p> <p>Insure the long-term affordability of assets in ROOT, Community Buying Program, and Scattered-Site Acquisition and Rehab Fund</p>	<p>Policy 2.2: Affordable Homeownership Opportunities has goal language as follows: Develop and promote programs and mechanisms to expand opportunities for lower-income households to become homeowners. It is the intent and the current implementation of existing programs of this policy goal that all the City's Affordable Homeownership programs listed in this section target lower-income households if they receive public funds.</p> <p>Additionally, there have been specific text edits around affordability in specific programs that have been incorporated where possible.</p>
102	Adam Maloon, Northern California Land Trust and Bay Area Consortium of Land Trust	Verbal at Special Community and Economic Development Committee Meeting dated 6/10/2014	Policy 2.2: Affordable Homeownership Opportunities	<p>The current housing element does not directly incorporate the aspiration for affordable housing ownership into the policy goal of its homeownership opportunities.</p>	<p>Policy 2.2: Affordable Homeownership Opportunities has goal language as follows: Develop and promote programs and mechanisms to expand opportunities for lower-income households to become homeowners. It is the intent of this policy goal that all the City's Affordable Homeownership programs listed in this section target lower-income households if they receive public funds.</p> <p>Additionally, commenter submitted specific text edits for this section which have been incorporated where possible.</p>
103	Adam Maloon, Northern California Land Trust and Bay Area Consortium of Land Trust	Email and Document submitted 6/12/14	Policy 2.2; Policy Action 2.2.2: Scattered-Site Single Family Acquisition and Rehabilitation Program	<p>Suggested change in language: City staff will consider developing a program to address vacant or abandoned housing due to foreclosures or property tax liens. Funds for this program would need to be identified. Funding would be used to address blight caused by these abandoned homes. Once funds have been secured, they will be used to purchase and rehabilitate single family homes for re-sale, lease-to-own, or for rent, and will partner with community land trusts or otherwise incorporate resale restrictions to preserve the public's investment and ensure affordability for a 99 year term (see also Action 4.3.5).</p>	<p>City staff made the changes made to language in Policy Action 2.2.2 Scattered-Site Single Family Acquisition and Rehabilitation Program: City staff and non-profit partners have developed the Oakland Community Buying Program that will address vacant or abandoned housing due to foreclosures or property tax liens. Start-up funds for this program have been identified. Funding will be used to provide long term affordability of new housing developed. The final housing products will be single family homes for re-sale, lease-to-own, or for rent and if financially viable and operational capacity exists, will partner with community land trusts or otherwise incorporate resale restrictions to preserve affordability for Oakland residents (see also Action 4.3.5).</p>

City of Oakland Draft 2015-2023 Housing Element
Response to Comments

No	Commenter	Source	Topic	Comment	Response
104	Housing Element Focus Group with Affordable Housing Advocates	Oral comments during the focus group held on 6/11/14	Policy 2.2; Policy Action 2.2.3: Foreclosure Mitigation Pilot Loan Program	Commenter thought that the last sentence of this policy action, "Root sells the note to a private lender.", sounded as though the City would wipe its hands free of loan at this point and leave program participants/buyers vulnerable to continued foreclosure actions.	Staff removed last sentence of Policy Action 2.2.3 as it was no longer accurate given program changes.
105	Adam Maloon, Northern California Land Trust and Bay Area Consortium of Land Trust	Email and Document submitted 6/12/14	Policy 2.2; Policy Action 2.2.4 Community Buying Program	Suggested change in language: The Community Buying Program seeks to assist Oakland residents (either those people who have lost their homes to foreclosure or tenants residing in foreclosed properties or who have been unable to compete with all cash investors on the open market) to purchase properties from the Scattered-Site Single Family Acquisition and Rehabilitation Program (Action 2.2.2 above) or other similar foreclosed housing. <u>The city would assure the long-term affordability of these properties through the use of effective resale restrictions in partnership with local community land trusts.</u> Assistance to Oakland residents could include the use of loan products such as the Federal Housing Authority 203K loan or other funds available to the City, such as housing rehabilitation or down-payment assistance funds. In addition, the program will build upon the National Community Stabilization Trust's First Look program.	City staff made the changes made to language in Policy Action 2.2.4 Community Buying Program: The Community Buying Program seeks to assist Oakland residents (either those people who have lost their homes to foreclosure or tenants residing in foreclosed properties or who have been unable to compete with all cash investors on the open market) to purchase properties from the Scattered-Site Single Family Acquisition and Rehabilitation Program (Action 2.2.2 above) or other similar foreclosed housing. Should public funds be utilized, the city would assure the long-term affordability of these properties through the use of effective resale restrictions in partnership with nonprofit organizations with sufficient operational capacity, including possibly local community land trusts. Assistance to Oakland residents could include the use of loan products such as the Federal Housing Authority 203K loan or other funds available to the City, such as housing rehabilitation or down-payment assistance funds. In addition, the program will build upon the National Community Stabilization Trust's First Look program.
106	Adam Maloon, Northern California Land Trust and Bay Area Consortium of Land Trust	Email and Document submitted 6/12/14	Policy 2.4 Permanently Affordable Homeownership	Suggested change in language: <u>Promote and expand programs that increase the supply of permanently affordable homeownership opportunities available to low-income residents and retain the public's investment in affordable housing.</u> Develop mechanisms for ensuring that assisted-homeownership developments remain permanently affordable to lower-income households to promote a mix of incomes.	Policy 2.2: Affordable Homeownership Opportunities has goal language as follows: Develop and promote programs and mechanisms to expand opportunities for lower-income households to become homeowners. Policy 2.2: Affordable Homeownership Opportunities has goal language as follows: Develop and promote programs and mechanisms to expand opportunities for lower-income households to become homeowners. It is the intent and the current implementation of existing programs of this policy goal that all the City's Affordable Homeownership programs listed in this section target lower-income households if they receive public funds.

City of Oakland Draft 2015-2023 Housing Element
Response to Comments

No	Commenter	Source	Topic	Comment	Response
107	Steve Cane, Board of the Community Land Trust	Verbal at Special Community and Economic Development Committee Meeting dated 6/10/2014	Policy 2.4; Policy Action 2.4.1 Community Land Trust Program	Consider stronger language around supporting land trust going forward, particularly considering the key element of the sustainable housing strategy going forward	Policy 2.4.1 covers the City's policy on CLTs. The City commits to continuing support, to the extent feasible, of the existing CLTs in the City. The City will also support the expansion of CLTs in the City if land values make it financially feasible for the CLT and worthwhile for the homeowners. City staff will, to the extent feasible, attend any regional events related to CLTs.
108	Adam Maloon, Northern California Land Trust and Bay Area Consortium of Land Trust	Verbal at Special Community and Economic Development Committee Meeting dated 6/10/2014	Policy 2.4; Policy Action 2.4.1 Community Land Trust Program	Encourage using the housing element to outline certain strategies to improve affordable home ownership through the Community Land Trust housing model. Community Land Trust model is most enforceable method due to strength of the land lease as well as the duration of 99 years.	Policy 2.4.1 covers the City's policy on CLTs. The City commits to continuing support, to the extent feasible, of the existing CLTs in the City. The City will also support the expansion of CLTs in the City if land values make it financially feasible for the CLT and worthwhile for the homeowners. City staff will, to the extent feasible, attend any regional events related to CLTs.
109	Junius Williams, Urban strategies Council and the Board of the Land Trust	Verbal at Special Community and Economic Development Committee Meeting dated 6/10/2014	Policy 2.4; Policy Action 2.4.1 Community Land Trust Program	Utilize Community land trust as a foundational element of the housing strategy.	Policy 2.4.1 covers the City's policy on CLTs. The City commits to continuing support, to the extent feasible, of the existing CLTs in the City. The City will also support the expansion of CLTs in the City if land values make it financially feasible for the CLT and worthwhile for the homeowners. City staff will, to the extent feasible, attend any regional events related to CLTs.
110	East Bay Housing Organizations (EBHO)	Letter dated 6/16/14	Policy 2.4; Policy Action 2.4.1 Community Land Trust Program	Explicitly support and encourage permanently affordable home ownership through support and coordination with Community Land Trusts, limited equity cooperatives, and other models.	Policy 2.4.1 covers the City's policy on CLTs. The City commits to continuing support, to the extent feasible, of the existing CLTs in the City. The City will also support the expansion of CLTs in the City if land values make it financially feasible for the CLT and worthwhile for the homeowners. City staff will, to the extent feasible, attend any regional events related to CLTs.
111	Adam Maloon, Northern California Land Trust and Bay Area Consortium of Land Trust	Email and Document submitted 6/12/14	Policy 2.4; Policy Action 2.4.1 Community Land Trust Program	Suggested change in language: Continue support of existing Community Land Trust Programs <u>by assisting with the promotion of public information and outreach activities, consulting with staff when developing new homebuyer programs.</u> Support expansion of land trusts <u>units if land values make it financially feasible by provision of land or housing obtained through the Scattered-Site Single Family Acquisition and Rehabilitation Program, the Community Buying Program, tax liens, blight abatement, or other such methods and the incorporation of an Inclusionary Zoning Homeownership Program.</u> Ownership of the land by a community-based land trust ensures that the housing remains permanently affordable, <u>retaining the subsidy for the city in perpetuity, rather than benefitting only the initial homebuyer.</u>	Policy 2.4.1 covers the City's policy on CLTs. The City commits to continuing support, to the extent feasible, of the existing CLTs in the City. The City will also support the expansion of CLTs in the City if land values make it financially feasible for the CLT and worthwhile for the homeowners. City staff will, to the extent feasible, attend any regional events related to CLTs.

City of Oakland Draft 2015-2023 Housing Element
Response to Comments

No	Commenter	Source	Topic	Comment	Response
112	Adam Maloon, Northern California Land Trust and Bay Area Consortium of Land Trust	Email and Document submitted 6/12/14	Policy 2.4; Policy Action 2.4.2 Resale Controls	Suggested change in language: Continue to utilize financing agreements for City-assisted ownership development projects to ensure that units remain permanently affordable through covenants running with the land, <u>including the Scattered-Site Single Family Acquisition and Rehabilitation Program (Action 2.2.2 above).</u>	City staff have made changes to Policy 2.2.2 that incorporate language regarding resale restrictions: City staff and non-profit partners have developed the Oakland Community Buying Program that will address vacant or abandoned housing due to foreclosures or property tax liens. Start-up funds for this program have been identified. Funding will be used to provide long term affordability of new housing developed. The final housing products will be single family homes for re-sale, lease-to-own, or for rent and if financially viable and operational capacity exists, will partner with community land trusts or otherwise incorporate resale restrictions to preserve affordability for Oakland residents (see also Action 4.3.4).
113	EAH Housing	Email dated 6/12/14	Policy 2.5: Seniors and Other Persons with Special Needs	2.5 More specific language that encompasses lower income to very low income senior housing preferred	Requested consideration from DHCD, Housign Development Section management to change to more specific language.
114	James Vann	Email dated 6/13/14 in response to Focus Group Mtg 6/11/14	Policy 2.7: Expand Local Funding Sources	Add language: "FOR AFFORDABLE HOUSING" to the title	City staff changed the title of Policy 2.7 to the following: Expand local resources for affordable housing. The following is the stated policy goal: Increase local resources to support affordable housing development and develop new sources of funding
115	EAH Housing	Email dated 6/12/14	Policy 2.7; Policy Action 2.7.2: Housing Impact Fee	2.7.2 We support the expedited commission of an affordable housing impact fee nexus study, and subsequent adoption by Oakland, as surrounding jurisdictions such as Berkeley, San Francisco and Emeryville either have the fee or have completed a nexus study and are implementing	City staff have made changes to Policy 2.7: Expand local resources for affordable housing. The following is the stated policy goal: Increase local resources to support affordable housing development and develop new sources of funding. Per Policy Action 2.7.2, the City will consider various types of community benefits via mandatory and/or voluntary options for developer contributions to affordable housing development by conducting a Nexus Study and Economic Feasibility Study for affordable housing development. Based on this study a comprehensive strategy will be devised based on current development economics.
116	BIA of the Bay Area	email dated 6/10/14	Policy 2.7; Policy Action 2.7.2: Housing Impact Fee	BIA opposes including a reference to studying an affordable housing impact fee in the Housing Element. Including this measure in the Housing Element sends precisely the wrong signal to private developers looking to invest in Oakland. These fees are effectively taxes on new housing construction and are strongly opposed by the building industry.	City staff have made changes to Policy Action 2.7.2. In the public review draft it was titled "Housing Impact Fee." It has been changed to the following title: Consider various types of community benefits via mandatory and/or voluntary options for developer contributions to affordable housing development by conducting a Nexus Study and Economic Feasibility Study for affordable housing (among other areas studied -- see also Policy Action 3.3.2). A comprehensive strategy will be devised based on this study that will among other things examine current real estate development economics. City staff believe that by conducting this study the following principles will be achieved: 1) certainty in the development approval timeline, process, and required outcomes; 2) consistency in the application of standards across the City rather than being subject to shifting political factors; 3) fairness of the requirements especially as regarding economic feasibility of the requirements and also differentials in project scope and location; 4) advance notice sufficient to accommodate project pro formas and financing; and 5) achievement of desired community benefits.
117	East Bay Housing Organizations (EBHO)	Comment letter received at 6/11/14 focus group	Policy 2.7; Policy Action 2.7.2: Housing Impact Fee	need a citywide policy that will require developers to contribute to provision and or preservation of affordable housing. Some elements of housing incentive zoning need to be mandatory.	City staff have made changes to Policy Action 2.7.2. In the public review draft it was titled "Housing Impact Fee." It has been changed to the following title: Consider various types of community benefits via mandatory and/or voluntary options for developer contributions to affordable housing development by conducting a Nexus Study and Economic Feasibility Study for affordable housing (among other areas studied -- see also Policy Action 3.3.2). A comprehensive strategy will be devised based on this study that will among other things examine current real estate development economics.
118	East Bay Housing Organizations (EBHO)	Comment letter received at 6/11/14 focus group	Policy 2.7; Policy Action 2.7.2: Housing Impact Fee	need a timeline in the impact fee/nexus study piece	City staff have made changes to Policy Action 2.7.2. In the public review draft it was titled "Housing Impact Fee." It has been changed to the following title: Consider various types of community benefits via mandatory and/or voluntary options for developer contributions to affordable housing development by conducting a Nexus Study and Economic Feasibility Study for affordable housing (among other areas studied -- see also Policy Action 3.3.2). A comprehensive strategy will be devised based on this study that will among other things examine current real estate development economics. The RFP requests that this study be completed by December 31, 2014.

City of Oakland Draft 2015-2023 Housing Element
Response to Comments

No	Commenter	Source	Topic	Comment	Response
119	Housing Element Focus Group with Affordable Housing Advocates	Oral comments during the focus group held on 6/11/14	Policy 2.7; Policy Action 2.7.2: Housing Impact Fee	Revisit the existing Jobs/Housing Impact Fee and update fee schedule if nexus study shows that it is necessary.	<p>City staff have made changes to Policy Action 2.7.2. In the public review draft it was titled "Housing Impact Fee." It has been changed to the following title: Consider various types of community benefits via mandatory and/or voluntary options for developer contributions to affordable housing development by conducting a Nexus Study and Economic Feasibility Study for affordable housing (among other areas studied -- see also Policy Action 3.3.2). A comprehensive strategy will be devised based on this study that will among other things examine current real estate development economics.</p> <p>The RFP requests that this study review the Jobs/Housing Impact fees in light of other development fees in the analysis. Although this is specifically delineated in the RFP as an area of study, City staff think that there will be other opportunities to incorporate specific language into the final contract for this study.</p>
120	East Bay Housing Organizations (EBHO)	Memo dated 5/24/2014	Land banking	Request that the City consider programs for acquisition and land banking of opportunity sites in PDAs/Specific Plan Areas/Large Developments to ensure that development of affordable housing takes place within the Plan Area, and doesn't simply generate fee revenue that builds affordable housing elsewhere.	City of Oakland staff will be releasing an RFP for a Nexus Study and Economic Feasibility Analysis for various impact fees (see Policy Action 3.3.2) during the Summer of 2014. Although "land banking (among other community benefit suggestions) are not specifically cited in the RFP as an area of study, City staff think that there will be other opportunities to incorporate specific language into the final contract for this study.
121	East Bay Housing Organizations (EBHO)	Memo dated 5/24/2014	Anti-displacement in transit-rich areas	Adopt policies to show that the City will take measures to ensure that higher density and mixed-use development close to transit avoids displacement of existing lower income communities and preserves existing affordable housing resources.	City staff have added the following Policy 4.4: Anti-displacement of City of Oakland Residents. The following is the stated policy goal: The City will consider strengthening existing policies and introducing new policies or policy terms to current City policies to help prevent displacement of current Oakland residents and to preserve existing housing affordable to low income residents, including both publicly-assisted and non-assisted housing that currently has affordable rents.
122	Greenbelt Alliance	email dated 6/16/14	Policy 2.7; Policy Action 2.7.2: Housing Impact Fee	<p>3. Conduct a market study to determine the type and level of incentive. Conduct a financial feasibility study to determine the value of different types and levels of incentives, and the costs of providing the desired benefits. Note that incentives may include increases in project height, density, and/or FAR, as well as other incentives such as expedited permitting process, waived impact fees, or reduced parking requirements.</p> <p>4. Select an appropriate policy mechanism to implement program. Work with residents, potential developers, and other stakeholders to create a process that is transparent, predictable, and expedient. The bonus program may be implemented through a variety of ways, including a tiered system, using points or percentages, establishing a fixed price of additional FAR/height for purchase, or creating a marketplace for FAR/height to be bid on. Depending on the structure of the program, certain additional studies, such as a nexus study, may be necessary.</p> <p>5. Develop a process to revise program as needed. The incentive program should include a transparent and predictable process to allow changes to both the type and level of benefits and bonuses over time, to allow for changes in market conditions, public needs, and other possible changes.</p>	<p>City staff have made changes to Policy Action 2.7.2. In the public review draft it was titled "Housing Impact Fee." It has been changed to the following title: Consider various types of community benefits via mandatory and/or voluntary options for developer contributions to affordable housing development by conducting a Nexus Study and Economic Feasibility Study for affordable housing (among other areas studied -- see also Policy Action 3.3.2). A comprehensive strategy will be devised based on this study that will among other things examine current real estate development economics.</p> <p>City staff think that there will be other opportunities to incorporate specific language into the final contract for this study.</p>
123	Councilmember Schaaf	Verbal at Special Community and Economic Development Committee Meeting dated 6/10/2014	Policy 2.7; Policy Action 2.7.2: Housing Impact Fee	Question about the status and timeline for Impact Fees Nexus Study	<p>City staff have made changes to Policy Action 2.7.2. In the public review draft it was titled "Housing Impact Fee." It has been changed to the following title: Consider various types of community benefits via mandatory and/or voluntary options for developer contributions to affordable housing development by conducting a Nexus Study and Economic Feasibility Study for affordable housing (among other areas studied -- see also Policy Action 3.3.2). A comprehensive strategy will be devised based on this study that will among other things examine current real estate development economics.</p> <p>The RFP requests that this study be completed by December 31, 2014.</p>

City of Oakland Draft 2015-2023 Housing Element
Response to Comments

No	Commenter	Source	Topic	Comment	Response
124	Councilmember Mcelhaney	Verbal at Special Community and Economic Development Committee Meeting dated 6/10/2014	Policy 2.7; Policy Action 2.7.2: Housing Impact Fee	Request expedition of the Impact fees Nexus Study and have proposal to the Council by December 2014.	City staff have made changes to Policy Action 2.7.2. In the public review draft it was titled "Housing Impact Fee." It has been changed to the following title: Consider various types of community benefits via mandatory and/or voluntary options for developer contributions to affordable housing development by conducting a Nexus Study and Economic Feasibility Study for affordable housing (among other areas studied -- see also Policy Action 3.3.2). A comprehensive strategy will be devised based on this study that will among other things examine current real estate development economics. The RFP requests that this study be completed by December 31, 2014.
125	Council Presidnet Patricia Kernighan	Verbal at Special Community and Economic Development Committee Meeting dated 6/10/2014	Policy 2.7; Policy Action 2.7.2: Housing Impact Fee	Supports the idea of having an impact fees regardless of the height of the building	City staff have made changes to Policy Action 2.7.2. In the public review draft it was titled "Housing Impact Fee." It has been changed to the following title: Consider various types of community benefits via mandatory and/or voluntary options for developer contributions to affordable housing development by conducting a Nexus Study and Economic Feasibility Study for affordable housing (among other areas studied -- see also Policy Action 3.3.2). A comprehensive strategy will be devised based on this study that will among other things examine current real estate development economics.
126	Enterprise Community Partners	Email dated 6/24/14	Policy 2.7; Policy Action 2.7.2: Housing Impact Fee	In San Mateo County, we seeded a county-wide study led by Strategic Economics for fourteen jurisdictions – in several months each city will have a data-heavy, legally defensible case for why impact fees can be implemented or raised – it is a valuable tool in the effort to create opportunities for lower-income families in our urban cities. We applaud the City of Oakland's commitment to conducting a nexus study and we highly encourage you to do it immediately (before missing the market opportunities) and with other cities in Alameda County. Conducting a county-wide assessment will result in a much more powerful and informative tool for the department to use in bringing staff and decision makers along, than doing one just for Oakland. We are happy to connect you with the consultant team working in San Mateo if you are interested.	City staff have made changes to Policy Action 2.7.2. In the public review draft it was titled "Housing Impact Fee." It has been changed to the following title: Consider various types of community benefits via mandatory and/or voluntary options for developer contributions to affordable housing development by conducting a Nexus Study and Economic Feasibility Study for affordable housing (among other areas studied -- see also Policy Action 3.3.2). A comprehensive strategy will be devised based on this study that will among other things examine current real estate development economics. City staff believe that it is imperative to proceed with the Nexus Study immediately without waiting to partner with other local jurisdictions for fear that this will further delay progress of this effort.
127	East Bay Housing Organizations (EBHO)	Letter dated 6/16/14	Policy 2.7; Policy Action 2.7.2: Housing Impact Fee	Recommends the following language: The City intends, as part of a citywide community benefits policy, to require developers in Specific Plan Areas, PDAs and large development projects to make contributions to assist in the development of affordable housing, through options that may include impact fees, land dedication and inclusionary zoning. Among other actions, the City will conduct a nexus study and an economic feasibility study to evaluate new programs to achieve this objective, including inclusionary zoning and impact fees for new housing development. The study will be completed no later than December 31, 2014.	City staff have made changes to Policy Action 2.7.2. In the public review draft it was titled "Housing Impact Fee." It has been changed to the following title: Consider various types of community benefits via mandatory and/or voluntary options for developer contributions to affordable housing development by conducting a Nexus Study and Economic Feasibility Study for affordable housing (among other areas studied -- see also Policy Action 3.3.2). A comprehensive strategy will be devised based on this study that will among other things examine current real estate development economics. The RFP requests that this study be completed by December 31, 2014.
128	Housing Element Focus Group with Affordable Housing Advocates	Oral comments during the focus group held on 6/11/14	Policy 2.7; Policy Action 2.7.2: Housing Impact Fee	The City needs a timeline on the impact fee/nexus study.	City staff have made changes to Policy Action 2.7.2. In the public review draft it was titled "Housing Impact Fee." It has been changed to the following title: Consider various types of community benefits via mandatory and/or voluntary options for developer contributions to affordable housing development by conducting a Nexus Study and Economic Feasibility Study for affordable housing (among other areas studied -- see also Policy Action 3.3.2). A comprehensive strategy will be devised based on this study that will among other things examine current real estate development economics. The RFP requests that this study be completed by December 31, 2014.
129	James Vann	Email dated 6/13/14 in response to Focus Group Mtg 6/11/14	Policy 2.8: Rental Assistance	Suggested change in Policy 2.8 language to: "Rental Financial Assistance"	City staff did not believe it necessary to include the word "financial" in this policy goal language as the actions listed under this policy goal imply that the programs listed are financial assistance programs.

City of Oakland Draft 2015-2023 Housing Element
Response to Comments

No	Commenter	Source	Topic	Comment	Response
130	Menaka Mohan	Email dated 6/17/2014	Policy 3.3; Policy Action 3.3.2 and Development Impact Fees (nexus study)	<p>1. Supports Oakland for conducting a nexus study to charge impact fees for infrastructure as well as affordable housing</p> <p>2. Encourages the council to think more about the high rise options. The high rise option would provide much needed supply of housing to Oakland and help with the overall streetscape of the downtown streets. Many are wide and hard to navigate and they often "feel wider" due to the low building scale. As SF becomes more and more expensive and pushes people to Oakland, the City of Oakland should start to seriously address the issue of supply of housing, and incorporating the recommendations of this plan would be a great start.</p>	City staff have made changes to Policy Action 2.7.2. In the public review draft it was titled "Housing Impact Fee." It has been changed to the following title: Consider various types of community benefits via mandatory and/or voluntary options for developer contributions to affordable housing development by conducting a Nexus Study and Economic Feasibility Study for affordable housing (among other areas studied -- see also Policy Action 3.3.2). A comprehensive strategy will be devised based on this study that will among other things examine current real estate development economics.
131	BIA of the Bay Area	email dated 6/10/14	Policy 3.3; Policy Action 3.3.2 and Development Impact Fees (transportation)	With respect to exploration of developing a formal transportation impact fee program, BIA is generally supportive of this approach as it allows for individual projects to pay their fair share of needed infrastructure improvements in an efficient manner. The fee program should be supported by a rigorous nexus study and environmental review (so that it can satisfy CEQA case law on the use of fee programs to mitigate project and cumulative transportation impacts).	See Policy Action 3.3.2 Development Impact Fees.
132	Alameda County Public Health Department	Email dated 6/16/2014	Policy 4.3: Housing Preservation and Rehabilitation	Use a proactive rental inspection policy to improve habitability of existing housing to identify, document, and address code violations in rental housing on a regular basis. The City should work with Community-based organizations and health department to prioritize violations that are hazardous to health, particularly for residents that are elderly, disabled, pregnant women, children and chronically ill. In the meantime code enforcement staffing should be increased particularly for neighborhoods with old housing stock and high concentration of poverty. Before undertaking a proactive inspection policy, the City should ensure that tenant protection is in place to prevent eviction or displacement due to code violations and provide relocation benefits.	See Policy Action 4.3.4 Proactive Rental Inspection Policy.
133	East Bay Housing Organizations (EBHO)	Letter dated 6/16/14	Policy 4.3: Housing Preservation and Rehabilitation	Recommends the following language: The City will require one-for-one replacement, with units of comparable size and affordability, of any housing units lost to demolition, conversion or new development.	<p>City staff have added the following Policy 4.4: Anti-displacement of City of Oakland Residents. The following is the stated policy goal: The City will consider strengthening existing policies and introducing new policies or policy terms to current City policies to help prevent displacement of current Oakland residents and to preserve existing housing affordable to low income residents, including both publicly-assisted and non-assisted housing that currently has affordable rents.</p> <p>One-for-one replacement of units could be considered in this policy reevaluation.</p>
134	Housing Element Focus Group with Affordable Housing Advocates	Oral comments during the focus group held on 6/11/14	Policy 4.3; Policy Action 4.3.9: Seismic Safety Retrofit Policy	Seismic retrofit policies should be all inclusive (not just soft story)	<p>Policy Action 4.3.9 Seismic Safety Retrofit Policy has been added to the Housing Element. Following is the policy language:</p> <p>Develop a new seismic retrofit policy, coupled with tenant protections, to preserve about 14,000 soft story housing units in Oakland's flatland neighborhoods at risk for destruction in a major earthquake. A low interest loan fund may be possible through combining available public monies with private capital or alternatively through issuing a new bond, which would require voter approval.</p>
135	BIA of the Bay Area	email dated 6/10/14	Policy 5.3: Rent Adjustment Program	The Housing Element should commit to seek a balance between the respective rights of tenants, their neighbors, and building owners/landlords with respect to significantly disruptive tenants. A lack of balance between tenant due process and the peace and enjoyment rights of other building residents is a constraint to the development of additional market rate rental housing.	Rent Adjust Program policies were revisited and revised in 2014. No further changes to this program are anticipated at this time.

City of Oakland Draft 2015-2023 Housing Element
Response to Comments

No	Commenter	Source	Topic	Comment	Response
136	East Bay Housing Organizations (EBHO)	Letter dated 6/16/14	Policy 5.3: Rent Adjustment Program	Strengthen anti-displacement programs such as rent stabilization in various ordinances including Condo Conversion, Ellis Act, Housing Code Enforcement Relocation, and SRO Conversion	<p>City staff have added the following Policy 4.4: Anti-displacement of City of Oakland Residents. The following is the stated policy goal: The City will consider strengthening existing policies and introducing new policies or policy terms to current City policies to help prevent displacement of current Oakland residents and to preserve existing housing affordable to low income residents, including both publicly-assisted and non-assisted housing that currently has affordable rents.</p> <p>Policy Action 4.4.1 Consider Developing a Standard City Tenant Relocation Policy and Fund City Program Operations has the following policy action language: The City has a number of ordinances that have tenant relocation assistance requirements, including under code enforcement activities, condo conversions, Ellis Act, Just Cause for evictions, and SRO conversions. City of Oakland will consider 1) establishing one standard policy across tenant relocation requirements, such as code enforcement, condo conversions, Ellis Act, Just Cause for evictions and SRO conversions, 2) explore new strategies to fund and recover relocation costs, and 3) allocate and fund adequate staffing to monitor relocation programs and recover costs from responsible landlords.</p>
137	Enterprise Community Partners	Email dated 6/24/14	Policy 5.3: Rent Adjustment Program	We recommend that the City do more strengthen its rent stabilization (policies).	Rent Adjust Program policies were revisited and revised in 2014. No further changes to this program are anticipated at this time.
138	Alameda County Public Health Department	Email dated 6/16/2014	Policy 5.3: Rent Adjustment Program	Continue to implement and improve Rent Adjustment Ordinance, including the rent amendment approved by City Council to cap all rent increase to 10 percent annually, eliminate debt services, and reduce the allowable amount of capital improvement pass-through 70 percent.	Rent Adjust Program policies were revisited and revised in 2014. No further changes to this program are anticipated at this time.
139	James Vann	Email dated 6/13/14 in response to Focus Group Mtg 6/11/14	Policy 5.3: Rent Adjustment Program	(Recommendation): The City will continue to evaluate the efficiency and effectiveness of the program and the obstacles to and difficulty of its use by tenants -- only about one-half of 1% of covered tenants use the tenant-complaint based system.	Rent Adjust Program policies were revisited and revised in 2014. No further changes to this program are anticipated at this time.
140	James Vann	Email dated 6/13/14 in response to Focus Group Mtg 6/11/14	Policy 5.3: Rent Adjustment Program	(Recommendation): The City will evaluate the program for needed revisions to protect against unlawful harassment, retaliation, displacement, and constructive eviction.	Rent Adjust Program policies were revisited and revised in 2014. No further changes to this program are anticipated at this time.
141	James Vann	Email dated 6/13/14 in response to Focus Group Mtg 6/11/14	Policy 5.3: Rent Adjustment Program	(Recommendation): The City will review and adjust its policies on payments and reimbursement to tenants for owner-driven permanent or temporary relocation of tenants.	Rent Adjust Program policies were revisited and revised in 2014. No further changes to this program are anticipated at this time.
142	Karen Kunze	Email dated 6/15/14	Policy 5.6: Limitations on Conversion of Rental Housing to Condominiums	strengthen existing condo conversion policy; eliminate ability to purchase conversion credits; provide relocation assistance that is consistent with current relocation costs; drop lifetime leases in exchange for protecting any tenant who cannot afford to purchase their unit	<p>The public review draft language for Policy Action 5.6.1 was amended to the following based on comments received: The City will review the existing Condominium Conversion Ordinance and consider changes that: 1) considers an annual conversion cap, 2) eliminates the exemption for 2-4 unit buildings in the non-Impact Areas, 3) creates opportunities for tenant purchase and affordable homeownership for low to moderate income households, and 4) has strong tenant protection measures. Changes to this ordinance may only be made if adopted by the City Council and following appropriate public notice and debate.</p>
143	Karen Kunze	Email dated 6/15/14	Policy 5.6: Limitations on Conversion of Rental Housing to Condominiums	The "remainder" parcel on Lake Merritt Blvd. near 12th Street should not be allowed to generate condo conversion credits. A moratorium on conversions should be put in place until the ordinance is properly strengthened to protect the housing diversity and eliminate the loopholes described by EBHO	<p>The public review draft language for Policy Action 5.6.1 was amended to the following based on comments received: The City will review the existing Condominium Conversion Ordinance and consider changes that: 1) considers an annual conversion cap, 2) eliminates the exemption for 2-4 unit buildings in the non-Impact Areas, 3) creates opportunities for tenant purchase and affordable homeownership for low to moderate income households, and 4) has strong tenant protection measures. Changes to this ordinance may only be made if adopted by the City Council and following appropriate public notice and debate.</p>

City of Oakland Draft 2015-2023 Housing Element
Response to Comments

No	Commenter	Source	Topic	Comment	Response
144	James Vann	Email dated 6/13/14 in response to Focus Group Mtg 6/11/14	Policy 5.6: Limitations on Conversion of Rental Housing to Condominiums	<p>Policy 5.6 LIMITATIONS ON CONVERSION OF RENTAL HOUSING TO CONDOMINIUMS Action 5.6.x (Recommendation): The City will review the 1981 Condominium Ordinance for needed updates to better correlate with subsequent related laws and ordinances, namely Costa-Hawkins, Ellis Act, Rent Adjustment Program revisions.</p> <p>Action 5.6.x (Recommendation): The City will assess the need to continue the amendment that exempted certain unit types from control, including the effect of the exemptions on the balance of available housing types in the general inventory of rental units.</p> <p>Action 5.6.x (Recommendation): The City will assess the concept and practice of "condominium conversion credits," and whether this policy which provides no financial returns to the City should be continued.</p>	<p>The public review draft language for Policy Action 5.6.1 was amended to the following based on comments received:</p> <p>The City will review the existing Condominium Conversion Ordinance and consider changes that: 1) considers an annual conversion cap, 2) eliminates the exemption for 2-4 unit buildings in the non-Impact Areas, 3) creates opportunities for tenant purchase and affordable homeownership for low to moderate income households, and 4) has strong tenant protection measures. Changes to this ordinance may only be made if adopted by the City Council and following appropriate public notice and debate.</p>
145	East Bay Housing Organizations (EBHO)	Letter dated 6/16/14	Policy 5.6: Limitations on Conversion of Rental Housing to Condominiums	Strengthen anti-displacement programs such as condominium conversion controls in various ordinances including Condo Conversion, Ellis Act, Housing Code Enforcement Relocation, and SRO Conversion	<p>The public review draft language for Policy Action 5.6.1 was amended to the following based on comments received:</p> <p>The City will review the existing Condominium Conversion Ordinance and consider changes that: 1) considers an annual conversion cap, 2) eliminates the exemption for 2-4 unit buildings in the non-Impact Areas, 3) creates opportunities for tenant purchase and affordable homeownership for low to moderate income households, and 4) has strong tenant protection measures. Changes to this ordinance may only be made if adopted by the City Council and following appropriate public notice and debate.</p>
146	Enterprise Community Partners	Email dated 6/24/14	Policy 5.6: Limitations on Conversion of Rental Housing to Condominiums	We recommend that the City do more to strengthen its condominium conversion controls.	<p>The public review draft language for Policy Action 5.6.1 was amended to the following based on comments received:</p> <p>The City will review the existing Condominium Conversion Ordinance and consider changes that: 1) considers an annual conversion cap, 2) eliminates the exemption for 2-4 unit buildings in the non-Impact Areas, 3) creates opportunities for tenant purchase and affordable homeownership for low to moderate income households, and 4) has strong tenant protection measures. Changes to this ordinance may only be made if adopted by the City Council and following appropriate public notice and debate.</p>
147	Alameda County Public Health Department	Email dated 6/16/2014	Policy 5.6: Limitations on Conversion of Rental Housing to Condominiums	Continue to implement and consider strengthening the Condominium Conversion Ordinance in order to minimize loss of affordable rental housing. Eligibility for conversion could be based on factors such as code violation history and eviction history, and regulations should specify tenant protections including right of first refusal for existing tenants and relocation benefits.	<p>The public review draft language for Policy Action 5.6.1 was amended to the following based on comments received:</p> <p>The City will review the existing Condominium Conversion Ordinance and consider changes that: 1) considers an annual conversion cap, 2) eliminates the exemption for 2-4 unit buildings in the non-Impact Areas, 3) creates opportunities for tenant purchase and affordable homeownership for low to moderate income households, and 4) has strong tenant protection measures. Changes to this ordinance may only be made if adopted by the City Council and following appropriate public notice and debate.</p>
148	East Bay Housing Organizations (EBHO)	Letter dated 6/16/14	Policy 5.6: Limitations on Conversion of Rental Housing to Condominiums	Recommends the following language: The City will review the existing Condominium Ordinance and consider changes that include all 2-4 unit buildings within the scope of the ordinance, ensure that "conversion credits" are provided only by projects that permanently add rental units to the housing supply after an application for a proposed condominium conversion is submitted, and that specify requirements for Tenant Assistance Plans that that provide security of tenure and stability of rents for existing occupants.	<p>The public review draft language for Policy Action 5.6.1 was amended to the following based on comments received:</p> <p>The City will review the existing Condominium Conversion Ordinance and consider changes that: 1) considers an annual conversion cap, 2) eliminates the exemption for 2-4 unit buildings in the non-Impact Areas, 3) creates opportunities for tenant purchase and affordable homeownership for low to moderate income households, and 4) has strong tenant protection measures. Changes to this ordinance may only be made if adopted by the City Council and following appropriate public notice and debate.</p>

City of Oakland Draft 2015-2023 Housing Element
Response to Comments

No	Commenter	Source	Topic	Comment	Response
149	Alameda County Public Health Department	Email dated 6/16/2014	Policy 6.1; Policy Action 6.1.4: Housing Assistance Center	The Housing Assistance Center is a very positive approach towards coordinating support for Oakland residents with housing crisis. The Center should continue create linkages with other cities and countywide efforts designed to assist Oakland residents with housing crisis. In particular, we recommend enhancing working relationships with organizations focused on landlord-tenant law, fair housing, healthy housing/code enforcement, homeless services, disability rights. We also recommend increased support for the Housing assistance Center and the tracking and reporting of Center User data as one of the methods for tracking City resident housing needs over time.	DHCD, Housing Assistance Center staff will continue to foster and enhance relationships with area housing service agencies. City staff continues to pursue funding support in order to continue and sustain the HAC operations.
150	EAH Housing	Email dated 6/12/14	Policy 7.2; Policy Action 7.2.5 Promote Water Conservation and Efficiency	7.2.4. (City staff correction of comment--this policy action should be number 7.2.5.) Will goals and rules in the housing element for promotion of water conservation include new city-wide rebate programs?	Request sent to Public Works Department, Energy and Climate Action Plan staff for response to comments.
151	East Bay Housing Organizations (EBHO)	Letter dated 6/16/14	Policy 7.3; Policy Action 7.3.2 and 7.3.3 Transit Oriented Development and SB 375 Implementation	We applaud the City's commitment to using land use and development policy to reduce Greenhouse Gas (GHG) emissions by encouraging higher density housing close to transit. This section should acknowledge that greater reductions are possible if affordable housing is included in TODs and PDAs, since lower income households are heavier users of transit. See recent study: http://www.transformca.org/sites/default/files/AffordableTODResearch051514.pdf	Request sent to Public Works Department, Energy and Climate Action Plan staff for response to comments.
152	EAH Housing	Email dated 6/12/14	Policy 7.3; Policy Action 7.3.5 Encourage new housing at a range of prices	7.3/7.3.5 According to report by the California Housing Partnership Corporation, AFFORDABLE transit-oriented development would have the greatest impact on reducing carbon emissions and this section should include an action specific to affordable TOD, not just TOD. See report here: http://www.chpc.net/dnid/AffordableTODResearchExecSummary.pdf	Request sent to Public Works Department, Energy and Climate Action Plan staff for response to comments.
153	East Bay Housing Organizations (EBHO)	Letter dated 6/16/14	Relocation Benefits	Strengthen anti-displacement programs such as relocation requirements	<p>City staff have added the following Policy 4.4: Anti-displacement of City of Oakland Residents. The following is the stated policy goal: The City will consider strengthening existing policies and introducing new policies or policy terms to current City policies to help prevent displacement of current Oakland residents and to preserve existing housing affordable to low income residents, including both publicly-assisted and non-assisted housing that currently has affordable rents.</p> <p>Policy Action 4.4.1 Consider Developing a Standard City Tenant Relocation Policy and Fund City Program Operations has the following policy action language: The City has a number of ordinances that have tenant relocation assistance requirements, including under code enforcement activities, condo conversions, Ellis Act, Just Cause for evictions, and SRO conversions. City of Oakland will consider 1) establishing one standard policy across tenant relocation requirements, such as code enforcement, condo conversions, Ellis Act, Just Cause for evictions and SRO conversions, 2) explore new strategies to fund and recover relocation costs, and 3) allocate and fund adequate staffing to monitor relocation programs and recover costs from responsible landlords.</p>
154	East Bay Housing Organizations (EBHO)	Letter dated 6/16/14	Relocation Benefits	Require developers - particularly in PDAs, Specific Plan Areas, and other areas targeted for development - to adhere to the same relocation and replacement housing requirements that applied at the Redevelopment Agency prior to dissolution of redevelopment. The City through its land use regulations and investments in infrastructure and other improvements is actively targeting areas of the City for development of market-rate housing. These actions have the potential to displace lower income residents. For example, the Broadway-Valdez Specific Plan would destroy 94 units of existing modestly priced housing, displace the current residents, and break-up a healthy community.	<p>City staff have added the following Policy 4.4: Anti-displacement of City of Oakland Residents. The following is the stated policy goal: The City will consider strengthening existing policies and introducing new policies or policy terms to current City policies to help prevent displacement of current Oakland residents and to preserve existing housing affordable to low income residents, including both publicly-assisted and non-assisted housing that currently has affordable rents.</p> <p>Policy Action 4.4.1 Consider Developing a Standard City Tenant Relocation Policy and Fund City Program Operations has the following policy action language: The City has a number of ordinances that have tenant relocation assistance requirements, including under code enforcement activities, condo conversions, Ellis Act, Just Cause for evictions, and SRO conversions. City of Oakland will consider 1) establishing one standard policy across tenant relocation requirements, such as code enforcement, condo conversions, Ellis Act, Just Cause for evictions and SRO conversions, 2) explore new strategies to fund and recover relocation costs, and 3) allocate and fund adequate staffing to monitor relocation programs and recover costs from responsible landlords.</p> <p>One-for-one replacement of units could be considered in this policy reevaluation.</p>

City of Oakland Draft 2015-2023 Housing Element
Response to Comments

No	Commenter	Source	Topic	Comment	Response
155	East Bay Housing Organizations (EBHO)	Letter dated 6/16/14	Replacement Housing Policy	Include programs and policies to assess the risk of loss of affordable market-rate housing, and programs and policies to either prevent such losses or replace such housing with comparable affordable housing, above and beyond any net additions to the housing supply	<p>City staff have added the following Policy 4.4: Anti-displacement of City of Oakland Residents. The following is the stated policy goal: The City will consider strengthening existing policies and introducing new policies or policy terms to current City policies to help prevent displacement of current Oakland residents and to preserve existing housing affordable to low income residents, including both publicly-assisted and non-assisted housing that currently has affordable rents.</p> <p>Policy Action 4.4.1 Consider Developing a Standard City Tenant Relocation Policy and Fund City Program Operations has the following policy action language: The City has a number of ordinances that have tenant relocation assistance requirements, including under code enforcement activities, condo conversions, Ellis Act, Just Cause for evictions, and SRO conversions. City of Oakland will consider 1) establishing one standard policy across tenant relocation requirements, such as code enforcement, condo conversions, Ellis Act, Just Cause for evictions and SRO conversions, 2) explore new strategies to fund and recover relocation costs, and 3) allocate and fund adequate staffing to monitor relocation programs and recover costs from responsible landlords.</p> <p>One-for-one replacement of units could be considered in this policy reevaluation.</p>
156	Alameda County Public Health Department	Email dated 6/16/2014	Replacement Housing Policy	Implement a no-net loss policy to require all affordable units lost through renovation, conversion or demolition to be replaced within the same neighborhood if possible and within the same city at the minimum.	<p>City staff have added the following Policy 4.4: Anti-displacement of City of Oakland Residents. The following is the stated policy goal: The City will consider strengthening existing policies and introducing new policies or policy terms to current City policies to help prevent displacement of current Oakland residents and to preserve existing housing affordable to low income residents, including both publicly-assisted and non-assisted housing that currently has affordable rents.</p> <p>Policy Action 4.4.1 Consider Developing a Standard City Tenant Relocation Policy and Fund City Program Operations has the following policy action language: The City has a number of ordinances that have tenant relocation assistance requirements, including under code enforcement activities, condo conversions, Ellis Act, Just Cause for evictions, and SRO conversions. City of Oakland will consider 1) establishing one standard policy across tenant relocation requirements, such as code enforcement, condo conversions, Ellis Act, Just Cause for evictions and SRO conversions, 2) explore new strategies to fund and recover relocation costs, and 3) allocate and fund adequate staffing to monitor relocation programs and recover costs from responsible landlords.</p> <p>One-for-one replacement of units could be considered in this policy reevaluation.</p>
157	Alameda County Public Health Department	Email dated 6/16/2014	Supportive Housing, Transitional Housing and Shelters	<p>1. Revise the planning code associated with supportive housing and transitional housing so that this type of housing in a residential zone does not require conditional use permit. The City should do this as indicated in the draft document.</p> <p>2. Identify locations in City of Oakland for emergency shelters that will not require conditional use permit. Since the closure of winter shelter location in Oakland it is increasingly required for the city. These zones should be located in areas without health hazards, e.g., away from industrial zones.</p> <p>3. Proposed rapid re-housing and winter shelter funding should be re-evaluated in context of several emergency housing programs in Oakland with a shortage of funding for next fiscal year. The City should explore partnership with the County to leverage federal Medicaid dollars for these programs if the source of City funding used is non-federal dollars.</p>	<p>1. The Planning Code has been revised to address transitional and supportive housing. The City Council's second reading of the ordinance adopting these changes is scheduled for July 15; these changes will become effective on August 15.</p> <p>2. The City Council passed the first reading of an ordinance that would permit emergency shelters in 8 locations throughout Oakland, along with objective development standards. The second reading of the ordinance will be on July 15 and the ordinance will become effective on August 15.</p> <p>3. This comment is beyond the scope of the Housing Element; however, we will pass this comment onto the City's Human Services Department (responsible for the winter shelter program).</p>

City of Oakland Draft 2015-2023 Housing Element
Response to Comments

No	Commenter	Source	Topic	Comment	Response
158	Jeff Levin, EBHO	Verbal at Special Community and Economic Development Committee Meeting dated 6/10/2014		<p>1. Urges the city to have mandatory requirements for developer contributions to affordable through a combination of inclusionary zoning and housing impact fees</p> <p>2. Need to address the threat of displacement and policies to help people who are being displaced as well as prevent displacement and prevent the loss of what we call naturally affordable housing.</p> <p>3. Draw attention to the following policies in Housing Element:</p> <p>a. Page 234, action 1.13 talks about sale of city owned property for housing however there is no requirement that any units built on city owned housing be affordable</p> <p>b. Action 1.15 speaks about housing incentives. The City's consultant stated that incentive program often does work, Oakland's experience with a density bonus, it's rarely used for exactly the same reasons. Up zone areas makes incentives and bonuses harder to use.</p> <p>c. Page 236, policy 1.3 outlines that thousands of units will be developed in the priority development areas; however there is no requirement for affordable housing in those areas. There are no plans or policies to make that happen.</p> <p>d. Policy 2.7 – a k 2.72 and this is echoed in 3.3, is about the nexus study and the housing impact fee. Need to have a firm date for the completion of the study. Also, as per a requirement under housing element law the programs should have a time frame.</p> <p>Urge to complete this report by December of this year and get moving on consideration of the policy itself.</p>	See various response above to EBHO comments.
159	Jeff Levin, EBHO	Verbal at Special Community and Economic Development Committee Meeting dated 6/10/2014		<p>e. On page 247 about housing preservation and rehabilitation, there is no discussion and no plan or policy for addressing the loss of privately financed housing that might be demolished by private action, even though housing element law require there be such a policy in the implementation plan.</p> <p>f. Policy 5.6 on condominium conversion should be strengthened.</p> <p>g. Policy 7.3 encourages developments that reduces car and is emissions. Would like to note the heavier users of public transit are low-income people. If it is desired that the housing plan helps reduce greenhouse gas emissions, then consider locating affordable housing close to transit.</p>	See various response above to EBHO comments.