

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	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)	mandatory inclusionary zoning policy	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)	cumulative fee and exaction burden on new housing	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.

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6	BIA of the Bay Area	Email dated November 25 2013 (& letter dated 11/26/13)	affordable 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.
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)	Priority Development Area (PDA)	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)	adequate sites compliance of the existing housing element	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)	Cap on Housing	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)	“by right” housing development	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

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12	BIA of the Bay Area	Email dated November 25 2013 (& letter dated 11/26/13)	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.
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 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	N/A

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17	BIA of the Bay Area	Email dated November 25 2013 (& letter dated 11/26/13)	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)	Climate Adoption 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: <a href="http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak039056.pdf">http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak039056.pdf</a>
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).

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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.

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32	Mayor's Commission on Aging	5-Mar-14		<ul style="list-style-type: none"> <li>What rents are considered "affordable"?</li> </ul>	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	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	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	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	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	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
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.

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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 the 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		Additional comments received beyond the scope of the draft 2015-2023 Housing Element: <ul style="list-style-type: none"> <li>• Set schedules (5 to 7 days) for appropriate response time of landlords to tenant inquiry or request.</li> <li>• 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.</li> <li>• 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).</li> <li>• Ensure all tenants of public housing have access and are trained to use internet at home for \$10/month or less.</li> <li>• There should be fewer hurdles to evicting problem tenants.</li> </ul>	N/A
44	NCLT/OCLT (Northern CA Land Trust/Oakland Community Land Trust)	Comments dated 4/28/14	Community Land Trusts	Increase the profile of community land trusts (CLTs) as affordable housing providers and long-term stewards, and desirable community investments.	Policy 2.5.1 cover's 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	Comments dated 4/28/14	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	Comments dated 4/28/14	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. (<a href="http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/dowd008179.pdf">http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/dowd008179.pdf</a>)</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>