

## Deeply Rooted in Oakland Partnership



Credit: Favianna Rodriguez

January 9, 2023

To: Mayor Thao & Councilmembers Bas, Fife, Gallo, Jenkins, Kalb, Ramachandran, Reid  
From: Deeply Rooted in Oakland Partnership

### **Re: Recommended Housing Element Strategies for a Racially Just & Inclusive Oakland**

We write as Deeply Rooted in Oakland Partnership, a collaboration of multiracial community institutions,<sup>1</sup> selected through a historic City RFP process to conduct community engagement on Oakland's General Plan. We are united in a collective vision of creating a racially equitable, sustainable, and culturally-thriving Oakland by uplifting the housing priorities and solutions of the 2,558 Oakland low income residents who have been part of our 50+ community engagement events on the Housing Element.<sup>2</sup> We have also convened an Equity Working Group,<sup>3</sup> consisting of 16 residents representing flatland communities of color, to guide the City's planning process.

City Planning leaders, especially Director William Gilchrist and Project Lead Lakshmi Rajagopalan, have been model partners. We are pleased to share that the City Planning Department has incorporated 30 policy ideas and strategies from the Deeply Rooted process, including:<sup>4</sup>

- The majority of Healthy Development Guidelines related to housing co-created by grassroots organizations, City Planning, and County Public Health leaders.
- Changing the proposal that would have allowed private developers providing only 20% affordable housing with "by right" development on new housing sites, to 100% affordable.
- Agreeing to conduct a study on neighborhood level displacement impacts from potential market rate development projects and require displacement prevention strategies.
- Piloting neighborhood planning councils to focus on displacement prevention strategies.

However, there are still missing strategies that Deeply Rooted would like to see included.

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<sup>1</sup> Deeply Rooted Partners - EastSide Arts Alliance, Black Arts Movement Business District CDC, Black Cultural Zone, Communities United for Restorative Youth Justice (CURYJ), House/Full of Black Women, Just Cities, Lao Family Community Development, Inc, Malonga Arts Residents Association, Oakland Asian Cultural Center, The Unity Council, The Village, Urban Strategies Council, and West Oakland Environmental Indicators Project.

<sup>2</sup> Deeply Rooted Community Outreach effort - <https://www.deeplyrooted510.org/communityoutreach>

<sup>3</sup> Equity Working Group Members - Arthur Shanks, Bethsaida Ruiz, Cathy Eberhardt, David Peters, Esther Goolsby, Gyssell Perez, Iris Quach, Keta Price, Liana Molina, liz suk, Naru Kwina, Nayeli Bernal (till September 2022), Nora Smith, Priscilla Hoang, Reinaldi Gilder, Sandra Ue, and Shina Robinson.

<sup>4</sup> Deeply Rooted list of policies - <https://www.deeplyrooted510.org> (To be updated January 2023)

First, the City is proposing “by right” development on new housing sites and it is critical that these new units are affordable to residents who need housing the most. Second, under the City's AFFH obligations, and in response to its identification that existing zoning patterns could result in the construction of over 10,000 market rate housing units in neighborhoods deemed either vulnerable to displacement or undergoing displacement, the City has agreed to strategies to prevent displacement harms from market rate development. The City Council should prioritize ensuring that these commitments are implemented. Third, there are 8 housing policies missing that are critical to reversing Oakland’s untenable trend of escalating homelessness and racialized displacement. Fourth, we have recommended language additions to advance a more inclusive Oakland. Fifth, the City cannot realize its vision for racial justice and inclusion without amending its current Homeless Encampment Management Policy. Sixth, we want to flag for the City Council a future planning process to define design standards for affordable housing projects.

## **I. DEFINING AFFORDABILITY FOR HOUSING SITES OVERLAY ZONE**

The State requires that jurisdictions have to allow private developers “by right” development on the housing sites/parcels that the jurisdiction had identified for new development in their previous housing element cycles (5th & 4th cycles), IF the project includes 20% of all units affordable to lower income households (80% AMI and below). [[State Income Limits, HCD](#)] Not required by the State, the City is also proposing to potentially allow private developers “by right” development on the new housing sites/parcels (6th cycle) if the project is for affordable housing, which Deeply Rooted partners support [Draft [Housing Element](#), Action 3.4.10, p.88]. However, the City has not yet defined what it means by “affordable housing” and will do so during the future zoning process. We recommend that this “by right” development on the new housing sites only occurs for “affordable housing” projects that are:

1. 100% affordable housing; and
2. Affordability must be defined using the median incomes of populations who reside in that neighborhood who are susceptible to displacement and fair housing impacts including disaggregating the data by race/ethnicity.

## **II. OVER 10,000 MARKET RATE UNITS IDENTIFIED IN DISPLACEMENT VULNERABLE NEIGHBORHOODS REQUIRE ANTI-DISPLACEMENT STRATEGIES**

Through the State mandated new housing production requirements, the Association of Bay Area Governments (ABAG) has designated 11,533 new market rate housing units to be produced in Oakland from 2023 to 2031.<sup>5</sup> To meet its AFFH obligations, the City has identified sites in high resource areas that are capable of being developed for affordable housing. However, the City has

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<sup>5</sup> Note that the State has strongly encouraged all Cities to include at least a 15% "buffer," which is why Table 3-1 of the Housing Element and other areas use the number 13,263 as the minimum market rate production requirement.

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identified that over 11,000 of these market rate units could potentially be built in neighborhoods that it has also identified as vulnerable to displacement or undergoing displacement including in historic ethnic enclaves like East and West Oakland and Eastlake and Fruitvale neighborhoods. The City Planning leadership has agreed to the following Deeply Rooted recommendation. Given the importance of this recommendation to advancing Oakland's racial equity and anti-displacement priorities, we ask that the City Council prioritize its implementation.

**RECOMMENDATION:** As part of Action 3.4.2, the City will conduct a study that analyzes the potential impact of larger market rate development projects in neighborhoods undergoing displacement or vulnerable to displacement. The study should analyze the displacement vulnerability on a neighborhood basis, because one neighborhood could be affected differently than another neighborhood. The study should result in Standard Conditions of Approval that could be applied to all projects in the same neighborhood or neighborhoods that would include affirmative anti-displacement strategies that prevent, rather than just mitigates, displacement harms.

**Table 1. Oakland Regional Housing Needs Assessment**

Income Affordability	Income range	RHNA 2015-2023	Permits Issued	Housing Need Goal Met in 5th cycle	RHNA 2023-2031	Percent of needed units
<b>Very low</b> Income (0-50% AMI)	< \$46,287	2,059	1,079	52%	6,511	24.8%
<b>Extremely low</b> (<30% AMI part of very-low)	<\$27,772	-	-	-	3,256	
<b>Low - Income</b> (51-80% AMI)	\$27,773-\$74,059	2,075	666	32.10%	3,750	14.3%
<b>Moderate - Income</b> (81-120% AMI)	\$74,059-111,089	2,815	78	3%	4,457	17.0%
<b>Above moderate - Income</b> (>120% AMI)	>\$111,090	7,816	14,966	191.5%	11,533	43.9%
<b>Total</b>		<b>14,765</b>	<b>-</b>		<b>26,251</b>	<b>100.0%</b>

Note : 1) AMI - Area Median Income, 2) Source for column : Income Affordability, Income range, RHNA 2023-2031, Percent of needed units [Draft [Housing Element](#), page 11]

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**Table 2. Potential New Housing Units By Neighborhood and Displacement Risk**

Resource Areas by Neighborhood	Lower Income Units	Moderate Income Units	Above-Moderate-Low Income Units	Displacement Risk (Reference Map - <a href="#">D-19</a> , <a href="#">Figure 3-1</a> )
<b>Central East Oakland</b>	<b>2,319</b>	<b>373</b>	<b>1,085</b>	Low income /Susceptible to displacement
High Segregation & Poverty	347	373	9	
Low Resource	1,972	462	1,076	
<b>Coliseum/Airport</b>	<b>533</b>	<b>119</b>	<b>298</b>	Low income /Susceptible to displacement
Low Resource	533	119	298	
<b>Downtown</b>	<b>3,222</b>	<b>2,176</b>	<b>6,010</b>	Early ongoing gentrification/ At risk of gentrification
High Segregation & Poverty	403	667	1,792	
Low Resource	497	687	1,345	
Moderate Resource	2,322	754	2,620	
Moderate Resource (Rapidly Changing)	-	68	253	
<b>Eastlake/Fruitvale</b>	<b>1,984</b>	<b>709</b>	<b>2,072</b>	At risk of gentrification/ Low income /Susceptible to displacement / Advanced gentrification
High Segregation & Poverty	1,036	371	1,826	
Low Resource	943	277	156	
Moderate Resource	5	61	90	
<b>North Oakland/Adams Point</b>	<b>1,509</b>	<b>641</b>	<b>3,515</b>	Early ongoing gentrification/ At risk of gentrification
High Resource	256	9	199	
Highest Resource	231	26	8	
Low Resource	393	287	862	
Moderate Resource	599	244	2,300	
Moderate Resource (Rapidly Changing)	30	75	146	
<b>West Oakland</b>	<b>1,494</b>	<b>748</b>	<b>4,454</b>	Advanced gentrification/early ongoing gentrification
High Segregation & Poverty	400	83	428	
Low Resource	811	653	3,627	
Moderate Resource	283	12	399	
<b>Housing units (Low resource and High segregation &amp; Poverty areas)</b>	<b>5,492</b>	<b>1,886</b>	<b>11,419</b>	
<b>Total Citywide Housing units</b>	<b>11,061</b>	<b>4,766</b>	<b>17,434</b>	

### III. 8 Missing Critical Housing Policy Actions

1. **Municipal Reparations Should be Prioritized and Right to Return Policies Should be More Inclusive.** To address racialized displacement harms, including stemming from the history of bank foreclosures, Redevelopment Agency displacement, and redlining, the City should prioritize the development of a municipal reparations fund and extend right to return policies for displaced residents, especially members of Oakland’s Black diaspora. For example, the City of Portland has broader right of return policies. **Action 1.1.11: Enforce the tenant right to return and protections from coercive buyouts** [Draft [Housing Element](#), page 57]
2. **The City should utilize Neighborhood Area Median Income for defining affordability, especially in displacement vulnerable neighborhoods:** To address the problem of unaffordability of new “affordable housing” being developed, City Housing should 1) ask nonprofit developers applying for City affordable housing funds to include a housing affordability analysis using neighborhood level median income, disaggregated by race/ethnicity; and 2) prioritize for funding affordable housing projects that have greater affordability for low income residents in that neighborhood. This is critical information for City decision-makers in ranking housing project funding proposals. **Action 3.3.4: Development of permanent housing affordable to extremely-low-income (ELI) households on public land,** [Draft [Housing Element](#), page 75-76]
3. **Create Cultural Preservation Districts as a place-based strategy to protect existing residents from displacement.** To address displacement, include a new policy action for displacement vulnerable neighborhoods, requiring anti-displacement strategies such as on-site affordable units from market rate projects (instead of in-lieu fee), use neighborhood area median income for defining affordability, require fair housing impact assessment of market rate projects, have a Community Planning Council to vote on new development projects, etc. **Policy 3.4. reform zoning and land use to address community priorities** [Draft [Housing Element](#), page 83-89]. This proposal incorporates priorities from the City’s Cultural Plan<sup>6</sup> adopted by the City Council on July 10, 2018.
4. **Use all residential public vacant land for 100% affordable housing, especially for unhoused residents.** Add specific language to ensure all vacant public land appropriate for housing is prioritized for 100% affordable housing especially for unhoused residents. This prioritization should be also applied to 10+ acres parcels that currently are only being considered for market rate units. Add to **Action 3.3.1: Sale or ground-lease of City-owned property for affordable housing.** [Draft [Housing Element](#), page 74]
5. **Citywide Housing Commission.** A Housing Commission should be formed and include low income Oakland residents of color directly impacted by the housing crisis to annually monitor City

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<sup>6</sup> [Oakland Cultural Plan, 2018](#), p. 64.

performance and policy implementation of the Housing Element. Add to **Action 5.2.11: Provide accountability measures for housing programs, including annual monitoring** [Draft [Housing Element](#), page 117]

6. **Fair housing for formerly incarcerated people** - As part of the fair housing priorities, the City should continue to fund implementation needs for Oakland's nationally recognized Fair Chance Housing Ordinance for formerly incarcerated individuals and their families, including community outreach, education and enforcement. Add to **Policy 5.3, Action 5.3.1 Provide fair housing services and outreach** [Draft [Housing Element](#), page 118]
7. **Low income homeowners and new property taxes from affordable housing property taxes.**  
On October 18, 2016, the City Council approved a \$600,000 grant fund for low income senior and disabled homeowners who would be burdened by new property taxes from the Measure KK infrastructure and housing bond. However, the City Administration has not been able to produce any information on the administration of the Council approved grant funds. Before the implementation of any new local tax measures, the City should ensure that low income homeowners are either 1) exempt from new parcel tax measures or 2) the City provides grant funds to help the vulnerable homeowners pay new property taxes. Add to **Action 3.3.18: Implement affordable housing investments contained in Measure U** [Draft [Housing Element](#), page 82-83]
8. **Examine potential fair housing policies that prevent evictions from speculators.** The City should prioritize the development of new fair housing laws that dis-incentivize speculators from buying homes in order to evict current lower income residents, rather than the current proposal of taxing speculators AFTER the harm of home purchase has already occurred. Add to **Action 2.2.6, Reduce short-term home purchases/sales (i.e., "house flipping") to ensure affordability and prevent displacement.** [Draft [Housing Element](#), page 65]

#### **IV. LANGUAGE CHANGE NEEDS IN FOUR SECTIONS FOR RACIAL INCLUSION**

1. Add the following groups in **Policy 3.7. Expand Options for Special Needs Housing**, "formerly incarcerated individuals" and "undocumented individuals" given housing discrimination faced and tremendous housing needs. [[Housing Element 11.29.22 Draft](#), page 93-96]
2. **Grow Shared Ownership/Homeownership Opportunities.** Add language to create shared ownership and homeownership opportunities for Black and other residents of color and formerly incarcerated people. **Action 3.5.1: Support community land trusts and other shared equity models** [[Housing Element 11.29.22 Draft](#), page 89]
3. Add language acknowledging that City Council passed the Oakland Construction Innovation and Expanded Housing Options Ordinance in November 2021 that updates the City's zoning regulation to **allow RVs, mobile homes, manufactured homes and tiny housing** on private properties in

any area that allows residential on **Policy 3.4. Reform Zoning and Land Use To Address Community Priorities** [[Housing Element 11.29.22 Draft](#), page 83-89]

4. **Support streamlined communication with affordable housing applicants.** As part of the preference provided to locals for City-assisted affordable housing projects add language which specifically speaks to improved communications directly to applicants for quicker response times and accurate updates on housing application status in **Action 1.1.12: Provide a local preference in affordable housing projects.** [[Housing Element 11.29.22 Draft](#), page 57]

## **V. Amend the Homeless Encampment Management Policy**

In 2020 the City Council adopted the Homeless Encampment Management Policy with certain guarantees and commitments from the then City Administration, including that unhoused residents will be treated with respect and dignity AND that if people are removed from their encampment homes that they would receive stable and better housing. However, as documented by unhoused activists, the City Auditor, and media reports, these guarantees and commitments have not been realized. **We ask that the Mayor and City Council work with the Homeless Advocacy Working Group (HAWG) to revise the Encampment Management Policy.**

## **VI. Design Standards for City's Proposed Affordable Housing Overlay Zone**

The City should ensure that human design standards are applied to affordable housing projects as part of the future City process. See Appendix J: Zoning Proposals, p. 15.