

**A People's Proposal**  
**A Visionary Approach to Using Public Land for Public Good in Oakland**  
June 11, 2018

**I. BACKGROUND AND PRINCIPLES**

**Public Land for Public Good** has become a clarion call in Oakland as our neighbors and friends struggle to afford staying in their homes and communities in the face of surging rents and evictions. This rallying cry embodies critical values, including centering the needs and voices of our most impacted neighbors and communities, transparency and accountability, advancing racial equity, and promoting responsible stewardship of community resources. From the contentious fight around the East 12th Street parcel to the redevelopment of the Coliseum Area, how we use our precious public land provokes strong feelings and concerns about stemming gentrification and displacement and advancing equitable and sustainable development.

In the spring of 2017, the City of Oakland Administration and a subcommittee of the Oakland Citywide Anti-Displacement Network (“Citywide Network”)<sup>1</sup>, a collaborative of community-based organizations, embarked on a unique process of working together to develop a policy that would go above and beyond the requirements of the state Surplus Land Act and truly promote **Public Land for Public Good**. We all agreed to create a policy that would be uniformly and predictably applied to sales and leases of public land under the purview of the City. However, after months of discussions facilitated by Enterprise Community Partners, it became clear that there were insurmountable impasses on key issues, so we ultimately agreed to submit two separate proposals.

***The two proposals are worlds apart. The City Council should adopt the Citywide Network’s People’s Proposal, which provides a more equitable and holistic vision -- and a more transparent and community-driven process -- than the Administration’s “strategy.” In addition, the City Council should direct the Administration to stop disposing of public land until a policy is in place.***

By supporting a community- and equity-driven public land policy, Oakland’s City Council can help ensure that residents have a meaningful voice in how our neighborhoods are shaped; that community needs are prioritized; and that the City uses its resources wisely to stop displacement, stabilize neighborhoods, encourage healthy development, and build trust between residents and City leaders.

The People’s Proposal is based on input from the community and ensures that public land is used for public good -- to serve the most critical needs of Oakland’s most impacted communities. It requires affordable housing on all sites, including 100% affordable housing on most sites and meaningful

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<sup>1</sup> The subcommittee of the Citywide Network includes the Building & Construction Trades Council of Alameda County, Communities for a Better Environment (CBE), East 12th Coalition, East Bay Alliance for a Sustainable Economy (EBASE), East Bay Housing Organizations (EBHO), East Oakland Black Cultural Zone, and Public Advocates.

inclusionary housing on-site for low-income households on the largest sites. It also requires a transparent and accountable community process, living wages for local and disadvantaged residents, and health and environmental protections. Until public land is sold or leased for affordable housing and other community needs, the proposal makes the land available for Safe Haven Homeless Encampments. Additionally, the People's Proposal directs all sales proceeds towards affordable housing and other community uses, such as youth programs, job training, education, homeless assistance, and health services.

In contrast, the City Administration proposes a "strategy" rather than a policy. This approach limits the community's ability to hold the City accountable for ensuring that public land truly serves the public good. It limits transparency. Even the suggestion of such a strategy highlight the need for both transparency and accountability; nothing has precluded the Administration from implementing such a strategy. Yet, years into a massive housing crisis, they have not done what they now promise to do. The Administration's approach also risks selling off precious public land for 100% market-rate and luxury development, thereby exacerbating gentrification and displacement. Furthermore, this approach takes a narrow view of the challenges facing our communities by completely omitting jobs requirements and health and environmental protections. And it allows sales and lease proceeds to be used for police, a use the community adamantly opposes, as opposed to investing in resources that benefit impacted residents.

**Moreover, while the People's Proposal is consistent with the Surplus Land Act and goes beyond its requirements, the Administration's proposal is in clear violation of the Surplus Land Act** in multiple ways, creating uncertainty about when the requirements of the Act would be applied and whether it would hold up to a legal challenge. The Surplus Land Act requires that when local agencies sell or lease their land, they prioritize the land for the development of affordable housing for lower-income households. After making good faith efforts to maximize affordable housing on its land, the agency must ensure that at least 15 percent of housing units on the land are affordable to lower-income households. The Administration's "strategy" invites legal challenge, thereby infusing an arduous process with unnecessary uncertainty.

By adopting the People's Proposal, the City Council can promote critical values of transparency and accountability, it can take a holistic approach to confronting the needs of our most impacted communities, and it can aggressively address the housing crisis by ensuring that our public land promotes diversity and inclusion. The City Council has an opportunity to demonstrate strong leadership in ensuring **Public Land for Public Good**.

## **II. SUMMARY OF PROPOSAL**

### **A. Community Oversight and Transparent Process**

1. For each site, the City must partner with community-based organizations to engage in a visioning process with community members that helps inform the Request for Proposals (RFP).
2. Establish a standing community advisory committee (CAC) with members that are appointed by the City Council and represent communities most impacted by the housing crisis. The CAC monitors and oversees the disposition process from start to finish, and ensures ongoing policy implementation.
3. All sales and leases of public land must go through a public competitive process that first favors “priority entities,” including nonprofit affordable housing developers, tenants’ rights organizations, homeless advocacy organizations, and community land trusts.

### **B. Affordable Housing**

1. All housing on public land must be permanently affordable to extremely low-, very low-, low-, and moderate-income households, except where the development will include more than 300 housing units, in which case 25% of the units must be affordable.
2. At least 20% of the housing units on public land portfolio-wide must be affordable to extremely low-income households.
3. At least 20% of the housing units on public land portfolio-wide must be reserved as supportive housing.
4. Until public land is sold or leased for affordable housing or other community uses, it must be made available for temporary Safe Haven Homeless Encampments or for other alternative housing uses. In general, community ownership housing solutions such as community land trusts must be considered for appropriate sites.
5. 50% of the proceeds from the sale or lease of public land must be deposited into the Affordable Housing Trust Fund. (The other 50% will be deposited in a Community Fund.)

### **C. Job Quality**

1. All permanent jobs must be paid the rates in Oakland’s Living Wage Ordinance.
2. Targeted hire -- including local, disadvantaged and apprenticeship -- for construction jobs and permanent jobs.
3. Implement Port of Oakland’s Fair Chance policy to ensure formerly incarcerated folks are employed.
4. Employers, including contractors, are prohibited from using E-Verify or collaborating with ICE to retaliate, harass or threaten workers. Immigration status will not be considered in the hiring process.
5. Labor peace agreements for both construction and operations jobs that are designed to promote both union jobs and affordable housing.

6. 100% affordable projects on Oakland public land that are larger than 80 units will be covered by a Project Labor Agreement (PLA) policy model based on the terms of the Alameda County Measure A1 PLA agreement.
7. Developers for market-rate and mixed-income projects on public land must negotiate area standards for private project labor agreements with the Alameda County Building Trades Council, and at a minimum, the negotiated PLA must include jobs standards based on the Oakland Army Base.

**D. Health and Environment**

1. The City must rezone sites to address land use conflicts, present past soil testing and remediation, and designate and review surrounding diesel truck routes.
2. Projects must include minimum setbacks when near sources of pollution, use low-VOC paints, include a net tree increase, improve air quality, and reduce exposure to air pollution.
3. Project selection must consider on-site renewable energy infrastructure, solar panel installation, and new healthy food retail access.

**E. Community Needs**

1. Nonprofit organizations, health clinics, community centers, fresh food sources, and existing locally owned businesses must have the first right of refusal to rent commercial space and at below market rents.
2. Project selection must consider the provision of free or discounted transit passes, childcare, and technology including high-speed internet and computers on site.
3. 50% of the proceeds from the sale or lease of public land must be deposited into a Community Fund for uses such as youth programs, green businesses, maintenance of existing community facilities, job training or placement, education, homeless or housing assistance, health clinics or services, etc. Proceeds may not be used to support OPD salaries, services, overtime, equipment or lawsuit settlements.

### III. POLICY PROPOSAL

#### A. LAND THAT IS SUBJECT TO THE PUBLIC LAND POLICY

1. **Types of Sites:** All public sites, including former Redevelopment land, land owned jointly by the City and another entity, land received from the state or federal government, that are offered for sale or lease, are subject to the ordinance, regardless of zoning.
2. **Lot Size:** Use the Surplus Land Act's minimum lot requirements. For sites smaller than the legal minimum size, the City must notify the community about the site's availability, and a Community Advisory Committee (CAC) must recommend how such sites are used.
3. **Suitability:** The City may not determine suitability of a site for a particular use. Suitability for residential development must be based on consistency with the General Plan land use designation, even if a zoning modification (e.g., increasing allowable density) would be required. The City may not waive any requirements of the ordinance.

#### B. COMMUNITY OVERSIGHT AND TRANSPARENT PROCESS

1. **Community Visioning:** On each site that the City plans to sell or lease, the City must partner with community-based organizations to engage in a visioning process with community members that helps inform the Request for Proposals (RFP). (Smaller sites in the same neighborhood may be "bundled" into a single community visioning process.)
2. **Community Advisory Committee:**
  - a. **Membership:** The City must establish a standing community advisory committee (CAC) with members that are appointed by the City Council and representative of communities most impacted by the affordable housing and displacement crisis, including seats for community-based organizations, labor, renters, affordable housing residents, worker center members, homeless/formerly homeless, youth, systems-impacted people (formerly incarcerated, foster youth), and people with disabilities. The CAC must also include racial, economic, geographic, gender, age, and educational diversity.
  - b. **Roles:** The CAC must provide recommendations to the City Council before any final decision on an RFP, exclusive negotiating agreement, or disposition of public land; develop a list of "priority entities" limited to those that exclusively work for the benefit of low-income or other impacted communities (including nonprofit affordable housing developers, tenants' rights organizations, homeless advocacy organizations, and community land trusts); evaluate whether the project has met all relevant requirements and scoring criteria; and have meaningful and ongoing oversight of the public land policy implementation and public land development.

### 3. **Transparent and Competitive Process:**

- a. **First Right of Refusal:** All sales and leases of public land (above the minimum lot size) must go through a public competitive process that first favors “priority entities.” With input from the City, the CAC must develop a list of priority entities. Priority entities must be limited to those that exclusively work for the benefit of low-income or other impacted communities and at a minimum must include nonprofit affordable housing developers, tenants’ rights organizations, homeless advocacy organizations, and community land trusts. Priority entities may request in writing that they be added to the list.
  - b. **Notification:** The City must send a written offer to sell or lease property before selling or leasing that property to all priority entities. The process must then follow the Surplus Land Act, including a 60-day window for priority entities to submit proposals and a 90-day good faith negotiation period.
  - c. **Priorities:** The City must develop detailed scoring criteria that prioritizes, consistent with the Surplus Land Act, the highest number of affordable units at the deepest levels of affordability, including housing for formerly unhoused people and supportive housing. In addition, proposals from priority entities that include the following must be considered favorably: proposals for permanent housing affordability; proposals from community land trusts; proposals to lease rather than buy; and proposals that include family-sized housing units, new access to fresh food, community health clinics, free or discounted transit passes, parks, recreation, affordable childcare, renewable energy, or other priorities identified in the community visioning process. The City must enter an exclusive negotiating agreement (ENA) with the proposal that scores highest.
4. **Lease Over Sale:** The City must make good faith efforts to lease the land and if sale is preferred, the City must provide a written justification to the CAC about why land is recommended for sale rather than lease.
  5. **Recent Appraisal:** When selling public land, the City must use an appraised value derived no more than 90 days from the date of the ENA.
  6. **Discount the Land:** If the City leases or sells property to a non-profit (or entity controlled by a nonprofit) or community land trust (CLT) for purposes of developing housing primarily for low-income residents and/or for other uses that specifically serve low-income residents, the land should be leased or sold at a discount to make such uses more feasible.

### C. **AFFORDABLE HOUSING**

1. **100% Affordable:** All housing on public land must be permanently affordable<sup>2</sup> to extremely low-, very low-, low-, and moderate-income households.<sup>3</sup> No more than 10% of the units on each site may be affordable to moderate-income households.

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<sup>2</sup> Affordable homes include a deed restriction for at least 45 years for ownership and 55 years for rental, with a preference for permanent affordability.

2. **20% Deeply Affordable:** At least 20% of the housing units on public land portfolio-wide must be affordable to extremely low-income households. Housing Choice Vouchers and Veterans Affairs Supportive Housing vouchers must be allowed and accepted in all units. The City must work with the Housing Authority to secure Project-Based Section 8 vouchers.
3. **20% Supportive Housing:** At least 20% of the housing units on public land portfolio-wide must be reserved as supportive housing for people with disabilities and/or formerly unhoused residents. (This percentage may overlap with the extremely low-income requirement.)
4. **Exception to 100% Affordable:** Where development on a public parcel will include more than 300 housing units, at least 25% of the units must be affordable to extremely low-, very low-, and low-income households.
5. **Nonprofit ownership:** Project selection must prioritize proposals from nonprofit or mission-driven organizations.
6. **Community ownership:** Project selection must include favorable points for community land trusts or other entities that promote community ownership.
7. **Family Units:** Project selection must prioritize proposals that include family-sized housing units.
8. **No Condo Conversion Rights:** Housing units built on city-owned land may not be used to generate condominium conversion rights, and affordable rental units may not be converted to or sold as individually owned units.
9. **Preference for Displaced, Neighborhood, and Local Residents:** The City's existing preference policies for people who live or work in Oakland, neighborhood residents, and people displaced from Oakland must apply to affordable housing built on public land even if no subsidy is provided.
10. **Fair Chance:** Prohibit housing providers from inquiring about criminal history until they have determined an applicant's eligibility under all other criteria, and require that providers engage in an individualized assessment of criminal history. Use a model such as Richmond's Fair Chance Access to Affordable Housing ordinance.
11. **Immigration Status:** Housing must be open to immigrants without documents to the extent not prohibited by funding sources.
12. **Safe Haven Homeless Encampments:** Until public land is sold or leased for affordable housing or other community uses, it must be made available for temporary Safe Haven Homeless Encampments, provided the site is safe from environmental hazards.
13. **50% of Proceeds to Affordable Housing:** 50% the net proceeds must be deposited into the Affordable Housing Trust Fund and used for development and preservation of housing affordable to extremely low-, very low-, and low-income households. (The other 50% will be deposited in a Community Fund.)

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<sup>3</sup> Extremely low-income is at or below 30% of area median income (AMI). Very low-income is between 30-50% of AMI. Low-income is between 50-80% of AMI. Moderate-income is between 80-120% of AMI.

## D. JOB QUALITY AND LABOR PEACE

1. **Living Wage:** All operations workers, on site (i.e., permanent jobs), regardless of employer size, including those under subcontracts, must be paid the rates in Oakland’s Living Wage Ordinance in perpetuity. (No waivers allowed.)
2. **Local and Disadvantaged Hire:**
  - a. **For construction jobs**, targeted hire and jobs standards based on the Oakland Army Base Horizontal Construction Jobs Policy and the targeted hire language in the OAB Project Labor Agreement, **\*\*Not the City’s standard LEP language\*\***.
  - b. **For operations jobs** (except staff of 100% affordable housing buildings), 50% of the total work hours (annually) must be performed by Oakland residents and 25% of the total work hours (annually) must be performed by disadvantaged workers. “Disadvantaged workers” include those living in low-income zip codes and with barriers to entry, including formerly or currently unhoused, formerly incarcerated, single custodial parent, former foster youth, veterans, people with disabilities, chronically unemployed, and those receiving public assistance. Employers must call the appropriate union hiring hall (if applicable), followed by the West Oakland Jobs Resource Center and then other hiring sources.
3. **Jobs Oversight:** The Army Base Jobs Oversight Commission will review workforce compliance reports quarterly for the first year of the development and annually thereafter to ensure compliance with targeted hire requirements. Liquidated damages may be assessed for non-compliance.
4. **Ban the Box:** Implement a Ban the Box policy for employment. This may follow a model such as Richmond’s Ban the Box ordinance or the Port of Oakland’s Army Base Jobs Policy which requires the following:
  - a. In the hiring process, including application, an employer may not inquire about involvement with the criminal justice system, criminal record or arrest record.
  - b. If a background check is required by law, the employer must conduct the background check only after the first interview or conditional offer of employment.
  - c. The employer may only review and consider job-relevant convictions within the last 7 years, and must consider age of offense, circumstances, efforts to rehabilitate, and time passed since conviction.
  - d. If the employer makes an adverse hiring decision because of a job-related conviction, the applicant must be provided with a written notice of rejection, including how the conviction may be related to the job, and given the opportunity to correct any inaccuracies in the conviction record information and to offer any other evidence of rehabilitation or other mitigating circumstances.
5. **Small/Local contracting requirements will apply.**
6. **Immigration Status:** Employers, including contractors, are prohibited from using E-Verify or collaborating with ICE to retaliate, harass or threaten workers. Immigration status will not be considered in the hiring process and will not impede qualified applicants from being hired for construction or permanent jobs.



7. **Labor Peace Agreements:** In order to protect the City’s ongoing proprietary interest in project completion and ongoing delivery, the City must require labor peace agreements for both construction and operations jobs. Labor Peace agreements should be designed to help promote both quality jobs, economic development opportunities and affordable housing.
  - a. **For construction jobs,** the upcoming Project Labor Agreement (PLA) policy model to be adopted by the Alameda County Board of Supervisors to govern Measure A1 funds, must apply to all 100% affordable housing projects on Oakland public land. Developers for market-rate and mixed-income projects on public land must negotiate area standards for private project labor agreements with the Alameda County Building Trades Council, and at a minimum, the negotiated PLA must include targeted hire and jobs standards based on the Oakland Army Base Horizontal Construction Jobs Policy and the targeted hire language in the OAB Project Labor Agreement, **\*\*Not the City’s standard LEP language\*\***.
  - b. **For permanent jobs** (except for staff of 100% affordable housing buildings), require labor peace agreements when the City has an ongoing proprietary interest in the project.
8. **Evaluation:** Every 18 months, an evaluation will be undertaken by the City, in collaboration with the CAC, to review the implementation and impact of these policies on the delivery of affordable housing units.

#### **E. HEALTH AND ENVIRONMENT**

1. **Rezoning:** Rezoning of sites must address the land use conflicts of residential land use adjacent to general and/or heavy industrial land use. (This would be required for housing business mix, commercial industrial mix, and general industrial zoning land uses.)
2. **Setbacks:** Landscaping setbacks must be at least 15 feet where the site is within 1,500 feet of General Industrial zoning, diesel truck routes, major highways, major roadways, Port of Oakland, and the airport.
3. **Public Information:** The Environmental Protection and Compliance Unit of Oakland must participate in the rezoning of public lands. It must present past soil testing and remediation of the public land undergoing rezoning during a meeting with the public (e.g., Planning Commission Meeting). Note: stating that it is available on the website is not an acceptable format for making this information available to the public, and this information must be translated upon request.
4. **Diesel Truck Routes:** The City must designate surrounding diesel truck routes within a mile radius of the property and review current diesel truck routes to assess potential impacts on proposed uses.
5. **Trees:** Projects must incorporate tree plantings on the site and adjacent street frontage (as specified by OMC Chapter 17.124). There must be a net tree increase, i.e., trees that are cut must be replaced. There must be community engagement for the relocation or replanting of trees.
6. **Renewable Energy:** Project selection must consider on-site renewable energy infrastructure such as solar, wind, geothermal, or biomass with production capacity of at least 5% of the project’s annual electrical and thermal energy cost.

7. **Solar:** Projects must maximize opportunities for solar panel installation. This includes, but is not limited to, applying for AB 693 funds for solar panels on affordable housing or other grant or subsidy programs when available.
8. **Low-VOC Paints:** Projects must use low-VOC paints.
9. **Indoor Air Quality:** Projects must install air filtration systems, as economically feasible specifically for affordable housing developments. Projects must incorporate measures to improve indoor air quality and reduce exposure to air pollution in new development projects (as required in SCA 20 and 21).
10. **Healthy Food:** Project selection must consider new healthy food retail access.
11. **Healthy Development Guidelines:** Projects shall comply with the Healthy Development Guidelines upon its passage.

#### **F. COMMUNITY AMENITIES**

1. **Nonprofits and Local Businesses:** Nonprofit organizations, health clinics, community centers, fresh food sources, and existing locally owned businesses must have the first right of refusal to rent commercial space and at below market rents.
2. **Community Needs:** In addition to those mentioned above, project selection must consider the provision of free or discounted transit passes, childcare, and technology including high-speed internet and computers on site.
3. **50% of Proceeds to Community Fund:** 50% of the net proceeds must be deposited into a Community Fund for uses such as youth programs, green businesses, maintenance of existing community facilities, job training or placement, education, homeless or housing assistance, health clinics or services, etc. Proceeds may not be used to support OPD salaries, services, overtime, equipment or lawsuit settlements.

#### IV. ANALYSIS

##### A. AFFORDABLE HOUSING

###### Prioritization of Affordable Housing

The People's Proposal developed by the Oakland Citywide Anti-Displacement Network (Citywide Network) requires 100% affordable proposals as the first and default use for land disposed of by the City. In contrast, the City Administration's proposal picks and chooses which parcels should include affordable housing without a policy to hold the City accountable for meeting those goals.

***94% of community survey respondents said it was "very important" that public land includes affordable housing, 89% said that 25-100% of housing on public land should be affordable, and 67% said 50-100% should be affordable.***

The Citywide Network's prioritization of 100% affordable projects reflects community feedback that affordable housing is the most urgent need and highest priority for public land use, as well as the Surplus Land Act requirement that the proposal with the highest number of affordable units at the most deeply affordable levels receive priority.

Public land is a scarce and valuable resource that should be prioritized for affordable housing. Market-rate housing and other types of development can be built on privately-owned land, but particularly in the current market, affordable housing developers are having increasing difficulty competing to acquire private parcels, particularly those that are close to transit and would compete well for other financing, or parcels located in higher income neighborhoods with few existing affordable units.

With the demise of redevelopment, the City has lost its primary source of support for affordable housing development. New sources such as impact fees and boomerang funds are helpful but do not fully meet the gap. Use of public land would permit development faster than accumulating a portion of sales proceeds in the Affordable Housing Trust Fund and then seeking suitable sites, while still providing the ability to leverage other necessary funding such as tax credits, Affordable Housing and Sustainable Communities, or new State funding.

The City's Housing Element Regional Housing Needs Allocation calls for at least 30% of new housing to be affordable for extremely low-, very low- and low-income households. This percentage is already far below the proportion of lower-income households in Oakland (roughly 50%). Yet, in the last two years, only 6% of building permits are for affordable units while the rest are for market-rate units that are not affordable to Oakland renters, particularly those most at risk of displacement, most of whom are people of color. If we do not prioritize this scarce public resource to aggressively meet our affordable housing

needs, we will not come close to achieving a proper “housing balance” between affordable and market rate production.

Moreover, building 100% affordable projects that leverage other sources (a) can yield more units at much deeper levels of affordability than would be provided through an inclusionary percentage in market-rate developments, (b) would be managed by entities experienced in the complex requirements for affordable housing, (c) generally come with facilities and supportive services not found in market-rate developments, and (d) are more easily monitored for compliance than small numbers of units in multiple projects.

### Inclusionary Requirements

The People’s Proposal requires that at least 25% of on-site units in the largest buildings are affordable. By contrast, the City Administration’s proposal would allow 100% market-rate development on any parcel of public land.

The People’s Proposal is consistent with -- and goes beyond -- the Surplus Land Act, which prioritizes proposals that set aside at least 25% of the on-site units as affordable to lower-income households. However, by allowing some parcels to include no affordable housing, the City Administration’s proposal clearly conflicts with the state law in multiple ways.

### Certainty

While the Citywide Network’s proposal creates a uniform policy that can be applied to all public land dispositions and at the same time ensures consistency with state law, the City plans to apply its “strategy” on a case by case basis, creating uncertainty, confusion, and the possibility of violating state law.

In addition, the City’s strategy risks accelerating gentrification and displacement as luxury housing and commercial developments are built on some public land in vulnerable low-income communities of color. By pursuing an unaccountable strategy, the City creates a very real possibility that nearly none of the City’s land will include affordable housing, both a violation of the Surplus Land Act and of the community’s trust. Ensuring that public land is used directly for affordable housing promotes an important principle and sends a message to the community that the City shares the value of public land for public good. Moreover, development of affordable housing on public land is an effective bulwark against turning low-income neighborhoods into high-income neighborhoods.

## B. COMMUNITY PROCESS

Decisions about how to utilize public land are a reflection of the City's values and should be made democratically and transparently. Oaklanders that will be most impacted by public land use should have a role in deciding what development looks like in their communities.

### Community Oversight and Engagement

The People's Proposal establishes a standing Community Advisory Committee (CAC) appointed by the Council that has input throughout the entire land disposition and development process. The CAC would represent a broad cross-section of impacted communities by including tenant services, labor, renters, affordable housing residents, worker center members, unhoused/formerly unhoused, youth, systems-impacted people (formerly incarcerated, foster youth), and people with disabilities. The City establishes no such body.

***86% of community survey respondents said it was "very important" that residents decide what gets built on public lands in their neighborhood. 63% said there should be a community advisory body like the CAC.***

CWN's more robust community engagement requirements reflect feedback that residents want decision-making power when it comes to public lands.

The People's Proposal meaningfully engages community members from the beginning to the end of the disposition process, including visioning, decision-making, oversight, and implementation. It ensures that those most affected by the housing crisis have a seat at the table and reflects a commitment to racial, economic, and gender equity in the process. By contrast, the City's proposal largely excludes the community. In addition to providing a forum for Oaklanders to meaningfully engage with the disposition of their land, the transparency and upfront engagement facilitated by the CAC would significantly reduce the chance of last minute challenges leading to unpredictable delays in land sales.

The City Administration has claimed that the City has insufficient resources to staff and maintain an ongoing CAC, but estimated staffing costs are minimal and could easily be paid for out of proceeds from land sales.

### Competitive Process

The People's Proposal provides for no waiver of the competitive process and gives "priority entities" (as designated by the CAC) that work for the benefit of low-income or other impacted communities the first shot at public lands.

The City continues to maintain that the suitability of a site for affordable housing should be determined in advance, and that the City could thus decide, prior to soliciting proposals, what uses should be pursued. The Citywide Network believes that the City should first ask community members what they wish to see in their neighborhoods and then solicit proposals.

### **C. JOB QUALITY**

The People's Proposal includes robust and balanced requirements that would ensure that the sale or lease of public land advances living wages, union jobs, local hire, and access for local and disadvantaged residents. The City Administration's strategy completely excludes jobs.

***90% of community survey respondents said it was "very important" that public land be used to create good jobs for local residents, and 94% said it was "very important" that jobs on public land pay good, livable wages.***

The housing crisis is multifaceted and requires a holistic approach. Lack of quality jobs is one of those facets and should be directly addressed; wages have lagged far behind rising rents, putting housing even further out of reach for low-wage workers and communities of color.

The Citywide Network's inclusion of labor requirements reflects community feedback that good jobs are a high priority for development on public lands.

The City has a unique opportunity to require higher labor standards on public land beyond what it can legally require on private land, such as local hire. Moreover, the City is in a position to pilot new policies, such as ban-the-box and Project Labor Agreements (PLAs), on public land in order to determine their viability and desirability for city-wide policies, instead of waiting for another parallel process that may never come to pass. Many of these policies involve minimal cost to the City, including local and targeted hire, ban-the-box, and anti-discrimination protections.

With regards to the construction of the projects on public lands, it is essential that there be Project Labor Agreements (PLAs) that include language for targeted or local Hire. Such agreements, also known as Community Workforce Agreements (CWAs), are the best way to ensure that there are "middle class" careers in construction for those residents benefiting from local and targeted hire policies. In addition, they ensure that these jobs are not being performed by workers who are being exploited, and working in unsafe conditions. Finally, the use of CWAs also helps to alleviate the problem of displacement through creating careers in construction for Oakland residents, so that they are able to participate in the current housing market as renters or owners.

#### **D. ENVIRONMENT & HEALTH**

The People's Proposal requires robust environment and health protections. The City Administration's strategy does not address environment and health on public land.

***93% of community survey respondents said it was "very important" that public land be used to improve health and the environment.***

Like jobs, environmental justice and health are integral to housing stability and holistic community development for Oaklanders. Several CWN requirements (including landscaping, air filtration, and renewable energy) will not be included in the administrative adoptions of the Healthy Development Guidelines and therefore should be included in the public lands policy.

The Citywide Network's inclusion of environment and health requirements reflects community feedback that this is a high priority for development on public lands.

Historically, racist planning and lending practices have led to industrial land use conflicts that take years off of people's lives and contributed to the inability of many African Americans, Latinos, and Asians to plant roots in the communities they have lived in for years. The historical disinvestment and injustice has not been addressed for many of the people on the frontlines of displacement. Long-term issues like lack of access to fresh food and exposure to pollution may be fixed, but many that experience the health impacts will not see these benefits if they are displaced. Conditions for improving indoor air quality promote the healing of those exposed to pollution and suffering from respiratory diseases. Without these components of healthy development, the cycle of need is not resolved, only shoved onto another city.

#### **E. USE OF PROCEEDS**

Under the People's Proposal, 50% of proceeds from the sale of public land would go towards the Affordable Housing Trust Fund. The other 50% of proceeds would go to a Community Fund for other community-serving uses identified as priorities by community members. Under the City Administration's proposal, however, up to 60% of proceeds would go into the General Fund.

The CWN is deeply concerned that without clear and specific community uses for the remaining funds, these funds will be part of the General Fund pool that funds police services, salaries, overtime and settlements, which was clearly designated by our survey (see attachment D) and community feedback as an unacceptable use. 41% of the General Fund in 2017 was spent on police instead of greater investment in housing, living wages, and services that would stabilize communities. Community investment would prove more effective than policing, which disproportionately targets low-income people and people of color most impacted by the housing crisis.

## Oakland Public Land Community Survey Results

As of May 24, 2017

### RESPONDENTS

- Number of responses: 234 (English)
- Oakland residents: 92%

HOUSING & DISPLACEMENT	
1. How important is it that public land includes affordable housing?	<ul style="list-style-type: none"> <li>● 94% say “very important”</li> </ul>
2. How important is it that public land help prevent displacement?	<ul style="list-style-type: none"> <li>● 92% say “very important”</li> </ul>
3. How much of housing on public land should be affordable to low-income residents?	<ul style="list-style-type: none"> <li>● 36% say 75-100%</li> <li>● 31% say 50-74%</li> <li>● 22% say 25-49%</li> </ul>
4. How much of the housing built on public land should be affordable to very low income	<ul style="list-style-type: none"> <li>● 24% say 75-100%</li> <li>● 25% say 50-74%</li> <li>● 24% say 25-49%</li> </ul>
5. Should affordable housing on public land include a preference for Oakland residents?	<ul style="list-style-type: none"> <li>● 86% say yes</li> </ul>
6. Should affordable housing on public land include a preference for former Oakland residents who were displaced?	<ul style="list-style-type: none"> <li>● 83% say yes</li> </ul>



JOBS	
7. How important is it that public land be used to create good jobs for local residents?	<ul style="list-style-type: none"> <li>● 90% say “very important”</li> </ul>
8. How important is it that jobs on public land pay good, livable wages?	<ul style="list-style-type: none"> <li>● 94% say “very important”</li> </ul>
9. How important is it that construction and permanent jobs are prioritized for local and disadvantaged residents?	<ul style="list-style-type: none"> <li>● 86% say “very important”</li> </ul>
10. How important is it that these jobs provide other benefits?	<ul style="list-style-type: none"> <li>● 87% say “very important”</li> </ul>
11. How important is it that workers in permanent jobs have the right to unionize?	<ul style="list-style-type: none"> <li>● 89% say “very important”</li> </ul>
12. How important is it that people who are formerly incarcerated can get these jobs?	<ul style="list-style-type: none"> <li>● 76% say “very important”</li> <li>● 21% say “somewhat important”</li> </ul>

<b>HEALTH &amp; ENVIRONMENT</b>	
13. How important is it that public land be used to improve health and the environment?	<ul style="list-style-type: none"> <li>● 93% say “very important”</li> </ul>
14. What is your highest priority for promoting good health?	<ul style="list-style-type: none"> <li>● 30% say “farmers’ markets, grocery stores, and other places to buy healthy food”</li> <li>● 23% say “community health clinics”</li> </ul>
15. What is your second highest priority for promoting good health?	<ul style="list-style-type: none"> <li>● 30% say “farmers’ markets, grocery stores, and other places to buy healthy food”</li> <li>● 25% say “community health clinics”</li> <li>● 23% say “recreation space”</li> </ul>
16. What is your highest priority for promoting a healthy environment?	<ul style="list-style-type: none"> <li>● 42% say “transit passes for residents”</li> <li>● 23% say “solar energy”</li> <li>● 21% say “air filtration and paints that help prevent asthma”</li> </ul>
17. What is your second highest priority for promoting a healthy environment?	<ul style="list-style-type: none"> <li>● 28% say “transit passes for residents”</li> <li>● 25% say “air filtration and paints that help prevent asthma”</li> <li>● 22% say “solar energy”</li> </ul>

OTHER COMMUNITY BENEFITS	
18. What other community benefits should be prioritized on public land?	<ul style="list-style-type: none"> <li>● Youth services/centers</li> <li>● Health services</li> <li>● Community centers</li> <li>● Homeless housing/services</li> <li>● Parks and recreation</li> <li>● Nonprofit space</li> </ul>

COMMUNITY CONTROL & FUNDING	
19. How important is it that residents decide what gets built on public land in their neighborhood?	<ul style="list-style-type: none"> <li>● 86% say “very important”</li> </ul>
20. How important is it that the City keeps ownership over public land?	<ul style="list-style-type: none"> <li>● 70% say “very important”</li> </ul>
21. If the City sells its land, who should own it?	<ul style="list-style-type: none"> <li>● 81% say a community land trust</li> <li>● 41% say a nonprofit developer</li> <li>● 4% say a for-profit developer</li> <li>● [multiple answers permitted]</li> </ul>
22. Should communities be more involved in making decisions about how public land is used?	<ul style="list-style-type: none"> <li>● 63% say “yes, there should be a community advisory body”</li> <li>● 29% say “yes, the City should require all developers who develop public land to negotiate with community stakeholders</li> </ul>
23. Is it more important for the City to get top dollar for public land or to include affordable housing and community benefits on public land?	<ul style="list-style-type: none"> <li>● 91% say “affordable housing and community benefits are more important”</li> </ul>

<p>24. If public land is sold, how should funds be used?</p>	<ul style="list-style-type: none"><li>● Affordable housing</li><li>● Tenant services</li><li>● Youth services</li><li>● Health clinics/services</li><li>● Homelessness</li></ul>
<p>25. What should the funds NOT be spent on?</p>	<ul style="list-style-type: none"><li>● Police</li><li>● Market-rate housing</li><li>● General fund</li></ul>