



Community Power Wins Affordable Housing in Oakland

By Sam Tepperman-Gelfant and David Zisser

The City of Oakland is currently considering five proposals for development on a prime piece of publicly-owned land on the shores of Lake Merritt, just blocks from downtown and key transit hubs.¹ Most, if not all, of the proposals include affordable housing, and one, is a visionary community-developed plan for 98 affordable units and plenty of green space.

If this sounds good to you, be sure to thank the neighbors.

In January, this outcome was unimaginable to all but a dedicated group of neighbors who make up Eastlake United for Justice (EUJ). At the time, the City was barreling forward with plans to sell the East 12th Street parcel at a discount for the development of a monstrous tower of luxury apartments for households making \$120,000 and up—more than three times the median income for the neighborhood. While the outcome seemed inevitable to some, EUJ had a different vision for the site and one overarching demand: use public land for the public good. Through fearless and relentless organizing using a range of strategies, including legal enforcement in partnership with Public Advocates and others, EUJ stopped the moving train of luxury development and steered the process towards a more equitable outcome.

Necessity, and a deep love for Oakland, brought EUJ together. “So many people came together because we all know the real material consequences of gentrification and displacement on low-income communities of color in Oakland,” said Tia Hicks, who was born and raised in Eastlake. “Alarming rises in rent and home sales in this city are pushing long-term, working class residents out to more suburban areas that do not have adequate resources and infrastructure, such as social services and public transportation. Essentially, inequality is exacerbated. We refuse to stand by and let that happen. We also want to protect the

cultural vitality, vibrancy, and diversity of the city—it's what makes Oakland special.”

Indeed, between 2000 and 2013, Oakland lost more than 24 percent of its African American population, while the white population increased by 25 percent; and the number of renters paying over 50 percent of their income towards rent increased by 39 percent. EUJ mem-

bers felt this housing and displacement crisis first hand and knew that it was critical to use public land to serve the needs of existing Oakland residents.

Eastlake neighbors began by organizing themselves and also marshaled a host of resources behind their cause. They networked with other community groups, such as Black Seed, Asians for Black Lives and Causa Justa::Just Cause, to build people power. They tapped into the affordable housing community to get expert advice from housing finance economists and architects about the nuts and bolts of development so that they could engage on equal terms with city staff and developers. They met with city council members and staff to tell their stories and brought dozens of people to speak at public hearings. They held rallies and protests at City Hall and in City Council chambers. They engaged in compelling media advocacy to make their case and build pressure. And they embraced legal enforcement as an important tool to support organizing.

California law and local Oakland ordinances establish clear rules for the disposal of city-owned property. Oakland had ignored them all. Specifically, the California Surplus Land Act requires cities and other local agencies that are selling off land they don't need to prioritize the land for affordable housing, schools or parks. This thoughtful statute recognizes that finding space for public-serving uses is difficult, particularly in areas near transit, therefore public land, when available, must be prioritized for public good.

As of 2015, the Surplus Lands Act also requires a minimum percentage of affordable homes in all housing developments on public land. In May 2015, Public Advocates, along with the Public Interest Law Project and the law firm of Siegel and Yee, explained these requirements in a letter to the City, noting that Oakland had failed to follow both the procedural and substantive requirements of the law in the case of the East 12th Street parcel.²

As it turns out, the City Attorney had told the City Council the same thing months before. A final City Council vote was scheduled to take place on July 7, but the day before, the *East Bay Express* published a leaked memo from the City Attorney's office dated February 17.^{3, 4} The memo states clearly that the East 12th Street property is subject to the Surplus Lands Act and notes that a nonprofit developer had been “rebuffed” by city officials. Consequently, the Council quietly removed the item from the agenda and started the process over on July 14.



#SaveE12th celebrates at future site. ©2015 BASAT

It wasn't the only dramatic moment in this fight.

In May, Black Seed and Asians for Black Lives linked arms to shut down the City Council meeting, preventing a vote on the project scheduled for that night.⁵ And at a Council meeting in June, the very day that Public Advocates and our co-counsel sent a demand letter to the City Attorney,⁶ more than 90 people spoke out in opposition to the project. The Council surprised everyone by listening to the public's demands and voting against the 100 percent luxury development. Councilmembers even expressed concern over the lack of compliance with the Surplus Lands Act. The tide was clearly turning.

In an effort to diffuse community opposition to the luxury high-rise, the developer offered \$8 million to build affordable housing on another site. But in the absence of a neighborhood site being identified for the promised affordable housing, EUJ did not back down from its opposition to the luxury tower that would gentrify the City-owned site.

Following its success in opening the door for development that serves Oakland residents, EUJ kept up the momentum to illustrate the community's vision for the project.

"Our coalition immediately went to work developing a celebratory community process and doing grassroots outreach for it," said Dunya Alwan, an EUJ member. "We created an event called E 12th Wishlist, which was family-friendly, consisting of free food, performances, and a 'Design and Imagine' tent where local architects and planners invited community members to consider the best use of the site."

According to Alwan, event participants enjoyed vibrant discussions and recorded their hopes and ideas for the site on hundreds of feedback cards. They also took part in a design exercise, which resulted in over 30 participant-drawn plans and elevations with elements of housing, business and services, and community and open/green spaces.

Thanks to EUJ's persistent organizing, the use of legal and other advocacy tactics, and strong media attention—plus, a bit of luck—the City has multiple proposals to consider and must negotiate "in good faith" with developers proposing to use the site for affordable housing. It must prioritize proposals that include the highest number of affordable homes for people of the lowest incomes. And perhaps most importantly, the City knows that community members and advocates will be watching how it disposes of public land in the future. The message is still loud and clear: public land for the public good. ■

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Endnotes

1. oaklandnorth.net/2015/09/16/eastlake-neighbors-submit-design-ideas-to-transform-oaklands-vacant-e-12th-street-lot/
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