

# Henry Chang has nasty conflict he didn't disclose

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### No Ordinance on My Creek!

At-Large council member Henry Chang has been the city council's most vocal opponent of the Oakland Creek Protection Ordinance. We always assumed that his position was influenced by his connections with developers. It seems Chang has a more personal interest in weakening creek protection. He owns a property in the North Oakland hills that will require a Creek Protection Permit in order to be developed.

Chang purchased the property on Charing Cross Road in 1966. The lot is situated on the downhill slope between 6750 and 6810 Charing Cross, and abuts the creek. The property is on the 6810 side of the creek and extends along the creek all the way to Tunnel Road. (The Assessor's Parcel Number is 48H-7620-24). Records show the property to be 13,156 square feet with an assessed value of \$2,540.

Public officials are required to disclose their interests in real property on their annual Statement of Economic Interests. Chang's statement for 1995 has the Charing Cross property listed on his schedule B "Interests in Real Property." The same schedule for the year 1996 and all subsequent years does not disclose the property. Public records show no record of Chang selling the property.

The Oakland Creek Protection Ordinance (CPO) was passed December 16, 1997. Two important definitions in the CPO are:

"Creek" means a watercourse that is a naturally occurring swale or depression, or engineered channel which carries fresh or estuarine water either seasonally or year round within the city boundaries, as identified on the "Watershed Map of Oakland and Berkeley Area" and the "Creek and Watershed Map of Hayward and San Leandro," published by the Oakland Museum of California and as modified by the city and/or any area identified through field investigation by the Environmental Services Manager as meeting the above criteria.

"Creekside property" means those properties located in Oakland, as identified by the Environmental Services Manager, as having a creek or riparian corridor crossing the property and/or are contiguous to a creek or riparian corridor."

Henry Chang's Charing Cross property appears to meet both of these definitions. The property line on one side is a swale or depression that carries water seasonally, and there are at least two types of riparian vegetation present (elderberry and willow). The property is very similar in slope and topography to the John Allen property located at 1903/1907 Tunnel Road.

The issue of Creek definition was brought to the Public Safety Committee of the City Council on November 27, 2001. The issue then went to the full Council on December 11, 2001 and again on February

26, 2002. Henry Chang wanted creeks to be defined by the Oakland Museum Creek Map exclusively, and eliminate the use of field investigations. Chang's Charing Cross property does not show up as having a creek on the Museum map, but would likely qualify with a field survey.

Government Code Section 87100 makes it illegal for a public official to participate in any "governmental decision in which he knows or has reason to know he has a financial interest." Henry Chang clearly has a financial interest in weakening the CPO to make it easier and less costly to develop his Charing Cross property.

Based on all of these facts I filed a complaint with the Public Ethics Commission on July 1, 2002. The city council's action on this matter should be thrown out because the decision was tainted by Chang's failure to disclose his interests. Chang should have at a minimum revealed his conflict (which he appears to have attempted to hide by not revealing it on his disclosure forms). The only appropriate action would have been for Henry Chang to reveal his interest and then recuse himself from the entire matter. The city council must revisit this without the taint of Henry Chang's conflict of interest.