


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO APPLY FOR, ACCEPT AND APPROPRIATE FUNDS FROM THE LOCAL GOVERNMENT PLANNING SUPPORT GRANT PROGRAM, ALSO KNOWN AS THE LOCAL EARLY ACTION PLANNING GRANT PROGRAM, FROM THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT IN AN AMOUNT NOT TO EXCEED SEVEN HUNDRED AND FIFTY THOUSAND DOLLARS (\$750,000) TO PROVIDE FUNDING FROM JULY 1, 2020 THROUGH DECEMBER 31, 2023 FOR THE PREPARATION, ADOPTION, AND IMPLEMENTATION OF PLANS AND POLICIES THAT STREAMLINE HOUSING APPROVALS, ACCELERATE HOUSING PRODUCTION, AND INCREASE HOUSING STOCK.

WHEREAS, Oakland faces an extreme housing shortage, particularly of units affordable to moderate- and low-income households, that is contributing to rising costs, increased rent burden, skyrocketing rates of homelessness, and racial and economic displacement; and

WHEREAS, while the level of housing production in the City of Oakland has increased greatly in recent years, it has not kept pace with increased demand caused by regional economic growth; and

WHEREAS, pursuant to Health and Safety Code 50515 et seq., the California Department of Housing and Community Development (HCD) is authorized to issue a Notice of Funding Availability (NOFA) as part of the Local Government Planning Support Grants Program, also referred to as the Local Early Action Planning Grants (LEAP) program; and

WHEREAS, HCD has issued a NOFA and Application on January 27, 2020 in the amount of \$119,040,000 for assistance to all California Jurisdictions; and

WHEREAS, the City Council of the City of Oakland desires to submit a LEAP grant application package ("Application"), on the forms provided by HCD, for approval of grant funding for projects that, as required by grant guidelines, assist in the preparation and adoption of planning documents and process improvements that accelerate housing production; and

WHEREAS, the State Housing Element law, California Government Code Section 65580 et seq., requires that each city in the State of California prepare regular

updates to the Housing Element of their General Plan to address the housing needs of residents in all income levels, and Housing Element compliance is a critical precondition for securing funds from numerous Federal, State, and local programs, such as the Home Investment Partnerships (HOME) Program, Community Development Block Grant (CDBG) Program, and Local Housing Trust Fund (LHTF) Program; and

WHEREAS, the next update to the City of Oakland's Housing Element is due at the end of the current eight-year planning period, December 15, 2022; and

WHEREAS, per Senate Bill 1035 (2018), California Government Code Section 65302 et seq. requires cities to review and update their Safety Element concurrent with each revision of the Housing Element; and

WHEREAS, per Senate Bill 1000 (2016), California Government Code Section 65302 et seq. requires cities to adopt an Environmental Justice Element and/or integrate environmental justice goals, policies and objectives in other General Plan elements, upon the adoption or next concurrent revision of two or more elements on or after January 1, 2018; and

WHEREAS, preparation and adoption of the 2022-2030 Housing Element of the General Plan, in addition to satisfying a regulatory requirement and making housing development within the City more competitive for State and Federal funds, will facilitate compliance with California Regional Housing Needs Allocation (RHNA) requirements, and will provide an opportunity for the City of Oakland to conduct an updated needs assessment, create measurable outcomes to assess housing policies and strategies and ensure those align with updated City goals including racial equity goals; and

WHEREAS, preparation and adoption of an updated Safety Element and Environmental Justice Element and/or integration of environmental justice goals, policies and objectives in other General Plan Elements, will allow the City to meet State-mandated General Plan requirements, while promoting safe, decent and equitable housing opportunities for all residents, with particular attention to promoting civil engagement in the public decision-making process, and identifying objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities; and

WHEREAS, the City Council desires that the Bureau of Planning within the Planning & Building Department utilize LEAP Grant Program funds to prepare the 2022-2030 Housing Element of the General Plan, as well as update the Safety Element and prepare an Environmental Justice Element and/or integration of environmental justice goals, policies and objectives into other General Plan elements, which are all required to be adopted simultaneously by State Law, in order to accelerate housing production and increase housing supply at varying income levels; and

WHEREAS, adoption of the 2022-2030 Housing Element, Safety Element and Environmental Justice Element and/or integration of environmental justice goals, policies and objectives into other elements of the General Plan will require City Council approval; and

WHEREAS, congruent with the goals for the LEAP Grants Program, LEAP financing will allow Bureau of Planning staff to research, analyze, and draft the 2022-2030 Housing Element of the General Plan, as well as the Safety Element and Environmental Justice Element and/or integration of environmental justice goals, policies and objectives into other General Plan elements, which are all required to be adopted simultaneously by State Law, with funding available until December 31, 2023; and

WHEREAS, the Bureau of Planning, in alignment with the LEAP Grant Program's guidelines, may use the LEAP funds to: cover some costs of persons employed by the Bureau of Planning for activities directly related to the preparation and adoption of the proposed projects; cover administrative costs of up to five percent of the grant amount; and/or cover consulting costs associated with the proposed scope of work, with the award of any professional service contracts complying with the City's contracting procedures and policies; and

WHEREAS, as part of the research and development of these tools and policies, Bureau of Planning staff will conduct an extensive outreach process, with the intention of engaging several different stakeholder groups through various approaches, including interviews, focus groups, surveys and community meetings; and

WHEREAS, preparation of the Housing Element, Safety Element and Environmental Justice Element and/or integration of environmental justice goals, policies and objectives in other General Plan Elements will be a multi-department effort, with the Bureau of Planning collaborating closely with key partners, including Department of Housing and Community Development, Department of Race and Equity, Economic and Workforce Development Department, Department of Human Services, Public Works Department, Department of Transportation, Emergency Management Services Division and the Fire Marshal of the Oakland Fire Department, City Administrator's Office, and the City's Chief Resiliency Officer; and

WHEREAS, notwithstanding any potential subsequent obligation to conduct environmental review under the California Environmental Quality Act ("CEQA"), the preliminary action of applying for, accepting and appropriating state funding is not a decision that commits the City to a definite course of action with respect to implementation of developed proposals and therefore is not subject to CEQA; now, therefore, be it

RESOLVED: That the City Administrator or designee is hereby authorized and directed to apply for and submit to HCD the Local Government Planning Support Grants Program application in the amount of seven hundred and fifty thousand dollars (\$750,000); and be it

FURTHER RESOLVED: That the City Administrator or designee is authorized to accept and appropriate LEAP grant funds, administered by HCD, for the amount not to exceed seven hundred and fifty thousand dollars (\$750,000) into the Development Service Fund (2415), Planning Organization (84211), State Grant: Miscellaneous Account (46229), and Contract Contingency Account (54011), in a project to be determined, General Plan, Zoning Update & Strategic Analysis Program (SC09); and be it

FURTHER RESOLVED: That in connection with the LEAP grant, if the Application is approved by HCD, the City Administrator or designee is authorized to enter into, execute and deliver, on behalf of the City of Oakland as Applicant, a State of California Agreement (Standard Agreement) for the amount not to exceed seven hundred and fifty thousand dollars (\$750,000), and any and all other documents required or deemed necessary or appropriate to evidence and secure the LEAP grant, the Applicant's obligations related thereto, and all amendments thereto; and be it

FURTHER RESOLVED: That the Applicant shall be subject to the terms and conditions as specified in the Notice of Funding Availability (NOFA), and the Standard Agreement provided by HCD after approval. The Application and any and all accompanying documents are incorporated in full as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the Application will be enforceable through the fully executed Standard Agreement. Pursuant to the NOFA and in conjunction with the terms of the Standard Agreement, the Applicant hereby agrees to use the funds for eligible uses and allowable expenditures in the manner presented and specifically identified in the approved Application.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California