


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION:

- 1. AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE, AWARD AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT TO DYETT & BHATIA IN AN AMOUNT NOT TO EXCEED SEVEN HUNDRED AND TWENTY THOUSAND DOLLARS (\$720,000) THAT INCLUDES SIXTY-FOUR THOUSAND AND FIVE HUNDRED DOLLARS (\$64,500) CONTINGENCY AMOUNT FOR A PERIOD OF APPROXIMATELY ONE YEAR FOR PROVIDING TECHNICAL EXPERTISE IN THE CREATION OF PROJECT REVIEW STREAMLINING PROCEDURES AND OBJECTIVE DESIGN STANDARDS; AND**
- 2. REQUESTING TO USE THREE HUNDRED AND SEVENTY THOUSAND DOLLARS (\$370,000) FROM THE DEVELOPMENT SERVICES FUND (FUND 2415) BALANCE TO FINANCE A PORTION OF THE CONTRACT AWARDED TO DYETT AND BHATIA TO PROVIDE TECHNICAL EXPERTISE IN THE CREATION OF PROJECT REVIEW STREAMLINING PROCEDURES AND OBJECTIVE DESIGN STANDARDS; AND**
- 3. MAKING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS.**

WHEREAS, housing in Oakland is becoming increasingly unaffordable, which is a substantial concern for individuals of all demographics, ages, and income groups in communities throughout the City of Oakland, but especially for lower-income Black, Indigenous, and People of Color (BIPOC); and

WHEREAS, local affordable housing production remains a challenge with too few affordable housing units being built to meet the existing demand; and

WHEREAS, the Planning and Building Department (PBD) is approving development plan submittals, performing technical reviews of Planning entitlement applications, including discretionary design review procedures; and

WHEREAS, the review and processing of a planning application for code compliance is a critical component and a required step to ensure that all development is consistent with regulations of the Oakland Planning Code; and

WHEREAS, PBD is experiencing very high volume of planning applications of all types including residential development applications; and

WHEREAS, the existing discretionary design review process in place today takes significant staff time and resources, resulting in a backlog of development applications, including delays in approving of housing and affordable housing proposals; and

WHEREAS, any delay in housing permits review and approvals delays the production and exacerbates the shortage of housing, including much-needed affordable housing; and

WHEREAS, recent State legislation prohibits Cities from denying housing project that comply with applicable, objective, general plan, zoning, and subdivision standards and criteria, including design review standards, unless approval would have a specific adverse impact on public health and safety; and

WHEREAS, on January 1, 2018, Senate Bill 35 (SB 35) went into effect providing for a ministerial (by right and without discretion) approval of affordable, mixed-use, and supportive housing projects that meet certain objective criteria; and

WHEREAS, the Housing Accountability Act amended in 2019 by Senate Bill 330 (SB 330) effectively prohibits local jurisdictions from using discretionary design review process for reviewing and approving a wide range of multifamily housing proposals, and requires cities to use only objective design review standards for certain projects; and

WHEREAS, on March 21, 2019, City Council adopted Resolution No. 87579 C.M.S. requesting the Bureau of Planning Staff to study and the Planning Commission to consider incentives to encourage transit-oriented housing, including affordable housing, in the City of Oakland, including but not limited to streamlining the permitting process for transit-oriented housing, especially affordable housing; and

WHEREAS, on October 15, 2019, the City Council adopted Resolution No. 87889 C.M.S. authorizing the City to accept and appropriate Senate Bill 2 (SB 2) (2017) Planning Grant Program funds from the California Department of Housing and Community Development to prepare, adopt and implement plans and policies that streamline housing approvals, accelerate housing production and increase housing stock, and the City of Oakland applied for and received such grant in the amount of \$625,000; and

WHEREAS, the grant funding is being used to fund technical assistance in developing and implementing policies that will expedite housing development and increase housing supply in the City of Oakland and will be available in the State of California Other Fund (2159), Planning Organization (84211), SB 2 Grant Project (1005771); and

WHEREAS, complying with the State legislation and responding to the pressing need for a more streamlined approval process for housing in Oakland, PBD released a Request for Proposals (RFP) to find a qualified consultant team to develop objective design and development standards

and to recommend a streamlined design review procedure based on the new objective standards; and

WHEREAS, after releasing the RFP in September 2021, the City received no qualifying proposals; and

WHEREAS, after re-launching the RFP in February 2012, the City received one (1) responsive and qualified proposal on March 25, 2022, submitted by a consultant team led by Dyett & Bhatia in response to a competitive RFP process pursuant to OMC Section 2.04.051 for professional consulting services for project review streamlining and objective design and development standards; and

WHEREAS, the City Administrator has determined that this contract is for services of a professional, scientific, or technical and temporary nature and will not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, SB 2 funds can only be used to cover a portion of the contract that relates to the development of objective standards for projects containing at least a two-thirds housing component; and

WHEREAS, PBD is interested in expanding the streamlined design review approach based on objective design standards more broadly to projects consisting of a wide array of building types throughout the City of Oakland capturing the full range of residential development and most types of commercial development; and

WHEREAS, funding will come from two sources: \$350,000 from SB 2 grant funds for the creation of objective standards for projects containing at least a two-thirds housing component and \$370,000 from the City Development Services Fund for the creation of objective standards for non-housing related projects, including office and mixed-use projects with less than two-thirds share of residential component; now, therefore, be it

RESOLVED: That the City Council authorizes the City Administrator to negotiate and, if such negotiations are successful, award and execute a professional services agreement to Dyett & Bhatia in an amount not to exceed \$720,000 that includes \$64,500 contingency amount for a period of approximately one year for providing technical expertise in the creation of project review streamlining procedures and objective design standards, consistent with the city's local/small local business enterprise program requirements; and be it

FURTHER RESOLVED: That the City Council hereby appropriates funds from the Development Services Fund (2415) fund balance in the amount of \$370,000 to provide funding for a portion of the contract awarded to Dyett and Bhatia to provide technical expertise in the creation of project review streamlining procedures and objective design standards; and be it

FURTHER RESOLVED: That prior to execution, the agreement shall be reviewed and approved by the City Attorney for form and legality and executed copies of the agreement shall be placed on file in the Office of the City Clerk; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to execute any amendments or modifications to said contracts consistent with the purposes of this resolution

except for those related to an increase in total compensation or the allocation of additional funds, and provided that such amendments or modifications shall be reviewed by the City Attorney and filed with the City Clerk's Office; and be it

FURTHER RESOLVED: That the City Council finds that this action is exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3) (common sense exemption) and 15306 (information collection).

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

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