

Oakland 2023-2031 Housing Element

Presentation to the City Council

January 31, 2023

Planning and Building Department



**CITY OF
OAKLAND**



Agenda

- 2023-2031 Housing Element Process
- Revised Public Hearing Draft 2023-2031 Housing Element
- Environmental Determination
- Next Steps

2023-2031 Housing Element Update Process



2045 General Plan Update

- **Legal Basis** for development and conservation.
- Establishes citywide vision and supporting **goals, policies, and implementation measures.**
- **Eight** required Elements

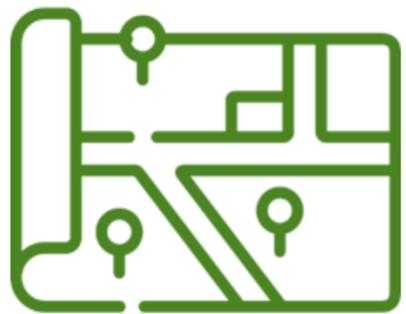
Two Phase Approach to General Plan Update:

- **Phase I (Winter 2021 – Summer 2023)**
 - Housing Element, Safety Element & Environmental Justice Element
 - Zoning Code Amendments to implement the Housing Element
- **Phase II (From Fall 2023)**
 - Land Use and Transportation Element
 - Open Space, Conservation and Recreation Element
 - Capital Facilities and Infrastructure Element
 - Noise Element and Updates to the Zoning Code

Housing Element Background



- City's **blueprint for housing** Oaklanders at all economic levels, including low income and households with special needs.
- Subject to **state approval** and covers eight years (2023-2031)
- Must meet the City's projected housing need (known as "Regional Housing Needs Allocation")
- Statutory deadline: **January 31, 2023**
- Allows the City access to grant opportunities that will benefit housing



Adequate sites



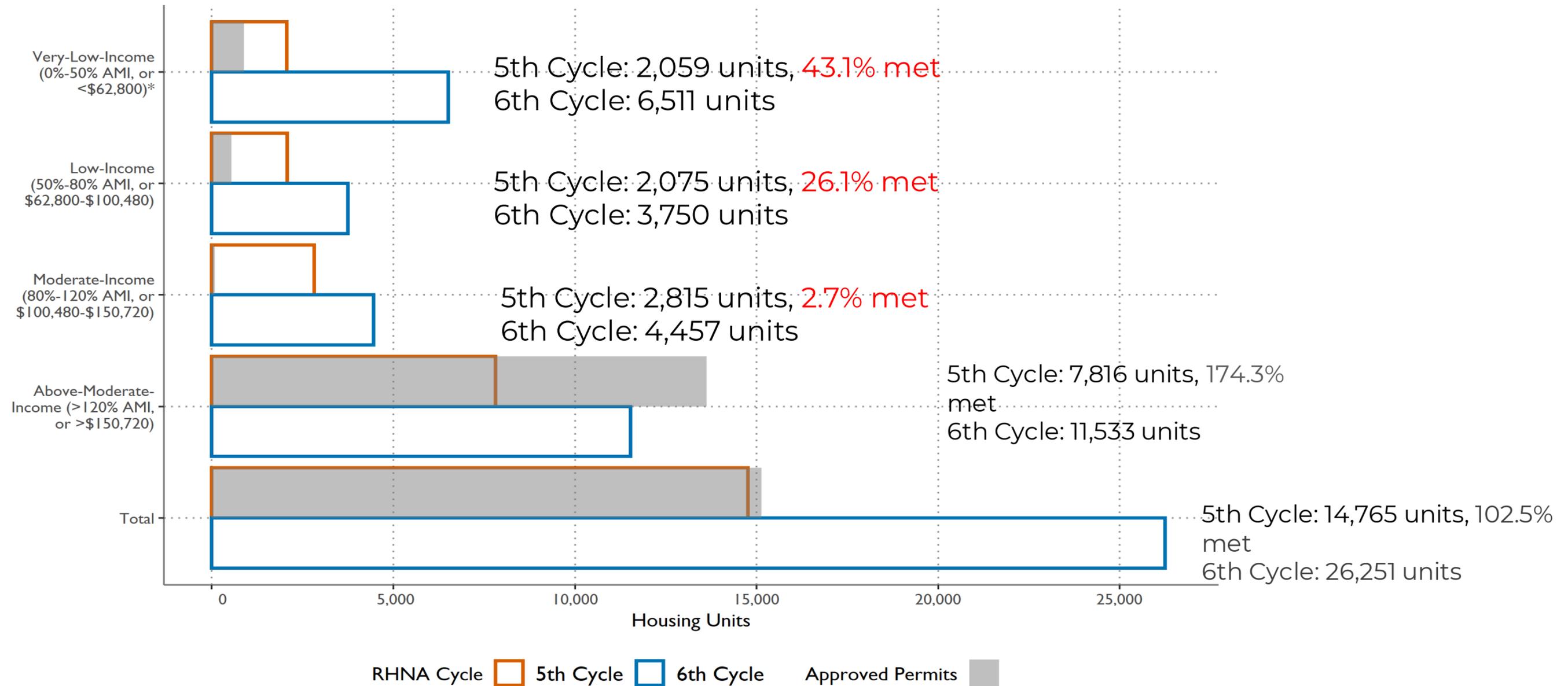
Strategies and Actions

Housing Element

Subsequent Steps After Initial Adoption and State Certification:

- The Housing Element is a **working document** to which subsequent amendments may be made after initial adoption and State certification.
- Other actions, such as **zoning amendments** and other **land use overlays**, will be brought forward for community outreach, and action by Planning Commission and City Council after the Housing Element is adopted by the City Council and certified by the State.
- With General Plan Phase II work to begin in Fall 2023, other General Plan Elements such as the Land Use and Transportation Element shall provide the City additional opportunity to achieve desired outcomes in Housing and Community Development.

2023-2031 Future Housing Need



*Includes extremely-low-income need, which is assumed to be 50 percent of total very-low-income housing need

Source: ABAG, Final RHNA Plan, December 2021

Housing Element Requirements

Required Components:

- Community Engagement
 - Assessment of Fair Housing
 - Sites Analysis
 - Evaluation of Past Performance
 - Constraints Analysis
 - Priorities, Goals and Actions
-
- AB 686 (Affirmatively Further Fair Housing) - The Housing Element must facilitate **deliberate action** to **explicitly address, combat, and relieve** disparities resulting from past patterns of segregation to foster more **inclusive communities**.
 - AB 215 - **Public review requirements** before State HCD review.



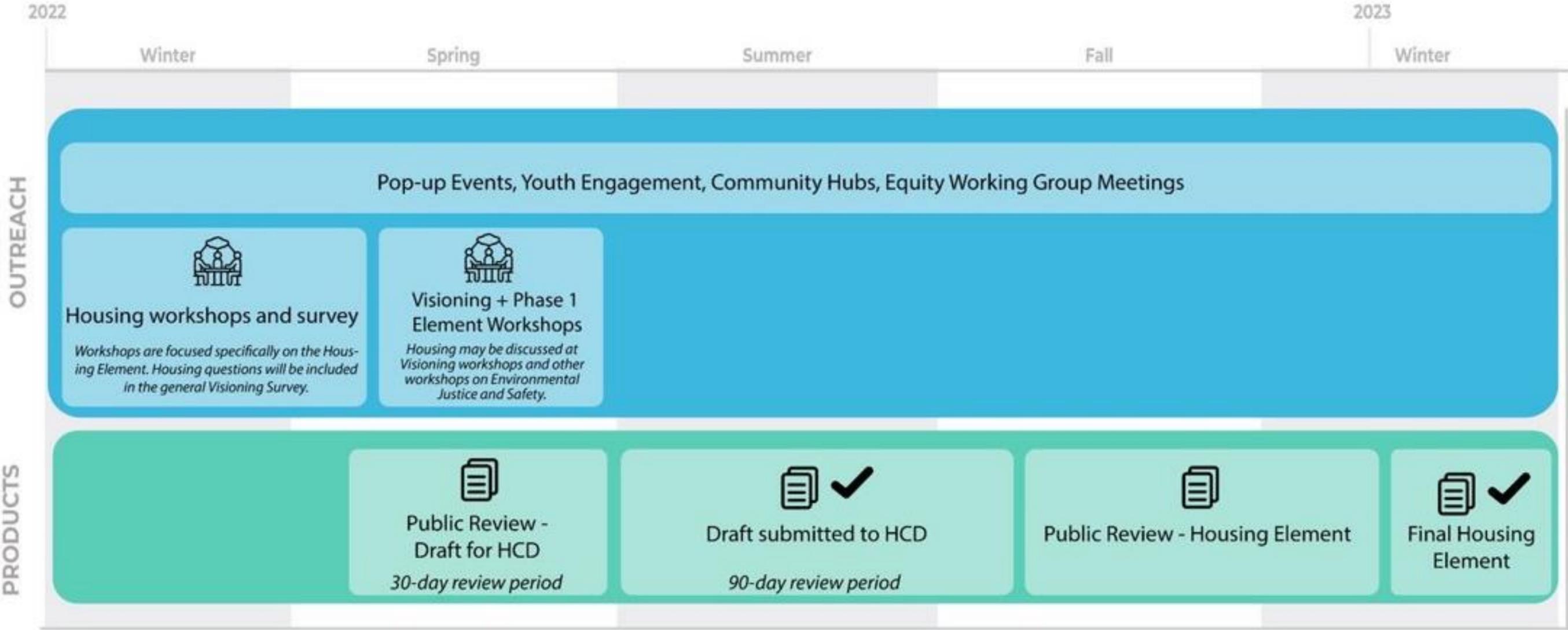
Penalties for Noncompliance

(No Adoption by January 31, 2023)

- Loss of housing and transportation funding
- **Loss of Pro-Housing Designation**
- Loss of land use control and the "Builder's Remedy" (Housing Accountability Act)
- Litigation or enforcement action
- Financial penalties



Housing Element Timeline



First Public Review Draft Released: May 2022

Second Public Review Draft: November 2022

Engagement to Date

- Pop-up and Community Hub Events
 - **2,558** people reached in-person
- Neighborhood Workshops, Townhalls
 - **4** Housing Element Focused Workshops
 - **2** Townhalls and **2** Open House
 - Over **40** presentations to Neighborhood Councils-Community Groups
 - Over **250** participants virtually
- Discussion Groups
- **8** Equity Working Group (EWG) meetings
- Online Engagement
- Study Sessions with Decisionmakers



Deeply Rooted in Oakland Partnership

+



For the first time in the City of Oakland's planning history, **the Planning and Building Department funded Community Engagement** focused on reaching low income communities of color that have been historically marginalized by government planning processes.

About the Deeply Rooted Collaborative



EastSide Arts Alliance
EastSide Cultural Center



JUST CITIES
Restorative Justice in Planning & Policy



urban
strategies
council



BLACK
CULTURAL ZONE



Deep Waters
DANCE THEATER



OAKLAND
ASIAN
CULTURAL CENTER



COMMUNITIES UNITED FOR RESTORATIVE YOUTH JUSTICE
CURYJ



THE UNITY COUNCIL



LAO FAMILY
COMMUNITY
DEVELOPMENT, INC.
Building healthy communities by helping families and individuals achieve self-sufficiency



THE
MALONGA
CENTER
Malonga Arts
Residents
Association



West Oakland
Environmental
Indicators
Project



BAM
BD
CDE



The Village
In Oakland

Outreach Geographies

Community Partner	Outreach Geography/Community	District
Black Arts Movement Business District, CDC (BAMBD, CDC)	West Oakland (Lower Bottoms), Artists, flatland communities of color, those invested in the animation of BAMBD, CDC, and its stakeholders	3
CURYJ	Formerly Incarcerated, Black and Latinx Fruitvale	2
East Side Arts Alliance	Communities of color East Oakland	2
House/Full of Black Women/Deep Waters Dance Theater	West Oakland	3
Lao Family Community Development, Inc.	South Asian American community	2
Malonga Arts Residents Association (MARA)	Black and Brown communities and partnership with members in Chinatown	3
Oakland Asian Cultural Center (OACC) / API Cultural Center	Asian American community Chinatown	3
The Black Cultural Zone (BCZ) Community Development Corporation	Black Community East Oakland	6, 7
The Village in Oakland	Unhoused curbside communities in North Oakland, West Oakland, Downtown, and East Oakland	1, 3, 6, 7
Unity Council	Latinx community Fruitvale	5
West Oakland Environmental Indicators Project (WOEIP)	Environmental Justice West Oakland	3

Community Engagement

939

People interviewed at
50 gatherings

17

Oakland residents in
the Equity Working
Group

1,476

People informed
about OGP

13

Deeply Rooted
organizations

110

Housing workshop
attendees

20

DR youth Fellows

2,558

Total People spoken to

30

Integrated in
the Housing
Element

+

16

Missing
Housing
Justice
Strategies

=

46

Deeply Rooted
(DR) Housing
Justice policy
recommendations

Summary DR Housing Justice Policies

Examples of the **30** Deeply Rooted Collaborative Strategies Integrated into the Housing Element

Goals: Structural Solutions, Protect Impacted People, Protect Impacted Neighborhoods, Financing Equity, and Land for People

- The majority of **Healthy Development Guidelines** related to housing co-created by grassroots organizations, City Planning, and County Public Health leaders.
- Changing the proposal that would have allowed private developers providing only 20% affordable housing with “by right” development on **new housing sites, to 100% affordable.**
- Agreeing to **conduct a study on neighborhood level displacement impacts** from potential market-rate development projects and require displacement prevention strategies.
- **Piloting neighborhood planning councils** to focus on displacement prevention strategies.



MEMO: 16 Recommended Housing Element Strategies for a Racially Just and Inclusive Oakland

1. **Defining affordability** for housing sites overlay zone
2. Over 10,000 market-rate units identified in displacement vulnerable neighborhoods require **anti-displacement strategies**
3. 8 Missing **Critical Housing Policy Actions**
4. **Language change needs** in four sections for racial inclusion
5. Amend the **Homeless Encampment Management Policy**
6. **Design Standards** for City's Proposed Affordable Housing Overlay Zone





Recommendation

The Deeply Rooted Collaborative recommends:
Adopt the Housing Element on 1/31
After 1/31, amend the Housing Element to include the 16 missing housing justice policy recommendations.

Revised Public Hearing Draft 2023- 2031 Housing Element



What's in the Housing Element?

Main Chapters

- Chapter 1: Introduction
- Chapter 2: Community Outreach
- Chapter 3: Sites Inventory Summary
- **Chapter 4: Housing Action Plan**



What's in the Housing Element?

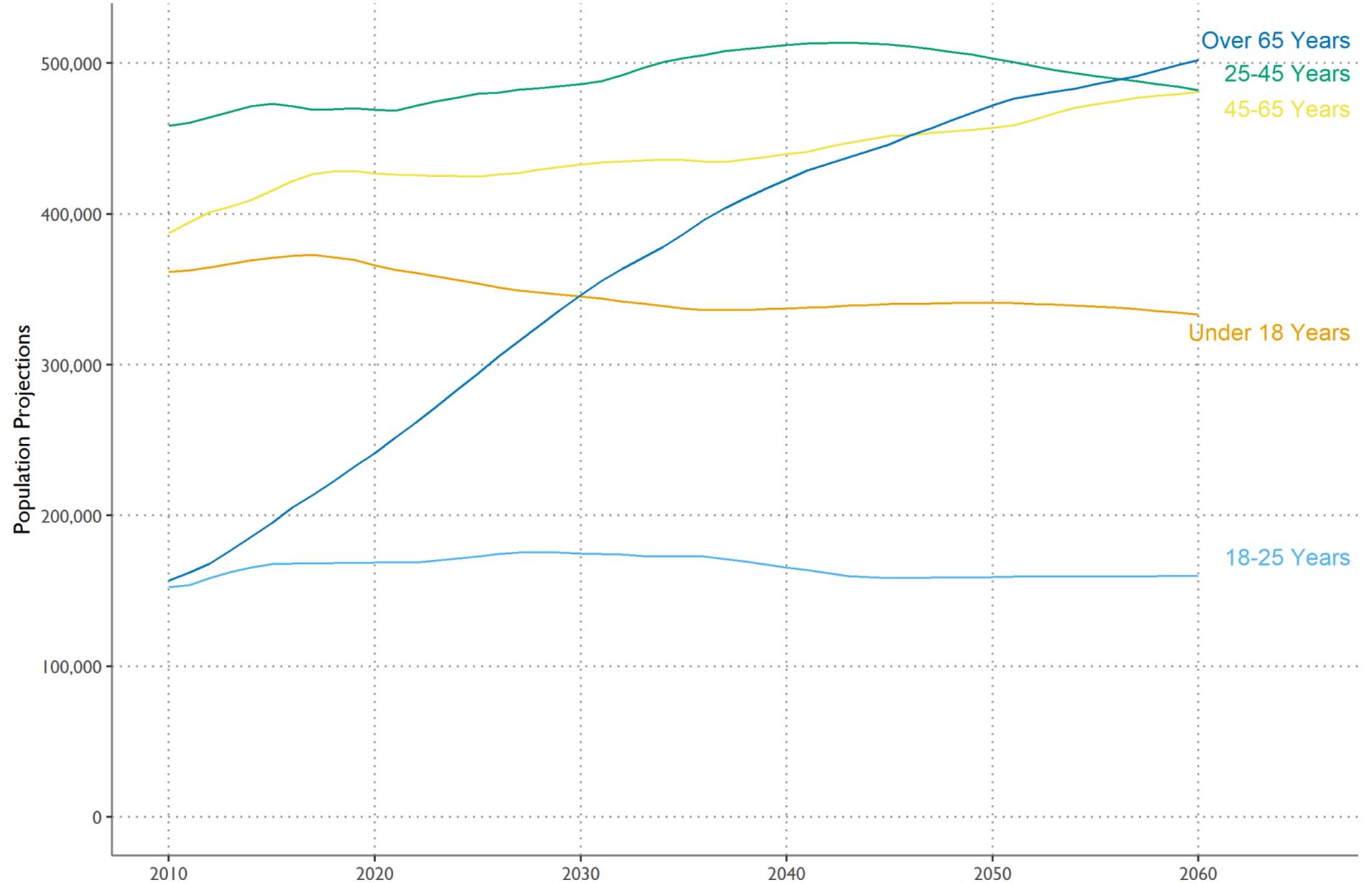
Appendices

- Appendix A: Evaluation of the 2015-2023 Element
- **Appendix B: Housing Needs Assessment**
- **Appendix C: Sites Inventory**
- **Appendix D: Assessment of Fair Housing**
- Appendix E: Housing Resources and Opportunities
- Appendix F: Housing Constraints
- Appendix G: Opportunities for Energy Conservation
- Appendix H: Glossary
- Appendix I: Public Outreach Materials
- **Appendix J: Draft Zoning Proposals**
- **Appendix K: State HCD Findings Letter & City Responses**
- **Appendix L: Public Comments & City Responses**
- **Appendix M: Housing Sites Inventory Public Comment Sites**

Appendix B: Housing Needs Assessment

- **Population:** 440,646 in 2020
- **Affordability**
 - Lagging production rates of affordable housing, including moderate-income housing
 - Affordability gap for both renters and owners
- **Homelessness:** 5,055 unhoused individuals in 2022
- **Demographics:** Population over 65 will increase significantly in the future
- **Racial and Economic Disparities:** High poverty rates and housing cost burden, especially among Black or African-American households

Alameda County Age Projections, 2010-2060



Source: California Department of Finance, P-2B County Population Projections, 2019 Baseline

Appendix C: Sites Inventory



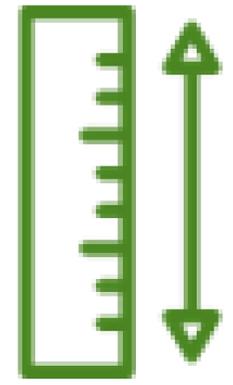
- Safety (Constraints)



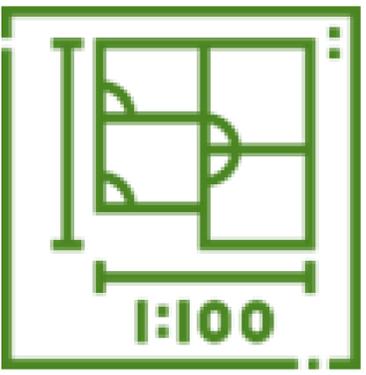
- Accessing neighborhood needs



- Improving access to opportunity and addressing equity



- Lot size



- How many units can be built (density)

Chapter 4: Citywide Housing Policy Framework



PRODUCTION

Build more permanently affordable homes as well as more homes in general



PROTECTION

Protect communities' ability to stay together through tenant protections that address displacement



PRESERVATION

Keep existing stock of affordable homes affordable

Goal 1: Protect Oakland Residents from Displacement and Prevent Homelessness

Purpose:

- Enforce tenant and anti-displacement protection laws
- Improve data collection and monitoring

How this goal Affirmatively Furthers Fair Housing:

- Targeted investment in programs that will reduce displacement pressures and homelessness rates, particularly among Oakland's BIPOC communities, which are disproportionately impacted by both



Goal 1: Protect Oakland Residents from Displacement and Prevent Homelessness

Goal 1 Actions include:

- **(NEW)** Action 1.1.2: Enforce Just Cause for Eviction Measures
- **(NEW)** Action 1.1.5: Implement a right to counsel in Rent Adjustment Program proceedings
- **(NEW)** Action 1.1.8: Monitor neighborhood displacement risk factors
- **(NEW)** Action 1.1.9: Implement a rental housing registry



Goal 2: Preserve and Improve Existing Housing Stock

Purpose:

- Retain and improve existing built affordable housing
- Extend affordability requirements for current and future tenants

How this goal Affirmatively Furthers Fair Housing:

- Reduce incidence of substandard housing quality and maintenance issues, particularly for Oakland BIPOC communities
- Secure home repair investments that allow low-income residents to remain in place
- Extend availability of affordable housing for low-income communities



Goal 2: Preserve and Improve Existing Housing Stock

Goal 2 Actions include:

- Action 2.1.1: Support home rehabilitation programs
- Action 2.1.2: Promote healthy homes and lead-safe housing
- **(NEW)** Action 2.1.3: Conduct proactive rental inspections
- Action 2.1.5: Implement universal design strategies
- **(NEW)** Action 2.1.6: Increase funding for improved indoor air quality
- **(NEW)** Action 2.2.7: Provide additional subsidy for residential hotels



Goal 3: Close the Gap Between Affordable and Market-Rate Housing Production by Expanding Affordable Housing Opportunities

Purpose:

- Expand availability of high quality and abundant affordable housing through zoning reforms, permit streamlining, and identification of new funding sources
- Establish new, innovative models for development and maintenance of permanently affordable housing

How this goal Affirmatively Furthers Fair Housing:

- Opening up historically exclusionary neighborhoods through zoning changes that encourage a variety of housing types
- Invest in developing affordable housing for special needs households, including extremely-low-income, senior, and persons with HIV/AIDS



Goal 3: Close the Gap Between Affordable and Market-Rate Housing Production by Expanding Affordable Housing Opportunities

Goal 3 Actions include:

- **(NEW)** Action 3.2.1: Develop zoning standards to encourage missing middle and multi-unit housing types in currently single-family-dominated neighborhoods
- **(NEW)** Action 3.3.5: Implement an affordable housing overlay
- **(NEW)** Action 3.4.1: Revise development standards, including allowable building heights, densities, open space and setback requirements
- **(NEW)** Action 3.4.10: Implement a Housing Sites Overlay Zone to permit sites included in the Housing Sites Inventory to develop with affordable housing by right
- **(NEW)** Action 3.5.1: Support community land trusts, and other shared equity models
- **(NEW)** Action 3.7.1: Incentivize the development of senior housing



Goal 4: Address Homelessness and Expand Resources for the Unhoused

Purpose:

- Address homelessness through strategies that enable coordination across the spectrum, from homelessness prevention to transitional housing/shelter and services to permanent supportive and deeply affordable housing with resources for long-term support

How this goal Affirmatively Furthers Fair Housing:

- Provide services, programs, and develop permanent supportive housing to reduce rates of homelessness, particularly among Oakland's Black/BIPOC community



Goal 4: Address Homelessness and Expand Resources for the Unhoused

Goal 4 Actions include:

- **(NEW)** Action 4.1.1: Expand, improve, and maintain crisis response beds
- **(NEW)** Action 4.1.3: Expand health and hygiene facilities and services and improve access to bathrooms and showers
- **(NEW)** Action 4.3.1: Finance the construction and maintenance of permanent supportive and deeply affordable housing for homeless households
- **(NEW)** Action 4.3.3: Remove regulatory constraints to the development of transitional and supportive housing



Goal 5: Promote Neighborhood Stability and Health

Purpose:

- Stabilize neighborhoods through investments in rental and homeownership opportunities for affordable and middle-income households
- Encourage housing development in climate resilient locations with attention to health and environmental impacts

How this goal Affirmatively Furthers Fair Housing:

- Invest in programs that expand opportunities for homeownership, particularly for low-income and BIPOC communities
- Reduce exposure to harmful environmental pollution and climate change impacts, and social and environmental injustices, particularly for low-income communities of color



Goal 5: Promote Neighborhood Stability and Health

Goal 5 Actions include:

- Action 5.1.3: Provide paths to homeownership for Section 8 voucher holders
- **(NEW)** Action 5.2.1: Protect against smoke and wildfire
- **(NEW)** Action 5.2.4: Secure funding from the State's Affordable Housing and Sustainable Communities Program
- **(NEW)** Action 5.2.8: Encourage new affordable housing in higher resource neighborhoods
- **(NEW)** Action 5.2.9: Prioritize improvements to meet the needs of low-resourced and disproportionately burdened communities.



Racial Equity Impact Analysis

- The Racial Equity Impact Analysis (“REIA”) identifies whether Black/African American, Indigenous, and other Oaklanders of color are:
 1. Disproportionately affected by the negative effects of programs and policies or
 2. Have less access to benefits provided through policies and programs.
- Evaluates programs and actions in the HAP for its potential to help reverse longstanding housing disparities and further equity
 - Previous City performance and funding levels are taken into account
 - See **Attachment C** in agenda report
- Provides additional recommendations for maximizing racial equity impacts
- Provides a framework to evaluate the impact of implementation over time
- **32** high priority actions in the HAP with the most potential to positively impact racial equity in housing outcomes



Summary of State HCD & Public Comments:

First Public Review Draft



Summary of State HCD Findings Letter

The State HCD comment letter acknowledged Oakland's community engagement and recommended revisions to the Draft Housing Element to comply with State requirements. It requested:

- Additional information on our upcoming housing pipeline and future sites where housing can be built (the "Site Inventory")
 - See revised **Sites Inventory**
- Specific timing/action on several policy actions
 - Incorporated throughout **HAP**
- Oakland's plans to Affirmatively Further Fair Housing (AFFH)-
 - Illustrate the City's plan to allow more housing in Rockridge and other "high opportunity" neighborhoods in North Oakland, Dimond, Adams Point, etc.
 - See revised **Sites Inventory, HAP Goal 3** actions and new **Appendix J**



Summary of Public Comments & Revisions

General

- 54 comment letters received
 - See **Appendix L1**
- Available for public review and comment
 - **May 12, 2022 – September 23, 2022 (142 Days)**
- Include executive summary
 - Incorporated into revised Housing Element
- Include City staff responses to each public comment
 - See **Appendix L2**
- Update programs and policies with specific timing and commitments for several actions
 - Incorporated throughout **HAP**



Summary of Public Comments & Revisions

Affirmatively Furthering Fair Housing:

- Identify additional sites, increase housing capacity in high resource neighborhoods, upzone along transit, commercial corridors and resource-rich areas
 - See revised **Sites Inventory, HAP Goal 3** actions, and new **Appendix J**
- Provide more analysis and history of underlying factors that gave rise to and perpetuate racial and economic disparities
 - See revised **Introduction, Appendix D,** and **Appendix F**
- Integrate community input about negative impacts of intergenerational economic and housing discrimination, CA's Costa Hawkins, ethnic enclaves created in part by racially restrictive housing covenants, and more
 - See **Action 5.2.8** and **NEW Action 5.2.9**
- Prioritize City-owned land for affordable housing
 - See **Action 3.3.1, 3.3.4**



Summary of Public Comments & Revisions

Chapter 4: Housing Action Plan

- Implement an Affordable Housing Overlay to provide by-right approvals for 100% affordable projects
 - See **Action 3.3.5** and **Appendix J**
- Include a strategy that explicitly prioritizes affordable housing for those with the greatest need
 - See **Goal 3: Close the Gap Between Affordable and Market-Rate Housing Production by Expanding Affordable Housing Opportunities**
- Generate new or dedicate existing revenue for affordable housing development, maintenance, and preservation
 - See **Action 3.3.5**
- Support formation and operation of community land trusts, limited equity cooperatives, co-housing, and other innovative models
 - See **Actions 3.5.1, 3.5.2**
- Streamline development approvals and permitting process
 - See **Actions 3.6.1, 3.6.2, 3.6.3, 3.6.4**



Summary of State HCD & Public Comments: Public Hearing Draft



State HCD Comments on Public Hearing Draft

State HCD has recommended the following changes to the revised Public Hearing Draft Housing Element (*incorporates feedback received from public comments*):

- Additional analysis:
 - (1) **Appendix B – Section B.5** – ELI Residents regarding Housing Tenure, and Cost Burden/Overpayment; and
 - (2) **Appendix D** - disproportionate housing needs – cost burden and overcrowding
- Minor proposed rezoning changes for Rockridge in **Appendix J**
- Specific Revisions to **8 actions** in the Housing Action Plan
 - Geographic Targeting
 - **Action 2.1.1:** Support home rehabilitation programs
 - **Action 5.2.9:** Prioritize improvements to meet the needs of low-resourced and disproportionately burdened communities



State HCD Comments on Public Hearing Draft

- Additional Narrative Requested
 - **Action 3.3.15:** Continue and expand density bonus incentives.
 - **Action 3.3.18:** Implement affordable housing investments contained in Measure U
 - **Action 3.4.8:** Implement objective design standards
 - **Action 3.5.2:** Support housing cooperatives, co-living, and cohousing models
- Specific Text Changes
 - **Action 3.4.4:** Revise citywide parking standards
 - **Action 3.4.10:** Implement a Housing Sites Overlay Zone to permit sites included in the Housing Sites Inventory to develop with affordable housing by right
- **Attachment A** in the agenda report provides feedback from State HCD and staff responses



Summary of Public Comments & Responses

- Received **54** comments between November 29, 2022 – December 29, 2022 (See **Attachment B-1** in agenda report)
 - Letters were sent to State HCD as they were received
 - City staff responses to each public comment (See **Attachment B-2** in agenda report)
- In support of actions in the Housing Action Plan
 - City's commitment to enforce Just Cause for eviction measures (See **Action 3.2.1**)
 - Creation of Citywide Enhanced Infrastructure Financing District (EIFD) (See **Action 3.3.10**)
 - Continuation of the Acquisition and Conversion to Affordable Housing (ACAH) program (See **Action 3.3.12**)



Summary of Public Comments & Responses

- In support of actions in the Housing Action Plan
 - Actions under Goal 3 to remove constraints to housing development, promote missing middle housing, Implement Affordable Housing Overlay, Housing Sites Inventory Overlay, Streamlining of housing projects
 - See **Actions 3.2.1, 3.4.1, 3.3.5, 3.2.5, 3.4.3, 3.4.4, 3.4.5, 3.4.8, 3.4.10, 3.6.1, 3.6.3, 3.6.4, 3.7.6**
- Comments both in support of and against **Action 2.2.8** - Investigate a Tenant/Community Opportunity to Purchase Act (TOPA/COPA)
 - Study action to determine the effectiveness of TOPA/COPA model in Oakland. Will require City Council review and approval.
- Additional feedback on **Appendix J** – Preliminary Zoning Code Proposals
 - Implement actions in the HAP
 - Community Outreach: **Winter – Spring 2023**
 - Adoption: **Summer 2023**



Environmental Determination



Environmental Determination

- Adoption Of The 2023-2031 Housing Element Is Exempt From The California Environmental Quality Act (CEQA) Pursuant To Each As An Independent Basis:
 - A. CEQA Guidelines Section 15061(b)(3) [common sense exemption]
 - B. CEQA Guidelines Section 15283 and California Government Code Section 65584(g) [housing needs allocation]
 - C. CEQA Guidelines Section 15262 and California Public Resources Code Sections 21102 and 21150 [planning studies]
 - D. CEQA Guidelines Section 15308 [actions for the protection of the environment]
- Sites Inventory included in the 2023-2031 Housing Element to demonstrate the City's ability to accommodate Oakland's RHNA is consistent with the development standards provided in previous specific plan and general plan documents, for each of which an EIR was prepared and certified



Staff Recommendation and Next Steps



Staff Recommendation

1. Adopt the 2023-2031 Housing Element as a General Plan Amendment to the Oakland General Plan as currently drafted with revisions limited to any comments received from the State HCD;
2. Determine that the adoption of the Housing Element is exempt from the California Environmental Quality Act (CEQA) pursuant to the environmental determination included in the staff report; and
3. Direct the City Administrator to return to Planning Commission after Housing Element Adoption with an analysis of any additional recommended Housing Element text changes proposed by the City Council.



Upcoming Milestones

- HCD Certification: **February – March 2023**
- **Phase 1**
 - Code Amendments to implement actions in Housing Element
 - Community Outreach: **Winter – Spring 2023**
 - Adoption: **Summer 2023**
 - Environmental Justice and Safety Element: **Spring – Summer 2023**
- **Phase II**
 - LUTE, OSCAR, Noise and Infrastructure: **Fall 2023**



LEARN MORE

To learn more about the **General Plan Update**, visit the website below and sign up for updates:

bit.ly/OaklandGPU