


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION:

1. ACCEPTING AND APPROPRIATING A PRIORITY DEVELOPMENT AREA (PDA) GRANT FROM THE METROPOLITAN TRANSPORTATION COMMISSION (MTC) IN THE AMOUNT OF ONE MILLION SIX HUNDRED THOUSAND DOLLARS (\$1,600,000) TO PROVIDE FUNDING FOR SERVICES RELATED TO THE GENERAL PLAN UPDATE, ASSOCIATED ZONING CODE AND MAP AMENDMENTS, COMMUNITY ENGAGEMENT, AND CALIFORNIA ENVIRONMENTAL QUALITY ACT ASSESSMENT; AND

2. ACCEPTING AND APPROPRIATING A REGIONAL EARLY ACTION PLAN (REAP) GRANT FROM THE ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG) IN THE AMOUNT OF TWO HUNDRED EIGHTY-ONE THOUSAND SIX HUNDRED NINE DOLLARS (\$281,609) TO PROVIDE FUNDING FOR SERVICES RELATED TO THE GENERAL PLAN UPDATE, ASSOCIATED ZONING CODE AND MAP AMENDMENTS, COMMUNITY ENGAGEMENT, AND CALIFORNIA ENVIRONMENTAL QUALITY ACT ASSESSMENT; AND

3. AWARDING A PROFESSIONAL SERVICES AGREEMENT TO DYETT & BHATIA, URBAN AND REGIONAL PLANNERS, INC. IN AN AMOUNT NOT-TO-EXCEED FIVE MILLION SEVEN HUNDRED NINETEEN THOUSAND FOUR HUNDRED TWO DOLLARS (\$5,719,402), INCLUDING FIVE HUNDRED NINETEEN THOUSAND NINE HUNDRED FORTY-SIX DOLLARS (\$519,946) RESERVED AS CONTINGENCY, TO PROVIDE TECHNICAL CONSULTANT SERVICES RELATED TO THE GENERAL PLAN UPDATE, ASSOCIATED ZONING CODE AND MAP AMENDMENTS, COMMUNITY ENGAGEMENT, AND CALIFORNIA ENVIRONMENTAL QUALITY ACT ASSESSMENT, FOR A TERM OF SIX (6) YEARS; AND

4. APPROPRIATING FUNDS FROM THE DEVELOPMENT SERVICES FUND (2415) FUND BALANCE IN THE AMOUNT OF TWO MILLION THREE HUNDRED FORTY-SEVEN THOUSAND EIGHT HUNDRED NINETY DOLLARS AND EIGHTY-FOUR CENTS (\$2,347,890.84) TO PROVIDE FUNDING FOR SERVICES RELATED TO THE GENERAL PLAN UPDATE, ASSOCIATED ZONING CODE AND MAP AMENDMENTS, COMMUNITY ENGAGEMENT, AND CALIFORNIA ENVIRONMENTAL QUALITY ACT ASSESSMENT.

WHEREAS, California Government Code Section 65300 requires each city and county to adopt a general plan; and

WHEREAS, general plans benefit local communities by promoting better projects, streamlined processes, integrated planning, and improved access and use of available resources, serving as a tool to advance State and local goals and policies; and

WHEREAS, the General Plan for the City of Oakland (City) must include the following elements or topics, per California Government Code Section 65302: Housing, Safety, Environmental Justice, Land Use, Circulation, Open Space, Conservation, Air Quality and Noise; and

WHEREAS, per California Government Code Section 65303, a general plan may also include other topics or elements of local interest related to a jurisdiction's physical development, such as an Infrastructure and Facilities Element to serve as a long-term capital improvement plan; and

WHEREAS, California Government Code Section 65302 requires general plans to be updated "periodically", which, according to the California Office of Planning Research's General Plan Guidelines, has traditionally been at least every 15 to 20 years, and many portions of the City's General Plan were adopted over 23 years ago; 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

WHEREAS, the next update to the City's Housing Element is due at the end of the current eight-year planning period, January 31, 2023; and

WHEREAS, per Senate Bill 1035 (2018), cities are required to review and update their Safety Element concurrent with each revision of the Housing Element; and

WHEREAS, per Senate Bill 1000 (2016), cities are required 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, compliance with Housing Element Law 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, compliance with Safety Element Law is a critical precondition for securing funds from numerous Federal, State and regional disaster preparedness and relief programs; and

WHEREAS, preparation and adoption of the 2023-2031 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 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 updated General Plan Elements (General Plan Update), along with associated zoning code and map amendments, community engagement and California Environmental Quality Act (CEQA) assessment, will allow the City to meet State-mandated General Plan requirements, while promoting safe, decent and equitable opportunities for all residents, with particular attention to promoting civic engagement in the public decision-making process, and identifying objectives and policies that prioritize improvements and programs that address the needs of frontline communities; and

WHEREAS, on June 2, 2020, the City Council adopted Resolution No. 88142 C.M.S. authorizing the City to accept and appropriate Local Early Action Planning (LEAP) Grant Program funds (\$750,000) from the California Department of Housing and Community Development to update the Housing Element, Safety Element and Environmental Justice Element and/or integration of environmental justice goals, policies and objectives; 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) 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, with a portion of those SB-2 funds (\$275,000), as earmarked in the associated funding agreement, to help fund the preparation and adoption of the Housing Element as part of the General Plan Update; and

WHEREAS, the LEAP grant funds are available in the Development Services Fund (2415), Planning Organization (84211), Contract Contingencies Account (54011), Leap Grant Project (1005408), General Plan, Zoning Update & Strategic Analysis Program (SC09); and

WHEREAS, the SB-2 grant funds will be available in the State of California Other Fund (2159), Planning Organization (84211), Contract Contingencies Account (54011), SB2 Grant Project (1005771), General Plan, Zoning Update & Strategic Analysis Program (SC09); and

WHEREAS, review fees for building permits and public/private infrastructure permits include a General Plan surcharge in order to adequately fund the beneficial and legally required implementation and update of the City's General Plan, and the dollar amounts associated with that surcharge are captured in the City's Development Services Fund (2415); and

WHEREAS, the Planning & Building Department anticipates \$464,902.16 in available carry forward (previously appropriated but not yet expended) funds from the Development Services Fund (2415), multiple Planning and Building Organizations, multiple Accounts, General Plan Update Project (1001475), multiple Programs; and

WHEREAS, on May 27, 2021, the City's application for a Priority Development Area (PDA) planning grant (\$1,600,000) to advance key aspects of the General Plan Update was approved for funding by the Metropolitan Transportation Commission (MTC); and

WHEREAS, on July 27, 2021, the Association of Bay Area Governments (ABAG) confirmed suballocation of Regional Early Impact Planning (REAP) Grant funds (\$281,609) to Oakland to support the City’s Housing Element update; and

WHEREAS, by aggregating a portion of SB-2 grant funds (\$275,000), LEAP grant funds (\$750,000), PDA Planning grant funds (\$1,600,000), REAP grant funds (\$281,609), a portion of carry forward amount in the General Plan Update Project (1001475) (\$464,902.16) and an appropriated fund balance from the Development Services Fund (\$2,347,890.84), a total of \$5,719,402 are available for the General Plan Update Technical Consultant Professional Services Agreement including \$519,946 reserved as contingency; and

WHEREAS, during the fall of 2020, Planning staff held a series of listening sessions with: staff from City departments and other local government agencies, each of the eight City Councilmembers (in some instances comments were given through Council staff on behalf of the Councilmember), the City Administrator, the Mayor, and representatives from 41 community-based organizations (CBOs), which sought to identify key issues that need to be addressed in the General Plan Update and to develop strategies for equitable, meaningful participation; and

WHEREAS, the City issued and advertised two competitive Requests for Proposals (RFP) related to the General Plan Update – one RFP for a Technical Consultant to serve as technical lead and overall project manager and another RFP for a Community Consultant to coordinate community engagement in conjunction with local non-profits and/or community based organizations; and

WHEREAS, three (3) teams responded to the Technical Consultant RFP; and

WHEREAS, the City formed a selection committee for the Technical Consultant RFP – consisting of representatives from the Bay Area Regional Transportation Agency (BART), Alameda County Transit Service (AC Transit), the City’s Planning and Building Department, Public Works, Fire Department, Department of Race and Equity, Department of Transportation, and Economic and Workforce Development Department, including representatives from Departmental Race and Equity Teams and the Inter-Departmental Inclusive Community Engagement Group; and

WHEREAS, after reviewing the proposals and conducting an evaluation process including presentation and interview, the selection committee identified Dyett & Bhatia as the team most qualified to serve as the Technical Consultant; and

WHEREAS, notwithstanding any potential subsequent obligation to conduct environmental review under CEQA, the preliminary actions of accepting and appropriating grant funding, appropriating City funds and awarding professional service agreements, are not decisions that commit the City to a definite course of action with respect to implementation of developed proposals and therefore are not subject to CEQA; and

WHEREAS, the City Council finds and determines that the performance of these contracts shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore be it

RESOLVED: That the City Council hereby accepts and appropriates a PDA grant from MTC in an amount totaling One Million Six Hundred Thousand dollars (\$1,600,000) and a REAP grant from ABAG in an amount totaling Two Hundred Eighty-One Thousand Six Hundred Nine dollars (\$281,609); and be it

FURTHER RESOLVED: That PDA grant funds totaling One Million Six Hundred Thousand dollars (\$1,600,000) shall be appropriated to Miscellaneous Grants Fund (2999), Planning Organization (84211), Contract Professional Services Account (54930), in a project to be determined, General Plan, Zoning Update & Strategic Analysis Program (SC09); and be it

FURTHER RESOLVED: That REAP Grant funds totaling Two Hundred Eighty-One Thousand Six Hundred Nine dollars (\$281,609) shall be appropriated to Miscellaneous Grants Fund (2999), Planning Organization (84211), Contract Professional Services Account (54930), in a project to be determined, General Plan, Zoning Update & Strategic Analysis Program (SC09); and be it

FURTHER RESOLVED: That the City Administrator, or designee, is authorized to take all necessary actions for the City to receive the PDA grant and REAP grant funds; and be it

FURTHER RESOLVED: That the City Council hereby appropriates funds from the Development Services Fund (2415) fund balance in the amount of Two Million Three Hundred Forty-Seven Thousand Eight Hundred Ninety dollars and Eighty-Four cents (\$2,347,890.84) to provide funding for services related to the General Plan Update, associated zoning code and map amendments, community engagement, and California Environmental Quality Act assessment; and be it

FURTHER RESOLVED: That the Development Services (2415) fund balance funds (\$2,347,890.84) shall be appropriated to the Development Services Fund (2415), Planning Organization (84211), Contract Professional Services Account (54930), existing General Plan Update Project (1001475), Zoning Update & Strategic Analysis Program (SC09).

FURTHER RESOLVED: That a professional services agreement is awarded to the Technical Consultant, Dyett & Bhatia, Urban Regional Planners, Inc. for services related to the General Plan Update, associated zoning code and map amendments, community engagement and California Environmental Quality Act assessment, in an amount not to exceed Five Million Seven Hundred Nineteen Thousand Four Hundred-Two dollars (\$5,719,402), including Five Hundred Nineteen Thousand Nine Hundred Forty-Six dollars (\$519,946) reserved as contingency, for a term of six (6) years; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements, and payment requests, and to perform related actions as necessary to carry out the basic purpose of this resolution; and be it

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

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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