



CITY OF OAKLAND

# AGENDA REPORT

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** William A. Gilchrist  
Director, Planning &  
Building Department

**SUBJECT:** Professional Services Agreements  
For General Plan Update

**DATE:** September 3, 2021

City Administrator Approval

Date: Sep 23, 2021

## **RECOMMENDATION**

**Staff Recommends That The City Council Adopt The Following Pieces Of Legislation:**

**1) A Resolution:**

- A) 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**
- B) 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**
- C) 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**
- D) 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**

City Council  
October 5, 2021

**Funding For Services Related To The General Plan Update, Associated Zoning Code and Map Amendments, Community Engagement, And California Environmental Quality Act Assessment.**

**2) A Resolution:**

**Awarding A Professional Services Agreement To Urban Strategies Council As The Contracting Entity For The Deeply Rooted in Oakland Consulting Team In An Amount Not-To-Exceed Two Million Seven Hundred One Thousand Nine Hundred Fifty-Two Dollars (\$2,701,952), Including Two Hundred Forty-Five Thousand Six Hundred Thirty-Two Dollars (\$245,632) Reserved As Contingency, To Provide Community 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.**

**EXECUTIVE SUMMARY**

The General Plan Update is an opportunity for all Oaklanders to work together to create a visionary blueprint for the future of the City over the next two decades, shaped by the City's commitment to intentionally integrate principles of fairness and justice into all City policies. The update will occur in two phases, guided by a set of core principles rooted in equity:

- Phase I includes the update of the Housing and Safety Elements of the General Plan; creation of the City's first Environmental Justice Element; associated amendments to other Elements of the General Plan, along with Zoning Code and map updates; Racial Equity Impact Analysis, California Environmental Quality Act (CEQA) review; and an Industrial Land Use Study. State law mandates that final adoption of the Housing Element occur by **January 2023**, and that the **Safety and Environmental Justice Elements be reviewed and revised upon this update to the Housing Element.**
- Phase II includes the update of the Land Use and Transportation Element; Open Space, Conservation, and Recreation Element; Noise Element; and the development of a new Infrastructure and Facilities Element. Phase II work also includes zoning updates and CEQA review. The Phase I process will help inform the components of Phase II. Phase II is anticipated to be completed by mid-2025.

The Phase I deadline, particularly associated with the Housing Element, is critical. Over the years, California has steadily increased the penalties for not having a legally compliant Housing Element. Repercussions can include reduced access to State funding, suspension of local control on housing development, court approval of housing projects, lawsuits and associated court fees. Furthermore, a compliant Housing Element 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.

Both phases of the General Plan Update will be guided by a comprehensive, collaborative, accessible, inclusive, and equity-driven public engagement approach that focuses on

communities impacted by environmental harm, health stress and other barriers to opportunity, while also being inclusive of the City as a whole.

The City Council is requested to award two separate professional services agreements with two separate contractors for related yet distinct services.

The first professional services agreement is with the Dyett & Bhatia Team (D&B Team) for technical consulting services related to the General Plan Update, associated zoning code and map amendments, community engagement and CEQA assessment in an amount not-to-exceed five million seven hundred nineteen thousand four hundred two dollars (\$5,719,402). This total includes a contingency in the amount of five hundred nineteen thousand nine hundred forty-six dollars (\$519,946).

The second professional services agreement is with Urban Strategies Council as the contracting entity for the Deeply Rooted in Oakland Team for community consultant services related to the General Plan Update in an amount not-to-exceed two million seven hundred one thousand nine hundred fifty-two dollars (\$2,701,952). This total includes a contingency in the amount of two hundred forty-five thousand six hundred thirty-two dollars (\$245,632).

City Council is also requested to approve appropriation of 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), and to accept and appropriate Regional Early Action Planning (REAP) grant funds in the amount of two hundred eighty-one thousand six hundred nine dollars (\$281,609) and Priority Development Area (PDA) Grant funds in the amount of one million six hundred thousand dollars (\$1,600,000), for services related to the General Plan Update. These funds will be aggregated to previously appropriated funds, as described later in this report, for services related to the General Plan Update.

## **BACKGROUND / LEGISLATIVE HISTORY**

It has been over 20 years since the City of Oakland has comprehensively updated its various General Plan Elements, the guiding document for the City's future. Given this length of time and the critical need to update the General Plan, the Planning & Building Department (PBD), in coordination with multiple other City departments, is leading a Citywide comprehensive General Plan Update planning process that will allow Oaklanders to come together to create a visionary blueprint for a just and fair Oakland.

The General Plan Update process will be instrumental in promoting cultural understanding and historical healing in a diverse and changing community. It will be important to give voice to the many cultures that have created—and are still transforming—Oakland. The process must begin by acknowledging the detrimental impacts that past governmental and planning practices have had on Oakland's communities, specifically Ohlone, Black, Asian, Latinx, Muslim, immigrant and refugee communities. The General Plan Update is an opportunity to work to eliminate the root causes of inequity, to undo the harms of the past, and to integrate the principle of fairness into today's planning policies.

The General Plan Update process will also be instrumental in continuing the work toward addressing the City's vulnerability to natural hazards and the impacts of climate change,

resulting from its location on and adjacent to numerous active earthquake faults, its nine miles of shoreline, high wildfire risk areas, aging infrastructure, and a history of inequality and structural racism leading to profound economic inequities today.

California Law requires specific topics, also called "Elements," to be covered in a general plan (Gov. Code § 65302). Required General Plan topics include land use, circulation, housing, conservation, open space, noise, air quality and safety. Senate Bill 1000, passed in 2016, newly requires that cities with disadvantaged communities adopt environmental justice policies or an Environmental Justice Element. State law allows a jurisdiction to include any other topical element(s) within its General Plan that it sees fit.

A comprehensive General Plan update is needed due to the age of the current document and supporting data. 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 – 20 years. The current Oakland General Plan Land Use and Transportation Element (LUTE), the Estuary Policy Plan (EPP), and Open Space, Conservation, and Recreation Element (OSCAR) were last comprehensively updated between 1996 and 1999. The Noise Element was adopted in 2005 and the Safety Element was adopted in 2004, with amendments in 2012 and 2021 to incorporate the City's Local Hazard Mitigation Plan (LHMP). The current Housing Element was adopted in 2014. The 2017 Pedestrian Plan, and the 2019 Oakland Bike Plan were adopted as components of the LUTE.

Oakland's Housing Element, one of the State-required General Plan Elements, serves as a roadmap for policies and programs to be developed and implemented over an eight-year planning cycle, and must be designed to accommodate the City's Regional Housing Needs Allocation (RHNA). Through the RHNA process, every local jurisdiction is assigned a number of housing units representing its share of the state's housing needs for the eight-year planning period. The State Housing and Community Development Department determined that the Bay Area must plan for 441,176 new housing units from 2023 to 2031. The State Housing Element Law requires the San Francisco Bay Area's regional council of governments, the Association of Bay Area Governments (ABAG), to develop a method for distributing the Bay Area's portion of state housing needs to local governments. As a result of this process, the next update to the City of Oakland Housing Element must demonstrate the City's ability to accommodate 26,251<sup>1</sup> units assigned to Oakland through the RHNA allocation process and to help meet Oakland's housing goals, including housing for extremely low-income populations. Oakland's current Housing Element is required to be revised and adopted by the end of January 2023.

Recent State law also states that the Safety Element shall be reviewed and, as necessary, updated upon each revision of the Housing Element. Further, to implement Senate Bill (SB) 1000 (2016), Oakland is required to adopt an Environmental Justice Element, either standalone or interwoven with other Elements, upon the next revision of two or more General Plan elements concurrently, which the City proposes doing with the concurrent Housing and Safety Element updates in Phase 1.

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<sup>1</sup> This draft RHNA allocation of units was approved by the ABAG Executive Board on May 20, 2021, and is inclusive of 6,511 very low-income units; 3,750 low-income units; 4,457 moderate-income units and 11,533 above-moderate income units. ABAG will adopt final RHNA allocations by the end of 2021, following a regional appeals process, which could affect the allocations for all jurisdictions.

The General Plan Update process will build upon past and ongoing plans, initiatives, studies, and projects in terms of lessons learned, staff insights, and data collected. Many of these projects and programs have also developed innovative and equitable public engagement programs that will serve as models for the process.

Finally, the General Plan Update process will offer the community and the City an opportunity to reevaluate existing General Plan policies and develop new ones that reflect a shared vision with all Oaklanders.

### ***Prior Resolutions Related to Grant Funding for the Professional Services Agreement***

On June 2, 2020, the City Council adopted Resolution No. 88142 C.M.S. to accept and appropriate 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.

On October 15, 2019, the City Council adopted Resolution No. 87889 C.M.S. 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. A portion of those SB-2 funds (\$275,000) have been allocated in the associated funding agreement to help fund the preparation and adoption of the Housing Element as part of the General Plan Update.

### ***Pending Resolutions Related to Grant Funding for the Professional Services Agreement***

If approved, the proposed resolution accompanying this report would also appropriate PDA planning grant funds (\$1,600,000) from the Metropolitan Transportation Commission (MTC) and REAP grant funds (\$281,609) from the ABAG, to assist with the General Plan Update.

## **ANALYSIS AND POLICY ALTERNATIVES**

As stated above, the General Plan update will occur in two phases, guided by a set of core principles rooted in equity. Both phases of the General Plan Update will be guided by a comprehensive, collaborative, accessible, inclusive, and equity-driven public engagement approach that focuses on communities impacted by environmental harm, health stress and other barriers to opportunity, while also being inclusive of the City as a whole. In addition, the General Plan update advances multiple Citywide Priorities, including **holistic community safety; housing, economic, and cultural security; and vibrant, sustainable infrastructure.**

### ***Request for Proposals***

As described later in this report, in the fall of 2020, the City convened 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). The interviews informed the General Plan Update scope of work,

helping to identify key issues that need to be addressed in the General Plan Update and to develop strategies for equitable, meaningful participation.

The scope of the work and timing constraints required to update the City's General Plan exceed the capacity of existing City staff. Therefore, it was determined that consultant services would be required.

To that end, the City of Oakland issued two Requests for Proposals (RFPs) for assistance with the General Plan Update seeking a Technical Consultant and a Community Consultant to collectively assist the City with the necessary analysis, community engagement and CEQA assessment in a timely manner that would allow the City to meet statutory deadlines while also advancing key City goals, including the critical mission of creating a just and fair City for all, per Oakland Municipal Code Section 2.29.170.1.

On April 30, 2021, the City issued a RFP inviting qualified consultant teams to submit proposals to assist staff in completing a General Plan Update and associated zoning code and map amendments, community engagement and CEQA assessment. The initial submittal deadline was May 28, 2021.

The City also created an "Expression of Interest Form" that could be completed by interested firms, CBOs and/or non-profits interested in being part of the General Plan Update process. Staff published a rolling and updated list of "Firms and CBOs That Have Expressed Interest" on the General Plan Update Website (<https://www.oaklandca.gov/topics/general-plan-update>).

During the pre-proposal meeting on May 11, 2021 and in subsequent communications, traditional planning firms, non-profits and CBOs expressed desire for City assistance/facilitation in the consultant team-building process. The City also received requests from non-profits and/or CBOs to be able to submit their proposals about the General Plan Update process directly to the City, rather than through a Prime Consultant.

In response to these concerns, the City:

- Extended the deadline to respond to the General Plan Update RFP to Friday, June 25, 2021 to provide prospective consultant teams with more time to prepare proposals.
- Issued a separate RFP for a CBO or local non-profit to act as the Community Consultant to assist in the development and implementation of a community engagement process that will achieve outreach to all Oakland residents, with a focus on ensuring that communities historically underrepresented in traditional planning processes fully participate in the General Plan Update; and to serve as a backbone organization for managing the work and partnerships with other community-based groups. The deadline to respond to the Community Consultant RFP was July 30, 2021.

### ***Consultant Selection***

The City formed two selection committees, one for the Technical Consultant selection process and another for the Community Consultant selection process:

- The Technical Consultant selection committee consisted of representatives from the Bay

Area Regional Transportation Agency (BART), Alameda-Contra Costa Transit District (AC Transit), the City's Planning and Building Department (PBD), Oakland Public Works (OPW), Oakland Fire Department (OFD), Department of Race and Equity (DRE), Department of Transportation (DOT), and Economic and Workforce Development Department (EWD), including representatives from Department-level Race and Equity Teams and the Inter-Departmental Inclusive Community Engagement Group.

- The Community Consultant selection committee consisted of representatives from the Alameda County Public Health Department, PBD, OPW, DOT, Public Information Office, including representatives from Department-level Race and Equity Teams and the Inter-Departmental Inclusive Community Engagement Group.

Selection committee members conducted a two-step evaluation process; the first step being evaluation of the submittals and the second step being interviewing the finalists. The interviews included a presentation by teams and responses to pre-established questions from the selection committee.

### ***Consultant Scopes of Work***

#### **Community Consultant**

The Community Consultant will lead the community engagement process over a near five-year period, founded on a comprehensive, equity-driven public engagement process, which will support identification of key issues, development of an overarching vision and guiding principles, and input into the General Plan Elements.

They will be doing the following community engagement activities over the span of the planning process:

- Prepare, conduct, and facilitate public meetings and workshops.
- Design and manage online engagement tools—surveys, forums, virtual meetings, social media.
- Organize and facilitate focus groups, across topics, sectors and interest groups.
- Establish a selection process to convene an Equity Working Group.
- Work with local CBOs and artists to create pop-ups and engagement spaces and activities at cultural events throughout the City.
- Work with local CBOs to conduct neighborhood outreach.
- Ensure outreach is multi-lingual and reduces other potential barriers to participation.
- Engage local CBOs and the broader public concerning policy and priorities.

#### **Technical Consultant**

The Technical Consultant will engage in scope of work over the next five years that helps the City set new goals and strategies to guide the physical development of the City over the next 10 – 20 years.

The Technical Consultant will be tasked to:

- Undertake a complex, multi-year citywide planning effort to work together with stakeholders throughout Oakland to:

- Update five General Plan Elements (including some that are over 20 years old).
- Create two new General Plan Elements, along with two Environmental Impact Reports (EIRs), two racial equity impact analyses, and associated zoning code and map updates.
- Ensure that all new and updated General Plan Elements meet the statutory and technical requirements set forth in State Law, as outlined in the California Office of Planning and Research's General Plan Guidelines, along with new State and Federal legislation.
- Prepare background and existing condition analyses related to each of the General Plan Elements.
- Work with the Community Consultant to prepare summaries and other materials to engage Oakland stakeholders in policy and priority discussions.
- Assist in engagement and outreach efforts across City of Oakland.
- Prepare multiple drafts of all documents, including background documents, public review and final General Plan Elements, Draft and Final EIRs, racial equity impact and other analyses, and zoning code and map amendments.
- Revise these documents to respond to City, public agency and public feedback.
- Prepare a final version of each of the seven General Plan Elements for adoption by the City Council for Phase I and Phase II.

### Evaluation Criteria

Evaluation criteria for the Technical Consultant included:

- Past, recently completed, or on-going local government projects to substantiate experience
- Experience on at least three (3) projects providing services like those described in this RFP
- Prior experience and ability to work with City staff, community groups, and other stakeholders
- Experience with racial equity analyses and working under a racial equity framework
- Professional background and qualifications of team members and firms comprising the team
- Current workload, available staff and resources
- Capacity and flexibility to meet schedules, including any unexpected work
- Ability to perform on short notice and under time constraints
- Cost control procedures in design and construction
- Ability to perform numerous projects at the same time
- Understanding of the nature and extent of the services required
- A specific outline of how the work will be performed
- Awareness of potential problems and providing possible solutions
- Special resources the team offers that are relevant to the successful completion of the project
- L/SLBE Certified Business Participation
- Presentation, completeness, clarity, organization, and responsiveness of proposal

Evaluation criteria for the Community Consultant included:

- Prior experience and ability to work with City staff, community groups, and other stakeholders
- Demonstrable commitment to advancing racial, social, and economic justice/equity
- Qualifications of key individuals leading the project
- Clear understanding of project intent and articulation of tasks and approach
- Creative and/or innovative approach
- Awareness of potential problems and providing possible solutions
- Special resources the team offers that are relevant to the successful completion of the project
- Allocation of costs to tasks and activities
- Realistic cost of services to be provided
- Current workload, available staff and resources
- Capacity and flexibility to meet schedules, including any unexpected work
- Ability to perform on short notice and under time constraints
- Ability to perform numerous projects at the same time
- L/SLBE Certified Business Participation
- Presentation, completeness, clarity, organization, and responsiveness of proposal

Technical Consultant Selection

The City received proposals from the following teams:

- D&B Team
- Just Oakland Collaborative
- The Oakland People’s Plan

The D&B Team was selected as the **General Plan Technical Consultant Team** and includes the following firms shown in **Table 1**, below.

**Table 1: General Plan Technical Consultant Team**

Organization	Role	Located
<i>Dyett &amp; Bhatia</i>	Lead Technical Firm, General Plan experience	Oakland
<i>BKF Engineers</i>	Civil Engineering	Oakland
<i>Toole Design</i>	Transportation	Oakland
<i>Page &amp; Turnbull</i>	Historic Preservation	San Francisco
<i>EPS</i>	Economics	Oakland
<i>Kittelson Associates</i>	Transportation Planning	Oakland
<i>Environmental Services Associates (ESA)</i>	Environmental Assessment (CEQA)	Oakland
<i>Policy Link</i>	Racial Equity	Oakland
<i>Environmental Justice Solutions</i>	Racial Equity, Environmental Justice	Oakland

The D&B Team was selected for the following reasons:

- **Extensive General Plan Experience.** D&B has led general plans for more than 70 California cities, including nearly 25 Bay Area cities. The firm is currently leading 10 general plans across California and has pioneered many general plan approaches—for example, preparing California’s first Public Health Element (for San Pablo), winner of a National Award from the American Planning Association.
- **Experience in Addressing Equity and Environmental Justice.** D&B is currently leading Environmental Justice Element work for Sacramento and San Diego, and recently completed this for several other cities. Local team partners Policy Link and Environmental Justice Solutions offer national leadership and Oakland experience in addressing equity.
- **Large City Experience.** D&B is currently leading a comprehensive General Plan update for Sacramento—California’s fastest growing big city—wrestling with issues of racial, economic, and environmental justice similar to Oakland. As Oakland looks ahead to its next era of evolution, D&B offers extensive experience with best practices in topics such as integrating land use and transportation, mixed-use neighborhood building, and fostering equitable development, having led major long-range planning assignments for San Diego, San José, and Honolulu (HI) within the last three years.
- **Zoning Experience.** D&B has vast national zoning experience, and within the last two years has prepared regulations for Portland (mixed-use and multifamily), San Diego (first citywide mixed-use), Honolulu (station area), Long Beach (various provisions), as well as for Bay Area communities (for example, citywide for zoning for Richmond).
- **Local Team.** D&B’s sole office is directly across from City Hall. D&B previously assisted the City with the Lake Merritt Station Area Specific Plan and updates to sections of the City’s Zoning Code. Environmental Science Associates, who will lead the EIR, and BKF Engineering, who will lead infrastructure, have each done dozens of assignments in Oakland. Ninety eight percent of the work will be carried out by firms and non-profits based in Oakland.
- **Strong Working Relationships.** D&B has worked with the other firms on their team on multiple assignments.

#### Community Consultant Selection

The City received proposals from the following teams:

- Deeply Rooted in Oakland (Urban Strategies Council is the contracting entity)
- Tides Center - Hope Collaborative
- Higher Ground NDC
- In-Advance (later withdrew from the selection process<sup>2</sup>)

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<sup>2</sup> At the interview phase, the In-Advance Team notified the City of its withdrawal from the process given the volume of other project obligations prohibiting it from doing “the exceptional job this project deserves.”

The Deeply Rooted in Oakland Team was selected as the **General Plan Community Consultant Team** and includes the following organizations shown in **Table 2**, below.

**Table 2: General Plan Community Consultant Team**

Organization*	Role	Located
<i>Urban Strategies Council</i>	Community Consultant, Contracting Entity	Oakland
<i>Eastside Arts Alliance</i>	Community Consultant	Oakland
<i>Just Cities</i>	Community Consultant	Oakland
<i>CURYJ</i>	Engagement and Outreach	Oakland
<i>House Full of Blackwomen</i>	Engagement and Outreach	Oakland
<i>Lao Family Community Development Co.</i>	Engagement and Outreach	Oakland
<i>Malonga Arts Residents Assoc.</i>	Engagement and Outreach	Oakland
<i>Oakland Asian Cultural Center</i>	Engagement and Outreach	Oakland
<i>The Village</i>	Engagement and Outreach	Oakland
<i>Unity Council</i>	Engagement and Outreach	Oakland
<i>Black Cultural Zone</i>	Engagement and Outreach	Oakland

\*The Deeply Rooted in Oakland Team will engage CBOs and/or non-profits during the planning process to ensure geographic and demographic representation of populations that have been historically excluded and under-represented in planning processes.

The Deeply Rooted in Oakland team, led by Urban Strategies Council, Just Cities and Eastside Arts Alliance, was selected for the following reasons:

- **Clearly Established Relationships.** The partner Community Consultants have clearly established relationships with other City of Oakland non-profits and CBOs that will be able to engage with populations and geographies that have historically been excluded from planning processes.
- **Deeply Rooted in Oakland.** The team members have an extensive track record of working effectively with Oakland’s historically disadvantaged, racially diverse, low income, immigrant and refugee communities, and youth.
- **Experience in Project Management.** Project management experience includes multi-faceted public/private collaborations funded by federal, state, local public agencies and foundations.
- **Expertise in Equitable Project Development.** While being deeply rooted in Oakland, team members have nationally recognized expertise in developing and implementing community-based equitable project development and data collection processes, equity plans, policies and programs, and new pathways and tools for multi-level and creative information sharing.

- ***Strong Partnership Approach.*** The team includes a strong partnership amongst the co-leads: Eastside Arts Alliance, Just Cities and Urban Strategies Council.
- ***Cultural Engagement Approach.*** The team presented a compelling case for leveraging cultural activities and cultural workers in Oakland to engage Oaklanders in the General Plan update conversation, in way that meets them where they are and honors Oakland's values.

### Compliance Review

The Contracts and Compliance Division of the Department of Workplace and Employment Standards conducted a compliance review for each of the RFP submittals, based on local and small local business guidelines and certification at the time of submittal (***Attachment A***). The D&B Team exceeded the minimum Local and Small Local Business Enterprise (LBE/SLBE) goals. The Deeply Rooted in Oakland Team, along with all other teams responding to the Community Consultant RFP, did not include currently certified LBE/SLBE enterprises. The City is aware that the LBE/SLBE certification can be challenging for many small, local community-based organizations, who may not have administrative resources to dedicate to the certification process. However, these small, local community-based organizations have existing and trusted relationships in their communities, which will facilitate a meaningful engagement process. Contracting with these types of organizations also meets the intent of the City's LBE/SLBE program. To that end, Deeply Rooted in Oakland, led by three non-profits, will function as the backbone organizations for managing the partnerships with community-based groups to assist in the development and implementation of a community engagement process that will lead to meaningful participation of communities that have been historically excluded and underrepresented in traditional planning processes.

### Recommended Actions

Staff recommends that City Council approve the proposed resolutions, which allow the City to formally enter into contracts to start the technical and community outreach efforts associated with the General Plan update.

Alternatively, Council could reject staff's recommendation and direct staff to reopen the selection process. This alternative would adversely affect the project schedule to issue the first required elements—the Housing, Safety and Environmental Justice Elements—in 2023.

### **FISCAL IMPACT**

A majority of the funds for the General Plan Update professional service agreements—approximately \$5.5 million—come from the City's Development Services Fund (2415). Following adoption of the previous General Plan LUTE, the City has been collecting a General Plan surcharge (between one and four percent) on review fees for building permits and public/private infrastructure permits in order to provide an ongoing funding source for the beneficial and legally required implementation and routine update of the City's General Plan. The dollar amounts associated with that surcharge are captured in the City's Development Services Fund (2415).

In addition, the City has secured various local and State grant funds—approximately \$2.9 million—to supplement the City’s funds, as listed in **Table 3** below. Therefore, the complete funds for the General Plan Update professional services agreement result from aggregating a portion of SB-2 grant funds (\$275,000), LEAP grant funds (\$750,000), a carry forward amount (previously appropriated but not yet expended) in the General Plan Update Project account (1001475) within the Development Services Fund (2415) (\$3,166,854.16), and a recommended appropriation of PDA Planning grant funds (\$1,600,000), REAP grant funds (\$281,609) and fund balance from the Development Services Fund (\$2,347,890.84).

**Table 3: Project Costs and Funding Sources**

AMOUNT OF RECOMMENDATION / COST OF PROJECT:	
Technical Consultant Services	\$5,199,456
Technical Consultant Contingency	\$ 519,946
Community Consultant Services	\$2,456,320
Community Consultant Contingency	<u>\$ 245,632</u>
TOTAL Costs	\$8,421,354
SOURCES OF FUNDING:	
Funds Previously Appropriated	Amount
General Plan Update Carry-Forward	\$3,166,854
Portion of State HCD’s SB-2 Grant	\$ 275,000
State HCD’s LEAP Grant	\$ 750,000
Funds Recommended For Appropriation:	
Development Services Fund 2415	\$2,347,891
Appropriation MTC’S PDA Grant	\$1,600,000
ABAG’s REAP Grant	<u>\$ 281,609</u>
TOTAL Funds from all sources	\$8,421,354

**Summary of Fiscal Sources**

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).

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).

PBD anticipates \$3,166,854.16 in available carryforward funds from the General Plan Update project. These carryforward funds were previously appropriated (but not yet expended) and are available in Development Services Fund (2415), multiple Planning and Building Organizations, multiple Accounts, General Plan Update Project (1001475), multiple Programs. A portion of the carry-forward funds (\$2,701,952) will be dedicated to the Community Consultant professional services agreement; while the remaining portion (\$464,902.16) will be dedicated to the Technical Consultant professional services agreement.

On May 27, 2021, the City of Oakland's application for a PDA planning grant (\$1,600,000) to advance key aspects of the General Plan Update was approved for funding by the MTC. On July 27, 2021, ABAG confirmed sub-allocation of REAP Grant funds (\$281,609) to Oakland to support the City's Housing Element update. If approved, the proposed resolution accompanying this report would appropriate those funds along with funds from the Development Services Fund (2415) 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.

The PDA grant funds 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). The REAP Grant funds 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). The Development Services Fund fund balance funding 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).

### **PUBLIC OUTREACH / INTEREST**

In fall of 2020, Planning staff, with assistance from a planning consulting firm that was funded via a technical assistance grant from MTC, 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, the Port of Oakland and representatives from 41 CBOs. The interviews sought to identify key issues that need to be addressed in the General Plan Update and to develop strategies for equitable, meaningful participation.

All interviews began with an introduction to the General Plan Update process and current Oakland General Plan, followed by discussions based on the following guiding questions:

- What are the key issues to be addressed in the General Plan Update?
- Who should be involved?
- How can we involve and empower participants?
- What General Plan Elements should be changed, added, or deleted?
- How should other City departments and functions be involved?
- How should phasing of the General Plan Update process be addressed in order meet required deadlines and maintain consistency between Elements?

The following City offices and departments were represented at group interviews: Mayor's Office, City Council, City Administrator's Office, Office of the City Attorney, Port of Oakland, OPW, DOT, PBD, DRE, Housing and Community Development Department (HCD), Human Services Department (HSD), and EWD. An interview was also conducted with the Interdepartmental Inclusive Community Engagement Working Group (staff from Departments throughout the City working on community engagement).

Staff from the following local agencies that work in Oakland also participated in the group interviews conducted with City staff members: BART, AC Transit, ABAG/MTC, Alameda County Department of Public Health.

The following CBOs and tribal communities participated in the interviews: Acta Non Verba, Asian Health Services, Othering and Belonging Institute - UC Berkeley, EastSide Arts Alliance, East Bay Asian Local Development Corporation (EBALDC), Latino Chamber of Commerce, Higher Ground Neighborhood Development Corporation, 350 Bay Area, Confederated Villages of Lisjan, Walk Oakland Bike Oakland, Communities for a Better Environment, Just Cities, Oakland Vietnamese Chamber of Commerce, Designing Justice and Designing Spaces, Firesafe Council, East Oakland Building Healthy Communities, Urban Strategies Council, InAdvance, PolicyLink, Oakland Heritage Alliance, Roots Community Health Center, Oakland Parks and Recreation Foundation, Black Cultural Zone Community Development Corporation, East Bay Asian Youth Center, Oakland Chinatown Chamber of Commerce, West Oakland Environmental Indicators Project, Business Improvement District Alliance, Mandela Partners, David Brower Ronald Dellums Institute for Sustainable Policy Studies, Native American Health Center, Pathways to Equity, East Bay Housing Organizations (EBHO), Eat. Learn. Play. Foundation, The Unity Council, and Asian Pacific Environmental Network.

The feedback received during those listening sessions helped inform the [General Plan Update Technical Memorandum<sup>3</sup>](#). This memorandum was not a final nor rigid blueprint for the General Plan Update process, but rather a guide used to inform the development of the RFP for the General Plan consultant services. The memorandum does not preemptively obligate the City to any particular course of action, and other practices and approaches may emerge over the course of the Update process for consideration and implementation.

The following are initial guiding principles for an inclusive planning and engagement process for the General Plan Update, based on the feedback received during the listening sessions. More details regarding these principals can be found on the [General Plan Update website<sup>4</sup>](#) and were also included in the RFP. These guiding principles are a first step in developing a shared vision with all Oaklanders that will serve as a foundation for the General Plan:

- *Equity and Environmental Justice*
- *Transparency*
- *Relevance and Clarity*
- *Focused Planning Process*
- *Flexible and Adaptable Process*
- *Strategic and Long-Range Thinking*
- *Interdepartmental Coordination*
- *Inter-Agency Coordination*
- *Important Role of Community-Based Organizations (CBOs)*
- *Youth Engagement*
- *Place-based Approach*

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<sup>3</sup> The document is available at [www.oaklandca.gov/resources/general-plan-technical-memo-principles-issues-and-potential-framework](http://www.oaklandca.gov/resources/general-plan-technical-memo-principles-issues-and-potential-framework).

<sup>4</sup> General Plan Update website - [www.oaklandca.gov/topics/general-plan-update](http://www.oaklandca.gov/topics/general-plan-update)

As part of the research and development of the General Plan Update, the General Plan Community Consultant Team, in close coordination with City staff, will conduct an extensive outreach process, with the intention of engaging stakeholders throughout the community, with additional resources dedicated to engaging with communities historically underrepresented and excluded from traditional planning processes and often most disparately and negatively impacted by City policies.

As described in more detail in the General Plan Update Technical Memorandum<sup>3</sup>, referenced earlier in this section, the community engagement process will also leverage existing tools and internal City capacity, including:

- DRE's Race & Equity Impact Analysis Guide and Inclusive Community Engagement Guide
- Race & Equity Teams in City Departments
- Interdepartmental Community Engagement staff

In addition, the General Plan Update team will have learned from and build upon recent local community engagement approaches such as those utilized for the following planning processes:

- East Oakland Neighborhood Initiative (2019)
- West Oakland Community Action Plan (2019)
- 2030 Equitable Climate Action Plan (2020)
- Capital Improvement Program (2021)

Ahead of the work that will be done by the General Plan Community Consultant Teams, City staff has already begun an outreach campaign to begin engaging Oaklanders. The [General Plan Update website](#) provides project information and updates. Community members can sign up to receive updates via email and social media. The City recently completed [the first of a video series about the General Plan Update](#) about the Plan, the process, and progress toward a City that works for all Oaklanders, which is also available on the website.

## **COORDINATION**

Preparation of the General Plan Update will continue to be a multi-department effort, with PBD collaborating closely with key partners, including HCD, DRE, EWD, HSD, OPW, DOT, Public Information Office, Department of Parks, Recreation and Youth Development, Information Technology Department, and City Administrator's Office.

This report and resolutions have been reviewed by the Office of the City Attorney and the Budget Bureau.

## **PAST PERFORMANCE, EVALUATION AND FOLLOW-UP**

With respect to the technical consulting team, Oakland-based D&B previously assisted the City of Oakland with the Lake Merritt Station Area (Specific) Plan with favorable outcomes. The City also has favorable prior experience with the following Oakland-based firms that are subconsultant to D&B: BKF Civil Engineers, Kittelson Associates, Policy Link, Toole Design, ESA and EPS. With respect to the community consulting team, Eastside Arts Alliance assisted

DOT as an artist-in-residency with favorable outcomes. Just Cities previously assisted the City, with favorable outcomes, with the Housing Equity Roadmap.

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** A completed 2023-2031 Housing Element would include the identification of sites suitable for affordable and market rate housing, subject to market conditions and the lending environment. The completed Housing Element would identify sites that would demonstrate the capability of being developed with affordable housing.

By adopting an updated Safety Element, Oakland residents, businesses and the essential civic functions of the government would be better prepared following a natural or human-caused disaster, and the City's economy could therefore recover more readily. Concurrent adoption of an Environmental Justice Element would promote meaningful civil engagement in public decision-making processes and identify objectives and policies that address the most pressing needs in the community, particularly where social and racial inequity is most prevalent.

An updated LUTE and OSCAR Element will help to develop and sustain a vibrant economy in Oakland that generates prosperity for all. A new Infrastructure and Facilities Element will help create a long-term plan for necessary capital improvement investments that will support the overall economy.

**Environmental:** The lack of housing options in Oakland worsens air pollution, as community members priced-out of the local housing market are forced to drive long distances to their jobs. The City of Oakland 2030 Equitable Climate Action Plan (ECAP) recognizes that households living near employment-dense areas and transit corridors have lower carbon footprints than those living in less dense areas further from transit ([www.oaklandca.gov/projects/2030ecap](http://www.oaklandca.gov/projects/2030ecap)). Affordable housing located near transit is particularly impactful, as low-income households are more likely not to own cars if they have access to quality transportation options. To that end, the ECAP Action TLU-1 calls for the General Plan, upon its next update, to align with the City's greenhouse gas (GHG) reduction, adaptation, resilience, and equity goals.

Adoption and implementation of an updated Safety Element would help preserve Oakland's environmental quality by minimizing potential damage from safety hazards and disasters, including sea level rise and wildfire risks. When the City improves public infrastructure, it increases and protects the quality of the Oakland's water, air and soil. Concurrent adoption of an Environmental Justice Element would promote meaningful civil engagement in the public decision-making process and identify objectives and policies that prioritize improvements and programs that address the most pressing needs in the community, particularly where social and racial inequity is most prevalent.

Updated LUTE and OSCAR Elements will collectively address the way that Oakland plans for a sustainable future, guiding land use and the movement of people and goods. A new Infrastructure and Facilities Element will enable the City to assess and consider a longer time frame, which is essential when planning for capital improvements that address climate change and resiliency.

***Race & Equity:*** The City aims to develop a Housing Element with meaningful strategies and measurable outcomes to create more housing that is affordable to Oaklanders of all income levels. This is an important step towards addressing rising costs of housing, increased rent burden, and skyrocketing rates of homelessness, which have produced increasing racial inequities.

An updated Safety Element would direct improvements to public infrastructure and critical facilities which can result in more disaster-resistant neighborhoods and prepare residents to respond to and recover more quickly from natural or human-caused events. Concurrent adoption of the City's first Environmental Justice Element would promote meaningful civic engagement in the public decision-making process and identify objectives, policies, improvements and programs that address the most pressing needs in the community, particularly where social and racial inequities are most prevalent.

The updated LUTE and OSCAR Elements, and creation of a new Infrastructure and Facilities Element will center the populations most impacted by current City policies. The General Plan Update scope of work applies a racial equity lens throughout the process, performing a Racial Equity Analysis, and by working with local non-profits and CBOs to have meaningful engagement with communities that have historically been excluded to improve outcomes in those communities.

#### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The preliminary actions of accepting and appropriating grant funding, appropriating City funds and authorizing the City Administrator to enter contract negotiations, 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.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt The Following Pieces Of Legislation:

1) A Resolution:

- A) 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
- B) 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
- C) 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
- D) 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.

2) A Resolution:

Awarding A Professional Services Agreement To Urban Strategies Council As The Contracting Entity For The Deeply Rooted in Oakland Consulting Team In An Amount Not-To-Exceed Two Million Seven Hundred One Thousand Nine Hundred Fifty-Two Dollars (\$2,701,952), Including Two Hundred Forty-Five Thousand Six Hundred Thirty-Two Dollars (\$245,632) Reserved As Contingency, To Provide Community 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.

For questions regarding this report, please contact Christina Ferracane, Planner IV at 510-238-3903.

Respectfully submitted,



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Attachments (1):

- A. Local/Small Local Business Enterprise Review of the General Plan Technical and Community Consultant Teams