

Location:	Citywide
Proposal:	<p>The City of Oakland is updating the Housing Element as part of a comprehensive General Plan Update process in two phases.</p> <p>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. Phase I is anticipated to be completed by early 2023.</p> <p>Phase II includes the update of the Land Use and Transportation Element (LUTE); Open Space, Conservation, and Recreation Element (OSCAR); 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.</p> <p>Both phases will include a comprehensive, equity-driven public engagement process in collaboration with community-based groups and outreach organizations.</p> <p>Staff and the consultant team will provide an overview of the City’s overall General Plan update. In addition, because the 2023-2031 Housing Element has early State deadlines associated with it, the Consultant will present the progress and accomplishments made by the City to implement policies adopted in the City’s 2015-2023 Housing Element, housing needs, assessment of fair housing, and a preliminary proposal of housing sites for the 2023-2031 Housing Element for feedback.</p>
Applicant:	City of Oakland
Case File Numbers:	GP21002; GP21002-ER01
General Plan:	Citywide
Zoning:	Citywide
Environmental Determination:	An Environmental Impact Report will be prepared as part of the General Plan Update.
City Council District:	All districts
Status:	Ongoing
Staff Recommendation:	Receive public comments, discuss, and provide feedback to staff on: 1) additional housing site locations and 2) policies and programs to explore based on initial background information.
Finality of Decision	N/A
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SUMMARY

Staff has prepared this Report to inform the Landmarks Preservation Advisory Board about the City's General Plan Update process and 2023-2031 Housing Element Update, and to begin public discourse on housing-related issues. This report provides an overview of the General Plan and the Housing Element. It also summarizes new Housing Element requirements, outlines the project schedule, outreach approach, initial findings on the progress and accomplishments made by the City made to implement policies adopted in the City's existing 2015-2023 Housing Element, housing needs, assessment of fair housing, and preliminary housing sites.

BACKGROUND

The City of Oakland's General Plan is a policy document and consisting of various topical "Elements"; and establishes a citywide vision and consistent direction for city policy and future development. It reflects community priorities, values, and includes supporting goals, policies, and implementation measures to achieve the community's vision.

It has been over 20 years since the City of Oakland has comprehensively updated its various General Plan Elements. 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 process that will allow Oaklanders to come together to create a visionary blueprint for a just and fair Oakland.

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.

GENERAL PLAN UPDATE

The General Plan Update (GPU) 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; creation of the City's first Environmental Justice Element; associated amendments to other Elements, along with Zoning Code and map updates; Racial Equity Impact Analysis, California Environmental Quality Act (CEQA) review; and an Industrial Land Use Policy. Phase I is anticipated to be completed by early 2023.
- Phase II includes the update of the Land Use and Transportation Element (LUTE); Open Space, Conservation, and Recreation Element (OSCAR); 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 GPU process will build upon past and ongoing city 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 this process.

Both phases of the GPU 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.

General Plan Consultant Team

On November 29, 2021, pursuant to [Ordinance No. 88847 C.M.S.](#), and [Ordinance No. 88848 C.M.S.](#), the City finalized the General Plan Update Consultant Team and kicked off the GPU project.

- Technical Consultant Team:** The Technical Consultant Team is being led by Dyett & Bhatia (DB), an innovative and experienced urban planning firm. The Technical Consultant Team includes as partners: Environmental Science Associates, Kittelson & Associates, Toole Design, Page & Turnbull, Economic & Planning Systems, BKF Engineers, PolicyLink, and Environmental Justice Solutions.
- Community Consultant Team:** The Community Consultant Team is being led by the Deeply Rooted (DR) Collaborative, which includes EastSide Arts Alliance, Just Cities Institute, and Urban Strategies Council. Partners include: Black Cultural Zone, The Village, Malonga Arts Residents Association, Oakland Asian Cultural Center Association, House/Full of Blackwomen, Lao Family Community Development, Inc., CURYJ, The Unity Council, the West Oakland Environmental Indicators Project (WOEIP), and Black Arts Movement Business District, CDC.

The GPU 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 GPU 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.

GENERAL PLAN ELEMENTS

California Government Code Section 65302 requires specific topics, also called "Elements," to be covered in a General Plan. **Table 1** summarizes the seven required General Plan Elements and the topics covered.

Table 1: General Plan Elements

Required General Plan Element	Required Content
<i>Phase I of the General Plan Update includes the update of the Housing and Safety Elements of the General Plan and creation of the City’s first Environmental Justice Element.</i>	
Housing Element	The Housing Element analyzes Oakland's housing conditions and needs for all income levels, including lower income households and households with special needs. It provides various programs to create a variety of housing to meet Oakland's housing needs. Additionally, the Housing Element must identify

Required General Plan Element	Required Content
	<p>adequate sites for housing and demonstrate the availability and realistic capacity for development on those sites. This element implements the declaration of State law that the availability of housing is a matter of vital statewide importance. It is more specific and directive than other General Plan elements, with detailed guidance, reviews, and deadlines. The California Department of Housing and Community Development (State HCD) must review and certify the Housing Element. Jurisdictions must also submit annual progress reports. In Oakland (and most major cities), the Housing Element must be revised and submitted to State HCD for review on an eight-year cycle.</p> <p>Oakland’s current 2015-2023 Housing Element was adopted in 2014 and is required to be revised and adopted for the next eight-year cycle (2023-2031) by the end of January 2023¹</p>
Safety Element	<p>A successful Safety Element reduces potential short and long-term risks of death, injuries, property damage, and economic dislocation resulting from fires, floods, droughts, earthquakes, landslides, climate change; as well as local hazards. As a result of several recent legislative changes, local jurisdictions are required to review and revise Safety Elements upon each revision of the Housing Element to address and update hazards related to flooding, fires and to include climate adaptation and resilience strategies.</p> <p>Oakland’s current Safety Element was adopted in 2004 and subsequently amended to incorporate the City’s Local Hazard Mitigation Plan in 2012, 2016, and 2021.</p>
Environmental Justice Element	<p>Senate Bill 1000, passed in 2016, requires that cities and counties with disadvantaged communities adopt environmental justice policies or an Environmental Justice Element. These must include objectives and policies to reduce health risks in disadvantaged communities, promote civic engagement in the public decision-making process, and prioritize programs that address the needs of disadvantaged communities. The overall legislative purpose of Senate Bill 1000 is to address the unique and compounded health risks in environmental justice communities by decreasing pollution exposure, increasing community assets, and improving overall health.</p> <p>Under SB 1000, Oakland is required to adopt an Environmental Justice Element, either standalone or interwoven with other Elements, at the same time that the Housing and Safety Elements are updated.</p>
<p><i>Phase II of the General Plan Update includes the update of the Land Use and Transportation Element (LUTE); Open Space, Conservation, and Recreation Element (OSCAR); Noise Element; and the development of a new Infrastructure and Facilities Element.</i></p>	
Land Use Element	<p>The Land Use Element is intended to promote the community’s vision for growth via equitable and accessible distribution of different land uses, including residential, commercial, industrial, agricultural, and open space.</p> <p>In Oakland, the current Land Use Element is contained in the Land Use and Transportation Element (LUTE), adopted in 1998.</p> <p>The Estuary Policy Plan (EPP) establishes the General Plan land use policies for lands between Interstate 880 and the Oakland waterfront. The EPP was adopted as part of the LUTE in 1999.</p>
Circulation Element	<p>The Circulation Element identifies the general location and extent of existing and future transportation networks in Oakland for all users (automobile, pedestrian, bicycle, and trucks), public transportation routes and terminals, and public utilities (water, sewer, stormwater, communications).</p>

Required General Plan Element	Required Content
	<p>By statute, the Circulation Element must correlate directly with the Land Use Element.</p> <p>In Oakland, the 1998 Land Use and Transportation Element (LUTE), the 1999 Estuary Policy Plan (EPP), the 2019 Oakland Bike Plan, and the 2017 Pedestrian Plan establish the General Plan circulation policies.</p>
Open Space Element	<p>The Open Space Element identifies valuable undeveloped areas of land or water designated as open space in Oakland and creates a long-term plan to preserve them. The Conservation Element describes Oakland's natural resources and establishes goals and policies to preserve, enhance, and develop them. The Open Space Element must correlate with the Land Use Element.</p> <p>In Oakland, open space is covered in the City's Open Space, Conservation and Recreation Element (OSCAR), adopted in 1996.</p>
Conservation Element	<p>The Conservation Element describes Oakland's natural resources and establishes goals and policies to preserve, enhance, and develop them. The Conservation Element must correlate with the Land Use Element.</p> <p>In Oakland, conservation is covered in the City's Open Space, Conservation and Recreation Element (OSCAR), adopted in 1996.</p>
Noise Element	<p>The Noise Element describes the local noise environment and analyzes current and projected noise levels. It outlines policies and implementation measures to address existing and foreseeable noise problems.</p> <p>Oakland's Noise Element was adopted in 2005.</p>
<p>Notes: 1: All cities have a 120-day grace period, and the housing element is considered compliant if adopted during this time.</p>	

State law also allows a jurisdiction to include within its General Plan any other elements as it sees fit. Although not required by State Law, the City is preparing a new Infrastructure and Facilities Element as part of the General Plan Update. The Infrastructure and Facilities Element will provide overarching goals and policies for city infrastructure over the long term, reflecting capital improvements identified in the LUTE, OSCAR, Safety, and other General Plan elements. The City is also preparing an Industrial Lands policy which will identify the most suitable sites for heavy industry accounting for livability and proximity to “sensitive uses,” and use zoning and land use tools to achieve equitable outcomes.

PROJECT TIMELINE

See **Attachment A** for the GPU Phase 1 Project Timeline. As stated above, the GPU will occur in two phases. Phase 1 is anticipated to be completed in early 2023 and Phase 2 in mid 2025.

COMMUNITY ENGAGEMENT

General Plan Update Scoping

During the fall of 2020, Planning staff, with assistance from a planning consulting firm that was funded via a technical assistance grant from the Metropolitan Transportation Commission (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, 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.

The feedback received during those listening sessions helped inform the [General Plan Update Technical Memorandum](#). This memorandum was not a final nor rigid blueprint for the General Plan Update process. Rather, it has been used to inform the development of a Request for Proposals (RFP) for the General Plan consultant services.

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 conducted in fall 2020. More details regarding these principals can be found on the project website and were also included in the RFP. These guiding principles are a first step in working out 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*

General Plan Update Engagement Process

The City of Oakland General Plan Update (GPU) will be a collaborative planning process to address citywide needs and plan for a vibrant future for all Oakland residents. Community engagement will be the cornerstone of the GPU process in order to ensure that the final Plan accurately and holistically represents the city and its diverse residents. The community engagement effort will comprise of an extensive outreach process, with the intention of engaging stakeholders throughout the community, with additional resources dedicated to engaging communities historically underrepresented and excluded from traditional planning processes and often most disparately and negatively impacted by City policies. All community input shared will be used to “ground truth” data based on peoples’ lived experience, inform areas of focus for General Plan elements, and guide development of General Plan policies. Events will occur in parts of Oakland where the following communities reside: unhoused, formerly incarcerated, low-income, Asian, Pacific Islander, Black, Latinx, multiracial, and community experiencing environmental injustice.

The engagement effort will be co-led by City staff, the Community Consultant team, Deeply Rooted (DR), who will lead neighborhood-focused community outreach; and the Technical Consultant, Dyett & Bhatia (D&B), who will lead supplementary citywide outreach events and provide support to the Community Consultant. The outreach process will include the following engagement components:

- **Engagement by City Staff:** Ahead of the work that will be done by the General Plan Update Consultant Team, City staff has already begun an outreach campaign to begin reaching out to Oaklanders, including presentations to the Oakland Shoreline Leadership Academy (August 2021), West Oakland Community Action Plan (WOCAP) Steering Committee (December 2021) and to the Healthy Development Guidelines (HDG) Project Management Team (December 2021).
- **General Plan Website and Social Media:** The [General Plan Update website](#) provides key project information, community meeting dates, and project updates. Community members can sign up for updates via [email](#) and social media. The City also 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.
- **Neighborhood Workshops and Community Hubs:**
 - The neighborhood workshops and townhalls will introduce the General Plan process and seek community input and priorities on a variety of topics, including land use, open space, parks and recreation, safety, environmental justice, and other topics. They will identify local issues of concern and solutions to address them. Participants can share their input using interactive tools, or through the complementary online survey.
 - Community hub events will be large outdoor cultural and community events that bring Oaklanders together through art, performance, celebration, and the sharing of visions, issues and solutions for the future of Oakland. Community members will be able to share their stories of Oakland past and present, vision for the future, and receive information for current support.
 - Information on neighborhood workshops and community hubs will be provided via the [General Plan Update website](#), e-newsletters, and social media updates.
- **Popup Outreach:** Mobile pop-ups will meet people where they are in the community - membership meetings, farmers markets, outside a grocery store, a park, a mall, Akoma Market, etc. Pop-ups will include a variety of activities, including hearing Oaklanders stories; sharing history and context on housing, environmental justice and other General Plan topics; and activities to gather community input for various General Plan topics. Information on popup outreach and feedback received will be provided on the [General Plan Update website](#).
- **Youth Engagement:** Youth engagement strategy will complement the participation strategies led by the Community Consultant within frontline communities. These organizations can help identify youth engagement coordinators who will partner with the Consultant Team to assist in concept development, planning, logistics, and notification for public participation strategies. Youth engagement coordinators will be provided with training and a stipend. In addition to community outreach, the Consultant will collaborate with high schools, youth organizations, as well as young professionals' groups to organize youth-focused opportunities to receive feedback from this targeted demographic.
- **Stakeholder Meetings and Interest-Based Focus Group Meetings:** Stakeholders include key groups with specific interest in social equity/inclusion, economic development and opportunity,

housing, fire/public safety, Downtown, small businesses, public art, historic preservation, medical centers, schools, public health, and others. The meetings will focus on specific topics related to the General Plan, clarify differences in priorities and build common, collaborative ground. Participants may be grouped and invited to attend specific meetings based upon their role and meeting topics, at various points in the process.

- **Technical Advisory Committee:** The Technical Advisory Committee (TAC) is comprised of internal City department representatives as well as other Oakland-based, neighboring, and regional governmental agency representatives. The TAC serves to advise on key strategies to address Oakland’s big issues related to housing, environmental justice, safety, and other topics; review community input collected at key points in the process; and inform, discuss, and provide technical direction on policies and actions. The first TAC meeting was held on December 2, 2021, and TAC members provided initial guidance and ideas on topics to address in the General Plan.
- **Equity Working Group:** The Equity Working Group (EWG) will be comprised of individuals who have been highly engaged in Oakland housing, safety and environmental justice, land use issues and solutions. The EWG will work with the City Staff and the General Plan team to make sure that Housing, Safety, Environmental Justice, Land Use, Transportation, Zoning Code, Noise, and Open Space/Conservation/Recreation Policies, and key issues align with community concerns and needs. The EWG will also support outreach efforts to ensure that geographies and populations that are most burdened by environmental justice are engaged in identifying community needs and assets and providing feedback on proposed solutions. EWG members will be provided with a stipend. Deeply Rooted Collaborative began recruitment for the EWG on December 22, 2021. The recruitment concluded on February 6, 2022. The recruitment flyers and applications (online and paper) were promoted on social media, the [General Plan Update website](#), and the listserv. In addition, staff worked with Oakland Public Library and Oakland Parks and Recreation Department to promote EWG recruitment by sharing the flyers and applications.
- **Study Sessions with Decisionmakers:** The Planning Commission, City Council, and various boards and commissions will be active participants in the GPU and will have opportunities to provide direction at each Stage in the process. The project team will check in with these decision-making bodies at key milestones to ensure that the project remains on the right track in terms of process, direction, and overall vision. Engagement will take the form of study sessions and informational presentations to review products and generate feedback on drafts.

Finally, outreach will also take place through distribution of a citywide postcard mailer, and e-newsletters, and online surveys.

HOUSING ELEMENT UPDATE

The Housing Element is one of the required elements of Oakland’s General Plan as mentioned in **Table 1**. It is an eight-year blueprint and framework to meet the housing needs of all people within the community at all economic levels, including low-income households and households with special needs.

REGIONAL HOUSING NEEDS ALLOCATION

Every eight years, the State Department of Housing and Community Development (State HCD) projects the housing need for the state, referred to as the Regional Housing Needs Allocation (RHNA). Per State

law, every jurisdiction shall update their Housing Element every eight years in conjunction with the RHNA allocation.

For the 6th RHNA cycle, the Bay Area was allocated 441,176 units (a 234% increase over the last 8-year cycle allocation), with about 26% allocated to Very Low, 15% to Low, 16% to Moderate and 43% to Above Moderate- income households. As a result of this process, the City of Oakland was assigned to accommodate **26,251** units through the RHNA allocation process (a 78% increase compared to the 14,765 units the city was assigned during the last 8-year cycle allocation), for its’ 6th cycle Housing Element to help meet Oakland’s housing goals, including housing for extremely low-income populations. **Table 2** provides a comparison of Oakland’s RHNA numbers at all income levels during the 5th cycle, the number of units that were issued building permits between 2015 and 2020, and the 6th cycle RHNA allocation for the City of Oakland. The RHNA allocation for Very Low Income increased by 216% while the above moderate-income allocation increased by 48%.

Pursuant to California Housing Element law, Section 65400 of the California Government Code, Oakland must submit an [Annual Progress Report \(APR\)](#) to the California Office of Planning and Research (OPR) and to the State HCD by April 1st of each year, using forms and definitions adopted by State HCD. The APR documents implementation of housing programs and to assess the City’s progress toward meeting its Regional Housing Needs Allocation (RHNA) during the current 8-year housing element cycle.

As shown in **Table 2**, the City exceeded the total number of target units between 2015-2020, however challenges remain for meeting very low-income, low-income and moderate-income housing targets. Staff has started working on the APR for 2021, which will be submitted to State HCD on April 1, 2022, and published on the City’s website along with an informational report o Council soon after its’ completion.

Table 2: Oakland’s 5th and 6th Cycle RHNA Numbers and Permitted Units between 2015 - 2020

Income Level	5th Cycle RHNA Units (2014-2022)	Units Issued Building Permits 2015-2020¹	6th Cycle RHNA Units (2023-2031)	% Increase
Very Low (<50% AMI)	2,059	888	6,511	216%
Low (50-80% AMI)	2,075	541	3,750	80%
Moderate (80-120% AMI)	2,815	77	4,457	58%
Above Moderate (>120% AMI)	7,816	13,616	11,533	48%
Total	14,765	15,122	26,251	78%

The City’s current Housing Element was adopted on December 9, 2014, and the updated Housing Element for the 2023-2031 cycle is due January 31, 2023. The statutory deadline to adopt the 2023-2031 Housing Element is January 31, 2023. All cities have a 120-day grace period from the statutory deadline, and the housing element is considered compliant if adopted during this time.

KEY COMPONENTS OF A HOUSING ELEMENT

The Housing Element content is highly prescribed by State law (California Government Code Sections 65580-65589) and must include:

- **Housing Needs Assessment:** Examine demographic, employment, and housing trends and conditions and identify existing and projected housing needs of the community, with attention paid to special housing needs (e.g., large families, persons with disabilities)

- **Evaluation of Past Performance:** Review the prior Housing Element to measure progress in implementing policies and programs.
- **Housing Sites Inventory:** Identify locations of available sites for housing development or redevelopment to ensure there is enough land zoned for housing to meet the future need at all income levels.
- **Community Engagement:** Implement a robust community engagement program, reaching out to all economic segments of the community with special attention paid to engaging traditionally underrepresented groups.
- **Constraints Analysis:** Analyze and recommend remedies for existing and potential governmental and nongovernmental barriers to housing development.
- **Opportunities for Energy Conservation:** Analyze opportunities for energy conservation with respect to residential development.
- **Analysis of Existing Assisted Housing Developments:** Analyze existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use
- **Policies and Programs:** Establish policies and programs to be carried out during the 2023-2031 planning period to fulfill the identified housing needs, including a rezoning plan and plans to affirmatively further fair housing.

New Housing Element Requirements Due to Changes in State Law

Since the completion of the City's last Housing Element, several newly enacted state laws have revised the Housing Element process and requirements. Some of the key changes for this 6th cycle of RHNA and Housing Element update include:

- Assembly Bill (AB) 72 (2017) provides additional authority to State HCD to scrutinize housing elements and enforce housing element noncompliance and other violations of state housing laws.
- AB 879 (2017) and AB 1397 (2017) require additional analysis and justification of sites listed on a local government's housing sites inventory, additional explanation of the realistic capacity of those listed sites, and further scrutiny of governmental and nongovernmental constraints that limit the production of housing.
- AB 686 (2018) requires local governments to Affirmatively Further Fair Housing (AFFH) by including in revised housing elements (1) an assessment of fair housing; (2) equitable distribution of housing to meet the needs of households at all income levels and dismantle segregated living patterns with integrated and balanced living patterns; (3) policies and programs that address fair housing barriers and promote fair housing patterns; and (4) a comprehensive, collaborative, accessible, inclusive, and equity-driven public engagement approach.
- AB 215 (2021) extends the housing element compliance review process by requiring local governments to make draft housing elements available for public review prior to submittal to State HCD rather than conducting concurrent review. The draft must be made publicly available

for at least 30 days, and the local government must consider and incorporate public comment for at least 10 business days, before sending the draft to State HCD. AB 215 also increased State HCD's review period of the first draft element submittal from 60 to 90 days and within 60 days of its receipt for a subsequent draft amendment or adoption. However, the January 31, 2023, statutory deadline remains the same, even as these new requirements have significantly added to the time a city needs to complete the overall housing element update process.

- AB 1398 (2021) revises the consequences for local governments that miss the deadline for housing element adoption. Local governments must complete rezoning no later than one year from the statutory deadline for adoption of the housing element if that jurisdiction fails to adopt a housing element that State HCD has found to be in substantial compliance with state law within 120 days of the statutory deadline. The City retains the three-year rezoning period if the housing element is adopted within 120 days of the statutory deadline.
- AB 1304 (2021) clarifies that a public agency has a mandatory duty to comply with existing Housing Element AFFH requirements. AB 1304 revises the items to be included in AFFH analysis and requires that analysis to be done in a specified manner. In addition, the housing inventory must analyze the relationship of the sites identified in the inventory to the city's duty to affirmatively further fair housing.

PRELIMINARY FINDINGS

See **Attachment B** for the preliminary findings on: (1) the progress and accomplishments made by the City to implement policies adopted in the City's 2015-2023 Housing Element; (2) housing needs; (3) assessment of fair housing; and (4) preliminary housing sites options.

The City is in the early stages of identifying parcels that could potentially be utilized in the Housing Element sites inventory. Planning staff have not prepared a draft sites inventory and is looking for feedback from decisionmakers and the public on the criteria that should be used to identify appropriate sites for housing, to rule out sites as appropriate, as well as information on the suitability of particular sites. The preliminary housing sites map provided is intended to provide a visual discussion guide by utilizing multiple data sets combined with specified site criteria to identify sites where planned/zoned residential capacity may realistically be achieved.

The data sets included: a) 2021 Alameda County Assessor's vacant land data; b) available opportunity sites from the 2015-2023 Housing Element; c) opportunity sites identified in various specific plans including the Draft Downtown Oakland Specific Plan, the West Oakland Specific Plan, the Lake Merritt Station Area Plan, and the Broadway Valdez Specific Plan; d) City-owned surplus land; and e) BART-owned sites.

While the map is intended to provide a large range of sites to conceivably include in the draft housing inventory, Planning staff have taken initial steps to remove sites that include constraints that limit their availability or appropriateness for future development. Analyses of recent building permit data as well as site-specific constraints and opportunities have been used to inform assumptions made for the housing capacity of sites identified as developable. Preliminary criteria used to analyze the sites include environmental constraints, site constraints (Slopes >30%), proximity to Very High Fire Hazard Severity Zones (VHFSZ), seismic hazards (Alquist Priolo Zones), hazardous sites (brownfields, former landfill sites), Airport hazards, 100-year floodplain, zoning, and building permit data; and other knowledge and information compiled by City staff in the Planning and Building Bureau. Additionally, the City will need

to apply an equity lens to the development of the site inventory to ensure that future development is consistent with the City's obligation to Affirmatively Furthering Fair Housing.

This data has been compiled, organized, and mapped using Geographic Information Systems (GIS).

DISCUSSION QUESTIONS

Staff are seeking feedback on the initial findings presented. To that end, the Board is asked to address the following questions:

1. **Sites Inventory**

- Does this general pattern of sites make sense for housing site locations, particularly keeping in mind different housing need tiers (very-low; low; moderate; above moderate)?
- Are there other opportunities for housing elsewhere in the City (beyond sites identified on the map)? *Note: There will be opportunities for additional housing sites (beyond eight years) identified as part of the Land Use Element Update.*

2. **Policies and Programs:**

- Based on past housing accomplishments, what new policies, actions, or programs would you like the Housing Element to pursue?
- Are there any changes to existing policies or programs that should be considered?

ENVIRONMENTAL DETERMINATION

The City of Oakland will be preparing a Phase I Program Environmental Impact Report (EIR) to assess the environmental impacts of the Environmental Justice, Housing, and Safety Elements, and related Phase I amendments, including any implementing zoning program, in compliance with the provisions of the California Environmental Quality Act (CEQA). The Phase 1 Program EIR will focus on growth forecasts and potential housing sites, and also aim for mitigation measures that staff could apply as standard conditions of approval for projects, particularly those involving housing development. Key effort will also focus on the intended use of this Program EIR to support the City's use of CEQA streamlining provisions and tiered documents for the environmental review of future plans and projects. The EIR will serve both to inform the public and decision makers of potential environmental impacts and the mitigation measures associated with the Plan's implementation.

ACTION REQUESTED OF THE LANDMARKS PRESERVATION ADVISORY BOARD

Staff recommends that the Landmarks Preservation Advisory Board conduct a study session and receive public comments, discuss, and provide feedback to staff on: 1) additional housing site locations and 2) policies and programs to explore based on initial background information.

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ATTACHMENTS:

- A. Project Schedule

- B. Preliminary Findings