

STATE HCD FEEDBACK ON REVISED PUBLIC HEARING DRAFT 2023-2031 HOUSING ELEMENT AND STAFF RESPONSE

The Oakland General Plan Update team published for community review the first draft 2023-2031 Housing Element on May 12, 2022 and sent it to State HCD for their initial 90-day review on June 30, 2022. The City received a formal findings letter from State HCD on September 28, 2022. Staff revised the Housing Element in response to State HCD’s requested changes, and ongoing community feedback, and to fulfill requirements for compliance with State law. **Table 3** in the agenda report provides staff responses to State HCD findings and corresponding revisions. The revised Public Hearing Draft 2023-2031 Housing Element was published on November 29, 2022 and is available on the City’s webpage at <https://oaklandca.gov/housingelement>.

Since then, Staff has had several informal meetings with State HCD to discuss the revised Public Hearing Draft Housing Element. State HCD staff have indicated that there were some areas it recommends would need further revision. Feedback from State HCD on the revised Public Hearing Draft 2023-2031 Housing Element and staff responses are included in **Table A-1**. In response to the direction from State HCD, Staff is preparing to incorporate revisions as noted under “Staff Response” in Table A-1, prior to the element’s consideration by the City Council Community and Economic Development Committee meeting.

Table A-1: State HCD Feedback on Public Hearing Draft 2023-2031 Housing Element and Staff Responses

HCD Finding on First Draft Housing Element	HCD Feedback on Revised Public Hearing Draft Housing Element	Staff Response
<u>A. Housing Needs, Resources, and Constraints</u>		
A1: Affirmatively Furthering Fair Housing (AFFH): 1. Incorporate public comments into the assessment of fair housing. 2. Analyze Racially Concentrated Areas of Affluence (RCAs). 3. Analyze Oakland relative to the rest of the region regarding disproportionate housing needs. 4. Analyze the lack of units in several higher opportunity areas including but not limited to	A1: Affirmatively Furthering Fair Housing (AFFH): 1. State HCD has not requested any further revisions and has tentatively signed off on the revisions. 2. State HCD has not requested any further revisions and has tentatively signed off on the revisions. 3. State HCD has requested additional granular analysis and mapping on disproportionate housing needs that	A1: Affirmatively Furthering Fair Housing (AFFH): 1. No further action needed 2. No further action needed 3. Staff are working on including additional analysis on cost burden and overcrowding in Appendix D. 4. No further action needed 5. Program Revisions a. Staff are working on expanding the discussion on the EJ screening

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<p>Rockridge (labeled North Oakland / Adams Point) and the area surrounding the Rockridge Bay Area Rapid Transit (BART) station. Assess how the site inventory is expected to improve and/or exacerbate fair housing conditions and add/modify programs based on the analysis.</p> <p>5. Add appropriate programs to sufficiently respond to contributing factors to fair housing issues. In addition, all actions related to AFFH must contain specific commitment, timing, geographic targeting and metrics or numerical targets.</p>	<p>compares Oakland to other Alameda County jurisdictions and the County as a whole, especially on cost burden and overcrowding in Appendix D</p> <p>4. State HCD acknowledged and has tentatively signed off on the revisions increasing commercial corridor heights along Claremont and College as well as the inclusion of additional, more viable opportunity sites in Rockridge. State HCD also requested increasing heights along Alcatraz Ave and Telegraph Ave above 45’.</p> <p>5. State HCD has signed off on program revisions to AFFH. They have requested additional information on the following actions:</p> <ul style="list-style-type: none"> a. Geographic targeting for Actions 2.1.1 and 5.2.9 focusing on Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs) – EJ Communities b. Commitment to ensuring the reduced front setback requirements proposed under Action 3.4.1 and Appendix J will not physically preclude development at allowed densities. 	<p>analysis and identification of EJ Communities in Actions 2.1.1 and 5.2.9</p> <ul style="list-style-type: none"> b. Staff are working on adding a provision to the front setback requirements proposed under Action 3.4.1 and Appendix J to allow for further reduction where an applicant submits documentation that application of the front setback requirement physically constraints development of missing middle density housing. Staff will incorporate revisions on increased heights along Alcatraz Avenue and Telegraph Avenue.

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<p>A2: Analysis and Documentation of Household Characteristics and Special Housing Needs</p> <ol style="list-style-type: none"> Extremely Low-Income Households (ELI): Evaluate tenure, overpayment, resources and strategies available and the gap and magnitude of housing needs to better formulate policies and program for ELI households. Housing Conditions: Estimate the number of units in need of rehabilitation and replacement. Persons Experiencing Homelessness: Evaluate resources and strategies, gaps in addressing needs and formulate appropriate strategies to address the unmet need. 	<p>A2: Analysis and Documentation of Household Characteristics and Special Housing Needs</p> <ol style="list-style-type: none"> ELI Households: State HCD has requested updates to Appendix B – Section B.5 – ELI Residents regarding Housing Tenure, and Cost Burden/Overpayment, including information on the City’s Emergency Rental Assistance Program (ERAP) and expanding the discussion on Tables B-17 and B-18 Housing Conditions: State HCD has tentatively signed off on the revisions Homelessness – State HCD has requested additional narrative around the recently passed Measure U in Action 3.3.18 and tentative units targeted. 	<p>A2: Analysis and Documentation of Household Characteristics and Special Housing Needs</p> <ol style="list-style-type: none"> ELI Households: The information requested is currently provided in Appendix B – Section B.6 – Housing Tenure and Cost Burden. Staff will include this information in Section B5- ELI Residents with additional analysis about housing tenure and provide information on existing city programs and strategies, including ERAP. Housing Conditions: No further action needed Homelessness – Staff will update Action 3.3.18 to include additional information on Measure U, targeted unit ranges, public outreach underway and provide cross references to Action 4.3.1.
<p>A3: Sites Inventory</p> <ol style="list-style-type: none"> Parcel Listing: Include a parcel listing or sites inventory intended to accommodate the RHNA Pipeline and Potential Development Projects: Demonstrate affordability and availability of pipeline and potential development projects in the planning period. Realistic Capacity: Provide supporting information for realistic residential capacity assumptions by various zoning districts based on recent development history, including affordability and accounting for the likelihood of 100 percent non-residential development. 	<p>A3: Sites Inventory</p> <ol style="list-style-type: none"> Parcel Listing: State HCD has tentatively signed off on the revisions. Pipeline and Potential Development Projects: State HCD has tentatively signed off on the revisions. Realistic Capacity: State HCD has requested that the City commit to minimum densities on sites identified in the inventory. Nonvacant Sites: State HCD has requested that Record Id PLN16053 in Table C14 be updated with the correct address and acreage. 	<p>A3: Sites Inventory</p> <ol style="list-style-type: none"> Parcel Listing: No further action needed. Pipeline and Potential Development Project: No further action needed. Realistic Capacity: Staff are working on a revision to Action 3.4.10 that would commit the city to imposing minimum density requirements on sites included in the Housing Sites Inventory proportionate to the sites’ identified realistic capacity. Nonvacant Sites: Staff will update the address and acreage for PLN16053. City Owned Sites: Staff are working on revisions to Actions 3.3.1 that the City will

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<p>4. Nonvacant Sites: Include an analysis demonstrating the potential for additional development on nonvacant sites.</p> <p>5. City-Owned Sites: Identify which sites specifically are owned by the City and include a program with numerical objectives that ensures compliance with the Surplus Land Act, provides incentives and actions along with a schedule to facilitate development of City- owned sites.</p> <p>6. Alternate Adequate Sites: Confirm compliance with all relevant requirements pursuant to Government Code 65583.1.</p> <p>7. Zoning for a Variety of Housing Types:</p> <ul style="list-style-type: none"> a. Emergency Shelters: Clarify that shelters are permitted without discretionary action and include analysis on access to transportation, reuse opportunities, other conditions inappropriate for human habitability. b. Permanent Supportive Housing: Demonstrate compliance with Government Code section 65651 and include programs if necessary. c. Employee Housing: Demonstrate zoning is consistent with the Employee Housing Act (Health and Safety Code, § 17000 et seq.) or add or modify programs. d. Small Units: Consider a variety of naturally affordable housing types as part of its strategy. 	<p>5. City Owned Sites: State HCD has requested that Action 3.3.1 be revised committing to issue Notice of Availability (NOA) or Request For Qualifications/Proposals (RFQ/RFP) during the 2023-2031 Planning Period.</p> <p>6. Alternate Adequate Sites: State HCD has tentatively signed off on the revisions</p> <p>7. Zoning for a Variety of Housing Types:</p> <ul style="list-style-type: none"> a. Emergency shelters – State HCD has tentatively signed off on the revisions b. Permanent supportive housing - tentatively signed off on the revisions c. Employee housing - tentatively signed off on the revisions d. Small units – State HCD has requested adding the following language to Action 3.4.10 – “If current development standards prevent maximum densities (plus state density bonus law) from being achieved on any given site in the inventory, the City will revise those development standards to ensure that maximum densities can be achieved.” 	<p>make good faith efforts to issue NOAs or RFQs/RFPs for all surplus sites during the planning period.</p> <p>6. Alternate Adequate Sites: No further action needed.</p> <p>7. Zoning for a Variety of Housing Types:</p> <ul style="list-style-type: none"> a. Emergency shelters – no further action needed. b. Permanent supportive housing – no further action needed. c. Employee housing – no further action needed. d. Small units – Staff will revise Action 3.4.10 to reflect State HCD feedback. e. SROs – Staff will revise Action 3.4.4 to reflect State HCD feedback.

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<p>e. Single Room Occupancies (SRO): Describe how SRO development will be encouraged</p>	<p>e. SROs – To ensure that parking standards do not impede development of SROs (including efficiency units and rooming house facilities), State HCD has requested that the City revise Action 3.4.4 to analyze parking in-lieu fees.</p>	
<p>A4: Analysis of Potential and Actual Government Constraints</p> <ol style="list-style-type: none"> 1. Land Use Controls: Analyze land use controls independently and cumulatively with other land use controls. 2. Processing and Permit Procedures: Evaluate design review criteria for impacts on cost, timing, and approval certainty. 3. Housing for Persons with Disabilities: Analyze approval criteria as constraints on approval certainty and objectivity for housing for persons with disabilities and include programs as appropriate. 	<p>A4: Analysis of Potential and Actual Government Constraints</p> <ol style="list-style-type: none"> 1. Land Use Controls: <ol style="list-style-type: none"> a. To ensure that parking standards do not impede development of SROs (including efficiency units and rooming house facilities), State HCD has requested that the City revise Action 3.4.4 to analyze parking in-lieu fees. b. State HCD has requested increasing heights along Telegraph Avenue from Alcatraz Avenue to the Oakland-Berkeley border. c. State HCD has requested adding the following language to Action 3.4.10 – “If current development standards prevent maximum densities (plus state density bonus law) from being achieved on any given site in the inventory, the City will 	<p>A4: Analysis of Potential and Actual Government Constraints</p> <ol style="list-style-type: none"> 1. Land Use Controls: <ol style="list-style-type: none"> a. Staff will revise Action 3.4.4 to reflect State HCD feedback. b. Staff will incorporate revisions on increased heights along Telegraph Avenue from Alcatraz Avenue to the Oakland-Berkeley border. c. Staff will revise Action 3.4.10 to reflect State HCD feedback. 2. Processing and Permit Procedures: No further action needed. 3. Housing for Persons with Disabilities: No further action needed.

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	<p>revise those development standards to ensure that maximum densities can be achieved.”</p> <ol style="list-style-type: none"> 2. Processing and Permit Procedures: State HCD has tentatively signed off on the revisions 3. Housing for Persons with Disabilities: State HCD has tentatively signed off on the revisions 	
<u>B. Housing Programs</u>		
<p>B1: Housing Program Timelines</p> <ol style="list-style-type: none"> 1. Programs must include specific commitment to clear outcomes and deliverables, and discrete timelines resulting in beneficial impacts within the planning period. 2. Revise Action 2.2.5 to develop procedures that find and support displaced tenants after demolitions, as well as ensuring that projects pursuing SB-330 protections have sufficient replacement units for tenants at risk of displacement. 	<p>B1: Housing Program Timelines</p> <ol style="list-style-type: none"> 1. Timelines and Commitments: State HCD has tentatively signed off on the revisions 2. Action 2.2.5: State HCD has tentatively signed off on the revisions 3. Additional Comments <ol style="list-style-type: none"> a. Action 3.3.15 (continue and expand density bonus incentives) – State HCD has requested additional narrative around the City’s Density Bonus Program and how it differs from the State Density Bonus Provisions around incentivizing moderate income rental housing. b. Action 3.5.2 (support housing cooperatives, co-living, and cohousing models) –State HCD has requested clarifying language around timelines - 	<p>B1: Housing Program Timelines</p> <ol style="list-style-type: none"> 1. Timelines and Commitments: No further action needed. 2. Action 2.2.5: No further action needed. 3. Additional Comments <ol style="list-style-type: none"> a. Action 3.3.15 – Staff will revise this action. b. Action 3.5.2 –Staff will revise this action.

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	<p>amendments to expand where rooming house facilities are permitted is included in the June-July 2023 zoning code amendment package while consideration of code amendments needed to foster other cooperative living models will be explored during the LUTE process</p>	
<p>B2: Adequacy of Sites and Zoning Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types</p>	<p>B2: Adequacy of Sites and Zoning See requested changes under A3: Sites Inventory</p>	<p>B2: Adequacy of Sites and Zoning See staff responses under A3: Sites Inventory</p>
<p>B3: Remove Governmental and Nongovernmental Constraints to Maintenance, Improvement, and Development of Housing Based on the results of a complete analysis of potential governmental and nongovernmental constraints, the City may need to revise or add programs and address and remove or mitigate any identified constraints.</p>	<p>B3: Remove Governmental and Nongovernmental Constraints to Maintenance, Improvement, and Development of Housing See requested changes under A4: Analysis of Potential and Actual Governmental Constraints</p>	<p>B3: Remove Governmental and Nongovernmental Constraints to Maintenance, Improvement, and Development of Housing See staff responses under A4: Analysis of Potential and Actual Governmental Constraints</p>
<p>B4: AFFH Based on a complete assessment of fair housing, the element must add or modify programs to AFFH. Programs to AFFH should go beyond status quo actions, include specific commitment, timing, geographic targeting and metrics or numerical targets and should generally address housing mobility, encourage new housing choices in higher</p>	<p>B4: AFFH See requested changes under A1: Affirmatively Furthering Fair Housing</p>	<p>B4: AFFH See staff responses under A1: Affirmatively Furthering Fair Housing</p>

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resource areas, improve place-based strategies toward community revitalization and protect existing residents from displacement.		
B5: Assisted Housing Developments Action 2.2.2 should be revised with specific commitment to comply with noticing requirements, coordinate with qualified entities, assist with funding or support funding applicants and provide education and support to tenants.	B5: Assisted Housing Developments State HCD has tentatively signed off on the revisions	B5: Assisted Housing Developments No further action needed
B6: Incentivize and Promote Creation of Accessory Dwelling Units Action 3.2.4 should commit to monitor permitted ADUs and affordability every other year and take appropriate action such as adjusting assumptions or rezoning within a specified time (e.g., 6 months) if assumptions are not realized.	B6: Incentivize and Promote Creation of Accessory Dwelling Units State HCD has tentatively signed off on the revisions	B6: Incentivize and Promote Creation of Accessory Dwelling Units No further action needed
<u>C. Quantified Objectives</u>		
C: Consider Quantified Objectives for Conserving Units Beyond At-Risk Preservation 1. The City could consider quantified objectives for conservation (beyond at-risk preservation).	C: Consider Quantified Objectives for Conserving Units Beyond At-Risk Preservation State HCD has tentatively signed off on the revisions	C: Consider Quantified Objectives for Conserving Units Beyond At-Risk Preservation No further action needed
<u>D. Public Participation</u>		
D. Public Participation 1. Address lack of sites in North Oakland, specifically around Rockridge BART and higher resource areas. 2. Revise Action 3.7.5 to studying second egress requirements. The City should also look at	D. Public Participation 1. State HCD has tentatively signed off on the revisions 2. State HCD has tentatively signed off on the revisions 3. Additional Comments	D. Public Participation 1. No further action needed 2. No further action needed 3. Additional Comments a. Staff will revise Action 3.4.8 to include this information.

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reducing lot size minimums, parking minimums etc.	a. State HCD has requested updated narrative to Action 3.4.8 on Objective Design Standards for Historical Districts in the City	