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## 0 Executive Summary

Oakland's 2023-2031 Housing Element is a plan that presents goals, policies, and actions to address Oakland's need for more affordable homes and to promote integrated, vibrant communities. By expanding housing options in more affluent neighborhoods and reinvesting in less affluent neighborhoods, the Housing Element will affirmatively further fair housing for all Oaklanders. The Housing Element takes significant action to address urgent community needs, including protecting Oakland residents from displacement, improving Oakland's existing housing stock, expanding affordable housing opportunities, expanding resources for the unhoused, and promoting neighborhood stability and health.

The Housing Element includes five specific goals with associated programs that are priorities for the City of Oakland. The goals were developed through a careful review of community input from each of the outreach and engagement sessions listed in Chapter 2 and is further informed by the comprehensive analysis of housing production capacity, constraints analysis and other topics covered throughout the Housing Element appendices.

Many of Oakland's existing housing programs will be carried forward, but there are many **new actions, that are shown in blue**, that address the city's housing needs that are added to the Housing Element.

### **GOAL 1: PROTECT OAKLAND RESIDENTS FROM DISPLACEMENT AND PREVENT HOMELESSNESS**

The Housing Element protects Oakland tenants from displacement and creates conditions that enable them to remain in their homes and communities.

- Action 1.1.1: Continue to Implement the Rent Adjustment Ordinance.
- **Action 1.1.2: Enforce Just Cause for Eviction measures.**
- Action 1.1.3: Enforce and Strengthen Ellis Act protections.
- **Action 1.1.4: Implement tenant relocation measures.**
- **Action 1.1.5: Implement a right to counsel in Rent Adjustment Program proceedings.**
- Action 1.1.6: Enhance housing related legal services
- **Action 1.1.7: Expand our ability to enforce rent control to maintain affordability.**
- **Action 1.1.8: Monitor neighborhood displacement**
- **Action 1.1.9: Implement a rental housing registry.**
- Action 1.1.10: City Enforcement of the Tenant Protection Ordinance (TPO).
- **Action 1.1.11: Enforce the tenant right to return and protections from coercive buyouts.**
- **Action 1.1.12: Provide a local preference in affordable housing projects**
- **Action 1.1.13: Negotiate for appropriate community benefits during development agreement approvals for major entitlements and use of City land.**

- Action 1.1.14: Protect Oakland residents from displacement and becoming homeless.

## **GOAL 2: PRESERVE AND IMPROVE EXISTING HOUSING STOCK**

The Housing Element conserves and improves the affordability of existing housing stock in Oakland and addresses substandard conditions.

- Action 2.1.1: Support home rehabilitation programs.
- Action 2.1.2: Promote healthy homes and lead-safe housing.
- **Action 2.1.3: Conduct proactive rental inspections.**
- Action 2.1.4: Support historic preservation and rehabilitation.
- **Action 2.1.5: Implement universal design strategies**
- **Action 2.1.6: Increase funding for improved indoor air quality.**
- Action 2.2.1: Continue to implement resale controls on assisted housing.
- Action 2.2.2: Enforce, monitor, and preserve affordable housing covenants with an emphasis on “at-risk” units.
- Action 2.2.3: Enforce residential demolition and conversion restrictions for residential hotels.
- Action 2.2.4: Limit condominium conversions.
- Action 2.2.5: Extend local replacement unit provisions.
- **Action 2.2.6: Reduce short-term home purchases/sales (i.e., “house flipping”) to ensure affordability and prevent displacement.**
- **Action 2.2.7: Provide additional subsidy for residential hotels.**
- **Action 2.2.8: Investigate a Tenant/Community Opportunity to Purchase Act.**

## **GOAL 3: CLOSE THE GAP BETWEEN AFFORDABLE AND MARKET-RATE HOUSING PRODUCTION BY EXPANDING AFFORDABLE HOUSING OPPORTUNITIES**

The Housing Element facilitates the production of housing for extremely low, very low, low, and moderate-income households. In addition to increased production generally, the Housing Element provides a diversity of housing types, ownership opportunities, living arrangements, and features supportive of special needs. The Housing Element locates new housing to further access to opportunity (while simultaneously investing in and protecting tenants in disinvested communities) and removes constraints to affordable housing development.

- **Action 3.1.1: Develop a project-based rental or operating subsidy program for extremely-low-income residents.**
- **Action 3.1.2: Align and target Oakland Housing Authority Section 8 Vouchers for permanent supportive housing and extremely-low-income units.**

- **Action 3.2.1: Develop zoning standards to encourage missing middle and multi-unit housing types in currently single-family-dominated neighborhoods, including flats, duplexes, triplexes, fourplexes, townhomes/rowhouses, and ADUs**
- **Action 3.2.2: Promote and protect live/work housing and housing for artists**
- Action 3.2.3: Promote flexibility in adaptive reuse to increase the housing stock.
- **Action 3.2.4: Provide financial incentives for lower-income homeowners to legalize ADUs**
- **Action 3.2.5: Reduce constraints to the development of ADUs**
- **Action 3.2.6: Monitor affordability of permitted ADUs**
- **Action 3.2.7: Proactive Short-Term Rental Enforcement**
- Action 3.3.1: Sale or ground-lease of City-owned property for affordable housing.
- Action 3.3.2: Expansion of Section 8 vouchers.
- Action 3.3.3: City of Oakland Emergency Rental Assistance Program.
- **Action 3.3.4: Development of permanent housing affordable to extremely-low-income (ELI) households on public land.**
- **Action 3.3.5: Implement an affordable housing overlay.**
- Action 3.3.6: Access to low-cost financing for development.
- **Action 3.3.7: Study the targeted implementation of an inclusionary housing requirement**
- **Action 3.3.8: Right-sized development fees on market-rate developments**
- **Action 3.3.9: Adjusting or waiving City fees and payment timing for affordable housing developments.**
- **Action 3.3.10: Consider a citywide Enhanced Infrastructure Financing District (EIFD)**
- **Action 3.3.11: Support innovations by design**
- Action 3.3.12: Continue the Acquisition and Conversion to Affordable Housing (ACAH) Program.
- Action 3.3.13: Expand availability of predevelopment funding and low-cost debt products for affordable housing development.
- **Action 3.3.14: Evaluate the creation of a leveraged acquisition fund or debt/equity funds for small sites to support site acquisitions for affordable housing**
- Action 3.3.15: Continue and expand density bonus incentives.
- **Action 3.3.16: Analyze the Real Estate Transfer Tax structure and its current effect on the Affordable Housing subsidy and the effect on the General Purpose Fund**
- Action 3.3.17: Support low-income, grassroots, and BIPOC affordable housing developers.
- **Action 3.3.18: Implement affordable housing investments contained in Measure U**
- **Action 3.3.19: Sites Inventory and Fair Housing Accomplishments Tracking Program**
- **Action 3.4.1: Revise development standards, including allowable building heights, densities, open space and setback requirements**
- **Action 3.4.2: Study the Relationship Between Zoning and Racial Segregation as Part of the Phase 2 General Plan Update**
- **Action 3.4.3: Revise Conditional Use Permit (CUP) requirements**

- **Action 3.4.4: Revise citywide parking standards**
- **Action 3.4.5: Revise open space requirements**
- **Action 3.4.6: Correct zoning district boundaries that cut through parcels**
- **Action 3.4.7: Capture the diversity of existing built fabric in zoning**
- **Action 3.4.8: Implement objective design standards**
- **Action 3.4.9: Implement new ADU standards that streamline approvals and address unpermitted units.**
- **Action 3.4.10: Implement a Housing Sites Overlay Zone to permit sites included in the Housing Sites Inventory to develop with affordable housing by right**
- **Action 3.4.11: Promote educator and/or student housing on public land by reviewing the zoning and General Plan designations of Oakland Unified School District (OUSD) and Peralta Community College District-owned sites for consistency with housing**
- **Action 3.5.1: Support community land trusts and other shared equity model**
- **Action 3.5.2: Support housing cooperatives, co-living, and cohousing models**
- **Action 3.5.3: Advocate for statewide legislation on social housing**
- **Action 3.5.4: Monitor and consider adopting shallow subsidy programs for lower-income households**
- **Action 3.5.5: Study Feasibility of Single-Stair Residential Buildings**
- **Action 3.6.1: Streamline the City permitting process, especially for low-income and nonprofit builders**
- **Action 3.6.2: Provide increased flexibility in development standards**
- **Action 3.6.3: Expand by-right approvals and implement entitlement reform for affordable housing**
- **Action 3.6.4: Continue SB 35 streamlining and encourage projects to use it.**
- **Action 3.6.5: Continue one-stop and online permitting services.**
- **Action 3.7.1: Incentivize the development of senior housing and provide financial assistance to developers of housing for seniors and persons with special needs.**
- **Action 3.7.2: Provide housing for persons with HIV/AIDS.**
- **Action 3.7.3: Accessible units in new housing developments.**
- **Action 3.7.4: Implement the sponsor-based Housing Assistance Program.**
- **Action 3.7.5: Encourage a range of unit sizes for affordable housing that matches local household needs and family sizes**
- **Action 3.7.6: Expand areas where rooming units and efficiency units are permitted by right**
- **Action 3.7.7: Amend Planning Code to comply with the Employee Housing Act**
- **Action 3.7.8: Expand areas where Residential Care Facilities are permitted by right**
- **Action 3.8.1: Continue to implement the Vacant Property Tax (VPT)**
- **Action 3.8.2: Encourage the conversion of vacant ground floor commercial space to residential uses in appropriate locations**
- **Action 3.8.3: Tax vacant residential rental units**
- **Action 3.8.4: Continue the Oakland Community Buying Program and support scattered site acquisition efforts.**
- **Action 3.8.5: Partner with Alameda County Tax Collector to redevelop tax defaulted properties.**

## **GOAL 4: ADDRESS HOMELESSNESS AND EXPAND RESOURCES FOR THE UNHOUSED**

The Housing Element recognizes housing as a human right and reduces homelessness through Housing First approaches and support coordination across the spectrum, from homelessness prevention to transitional housing/shelter and services to permanent housing with resources for long-term support.

- **Action 4.1.1: Expand, improve, and maintain crisis response beds**
- **Action 4.1.2: Expand, improve, and maintain crisis response beds, especially for unsheltered communities of color**
- **Action 4.1.3: Expand health and hygiene facilities and services and improve access to bathrooms and showers.**
- **Action 4.1.4: Provide needed support and income to people who have been homeless so they can avoid returning to homelessness.**
- **Action 4.2.1: Enhance operations of the City's 2020 Encampment Management Policy**
- **Action 4.2.2: Lead strategic homelessness response operations and homeless services from the Homelessness Division, Office of the City Administrator**
- **Action 4.2.3: Strengthen interdepartmental Encampment Management Team**
- **Action 4.2.4: Increase the oversight of homelessness strategies, investments, outcomes, and encampment operations with Commission on Homelessness.**
- **Action 4.2.5: Expand co-governance and partnerships with unsheltered residents in the design and delivery of homelessness services.**
- **Action 4.3.1: Finance the construction and maintenance of permanent supportive and deeply affordable housing for homeless households to expand the supply of deeply affordable and supportive housing for Oakland's most vulnerable residents.**
- **Action 4.3.2: Streamline approval for modular developments to provide quality shelter quickly to address the scale of the crisis**
- **Action 4.3.3: Remove regulatory constraints to the development of transitional housing and supportive housing**
- **Action 4.3.4: Ensure that the authority provided by the City's Shelter Crisis Ordinance and Declaration of a Local Emergency regarding Homelessness remains in place until public health and safety concerns no longer persist**
- **Action 4.3.5: Provide development standards for low barrier navigation centers**
- **Action 4.3.6: Expand opportunities for the permitting of emergency shelters**

## **GOAL 5: PROMOTE NEIGHBORHOOD STABILITY AND HEALTH**

The Housing Element promotes resilient development in safe, healthy, and just communities. It also increases resources in disinvested communities and create long-time stability through homeownership opportunities.

- **Action 5.1.1: Provide first-time homebuyer programs.**
- **Action 5.1.2: Expand access to low-cost financing for home purchase.**
- **Action 5.1.3: Provide paths to homeownership for Section 8 voucher holders.**
- **Action 5.2.1: Protect against smoke and wildfire.**

- Action 5.2.2: Promote infill, transit-oriented development (TOD), and mixed-use development.
- **Action 5.2.3: Study options to provide financing for the remediation of environmentally contaminated sites, with priority for affordable projects.**
- **Action 5.2.4: Secure funding from the State's Affordable Housing and Sustainable Communities (AHSC) Program.**
- Action 5.2.5: Encourage earthquake-resilient housing.
- Action 5.2.6: Encourage climate-resilient housing.
- **Action 5.2.7: Consider the adoption of a disaster reconstruction overlay zone**
- **Action 5.2.8: Encourage new affordable housing in higher resource neighborhoods**
- **Action 5.2.9: Prioritize improvements to meet the needs of low-resourced and disproportionately burdened communities.**
- **Action 5.2.10: Promote the development of mixed-income housing to reduce income-based concentration**
- Action 5.2.11: Provide accountability measures for housing programs, including annual monitoring.
- Action 5.3.1: Provide fair housing services and outreach.
- Action 5.3.2: Promote awareness of predatory lending practices.
- **Action 5.3.3: Provide targeted outreach and support to disproportionately burdened groups and areas.**

# I Introduction

This Housing Element presents the City of Oakland’s strategy and commitment for how it will meet the housing needs of the community over the next 8 years (covering the years 2023-2031). In the face of a crushing regional housing crisis, the task is formidable, but essential: to make quality housing opportunities available to all Oakland residents through the Protection, Preservation, and Production of homes, and to address systemic housing inequity.

Preparation of this Housing Element comes at a time of challenge and uncertainty for many Oaklanders. It comes amid a global pandemic, a renewed call for racial justice after the murder of George Floyd, and economic and global security uncertainty. It comes while Oakland has imposed one of the strongest eviction moratoriums in the State, and it comes at a moment when the world moves closer to the tipping point of irreversible climate change. All of these systemic challenges play a vital role in the current and future shape of housing for individuals and families who call Oakland home.

The actions in this Housing Element also account for Oakland’s production of affordable and market rate housing over the previous eight-year Housing Element period. The California legislature has found that the state of California has accumulated an unmet housing backlog of nearly 2,000,000 units and must provide for at least 180,000 new units annually to keep pace with growth through 2025.<sup>1</sup> Over the last eight years, Oakland produced sufficient housing units to meet its share of the overall state-mandated housing production goals. Many other cities throughout the state fell short of their assigned goals, which exacerbates the current housing affordability crisis and creates additional displacement forces on cities like Oakland.

However, Oakland’s housing production skewed significantly toward market-rate development and fell short of producing sufficient affordable housing. This Housing Element explores why this occurred and focuses actions on increasing affordable housing production to address this imbalance. The 2023-2031 Housing Element finds that there are sufficient parcels of land under existing zoning regulations to meet the City’s assigned eight-year housing production goals, and that these sites are zoned at a sufficiently high density so as to not preclude affordable housing development. Nevertheless, this Housing Element additionally concludes that even if the land is available for housing development, this is only one necessary factor to create an environment where affordable housing is constructed at sufficient levels. Given the shortfall in affordable housing production over the previous eight-year period, there is little reason to expect different results over

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<sup>1</sup> See California Government Code Section 65589.5, subdivision (a)(2).

the next eight years unless constraints are removed, incentives are added, and additional funding sources are identified. This Housing Element seeks to do that.

Finally, the Housing Element's actions are also proposed in the context of the longer historical patterns of segregation and exclusion that have resulted in racial and geographic disparities throughout the region and within the City of Oakland. It is not by accident or coincidence that Oakland has historically had more Black residents and more lower income residents than other cities in Alameda County. Nor is it a coincidence that Black, Indigenous, and People of Color (BIPOC) and lower income residents disproportionately live in the Oakland flatlands and disproportionately not in single-family neighborhoods north of Highway 580.

The historic factors that led to this segregation are numerous and can be difficult to untangle, but it is clear that the City has an obligation to undo these patterns of past harms by taking affirmative steps to further fair housing opportunities for all residents. Again, looking at the past eight-year period, it is apparent that the majority of new housing development occurred in neighborhoods targeted for new development such as the Broadway Valdez area, Downtown, West Oakland, and other major transit corridors. These patterns of growth may be appropriate for purposes of creating transit-oriented development and reducing automobile reliance, but without other actions also serve to maintain the existing exclusivity of other neighborhoods. This Housing Element recognizes that the City's obligation to affirmatively further fair housing compels the City to redress the fact that some Oakland neighborhoods were purposefully designed to be exclusive, and preserved that exclusivity through racial covenants, unfair mortgage lending practices, and exclusionary zoning. The Housing Element proposes actions to reverse those trends.

## **LEARNING FROM THE PAST**

What does it mean to call Oakland "home"? Oakland's current housing landscape tells the story of struggle, of systemic forces that have shaped the neighborhood geography of opportunity. To chart an equitable path forward, Oakland's history must be examined and addressed. In particular, Oakland and other governmental entities that influence fair housing choice must affirmatively further fair housing by creating policies that increase affordable housing in high-resource neighborhoods that were formed through exclusionary policies and must also bring additional resources to under-resourced neighborhoods.

The land that is now Oakland is the ancestral home of the Ohlone indigenous group who were stewards of the oak and redwood forests, grasslands, and marshlands that make up the coastal region of central and northern California for thousands of years. The arrival of Spanish missionaries in the 1760s and subsequent periods of Spanish colonization, Mexican settlement, and American urbanization of the Ohlone region greatly shifted the cultural and physical landscape. Nevertheless, this land continues to be of great importance to the Ohlone people.<sup>2</sup>

Oakland has historically been a destination for working people and immigrants who sought out its abundant industrial jobs and relatively affordable neighborhoods. Many of these places, including Chinatown, West Oakland, and East Oakland, formed into cultural and ethnic enclaves as a result

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<sup>2</sup> Mitchell Schwarzer, *Hella Town: Oakland's History of Development and Disruption*, (Oakland: University of California Press, 2021).



of segregationist and racially discriminatory policies and practices, including exclusionary single-family zoning (see ‘Constraints’ chapter for more information).<sup>3</sup> Government-sponsored “white flight” suburbanization during the early 1930s, followed by disinvestment and takings in neighborhoods of color, created socioeconomic and geographic lines that were further delineated by redlining (a federally sanctioned practice during the 1930s of denying mortgages in communities of color) and racially restrictive covenants.<sup>4</sup> In the 1950s and 1960s, urban renewal cut through these disinvested areas to build new high-rises and transportation infrastructure that displaced many low-income residents and residents of color. Segregation pressures and private developer interests prevented additional expansions of public housing, and Hope VI initiatives to replace larger public housing projects decreased the overall number of rent-subsidized units, particularly in West Oakland. During the period between 1960 to 1966 alone, 11,800 housing units were razed in Oakland to make room for freeways, BART projects, new public housing, and other urban renewal developments.<sup>5</sup>

Since the late 1990s, Oakland has seen an increase in real estate investment, which has had both positive and negative effects. In the years leading up to the 2008 housing crash and Great Recession, banks engaged in a process referred to as “reverse redlining” where predatory lending practices and subprime loans were targeted in the same neighborhoods that were once marked as off-limits for borrowers in the 1950s.<sup>6</sup> This activity resulted in waves of foreclosures in East and West Oakland. A significant number of these foreclosed properties were then acquired by investors, and once-affordable and stable homes flipped overnight into market-rate rentals. An influx of private capital, in part due to efforts like the City’s 10K plan to revitalize the urban core with infill, market-rate housing, has reinvigorated downtown and uptown.<sup>7</sup> The 10K plan aimed to attract new residents, often with higher salaries than existing communities, to spend incomes at commercial establishments downtown. At the same time as this influx, rising housing prices and a lack of new affordable options created waves of residential and commercial gentrification, especially in North and West Oakland and Chinatown, with a growing pattern of displacement in East Oakland.<sup>8</sup> Massive regional job growth, particularly in the technology sector, coupled with the lack of supply of housing in other cities to keep up, sent waves of new residents to the East Bay in search of more

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<sup>3</sup> City of Oakland, “Environmental Justice and Racial Equity Baseline.” March 2022. Access available at [https://cao-94612.s3.amazonaws.com/documents/Equity-Baseline\\_revised4.15.22.pdf](https://cao-94612.s3.amazonaws.com/documents/Equity-Baseline_revised4.15.22.pdf)

<sup>4</sup> Just Cities, East Oakland Displacement Status and Impacts from the BRT Project Summary: A Racial Equity Planning and Policy Justice Report for OakDOT’s East Oakland Mobility Action Plan, June 2021, [https://drive.google.com/file/d/1sGCZt1uGPafLroOm8BkGczV\\_vXOGsFTk/view](https://drive.google.com/file/d/1sGCZt1uGPafLroOm8BkGczV_vXOGsFTk/view), accessed March 16, 2022.

<sup>5</sup> See Oakland City Planning Department, Oakland’s Housing Supply: Cost, Condition, Composition, 1960-1966.

<sup>6</sup> “East Oakland Displacement Status and Impacts from the BRT Project Summary.” n.d. Oakland: Just Cities. <https://cao-94612.s3.amazonaws.com/documents/EOMAP-Appendix-2.pdf>.

<sup>7</sup> *Ibid.*

<sup>8</sup> See generally Owens, Darrell, Discourse Lounge, “Where Did All the Black People in Oakland Go?”, September 8, 2021. [https://darrellowens.substack.com/p/where-did-all-the-black-people-in?utm\\_source=url](https://darrellowens.substack.com/p/where-did-all-the-black-people-in?utm_source=url), accessed February 21, 2022. See also City of Oakland, “Economic Trends and Prospects, Baseline Analysis for Oakland General Plan”, Commute Trends and Workforce Characteristics, pp. 9-16. Access available at [https://cao-94612.s3.amazonaws.com/documents/Economic\\_Trends\\_Prospects\\_EPS\\_2022.06.02.pdf](https://cao-94612.s3.amazonaws.com/documents/Economic_Trends_Prospects_EPS_2022.06.02.pdf)

affordable homes.<sup>9</sup> The impacts of lack of regional supply rippled through other residential areas of the city, where communities of color faced greater vulnerability to rising housing costs than white residents.<sup>10</sup> California's Costa Hawkins Law, passed in 1995, also exempted newly constructed units and single-family homes from rent control and effectively banned local vacancy control laws, exacerbating displacement and socioeconomic exclusion in the city.<sup>11</sup> Generational economic and housing discrimination continues to impact Oakland residents: significant disparities remain in home ownership, household incomes, and health outcomes that are tied to race, income, neighborhood poverty level, and housing status, among other social and environmental conditions.<sup>12, 13</sup>

Nowhere has the impacts of these changes been more visible than on Oakland's streets, as homelessness increased by 83 percent from 2017 to 2022.<sup>14</sup> Although the individual causes for homelessness are complex, there are key structural reasons why Oakland has one of the worst homelessness crises in America. These reasons include structural racism, unstable rental markets for tenants, systemic barriers to housing for the formerly incarcerated, a lack of living wage job opportunities, and, above all else, a catastrophic shortage of deeply affordable homes. Another vital truth is that the impacts of homelessness compound over time- the longer someone is homeless, the worse the impacts on physical and mental health, social and family networks, and the ability to find, maintain, and sustain permanent housing.

The direct and indirect displacement of residents in these areas, driven by the heated and inequitable housing market, threatens not only individual households but also the cultural identity and viability of these communities. From 2000 to 2019, Oakland lost nearly 30 percent of its Black population and significant numbers of long-time Asian Americans residing in ethnic enclaves including Chinatown.<sup>15</sup> The COVID-19 pandemic has highlighted and exacerbated racial and economic disparities in housing security; the pandemic has also shown the public health

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<sup>9</sup> Mitchell Schwarzer, *Hella Town: Oakland's History of Development and Disruption* (University of California Press, 2021).

<sup>10</sup> "East Oakland Displacement Status and Impacts from the BRT Project Summary." n.d. Oakland: Just Cities. <https://cao-94612.s3.amazonaws.com/documents/EOMAP-Appendix-2.pdf>.

<sup>11</sup> Wolfe, T. California's Affordability and Displacement Crisis: The Role of the Costa Hawkins Rental Housing Act. UC Berkeley, Goldman School of Public Policy, 2016. Accessed October 25, 2022. [https://static1.squarespace.com/static/5c09723c55b02cf724c3d340/t/5d517d8db0194b0001a1e29b/1565621653633/Displacement\\_Dellums\\_FINAL\\_022617.pdf](https://static1.squarespace.com/static/5c09723c55b02cf724c3d340/t/5d517d8db0194b0001a1e29b/1565621653633/Displacement_Dellums_FINAL_022617.pdf)

<sup>12</sup> Menendian, S., Gambhir, S. and Gales, A. "Racial Segregation in the San Francisco Bay Area, Part 5: Remedies, Solutions, and Targets. The Othering and Belonging Institute, 2020. Accessed October 31, 2022 at <https://belonging.berkeley.edu/racial-segregation-san-francisco-bay-area-part-5>

<sup>13</sup> Nguyen, T. et al. Housing Habitability and Health: Oakland's Hidden Crisis: A Report on Childhood Lead and Asthma by Alameda County Public Health. 2018. Accessed October 25, 2022. <https://www.acgov.org/cda/lead/documents/news/health.housinginoakland.pdf>

<sup>14</sup> Oakland 2022 Point-in-Time Count: Unsheltered and Sheltered Report. EveryOneHome. Accessed November 18, 2022. <https://everyonehome.org/wp-content/uploads/2022/05/Oakland-PIT-2022-Infographic-Report.pdf>

<sup>15</sup> American Community Survey (ACS) (2014-2018); U.S. Census 2000, 2010; Urban Displacement Project, 2021.

consequences of Oakland’s housing disparities.<sup>16</sup> The consequence of Oakland’s complex history has and continues to shape the city’s built environment, including the distribution, types, affordability, and quality of housing in Oakland.

Today, Oakland has grown to be the largest city in Alameda County and the busiest port in Northern California. Neighboring cities include Berkeley and Emeryville to the north, San Leandro to the south, Alameda across the Oakland Estuary, and Piedmont surrounded by Oakland. San Francisco is located just 12 miles west across the San Francisco Bay, connected by Interstate 80 (I-80). Oakland is known for its diverse geography, including 19 miles of bay and estuary coastline to the west, the Oakland/Berkeley Hills to the east, and Lake Merritt, a tidal lagoon located within the city’s borders.

## **CHARTING AN EQUITABLE, INCLUSIVE FUTURE**

With the legacy of inequity top of mind, the City has begun planning for a more equitable future. In 2016, the City established the Department of Race and Equity with a mission “to advance the creation of a city where diversity has been maintained, racial disparities have been eliminated, and racial equity has been achieved.” The Department of Race and Equity is particularly concerned with making a difference in the determinants of equity that lead to creation of a fair and just society, including housing. In 2018, the department published the [Equity Indicators Report](#), which serves as a baseline quantitative framework that can be used by City staff and community members alike to better understand the impacts of policy on racial groups and measure inequities. In 2022, the City declared racism a public health crisis and in response has provided funding for additional staff in the Department of Race and Equity to track performance and equity progress.

The work of the Department of Race and Equity informs the City of Oakland’s Department of Housing and Community Development’s (Oakland HCD) 2021-2023 Strategic Action Plan. This plan is informed by past analyses, planning, and accomplishments such as the 2016 “Oakland At Home: Recommendations for Implementing A Roadmap Toward Equity from the Oakland Housing Cabinet,” and applies a race and equity lens to the City’s housing investments and services in wake of the public health, fiscal, and social crises caused by COVID-19. In practice, this includes:

- transparent and regular reporting on outcomes disaggregated by race;
- Americans with Disabilities Act-compliant, accessible information provided in multiple languages;
- anti-displacement and housing production programs, policies, and initiatives focused on the most impacted vulnerable populations;
- access and opportunity pathways to and for Black, Indigenous, and People of Color (BIPOC) developers, service providers, and other contractors to the resources the City has to offer in the conduct of its housing work.

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<sup>16</sup> “City of Oakland HCD 2021-2023 Strategic Action Plan City of Oakland Housing & Community Development Department 2021-2023 Strategic Action Plan.” n.d. Accessed May 9, 2022. <https://cao-94612.s3.amazonaws.com/documents/HCD.final.21-21Strategic-Plan.pdf>.

The 2021-2023 Strategic Action Plan also details a series of specific actions and policies Oakland HCD will pursue as part of a broader strategy to protect residents from displacement, preserve existing affordable housing - both subsidized and unsubsidized, and produce new affordable housing.

Community-based organizations, many of whom have been leading housing justice efforts for decades, are also shaping housing goals rooted in racial equity. Oakland residents, community organizations, developers, and government partners created the [Healthy Development Guidelines \(HDG\)](#) with the intent of establishing a shared vision of a healthy, equitable community. The guidelines promote policies, goals, and development guidelines that strengthen environmental justice, sustainability, health, and racial equity in Oakland. In particular, the guidelines are intended to empower residents to address planning, policy, and public health issues in Oakland, so that no neighborhood or demographic group is unduly burdened by development that exacerbates health disparities, economic inequality, or access to open space. A City Council resolution recognized the guidelines, which commended the coalition for their collaborative and engaging partnership with the community.

The [East Oakland Neighborhood Initiative \(EONI\)](#) is a collaborative partnership between the City of Oakland and CBOs leveraging the Transformative Climate Communities grant administered by California's Strategic Growth Council. The EONI plan is a community-driven plan for a just transition to a regenerative economy for East Oakland, led by frontline communities, to strengthen the health, wealth, and resilience of East Oakland neighborhoods in the face of displacement and climate impacts. The plan is focused on five goals: reduce greenhouse gases, prevent displacement, improve public health, build economic empowerment, and plan "by and with" the community.

**Callout:** Two of the HDG's goals include enhancing access to affordable housing, particularly for vulnerable populations; preserving existing affordable housing and protecting residents from involuntary displacement.

The [East Oakland Neighborhoods Initiative](#) highlights anti-displacement among their plan goals, noting that improvements recommended in the plan must not drive out existing residents by inadvertently increasing the cost of housing. This is achieved in part through local wealth creation, well-crafted policies, and mainstreaming of affordability vehicles.

Goals, Policies, and Actions included in the Housing Action Plan seek to overcome patterns of segregation, foster inclusive communities free from barriers that restrict access to opportunity and housing, and close the gap between market rate & affordable housing by prioritizing preservation and development of housing for those of the greatest need, including Black & Brown households.

The global climate crisis will also have profound impacts on—among other things—housing security and availability in Oakland. To address the climate crisis, the City released the [Oakland 2030 Equitable Climate Action Plan \(ECAP\)](#) in July 2020. The ECAP is the City's strategy to create a future built on justice, equal opportunity, and environmental protection. Among the list of Transportation and Land Use (TLU) actions in the ECAP is TLU-3, "Take Action to Reduce and Prevent Displacement of Residents & Businesses." TLU-3 explicitly links anti-displacement efforts to climate equity action, as the City can only achieve its ECAP goals if Oaklanders are able to fully participate in, and benefit from, climate action without fear of displacement and homelessness.

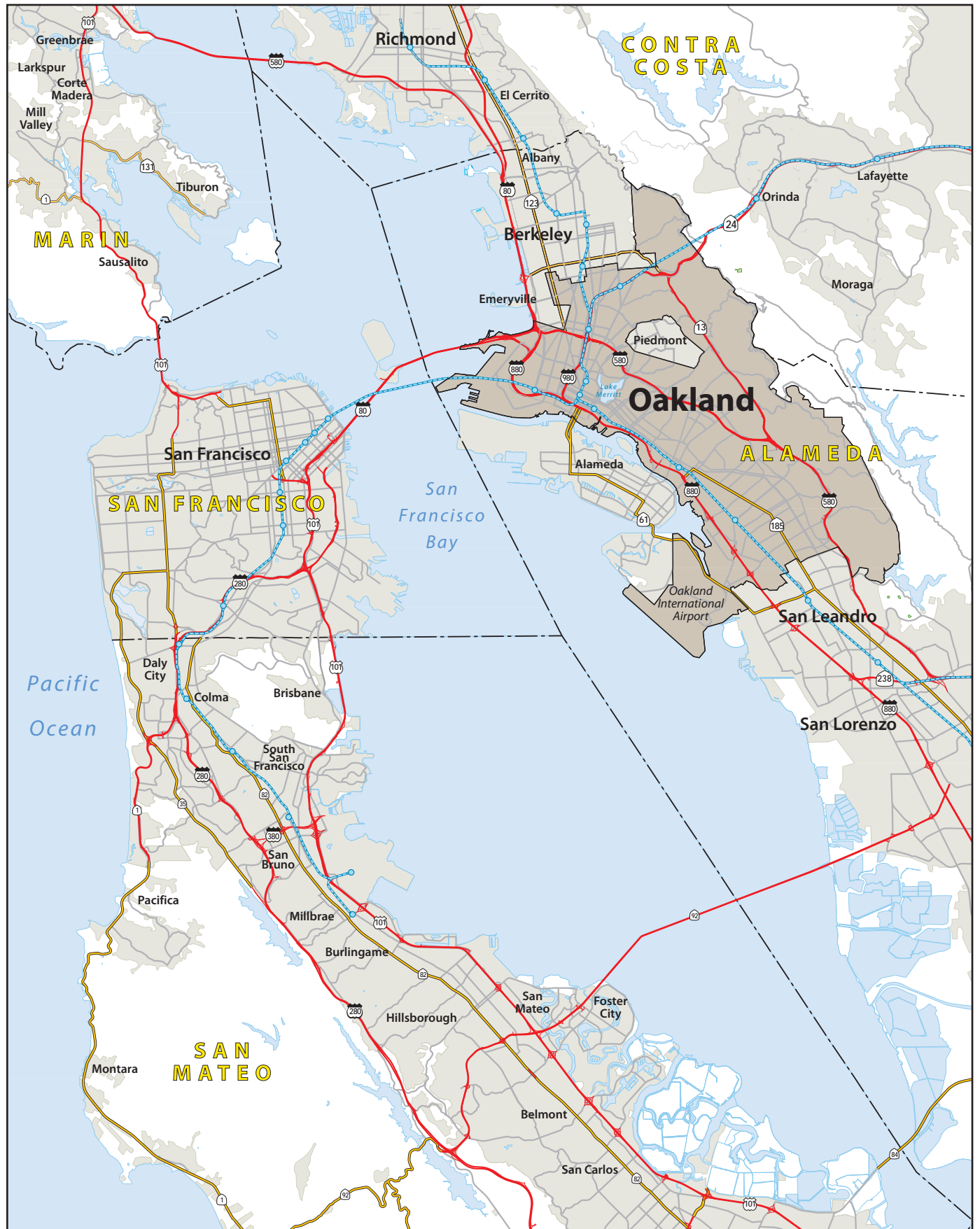
The City is also undertaking an update to its Land Use and Transportation Element of the General Plan, in tandem with this Housing Element, to promote a land use pattern and policies that will help accelerate and target housing production. Like many other Bay Area cities, nearly every property in Oakland has been developed, with few “greenfield” (not yet developed) sites within its limits or at its borders, meaning that housing development will primarily rely on development and redevelopment of “infill” sites. Within the city limit, there are approximately 29,700 acres (46.4 square miles) of land, including residential, commercial, and industrial developments, as well as public facilities, including parks, schools, and an international airport. The Housing Element applies to land within city limits, depicted in Figure 1-1.

**Callout: Environmental Justice and Racial Equity Baseline**

[The Environmental Justice and Racial Equity Baseline](#), published in March 2022, identifies and details disparities by race and by geography that can be influenced directly or indirectly by the General Plan. The findings in the Environmental Justice and Racial Equity Baseline identify environmental justice and racial equity existing conditions and inform conversations between City staff and members of the public. In parallel with the Housing Element, this baseline will be used as a starting place for policymaking related to environmental justice, safe and sanitary housing, and other community equity issues.



**Figure I-1: Regional Location**



— BART — Freeway — State Route — Major Road

## 1.2 Purpose of the Housing Element

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The 2023-2031 Oakland Housing Element is one component of a larger effort: an update to the City of Oakland General Plan. The General Plan Update will create Oakland’s 2045 General Plan and is a “once-in-a-generation” opportunity for all Oaklanders to work together to create a visionary blueprint for the city’s future over the next 20 years. The Oakland 2045 General Plan will be made up of several “elements” covering a wide range of topics important to the future of Oakland, including environmental justice, land use, transportation, open space, noise, conservation, and safety.

The 2023-2031 Housing Element sets forth the City’s housing priorities and goals—as well as its vision for both short- and long-term development—to create a fair and just city. The actions proposed by this Housing Element cover a wide range of housing issues but are largely focused on addressing two major issues: the City’s shortfall of housing production and affirmatively undoing past patterns of exclusivity. State law mandates that the Housing Element be updated every eight years to reflect changing conditions, community objectives, and goals. The key components of the Housing Element include an evaluation of whether the City has sufficient zoned capacity to accommodate required housing production at all affordability levels, an assessment of whether the geographic distribution of that capacity will either further entrench or help to ameliorate existing patterns of segregation, and finally a set of programs and policies to address shortfalls and reduce identified constraints to the maintenance, improvement, and development of housing.

### HOUSING ELEMENT: COMPONENTS

In California, all cities must adopt a General Plan composed of at least seven elements, including the Housing Element. All cities must also incorporate environmental justice into the General Plan. Oakland has chosen to adopt an Environmental Justice Element while also incorporating environmental justice goals into each element, including the Housing Element. The Oakland Housing Element, in tandem with the rest of the General Plan Update, is designed to assess and shape the community’s housing progress and needs.

In accordance with State law, the Housing Element must include:

- A description of outreach conducted in preparation of the element;
- An analysis of progress in implementing the previous Housing Element and effectiveness of its programs and actions;
- An assessment of existing and projected housing needs;
- An analysis of special housing needs, such as those of older adults and people with disabilities;
- An analysis of existing assisted housing units at risk of conversion from affordable to market-rate;
- An analysis and inventory of resources and constraints relevant to meeting housing needs;
- An affirmatively furthering fair housing (AFFH) analysis, which guides the analysis of each set of requirements;

- An inventory of adequate sites suitable for construction of new housing sufficient to meet needs at all economic levels;
- A program that sets forth specific actions to address housing needs, with identification of responsible agencies and timelines.

## REGIONAL HOUSING NEEDS ASSESSMENT (RHNA)

Oakland's Housing Element was last updated in 2015 and covered the years 2015-2023. The current Housing Element update reflects the Regional Housing Needs Assessment (RHNA) as determined by the Association of Bay Area Governments (ABAG) for the Sixth Cycle Housing Element update, covering the years 2023-2031. The RHNA is a State-mandated process intended to ensure every city and county plans for enough housing production to accommodate future growth. The State of California Housing and Community Development Department (State HCD) assigns each region of the state an overall RHNA allocation. For the nine-county Bay Area region, ABAG then distributes a "fair share" portion of that allocation to each local jurisdiction. Each city and county must then identify adequate sites with a realistic capacity for development sufficient to meet this RHNA.

For the 2023-2031 period, Oakland must identify sites sufficient to accommodate 26,251 new housing units between 2023 and 2031, with a specific number of units designated as affordable to each income category, as shown in Table 1-1.

A total of 6,511 units must be affordable to households making less than 50 percent of area median income (AMI), 3,750 units must be affordable to households making between 50 and 80 percent of AMI, 4,457 units must be affordable to households making between 80 and 120 percent of AMI, and 11,533 units must be affordable to households making over 120 percent of AMI. The RHNA does not specifically break down the need for extremely-low-income households. As provided by State law, the housing needs of extremely-low-income households, or those making less than 30 percent of area median income (AMI), is estimated as 50 percent of the very-low-income housing need. More detail on the RHNA allocation process is described in Chapter 3 as well as in Appendix C.

**Table 1-1: Oakland Regional Housing Needs Assessment, 2023-2031**

<i>Income Level<sup>1</sup></i>	<i>Income Range</i>	<i>Needed Units</i>	<i>Percent of Needed Units</i>
Very-Low-Income (0-50% AMI)	<\$50,000	6,511	24.8%
Extremely-Low-Income (<30% AM part of Very-Low-Income in previous row) <sup>2</sup>	<\$30,000	3,256	-
Low-Income (51-80% AMI)	\$30,001-80,000	3,750	14.3%
Moderate-Income (81-120% AMI)	\$80,001-119,950	4,457	17.0%
Above-Moderate-Income (>120% AMI)	>\$119,950	11,533	43.9%
<b>Total</b>		<b>26,251</b>	<b>100.0%</b>

1. Income levels reflect 2022 Alameda County Housing and Community Development income limits for a one-person household.

2. Extremely-low-income housing need is assumed to be 50 percent of very-low-income housing need.

Source: ABAG, Final RHNA Plan, December 2021



## HOUSING ELEMENT: STATE CHANGES

Various amendments have been made to Housing Element law since adoption of the City's current Housing Element, especially since 2017. Some of the key changes for 6th cycle 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 Affirmatively Furthering Fair Housing (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.

The contents of this Housing Element comply with these amendments and all other requirements of Housing Element law.

## **ENVIRONMENTAL REVIEW**

The General Plan update is being accompanied by an Environmental Impact Report (EIR), which analyzes the potential impacts attributable to the Housing Element Planning Code amendments, as well as the Safety and Environmental Justice Elements and related General Plan and Zoning Map amendments.

## **1.3 Oakland's Housing Approach**

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Two important components of the Housing Element include a plan to address Oaklanders' housing needs, and an inventory of sites suitable for housing development at all income levels, based on Oakland's 6th cycle RHNA.

## **HOUSING ACTION PLAN**

This Housing Element identifies a foundational framework of five overarching goals in Chapter 4: Housing Action Plan to comprehensively address the housing crisis and needs of Oaklanders. The goals seek to significantly address disparities in housing needs and in access to opportunity, replace segregated living patterns with truly integrated and balanced living patterns, transform racially and ethnically concentrated areas of poverty into areas of opportunity, foster and maintain compliance with civil rights, and affirmatively further fair housing. The goals were developed through a careful review of community input from each of the outreach and engagement sessions listed in Chapter 2. The Housing Action Plan is further informed by the comprehensive analysis of housing production capacity, constraints analysis and other topics covered throughout the Housing Element appendices.

The goals include:

- 1. Protect Oakland Residents from Displacement and Prevent Homelessness:** Protect Oakland tenants from displacement and create conditions that enable them to remain in their homes and communities.
- 2. Preserve and Improve Existing Housing Stock:** Conserve and improve the affordability of existing housing stock in Oakland and address substandard conditions.
- 3. Close the Gap Between Affordable and Market-Rate Housing Production by Expanding Affordable Housing Opportunities:** Facilitate the production of housing for extremely low, very low, low, and moderate-income households. In addition to increased production generally, provide a diversity of housing types, ownership opportunities, living arrangements, and features supportive of special needs. Locate new housing to further

access to opportunity (while simultaneously investing in and protecting tenants in disinvested communities) and remove constraints to affordable housing development.

4. **Address Homelessness and Expand Resources for the Unhoused:** Recognize housing as a human right. Reduce homelessness through Housing First approaches and support coordination across the spectrum, from homelessness prevention to transitional housing/shelter and services to permanent housing with resources for long-term support.
5. **Promote Neighborhood Stability and Health:** Promote resilient development in safe, healthy, and just communities. Increase resources in disinvested communities and create long-time stability through homeownership opportunities.

The goals, policies, and actions form the Housing Action Plan for the 2023-2031 planning period and transform this framework into impactful action.

## HOUSING SITES INVENTORY

The Housing Element also presents an inventory under existing zoning of housing sites suitable for new homes in Oakland at all income levels. The purpose of the inventory is to evaluate whether the City currently has a sufficient number of sites available to meet its RHNA over the next eight years, and to determine whether the distribution of these sites will either further entrench or help to ameliorate existing patterns of segregation. To do this, the inventory includes:

- Sites where development is underway or approved (known as “pipeline projects”) or otherwise can be credited to meet the RHNA (such as Accessory Dwelling Units ); and
- Opportunity sites where additional development could occur. Opportunity sites were selected in a manner consistent with the City’s mandate to affirmatively further fair housing. Housing sites, especially lower-income sites, were selected so as to reduce segregation and increase affordable development in high resource neighborhoods, where possible.

Chapter 3 provides a summary of the inventory approach and Appendix C includes the detailed site inventory. While the Housing Sites Inventory documents that Oakland has sufficient zoning capacity to meet Oakland’s RHNA requirements, the City’s Housing Action Plan includes several zoning reforms that would further increase production capacity and unlock opportunity for affordable and missing middle housing in high resource areas. These are in addition to the continued enforcement and strengthening of identified tenant protection and anti-displacement measures. A few examples of actions in the Housing Action Plan include:

- Develop zoning standards to encourage missing middle and multi-unit housing types in currently single-family dominated neighborhoods (Action 3.2.1);
- Reduce constraints to the development of accessory dwelling units (Action 3.2.5);

- Implement an affordable housing overlay zone that would allow for 100% affordable housing development at any density up to a specified height in most areas where housing is currently permitted (Action 3.3.5);
- Revise development standards, including allowable building heights, densities, open space, and setback requirements (Action 3.4.1);
- Remove conditional use permit requirements for housing in RD-2 and RM zones (Action 3.4.3);
- Implement objective design standards (Action 3.4.8);
- Implement a housing sites overlay zone that would allow all sites included in the Housing Element's Housing Sites Inventory (identified in Table C-26, available in a separate Excel file) to develop owner-occupied and rental multifamily uses by right for developments in which 20 percent or more of the units are affordable to lower-income households (Action 3.4.10);
- Promote infill, transit-oriented development (TOD), and mixed-use development (Action 5.2.2); and
- Encourage new affordable housing in higher resource neighborhoods (Action 5.2.8)
- Prioritize improvements to meet the needs of low-resourced and disproportionately burdened communities (Action 5.2.9)

The Housing Action Plan and Housing Sites Inventory reflects feedback from members of the community and the goals, policies, and actions reflect both local priorities and State obligations.

## **1.4 Organization and Summary of the Housing Element**

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The Housing Element is divided into four chapters: an Introduction, a Summary of Public Participation, a Summary of the Housing Sites Inventory, and the Housing Action Plan. In addition, there are several technical appendices that provide extensive detail on a range of topics, including many of the checklist items mandated by state law. This includes an evaluation of the City's 2015-2023 Housing Element, an assessment of housing needs, resources, and constraints, and the comprehensive housing sites inventory. A summary of the findings from each technical appendix is provided in the main body of the Housing Element. It is organized as follows:

- **Chapter 1 – Introduction:** Provides an overview of State requirements, a summary of the organization of the Housing Element, and an explanation of the Housing Element's relationship to the General Plan.
- **Chapter 2 – Public Participation:** Provides a description of the public participation process and a summary of community outreach activities.

- **Chapter 3 – Summary of the Housing Sites Inventory:** Summarizes the City’s ability to accommodate the RHNA on available land, and the selection of sites in light of AFFH requirements.
- **Chapter 4 – Housing Action Plan:** Institutes the goals, policies, and actions of the 2023-2031 Housing Element, and provides quantified objectives. The Plan includes five goals: protect Oakland residents from displacement and prevent homelessness; Preserve and improve existing affordable housing stock; Close the gap between affordable and market-rate housing production by expanding affordable housing opportunities; Address homelessness and expand services for the unhoused; and Promote neighborhood stability and health.
- **Appendix A – Evaluation of the 2015-2023 Oakland Housing Element:** Summarizes the City’s achievements in implementing goals, policies, and actions under the previous Housing Element. While the City was able to meet its above-moderate-income RHNA, it fell short of meeting its lower- and moderate-income goals. Oakland recognizes that more can and should be done to close the gap on affordable housing construction. Oakland further recognizes that many cities in the Bay Area region have failed to meet market rate development goals and continue to prohibit housing at densities that can support affordable housing, both of which have contributed to exacerbated regional inequality, a protraction of the housing crisis, and very likely has catalyzed gentrification and displacement in Oakland.
- **Appendix B – Housing Needs Assessment:** Presents community demographic information, including both population and household data, to identify Oakland’s housing needs. Since at least the 1940s, Oakland has had a significantly higher percentage of Black, Indigenous, and People of Color (BIPOC) residents than other cities of a similar size in California. BIPOC communities in Oakland have historically faced patterns of discrimination and segregation, as well as neighborhood disinvestment, throughout the 20th century continuing into the 21st century. In recent years, many of these same communities now bear a disproportionate impact of the State’s housing crisis and are increasingly at risk of displacement from Oakland—Oakland’s Black population has decreased from 36 percent in 2000 to 23 percent in 2020. Oakland’s rates of homelessness have also significantly increased from 2017-2022 (83 percent), though the rate of increase has decreased from the period of 2019-2022 (23 percent, compared to 47 percent from 2017-2019). Oaklanders of color also disproportionately face lower rates of homeownership, higher housing cost burden, overcrowded conditions, and homelessness. These trends are being compounded by demographic factors such as the rapid aging of the population and continued prevalence of poverty.
- **Appendix C – Sites Inventory:** Outlines the selection and capacity methodology used to identify sites to accommodate the RHNA. While the Housing Sites Inventory documents that Oakland does have sufficient zoning capacity to meet Oakland’s RHNA requirements, the City has identified in its Housing Action Plan several zoning reforms that would further increase production capacity and unlock opportunity for affordable and missing middle housing in high resource areas.

- **Appendix D – Assessment of Fair Housing:** Identifies fair housing issues and solutions to meet Oakland’s AFFH mandate. Oakland is incredibly diverse at the City level, but at the neighborhood level, geographic patterns of income segregation and racial/ethnic segregation are clear. Additionally, Oakland has racially and ethnically concentrated areas of poverty localized to four areas in the City. Neighborhoods across Oakland have received varying levels of investment, which is reflected in the unequal opportunities available for communities of color. Additionally, access to economic, educational, and environmental opportunities vary greatly across the City. Comparing access to opportunity with displacement risk and gentrification across the City, areas that are exclusive, stable, or in the advanced stages of gentrification offer the best access to opportunity. Much of the City has gentrified in recent years, leaving residents in the few (predominantly BIPOC) neighborhoods that have not gentrified at risk of displacement. Oakland is further impacted by disproportionate housing needs: overcrowding rates are higher in the City than in the County/Bay Area Region, cost burden rates are high (highest for Black and African-American households and lowest for white households), and homelessness is a major public health crisis in the City. Individuals experiencing homelessness increased 83 percent between 2017 and 2022 and individuals identifying as Black or African American are disproportionately represented in the unhoused population.
  - The goals and actions concluding this appendix have a strong focus on investing in neighborhoods considered “Low Resource” and “High Segregation and Poverty” by the State HCD/TCAC Opportunity Maps (i.e. those neighborhoods with low access to opportunity). These neighborhoods have high concentrations of BIPOC populations.
- **Appendix E – Housing Resources and Opportunities:** Assesses the City’s financial and administrative resources available for future housing development. This appendix describes and assesses the resources available for the development, rehabilitation, and preservation of housing in Oakland. The following sections provide an overview of the financial and administrative resources to support the provision of affordable housing. These include Oakland Housing Authority funds, the Affordable Housing Trust Fund, Community Development Block Grant Funds, and other sources of funding. The appendix also describes additional housing resources or considerations relevant for the provision of housing in the city, including publicly-owned and surplus land, as well as utility and service systems to support new housing.
- **Appendix F – Housing Constraints:** Analyzes governmental and non-governmental constraints to the development of housing. Governmental constraints on affordable housing construction include a lack of local and State funding to support the development of affordable housing, a lack of clarity on permit streamlining processes, higher costs for all housing developments due to a lack of City staff capacity. Both market rate and affordable housing also face constraints from development standards and green building standards. Non-governmental constraints on housing development include environmental constraints such as risk of seismic activity, infrastructure needs for infill housing, rising interest rates, and the high cost of land, materials, and labor in Oakland.

- **Appendix G – Opportunities for Energy Conservation:** Presents opportunities to develop housing in a sustainable manner. While electrification is one of the primary ways to reduce the environmental impact of a building and improve energy performance, residential buildings in Oakland face a range of difficulties when pursuing electrification including lack of electrical panel or service capacity, and the extensive renovations and remediations that the retrofitting for electrification might trigger. Residents and property owners in Oakland have access to a variety of resources to assist with and incentivize residential energy conservation including local and state financing programs, and local resources such as solar rebates and incentives, and assistance with conversions of gas stoves to induction cooktops. Low-income Oakland utility customers who qualify can also take advantage of State and Federal Energy Bill assistance and energy efficiency programs.
- **Appendix H – Glossary.** Defines key terms used in the Housing Element.
- **Appendix I – Public Outreach Materials.** Includes meeting materials, outreach and survey summaries.
- **Appendix J – Proposed Rezoning and Height Changes.** Illustrates proposed rezoning and height changes to increase housing production capacity and unlock additional opportunities for affordable and “missing middle” housing in high-resource neighborhoods and affirmatively further fair housing by opening up exclusionary neighborhoods. The proposed changes are also available as an interactive map.
- **Appendix K – Findings Letter from California Housing and Community Development (State HCD) dated 9/28/22 and Responses.** Provides a brief summary of the changes in response to the State HCD letter and where they were made in the revised draft.
- **Appendix L – Response to Public Comments.** Provides an overview of public comments and staff responses, to illustrate how the revised draft reflect public input received during the public comment period. Appendix L-1 includes comment letters; Appendix L-2 includes responses.
- **Appendix M – Recommended Sites for Future Housing (Upzoning/General Plan Update Opportunity Sites)** The City of Oakland has received a number of housing site recommendations from the public. Some of the sites are in the inventory already (shown in yellow); others have been analyzed for Phase I upzone potential or other applicable zoning changes to facilitate housing development. For sites not included in the inventory, the City will consider land use changes as part of the longer-term General Plan Update.

## 1.5 Relationship to Other General Plan Elements

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State law requires the Housing Element to contain a statement of “the means by which consistency will be achieved with other general plan elements and community goals” (California Government Code, Section 65583(c)(8)). There are two aspects of this analysis: 1) an identification of other General Plan goals, policies, and programs that could affect implementation of the Housing Element or that could be affected by the implementation of the Housing Element, and 2) an identification of actions to ensure consistency between the Housing Element and affected parts of other General Plan elements.

As described above, the City is undergoing a comprehensive update to the General Plan. The General Plan update is undertaken in two phases in order to meet deadlines mandated by State law. Phase 1 focuses on updates to the Housing and Safety Elements, which are due by the beginning of 2023, as well as preparation of a Racial Equity Impact Assessment, Zoning Code and Map update, and a new Environmental Justice Element. Subsequently, Phase 2 will include the update of the Land Use and Transportation (LUTE) Element; Open Space, Conservation and Recreation (OSCAR) Element; Noise Element, and the creation of a new Infrastructure and Facilities Element which are slated to be completed by 2025.

The Land Use and Transportation Element (LUTE) of the Oakland General Plan was last comprehensively updated in 1998. The vision and specific policies contained in the LUTE seek to encourage and facilitate the types of infill, re-use, mixed-use, and central city/corridor-oriented residential development that are the focus of the Housing Element and the City's ability to accommodate its regional housing allocation. Most of the housing to be provided in Oakland will result from the development or redevelopment of underutilized and infill parcels. In addition, rezoning will occur in select areas to accommodate additional density such as parcels around BART stations, along transit corridors, and in existing residential neighborhoods to allow for "missing middle" housing.

The goals, policies, and programs contained within this Housing Element will also inform the strategies included in the updated LUTE. As the Housing Element will be adopted prior to the LUTE update, the general distribution, location and extent of land uses as well as population density and building intensity standards prescribed by the current Planning Code are used to determine the City's ability to accommodate residential development. Some initial amendments to the Land Use and Transportation Element and Planning Code and initial zoning map changes will be made during Phase I; this will allow for upzoning of areas to accommodate additional density on areas near BART stations, along transit corridors, and in existing residential neighborhoods to allow for "missing middle" housing. Anticipated development on these sites is expected to be in compliance with updated policy standards for noise, safety, open space, recreation, and conservation contained in the other General Plan elements.

The policies in the other updated General Plan elements will advance the ability of the City to achieve the objectives contained in the 2023-2031 Housing Element. Likewise, the Housing Element policies will advance the implementation of policies and programs in the other updated General Plan elements. Evaluation of General Plan consistency will be made as part of adoption of the Housing Element. As other elements are updated as part of Phase 2, consistency will be achieved and maintained as part of General Plan adoption and maintained through any General Plan amendments. The City has therefore determined that the updated Housing Element is consistent with the General Plan.

## **1.6 Sources of Information**

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In preparing the City's Housing Element, various sources of information were utilized. As a starting point, the Element used ABAG-prepared local data and AFFH package pre-certified by State HCD for use in sixth cycle housing elements, which provides the basis for population and household characteristics and affirmatively furthering fair housing resources. Where necessary, several



additional and more current sources are used to provide reliable updates of the ABAG data package. The sources used in the ABAG data package and many additional sources are listed below. Public input from members of the public, community-based organizations (CBOs), and community leaders, was also a key source of information for this Housing Element. More details on what information was collected from these partners can be found in Chapter 2.

1. ABAG Pre-Certified Housing Needs Data Package, 2021
  - a. Federal Financial Institutions Examination Council's (FFIEC) Home Mortgage Disclosure Act loan/application register (LAR) files
  - b. U.S. Census Bureau, Census 2000; Census 2010; American Community Survey 5-Year Data (2005-2009 through 2015-2019)
  - c. U.S. Census Bureau, Longitudinal Employer-Household Dynamics, Workplace Area Characteristics (WAC) files, 2002-2018; Residence Area Characteristics (RAC) files, 2002-2018
  - d. U.S. Department of Agriculture, Census of Farmworkers (2002, 2007, 2012, 2017), Table 7: Hired Farm Labor
  - e. U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release
  - f. U.S. Department of Housing and Urban Development (HUD), Continuum of Care (CoC) Homeless Populations and Subpopulations Reports (2019)
  - g. California Department of Developmental Services, Consumer Count by California ZIP Code and Age Group (2020); Consumer Count by California ZIP Code and Residence Type (2020)
  - h. California Department of Education, California Longitudinal Pupil Achievement Data System (CALPADS), Cumulative Enrollment Data (Academic Years 2016-2017, 2017-2018, 2018-2019, 2019-2020)
  - i. California Department of Finance, E-5 series
  - j. California Department of Housing and Community Development (HCD), 5th Cycle Annual Progress Report Permit Summary (2020)
  - k. California Employment Development Department, Local Area Unemployment Statistics (LAUS), Sub-county areas monthly updates, 2010-2021
  - l. California Tax Credit Allocation Committee (TCAC)/California Housing and Community Development (HCD), Opportunity Maps (2020)
  - m. California Housing Partnership, Preservation Database (2020)
  - n. Zillow, Zillow Home Value Index (ZHVI)
2. Freddie Mac, Historical Weekly Mortgage Rates Data, 2015-2021
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4. HUD, CHAS ACS tabulation, 2013-2017 release
5. HUD, Fair Market Rent, 2019
6. HUD, AFFHT0006 Table 12, July 2020
7. U.S. Census Bureau, Census 2000; Census 2010; American Community Survey 5-Year Data (2005-2009 through 2015-2019)
8. California Department of Finance, P-2 series
9. California Department of Food and Agriculture, Certified Farmers' Markets by County, January 2022
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11. California Department of Public Health, Licensed and Certified Healthcare Facility Listing, 2022
12. HCD, AFFH Data and Mapping Resources, 2021
13. HCD, State Income Limits, 2021
14. HCD, Qualified Entities, May 2021
15. TCAC, Nine Percent Application, 2022
16. TCAC, Project Staff Reports 2017-2020
17. ABAG-MTC, Existing and Planned Transit Stops, 2021
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19. Alameda County, Assessor Parcel Data, 2021
20. Alameda County, Historic Assessor Parcel Data, 2014-2015
21. Alameda County, Regional Analysis of Impediments to Fair Housing Choice (AI) for FY 2020/21-2024/25
22. Alameda Housing Authority, Utility Allowance Schedule, 2021
23. EBMUD, Water and Wastewater System Schedules of Rates and Charges, Capacity Charges and Other Fees, July 2021
24. EBMUD, Water Shortage Contingency Plan, 2020
25. City of Oakland, Planning Code, 2022
26. City of Oakland, Staff Reports, 2019-2021
27. City of Oakland, Accela Building and Planning Permits, March 2022
28. City of Oakland, Building Bureau Code Enforcement Division, FY 2020-2021
29. City of Oakland, Building & Planning Department, 2022
30. City of Oakland, Equitable Climate Action Plan, 2020
31. City of Oakland, Housing & Community Development Strategic Action Plan, 2021-2023
32. City of Oakland, Master Fee Schedule and Fee Estimator with Impact Fees, July 2021;

33. City of Oakland, Oakland ADU Initiative, Existing Conditions and Barriers Report, January 2020 (Revised June 2020)
34. City of Oakland, Oakland Equity Indicators Report, 2018
35. City of Oakland, Department of Housing and Community Development, Five Year Strategic Consolidated Plan: Annual Action Plan, 2018-2019
36. City of Oakland, Impact Fee Annual Report, December 24, 2021
37. City of Oakland, Resilient Oakland Playbook, October 10, 2016
38. City of Oakland, 2016-2021 Local Hazard Mitigation Plan (LHMP)
39. Oakland Housing Authority, Draft Making Transitions Work Annual Plan, FY 2023
40. Oakland Department of Transportation, Geographic Equity Toolbox Planning Areas, 2020
41. Oakland Housing Authority, August 2021
42. City of Berkeley, Building Permit Fee Estimator, 2022 and Affordable Housing Mitigation Fee Ordinance, October 2020
43. City of Emeryville, Master Fee Schedule, July 2021 and Development Impact Fees, FY 2020-2021
44. City of Richmond, Master Fee Schedule, July 2020
45. City of San Francisco, Development Impact Fee Register, December 2021 and Planning Department Fee Schedule, August 2021
46. City of San Jose, Planning Application Filing Fee Schedule, August 2021, Building and Structure Permits Fee Schedule, August 2021, and Inclusionary Housing Ordinance Schedule of Fees, April 2021
47. Economic & Planning Systems, Inc., Downtown Oakland Specific Plan: Incentive Program Feasibility Study, July 10, 2020
48. Hausrath Economics Group, Oakland Affordable Housing Impact Fee Five-Year Review, December 23, 2021
49. California Housing Partnership, Preservation Database, February 2022
50. Urban Displacement Project, 2018 and 2019
51. National Association of Realtors Research Group, Downpayment Expectations & Hurdles to Homeownership, April 2020
52. Yelp, 2022
53. Zillow, Mortgage Rates, October 2021
54. Zillow, ZHVI, December 31, 2010, and December 31, 2020

## 2 Public Participation

Inclusive engagement and public participation have been key to the preparation of Oakland's Housing Element. Public participation is an ongoing process that will continue to occur as the General Plan is updated. Outreach completed as part of phase 1 of the update process will continue to inform phase 2 of the General Plan update. All community outreach is conducted through a racial equity lens to identify actions to affirmatively further fair housing, increase community assets, decrease pollution exposure, and improve overall health.

The community engagement effort is composed of an extensive outreach process that seeks to engage stakeholders throughout the community, with additional resources dedicated to engaging communities historically underrepresented and excluded from traditional planning processes and often most negatively impacted by City policies and represents a diligent effort to include public participation from all economic segments of the community, consistent with outreach requirements under AB 686. 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. Outreach that informed the development of this Housing Element is summarized in the following chapter, and materials used in the outreach process are included in Appendix I. Appendix J provides an overview of public comments and staff responses to illustrate how the revised draft reflect public input received during the public comment period.

### 2.1 Summary of Community Outreach Activities

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#### GENERAL PLAN UPDATE OUTREACH

The City, based on feedback received from community members, implemented an innovative approach by bringing on two collaborating consultant teams to assist on the General Plan Update. The City partnered with both a Community Consultant Team – Deeply Rooted Collaborative, and a Technical Consultant Team – Dyett and Bhatia, to ensure a planning process that: 1) meets state deadlines and requirements for the GPU, and 2) dedicates significant resources to deep and meaningful community engagement. The Community and Technical Consultants coordinate closely. The team leads meet weekly, and the entire project team meets biweekly to share key findings and provide feedback. Both Community Consultant and Technical Consultant outreach and feedback is incorporated into all components of the Housing Element. This approach aligns with advancing the City's critical mission of creating a just and fair City for all (Oakland Municipal Code Section 2.29.170.1).

Community engagement efforts for the General Plan Update include an extensive and inclusive outreach process, engaging stakeholders throughout the community with additional resources

dedicated to engaging communities historically underrepresented and excluded from traditional planning processes and most negatively impacted by City policies.

The Community Consultant Team, Deeply Rooted Collaborative, focuses on engagement with the following key communities and geographic areas:

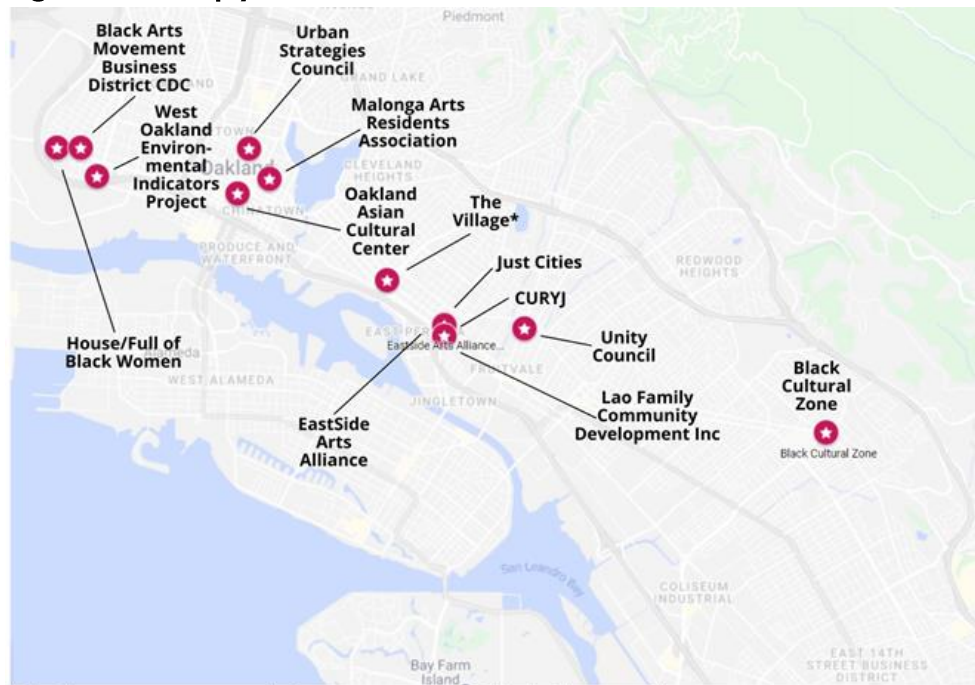
- Communities: Unhoused; formerly incarcerated; low-income Asian, Pacific Islander, Black, Latinx, multiracial communities including those experiencing environmental injustices
- Outreach Geographies: Fruitvale, West Oakland, East Oakland, Chinatown, Eastlake, San Antonio

Deeply Rooted has three organizations providing central support through the design and coordination of the overall structure for community engagement, providing technical assistance and community education in planning, and administrative support.

- EastSide Arts Alliance | Cultural Programming Partner
- Just Cities | Technical Assistance/Community Education Partner
- Urban Strategies Council | Administrative Partner

The Deeply Rooted Collaborative in partnership with community partners as shown in Figure 2-1. Deeply Rooted's community partner roles are listed in Table 2-1.

**Figure 2-1: Deeply Rooted Collaborative**



**Table 2-1: Deeply Rooted Collaborative Community Partner Roles**

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

## Community Engagement and Outreach Summary

A variety of outreach activities such as workshops, focused discussions, pop-ups, open houses, porch chats, and community hub events are planned throughout the entire process. All community

input shared will be used to ground truth data based on peoples' lived experience, inform areas of focus for the update of General Plan elements, and guide development of General Plan policies.

Input related to housing overlaps with many General Plan topic areas and will be incorporated into both the eight-year Housing Element Update as well as into elements with a longer planning horizon, such as the Land Use and Transportation, Environmental Justice, and Safety Elements. A summary of the General Plan update project schedule is provided in Chart 2-1. Information on all community engagement events, including engagement summaries; workshop and townhall presentations, recordings, meeting summaries; and discussion group summaries, are provided via the General Plan Update website at <https://www.oaklandca.gov/topics/meetings-and-events>. A summary of these engagement activities is described below:

- Popup and Community Hub Events:** Since November 2021 to March 2022, the GPU Deeply Rooted Collaborative has conducted pop-up events in Eastmont, Fruitvale, San Antonio, Chinatown, West Oakland, and Downtown. For example, in West Oakland these events have been porch-side chats and a pop-up at Hoover Elementary. Engagement has also been integrated into larger community events like the Oakland Asian Cultural Center's (OACC) Asian Pacific New Year Celebration and the Black Joy parade. At these community-embedded events, the team has engaged with over 1,006 people, with a majority being individuals from communities of color. These events sought to hear community concerns, ideas and solutions through interviews and focus group conversations. Community concerns that rose to the top included affordability, displacement, disinvestment, housing quality, pollution (industry and cars), lack of parks, collisions, and illegal dumping.
- Townhalls:** Two townhalls were held on March 26, 2022, and April 7, 2022. The townhall on March 26, 2022, introduced the General Plan Update process and gathered community input on a vision for the City in 2045, as well as local issues and opportunities that should be addressed in the General Plan. The townhall on April 7, 2022, focused on equity across all issues, with a special focus on EJ and safety priorities in the City.
- Community Education Workshops:** Two community education workshops were hosted on April 8, 2022, and April 9, 2022, and organized by the Deeply Rooted Collaborative Community Engagement partner to review the past and present policies that led to today's conditions in housing and environmental justice. Over 100 people attended the workshops. Speakers included Oakland unhoused leader Needa Bee (The Village in Oakland), EJ leader Ms. Margaret Gordon (West Oakland Environmental Indicators Project), Margaretta Lin (Just Cities) and Diana Benitez (Just Cities). Attendees shared their frustration regarding ongoing displacement and disinvestment and various community-centered solutions that would bring much needed resources to communities of color in Oakland without displacement.
- Youth Engagement:** Youth engagement for the GPU will take the form of a Deeply Rooted Fellowship with 15 – 20 fellows. The Fellowship will be a 2-to-3-year commitment and fellows will be provided with a monthly stipend. Planning, design, and training of the fellowship program will be done in coordination with Y-Plan. Fellows will coordinate with the Oakland Youth Advisory Commission (OYAC) and will be engaged in outreach activities such as community-based events, presentations to the community and schools,

and social media outreach. Recruitment began in April 2022. On August 31, 2022, twenty (20) young leaders were selected as inaugural Deeply Rooted (DR) Fellows. These young people will lead DR outreach efforts to engage Oakland's youth in the GPU update. DR Fellow activities will include interviewing and surveying young people about their visions and aspirations for the City; educating elementary, middle and high school students about the OGP; gathering data and conducting research to identify the challenges young people face in the City and their proposed solutions; and, implementing a social media campaign to increase youth awareness of the GPU.

- **Neighborhood Group Meetings:** Staff are working with Neighborhood Service Coordinators to present at Neighborhood Crime Prevention Councils (NCPCs) on topics including housing, environmental justice, industrial lands and safety and natural hazards and receive feedback. Staff have presented at several NCPCs and will continue to engage and obtain feedback. Staff are presenting to other Neighborhood – Community groups, faith-based organizations, and at other community congregation events as well.
- **Equity Working Group:** Convened by the Deeply Rooted Collaborative, the Equity Working Group (EWG) is comprised of 20 diverse community members who will: 1) Identify the major challenges and impacts of the General Plan (housing, safety, environmental justice, land use, transportation, and parks); and 2) Advocate for solutions that advance equitable and healthy communities for Oakland residents. Each member will receive a stipend. 20 EWG members who met the following criteria were selected through an interview process from a total of 66 applicants:
  - Hard to reach communities: People from communities that the City traditionally has trouble engaging with including Indigenous, unhoused, formerly incarcerated, low-income, Asian, Black, Latinx, multiracial, people with disabilities, undocumented, and people experiencing environmental injustices.
  - In target geographic areas of: West Oakland, East Oakland, Chinatown, and Fruitvale.
  - Age diversity: People at different stages of their lives to ensure varied knowledge and experiences.
  - Diversity of gender and sexual orientation: To ensure women's and LGBTQ+ perspectives are included in this process.
  - People who own small businesses in Oakland.

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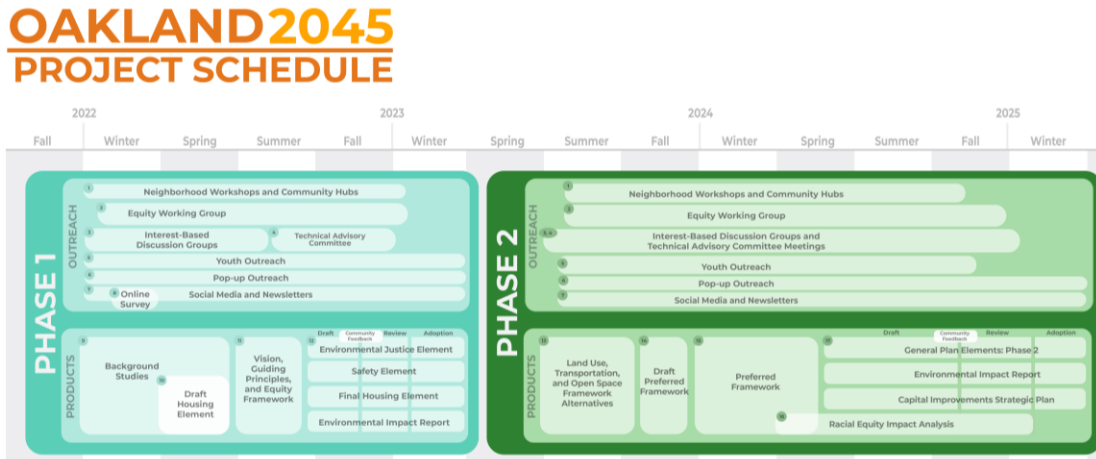
Additional information about the EWG selection process can be found at <https://www.oaklandca.gov/news/2022/general-plan-equity-working-group-members-selected>.

- **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 second TAC meeting was held on March 7, 2022 and TAC members provided recommendations for housing strategies/actions for housing production, preservation, and protections.



- **Study Sessions with Official Decision-Making Bodies:** The Planning Commission, City Council, and various boards and commissions are active participants in the GPU and will have opportunities to provide direction at each Stage in the process. The project team will continue to 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. The Planning Commission and Special Community & Economic Development Committee met on February 2nd and February 22nd to discuss potential housing site locations and recommended housing strategies and actions.

**Chart 2-1: Oakland 2045 Project Schedule**



## HOUSING ELEMENT OUTREACH

To supplement efforts that were part of the General Plan update, a series of targeted activities related to housing were held prior to the release of the public Draft Housing Element. Additional opportunities for feedback will occur after plan release as well. These efforts are summarized in Chart 2-2 and described below:

**Chart 2-2: Housing Element Outreach Timeline**



**Housing Workshops:** The team hosted four virtual housing workshops on February 10, 2022, February 17, 2022, March 12, 2022, and June 9, 2022 to solicit feedback on the Draft Housing Element. Approximately 200 people participated in these three virtual workshops. The first workshop provided background information on the General Plan, the Housing Element, and housing sites inventory requirements. Workshop 2 sought to gather input on potential housing programs. Workshop 3 focused on community input on strategies to preserve existing affordable housing, protect tenants, and prevent displacement. Workshop 4 was held on June 9, 2022, and

sought Oaklanders' input on housing sites and proposed strategies included in a public review Housing Element draft before sending it to the California Department of Housing and Community Development (State HCD). Summaries of these workshops are included in Appendix I.

**Discussion Groups:** A series of focus group discussions were held on the housing-related topics to solicit targeted feedback from organizations and individuals with direct experience with housing provisions and housing-related services. Discussion participants included organizations that may not have traditionally participated in the past including housing justice advocates, tenant rights organizations, faith-based organizations, and other community organizations.

Summaries of these meetings, including the names of participating groups, are provided in Appendix I; see below for the themes of the discussion groups:

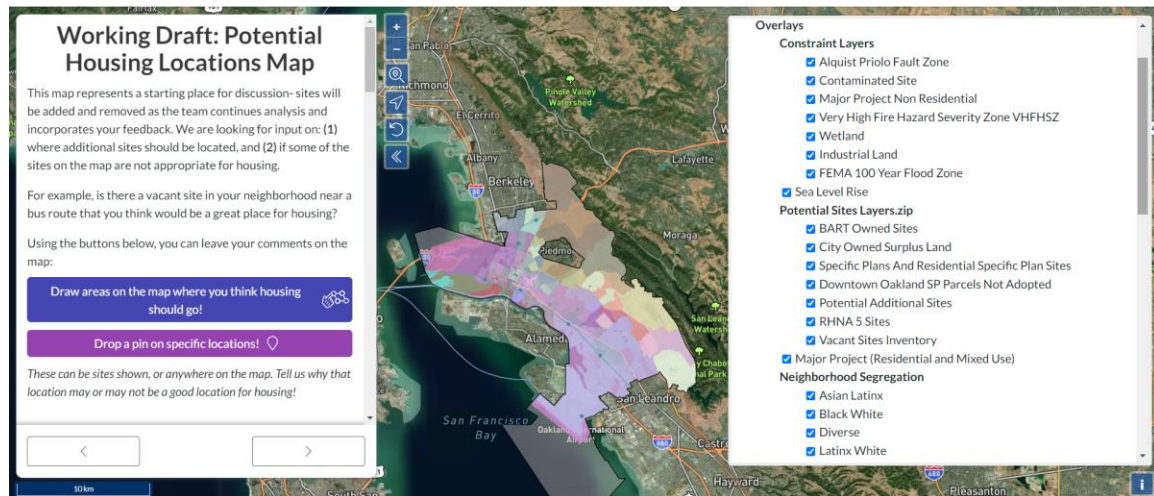
- Focus Group Discussion 1 (February 2, 2022): Housing Sites
- Focus Group Discussion 2 (March 10, 2022): Production, Preservation, and Protections
- Focus Group Discussion 3 (June 8, 2022): Draft Housing Element

### **Housing Element Update Survey**

The Oakland Housing Element Update Survey accompanied the first housing workshop on planning where housing should go. The survey was open from February 11, 2022, through March 7, 2022, received 480 individual responses, and generated a total of 1,976 unique map responses. It included two interactive mapping questions regarding potential locations for future housing in the city of Oakland.

The interactive map in the survey displayed the initial sites under consideration for the Housing Element and focused on identifying community priorities and recommendations for additional locations. See Figure 2-2 below for a snapshot of the interactive map. As an optional component of the survey, respondents were asked to describe their zip code, and race or ethnicity. The results of this survey guided the selection of sites identified in Chapter 3 and Appendix C, and a summary of the survey's findings is provided in Appendix I.

**Figure 2-2: Interactive Map Survey Snapshot- Draft Housing Element Plan Release**



The Draft Housing Element was released on May 12, 2022 and was made available at <https://www.oaklandca.gov/topics/oakland-general-plan-2045-housing-element>. Pursuant to AB 215, the city made the first draft available for public review for 32 days between May 12, 2022, to June 13, 2022.

The City also created an interactive Konveio page so the community could read, post comments, and submit questions on the Draft Housing Element and Appendices. During the 30-day mandatory public review period, a fourth Housing Element workshop was held on June 9th to describe the community outreach process and Housing Element content (with particular focus on the Sites Inventory and Housing Action Plan) and provide opportunity for the members of the public to ask questions.

During this initial comment period, the City received 18 letters from Oakland residents and organizations. Staff also sought feedback on the 2023-2031 Draft Housing Element from the Community and Economic Development (CED) Committee of the Oakland City Council on May 24, 2022, and from the Planning Commission on May 18, 2022, and June 1, 2022. City staff incorporated changes to the draft prior to submittal to State HCD where it was feasible to do so within the short time period.

The city provided its draft Housing Element to State HCD for the first 90-day review period on June 30, 2022. The Draft Housing Element (clean and redlined versions) submitted to State HCD is available at <https://www.oaklandca.gov/topics/oakland-general-plan-2045-housing-element>.

## **EXTENDED PUBLIC REVIEW PERIOD FOR COMMUNITY FEEDBACK**

To ensure that the community had enough time to review and comment, the City committed to keeping the first draft of the Housing Element available for public comment during the 90-day State HCD review period, until September 30, 2022. The first Draft Housing Element was available for public review and feedback for a total of 142 days between May 12, 2022, until September 30, 2022.

Staff presented the draft Housing Element to neighborhood and community groups such as Monarch Senior Homes – Satellite Affordable Housing Associates (SAHA) development, East Bay Housing Organizations (EBHO)’s Oakland Committee, [Allen Temple Public Ministry’s Virtual Townhall](#), [Rockridge Community Planning Council \(RCPC\) Townhall](#) and the Piedmont Avenue Neighborhood Improvement League (PANIL). Finally, staff conducted study sessions with the City Council and Planning Commission in October to seek additional feedback on the 2023-2031 Draft Housing Element.

### **Equity Working Group**

Between June 2022 and October 2022, the Equity Working Group (EWG) group met eight times to provide feedback and housing policy recommendations on the 2023-2031 Draft Housing Element. EWG members also shared a list of their housing policy recommendations and met with the Directors from the Planning and Building (PBD), Human Services Department (HSD), Oakland Housing and Community Development (Oakland HCD) and the Office of the City Administrator (CAO) and the CAO Homelessness Division to review the policy recommendations.

### **Response to Public Comments**

Appendix L provides an overview of public comments and staff responses, to illustrate how the revised draft reflect public input received during the public comment period.

### **Analysis of Impediments to Fair Housing Choice**

The assessment of fair housing contained in Appendix D relies in part on outreach done in preparation of Alameda County’s 2020 to 2024 Regional Analysis of Impediments to Fair Housing Choice (AI).<sup>17</sup> Historically, Oakland has prepared its own AI every five years as a U.S. Department of Housing and Urban Development (HUD) requirement. However, in 2020, the City joined various Alameda County cities and Housing Authority agencies to complete a regional AI.

A year-long community engagement process for the 2020 to 2024 AI consisted of three meetings and a seven-page survey between June 2019 – November 2019. The survey was translated into multiple languages and distributed to priority populations (those most impacted by fair housing issues) via local organizations. Priority populations include racial and ethnic minorities, people experiencing homelessness, people with limited English proficiency, people with disabilities, and people residing in Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs). The survey received 3,296 responses. Key data from the 2020 to 2024 AI is used in the Assessment of Fair Housing in Appendix D: Affirmatively Furthering Fair Housing.

### **Housing Element Community Education Materials**

The GPU Deeply Rooted in Oakland Partnership is preparing a Housing Element community education summary intended to synthesize the complex and lengthy housing element as well as

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<sup>17</sup> Alameda County, “Regional Analysis of Impediments to Fair Housing Choice.” February 2020. Accessible at [https://cao-94612.s3.amazonaws.com/documents/ALAMEDA-COUNTY-REGIONAL-ANALYSIS-OF-IMPEDIMENTS-TO-FAIR-HOUSING-Final-AI\\_Combined\\_2-24-20.pdf](https://cao-94612.s3.amazonaws.com/documents/ALAMEDA-COUNTY-REGIONAL-ANALYSIS-OF-IMPEDIMENTS-TO-FAIR-HOUSING-Final-AI_Combined_2-24-20.pdf)

community priorities heard throughout the year of outreach and conversations with Oaklanders (i.e., pop-ups, Equity Working Group, Deeply Rooted Community Partners). This summary will provide a focused look at housing issues and their structural roots, key points, community solutions and what policies were integrated into the element to help address these issues. It will also provide a deep dive into people's history and how it shaped housing quality, access, and opportunity for the following areas: Citywide, Chinatown, East Oakland, West Oakland, and North Oakland. The summary is expected to be released in winter/early spring of 2023.

## 2.2 Public Participation Themes

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Across discussion groups, workshops, EWG meetings, and other community engagement events, several key themes emerged that informed development of this Housing Element Update's goals, policies, and actions. This list is not comprehensive, but the key themes listed below are reflected in the overarching goals identified in Chapter 4: Housing Action Plan. The goals, policies, and actions seek to significantly address disparities in housing needs and in access to opportunity, replace segregated living patterns with truly integrated and balanced living patterns, transform racially and ethnically concentrated areas of poverty into areas of opportunity, foster and maintain compliance with civil rights, and affirmatively further fair housing.

- **Address Homelessness: “Housing is a Human Right.”** A common refrain from participants was that Oakland should recognize housing as a human right and focus on addressing the homelessness crisis. As experts from the National Law Center on Homelessness and Poverty note, “a right to adequate housing is not a requirement that states build free housing for the entire population, rather, it devotes resources and protective measures to prevent homelessness, discrimination, and promote permanent stable housing.”<sup>18</sup> Participants expressed distrust with the City and frustration with the current unaffordability of housing and ongoing displacement. They suggested a wide variety of strategies to house the unhoused community, including treating unhoused populations with dignity, stopping the current encampment management policy, more flexible building types, temporary units, permanent supportive housing, RVs/safe parking zones, tiny homes, manufactured housing, and working with the unhoused community to understand their needs and priorities. Participants discussed methods for addressing the homelessness crisis, including a moratorium on market rate housing to balance the speed at which housing is built with the need to ensure that new housing is high-quality, affordable, and habitable, partnering with community groups that work with unhoused communities, and creating housing options that include wrap-around services. The Housing Element incorporates this input in the following ways:
  - **Goals:** 1, 2, 3, 4
  - **Policies:** 1.1, 2.2, 3.1, 3.3, 3.5, 3.6, 3.7, 4.1, 4.2, 4.3

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<sup>18</sup> <https://www.kqed.org/news/11801176/what-would-housing-as-a-human-right-look-like-in-california>

- **Actions:** 1.1.1 through 1.1.14, 2.2.1 through 2.2.8, 3.1.1, 3.1.2, 3.3.1 through 3.3.7, 3.3.9, 3.3.11 through 3.3.15, 3.3.17, 3.3.18, 3.5.1 through 3.5.3, 3.6.1, 3.6.2, 3.6.5, 3.7.1, 3.7.2, 3.7.4, 3.7.6, 4.1.1 through 4.1.4, 4.2.1 through 4.2.5, 4.3.1 through 4.3.6
- **Protect Oakland Residents from Displacement and Preserve Existing Affordable Housing.** Over the last two decades, housing costs in Oakland have risen dramatically – meaning many Oakland residents cannot afford to buy or rent a home within their own neighborhood. Participants expressed frustration with increasing displacement pressures while the stock of affordable housing throughout the city decreases, including both subsidized housing and “naturally occurring affordable housing” – or unsubsidized housing that is affordable at market prices. Participants also discussed how Oakland’s cultural institutions and history are at risk of loss due to continuing gentrification. To mitigate the pressures of displacement and gentrification, Oakland residents suggested a number of potential anti-displacement strategies, including enhanced rent stabilization measures, stronger just cause for eviction protections, increased enforcement of anti-harassment tenant protections, and historic preservation programs to preserve cultural institutions. Participants also discussed ways to preserve the city’s existing affordable housing stock, including the implementation of a Community/Tenant Opportunity to Purchase Act, innovative solutions to maintain permanent affordability like community land trusts, additional acquisition and conversion to affordable housing efforts, live/work preferences for Oakland residents, and programs to physically rehabilitate homes to allow long-time residents to enjoy new community amenities. Participants also pointed to a need for better data collection to ensure accountability and to better understand and target anti-displacement resources. The Housing Element incorporates this input as through the following goals, policies, and actions:
  - **Goals:** 1, 2, 3
  - **Policies:** 1.1, 2.1, 2.2, 3.3, 3.5
  - **Actions:** 1.1.1 through 1.1.14, 2.1.1 through 2.1.6, 2.2.1 through 2.2.8, 3.2.7, 3.3.12, 3.3.18, 3.5.1, 3.5.2, 3.5.4
- **Focus on Building more Housing Affordable to Extremely Low, Very Low, Low, and Moderate Incomes.** Producing new affordable and deeply affordable housing options was identified as a key strategy to prevent displacement. There were varying opinions about new market rate housing; some participants expressed that the City is currently facing a housing supply shortage, and must add new units of all types, while other participants felt that the City most sorely needs affordable housing and as such should focus explicitly on this type of construction. Groups discussed a wide range of strategies to build more inclusive neighborhoods add more affordable housing units in Oakland, including: legalizing existing nonconforming housing units, inclusionary zoning, changing the zoning to increase density in primarily single-family areas like Rockridge, supporting homeowners in the construction of accessory dwelling units (ADUs), City land acquisitions to build new permanently affordable housing and create community land trusts, and reducing the amount of discretionary review required for new housing projects. Other recommendations included creating housing commission and neighborhood planning councils for ongoing resident leadership to decide the kind of housing development. The City of Oakland recognizes the need to increase housing supply generally, and, with

priority given to increasing housing affordable to very-low-, low-, and moderate-income households in the following ways:

- **Goals:** 3
- **Policies:** 3.1 through 3.8
- **Actions:** 3.1.1, 3.1.2, 3.2.1 through 3.2.6, 3.3.1 through 3.3.18, 3.4.1, 3.4.3 through 3.4.11, 3.5.1 through 3.5.4, 3.6.1 through 3.6.5, 3.7.4 through 3.7.6
- **Address Housing Quality Issues.** Housing quality issues can have detrimental impacts on people’s physical and mental health. Through neighborhood outreach processes, many Oaklanders described housing quality issues they were living with, such as overcrowding, unsafe building conditions, and lack of maintenance, caused by landlord neglect, lack of funds for upkeep or housing burden, or fear of reporting these issues. Community-recommended strategies to address these issues included programs/grants to landlords and homeowners to make repairs; universal design to allow all Oaklanders to remain in their homes as they age, or to help mobility-impaired residents; and tax credits or programs to address other housing habitability concerns, like indoor air quality. The Housing Element addresses housing quality issues in the following ways:
  - **Goals:** 2, 5
  - **Policies:** 2.1, 5.2
  - **Actions:** 2.1.1 through 2.1.6, 3.3.12, 5.2.1, 5.2.5, 5.2.6
- **Keep Oakland Communities Together.** All Oakland neighborhoods deserve high-quality amenities, more affordable housing, and other public investments, especially in areas that have suffered from disinvestment of the past. However, concerns about gentrification and displacement associated with new investment were top of mind for many Oaklanders. Scores of people expressed how difficult it was to pay the rent in light of rising costs. People who have long generational roots in Oakland have been displaced but continue to come to Oakland to be with community and work. This includes a significant loss (30 percent) of Oakland’s Black population from 2000 to 2019. As some community members noted, Oakland neighborhoods are like villages where people care for and nurture each other, and displacement means these villages are fragmented, and culture is lost. Oaklanders recommended creative ways to bring back displaced people as homeowners, such as support for co-ops, land trusts, and shared multi-unit buildings. Other creative ways to prevent displacement include creation of cultural district/anti-displacement zones, a human health/socioeconomic impacts analysis to analyze displacement and homeless impacts of market rate projects before the City provides permits or zoning changes. Another way they saw keeping Oakland communities together was through investment to the most impacted communities via municipal reparation to redress Oakland’s history of eminent domain and urban renewal and for Black Americans who are descendants of chattel slavery. The Housing Element addresses displacement and cultural preservation in the following ways:
  - **Goals:** 1, 2, 5
  - **Policies:** 1.1, 2.1, 2.2, 3.5, 5.1, 5.3



- **Actions:** 1.1.1 through 1.1.14, 2.1.4, 2.2.1 through 2.2.8, 3.2.2, 3.3.8, 3.3.12, 3.3.18, 3.5.1 through 3.5.4, 5.1.1 through 5.1.3, 5.3.1 through 5.3.3
- **Building in Accountability and Success Metrics.** Oaklanders desire more transparency around housing issues and actions in the City, and to be heard by elected officials and City departments stressing the importance of setting transparent and data-driven metrics to measure the success of various housing programs, and building in accountability measures to ensure that the City can meet its goals. The Housing Elements aims to increase transparency and accountability in the following ways:
  - **Goals:** 1 through 5
  - **Policies:** 1.1, 2.1, 3.2, 3.3, 3.7, 4.1, 4.2, 4.3, 5.1, 5.2
  - **Actions:** 1.1.8, 1.1.9, 2.1.3, 3.2.5, 3.3.13, 3.3.17, 3.7.1, 4.1.2, 4.2.4, 4.3.1, 5.1.1, 5.1.2, 5.1.3, 5.2.11

### 3 Summary of the Housing Sites Inventory

The Housing Element of the General Plan must include an inventory of land suitable and available for residential development to meet the city's regional housing needs allocation (RHNA) by income level. This inventory is known as the Housing Sites Inventory ("Inventory"). This chapter provides a summary of the full Sites Inventory, available in Appendix C.

#### 3.1 Regional Housing Needs Allocation

As required by State housing law, all California cities and counties must plan for the housing needs of all their residents, at various income levels. This number is called the Regional Housing Needs Allocation (RHNA). For the planning period 2023 to 2031 (also known as the 6th housing cycle), Oakland must plan for 26,251 new units, or approximately six percent of the total allocation for the nine-county Bay Area region. Oakland's allocation is a 77.8 percent increase from the prior cycle's allocation of 14,765 new units, but many nearby jurisdictions have been assigned a larger percentage increase than Oakland compared to their prior RHNA allocation. This is in alignment with the regional goal of ensuring all cities and counties are affirmatively furthering fair housing. Table 3-1 shows the income breakdown of the Oakland RHNA with an additional buffer, as recommended by the State, to account for any loss due to reductions in density.

**Table 3-1: Oakland Regional Housing Needs Assessment, 2023-2031**

<i>Income Level<sup>1</sup></i>	<i>Needed Units</i>	<i>Needed Units with 15% Buffer</i>	<i>Percent of Needed Units</i>
Very-Low-Income (0-50% AMI)	6,511	7,488	24.8%
Extremely-Low-Income (<30% AMI; part of Very-Low-Income in previous row) <sup>2</sup>	3,256	3,745	-
Low-Income (51-80% AMI)	3,750	4,313	14.3%
Moderate-Income (81-120% AMI)	4,457	5,126	17.0%
Above-Moderate-Income (>120% AMI)	11,533	13,263	43.9%
<b>Total</b>	<b>26,251</b>	<b>30,189</b>	<b>100.0%</b>

1. Income levels reflect Alameda County Area Median Income. 2022 AMI limits are available at [https://www.acgov.org/cda/hcd/hud-income-rent\\_limits.htm](https://www.acgov.org/cda/hcd/hud-income-rent_limits.htm).

2. Extremely-low-income housing need is assumed to be 50 percent of very-low-income housing need, pursuant to Government Code Section 65583(a). Although extremely-low-income housing need is not explicitly projected in the RHNA, this group often requires the most subsidy and assistance to generate a sufficient number of housing units.

Source: ABAG, Final RHNA Plan, December 2021

## 3.2 Capacity to Accommodate the RHNA

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Government Code Section 65583.2(c) requires that local jurisdictions determine their realistic capacity for new housing growth by means of a parcel-level analysis of land resources with the potential to accommodate residential uses. Oakland's analysis of potential to accommodate new housing growth has considered physical and regulatory constraints, including: lot area and configuration, environmental factors (e.g. slope, sensitive habitat, flood risk), allowable density, and other development standards such as parking requirements and building height limits.

Based on the City's current General Plan and zoning regulations, there is sufficient capacity to accommodate its RHNA allocation with a buffer. In addition, rezoning will occur in select areas to accommodate additional density such as parcels around BART stations, along transit corridors, and in existing residential neighborhoods to allow for "missing middle" housing. This rezoning proposal will unlock new sites that can accommodate affordable housing within high resource neighborhoods. Sites included in the inventory reflect those that are most likely to develop during the planning period and meet the RHNA; sites that are newly made available by one of the rezoning efforts identified in the Housing Action Plan are not considered as part of this inventory since they do not reflect zoning conditions at the beginning of the Housing Element update process.

The Inventory identifies sufficiently zoned land to accommodate the Oakland RHNA at all income levels. The inventory is divided into two major groups:

- Sites where development is underway or approved (known as "pipeline projects") or otherwise can be credited to meet the RHNA (such as Accessory Dwelling Units, or ADUs); and
- Opportunity sites where additional development could occur. This includes 1) potential development projects, where projects may be in pre-approval; sites from the previous RHNA cycle that remain available for development; and new opportunity sites, which includes both vacant and non-vacant sites and consists of City-owned sites, sites owned by Bay Area Rapid Transit (BART) or other government agencies, sites located within a specific plan area, and other sites with expressed or potential development interest.

The analysis of nonvacant properties included only those properties with realistic potential for additional development, in light of 1) existing uses on the site; 2) prevailing market conditions; 3) recent development trends; 4) expressed interests in housing development from property owners or developers; and 5) regulatory and/or other incentives to encourage recycling or intensification of existing development.

A summary of capacity by housing units to meet the Oakland RHNA is provided in Table 3-2, below. The complete 2023-2031 Inventory is provided in Table C25 of Appendix C, and can be seen in Figure 3-1 below.

**Table 3-2: Summary of Residential Capacity to Accommodate the 2023-2031 Oakland RHNA**

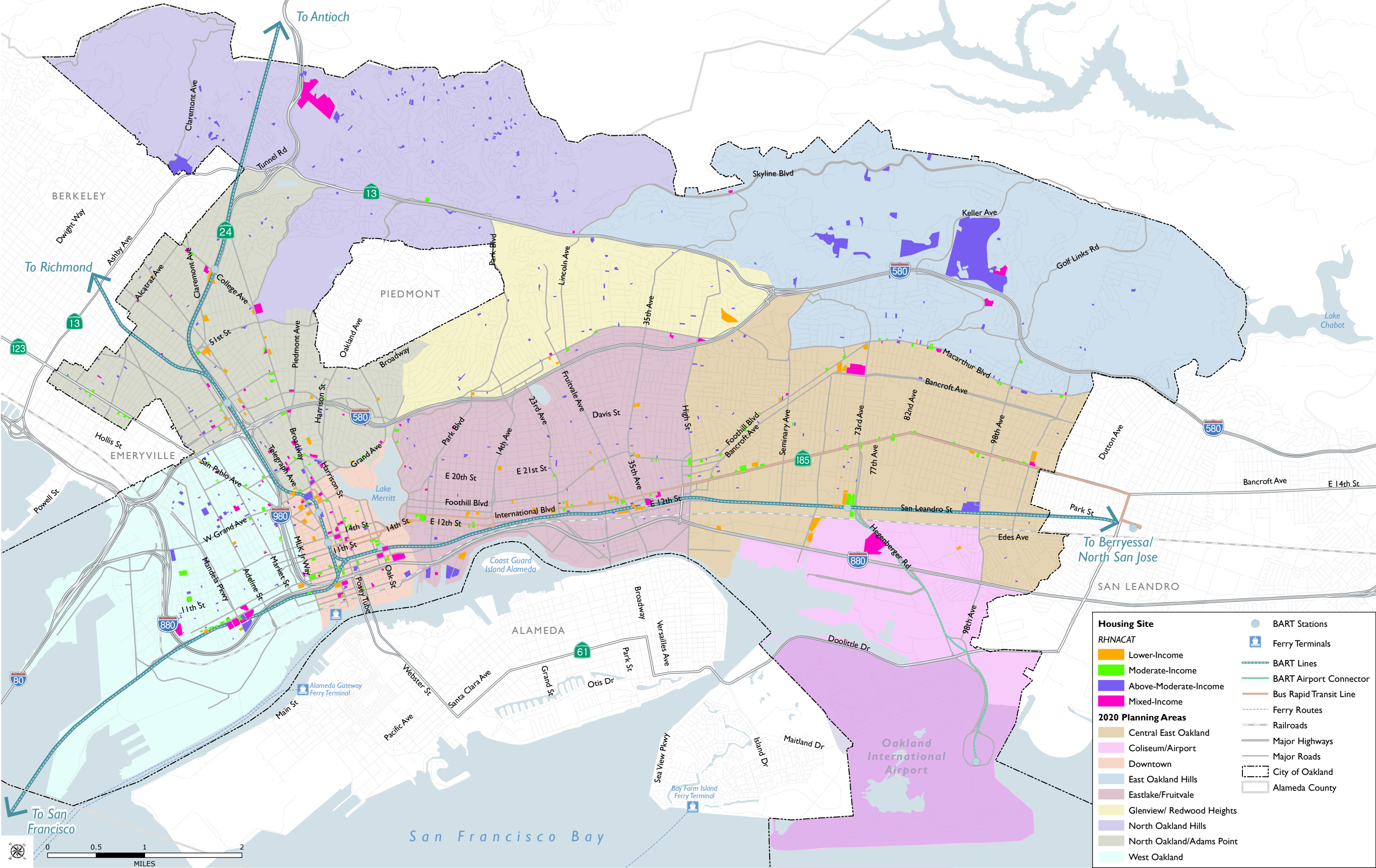
	Residential Units				Total
	Very-Low-Income <sup>1,2</sup>	Low-Income <sup>1</sup>	Moderate-Income	Above-Moderate-Income	
Total Credits	2,010 <del>3</del>	2,247	776	9,936 <del>3</del>	14,969
Pipeline Projects	1,238 <del>44</del>	1,555	182	9,934 <del>4</del>	12,909
Projected ADUs	692	692	594	0	1,978
Adequate Sites Alternative	80	0	0	2	82
Potential Development Projects <sup>3</sup>	374	1,494	240 <del>194</del>	5,278 <del>5,374</del>	7,386 <del>7,437</del>
Vacant	203	787	23	1,156	2,168
Non-Vacant	172	707	217 <del>171</del>	4,122 <del>4,218</del>	5,218 <del>5,269</del>
Available 5th Cycle RHNA		715 <del>746</del>	3,385 <del>3,578</del>	374 <del>380</del>	4,474 <del>4,704</del>
Vacant		232 <del>3</del>	596 <del>596</del>	33	622 <del>622</del>
Non-Vacant		692 <del>723</del>	2,789 <del>2,982</del>	371 <del>377</del>	3,852 <del>4,082</del>
New Opportunity Sites		5,082	895	2,035	8,012
Vacant		142	218	0	360
Non-Vacant		4,940	677	2,035	7,652
Total Capacity	11,922 <del>11,956</del>	5,286 <del>5,443</del>	17,623 <del>17,722</del>	34,831 <del>35,122</del>	
6th Cycle RHNA	10,261	4,457	11,533	26,251	
RHNA + 15% Buffer	11,801	5,126	13,263	30,189	
Surplus Over RHNA	1,661 <del>1,695</del>	829 <del>986</del>	6,090 <del>6,189</del>	8,580 <del>8,871</del>	
	116.2% <del>116.5%</del>	118.6% <del>122.1%</del>	152.8% <del>153.7%</del>	132.7% <del>133.8%</del>	

1. Low- and very-low-income capacity on opportunity sites is consolidated per default density assumptions as described in Government Code Section 65583.2(c)(3).

2. Extremely-low-income housing need is assumed to be 50% of the total very-low-income housing need, or about 3,256 units.

3. Potential development project totals are reduced by 10% to account for likelihood of pre-application or early-phase planning permits that may not move forward.

Source: ABAG, Final RHNA Plan, December 2021; City of Oakland, 2022





## **CREDITS TOWARDS THE RHNA**

State HCD Guidance provides that the RHNA can be accommodated by looking at: 1) projects that are currently in the development pipeline; and 2) by considering alternative means of meeting the RHNA, such as projected accessory dwelling units (ADUs) and a limited number of rehabilitated, converted, or preserved units affordable to lower-income households.

### **Pipeline Projects**

Pipeline projects are projects that have been approved, permitted, or will receive a Certificate of Occupancy during the projection period (June 30, 2022, to December 15, 2030) and can be credited toward the City's 6th cycle RHNA. Using data from the City's Accela permitting system, 336 pipeline projects with 12,593 units are spread across the city, with the majority in the Downtown, West Oakland, Eastlake/Fruitvale, and North Oakland/Adams Point areas. Based on the affordability levels or projected rents specified on the project proposal, approximately 21.5 percent of pipeline capacity is affordable for lower-income households, while 1.3 percent is affordable for moderate-income households. The remainder is assumed to be affordable for above-moderate-income households. All pipeline projects are shown in Table C-5a and b, and shown in Figure C-2 in Appendix C.

### **Projected ADUs**

Cities may consider the development potential of ADUs or junior ADUs (JADUs) to meet their RHNA using past building permit approval patterns since 2018. From 2018 to 2021, approximately 247 ADU permits were issued annually in the City of Oakland. Using a conservative estimate, the City anticipates approximately 1,978 ADUs, or approximately 247 average permits per year times eight years.) Annual ADU approvals are shown in Table C-7 in Appendix C. To estimate affordability during the projection period, the City used the results of its recent online survey of ADU owners.<sup>19</sup> Projected ADU capacity by affordability level is shown in Appendix C, Table C-8.

### **Adequate Alternative Sites**

According to State HCD, under "limited circumstances" a local government may credit up to 25 percent of their adequate sites requirement per income category through existing units.<sup>20</sup> Limited circumstances refer to sites that are substantially rehabilitated; located on a foreclosed property or in a multifamily complex of three or more units converted from non-affordable to affordable rental; preserved at levels affordable to low- or very-low-income households with committed assistance; or preservation of mobile home parks through acquired spaces.

According to Oakland HCD's 2021-2023 Strategic Action Plan, the City has acquired and converted and/or preserved 600 affordable units between 2018 and 2020. As an ongoing City strategy, there are a number of units that the City will convert and/or preserve during the 2023-2031 planning period. The affordability of these projects reflects the actual affordability levels pursuant to the regulatory agreements that will maintain such income-restricted units. These sites and their capacity are shown in Appendix C, Table C-9.

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<sup>19</sup> This survey was conducted in preparation of the "Oakland ADU Initiative: Existing Conditions and Barriers Report," which was published January 2020 and revised June 2020. There were 56 responses to the question "How much does the current ADU occupant pay in rent per month? If the occupant is staying in the ADU for free, then mark \$0."

<sup>20</sup> More specific conditions that sites included under this option must meet are provided by HCD on their website: <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/adequate-sites-alternative>

## **OPPORTUNITY SITES**

Opportunity sites included in the Inventory are those likely to redevelop with housing considering recent development patterns as well as a variety of factors that indicate incentives to redevelop. These include both vacant and underutilized land in potential development projects, available 5th Cycle RHNA sites, and new opportunity sites identified as part of this Housing Element cycle.

### **Potential Development Projects**

While pipeline projects are those that have received planning approval or are in the building permit process, there are also a number of other potential projects at various stages in the planning process, including those in the pre-application stage and those with filed and under review planning permits. Such projects are considered likely to develop. These sites are shown in Appendix C, Table C-14.

### **Available 5th Cycle RHNA Sites**

There are a number of opportunity sites selected as part of the 5th cycle RHNA that did not develop over the 2015-2023 period and are still available for housing. Pursuant to Government Code Section 65583.2(c), sites identified to accommodate a portion of Oakland's lower-income RHNA that were also contained in previous Housing Element cycles must be zoned at residential densities of at least 30 dwelling units per acre (du/ac) and must also be rezoned to allow for residential use by right for housing developments in which at least 20 percent of the units are affordable to lower-income households. The proposed Inventory contains sites identified to accommodate a portion of Oakland's housing need for lower-income households that were included during the previous Housing Element cycles. Specific sites carried over from prior housing cycles are described in more detail in Appendix C, Table C-15.

### **New Opportunity Sites**

New opportunity sites not included in previous Housing Element cycles were identified to meet the City's remaining RHNA. These sites include both vacant and non-vacant sites and consist of City-owned sites, sites owned by BART, sites located within a specific plan area, and other sites with expressed or potential development interest, including interest determined as part of a community mapping exercise. Capacity of and rationale for nonvacant sites redevelopments can be found in Appendix C, Table C-16.

### **Site Selection and Capacity**

As part of site analysis, a Housing Element also must demonstrate the projected residential development capacity of sites identified that can realistically be achieved. Creation of realistic assumptions involved survey of recently constructed and approved projects by base zone, density, and height; likelihood of residential conversion and infill development rates; and development capacity modifiers such as existing use on a site, and potential development incentives like low assessed value (AV) ratio (when the value of the land is greater than the existing structure) and low floor area ratio (when a building only takes up a small part of a lot.)

To identify adequate sites and determine realistic capacity, a parcel-based analysis was conducted in accordance with the State site requirements for very-low and low-income sites. Sites that were excluded include non-residential projects already in development; sites without much incentive to redevelop; sites that were environmentally constrained by high fire risk, near fault lines, or within a 100-year flood plain; and sites with known contamination. In addition to these considerations, sites that are sought to be designated as capable of accommodating lower-income housing must meet the State-defined standard of

30 du/ac, known as the “default density”, and they must be between 0.5 and 10 acres. A robust description of the methodology and full table of realistic capacity is provided in Appendix C.

### 3.3 Assessing Housing Sites Through a Fair Housing Lens

The City of Oakland is committed to ensuring that all of its actions are “fair and just” and further racial equity in Oakland. At the same time, the Environmental Justice Element of the General Plan seeks to address equity issues—including adequate provision and support of affordable, healthy homes—in identified Environmental Justice Communities. As explored in the [Environmental Justice and Racial Equity Baseline](#) (March 2022), there are many factors that contribute to the livability of a healthy community, ranging from physical aspects of the natural and built environment to less tangible aspects like historic, socioeconomic, and cultural settings and conditions. By assessing the housing sites inventory against Affirmatively Furthering Fair Housing (AFFH) criteria, the Housing Element is an important step in achieving an equitable future in Oakland.

As described in Appendix D, the site identification requirement in the context of affirmatively furthering fair housing involves not only an analysis of site capacity to accommodate the RHNA, but also whether the identified sites serve the purpose of replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity.<sup>21</sup> Furthermore, this analysis will determine whether programs must be adopted to “make sites available” with appropriate zoning, development standards, and infrastructure capacity to accommodate the new development need.

Chart 3-1 summarizes the process of developing the housing sites inventory and demonstrates how the inventory meets the criteria for AFFH. Sites were selected in a manner to further and prioritize investment in historically disadvantaged communities, to decrease displacement pressures, and to increase access to existing higher resourced neighborhoods.<sup>22</sup> More information on each of the steps to identify additional sites for lower-income housing is available in Appendix C.

**Chart 3-1: Housing Sites Inventory Development Process**



The Inventory was developed in a manner consistent with the City’s mandate to affirmatively further fair housing (AFFH), pursuant to State law. Given the City’s inability to meet the 5th cycle RHNA for lower- and moderate-income households (see Appendix A), an emphasis was placed on locating sites appropriate for these income groups – particularly in higher resource areas. However, increasing access to existing high resource neighborhoods represents just one strategy to increase access to opportunity for lower-income

<sup>21</sup> Gov. Code, § 8890.50. subd. (b).

<sup>22</sup> To quantify access to opportunity at the neighborhood level, State HCD and the California Tax Credit Allocation Committee (TCAC) convened to form the California Fair Housing Task Force to develop Opportunity Maps that visualize accessibility of low-income adults and children to resources within a jurisdiction. High Resource areas are those that offer low-income adults and children the best access to a high-quality education, economic advancement, and good physical and mental health.

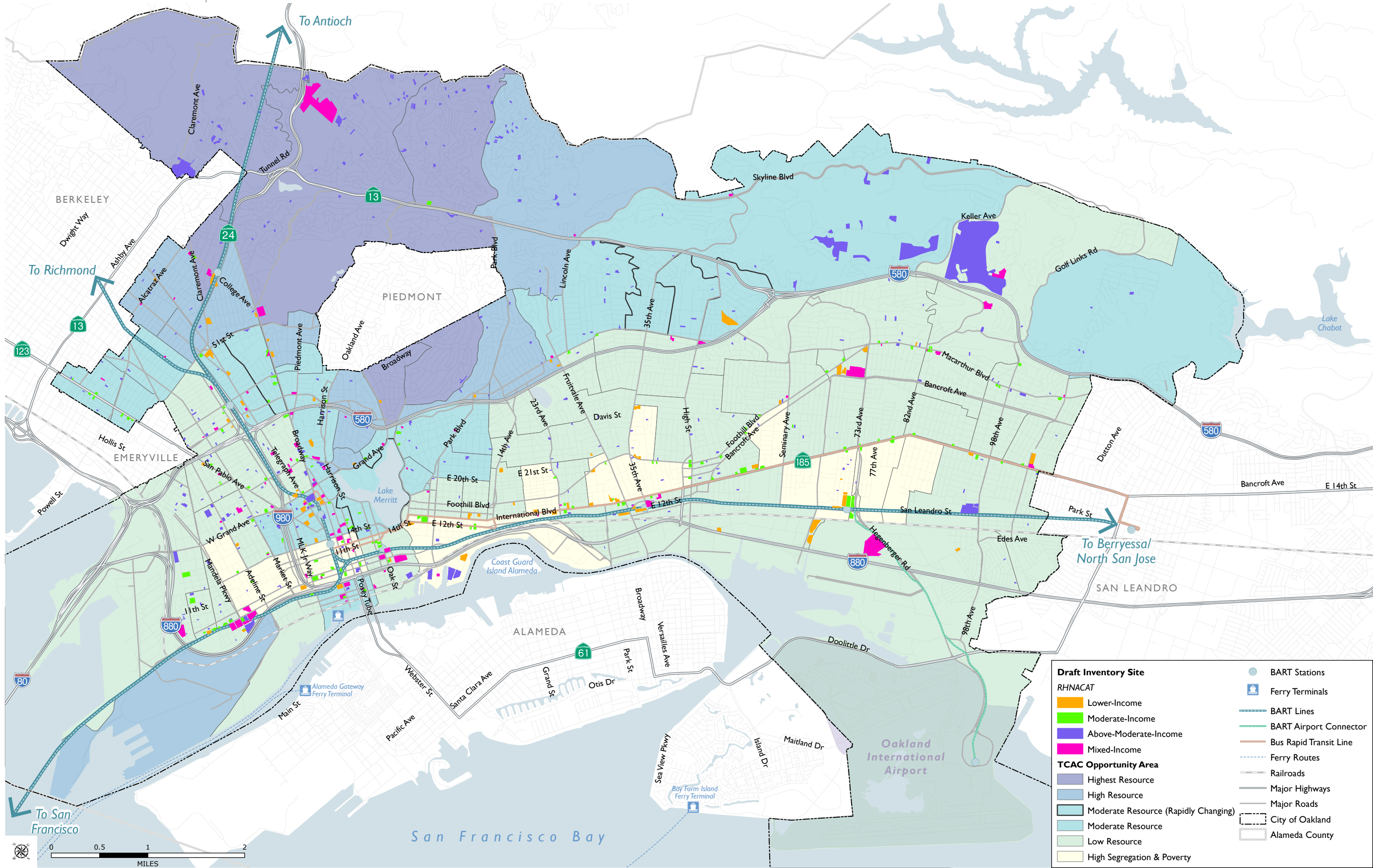


households – the City is also committed to investing in “lower resource” neighborhoods to increase opportunity for the existing residents of those neighborhoods – described further in Appendix D and the Housing Action Plan. Many Oakland residents want to remain in the neighborhoods that they call home, and may not want to move to “higher-resource” areas which tend to be predominantly white and higher-income. Many existing ethnic enclaves offer resources like culturally-specific grocery stores, churches, language services, or other key access points that could be difficult to find elsewhere. Thus, efforts to increase access to exclusive neighborhoods must also be coupled with investment, cultural preservation, and anti-displacement efforts in lower-income neighborhoods and Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs). In parallel with housing development, the City must invest in lower resource neighborhoods with a focus on improving opportunity and outcomes for existing residents—especially historically marginalized BIPOC communities—including investments in equitable access to transit, public facilities, food access, and other amenities.

The State and California Fair Housing Task Force use a series of Opportunity maps developed by the Tax Credit Allocation Committee (TCAC) and HCD to define areas of low to high opportunity using a set methodology. These maps, described more fully in Appendix D, indicate that a significant portion of Oakland is considered low resource or high segregation and poverty. As a result, while the RHNA is met for each income category based on pre-established housing sites in the Inventory, lower-income capacity in “moderate” to “highest” resource neighborhoods remained relatively low. With the exception of Rockridge BART, which has historically not been available for lower income housing, many of these areas are, in fact, in close proximity to Bay Area Rapid Transit (BART) and Alameda-Contra Costa Transit District (AC Transit) lines and are suitable to develop at the densities typically required for lower-income projects. For example, much of the Downtown area—which permits some of the highest densities in the city—is considered low to moderate resource.

Most residential capacity at all income levels is located in the low resource and high segregation and poverty areas, largely due to the fact that over 60.0 percent of land in Oakland is considered lower resource or high segregation and poverty per TCAC’s Opportunity Scores. The high and highest resource neighborhoods carry a relatively small portion of the total unit allocation – influenced by environmental constraints present in the Oakland Hills including fault zone hazards, high fire risks, and active pipeline projects. About 70.1 percent of Oakland’s highest resource areas are within a Very High Fire Hazard Severity Zone (VHFHSZ), as are about 25.7 percent of the city’s high resource areas. Flooding also represents a risk in these areas (.6 percent in highest resource; 6.8 percent in high resource), as do earthquake fault zones (5.0 percent in highest resource; 2.2 percent in high resource) – see Appendix C for additional information. It should also be noted that ADU projections, which estimate significant numbers of units affordable to lower- and moderate-income households, are not included in these estimates. As these units are typically provided in lower-density and higher resource neighborhoods, they will further increase the proportion of lower-income housing available in these neighborhoods.

Many of these higher resourced neighborhoods currently reflect a historic pattern of exclusionary zoning; to address this, the City is taking action to upzone these areas to further increase housing production capacity and unlock additional opportunities for affordable and “missing middle” housing in high-resource neighborhoods. These reforms would also affirmatively further fair housing by opening up exclusionary neighborhoods, and reducing the exposure to air pollution, toxic and other environmental hazards in environmental justice communities. See Appendix J-1 for more information on these rezoning actions, and Chapter 4: Housing Action Plan for other actions that support affirmatively furthering fair housing. The location of all sites contained in the Inventory compared to TCAC opportunity areas are provided in Figure 3-2 below



Increased provision of affordable housing in existing higher resource neighborhoods is a State priority to ensure that the City meets its requirements to affirmatively further fair housing. Therefore, the City undertook the additional effort to locate suitable supplemental sites appropriate for lower-income development in higher resource neighborhoods beyond the preliminary sites inventory – which already met the RHNA in each income category. As discussed in Appendix C, the preliminary sites inventory consisted of active pipeline projects, projects with expressed developer interest, and other City- and community-identified underutilized sites without known environmental constraints and near amenities like transit. To identify supplemental sites, the City started with the entire universe of parcels in Oakland, and filtered out sites based on objective physical constraints and opportunity metrics. More information on these constraints and metrics can be found in Appendix C.

From this list of sites filtered by physical suitability characteristics, other important decision factors were applied, including: sites within moderate to highest resource TCAC Opportunity Areas, within Priority Development Areas (PDAs), within a half-mile of a BART station, and within a “transit-rich” area as defined by the Metropolitan Transportation Commission (MTC).<sup>23</sup> After completing this exercise, an additional 70 potential sites were identified – generally in the North Oakland/Adams Point, Eastlake/Fruitvale, Glenview/Redwood Heights, North Oakland Hills, and Downtown areas. Among these, 19 parcels were identified as supplemental sites that would further AFFH objectives. Feasibility of future residential development on these additional sites were “ground-truthed” by City staff based on underutilization, local knowledge of the sites, and aerial images of the current state of the property. Figure C-7 in Appendix C maps the locations of these supplemental “AFFH sites.”

An affirmative effort was made to locate affordable housing in higher resource neighborhoods to reduce patterns of exclusion and segregation, and the City remains committed to increasing opportunity in neighborhoods that have experienced historic disinvestment. Providing opportunity for lower-income households must be a multipronged approach – the provision of affordable housing in areas that are already higher resourced must be coupled with continued investments in place-based strategies for historically marginalized neighborhoods. As outlined in Appendix D, the production of affordable housing and other strategies that enhance opportunity and housing security where lower-income residents already live—including gentrifying neighborhoods that face significant displacement pressures—must complement strategies to locate additional affordable housing in existing high-opportunity areas.

These actions, as outlined in the Housing Action Plan (Chapter 4) will ensure that lower-income housing does not become concentrated in neighborhoods without active efforts to provide the needed place-based strategies to let historic Oakland neighborhoods thrive. Further, rezoning actions included in the Housing Action Plan will increase the number of sites viable for lower-income housing in high resource neighborhoods; however, since the City is able to meet the RHNA under existing zoning and due to the difficulty associated with projecting the affordability and capacity of sites newly made available for housing during the planning period, sites resulting from these actions are not considered in the sites inventory. Further, the City remains committed to enacting strong tenant protections and anti-displacement strategies to ensure that the same market forces that promote market rate development in gentrifying neighborhoods do not lead to the displacement of residents who call that neighborhood home.

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<sup>23</sup> A transit-rich area is defined by MTC as one in which 50 percent of the area is within one half-mile of the following: an existing rail station or ferry terminal (with bus or rail service); a bus stop with peak service frequency of 15 minutes or less; and a planned rail station or planned ferry terminal (with bus or rail service) in the most recently adopted fiscally-constrained Regional Transportation Plan.



## 4 Housing Action Plan

### 4.1 Goals, Policies, and Actions

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The 2023-2031 Housing Element identifies a foundational framework of five overarching goals to comprehensively address the housing crisis and needs of Oaklanders and to affirmatively further fair housing.

- Reduce racial segregation and disparities in housing opportunities and outcomes
- Replace segregated living patterns with truly integrated and balanced living patterns
- Transform racially and ethnically concentrated areas of poverty into areas of opportunity, foster and maintain compliance with civil rights, and affirmatively further fair housing.

The five goals are:

Goal 1: Protect Oakland Residents from Displacement and Prevent Homelessness

Goal 2: Preserve and Improve Existing Housing Stock

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

Goal 4: Address Homelessness and Expand Resources for the Unhoused

Goal 5: Promote Neighborhood Stability and Health

While these five goals provide an overall framework for addressing the multifaceted housing crisis, the policies and actions described in this chapter specify the means for implementing those goals. Actions include both programs currently in operation as well as **new actions** needed to address the city's housing needs.

In addition, the City seeks to combat entrenched patterns of segregation by ensuring its laws, programs, and activities affirmatively further fair housing. This means taking specific actions targeted at overcoming patterns of segregation, fostering inclusive communities free from barriers that restrict access to opportunity and housing, and closing the gap between market-rate & affordable housing by prioritizing preservation and development of housing for those of the greatest need, including Black & Brown households. Each goal below includes a statement of how the programs and actions supporting that goal will help affirmatively further fair housing including but not limited to the promotion of equal access to housing for low-income households. An assessment of patterns of segregation in Oakland can be found in Appendix D Assessment of Fair Housing.

In order to provide more immediate housing solutions and stability for existing tenants and unsheltered residents, the City's Housing and Community Development Department (Oakland HCD) has established a balanced approach to investing its available resources, with 25 percent of available resources to

rehabilitation/preservation of existing deed-restricted affordable housing, 25 percent to acquisition and conversion of unsubsidized affordable housing opportunities, and 50 percent dedicated to the new construction of affordable housing with a required homeless set-aside. These funding priorities are outlined in HCD's Strategic Action Plan (2021-2023), found here: <https://cao-94612.s3.amazonaws.com/documents/HCD.final.21-21Strategic-Plan.pdf>.

The City's Notices of Funding Availability (NOFA) and Request for Proposal (RFP) processes are key for how the City supports many of the goals outlined below. NOFAs and RFPs released by Oakland HCD are competitive application processes for awarding City of Oakland funds for the development of affordable housing. Currently, HCD has three NOFA programs: 1. Acquisition and Conversion to Affordable Housing (ACAH), 2. New Construction of Multifamily Housing, and 3. Acquisition, Rehabilitation, and Preservation of Multifamily Affordable Housing. When funding is available, NOFA are released under the three programs to issue funds for affordable housing projects, which are then reviewed for feasibility and scored based on criteria in each NOFA. Based on ranking, projects are recommended for funding to the Oakland City Council. NOFA scoring is guided by the values centered on advancing racial equity and to prioritize assisting housing projects where the tenants are at risk of displacement and that target assistance towards extremely low income households. In recent years, the City has also implemented its Homekey Program, which uses State Homekey funds to expand housing for people experiencing homelessness or at risk of homelessness. The City chooses Homekey partners via an RFP process seeking proposals for the rapid acquisition and operation of homeless housing.

## Goal I. Protect Oakland Residents from Displacement and Prevent Homelessness

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The San Francisco Bay Area is decades into an extreme housing crisis, and Oakland is at the center of that crisis. Housing production, and particularly affordable housing production, has not kept pace with the region's economic growth. Because Oakland's rental and housing market has traditionally been less expensive than other Bay Area cities, Oakland residents experience disproportionately high displacement pressure. As a result, many Oakland residents cannot afford to buy or rent a home within their own neighborhood.<sup>24</sup> As households displaced from more expensive Bay Area communities search for more affordable housing options in Oakland and higher-income households continue to move into the city, Oakland's existing residents continue to bear the brunt of the Bay Area's housing crisis.<sup>25</sup> Community investment, including building new housing, is crucial for all Oakland neighborhoods to prevent displacement.<sup>26</sup> With demand outpacing the limited housing supply, competition for finite units and the resulting rising rents creates displacement pressure on low-income residents. Research by the Changing Cities Research Lab at Stanford University and the Federal Reserve Bank of San Francisco on credit score data shows that lower income residents who move from historically Black neighborhoods tend to move to neighborhoods with lower housing values and health scores, suggesting movement under constrained circumstances; over time, fewer of these low-income movers stayed within Oakland or moved into Oakland

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<sup>24</sup> Policy Link, "A Roadmap Toward Equity: Housing Solutions for Oakland, California." 2015.

<sup>25</sup> Urban Displacement Project, "Mapping Displacement, Gentrification, and Exclusion in the San Francisco Bay Area." 2018. Available at <https://www.urbandisplacement.org/maps/sf-bay-area-gentrification-and-displacement/>.

<sup>26</sup> Office of Policy Development and Research, U.S. Department of Housing and Urban Development, "Displacement of Lower-Income Families in Urban Areas Report." May 2018. Available at <https://www.huduser.gov/portal/sites/default/files/pdf/DisplacementReport.pdf>.

as affordable options declined.<sup>27</sup> Rising rents are a factor in increasing rates of homelessness. According to the 2022 Alameda County Point in Time Count, 25 percent of unsheltered Oakland residents report that rent increases were a primary cause of homelessness, in addition to job loss (22 percent) and other money issues (13 percent).<sup>28</sup>

Oakland is committed to enabling renters and owners to stay in their homes and communities, eliminating all involuntary moves out of the city. Goals and policies that are part of a comprehensive protection strategy are designed to prevent displacement and homelessness, and to ensure that low-income renters and homeowners have supports they need to stay in their homes and communities as increased neighborhood investment occurs.

## HOW THIS GOAL AFFIRMATIVELY FURTHERS FAIR HOUSING

To meet the City's equity goals and mandate to affirmatively further fair housing, this goal of protecting Oakland residents from displacement and preventing homelessness—including the policies and actions contained within—will advance the City's commitment to reducing racial and economic disparities across Oakland. This goal seeks to protect Oakland renters and owners from displacement pressures and prevent homelessness, both of which disproportionately impact Black, Indigenous, and People of Color (BIPOC) communities throughout Oakland. For example, enhanced tenant protections will crack down on tenant-based racial discrimination in the housing market. This will be particularly important as the eviction moratorium established during the COVID-19 pandemic eventually comes to an end and as further pressure is exerted on the residential rental market.

Rent stabilization and just cause protections also ensure that as more amenities are added to a neighborhood (and it becomes higher resource), the existing residents from diverse backgrounds are able to stay. As noted in Appendix B, Housing Needs Assessment, 59.3% of Oakland households—96,242 households—are renters, and renters are more likely to be lower income than homeowners. While many Oakland neighborhoods include a mix of renter-occupied and owner-occupied units, owner-occupied units tend to be congregated in the Oakland Hills and parts of North Oakland, while significantly more housing units are renter-occupied in West Oakland, Downtown, and East Oakland. The City's 2018 Oakland Equity Indicators Report also identified African-Americans, Indigenous, Latinx, and communities where English is a second language as communities that are disproportionately impacted by the housing crisis. Moreover, as shown in Table B-27, racial and ethnic disparities in tenure exist in Oakland. Vulnerable populations and residents of historically disinvested neighborhoods—including areas designated as Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs) or identified as an EJ Community through the Environmental Justice Element—should be able to remain in their homes and enjoy the results of improved amenities and increased services. In the long-term, this will enhance access to opportunity for historically marginalized and disadvantaged communities. By pursuing live/work preferences for Oakland residents and taking actions to assist tenants at risk of eviction, Oakland helps tenants avoid displacement or concentration in disadvantaged neighborhoods.

Using an equity approach, the City works with funded providers to ensure that these services and resources are prioritized for the most vulnerable populations. Vulnerable populations are identified through sources such as Oakland's Stanford research partnership, the Urban Displacement Project, Racially and Ethnically

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<sup>27</sup> Hwang, Jackelyn, and Vineet Gupta. "Residential and Neighborhood Instability in Oakland." 2021. Available at <https://ccrl.stanford.edu/publications/residential-and-neighborhood-instability-in-oakland>.

<sup>28</sup> City of Oakland, "Homelessness County & Survey: Comprehensive Report." 2019. Available at [https://everyonehome.org/wp-content/uploads/2022/10/2022-Alameda-County-PIT-Report\\_9.22.22-FINAL-3.pdf](https://everyonehome.org/wp-content/uploads/2022/10/2022-Alameda-County-PIT-Report_9.22.22-FINAL-3.pdf)

Concentrated Areas of Poverty, and federally identified Opportunity Zones, and will additionally include environmental justice communities identified through the Environmental Justice Element.

In addition, the City conducts extensive outreach to vulnerable populations and those at highest risk of displacement, targeting specific communities and geographies including- Black and African Americans, and Spanish-, Cantonese-, and Mandarin-speakers to improve access for non-English speakers—to ensure tenants are aware of their rights and the resources the City makes available. The outreach materials are also offered in multiple languages in accordance with its language access policy and informs property owners and tenants of their rights and obligations through targeted mailings, informational postcards, and other print materials. Outreach through the City’s Rent Adjustment Program includes distribution of educational and informational materials at community events throughout the city and in neighborhoods such as the following zip codes in East Oakland (94603, 94605, and 94621) and West Oakland (94607), workshops and townhalls on tenant rights, rent control and evictions and rental laws for tenants and property owners, and drop-in counseling services (on-site or virtual). Between FY 2018-2022, the Rent Adjustment Program conducted 47 community workshops and townhalls (an average of 12 per fiscal year), 36 community outreach events (an average of 9 per fiscal year) and 17,076 –counseling sessions (an average of 356 per month, per fiscal year).

Through more robust data collection efforts, the City will also be able to better identify and correct barriers to opportunity. These efforts include the creation of a rental registry and other displacement measure tracking. More accurate data will also help the City to better target its existing and future housing resources, including through targeting toward identified vulnerable populations, for maximum impact. The implementation of the rental registry will also significantly augment the outreach efforts to the Oakland rental community.

## **POLICY I.I. TENANT PROTECTIONS AND ANTI-DISPLACEMENT**

### **Action I.I.1: Continue to Implement the Rent Adjustment Ordinance.**

The Oakland Rent Adjustment Ordinance (Chapter 8.22, Article I of the Oakland Municipal Code) limits rent increases on covered units (most units built before 1983) based on a formula tied to increases in the Consumer Price Index. In 2022, the City Council adopted an amendment to change the formula used to calculate the annual allowable rent increase to 60 percent of the change in CPI, or 3 percent, whichever is lower. The Rent Adjustment Program (RAP), a division of Oakland Department of Housing and Community Development, will continue to enforce the Rent Adjustment Ordinance.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Annual Rent Adjustment Fee*

**Timeframe:** *Revisions to formula to calculate allowable rent increase completed in 2022. Implementation ongoing, 2023-2031.*

**Objective:** *All tenant rights and protections under applicable City law will be enforced*

### **Action 1.1.2: Enforce Just Cause for Eviction measures.**

Just Cause for Eviction protections are enforced by the Rent Adjustment Program (RAP) and are contained within Chapter 8.22, Article II of the Oakland Municipal Code. In 2022, the City Council voted to place on the November 2022 ballot an expansion of the Just Cause for Eviction ordinance. In particular, the ballot measures asks: Shall the Measure amending the Just Cause for Eviction Ordinance to: (1) prohibit no-fault evictions of children and educators during the school year; (2) extend eviction protections to tenants in recreational vehicles (RVs), tiny homes on wheels, and newly constructed units except during the first 10 years after issuance of the certificate of occupancy; (3) remove failure to sign a new lease as grounds for eviction; and (4) make other clarifying amendments, be adopted? The City will continue to enforce just cause measures, undertake efforts to ensure the public is aware of revisions if enacted by the voters, and expand tenant protections as feasible—including identifying additional limitations to just causes.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Annual Rent Adjustment Fee*

**Timeframe:** *Ongoing, 2023-2031*

**Objective:** *All tenant rights and protections under applicable City and State law will be enforced.*

### **Action 1.1.3: Enforce and Strengthen Ellis Act protections.**

The Ellis Act is a statewide law that permits property owners to terminate tenancy when withdrawing residential units from the rental market. Although the City cannot prohibit Ellis Act evictions, it has adopted the Ellis Act Ordinance (Chapter 8.22, Article III of the Oakland Municipal Code) to set specific requirements that must be followed when removing a property to discourage violations of the Act and prevent the displacement of renters. This includes filing withdrawal notices with the Oakland Rent Adjustment Program, and the provision of relocation assistance. Recent efforts to reform or repeal the Ellis Act at the State level have gained significant traction but have not to date been successful. The City has supported those efforts—for example, see City Resolution No. 88571 C.M.S. in support of Assembly Bill 854 (Lee) that would have prohibited a rental housing owner from removing a building from the market pursuant to the Ellis Act unless all owners of the property have held their ownership interest for at least five years. The City continues to hold that reform is necessary to reduce speculator abuse and protect tenants. The City will join neighboring Bay Area cities to advocate for statewide reform to the Ellis Act to stabilize rental housing.

Furthermore, the City's requirements when removing a property through the Ellis Act Ordinance are bolstered by protections under the City's Just Cause for Eviction Ordinance (see Action 1.1.2 above) and Relocation Ordinance (Action 1.1.4 below). The City's newly implemented rental registry (2022) will also help the City monitor Ellis Act-related eviction cases.



The City will continue to enforce the Ellis Act Ordinance and, based on any changes allowed by statewide reform, explore ways to strengthen renter protections—including proactive enforcement of eviction protections—in case of an Ellis Act eviction where feasible.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Annual Rent Adjustment Fee*

**Timeframe:** *Ellis Act Ordinance Protections are ongoing, 2023-2031; staff will continue to process Ellis findings, which have averaged 25 annually over the past four years, and will continuously seek ways to improve efforts to inform owners and tenants of their rights and obligations under the Ellis Act through robust outreach and counseling. Furthermore, the rental registry will be required as of July 1, 2023 and monitored thereafter. Lastly, the City will engage its legislative lobbyists annually and submit a support letter to the State annually to continue Statewide advocacy efforts.*

**Objective:** *All tenant rights and protections under applicable City and State law will be enforced, and the City will continue to seek ways to improve tenant protections under the related ordinances.*

#### **Action 1.1.4: Implement tenant relocation measures.**

On January 16, 2018, the City of Oakland passed the Uniform Residential Tenant Relocation Ordinance (Ord. No. 13468) to establish a uniform schedule of relocation payments which are now extended to tenants evicted when the owner or qualifying relative moves in and for other “no tenant fault” evictions. The Uniform Relocation Ordinance (Ord. No. 13468) requires owners to provide relocation payments to tenants displaced by code compliance activities, owner or relative move-ins, Ellis Act activity, and condominium conversions. The City will continue to implement and enforce the Ordinance, adjusting base payments for inflation annually on July 1st. Additional relocation payments shall be required for tenant households in rental units that include lower-income, elderly or disabled tenants, and/or minor children.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Annual Rent Adjustment Fee*

**Timeframe:** *Ongoing, 2023-2031*

**Objective:** *All tenant rights and protections under applicable City and State law will be enforced.*

#### **Action 1.1.5: Implement a right to counsel in Rent Adjustment Program proceedings.**

The City will implement a tenant right to counsel in Rent Adjustment Program (RAP) proceedings, where qualified tenants who participate in RAP hearings have right to free legal representation within the funding availability restrictions. This includes partnering with nonprofit organizations to provide those services.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** Annual Rent Adjustment Fee

**Timeframe:** In October, 2022 Council approved a service provider contract to provide legal representation during RAP proceedings beginning in providing representation services in Fall 2022.

**Objective:** Resources permitting, all tenants participating in RAP proceedings will have access to legal representation. to prevent displacement by preventing unlawful rent increases. (see Action 1.1.6 below).

### **Action 1.1.6: Enhance housing related legal services**

As funding becomes available, the City will- increase housing related legal services, including eviction defense services and legal counseling through community partners. Housing Related legal services will help address displacement risks, eviction defense, and housing instability through legal representation, consultation, and education.

**Responsible Party:** Oakland Department of Housing and Community Development

**Potential Funding Source:** Local, State or federal sources as available, and Annual Rent Adjustment Fee

**Timeframe:** In July 2022 Council approved a direct grant to a consortium of nonprofit legal service providers to continue eviction protection and other legal services. Other tenant legal service contracts are administered through the Rent Adjustment Program. Staff will continue to seek funding to ensure services will be ongoing.

**Objective:** Resources permitting, all at risk tenants may seek free legal services from external partners to prevent evictions and housing instability.

### **Action 1.1.7: Expand the City's ability to enforce rent control to maintain affordability.**

Rent control measures are outlined in Oakland's Rent Adjustment Ordinance and enforced through the Rent Adjustment Program (RAP). Currently, residential rental units are covered by the Rent Adjustment Ordinance if they are within a building built prior to 1983 and there are two or more units in the building. In addition, the City's new rental registry, approved in 2022, will require property owners to report rent and tenancy information to RAP on an annual basis. This new tool will allow the City to better monitor rent control and will help both tenants and owners understand whether their rents comply with Oakland's Rent Adjustment Ordinance. The City will consider how to expand the number of units subject to rent control to maintain affordability.

**Responsible Party:** Oakland Department of Housing and Community Development

**Potential Funding Source:** Annual Rent Adjustment Fee

**Timeframe:** *Rent control measures are ongoing, 2023-2031. As of July, 1, 2023, the City’s rental registry will require owners of these units to report rent and tenancy information to RAP on an annual basis. With this new tool, staff will be able to better monitor rent control measures.*

**Objective:** *To the extent permitted by State law, Oakland will use the rental registry to ensure rent control laws are being followed, enabling better renter protections.*

#### **Action 1.1.8: Monitor neighborhood displacement risk factors.**

As the effects of the COVID-19 pandemic continue to unfold and eviction moratoriums lift, there is an urgent need to monitor displacement pressures. The City will regularly monitor displacement risk factors—including rising housing costs, rapid demographic changes, neighborhood instability, climate risks, and trends around in- and out-migration across neighborhoods in Oakland—to understand local displacement risk. This data will be used to better target anti-displacement programs and prioritize neighborhoods with a high risk of displacement. This data will also be used to better understand the causes of displacement and help tailor City programs to meet existing housing needs. The City will carry out the bi-annual Resident Mini Pulse Survey on the state of housing security as part of these monitoring efforts.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Annual Rent Adjustment fee*

**Timeframe:** *Ongoing, 2023-2031; conduct Resident Mini Pulse Survey on biannual basis.*

**Objective:** *The City of Oakland will include displacement-related statistics in a broader housing or community dashboard available on the City website.*

#### **Action 1.1.9: Implement a rental housing registry.**

A rental housing registry is a database of rental units within Oakland and will be used to track properties subject to rent control provisions, Just Cause for Eviction measures, and other property-specific policies and requirements. In June 2022, the Oakland City Council adopted Ordinance No. 13695 CMS to establish a rental registry in Oakland. The City will use data collected in the rental housing registry to monitor and understand neighborhood change at a more granular level, to better target anti-displacement policies and ensure that rent increases are compliant under the Rent Adjustment Ordinance.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Annual Rent Adjustment Fee*

**Timeframe:** *Implement the rental registry by 2023, maintain it ongoing, 2023-2031*

**Objective:** *By 2023, the City will design and implement a rental housing registry. This registry will cover housing units subject to rent stabilization and/or just cause protections under City law.*

**Action 1.1.10: City Enforcement of the Tenant Protection Ordinance (TPO).**

The TPO (Chapter 8.22, Article V of the Oakland Municipal Code) recognizes tenants' right to live in safe, dignified, harassment-free homes. The TPO deters and makes unlawful harassment by property owners and their agents, including property managers, recognizing that such harassment can frequently force tenants from their homes. The ordinance provides tenants strong legal recourse in the event of such prohibited harassment. On July 21, 2020, the City further amended the TPO to strengthen existing protections and include additional remedies. For example, the amendments established heightened penalties for violations against elderly, disabled, and/or catastrophically ill tenants. The amendments further expanded the ordinance's application to non-profit-owned rental housing and rental units in newly constructed residential properties. City enforcement of the TPO can prevent and remedy violations against tenants, for example by deterring unscrupulous landlords from undertaking "self-help" evictions and securing building and/or citywide relief for tenants. City enforcement therefore is critical to ensuring that Oakland's most marginalized tenants also receive the protections of the TPO.

In October 2020, the Oakland City Attorney launched the Housing Justice Initiative, a housing enforcement unit specifically dedicated to protecting marginalized Oakland tenants through the enforcement of the TPO and other similar or related local and State laws.

Through the Housing Justice Initiative and the work of the City Attorney's existing Neighborhood Law Corps, the City will continue to expand its enforcement of the TPO.

**Responsible Party:** *Oakland City Attorney*

**Potential Funding Source:** *Additional grant sources will be pursued.*

**Timeframe:** *Ongoing, 2023-2031*

**Objective:** *Tenants' rights and protections under applicable City and State law will be enforced more systematically and on a larger scale over time, with a focus on actions that protect the most marginalized tenants and hold large-scale bad actors to account.*

**Action 1.1.11: Enforce the tenant right to return and protections from coercive buyouts.**

Currently, through the Tenant Move Out Ordinance (Chapter 8.22.700, Article VI of the Oakland Municipal Code), Oakland renters have protections from unfair or coercive buyout agreements. Further, State law (SB 330) requires that property developers provide the right to return to low-income renters when a property is demolished and redeveloped, and that the charged rent must be affordable. The City will continue providing awareness of State and local requirements and will enforce affordability requirements in new development projects. Further, pursuant to Action 2.2.5, the City will extend this right beyond the sunset date of SB 330.

**Responsible Party:** *Oakland Department of Housing and Community Development; Oakland Planning & Building Department*

**Potential Funding Source:** *Legal fees associated with case parties involved*

**Timeframe:** *SB 330 rights will be extended by the end of 2024.*

**Objective:** *All tenant rights and protections under applicable City and State law will be enforced.*

#### **Action 1.1.12: Provide a local preference in affordable housing projects.**

Oakland Municipal Code [Chapter 15.63] grants preference in City-assisted affordable housing projects to (1) Oakland residents displaced due to City actions or no-fault evictions, (2) neighborhood residents, and (3) Oakland residents and workers. All three preferences are applied at initial occupancy, to the extent permitted by other funding sources. After initial occupancy, displaced households and Oakland residents and workers continue to receive priority preference for available units. Oakland's Housing and Community Development Department recently updated its findings to support its preferences and ensure that its preferences may be permitted in County-assisted projects. The City will continue its efforts to streamline the process by which these preferences are applied, including through a regional housing portal and a more robust tracking system for displaced households.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *n/a*

**Timeframe:** *Ongoing, 2023-2031. While the ability of the City to require its projects to participate in a regional application portal depends in part on the readiness of such portals, the City currently attends regular meetings around the design of a regional portal. The City intends to identify a suitable application portal to partner with by the end of 2024.*

**Objective:** *The City will continue to apply local preferences in City-assisted affordable housing to the extent allowed by law and the constraints of other involved funding sources. The City will continue to identify ways to streamline the administration of its preferences, including through a regional housing portal and a more robust tracking system for displaced households.*

#### **Action 1.1.13: Negotiate for appropriate community benefits during development agreement approvals for major entitlements and use of City land.**

While negotiating development agreements with developers for large scale market-rate and non-residential projects on City land or development agreements requiring complex, multi-phase entitlements, the City will advocate for establishing an appropriate set of standardized community benefits to mitigate any displacement pressures that result from the development. This may include increased levels of required affordable housing units. The City will consult with community-based organizations and residents impacted by developments to evaluate the extent of community benefits required to properly mitigate displacement impacts.

**Responsible Party:** *Oakland Planning & Building Department, Oakland Department of Housing and Community Development; Economic and Workforce Development Department*

**Potential Funding Source:** *Permit fees*

**Timeframe:** *Ongoing, 2023-2031*

**Objective:** *Significantly reduce displacement pressures through negotiating appropriate community benefits during the development agreements process.*

**Action 1.1.14: Protect Oakland residents from displacement and becoming homeless.**

Keep Oakland Housed, the Shallow Subsidy Pilot (public-private partnerships), Oakland Housing Secure, and the federally funded Emergency Rental Assistance Program (ERAP) are programs that currently help prevent renters from becoming homeless through rental assistance, legal advice, housing counseling, and/or case management. Through these programs, a diverse and vibrant network of providers has been created that work together to provide individualized services to Oakland tenants.

The City will support and align City, Alameda County, and private partners (such as community-based and faith-based organizations that have roots in communities whose members are disproportionately at risk of homelessness) to strengthen their capacity to prevent displacement and respond effectively when people are experiencing a housing crisis. The City will also expand these types of programs and design new ones that identify, assist, and prioritize funding for those who are most at risk of becoming homeless. In addition, the City will continue to make information about tenant protection, anti-displacement, rental assistance, and homelessness services available on the City's website and at City facilities and strive to improve public awareness of these programs. These efforts are especially key in the wake of the COVID-19 crisis and the eventual end of the eviction moratorium. Additional tenant protection actions are included in Actions 1.1.1-1.1.10.

**Responsible Party:** *Oakland Housing and Community Development Department*

**Potential Funding Source:** *Federal ERAP funds, private contributions, other local, State, and federal resources as available*

**Timeframe:** *Continue implementation of the ERAP program 2022-2023, and The City of Oakland to issue a Request for Proposals and award a contract to a homeless prevention program provider(s) by mid-2023.*

**Objective:** *The City of Oakland will continue to implement a homeless prevention program that includes emergency financial assistance, legal support and wrap around services. The program will be an extension of previous homeless prevention programs such as Keep Oakland Housed, Oakland Housing Secure, and the Emergency Rental Assistance Program.*



## Goal 2. Preserve and Improve Existing Affordable Housing Stock

Oakland's existing affordable housing stock is an important resource for the city's lower- and moderate-income population. Housing preservation means retaining existing built affordable housing and extending its affordability for current and future tenants. Preventing the loss of valuable existing affordable housing units is a cost-effective way of maintaining this resource as well as keeping existing residents who may be more vulnerable to increasing cost pressures in their homes.

Oakland has numerous preservation policies in place already, including rehabilitation programs for low-income homeowners, demolition and condo conversion restrictions, resale controls to preserve affordability, and regular inspections of City-assisted affordable housing stock. A primary task of City staff will be to enforce and maintain these policies over the coming cycle. In addition, the City has identified areas where it may seek to expand preservation strategies, such as through a proactive inspection program for non-restricted housing stock, environmental remediation programs, and policies to facilitate acquisition of properties by tenants and mission-driven nonprofits. These strategies are described below.

Preservation, improvement, and maintenance also have health and equity co-benefits—addressing housing habitability issues can help to narrow inequitable racial and ethnic gaps in substandard housing conditions and reduce the burden of maintenance challenges for lower-income homeowners. This goal includes policies and actions that conserve and improve existing housing stock.

### HOW THIS GOAL AFFIRMATIVELY FURTHERS FAIR HOUSING

This goal sets forth several policies and actions that will advance fair housing in Oakland through actions that physically rehabilitate housing units, reduce displacement by deepening and/or extending affordability, and ensure Oakland residents are able to remain in their communities and enjoy new amenities and benefits. Physical rehabilitation of housing also improves the environmental determinants of health, thereby advancing the City's Environmental Justice goals. As discussed in Appendices B and D, BIPOC residents of Oakland are disproportionately impacted by substandard housing issues. Actions contained within this goal will reduce the prevalence of these substandard housing issues citywide. Specifically, Action 2.1.3 Proactive Rental Inspections Program (PRIP) will target inspection of 96,500 rental units over the eight-year planning period that may suffer from deterioration due to age or lack of maintenance by the property owner using the following RHNA income category targets:

**Table 4-1: Proactive Rental Inspection: RHNA Category Targets**

<i>Very Low-Income<sup>1</sup></i>	<i>Low-Income</i>	<i>Moderate Income</i>	<i>Above-Moderate Income</i>
47,768	13,221 <sup>2</sup>	8,395	27,116

<sup>1</sup> Very Low-Income includes Extremely Low-Income households

The PRIP implementation strategy is to focus on multi-family buildings with five or more units and properties built pre-1980 due to prevalence of lead paint. Focus will also be drawn to census tracts based on health disparity, social, economic and other demographic indicators from the American Community

Survey data. Universal design strategies will also increase housing access for seniors and people with disabilities (Action 2.1.5).

Actions that preserve the affordability of existing homes play a key role in preventing displacement and allowing lower-income and BIPOC tenants to remain in place despite the displacement pressures in their neighborhoods. These actions range from resale controls to demolition and conversion protections. A Community Opportunity to Purchase/Tenant Opportunity to Purchase Act, if adopted, would allow for tenants to access the wealth building and stability benefits of homeownership (Action 2.2.8). Historic preservation actions also preserve cultural institutions and history that would otherwise be at risk of loss due to gentrification. Since 2014, Oakland has approved 56 Mills Act Contracts for the purposes of the repair and maintenance of historic properties, and anticipates a similar trend through the 6<sup>th</sup> cycle (Action 2.1.4).

Several actions under this Goal are aligned with the goals and policies of the Oakland 2030 Equitable Climate Action Plan (ECAP), the City's greenhouse gas reduction plan. Under the ECAP, additional funding for energy efficiency programs like Action 2.1.1 and 2.1.2 will prioritize frontline communities – those that have been harmed by environmental injustice and who are likely to be hurt first and worst by the impacts of climate change. The ECAP defines frontline communities depending on the specific threat or public policy being considered, but in Oakland often includes those living in areas with the worst air and soil pollution, traffic congestion, and diesel particulate exposure, and least access to nature and healthy foods. This largely describes the flatlands and Interstate 880 corridor, which aligns closely with identified R/ECAPs and environmental justice communities. The ECAP also identifies place-based strategies, for example applying Greenlining Institute's Mobility Equity Framework and the Racial Equity Impact tool developed by Oakland's Department of Race and Equity to policies and programs related to new mobility. As State funding becomes available, the City will seek to support 160 households with lead paint abatement and/or gas stove replacement (Action 2.1.1 and Action 2.1.2). Through Action 2.2.1, the City will ensure that 100 percent of City-assisted homeownership and rental units will remain permanently affordable. Finally, the City will allocate approximately 25 percent of available local funding towards Preservation and Rehabilitation NOFA, and more as funding becomes available (Action 2.2.2).

The City works with funded providers to ensure that services and resources are prioritized for the most vulnerable populations. Vulnerable populations are identified through sources such as Oakland's Stanford research partnership, the Urban Displacement Project, Racially and Ethnically Concentrated Areas of Poverty, and federally identified Opportunity Zones, and will additionally include environmental justice communities identified through the Environmental Justice Element.

In addition, the City conducts extensive outreach to vulnerable populations and those at highest risk of displacement, targeting specific communities and geographies including Black and African Americans, and Spanish-, Cantonese-, and Mandarin-speakers to improve access for non-English speakers—to ensure tenants are aware of their rights and the resources the City makes available. The outreach materials are also offered in multiple languages in accordance with its language access policy.

## **POLICY 2.1 EXISTING HOUSING STOCK IMPROVEMENT**

### **Action 2.1.1: Support home rehabilitation programs.**

The City will expand housing rehabilitation assistance to very low- and low-income homeowners to address code violations, repair major building systems in danger of failure, abate lead-based paint hazards, conduct



minor home repairs for seniors, and perform or fund emergency repairs. Per the Council-adopted target of 100 percent building electrification by 2040 (Equitable Climate Action Plan (ECAP) Action B-2) and energy resilience for all (ECAP Action A-2), the City will pursue resources to integrate holistic building electrification, onsite renewable energy, and energy storage into these programs where possible, and combining building electrification improvements with other improvements for health, safety, and livability. Per the ECAP, electrification refers to the replacement of methane (aka “natural”) gas systems and appliances with efficient, effective, all-electric alternatives, such as heat pumps or induction cooking. Electrification is intended to be permanent: to meet the Council’s 2040 target, buildings switching away from gas to efficient electric systems and appliances should not later add gas infrastructure or appliances. Some of the programs currently operated by the City of Oakland or its partners include:

- Home Maintenance & Improvement Program (HMIP) Deferred Loan Program
- Emergency Home Repair Program Loan Program
- Alameda County Minor Home Repair Grant Program
- Lead Hazard Control and Paint Program
- Access Improvement Program
- Oakland CalHome ADU/JADU Loan Program
- Bay Area Regional Energy Network’s HomePlus Program and Home Energy Advisor
- TECH Clean California
- California Energy Smart Homes
- Low Income Weatherization Program

The City will engage local partners and fair housing experts to help promote awareness of, and broad participation in, these programs. The City will continue to implement, annually review, and revise, as needed, program guidelines for housing rehabilitation assistance. The City will target resources, as available, to expand opportunities throughout the community, including in lower-income and lower resource areas that will include Environmental Justice Communities that will be identified through the EJ screening process. The City will also strive to build community capacity and technical know-how by connecting homeowners with local labor to carry out home rehabilitation projects. This assistance will be particularly targeted to neighborhoods experiencing or at severe risk of displacement and gentrification. The City will also commit to explore additional funding sources for rehabilitation work beyond limited CDBG funds, which provides funding for many of Oakland HCD’s homeowner rehabilitation programs.

**Responsible Party:** *Oakland Department of Housing and Community Development, Residential Lending Division*

**Potential Funding Source:** *Community Development Block Grants and potentially other funding sources as available*

**Timeline:** *The City of Oakland Department of Housing and Community Development will continue to accept applications for and serve residents through its established low-income homeowner rehab programs and facilitate access to other resources on an annual basis. The City will also pursue additional funding sources for rehabilitation work beyond limited CDBG funds, which provides funding for many of Oakland HCD’s programs. The timing on pursuit of these additional funding sources depends on when such opportunities are available, as State funding streams for home rehabilitation/electrification are unpredictable or trade off with other Housing Element priorities (for*

*example, the CalHome program could fund rehabilitation, but that would potentially mean applying for less money for down payment homebuyer assistance which has no other dedicated funding).*

**Objective:** *As funding is available, the City of Oakland will continue to fund and operate home rehabilitation programs. At current funding trends, this will allow for approximately 80 rehabilitation projects each year.*

### **Action 2.1.2: Promote healthy homes and lead-safe housing.**

The City will continue, and seek resources to expand, implementation of the Lead-Safe Homes Program to assist low- and moderate-income homeowners with lead paint identification and remediation, prioritizing resources for disadvantaged communities with high rates of asthma. The City will also continue to partner with the Alameda County Community Development Agency's Healthy Homes Department to provide education, lead-safety skills training, and on-site consultations for Oakland property owners and conduct lead poisoning prevention and asthma trigger interventions for Oakland residents. In accordance with Oakland's 2030 Equitable Climate Action Plan, the City will encourage the transition away from natural gas appliances, which has been proven to increase development of asthma in children by 24 percent and which increases risks of fire and explosions. The City will seek resources to integrate electrification, lead abatement, and home rehabilitation activities in order to maximize public health and housing security benefits for frontline Oaklanders. The City will also seek resources and inter-agency partnerships to monitor public health impacts of new programming and requirements.

**Responsible Party:** *Oakland Department of Housing and Community Development, Residential Lending Division; Sustainability and Resilience Division, City Administrator's Office*

**Potential Funding Source:** *Community Development Block Grants and potentially other funding sources as available*

**Timeline:** *Ongoing throughout the 2023-2031 period and beyond.*

**Objective:** *As funding becomes available, the City of Oakland will implement programs to reduce health hazards from lead and natural gas appliances.*

### **Action 2.1.3: Conduct proactive rental inspections.**

The City is adopting a proactive, data-driven housing inspection program for City Council's approval in early 2023 to improve housing habitability conditions among the City's rental stock. Covered rental units will be inspected on a regular basis at designated intervals thereby reducing the likelihood of deterioration and escalation to substandard housing conditions by identifying and targeting exterior and interior code violation early on. The City will continue to monitor and inspect properties in response to a complaint driven process from the public on habitability and blight condition. The City will work with community partners to develop appropriate enforcement mechanisms, including tenant protection and anti-displacement mechanisms to ensure tenants are not displaced as a result of proactive inspections turning up housing habitability issues and/or raising rents due to the cost of fixing habitability issues. Further, the City will prioritize inspections in areas with older housing stock and health disparities and seek funding to streamline the inspection/rehabilitation process by connecting property-owners to technical and financial assistance for safety and accessibility improvements at the time of inspection. Guidelines are being developed to identify issues that may qualify as delay of enforcement actions to provide property-owners with sufficient time to complete the needed repairs, thereby mitigating displacement of existing tenants and preserving affordability.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *Permit fees*

**Timeline:** *2023*

**Objective:** *The City will develop a proactive rental inspections program to significantly improve housing safety and quality and address housing needs, particularly in areas with older housing stock and communities experiencing health disparities.*

#### **Action 2.1.4: Support historic preservation and rehabilitation.**

The City will support the preservation and rehabilitation of both the existing historic housing stock and adaptively reused non-residential structures through a variety of strategies, including continued implementation of Mills Act Contracts and the Oakland Community Buying Program. The City will support the preservation of historic, archaeological, and tribal cultural resources and their incorporation into project site planning where feasible. As described in Action 3.2.3, the City will also promote adaptive reuse to promote historic preservation.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge, permit fees*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *The City will continue to implement the Mills Act and the Oakland Community Buying Program to support to help support historic preservation.*

#### **Action 2.1.5: Implement universal design strategies.**

The City will initiate community engagement to understand the need for universal design strategies, including with seniors, people experiencing disabilities, and community-based organizations with insight and experience with accessibility issues. The City will consider the adoption of a Universal Design Ordinance, which would help close loopholes, ensure good faith compliance of Americans with Disability Act provisions, ensure that accommodations are built into new developments, and allow Oaklanders to age in place.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge, permit fees*

**Timeline:** *2025-2027*

**Objective:** *The City will consider adopting a Universal Design Ordinance to address housing needs and improve housing conditions for seniors, people experiencing disabilities, and other communities with accessibility issues.*

#### **Action 2.1.6: Increase funding for improved indoor air quality.**

The City will seek State, Federal, and other funding sources to provide financial assistance to property owners and very low- and low-income homeowners to offset some of the cost of investing in better

ventilation, air filtration systems (e.g., MERV filter systems), and efficient electrification to improve indoor air quality in existing single- and multifamily residential units, with a priority for homes in high air pollution areas such as near freeways. The City will adopt and implement an Existing Building Electrification Roadmap, using an equity-centered approach to transition all homes away from methane (aka “natural”) gas systems by 2040. The Roadmap will specify policy strategies, necessary incentives and safety nets, and other steps to avoid increasing housing displacement or energy insecurity in the electrification transition.

**Responsible Party:** Sustainability and Resilience Division, City Administrator’s Office

**Potential Funding Source:** *State funding such as Technology and Equipment for Clean Heating Initiative, Building Initiative for Low-Emissions Development, and California utility repayment funding. Federal funding is available through the Inflation Reduction Act. Additional sources of funding could include CEQA mitigation funds, philanthropic sources, and other public-private partnerships.*

**Timeline:** *Identify funding by 2026; bring Existing Building Electrification Roadmap to Council for adoption by end of July 2023*

**Objective:** *Significantly improve indoor air quality and address housing need in existing single- and multifamily residential buildings.*

## **POLICY 2.2 PRESERVE THE AFFORDABILITY OF EXISTING HOMES**

### **Action 2.2.1: Continue to implement resale controls on assisted housing.**

The City will continue to use financing agreements for both City-assisted ownership and rental development projects to ensure that units remain permanently affordable through covenants running with the land.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *HOME, HUD, CALHFA, County, misc. State/Federal housing programs, AHP private funds*

**Timeframe:** *Ongoing, 2023-2031*

**Objectives:** *100 percent of City-assisted homeownership and rental units will have their affordability covenants effectively enforced.*

### **Action 2.2.2: Enforce, monitor, and preserve affordable housing covenants with an emphasis on “at-risk” units.**

The City will proactively monitor and enforce affordable housing covenants and will conduct outreach to the owners of assisted units that are at risk of conversion to market-rate housing. The City will prioritize the preservation of units at some level of risk of converting in the next 10 years by actively working with

and encouraging the owners of those properties to extend their covenants. Pursuant to law, the City will also engage in required noticing, tenant education, and coordinating with qualified entities.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *HOME, HUD, CALHFA, County, misc. State/Federal housing programs, AHP private funds*

**Timeframe:** Program monitoring and enforcement of this program is ongoing, 2023-2031. Furthermore, the City has issued Preservation and Rehabilitation NOFAs on a periodic basis, per funding availability to capture existing affordable units at-risk of conversion to market-rate, and perform rehabilitation work on properties in exchange for extending the term of affordability restrictions. Recent NOFA under this program were released in 2017 (\$9.5M) and 2019 (\$11M), and the next NOFA release is anticipated in 2023. The City is aiming for approximately \$10M in this round, but will likely bolster that amount with the 2022 Bond Measure funding for affordable housing and infrastructure approved by voters.).

**Objectives:** *As funding becomes available, deed-restricted affordable housing units at risk of losing their affordability will be protected from a loss of affordability protections through extensions of regulatory agreements, and deepening of affordability levels when possible. Currently the City's policy is to allocate approximately 25 percent of available local funding towards Preservation and Rehabilitation NOFA, and future funds will be allocated contingent upon availability.*

### **Action 2.2.3: Enforce residential demolition and conversion restrictions for residential hotels.**

Residential hotels, also referred to as single-room occupancy (SRO) units, provide an important source of naturally occurring, deeply affordable housing in City. As such, Oakland has enacted regulations to limit the demolition, conversion, and rehabilitation to charge higher rents of existing residential hotel units. The City has recently amended these regulations (Chapter 17.153 of the Oakland Planning Code) to strengthen protections for residential hotels and will continue to enforce these protections to preserve their affordability.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeframe:** *Ongoing, 2023-2031*

**Objectives:** *Continue to enforce Single-Room Occupancy (SRO) regulations to preserve affordability and meet housing needs.*

**Action 2.2.4: Limit condominium conversions.**

The conversion of rental housing to condominiums provides a risk to the affordability of Oakland’s housing stock. The City recently amended its condominium conversion regulations to require replacement rental housing for the conversion of two or more housing units, to remove the provision allowing the generation of conversion rights when the units are offered as rental units for seven or more years, to acknowledge the applicability of the Oakland Just Cause for Eviction Ordinance and the Oakland Rent Adjustment Ordinance, and to afford greater rights and protections to existing tenants. The City will strictly enforce these recently adopted regulations to preserve Oakland’s rental housing supply.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *Permit fees*

**Timeframe:** *Ongoing, 2023-2031*

**Objectives:** *Continue to enforce condominium conversion regulations to preserve rental housing supply and prevent displacement.*

**Action 2.2.5: Extend local replacement unit provisions.**

State law (SB 330) mandates that “protected units” are replaced with comparably affordable units when a residential building is demolished and redeveloped. The City will codify and extend replacement provisions pursuant to State law beyond the established sunset date. The City will require that developers notify existing and prospective tenants of their tenant rights as provided both under SB 330 as well as Oakland’s Just Cause for Eviction Notice. The City will require developers to comply with applicable tenant right to refusal provisions. Further, the City will engage in strict monitoring and enforcement of the law to ensure replacement units are provided. This will include active outreach to developers to ensure they are aware of and comply with replacement unit provisions, and the maintenance of a displaced tenant database. The City will require that any demolition proposals include sufficient relocation assistance and right to return to the new replacement units.

**Responsible Party:** *Oakland Planning & Building Department; Oakland Department of Housing and Community Development*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeframe:** *Enforcement of SB 330 requirements: Ongoing, 2023-2031. Adoption of Requirements above SB 330: 2024.*

**Objectives:** *Codify and extend local replacement unit provisions to ensure compliance and prevent displacement.*

### **Action 2.2.6: Reduce short-term home purchases/sales (i.e., “house flipping”) to ensure affordability and prevent displacement.**

The practice of “house flipping,” —acquiring properties, making superficial improvements, and quickly reselling at a higher price—can cause housing costs to increase, leading to higher rates of displacement and increased exclusivity in higher resource neighborhoods. To curb the negative effects of speculation, the City will consider implementing an anti-speculation tax, which would apply a fee when a property is sold shortly after purchase. The City will conduct a market study to understand the potential impacts of such a tax and its appropriateness within Oakland. As discussed in Action 2.2.8, the City will also explore a possible Tenant Opportunity to Purchase/Community Opportunity to Purchase Act.

**Responsible Party:** *Oakland Department of Finance*

**Potential Funding Source:** *General Plan Surcharge for the study; self-funding, if implemented*

**Timeframe:** *2026*

**Objectives:** *Study the root causes of unaffordability and displacement and consider possible taxes to prevent displacement and maintain affordability. Looking specifically at the cost to rehabilitate a home and incentivizing the market to maintain neighborhood level affordability through tax incentive or disincentive.*

### **Action 2.2.7: Provide additional subsidy for residential hotels.**

The City will consider allowing owners of residential hotels that agree to restrict occupancy to lower-income residents to transfer development rights to create an endowed source of funding for an internal subsidy for such residents, or for maintenance/facility upgrades that do not increase rents.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeframe:** *2025-2027*

**Objectives:** *Preserve SROs and meet housing need.*

### **Action 2.2.8: Investigate a Tenant/Community Opportunity to Purchase Act.**

A Tenant/Community Opportunity to Purchase Act, referred to as TOPA/COPA, gives tenants and nonprofit organizations the opportunity to purchase their home when it goes up for sale, thereby preserving that housing unit as affordable. TOPA/COPA policies are under development in multiple Bay Area cities, including Oakland, the neighboring City of Berkeley, East Palo Alto, and San Jose. The City will study the effectiveness of a TOPA/COPA model suited to local conditions, which may include equity-building mechanisms, funding needs and sources, racial equity impact considerations, or other approaches that may

be appropriate to Oakland. Enactment of a TOPA/COPA policy would require City Council review and approval.

**Responsible Agency:** *City Council; Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Impact fees, General Fund, infrastructure bond funds, HOME, CDBG, and other local, State, and federal funding as available*

**Timeline:** *Investigate a TOPA/COPA policy and present findings to Oakland City Council for discussion by Fiscal Year 2025. If adopted, implementation will occur at maximum two years after the date of adoption.*

**Objective:** *Oakland will study by FY2025, and if appropriate, implement a TOPA/COPA policy by 2027 at the latest.*

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

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To address Oakland's ongoing housing crisis, key strategies should focus on closing the gap between market-rate and affordable housing production by prioritizing the preservation of existing housing and developing high-quality and abundant affordable housing for those of the greatest need, including Black, Indigenous, and other People of Color (BIPOC) households.

During the previous RHNA cycle, the City permitted more above-moderate-income housing than required by the RHNA, whereas the City only permitted one affordable housing unit for every eight above-moderate income units. This highlights the need for a concerted effort to increase production of homes that are affordable to very low-, low-, and moderate-income households. While adding housing at every income level can help reduce market competition for existing homes, a primary driver in displacement and homelessness, Oakland also needs more deeply affordable housing. Oakland especially needs housing affordable to extremely-low-income residents and housing that remains permanently affordable. One of the key objectives in expanding affordable housing opportunities and producing more affordable housing is overcoming patterns of discrimination and opening up neighborhoods that have historically been exclusionary to communities of color and low-income residents, while simultaneously refocusing resources and protections towards historically disinvested neighborhoods (see Policy 2.2).

As stated above, the City fell short of meeting its lower- and moderate-income need, which has nearly doubled during the current 6th cycle RHNA. The shortfall is primarily a reflection of the lack of commensurate state and federal subsidies that would be necessary to achieve Oakland's targets for low- and moderate-income households. Public funds for affordable housing would need to be expanded *tenfold* in order to meet these 6th Cycle RHNA targets. Other constraints are discussed in Appendix C. To meet the increased need for affordable housing, the City will identify new funding sources, expand existing programs, and introduce new strategies to close the gap between market-rate and affordable housing production, and further encourage high quality and abundant affordable housing development.



As California's housing crisis continues into another decade, new and innovative models for the development and maintenance of permanently affordable housing are needed to overcome these obstacles and meet Oakland's increased housing needs. This includes alternative housing models that have the benefit of being more affordable and can meet a wider range of community needs, incomes, and lifestyles, including single room occupancy (SRO) programs; efficiency units (where the kitchen/dining area is segmented off from a combination sleeping/living area); micro units (units usually less than ~250 square feet); and co-housing (private homes clustered around shared space). The City is encouraging these models: recent examples include Oakland's 2018 Residential Hotels Ordinance, the "Nook" microunit project built in 2016, and completion of co-housing project Phoenix Commons in 2016. Recognizing the limited resources that staff already operate with, the City will welcome models that are community-based and are eligible for external funding. For the next eight years and beyond, the City will cultivate an atmosphere that encourages new approaches to meet Oakland's affordable housing needs. The City will also encourage models that emphasize community ownership of land and housing to promote permanent affordability.

Oakland has very little vacant land available for development and is reliant primarily on reuse of existing sites for development. The vacant parcels that do exist, however, often provide significant opportunities for residential development. Furthermore, vacant residential and commercial buildings and units could provide potential sources of additional housing supply that are not currently available. As part of this goal, the City will enact a variety of strategies to incentivize active residential uses on vacant land and units.

Although housing is largely provided by the private and nonprofit sectors, the City has one major tool to influence development patterns and increase housing development of affordable housing and allow for other housing types: the Planning Code. To ensure that the Planning Code is responsive to housing policies and programs, the City will need specific zoning amendments that meet Oakland's changing needs and remove identified constraints to residential development. The suite of amendments the City will undertake range from short- to long-term solutions, some of which will be carried out alongside the update of the Housing Element and others as part of the comprehensive update to the City's General Plan that includes the Land Use and Transportation Element and will continue through 2025 after the Housing Element adoption.

The length and cost of the residential permitting process—which are ultimately reflected in a unit's selling price—are also generally within the City's control. An onerous and lengthy review process can be one of the most significant barriers to housing construction because some developers may decide that the cost of project review and its potential delays simply overcomes the revenue of new housing, particularly in the case of projects that are only marginally financially feasible and/or profitable. Recognizing that long permitting processes are a statewide issue, a slate of new legislation, including SB 35, SB 330, AB 2162, and SB 1483, has introduced new requirements that are intended to facilitate the production of affordable housing through a streamlined residential permitting process.

The City of Oakland currently operates both an online permit center and an in-person "one-stop" permit center with counter services staffed by the Departments of Planning and Building, Fire, and Transportation. However, there are opportunities to better steward small nonprofit and BIPOC developers, homeowners looking to add additional units, affordable housing developers, and other community partners through the residential permitting process.

This goal will encourage the production of affordable housing and guide development of a more diverse range of housing choices for households of all types, incomes, and special needs; and promote changes to City tools like its permitting procedures and zoning code to make it easier and faster to build affordable housing.

## HOW THIS GOAL AFFIRMATIVELY FURTHERS FAIR HOUSING

Though Oakland is one of California's most diverse cities overall, there is significant racial segregation between the city's neighborhoods. As a result of past practices such as mortgage redlining, disinvestment in neighborhoods of color, racially restrictive covenants on housing development, exclusionary zoning, destructive urban renewal, highway development and predatory lending in neighborhoods of color, many of Oakland's BIPOC residents live in neighborhoods that lack access to quality amenities or upward mobility. As higher income people move to Oakland, low-income neighborhoods of color are also more susceptible to gentrification and continue to bear infrastructure burdens from the city's increased housing supply. In contrast, some high-resource areas remain disproportionately white in their racial composition because they are zoned primarily for single-family homes, and the absence of lower cost housing types prevents BIPOC and lower-income families from moving to these neighborhoods. See Appendices B and D for additional detail on these patterns of segregation. The City must work towards breaking down barriers towards accessing high-opportunity neighborhoods for those who choose to live there, while simultaneously investing in "lower resource" neighborhoods. Increasing affordability and expanding the housing types permitted in high-opportunity neighborhoods will be key to ensuring that currently exclusive neighborhoods become inclusive.

Many of the actions included under Goal 3 are specifically intended to break down these existing segregation patterns and provide opportunities for a range of housing types within the city's identified high-resource areas. Action 3.3.5, the Affordable Housing Overlay, seeks to directly address this by opening up opportunities for the development of affordable housing in existing single-family home neighborhoods. The Affordable Housing Overlay action's efficacy will be buttressed by many other actions that seek to remove constraints on the production of housing, including Action 3.2.1 (missing middle housing), Action 3.4.1 (revision to development standards), Action 3.4.3 (elimination of CUP requirements for multifamily in RD and RM zones), Action 3.4.4 (revision to parking standards), Action 3.4.5 (revision to open space requirements), Action 3.4.8 (objective design standards), Action 3.6.3 (expand by right approvals), Action 3.6.4 (implementation of SB 35), and Action 3.7.6 (greater allowance for rooming and efficiency units). Together, the City anticipates that these programs can generate additional housing production in the range of 4,000-5,000 additional units in the current Housing Element cycle, at least 1,000 of which will be directly the result of the Affordable Housing Overlay, with a goal that the programs will increase the production of lower income units in high resource areas by at least 25% over historic trends.

During the outreach process, many community members expressed a desire to see Oakland be more inclusive and retain and strengthen its diversity with a wider array of housing choices. Community members sought more duplexes, fourplexes, cottage courts, and garden apartments throughout the city. These smaller, "missing middle" housing types<sup>29</sup> tend to be more affordable by design—compared to single-family homes—and thus provide additional options for first-time homebuyers, single people, and moderate-income households. These housing types can also increase the housing stock in previously built-out neighborhoods, and as such are an important factor for Oakland to meet its moderate-income RHNA target. Accessory dwelling units – also known as ADUs, granny flats, secondary units, in-law units, and backyard cottages – are another important strategy to increase the supply of housing that is more affordable by design. ADUs offer an alternative for people who want to rent but do not want to live in larger apartment

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<sup>29</sup> Missing Middle Housing is a range of house-scale buildings with multiple units (e.g., duplexes, triplexes, fourplexes, cottage courts, and multiplexes) that are compatible in scale and form with detached single-family homes and are located in a walkable neighborhood. More information is available at [missingmiddlehousing.com](https://missingmiddlehousing.com).

complexes. ADUs tend to be located in lower-density and higher resource neighborhoods that often contain few other rental options that are affordable. As described in Appendix C, the majority of ADUs in Oakland are estimated to have rents affordable to lower-income households. The community also expressed a desire to see increased housing typologies and affordable housing throughout the city, including existing working-class neighborhoods that are currently low-resource due to systemic racism and disinvestment. Efforts specifically aimed at increasing affordable housing production are included in Policy 3.3. The City of Oakland will also continue its existing leasing preference in affordable housing for households displaced as a result of City action or who live near the affordable housing development.

On March 16, 2021<sup>30</sup>, the City Council directed the Planning Bureau to explore criteria for allowing four units on all residential parcels citywide, including in areas that are zoned to only allow single-family homes—prior to the passage of SB 9.<sup>31</sup> Zoning reform actions under this goal will expand on this direction and help to open up exclusionary neighborhoods. Other housing development reforms—like permit streamlining and ADU promotion—will also help expand housing options in traditionally exclusionary neighborhoods.

Further, certain segments of the population face greater challenges to finding decent, affordable housing due to special characteristics. Such characteristics may include one’s employment and income, family characteristics, disability, or other conditions. Thus, some residents face greater housing cost burden, overcrowding, or other housing problems.

State Housing Element law defines “special needs” groups to include persons with disabilities (including developmental disabilities), the elderly, large households, female-headed households, homeless people, and farmworkers. Many households within these special needs groups also fall within the extremely-low-income category. The special needs of individuals within these groups are wide ranging: in addition to affordable and accessible housing opportunities in proximity to transportation and other services, individuals with disabilities or who are experiencing homelessness may need on-site support and services. Meanwhile, female-headed households benefit from on-site childcare, and universal design elements such as zero-step entrances and single floor living are important considerations for senior housing.

Special needs housing is an important component of Oakland’s commitment to just and fair treatment of all individuals. It is critical that housing conditions foster an environment where everyone can participate, prosper, and reach their full potential. Actions contained within this goal will expand funding sources for affordable housing, including bonus points for serving special needs populations, will together allow for the expansion of affordable opportunities for special needs populations in high-opportunity neighborhoods. Actions related to expanding affordable housing options that are accessible to extremely-low-income households are also contained under Policy 3.1. As State funding becomes available, the City intends to create over 400 extremely-low-income housing units through Policy 3.1 and acquire 100 sites for affordable homeownership in Policy 3.8.

The City works with funded providers to ensure that services and resources are prioritized for the most vulnerable populations. Vulnerable populations are identified through sources such as Oakland’s Stanford research partnership, the Urban Displacement Project, Racially and Ethnically Concentrated Areas of Poverty, and federally identified Opportunity Zones, and will additionally include environmental justice

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<sup>30</sup> March 16, 2021, City Council Resolution to study and consider criteria for allowing four-plexes in areas designated for single family residences: <https://oakland.legistar.com/LegislationDetail.aspx?ID=4815334&GUID=C981D0A8-C841-43F1-A33F-12CA0DA76B07&Options=&Search=>

<sup>31</sup> SB 9, in effect as of January 1, 2022, permits increased density on single-family lots through duplexes and lot splits.

communities identified through the Environmental Justice Element. The City will also seek opportunities to expand the number of extremely-low-income housing units built in “high resource” neighborhoods identified by the California Tax Credit Allocation Committee. In addition, the City conducts extensive outreach to vulnerable populations and those at highest risk of displacement, targeting specific communities and geographies including Black and African Americans, and Spanish-, Cantonese-, and Mandarin-speakers to improve access for non-English speakers—to ensure tenants are aware of their rights and the resources the City makes available. The outreach materials are also offered in multiple languages in accordance with its language access policy.

### **POLICY 3.1 FACILITATE PRODUCTION OF DEEPLY AFFORDABLE HOUSING<sup>32</sup>**

#### **Action 3.1.1. Develop a project-based rental or operating subsidy program for extremely-low-income residents.**

Create a capitalized operating subsidy program for extremely-low-income households. This will enable the creation of extremely-low-income housing, which is only possible with the provision of public operating subsidies to ensure financial stability for the property and appropriate support services for the residents.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Timeline:** *Program will be launched by December 2023*

**Potential Funding Source:** *State of California Permanent Local Housing Allocation (PLHA), Homeless Housing Assistance & Prevention (HHAP), and any and all other resources that become available for this use.*

**Objective:** *This program will fund project-based rental or operating subsidy for at least 16 units of extremely-low-income housing per year, for a total of at least 56 extremely-low-income units by 2031.*

#### **Action 3.1.2: Align and target Oakland Housing Authority Section 8 Vouchers for permanent supportive housing and extremely-low-income units.**

The Oakland Housing Authority will continue targeting vouchers to support the development of extremely-low-income Housing through the award of project-based vouchers and/or other Oakland Housing Authority funds.

**Responsible Agency:** *Oakland Housing Authority*

**Timeline:** *Ongoing, 2023-2031*

**Potential Funding Source:** *Federal Section 8 vouchers, VASH vouchers, and/or other Oakland Housing Authority funds.*

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<sup>32</sup> Deeply Affordable housing for persons at 30 percent area median income or below.

**Objective:** *As vouchers or funds are available, at least 20 percent of units in assisted developments will be deed restricted as extremely-low-income.*

## **POLICY 3.2 CREATE A MORE DIVERSE MIX OF HOMES TO MEET COMMUNITY NEEDS**

### **Action 3.2.1: Develop zoning standards to encourage missing middle and multi-unit housing types in currently single-family-dominated neighborhoods, including flats, duplexes, triplexes, fourplexes, townhomes/rowhouses, and ADUs.**

The City will review and amend the Planning Code and implement objective design standards to encourage missing middle-density housing typologies, including flats, duplexes, multiplexes (triplexes, and fourplexes), bungalow courts, rowhouses/townhomes, and ADUs. The City will work to reduce pre-development costs and expedite the planning approval process for missing middle housing types resulting from both new construction and the conversion of existing structures.

The City will develop zoning standards that allow for two, three, and four units on parcels in Detached Unit Residential (RD) Zones and additional multi-unit housing types in Mixed Housing Type Residential (RM) Zones. The City will also reduce the minimum lot size in Detached Unit Residential and Mixed Housing Type Residential lots to 2,000 square feet to remove constraints on lot splitting. The City will permit a variety of building types (attached, detached, bungalow courts) to maximize flexibility, neighborhood scale and potential opportunities for homeownership (split lots and condominiums) in parallel with Policy 3.4 and Policy 5.1. See Appendix J for a summary of missing middle zoning amendments.

Under Action 3.4.1, the City will revise development standards, including allowable building heights, densities, open space and setbacks requirements.

Under Action 3.4.8, the City will develop objective design standards at the neighborhood level to ensure that multi-unit neighborhood scale housing types designed in a manner that is compatible with the scale of existing residential housing forms in these zoning districts is permitted ministerially.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees, SB2 Grant for Objective Design Standards*

**Timeframe:** *June – July 2023*

**Objective:** *Significantly increase production of multi-unit housing types (including duplexes, triplexes and fourplexes, along with other multi-unit housing types) in current single-family-dominated neighborhoods to match housing need.*

### **Action 3.2.2: Promote and protect live/work housing and housing for artists.**

The City will update development standards, building codes, and land use regulations to promote artist housing, including joint living and working quarters (JLWQs) in areas where appropriate under the General Plan. The City will encourage employers, trade groups, and arts and cultural districts to provide housing

opportunities that are affordable to artists and similar professionals. The City will continue to allow the conversion of existing commercial nonresidential buildings to JLWQs in specific commercial/industrial locations while considering the impacts on nearby viable businesses. The City will support bringing existing, unpermitted JLWQ units in commercial and industrial buildings into compliance with Building Codes and the Planning Code in a way that mitigates displacement of existing tenants and preserves affordability.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees, 2415 fund of the City, SB2 Grant for Objective Design Standards*

**Timeframe:** 2025

**Objective:** *Significantly increase production and protection of live/work housing and housing for artists to match housing need.*

### **Action 3.2.3: Promote flexibility in adaptive reuse to increase the housing stock.**

The City will encourage the reuse and rehabilitation of Oakland's historic building stock to provide additional housing units, safeguard neighborhood character, and preserve the energy embodied in the building's original construction. The City will amend land use regulations and development standards in the Planning Code to reduce constraints on adaptive reuse of commercial buildings for residential use, and help make clear how the Historic Building Code and Alternate Materials and Methods Request (AMMRs) can be used to facilitate the adaptive reuse of older commercial buildings. Reuse in environmentally sensitive areas—including in warehouses adjacent to industrial uses—will consider health and safety impacts prior to approval.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees, SB2 Grant for Objective Design Standards*

**Timeframe:** 2025

**Objective:** *Significantly increase reuse and rehabilitation of historic commercial buildings for residential use to match housing need.*

### **Action 3.2.4: Provide financial incentives for lower-income homeowners to legalize ADUs.**

The City will implement its "ADU Loan Program" to provide deferred loans to low-income homeowners who want to legalize an ADU.



**Responsible Party:** *Oakland Planning & Building Department; Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Funding for an ADU incentive program would include \$3 million already awarded from the State of California’s CalHome program for a pilot program, and the City would seek ongoing State funding for ADU development in the future.*

**Timeframe:** *The City’s ADU Loan Program opened in Fall 2022 and will offer loans into 2023. As additional funding becomes available, the City will provide additional funding opportunities. For more information on the City’s Accessory Dwelling Unit Loan Program (ADULP), see <https://www.oaklandca.gov/adulp>.*

**Objective:** *Using the ADU CalHome grant, the City anticipates supporting at least 25 low-income and/or senior households with the cost of legalizing at least 25 Accessory Dwelling Units. This is based on the 25 loans projected for the existing CalHome grant the City has received to help low-income homeowners build ADUs.*

### **Action 3.2.5: Reduce constraints to the development of ADUs.**

On January 18, 2022, the City updated its zoning standards related to ADUs to be consistent with State law. The adopted local ordinance clarified and simplified existing requirements and offered additional allowances to encourage creation of ADUs that went beyond the minimum requirements of State law. These additional allowances include higher maximum heights allowing for two-story ADUs, reduced setbacks in some zones, larger maximum sizes for detached ADUs, and an introduced ADU amnesty from Planning Code requirements allowing homeowners with existing un-permitted ADUs to legalize them. Also, this zoning update removed setback requirements and allowed additional envelope expansion of existing structures to create livable-size ADUs on “small lots” where ADUs would not be feasible under previous requirements.

The City’s current Planning Code already meets the requirements for recently passed ADU state laws under SB 897 and AB 2221. City Staff will work to implement the new requirements for these laws through the City’s administrative approval process.

The City will continue to provide pre-approved ADU plans on its website to facilitate reduced applicant cost and expedited review for ADUs. The City will also provide increased staffing capacity for the “one-stop shop” to distribute information to property owners, contractors, and tenants. The City will budget a new staff position for an ADU Specialist whose assignments would include community outreach and education to teach property owners about ADU construction, financing, and landlord responsibilities. The City will also consider developing a database through which property owners can find and hire local workers to build ADUs. The City will comply with State law (including recently passed SB 897 and AB 2221) and Building Code requirements for ADUs, and also study how the implementation of the Building Code may constrain the legalization of unpermitted ADUs. Oakland’s Planning & Building Department will take the lead in implementing these efforts, with support as needed from Oakland’s Department of Housing and Community Development.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees, SB2 Grant for Objective Design Standards*



**Timeframe:** *January 2023 (Comply with 2022 State ADU law requirements); 2023-2024 (One-Stop Shop); by 2025 (Budget a new ADU Specialist position)*

**Objective:** *Significantly increase production of ADUs to match housing need.*

### **Action 3.2.6: Monitor Affordability of Permitted ADUs.**

Based on a recent online survey conducted by the City as well as data provided by the Association of Bay Area Governments, the Appendix C Sites Inventory estimates that ADUs produced from 2023 to 2031 will have the following projected affordability levels: 35 percent affordable to very-low-income households, 35 percent affordable to low-income households, and 30 percent affordable to moderate-income households. Based on a total projected ADU production of 1,978 units through 2031, the City has estimated that ADU construction will result in the creation of 692 very-low-income units, 692 low-income units, and 593 moderate-income units.

To ensure that Oakland's ADU production aligns with these projections, the City will send a survey to the property owners of ADUs that received a certificate of occupancy within the prior two-year period requesting information on household size and rents charged for these recently constructed ADUs. If the survey identifies a shortfall in the numerical affordability production projections, within six months of the survey report being published the City will provide to the Planning Commission a report summarizing the survey report and identifying additional actions that can be taken to either increase the production of affordable ADUs, and/or proposing other rezoning programs that will enable additional affordable housing production to fill any identified affordable housing production shortfall.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeframe:** *First survey to be conducted first quarter of 2024. Results to be presented to Planning Commission by end of 2024. Any necessary reforms to ADU regulations and/or rezoning programs to be adopted in 2025. Second survey to be conducted in first quarter 2026.*

**Objective:** *To match affordability projection included in Table C-8 of Appendix C, produce on average 86.5 very-low-income ADUs, 86.5 low-income ADUs, and 74 moderate-income ADUs per year.*

### **Action 3.2.7: Proactive Short-Term Rental Enforcement.**

With limited exceptions in single-family homes with a CUP for a traditional owner-run bed and breakfast, Oakland's current planning regulations prohibit any rental of an accessory dwelling unit (ADU), single-family home, duplex, apartment/condo, live/work unit, or other dwelling unit for less than 30 consecutive days. In addition, State laws that govern ADUs do not allow for any ADU to be rented as a short-term rental of less than 30 consecutive days. The City's code compliance division reviews zoning code violations on a complaint-driven basis, which has not sufficiently deterred property owners from operating short-term rentals that do not comply with planning regulations. Additionally, code compliance often lacks sufficient evidence to clearly document that an ADU or other dwelling unit is operating as a short-term rental.

In response, the City will pursue additional data collection tools that will allow the City to access information showing addresses of units listed on short-term rental platforms. Upon securing this data, the

City will engage in proactive enforcement against property owners who are operating short term rentals in ADUs and in other dwelling units throughout the City.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *Violation Fees, permit fees, transient occupancy tax collection*

**Timeframe:** *Secure additional data collection tools and begin proactive enforcement in 2023. Complaint-based enforcement is ongoing and would continue, supplemented by the additional data collection tools.*

**Objective:** *Reduce the number of unauthorized short-term rentals in Oakland by having bi-yearly data scrapes of short-term rental platforms and automatic mailing notifications to owners in violation.*

### **POLICY 3.3 EXPAND RESOURCES FOR THE CONSTRUCTION OF AFFORDABLE HOMES**

#### **Action 3.3.1: Sale or ground-lease of City-owned property for affordable housing.**

Consistent with the California Surplus Lands Act (SLA) and the Oakland Municipal Code, the City will continue to release land designated as surplus for development of affordable housing and other uses. The City will continue to release one to two surplus sites per year for permanent affordable housing development projects, noticing them via a Notice of Availability (NOA) to local Bay Area affordable housing developers, as well as to all California Housing Finance Agency (CalHFA) housing sponsors, consistent with the SLA. All surplus sites are tracked on the City's website and NOAs are available on the website as well. All surplus sites disposed of pursuant to the SLA will include a minimum of 25 percent affordable units and in many cases will include up to 100 percent affordable units. If the SLA process does not conclude in an affordable housing development for a particular site, the City will issue Request for Proposals (RFP) for its designated surplus properties. If the RFP process results in an agreement with an entity that develops 10 or more residential units on the property, the City will require the entity to provide at least 15 percent of the developed units at an affordable housing cost or affordable rent to specified income groups, as required by Government Code Section 54220-54234 of the SLA. The City will consider depositing up to 100 percent of net proceeds from such sales or leases to the Affordable Housing Trust Fund. The Planning Bureau provides priority processing for affordable projects that are located on surplus sites. The City will also continue to seek to utilize surplus sites – as well as other City-owned or City-leased properties – for emergency housing programs (e.g., safe RV parking and community cabins) and other community-serving uses prior to disposition under the SLA. Across City-owned sites, in addition to completing EIR for rezoning by July 2023, the City will facilitate resolution with selected developers of any impediments to receiving entitlements and building permits to ensure that the project can commence construction no later than four years after site disposition and prior to January 2029.

This public lands program should include, but not be limited to:

- Annual outreach and marketing of these sites to developers, especially non-profit developers;

- Coordination across agencies, including the Mayor's office and/or the City Administrator's office;
- Continue negotiations and completion of any necessary rezoning efforts on identified publicly owned sites that will accommodate the RHNA;
- Facilitation and streamlining of any approvals and subsequent entitlements for proposed projects on publicly identified sites;
- Development and implementation of site-specific incentives including but not limited to financial assistance, streamlined approvals, and reduced fees, to encourage and facilitate affordable housing development on publicly owned sites.

The City will target 2,051 affordable units (as per Appendix C, Table C16b: City-Owned Sites) in the RHNA planning period, and in 2029, revisit and pursue alternative strategies as appropriate.

**Responsible Agency:** *Oakland Economic & Workforce Development Department; Oakland Department of Housing and Community Development, Oakland Planning and Building Department*

**Potential Funding Source:** *City subsidy*

**Timeline:** *The City will issue Notices of Availability and/or Requests for Proposals consistent with the SLA on at least one to two City-owned surplus sites each year for permanent affordable housing with preference for ELI or homeless households. Complete EIR for rezoning by July 2023, facilitate entitlements and building permits within four years of disposition. Conduct an evaluation in 2029 and take subsequent action to accommodate the RHNA, if necessary, within one year.*

**Objective:** *Issue Notices of Availability and/or Requests for Proposals consistent with the SLA on at least one to two City-owned surplus sites each year, and advance affordable housing projects underway to completion. Notices will be posted on the City's website and distributed directly to developers, including nonprofit housing providers. Target 2,051 affordable units in the RHNA planning period, and in 2029, revisit and pursue alternative strategies as appropriate.*

### **Action 3.3.2: Expansion of Section 8 vouchers.**

The City will continue to participate in the HUD-operated Section 8 Housing Choice Vouchers program, and the City will continue to coordinate with the Oakland Housing Authority to advocate for additional funding from the federal government for more Section 8 rental assistance for very-low-income renters by documenting the need for additional housing vouchers and contacting decision-makers at HUD as appropriate. The City will also advocate for additional funding at the federal level as opportunities such as the American Recovery Act become available. Further, the City will work with nonprofit and community-based partners to educate property owners throughout the city about housing choice vouchers to encourage greater participation and to increase locational choices for voucher holders (see Action 5.2.8). In 2022, Oakland secured 515 emergency housing vouchers as part of its advocacy to expand the number of housing vouchers for Oakland residents.

**Responsible Agency:** *Oakland Mayor's Office, Oakland Housing Authority, Oakland Department of Housing and Community Development*

**Potential Funding Source:** *HUD Section 8 vouchers*

**Timeline:** *Ongoing, 2023-2031. As part of its landlord education efforts, the Oakland Department of Housing and Community Development will promote voucher acceptance. The Oakland Department of Housing and Community Development hosts multiple landlord education workshops each year that can serve as an opportunity for this promotion. The Mayor's Office will lead federal advocacy during budget discussions with the federal government on an annual basis.*

**Objective:** *The City of Oakland Housing Authority will increase the number of vouchers being used in proportion with any future federal expansion of Section 8 or similar programs.*

### **Action 3.3.3: City of Oakland Emergency Rental Assistance Program.**

As funding allows, the City will build on the success of the Keep Oakland Housed program (a public-private partnership) and the Federal Emergency Rental Assistance Program (ERAP) to offer homeless prevention services to those most at risk of experiencing housing instability or homelessness including rental assistance grants to distressed tenants, free legal consultation, eviction defense, case management, and employment and financial counseling and other services to increase housing stability and prevention of homelessness. The City will work with community partners to provide these direct services and to advance racial equity by removing barriers to long-term housing for Black, veteran, formerly incarcerated, and other Oakland residents most likely to experience homelessness.

**Responsible Party:** *Oakland Housing and Community Development Department*

**Potential Funding Source:** *Federal ERAP funds, private contributions, other local, State, and federal resources as available*

**Timeframe:** *The City of Oakland allocated over \$42 million of Federal and State ERAP funding for emergency rental assistance between 2020-2022 and, if resources are available, will allocate additional ERAP funds to an existing waitlist in 2023. Of the approximately 3,500 Oakland households served by the ERAP program, over 85 percent earned less than 30 percent AMI. The City of Oakland will also issue a Request for Proposals and award a contract of approximately \$2.3 million to a collaborative of homelessness prevention program providers by mid-2023.*

**Objective:** *The City of Oakland will continue to implement a homelessness prevention program that includes emergency financial assistance, legal support and wrap around services. The program will be an extension of previous homeless prevention programs such as Keep Oakland Housed, Oakland Housing Secure, and the Emergency Rental Assistance Program with a focus on advancing racial equity by removing barriers to long-term housing for Black, veteran, formerly incarcerated, and other Oakland residents most likely to experience homelessness*

### **Action 3.3.4: Development of permanent housing affordable to extremely-low-income (ELI) households on public land.**

The City will continue to work with development partners including Community Land Trusts, co-ops and emerging developers for possible partnerships involving City land as mentioned in Action 3.5.1 and other community partners on publicly owned sites that may be designated as surplus property. To support Action 3.3.1, the City will assist nonprofit and local developer partners to access public funding and financing to construct and increase the supply of permanently affordable rental units that are designated for extremely-low-income households. In addition, the City will ensure that permanently affordable housing for extremely-low-income households is prioritized where services and needs are accessible by transit or walking. The City will prioritize affordable housing developments that dedicate at least 20 percent of units for extremely-low-income (ELI) or homeless households in accordance with current policies. The Planning Bureau provides priority processing for affordable projects located on surplus sites. The City will review City-owned sites to identify, and, where appropriate, address land use conflicts that would prevent affordable housing development.

**Responsible Agency:** *Oakland Economic & Workforce Development Department; Oakland Department of Housing and Community Development; Oakland Human Services Department*

**Potential Funding Source:** *City subsidy*

**Timeline:** *The City will continue to release future NOFAs contingent upon funding and staff availability. The City will issue Notices of Availability and/or Requests for Proposals consistent with the SLA on at least one to two City-owned surplus sites each year for permanent affordable housing with preference for ELI or homeless households. Complete rezoning by July 2023.*

**Objective:** *The City will continue to release future NOFAs contingent upon funding and staff availability. City will issue Notices of Availability and/or Requests for Proposals consistent with the SLA on at least one to two City-owned surplus sites each year, and advance affordable housing projects underway to completion. NOFAs, Notices of Availability and/or Requests for Proposals will be posted on the City's website and distributed directly to developers, including nonprofit housing providers and community partners.*

### **Action 3.3.5: Implement an affordable housing overlay.**

The City will create an Affordable Housing Overlay (AHO) to streamline the approval of affordable housing by right. Proposed features of this overlay include ministerial approval of 100 percent affordable housing projects, increased height and density allowances, waiver of parking requirements, and reduction of zoning barriers. The City will broadly apply this overlay, except for limitations on designated historic resources as well as areas in the Very High Fire Hazard Severity Zone (VHFHSZ). The City will also study the possibility of extending the streamlined approval provisions of the affordable housing overlay to mixed income projects that qualify for the super density bonus and/or other strategies to augment the City's density bonus program, as well as the potential for select areas within the VHFHSZ for the overlay to apply.

The City will allow SROs and Rooming Houses by right in areas subject to the prospective affordable housing overlay. See Appendix J for a summary of the AHO.

100 percent affordable projects within the AHO zone would be subject to a ministerial approval process. A proposed project would be exempt from CEQA and not appealable. This would provide greater certainty to affordable housing developers that if the project is within the AHO zone and meets the objective design standards and zoning criteria listed in the Planning Code, the project will be approved and not held up through an appeal process.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *June - July 2023*

**Objective:** *Enable development of additional affordable housing throughout the City, including in higher resource areas.*

### **Action 3.3.6: Access to low-cost financing for development.**

The City currently awards local funding that affordable housing developers leverage to obtain financing for their projects. As funding allows, the City will continue to award funds to affordable housing developers on favorable terms—including simple low interest rate, payment of principal and interest due from excess cash flow from operations after payment of operating costs, senior debt, reserves and developer fee, and a 55-year loan term. The City will also continue to work with affordable developers to set loan terms in a way that will help maximize their ability to leverage funding from banks and other lending agencies. Further, the City will also continue to coordinate with developers to help ensure that they qualify for additional funding from county, State, and federal sources.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Development impact fees, local infrastructure bond funds, HOME funds, and other local, State, and federal funds as available*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *Allocate all budgeted local funding sources (approximately \$12 million annually starting in 2023) to support the construction, acquisition, and/or preservation of deed restricted affordable housing units each year. With \$12 million in local funding forecasted in 2023, at least 80 units could be created or preserved; of these, at least 16 would be set-aside for extremely low-income residents; the creation of extremely low-income units will be constrained by the availability of operating subsidy (see Action 3.1.1). This will result in a total of at least 640 low-income units over the Housing Element period, including 128 extremely-low-income units, which would increase if more local funds are identified or secured such as a new local bond measure dedicated to funding affordable housing.*



### **Action 3.3.7: Study the targeted implementation of an inclusionary housing requirement.**

The City currently relies on development impact fees to provide local funding for affordable housing. A study is underway as part of the five-year impact fee update to assess the benefits of impact fees versus inclusionary affordable housing requirements. The study will consider the number of units likely to be produced through impact fees versus inclusionary affordable housing requirements and their likely affordability levels; and whether targeted inclusionary housing requirements may increase the provision of affordable housing units in higher-resource neighborhoods.

**Responsible Agency:** *Oakland Planning & Building Department; Oakland Department of Housing and Community Development*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *By mid-2024, complete a study on targeted inclusionary housing requirements and present to Council.*

**Objective:** *Ensure implementation of affordable housing impact fees and/or inclusionary housing requirements maximizes production of affordable housing in all areas of the city.*

### **Action 3.3.8: Right-sized development fees on market-rate developments.**

The City levies a number of development impact fees, including for affordable housing, to ensure that new market-rate development pays its fair share toward funding affordable housing, transportation improvements, and capital facilities. The City will regularly monitor its impact fees and ensure that appropriate amounts are set on an annual basis. Pursuant to the Mitigation Fee Act, the City will conduct a comprehensive analysis and make findings every five years for each impact fee along with review of whether to increase fees and if the option of building affordable housing units on-site percentage is set appropriately.

**Responsible Agency:** *Oakland Planning & Building Department; Oakland Department of Housing and Community Development; Oakland Public Works Department; Department of Transportation (DOT)*

**Potential Funding Source:** *General Plan Surcharge, permit fees, and Impact Fees*

**Timeline:** *Ongoing, 2023-2031; initiate next five-year update in 2026*

**Objective:** *Continue to monitor and adjust impact fees.*



### **Action 3.3.9: Adjusting or waiving City fees and payment timing for affordable housing developments.**

Affordable housing developers have pointed to the impact of City fees and the timing of fee payment, including impact fees, building permits, and public art requirements, as constraints to development. The City currently requires for Affordable Housing Impact Fees only one-half of the amount of impact fees to be paid before permit issuance and the remaining half to be paid before the issuance of Certificate Of Occupancy (COO), while the Transportation and Capital Improvement Impact Fees are paid in full before building permit issuance. The City also defers other fees such as public art and school tax. The City will explore additional ways to increase flexibility in payment timing and potential fee reductions and/or waivers to reduce the burden imposed by the collection of City fees and requirements.

**Responsible Agency:** *Oakland Planning & Building Department; City Administrator's Office; Oakland Department of Finance; City Attorney's Office*

**Potential Funding Source:** *Permit fees, and General Fund for any reduction of fees*

**Timeline:** *Review and update where possible Impact Fee and other payment timing as well as fees charged by mid-2024.*

**Objective:** *Explore methods to reduce cost burden of City fees and payment timing to significantly increase affordable housing development.*

### **Action 3.3.10: Citywide Enhanced Infrastructure Financing District (EIFD).**

On November 1, 2022, the Oakland City Council enacted a resolution expressing the City's interest in establishing one or more Enhanced Infrastructure Financing Districts (EIFD) to fund affordable housing that affirms the City's commitment to furthering fair housing and infrastructure improvements. The resolution directed the City Administrator to study proposals for the creation and implementation of an EIFD exclusively for East Oakland, exclusively for West Oakland, and a combined East and West Oakland EIFD. Upon completion of this study, the City Administrator is to return to Council with reports and recommendations. The City will consider implementing the EIFD to increase available local funding for affordable housing.

An EIFD is a special taxing district that directs a portion of future property tax growth towards infrastructure expenses, including affordable housing. The Draft Downtown Oakland Specific Plan is also recommending the creation of an EIFD in the downtown area to support the construction of onsite and offsite affordable housing as part of future development in the downtown.

**Responsible Agency:** *City Administrator's Office; Oakland Department of Finance*

**Potential Funding Source:** *An EIFD would be a cost-recovering program for any implementation costs.*

**Timeline:** *By end of 2024, complete studying the implementation of one or more EIFDs and determine proposed EIFD boundaries.*

**Objective:** *Implement one or more EIFDs to significantly increase affordable housing development and fund infrastructure improvements to match need, if feasible and financially appropriate.*

### **Action 3.3.1 I: Support innovations by design.**

The City will support and encourage innovations in construction technology to build more housing in less time, more affordably, and with fewer resources by supporting non-traditional construction methods (such as modular and other offsite construction methods). The City will meet with stakeholders periodically to discuss emerging innovations and gather more information to understand and accommodate barriers.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023*

**Objective:** *Significantly increase production of housing using construction innovations to match housing need.*

### **Action 3.3.12: Continue the Acquisition and Conversion to Affordable Housing (ACAH) Program.**

The ACAH Program provides loans to eligible borrowers for acquisition- and rehabilitation-related costs associated with protecting and preserving long term affordable housing. The ACAH Program, formerly known as the Site Acquisition Program, was formalized through the passing and issuance of local Measure KK bond funds but continues under other funding sources even as Measure KK funds have all been allocated. With the passage of Bond Measure U, it is expected that funds from this new funding source will continue to support the acquisition and conversion to affordable housing of existing units. The City will continue to issue NOFAs as funding is available and work with borrowers—including local community land trusts—to create new affordable housing units and preserve existing ones. The City will also continue to explore additional funding sources to sustain the ACAH program.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Development impact fees, local infrastructure bond funds, HOME funds, and other local, State, and federal funds as available*

**Timeline:** *The ACAH Program has issued 3 Notices of Funding Availability (NOFA) since the program's inception: in 2017, 2019, and 2020, issuing approximately \$45 million to affordable housing developers through the 3 NOFAs. The Oakland Department of Housing and Community Development will continue to release future NOFAs contingent upon funding and staff availability.*

*The next ACAH NOFA release is anticipated in December 2022, and pending City Council approval, staff expect to begin reviewing the next round of ACAH NOFA applications in 2023.*

**Objective:** *Provide loans to eligible borrowers for acquisition- and rehabilitation-related costs associated with protecting and preserving long term affordable housing throughout the City of Oakland. Currently the City's policy is to allocate approximately 25 percent of available local funding towards continuing the ACAH program, and future funds will be allocated contingent upon availability.*

### **Action 3.3.13: Expand availability of predevelopment funding and low-cost debt products for affordable housing development.**

The City will continue to allocate funding to support predevelopment funding for affordable housing projects using its existing local sources, to help relieve the costs associated with the entitlement process especially for emerging and BIPOC affordable developers. The City will also identify and secure low-cost debt products for affordable housing development. To this end, the City has applied to HUD for Section 108 authority to leverage its CDBG allocation to provide low interest debt for affordable housing. Because Section 108 are hard loans that require repayment, the repayments could be revolved to support ongoing pipeline. The City will use a data-informed approach to target its resources towards both high-opportunity and historically marginalized/redlined areas. The city will also target resources to support the growth of emerging and BIPOC affordable developers.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Development impact fees, local infrastructure bond funds, HOME and Section 108 funds, and other local, State, and federal funds as available*

**Timeline:** *The City applied to HUD for Section 108 authority in 2022 and will seek to use these funds starting in 2023, pending HUD approval.*

**Objective:** *As suitable funding and projects become available, predevelopment funding and low-cost debt products will be made available for affordable housing development.*

### **Action 3.3.14: Evaluate the creation of a leveraged acquisition fund or debt/equity funds for small sites to support site acquisitions for affordable housing.**

Affordable housing developers indicated during outreach that competing with market-rate developers for sites posed a barrier on their ability to acquire sites for development. The City typically provides gap financing commitments during predevelopment, with funds provided at construction finance closing; acquisition is an eligible cost for reimbursement by the City's funding. While directly funding acquisition presents an earlier, riskier, and less efficient investment of the City's limited funds, in recognition of this critical need the City will consider the implementation of a leveraged acquisition fund to allow for faster and more efficient acquisition transactions. The City will also study the creation of debt and/or equity funds

to support small site housing projects. If feasible and funding is available, this new fund may be similar in nature to the City and County of San Francisco's Small Sites Program, which relies on non-governmental funding for acquisition and rehabilitation, that is later taken out by City funds. The City will also assess the feasibility of raising the Council authorization threshold for site acquisition to enable the faster purchase of sites.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Development impact fees, local infrastructure bond funds, HOME funds, and other local, State, and federal funds as available to leverage philanthropic and other outside resources.*

**Timeline:** *Conversations with Community Development Financial Institutions (CDFIs) and other funders have been ongoing since 2021, but any fund will require a significant stream of new City subsidy to support takeout of acquisition loans. The City will further explore this item in 2023, pending the passage of Measure U.*

**Objective:** *By the end of the Housing Element Cycle, the City will be able to report on the practicality of a leveraged acquisition fund, as well as the feasibility and appropriateness of a small sites fund.*

### **Action 3.3.15: Continue and expand density bonus incentives.**

The City will continue to implement Chapter 17.107, Density Bonus and Incentive Procedure, which was updated and adopted by the City Council on April 19, 2022. The Density Bonus Ordinance offers developers density bonuses in exchange for the provision of affordable housing and provides:

- Greater certainty to project applicants about the City's implementation of the State Density Bonus Law, density bonuses, and incentives for affordable housing;
- Clarifying and accessible language that aligns the ordinance with the City's existing density bonus application intake and regulatory agreement requirements, including clear timelines and a list of all required information;
- Offers an opportunity to streamline the production of affordable housing; and
- Ensures affordability of both rental and homeownership units and prevents potential displacement of existing tenants.
- Goes beyond State Density Bonus Law to allow moderate affordable rental units to take advantage of the density bonus program in addition to moderate for sale units.

To ensure that the Chapter 17.107 remains compliant with state law, and to solicit additional ideas for incentives and expansion of the density bonus program, the City will review the density bonus program mid-cycle, bring necessary amendments to conform to state law, and solicit feedback from Planning Commission and City Council on additional incentives that could be included in the local density bonus program.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *In 2025, bring forward informational report to Planning Commission and City Council on effectiveness of City's density bonus program and in 2026 return with proposed amendments to ensure conformity with state law and incorporated any recommended policy changes.*

**Objective:** *Significantly expand the City's density bonus program and increase production of density bonus projects to match housing need.*

### **Action 3.3.16: Analyze the Real Estate Transfer Tax structure and its current effect on the Affordable Housing subsidy and the effect on the General Purpose Fund.**

The real estate transfer tax, also called a Real Property Transfer Tax (RPTT), is due when a home is sold or gifted. The City will study the impact that the RPTT has on the affordable housing subsidy and the effect on the General Purpose Fund. In the study, the City will explore revisions to the RPTT including:

- Expanding the current progressive tax;
- The impact of reducing or waiving the tax for affordable housing; and/or
- Using a portion of the revised tax rate as a dedicated funding stream for affordable housing. This could provide annual revenues at levels significantly higher than current Impact Fee revenue.

**Responsible Party:** *Oakland Department of Finance*

**Potential Funding Source:** *General Fund Surcharge for any applicable studies*

**Timeline:** *Conduct the analysis and provide a recommendation to the City Council and City Administration by Fiscal Year 2023-2024*

**Objective:** *Complete an analysis by Fiscal Year 2023-2024.*

### **Action 3.3.17: Support low-income, grassroots, and BIPOC affordable housing developers.**

The City will continue to work with low-income, grassroots, and BIPOC affordable housing developers to identify barriers that prevent BIPOC and small nonprofit developers from accessing City funding and navigating the permitting process. The city will continue to develop solutions to ensure that the permitting process is transparent, affordable, and accessible for these Emerging Developers, defined by Oakland HCD as “a developer who has less than five (5) years of experience as a developer and/or less than five completed projects.” The City has secured a Breakthrough Grant from the Partnership for the Bay's Future that will dedicate a full time fellow to facilitate this work of identifying and breaking down barriers for BIPOC and emerging developers to develop affordable housing in Oakland.

**Responsible Agency:** *City Administration; Oakland Department of Housing and Community Development; Oakland Planning & Building Department*

**Potential Funding Source:** *San Francisco Foundation, General Plan Surcharge, and permit fees*

**Timeline:** *The City's Breakthrough Grant Fellow is currently researching and implementing strategies to address this action item from 2022 to 2024.*

**Objective:** *The proportion of City funding distributed for affordable housing development to low-income, grassroots and BIPOC affordable housing developers will significantly increase by 2031.*

### **Action 3.3.18: Implement affordable housing investments contained in Measure U**

Measure KK, a bond measure passed in 2016, has provided a significant source of funding for anti-displacement and affordable housing preservation projects. The City has allocated nearly all remaining Measure KK bond funds for resident-led and community land trust-supported preservation projects and homeless acquisition projects.

The City successfully secured voter approval in November 2022 to authorize issuance of \$850 million in General Obligation Bonds to fund and prioritize affordable housing preservation projects among other purposes. This Affordable Housing and Infrastructure Bond Measure (Measure U) will allocate \$350 million towards affordable housing preservation projects. The City is currently conducting a robust community and stakeholder engagement process from January through March to inform the priorities of the Measure U investment in affordable housing, resulting in a bond spending plan that staff will likely seek Council approval with the biennial budget in June 2023. To this end, the City is relying on the input from stakeholders to navigate the tensions of affordable housing, such as depth of affordability vs. more affordable units, homeownership vs. rental, acquisition/conversion vs. new construction, and more. The results of the engagement will guide the investment strategy and resulting impact in affordable units expected from Measure U.

**Responsible Party:** *Oakland Department of Housing and Community Development;*

**Potential Funding Source:** *Measure U Bond Funds*

**Timeframe:** *As described in Action 3.3.12 and other actions related to the expenditure of affordable housing bond funds, expend the proceeds of Measure U*

**Objectives:** *Measure U secured authorization for \$850 million in General Obligation Bonds with \$350 million set-aside for affordable housing. For reference, for the 2016 Infrastructure Bond (Measure KK) where \$600 million of General Obligation Bonds were authorized, \$100 million was set-aside specifically for affordable housing and anti-displacement projects and supported the new construction of over 700 units, the preservation of 420 units, and the acquisition and conversion of over 400 units. This leverage of subsidy achieved under Measure KK may not be replicable as KK was layered onto projects that also secured County A1 bond funds, which are now also fully allocated. Measure U is estimated to result in approximately 2,300 units if applying City average subsidy investment of \$150,000 per affordable unit. As discussed above, the projection will rely on the Measure U stakeholder engagement process, which may result in a different mix of projects from existing programs. To provide further context, under current City Notice of Funding Availability (NOFA) process, new construction projects that set-aside more than the program minimum (currently 20*



percent) of units for extremely-low-income residents will be prioritized. The City will also likely make substantial funding allocations to the Acquisition and Conversion to Affordable Housing (ACAH) and Preservation NOFAs to acquire and convert additional market rate units to affordable housing, and also preserve the City's existing affordable housing portfolio, extending affordability restrictions, and investing in the rehabilitation of older properties where needed. Lastly the City hopes to invest Measure U funds in innovative housing models that overcome hurdles to affordable housing production, such as rapid construction strategies.

### **Action 3.3.19: Sites Inventory, Pipeline Projects, and Fair Housing Accomplishments Tracking Program**

As part of a mid-cycle evaluation, the City will establish a system to coordinate tracking units with Development Services staff who process permitting, to ensure that as projects are developed, there is adequate capacity available citywide to meet the City's RHNA targets and no net loss requirements. The City will also assess the effectiveness of its AFFH programs (including Action 3.3.6), including sites that develop in higher resource areas, displacement strategies and place-based strategies toward community revitalization.

In addition, in 2027, the City will audit all pipeline projects credited in the inventory and, if necessary, identify additional capacity or rezone additional sites and maintain adequate sites to accommodate the RHNA by income group.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** Audit pipeline projects as part of mid-cycle (2027) review and, if necessary, rezone additional sites by the end of 2027

**Objective:** *Identify and monitor adequate sites available for development, and increase the baseline of affordable units in high-resource areas.*

## **POLICY 3.4. REFORM ZONING AND LAND USE TO ADDRESS COMMUNITY PRIORITIES**

### **Action 3.4.1: Revise development standards, including allowable building heights, densities, open space and setback requirements.**

The City will allow additional building heights and densities in certain corridors and districts. These changes include:

- **Zoning for diverse housing types:** As discussed in Action 3.2.1, the City will develop revised zoning standards for a diversity of housing types in lower density neighborhoods, including but not limited to duplexes, triplexes, and fourplexes in zoning districts such as the RD Detached Unit Residential, RM Mixed Housing Type Residential, and RU-1 and RU-2 Urban Residential Zones. Zoning changes will include revised standards for building heights, densities, open space, lot



coverage, and setbacks. The City will also reduce minimum lot sizes to facilitate the subdivision of existing lots. The City will permit a variety of building types (attached, detached, bungalow courts) to maximize flexibility and potential opportunities for home ownership (split lots and condominiums). For front setback requirements, the City will allow for exceptions if meeting the front setback physically prohibits development of four units or two units on lots that meet the minimum square footage for that density.

- **Elimination of Conditional Use Permits for Density:** Under Action 3.4.3, the City will also eliminate all conditionally permitted densities throughout Planning Code to permit multi-unit buildings according to objective criteria such as by building type and development size, without subjecting multi-unit residential projects to CUPs.
- **Objective Design Standards:** Under Action 3.4.8, the City will also develop objective design standards at the neighborhood level to ensure that such missing-middle housing is designed in a manner that is compatible with existing residential housing forms in these zoning districts.
- **Increased Heights and Densities along Corridors:** The current building height map and permitted densities along key corridors such as International, Foothill, College, Claremont, and MacArthur Boulevards does not always allow residential projects to meet their full potential. Consistent with the housing sites map, the City will undertake zoning map revisions to allow increased heights and densities. The City will also increase heights and densities on interior residential streets within close walking distance of key corridors.
- **Increased Heights and Densities in Transit-proximate areas:** Alongside efforts to increase missing-middle housing (see Action 3.2.1), the City will increase allowed height and density in areas in close proximity to high-capacity transit, including areas near Rockridge BART and International Boulevard BRT Stations.
- **Increased Heights and Densities in Resource-rich areas:** Oakland's high resource neighborhoods are typically lower-density and have historically been exclusive – both economically and racially. Allowing higher density multi-unit buildings in these areas that are rich in services will help increase the competitiveness of affordable housing projects for State funding, as well as the feasibility of developing significant numbers of housing units within these neighborhoods. Zoning changes will include permitting residential densities above 30 dwelling units per acre by right in designated areas for affordable housing projects and height increases along College and Claremont Avenue. This will help further fair housing objectives by increasing the availability of affordable housing, in high resource areas.
- **Utilizing Senate Bill 10 Provisions:** Under Senate Bill 10 (Weiner) provisions, the City will identify parcels located in transit-rich areas and/or in Racially Concentrated Areas of Affluence (RCAs) to allow up to ten units of residential density and increased heights, and provide additional opportunity for infill housing within high-resource areas.
- See Appendix J for the City's proposed rezoning changes to increase housing production capacity and unlock additional opportunities for affordable and "missing middle" housing in high-resource neighborhoods and affirmatively further fair housing by opening up exclusionary neighborhoods such as Rockridge, Trestle Glen, and Crocker Highlands.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *June-July 2023*

**Objective:** *Reduce constraints to development to significantly increase production of housing to match housing need. Create additional opportunities for development along transit-rich areas and in urban infill sites to significantly increase production of housing to match housing need and to affirmatively further fair housing.*

### **Action 3.4.2: Study the Relationship Between Zoning and Racial Segregation as Part of the Phase 2 General Plan Update.**

The City is updating the 2023-2031 Housing Element as part of a comprehensive update to the General Plan. The General Plan Update (GPU) is undertaken in two phases in order to meet deadlines mandated by State law. Phase 1 focuses on updates to the Housing and Safety Elements, as well as preparation of a Racial Equity Impact Analysis, Zoning Code and Map update, and creation of a new Environmental Justice (EJ) Element. Subsequently, Phase 2 will include the update of the Land Use and Transportation (LUTE) Element; Open Space, Conservation and Recreation (OSCAR) Element; Noise Element, and the creation of a new Infrastructure and Facilities Element which are slated to be completed by the end of 2025.

As part of the LUTE update, the City will study the impact of historic and contemporary zoning restrictions, especially single-family zoning, on ongoing patterns of racial segregation. Existing data on historic zoning patterns highlights the racial disparities in homeownership and rental patterns. The study will also analyze potential impacts of larger market rate development projects in neighborhoods undergoing displacement or vulnerable to displacement. The City will utilize this study to direct zoning changes in the LUTE as part of Phase 2 of the GPU as well as adding standard conditions of approval to projects.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *Study complete by mid-2025*

**Objective:** *Through this study, inform zoning and land use designation changes to promote inclusive, equitable and diverse housing patterns.*

### **Action 3.4.3: Revise Conditional Use Permit (CUP) requirements.**

Conditional Use Permits (CUPs) are currently required for multi-unit buildings in the RD-2 and RM Zones, which can act as a constraint on development – especially for affordable housing. The City will revise regulations to permit multi-unit buildings according to objective criteria such as by building type and development size, without subjecting multi-unit residential projects to CUPs. Under Action 3.4.8, the City will create objective design standards and amend the Planning Code design review procedures to allow for streamlined, ministerial approval. The City will also actively promote and support use of SB 35 to streamline 100 percent affordable housing developments. These revised standards will be implemented alongside changes to Oakland’s RD, RM, and RU zones as described in Action 3.2.1.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** 2023

**Objective:** *Reduce constraints to development to significantly increase production of housing to match housing need.*

#### **Action 3.4.4: Revise citywide parking standards.**

Parking requirements are a major cost driver in residential development, and often conflict with sustainable development goals that seek to reduce dependence on automobile use. As such, the City recently eliminated residential parking minimums in the downtown area. Continued revisions of Oakland's parking standards, such as elimination of parking minimums within ½ mile of major transit stop and reduction of minimum parking standards in other areas as well as lower parking maximums in downtown and new parking maximums near BART stations will be undertaken through a comprehensive review of existing residential parking standards and the identification of appropriate new standards to match long-term development and environmental goals. Additionally, for mixed-use development projects (commercial on ground floor and residential uses above), the City will revise parking requirements so that additional residential development on these sites is not constrained by any lack of conformance with commercial parking regulations. No parking will be required for Rooming Houses/SROs throughout the city with the exception of the Very High Fire Hazard Severity Zone (VHFHSZ) (See Appendix J for a summary of Zoning changes as well as strategies regarding parking included in Oakland Equitable Climate Action Plan: Transportation and Land Use Action 1.)

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *June - July 2023*

*July 2023*

*Revise citywide parking standards for all housing types and zones, including but not limited to housing inventory sites, downtown and corridors.*

*Implement January 1, 2023 the elimination of minimum parking requirements for residential developments within ½ mile of major transit stop to conform with state law and update Planning code by July 2023.*

**Objective:** *Reduce constraints to development to significantly increase production of housing to match housing.*

#### **Action 3.4.5: Revise open space requirements.**

Both affordable and market-rate developers have pointed to the relatively high open space standards in Oakland as a constraint to development, especially for higher-density projects. In this context, “open space standard” refers to the city requirement for new housing to feature courtyards, patios, balconies, and other open areas in the development. As noted in Appendix F, Housing Constraints, Oakland’s open space requirements vary substantially across zoning districts, but in some cases are more than double the open space requirements seen in comparator jurisdictions. To meet these requirements, each one square foot of private usable open space is considered equivalent to two square feet of required group usable open space and may be so substituted.

To reduce this development constraint, the City will review the open space requirements in zoning designations where minimum usable open space requirements currently exceed 60 square feet of private open space/120 square feet of common open space per unit and revise common and private open space standards for multi-family developments to increase the feasibility of residential projects.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *June - July 2023*

*Revise common and private open space standards for residential developments, and allow flexibility on its onsite location and configuration*

**Objective:** *Significantly reduce existing open space requirements to remove constraints on development and increase production of housing to match housing need.*

#### **Action 3.4.6: Correct zoning district boundaries that cut through parcels.**

Oakland’s Zoning Map includes many zoning district boundaries that cut through individual parcels – meaning that the same parcel is subject to multiple development standards, which can act as a development constraint. In updating the Zoning Map, the City will correct instances of this occurrence and ensure that zoning district boundaries that affect allowed height and density follow parcel boundaries to the maximum extent feasible to remove inconsistencies and ambiguities.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 – 2025*

**Objective:** *Reduce constraints to development to significantly increase production of housing to match housing need.*

#### **Action 3.4.7: Capture the diversity of existing built fabric in zoning.**

Oakland has a diverse historic urban fabric, some of which no longer conforms to the current Planning Code. To capture and continue this diversity and remove ambiguities, the City will reduce minimum lot sizes and setbacks to facilitate the creation of small-lot developments, as well as legitimize the many existing small-lot neighborhood patterns in West Oakland and other neighborhoods. The City will conduct a comprehensive review of the Planning Code to identify where current development standards have created non-conformities for older built facilities and amend development standards to reduce or eliminate them where appropriate. The City will also provide flexibility in the objective standards to retain and promote the City's vernacular built environment.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 – 2026*

**Objective:** *Reduce constraints on development to significantly increase production of housing to match housing need.*

#### **Action 3.4.8: Implement objective design standards.**

The City currently requires design review for nearly all residential development, which can significantly lengthen the time required for project approval. To reduce the permitting timeline, the City has initiated a process to develop objective design standards to streamline the approval of residential, mixed-use, and commercial building types, with a particular focus on much-needed affordable housing projects in transit-rich areas. Objective design standards are being developed for historic buildings and districts as well. As opposed to "design guidelines," objective design standards will not be subject to interpretation, and will result in faster, more predictable approvals of high-quality development that respects Oakland's history and benefits the local community. Housing development projects will have the ability to utilize the objective design standards that will not require evaluation under the regular design review criteria provided under Planning Code Section 17.136.050, including the existing criteria that the project will "enhance desirable neighborhood characteristics." Project applicants may also choose to instead utilize the regular design review criteria and process in order to have greater flexibility and creativity in design criteria.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge, permit fees, and SB2 Grant for Objective Design Standards*

**Timeline:** *The City will adopt objective design standards that will be available to all housing development projects by 2024*

**Objective:** *Reduce constraints to development to significantly increase production of housing to match housing need.*

### **Action 3.4.9: Implement new ADU standards that streamline approvals and address unpermitted units.**

In January 2022, the City updated its ADU regulations to comply with changes in State law. To address unpermitted units, the new ADU regulations go beyond minimum compliance with State law and establish an expansive legalization process for unpermitted ADUs addressing not only any existing non-compliance issues with the Building Code but the Planning Code as well. The City has also initiated a program to allow pre-approved construction documents for ADUs that creates a more streamlined approval pathway for many homeowners. The City will continue to implement this legalization and streamlining of ADU permitting processes. The City will study options to alleviate the burden of the building code on the legalization of unpermitted ADUs.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 and Ongoing*

**Objective:** *Reduce constraints to development to significantly increase production of ADUs to help address housing need.*

### **Action 3.4.10: Implement a Housing Sites Overlay Zone to permit sites included in the Housing Sites Inventory to develop with affordable housing by right**

Pursuant to State law, the City is required to permit vacant sites included in two consecutive prior RHNA cycles and non-vacant sites included in at least one prior RHNA to develop with owner-occupied and rental multifamily uses by right for developments in which 20 percent or more of the units are affordable to lower-income households. This means that the City cannot require any form of discretionary review or approval for such projects.

The City will create a Housing Sites Overlay Zone to permit sites identified in the 4th and 5th RHNA cycles as part of the Housing Element's Housing Sites Inventory (identified in Table C-26 in a separate Excel file) to build 20 percent or more of the units are affordable to lower-income households to be subject to by-right approval. In addition, the City will also look at ways to incentivize developers to build affordable housing on newly included sites identified through the 6th RHNA cycle in the Housing Sites Overlay. All parcels within the Housing Sites Overlay Zone (whether they were in the 4th or 5th cycles or new in the 6th RHNA cycle) if redeveloped will be required to be developed as a majority-residential use. A 100% non-residential use will not be allowed in this overlay. In addition, minimum densities proportional to the realistic capacity on any given site in the inventory will be required. 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 development standards to ensure that maximum densities can be achieved.

This action is intended to facilitate housing opportunities in Oakland and to bring attention to those sites that the City intends for housing to be built pursuant to State requirements.

This means that the City cannot require any form of discretionary review or approval for such projects. A proposed project would also not be subject to CEQA and would not be appealable. This would provide greater certainty to projects building at least 20% affordable units that if the project is within the Housing Sites Overlay Zone and meets the objective design standards and zoning criteria listed in the Planning Code, the project will be approved and not held up through an appeal process.

See **Appendix J** for a summary of the Housing Sites Overlay Zone.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *June - July 2023*

**Objective:** *Reduce constraints to development to significantly increase production of housing to match housing need.*

**Action 3.4.1 I: Promote educator and/or student housing on public land by reviewing the zoning and General Plan designations of Oakland Unified School District (OUSD) and Peralta Community College District-owned sites for consistency with housing.**

Several school districts and community college districts in California have successfully built affordable housing for educators and/or students on their property. In some cases, this housing was built on district offices and other non-instructional sites. In other cases, housing was carefully co-located with an active school campus. The State has also recently invested hundreds of millions towards student housing on community college property. The City will review OUSD- and Peralta-owned sites to identify, and when practical correct, land use conflicts that would prevent affordable housing development.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2025 with the adoption of the Land Use and Transportation Element*

**Objective:** *Reduce constraints to development to allow for at least one educator and/or student housing project during the sixth cycle RHNA period.*

**POLICY 3.5. EXPLORE INNOVATIVE AND ALTERNATIVE HOUSING MODELS**

**Action 3.5.1: Support community land trusts and other shared equity models.**

The City has worked with a variety of community land trusts, including East Bay Permanent Real Estate Cooperative, Sogorea Te', Oakland Community Land Trust, Bay Area Community Land Trust and the Northern California Land Trust to provide affordable housing (including ownership housing). Most significantly, the City created the Acquisition and Conversion to Affordable Housing (ACAH) Program, which has provided funds through Bond Measure KK to community land trusts to acquire and preserve affordable housing units (see Action 3.3.10). Starting in 2019, the ACAH Program was bifurcated into two



subprograms to establish a set-aside for community land trusts and limited equity housing cooperatives after Council passed the 2019-21 Budget, which allocated \$12 million to the Preservation of Affordable Housing Fund (PAHF). The City will continue to offer the ACAH Program and support community land trusts and limited equity housing cooperatives using additional funding sources. The City is also working with a technical assistance provider to determine best practices for land trust ownership units and cooperative units and will implement these practices going forward. Financial or technical assistance may become available from the Bay Area Housing Finance Agency (BAHFA) or possible State programs. The City will prioritize lower-income residents and residents at risk of displacement while supporting shared equity models.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Impact fees, General Fund Surcharge, infrastructure bond funds, HOME, Measure U Bond Funds, CDBG, and other local, State, and federal funding as available*

**Timeline:** *Funds will be made available to equity affordability models through the City's annual affordable housing NOFAs on an annual or bi-annual basis (2023-2031). The next ACAH NOFA release is anticipated in December 2022.*

**Objective:** *Oakland Department of Housing and Community Development will continue to make funds available to shared equity affordability models as per current practice.*

### **Action 3.5.2: Support housing cooperatives, co-living, and cohousing models.**

Formal and informal housing cooperatives, co-living and cohousing models in Oakland have traditionally provided an alternative form of affordable housing, including ownership housing. To further support these initiatives, the City will conduct outreach with community-based organizations and other community partners to identify ways the City can support these models, especially for lower-income residents. The City will prioritize lower-income residents and residents at risk of displacement when supporting these alternative housing models. The City will study how the Planning Code and building occupancy standards affect the viability of these models. The Oakland Department of Housing and Community Development will also continue to support cooperatives and community land trusts through its Acquisition and Conversion to Affordable Housing program.

**Responsible Agency:** *Oakland Department of Housing and Community Development, Oakland Planning and Building Department*

**Potential Funding Source:** *Impact fees, General Fund Surcharge, Measure U bond funds, HOME, CDBG, and other local, State, and federal funding as available*

**Timeline:** *Since 2019, the Acquisition and Conversion to Affordable Housing (ACAH) program has included set-asides for coops and community land trusts, based on input received from community stakeholders. \$12 million was allocated through the 2019-2021 budget, and the City will continue to implement a significant set-aside in future ACAH NOFAs, which are expected to be issued at least every other year through the 2023-2031 Housing Element cycle depending on staffing capacity and*

*funding availability. The next ACAH NOFA is anticipated to be released in December 2022 (see Action 3.3.10). Planning Code amendments permitting rooming house facilities/SROs will be completed by June – July 2023 under Action 3.7.6. In 2024-2025 the City will study the Planning Code and building occupancy standards as well as part of the update to the Land Use and Transportation Element (LUTE) and Planning Code*

**Objective:** *Oakland Department of Housing and Community Development will continue to make funds available to housing cooperatives as per current practice. The City will also include cooperatives, co-living and cohousing models in its study of the Planning Code and building occupancy standards.*

### **Action 3.5.3: Advocate for statewide legislation on social housing.**

The City of Oakland recognizes that the statewide housing crisis requires statewide solutions. As such, the City will advocate for social housing legislation under consideration in the State legislature, known as the California Social Housing Act or AB 2053. The Act would establish a California Housing Authority (CHA) to produce and preserve social housing – publicly-owned and mixed-income developments that maintain homes as permanently affordable. In addition, the City will track and advocate for statewide efforts to repeal Article 34 of the State Constitution that directly inhibits the ability of local jurisdictions to meet RHNA goals.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *City legislative advocacy will be funded through the existing general fund-supported contract for State legislative representation services.*

**Timeline:** *Ongoing, 2023-2031; the City will continue advocacy for social housing and Article 34 repeal legislation until it is adopted.*

**Objective:** *The State of California will successfully adopt social housing legislation and repeal Article 34.*

### **Action: 3.5.4: Monitor and consider adopting shallow subsidy programs for lower-income households.**

The City will continue to evaluate the merits of shallow-subsidy acquisition and development models to assist in the construction or preservation of housing for lower-income households, potentially in partnership with other regional agencies including Alameda County and the Bay Area Housing Finance Authority. However, such a program typically involves acquisition of rent-stabilized housing stock, which often enjoy strong protections under Oakland's Rent Adjustment Program. Recent changes to the Rent Adjustment Program Ordinance may provide equal or greater benefit to target households as a shallow

subsidy affordable housing program. For this reason, it would make sense to evaluate the impact of these changes before further considering the adoption of a program.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *The model could be financed by de minimis appropriations of general fund revenue, with additional ongoing subsidies in the form of property tax abatements.*

**Timeline:** *By December 2025, the Oakland Department of Housing and Community Development will conduct an analysis of the added benefits a project-based shallow subsidy program may bring, compared to the benefits associated with existing rent stabilization measures.*

**Objective:** *Use property tax abatements to preserve, improve, or increase the supply of housing available to lower-income households*

### **Action: 3.5.5: Study Feasibility of Single-Stair Residential Buildings.**

Building regulations serve to establish minimum safety standards in construction. Historically, fire and life safety strategies have focused on standards that ensure building occupants are able to safely evacuate a building during an emergency. Modern strategies focus more on containing fires where they occur through sprinkler systems, fire alarms, pressurized stairwells, fire-treated lumber, and similar strategies.

The California Building Code Section 1629 currently requires buildings to provide a minimum of two stairways in buildings exceeding 3 stories or 36 feet, and California Building Code Section 1006.2.1 generally requires two means of egress where the design occupant load exceeds values specified in an accompanying table. In contrast, the City of Seattle allows for building up to six stories to include only one stairway for egress, and many European residential buildings are constructed as tall as ten stories with single-stair access. A single-stair, or vertical shared access, building construction allows for greater flexibility in design, more efficient layouts, and potentially reduced costs. Currently, there are gaps in available data regarding the impact of these building code requirements on increasing construction cost and the safety benefits of requiring a second egress in combination with fire containment strategies.

The City of Oakland cannot unilaterally relax these California Building Code stairway and egress code requirements; change would be required at the state level. Nonetheless, to catalyze discussion on the issue and prepare for implementing future reforms, the City will study current stairway and egress requirements, including consideration of what cost savings could be incurred through revision of the second egress requirement and review of any potential fire safety concerns.

**Responsible Agency:** *Oakland Planning & Building Department; Oakland Fire Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees.*

**Timeline:** *The City will present a report on the topic of existing second egress requirements and the impact of potential reforms to the Oakland Community and Economic Development Committee of City Council by the end of 2024.*

**Objective:** *Create additional information on single-stair reform that could assist in promoting statewide changes to the California Building Code second egress requirements.*

## **POLICY 3.6. STREAMLINE THE APPROVAL OF NEW HOUSING**

### **Action 3.6.1: Streamline the City permitting process, especially for low-income and nonprofit builders.**

The City will work with developers and housing stakeholders, particularly low-income and nonprofit builders, to review current processes and fees to identify actions to reduce costs and streamline the planning approval and building permit processes for small infill development. These actions could involve developing simplified CEQA compliance through qualified exemptions, implementing objective design standards as described in Action 3.4.8, and/or increasing staffing at the Planning and Building Bureaus to reduce permit processing time. The City will regularly review and update its website to improve navigation and make information such as fee schedules, application forms, zoning ordinances, and other information available on the City's website, along with other educational information to facilitate the permit process.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 – 2025 and ongoing*

**Objective:** *Significantly increase production of housing projects, specifically by low-income and nonprofit builders, to match housing need.*

### **Action 3.6.2: Provide increased flexibility in development standards.**

The City will provide increased flexibility in development standards, with a focus on smaller infill residential projects, to ensure that these projects can qualify for streamlined permitting without need for variances. The City will also consider increasing staff-level authority, with clear guidelines, to grant minor exceptions without the need for a variance, which can also reduce project timelines and costs. Alongside the efforts described in Actions 3.2.1, this flexibility will increase the capacity of the Planning Bureau to permit a variety of units, more expediently, creating more residential units in traditionally lower-density neighborhoods.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 – 2025 and ongoing*

**Objective:** *Significantly increase production of housing projects, specifically by low-income and nonprofit builders, to match housing need.*

### **Action 3.6.3: Expand by-right approvals and implement entitlement reform for affordable housing.**

Through the implementation of objective design standards as described in Action 3.4.8, the City will create a ministerial review pathway for qualifying developments based on project size, type, affordability level, and location. Discretionary design review will still be required for some types of projects and where certain adjustments are requested. As part of the entitlement reform process, the City will consider fee subsidies and/or payment deferrals to better accommodate affordable housing projects and increase the financial feasibility of affordable projects (see Action 3.3.9). The City will work with community partners and affordable housing developers to identify and implement appropriate entitlement reform actions.

**Responsible Agency:** *Oakland Planning & Building Department; Oakland Department of Finance*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 – 2025 and ongoing*

**Objective:** *Significantly increase production of housing projects, specifically by low-income and nonprofit builders, to match housing need.*

### **Action 3.6.4: Continue SB 35 streamlining and encourage projects to use it.**

SB 35 created a streamlined and ministerial approval process for housing projects that meet siting and construction criteria including being located in communities that have failed to meet their RHNA. The City of Oakland was among the 225 jurisdictions that made insufficient progress towards meeting the RHNA for low- and very-low-income housing at the time of the State’s most recent determination in 2021 and is therefore subject to the streamlining provisions for proposed development in which 50 percent or more of the units will be affordable. The City provides an SB 35 streamlining checklist to facilitate the development of affordable housing, and will actively promote use of SB 35 streamlining for 100 percent affordable projects.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 and ongoing*

**Objective:** *Significantly increase production of housing projects, specifically by low-income and nonprofit builders, to match housing need.*

**Action 3.6.5: Continue one-stop and online permitting services.**

Through the Online Permit Center (Accela Citizen Access), property owners are able to apply for and follow the status of their permits online. The City also operates an in-person One-Stop Permit Center, where the counter services of the Planning & Building Department, Oakland Fire Department, and Department of Transportation have been combined in one location to expedite the permitting process. The City will continue to offer both online and in-person permitting services to reduce permitting timelines. The City will also coordinate with affordable housing developers to understand and correct the gaps in these services.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 – 2031*

**Objective:** *Significantly increase production of housing projects, specifically by low-income and nonprofit builders, to match housing need.*

**POLICY 3.7. EXPAND OPTIONS FOR SPECIAL NEEDS HOUSING**

**Action 3.7.1: Incentivize the development of senior housing and provide financial assistance to developers of housing for seniors and persons with special needs.**

The City will continue to encourage a wide variety of senior housing opportunities, particularly for lower-income seniors with special needs, through the provision of financial assistance and regulatory incentives as specified in the Planning Code. The City will continue to award points in its consideration of housing funding to projects that serve special needs populations, including seniors and homeless individuals. The City will explore options to expand the amount of financial assistance available to developers of housing for seniors and persons with special needs and will commit to transparent reporting of how special needs units are assisted. Special needs populations may include, but are not limited to, formerly incarcerated individuals, former foster youth, and persons with developmental disabilities.

**Responsible Agency:** *Oakland Department of Housing and Community Development; Oakland Planning & Building Department*

**Potential Funding Source:** *Development impact fees, HOME, local infrastructure bond funds, and other local, State, and federal funding as available*

**Timeline:** *Ongoing 2023-2031; By December 2023, the City will complete an analysis of how the clients served by its funded affordable housing compare to the demographics of Oakland residents, including an analysis of age.*

**Objective:** *The City will continue to provide bonus scoring points for special needs populations as found in current practices.*

**Action 3.7.2: Provide housing for persons with HIV/AIDS.**



The City will continue to provide housing and associated supportive services for persons with HIV/AIDS through a combination of development of new housing, project-based assistance in existing affordable housing developments; and tenant-based assistance to allow households to find their own housing in the private market. The City will enhance outcomes via housing first model under the Alameda County EveryOne Home Plan.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Development impact fees, HOME, HOPWA, local infrastructure bond funds, and other local, State, and federal funding as available*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *The City will continue to provide bonus scoring points for special needs populations as found in current practices.*

### **Action 3.7.3: Accessible units in new housing developments.**

The City of Oakland's Housing Development Services division will uphold and align with State and Federal funding requirements for accessibility standards, which for most new construction projects requires at least double requirements under ADA and State building codes.

**Responsible Agency:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Development impact fees, HOME, local infrastructure bond funds, and other local, State, and federal funding as available*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *The City will continue to meet the requirements of the Americans with Disabilities Act and the Fair Housing Act, among other local, state, and federal laws to ensure accessible units are included in new housing developments.*

### **Action 3.7.4: Implement the sponsor-based Housing Assistance Program.**

The City will continue to work with the Oakland Housing Authority (OHA) to assist households that otherwise might not qualify for or be successful in the traditional Public Housing and/or Section 8 programs by partnering with agencies to provide service-enriched housing options that increase housing choice for special needs populations. The City will explore options to find more landlords willing to participate in the program.

OHA has its own community and social services arm, the Family and Community Partnerships Department (FCP). FCP educates and assists residents including search assistance and also works closely with owners during the leasing process to remove barriers and identify needed resources. OHA offers an array of Owner Benefits such as vacancy loss, an owner leasing bonus, and repair cost assistance. OHA's operations include two dedicated Owner Services teams and ongoing owner focused activities such as our Owner online Portal,



educational webinars and emails, electronic forms options and outreach events such as our Owner Appreciation Day.

**Responsible Agency:** *Oakland Human Services Department; Oakland Housing Authority*

**Potential Funding Source:** *Development impact fees, HOME, local infrastructure bond funds, and other local, State, and federal funding as available*

**Timeline:** *Between 2023-2031, the City and OHA will promote and encourage OHA landlords to participate in this program through ongoing activities and annual events.*

**Objective:** *The City will continue to work with the Oakland Housing Authority to support households successfully finding housing.*

### **Action 3.7.5: Encourage a range of unit sizes for affordable housing that matches local household needs and family sizes.**

The City will regularly review household size data from affordable housing application portals and waitlists to ensure that affordable housing production is aligned with community needs. City affordable housing funding priorities will be adjusted as needed to be aligned with demand across the spectrum of unit sizes and housing types. This may include large units suitable for multi-generational families, studios and efficiency units for individuals, and projects with common areas appropriate to seniors, families, or other demographic groups.

**Responsible Agency:** *Oakland Department of Housing and Community Development; Planning & Building Department*

**Potential Funding Source:** *Development impact fees, HOME, local infrastructure bond funds, and other local, State, and federal funding as available*

**Timeline:** *The City will monitor available data from affordable housing application portals to comprehensively evaluate the unit size needs of Oakland residents and adjust NOFA scoring accordingly, to prioritize allocating City funds to projects by 2024. Furthermore, the City will aim to regularly evaluate local household needs prior to NOFA releases. This will be prioritized, but not limited to, the new construction NOFA released approximately every other year to ensure affordable housing production is aligned with community needs.*

**Objective:** *The City will adjust scoring points as needed to encourage housing typologies that reflect local household needs.*

### **Action 3.7.6: Expand areas where rooming units and efficiency units are permitted by right.**

The Oakland Planning Code currently provides for rooming units/SROs to be developed at twice the residential density otherwise allowed for regular dwelling units in Neighborhood Center, Community

Commercial, Central Business District, Housing and Business Mix, and Transit-Oriented Development Commercial Zones, as well as within the special districts for implementation of the Broadway Valdez, Lake Merritt, and Coliseum Specific Plans. Recent Planning Code amendments similarly allow for efficiency units to be built at twice the density of more typically sized residential dwelling units. The City will expand these provisions to additional zoning districts, including in zones covered by the proposed affordable housing overlay. As stated in Action 3.5.2, the City will also revise the Planning Code to permit rooming house facility types more similarly to multifamily residential facilities. These smaller, more modest units are more likely to be a source of naturally occurring affordable housing over the long term, while also allowing new development to align with current demographic trends towards smaller household sizes.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** June – July 2023

**Objective:** *Enable increased production of rooming units and efficiency units.*

### **Action 3.7.7: Amend Planning Code to comply with the Employee Housing Act.**

Farm and agricultural employee housing is a type of employee housing under the Employee Housing Act, California Health and Safety Code Sections 17000 et seq. Section 17021.5 of the Employee Housing Act requires that any employee housing providing accommodations for six or fewer employees shall be deemed a single-family structure with a residential land use designation, and not be subject to any conditional use permit, zoning variance, or other zoning clearance that is not required of a family dwelling of the same type in the same zone. Section 17021.6 of the Employee Housing Act requires employee housing consisting of no more than 36 beds in a group quarters or 12 units designed for use by a single family or household to be deemed an agricultural land use. The City will amend the Oakland Planning Code to modify the definitions of Limited Agricultural Activities, Extensive Agricultural Activities, and One-Family Dwelling Residential Facilities to comply with the Employee Housing Act.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *June-July 2023*

**Objective:** *Ensure compliance with the Employee Housing Act.*

### **Action 3.7.8: Expand areas where Residential Care Facilities are permitted by right.**

The Oakland Planning Code currently permits residential care facilities in residential and nonresidential zones if located in single family dwellings. Conditional Use Permits are required for residential care facilities if they are located in any other residential facility type and/or when located on the ground floor of a street fronting building in certain commercial zones. The City will amend the Planning Code to expand where residential care facilities are permitted by right. In addition, the City will continue existing zoning practices,

or amend the Planning Code as necessary, to ensure that both residential care facilities of seven or more and unlicensed care facilities (facilities that are not required to be licensed by the State), are allowed in all zones allowing residential uses and permitted similar to other residential uses of the same form in the zone. The City will amend the Planning Code to ensure residential care facilities are not subject to review criteria that the proposal will not detract from the character desired for the area. The amendments will include all residential facility types and those located on the ground floor of a street fronting building. In addition, the City will amend the Planning Code to allow residential care facilities for foster family homes and the elderly within 300 feet of another residential care facility, since the State calls out this exemption in the overconcentration restriction in California Health and Safety Code Section 1520.5.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *June-July 2023*

**Objective:** *Enable expansion of residential care facilities by right and allow the exemption of facilities for foster family homes and the elderly -in the overconcentration restriction provided in California Health and Safety Code Section 1520.5.*

## **POLICY 3.8. CONVERT VACANT LAND AND UNITS TO HOUSING**

### **Action 3.8.1: Continue to implement the Vacant Property Tax (VPT).**

On November 6, 2018, Oakland voters approved Measure W, the Oakland VPT. The VPT Act establishes an annual tax of \$3,000 to \$6,000 on vacant property. A property is considered “vacant” if it is “in use less than fifty days in a calendar year,” and not subject to any of 10 exemptions. The City will continue to implement the VPT to encourage active uses on vacant land and regularly monitor the effectiveness of the program. The City will analyze expansion of exemptions to the VPT to reduce the impacts of unintended hardships on nonprofit and affordable housing developers, discussed under Action 3.8.3. As directed by Council, funding from this measure may be spent on homeless services, affordable housing, and illegal dumping cleanup.

**Responsible Agency:** *Oakland Department of Finance; Department of Human Services; Oakland Planning & Building Department, Oakland Department of Housing and Community Development*

**Potential Funding Source:** *Self-funding through the vacant property tax*

**Timeline:** *End of 2023 (Analysis of exemptions will be complete)*

**Objective:** *Through the vacant parcel tax, seek a 10 percent reduction in vacant parcels by the end of the Housing Element period.*

### **Action 3.8.2: Encourage the conversion of vacant ground floor commercial space to residential uses in appropriate locations.**

Traditional brick-and-mortar commercial and retail businesses have continued to transition to an Internet-based model, which has been further accelerated by the COVID-19 pandemic. As a result, a significant number of ground-floor commercial and retail spaces in Oakland remain vacant. The City will explore opportunities to promote the conversion of vacant ground floor spaces in certain areas to live/work or other residential use, as may be appropriate in the local context. The City will also explore other opportunities to promote the conversion of vacant office or commercial space to housing, in alignment with the recently passed AB 2011 and SB 6.

**Responsible Agency:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeline:** *2023 - 2026*

**Objective:** *Expand the areas where residential space is an allowable ground-floor use.*

### **Action 3.8.3: Tax vacant residential rental units.**

Although housing demand in Oakland remains extremely high, the City experiences a higher vacancy rate than both Alameda County and the Bay Area overall. This results from a variety of factors but may ultimately lead to higher housing costs. Oakland currently has in place vacancy tax on parcels and several types of housing units – including condos, duplexes, and townhome units under separate ownership. The City will consider extending the current vacancy tax to all residential units to encourage active use of residential units and expand the available housing supply.

**Responsible Agency:** *Oakland Department of Finance*

**Potential Funding Source:** *General Fund*

**Timeline:** *Consider by the end of 2026 whether the vacant parcel tax ought to be revised or expanded*

**Objective:** *Increase the housing stock by ensuring existing units are made available to rent.*

### **Action 3.8.4: Continue the Oakland Community Buying Program and support scattered site acquisition efforts.**

The City continues to administer the Community Buying Program, a collaboration since 2012 between PBD, HCD, Revenue, and others with the goal to repurpose blighted tax-defaulted parcels and turn them into affordable housing for low income renters or moderate income Oakland homebuyers. In 2017 the City used the 3.8.5 Tax-Default Pilot Program process to purchase the initial 26 parcels. The program which in the past has been funded by State, that were expanded the housing supply through programs like the Oaktown Roots Affordable Homes pilot program and local community land trusts, like the Oakland Community Land Trust and the Bay Area Community Land Trust. These programs also help promote long-term affordable homeownership, which will also promote the objectives of Policy 5.1. Through the Oaktown Roots Affordable Homes pilot program, which commenced in 2017, 18 vacant parcels were developed into

homes resulting in 17 families achieving homeownership, with one additional family scheduled to join them in 2023. Five ownership parcels and two rental parcels remained undeveloped and are scheduled for feasibility analysis survey and then reassignment. The City is conducting a robust community and stakeholder engagement process leading up to the bond spending plan for Measure U, as well as a legal analysis on what Measure U funds can support (including the Community Buying Program). As well, the City has secured a Breakthrough Grant Fellow as discussed in Actions 3.3.17 and 3.8.5 that would repurpose blighted tax defaulted parcels for these policy goals of affordable production and contracting equity for emerging and BIPOC-led developers.

**Responsible Agency:** *Oakland Department of Housing and Community Development; Oakland Department of Finance*

**Potential Funding Source:** *Development impact fees, HOME, local infrastructure bond, and other local, State, and federal funding as available*

**Timeline:** *Ongoing, 2023-2031*

**Objective:** *As additional funding is available, continue to convert vacant parcels to affordable housing.*

### **Action 3.8.5. Partner with Alameda County Tax Collector to redevelop tax defaulted properties.**

Partner with the Alameda County Tax Collector to identify tax-defaulted property suitable for development or preservation as affordable housing. Through use of the Chapter 8 tax sale program, make this property available to affordable housing providers, community land trusts, and related organizations, either by encouraging nonprofits to directly acquire through Chapter 8, or by pulling properties from auction to administer through a City program. Oakland Housing & Community Development has secured a full-time fellow through the Breakthrough Grant Program to focus on creating an emerging developer program (Action 3.3.17), and exploring how tax-defaulted properties, among other development and funding opportunities, could be leveraged as an entry point for emerging developers.

**Responsible Party:** *Oakland Department of Housing and Community Development, Oakland Economic and Workforce Development Department*

**Funding:** *Contributory value of the land, impact fees, HOME, other local, State, and federal funds as available*

**Timeline:** *Ongoing, 2023-2031. Breakthrough Grant fellow completes BIPOC and emerging developer program development in 2023, and will analyze tax-defaulted property program opportunities by end of his term in 2024.*

**Objective:** *As funding, partners, and suitable parcels become available, tax defaulted properties will become available as affordable housing.*

## Goal 4. Address Homelessness and Expand Services for the Unhoused

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The City of Oakland is facing an unprecedented humanitarian crisis of residents who are experiencing homelessness. As the United Nations notes in its mandate on the right to adequate housing, the right to adequate housing is more than having a roof over one's head, it is the right to live in safety and dignity in a decent home; HUD Secretary Fudge has declared that "housing is a human right." Goals, policies, and actions in this Housing Action Plan recognize housing as a human right, and that permanent housing is the solution to homelessness. Policies and actions proposed as part of Goal 3 seek to expand affordable housing options. Goal 4 seeks to address homelessness through strategies that enable coordination across the spectrum, from homelessness prevention to transitional housing/shelter and services to permanent supportive and deeply affordable housing with resources for long-term support.

### HOW THIS GOAL AFFIRMATIVELY FURTHERS FAIR HOUSING

Homelessness disproportionately impacts Oakland's BIPOC residents, particularly the city's Black residents. Further, special needs households—including extremely-low-income households—tend to be at greater risk of experiencing homelessness. Addressing homelessness and providing high quality services to the unhoused is also a racial equity issue and must be part of the City's efforts to affirmatively further fair housing. By expanding access to quality homelessness services across Oakland, and seeking to expand transitional housing options in a citywide manner, the City will work to avoid an overconcentration in homelessness and homelessness-related services in disadvantaged neighborhoods. Further, by expanding economic opportunities for the unhoused, Oakland will help those currently unhoused access housing opportunities in a variety of Oakland neighborhoods. This goal, and the policies and actions that implement it, will address fair housing issues as they relate to homelessness in Oakland.

As stated in Action 4.1.3, the City's goal is to serve 100 curbside sites by FY 2024-2025 and add four City outreach staff. In addition, the City will continue to support six projects that have been awarded through past rounds of Homekey and allocate at least 25 percent of its Round 3 matching funds to projects serving Transition Aged Youth (TAY) clients, through a separate scoring pool for TAY-serving project (Action 4.3.1).

Using an equity approach, the City works with funded providers to ensure that these services and resources are prioritized for the most vulnerable populations. Vulnerable populations are identified through sources such as Oakland's Stanford research partnership, the Urban Displacement Project, Racially and Ethnically Concentrated Areas of Poverty, and federally identified Opportunity Zones, and will additionally include environmental justice communities identified through the Environmental Justice Element. In addition, the City conducts extensive outreach to vulnerable populations and those at highest risk of displacement, targeting-specific communities and geographies including- Black and African Americans, and Spanish-, Cantonese-, and Mandarin-speakers to improve access for non-English speakers. Finally, the City will revise the Oakland Planning Code to permit by right, without discretionary review, emergency shelters citywide when located on properties owned by churches, temples, synagogues, and other similar institutions approved for Community Assembly Civic Activities and also remove any minimum automobile parking requirements for emergency shelters (Action 4.3.6).



## **POLICY 4.I EXPANSION OF HOMELESS SERVICES**

### **Action 4.I.1: Expand, improve, and maintain emergency interim housing.**

Since 2018, the City has expanded its supply of emergency interim housing (community cabins, shelter beds, Safe RV parking) by over 1,000 beds/spaces. This increase is almost entirely funded by one-time funds. The City will use local, county, State, and federal funding to maintain these new resources and to improve the effectiveness of these beds in moving people to permanent housing (for example, by adding rapid rehousing exit resources). In addition, the City will continue to expand the interim housing sites and other forms of housing for people experiencing homelessness in the City. The City will ensure that such housing options include supportive services such as rapid rehousing assistance, housing navigation, and access to resources via Coordinated Entry. The City will seek to partner with Alameda County to provide mental health and substance use services in interim sites and will partner with mainstream workforce programs to support on site job training programs. The City will coordinate efficient provision of services and resources from private, nonprofit, local, Alameda County, and State organizations

**Responsible Party:** *Oakland Human Services Department*

**Potential Funding Source:** *Measure Q, ESG, State Homeless Housing Assistance and Prevention Funding, various HUD funding sources, CalAIM (through County)*

**Timeframe:** Expand on the availability of outreach and social services to increase connections to emergency, interim, and long term housing supports by 2031

**Objectives:** *1. Increase the number of people who are experiencing homelessness in Oakland who are sheltered; and 2. Invest in and improve the quality of interim housing programs so that more people exit to permanent housing and more people exit to permanent housing more quickly.*

### **Action 4.I.2: Expand, improve, and maintain crisis response beds, especially for unsheltered communities of color.**

Increasing the number of crisis response beds helps to address the disproportionate rates of unsheltered homelessness among communities of color, especially among African American households. Creating additional facilities in many parts of the city will assist households experiencing homelessness to remain in their communities will reduce the number of African American households who are displaced from Oakland. The City will track data to ensure that African American households are using emergency crisis response beds and exiting to permanent housing at rates that are proportional to their representation in the homeless population. The Centering Racial Equity in Homeless Response System Design (Berkeley, Oakland, Alameda County Continuum of Care published in 2021) outlines suggested investment for scaling to solutions for unsheltered communities of color utilizing recent Point in Time count data.

**Responsible Party:** *Homelessness Division, Office of the City Administrator; Oakland Human Services Department*

**Potential Funding Source:** *Local, State, and federal funding, as available*

**Timeframe:** The City of Oakland will continue to develop a data informed strategy for increasing equitable investments in homelessness systems to serve people of color by 2031.



**Objectives:** *Increase and stabilize people while providing opportunities to improve income they need to avoid entering or returning to homelessness.*

#### **Action 4.1.3: Expand health and hygiene facilities and services, and improve access to bathrooms and showers.**

Starting in FY 20-21, this intervention has greatly expanded to serve a minimum of 60 curbside sites with porta-potties, handwashing stations, and garbage pick-up. Oakland's Human Services Department has created two new outreach staff positions whose primary role is to support the participating encampments with maintaining the services, cleanliness, and compliance with the Encampment Management Policy. These City staff also support designated site leadership at each encampment site. The site leaders ensure that the porta-potties are used appropriately, and keep the units clean in between the official servicing. City staff provide the site leaders with cleaning supplies and stipends for their work. Per Council directive, the goal is to increase to 100 sites and four City outreach staff.

**Responsible Party:** *Homeless Division, Office of the City Administrator; Oakland Human Services Department*

**Potential Funding Source:** *State Homeless Housing Assistance and Prevention Funding, City General Fund*

**Timeframe:** *FY 2022-2023 – FY 2024-2025*

**Objectives:** *More people experiencing unsheltered homelessness have access to services which promote health and dignity.*

#### **Action 4.1.4: Provide needed support and income to people who have been homeless so they can avoid returning to homelessness.**

Recognizing that a lack of access to living wage jobs is a significant driver of homelessness in Oakland, the City will work with the Oakland Unified School District (OUSD), higher educational institutions, related nonprofit agencies, business and other partners to create low barrier work opportunities for people who are currently unsheltered. These programs will offer support for development of work-related skills, provide services to address employment barriers specifically targeted to the needs of unhoused residents and increase the co-location and collaboration between providers of homeless assistance and employment programs and services. In addition, the City will work to match small business owners who want to address homelessness with job seekers who are homeless or formerly homeless.

Strategies to include:

- Low barrier work opportunities, for people re-entering the workforce
- Add employment specialist positions in core homeless services/prevention services programs
- Flexible funding pool to support career track training and employment programs
- Benefits advocacy to obtain SSI or other income for which they are eligible

**Responsible Party:** *Oakland Human Services Department; Economic and Workforce Development Department; Homelessness Division, Office of the City Administrator*

**Potential Funding Source:** *Local, State, and federal funding, as available*

**Timeframe:** Increase and expand support for systems navigation, social services, and employment by 2031. Continue development and implementation of low barrier work opportunity programs in partnership with OUSD and other partners by end of 2026. Develop and implement programs to match small business owners with job seekers who are homeless or formerly homeless by end of 2026.

**Objectives:** *Reduction in the number of households which return to homelessness in the two years after obtaining housing.*

## **POLICY 4.2 ENCAMPMENT MANAGEMENT AND SHELTER OFFER POLICIES**

### **Action 4.2.1: Enhance operations of the City's 2020 Encampment Management Policy.**

The City of Oakland adopted the 2020 Encampment Management Policy. The purpose of this policy is to protect and serve all Oaklanders, sheltered and unsheltered, and to manage the adverse impacts of homeless encampments by balancing the interests of all residents, focusing encampments actions on mitigating negative outcomes as they pertain to public safety, public health, and equity outcomes. The City will continue implementing the Encampment Management Policy during the 2023-2031 Housing Element period. The City of Oakland will also continue to scale the appropriate level of public works related services to address debris, garbage and illegal dumping associated with encampments. The City will continue to improve and expand on the development and implementation of Emergency Shelter and crisis response beds in an effort to address and abate conditions at homeless encampments in Oakland. The Encampment Policy will continue to be predicated by an offer of shelter as outlined in City of Oakland Resolution 88077.

**Responsible Party:** *Homelessness Division, Office of the City Administrator*

**Potential Funding Source:** *Local, State, and federal funding, as available*

**Timeframe:** The City of Oakland will continue improving the implementation of the Encampment Management Policy throughout the duration of this Housing Element Period, 2023-2031.

**Objectives:** *The Encampment Management Policy is intended to connect unsheltered individuals to human services, emergency shelter and long term permanent supportive housing, while executing comprehensive operations focused on managing health and safety conditions of public spaces. The goal is to provide regular and adequate trash collection from encampments, close areas where encampments are not permitted, and ensure that porta-potties and hand-washing stations are serviced regularly as needed and that encampments receive regular deep cleanings so that our unhoused residents are not living in conditions that threaten health and/or safety until fully abated.*

*The policy sets forth the following objectives:*

*Designate high-sensitivity areas, where unmanaged encampments are presumed to cause unreasonably high levels of health and safety impacts due to the nature of the location;*

*Designate low-sensitivity areas, where enforcement will not be prioritized;*

*Make findings that will prompt Encampment Management Team intervention; and*

*Provide guidance on addressing unreasonable health and safety risks, promoting voluntary compliance, and strategies to address non-compliance.*

#### **Action 4.2.2: Lead strategic homelessness response operations and homeless services from the Homelessness Division, Office of the City Administrator.**

Homelessness intersects with multiple departments and agencies, all of which fall under the City Administrator’s purview. Leading from the Office of the City Administrator, the Homelessness Division serves as the primary liaison between the City Administrator’s Office and internal and external agencies, along with other City departments, regarding the City’s homelessness response and provides inter- and intra-agency coordination focusing on the City’s management of its unsheltered population. This division directs the program and operational decision-making in division activities; encampment management response teams and task forces; organizes, manages, and directs the review and implementation of the City’s major projects. The division serves to implement best practices, strategic planning in the City’s Homeless System, and serve as a connection to local, state, and federal partners.

**Responsible Party:** *Homelessness Division, Office of the City Administrator*

**Potential Funding Source:** *Local, State, and federal funding, as available*

**Timeframe:** Design, review, implement and evaluate a strategic planning process in response to homeless services and interventions during 2023—2031

**Objectives:** *Lead the implementation, expansion, and strategic coordination of Homeless Response Operations and Service Delivery across City of Oakland departments, and external public and private partners, organizations, and agencies.*

#### **Action 4.2.3: Strengthen interdepartmental Encampment Management Team.**

The Encampment Management Team (EMT) is an interdepartmental working group tasked with implementing and administering this policy, consisting of representatives from Oakland’s Public Works Department, Human Services Department, Oakland Policy Department, Oakland Fire Department, the City Administrator’s Office (CAO), and other consulted departments as necessary (e.g., the Mayor’s Office, the City Attorney’s Office, Parks and Recreation). The EMT is facilitated by the CAO via the Homelessness Administrator.

**Responsible Party:** *Homelessness Division, Office of the City Administrator*

**Potential Funding Source:** *Local, State, and federal funding, as available*

**Timeframe:** *Ongoing, 2023-2031*

**Objectives:** *1. The EMT aims to execute duties assigned to their respective departments for the completion of interventions (Health and Safety) prescribed in the 2020 Encampment Management Policy (Health and Hygiene, Deep Cleanings, Partial Closure, and Closure); 2. To channel unsheltered individuals in every encampment to human services, emergency shelter and long term permanent supportive housing; 3. To effectuate the completion of the Encampment Management*

*Policy interventions, each department may promulgate additional specific procedures necessary to effectuate the roles described in this policy under development specific Standard Operating Procedures.*

**Action 4.2.4: Increase the oversight of homelessness strategies, investments, outcomes, and encampment operations with Commission on Homelessness.**

The City will increase opportunities for leadership and input from people experiencing homelessness in the design, implementation, and evaluation of encampment management and homeless services. The City of Oakland has formed a Commission on Homelessness that will provide robust opportunity for people with lived experience to inform and contribute to solutions related to individuals experiencing homelessness reaching maximum self-sufficiency. The City will also seek to build trust between law enforcement, social workers, and homeless individuals/families and promote mentorship opportunities for formerly homeless individuals and people recovering from addiction. Further, the City will refine encampment management policies and strategies using qualitative and quantitative data to assess the experience of encampment for BIPOC residents and will implement culturally specific and anti-racist strategies to better meet the short-term needs of BIPOC unsheltered residents.

**Responsible Party:** *Homelessness Division, Office of the City Administrator*

**Potential Funding Source:** *Local, State, and federal funding, as available*

**Timeframe:** Improve and develop mechanisms for individuals with lived experience to provide input to the Commission on Homelessness by 2024. Develop, implement and evaluate opportunities for individuals with lived experience to better interact with law enforcement by 2026. Identify and implement best practices that center race and equity in the strategic response to homelessness by 2031.

**Objectives:** *Review and make recommendations of existing and new proposals funding homelessness services funded by City of Oakland Measures Q and W.*

**Action 4.2.5: Expand co-governance and partnerships with unsheltered residents in the design and delivery of homelessness services.**

In FY 21-22 the City opened its first co-governed program site. Co-governance is an intervention model where unsheltered residents come to an agreement about how they will live together in a community setting of an encampment. This includes, but is not limited to, selecting site leadership, determining eligibility for participation, developing community expectations for behaviors and for staffing/running the site, holding each other accountable for the agreed upon expectations, and maintaining the health and safety of the community residents. A backbone agency (nonprofit/community-based agency) works alongside residents to support the residents in the design, leadership and operations of the site. The backbone agency is the contracting entity with the City/funder and holds ultimate accountability for ensuring the safety and security of the site. The City, in partnership with unsheltered residents, will continue to refine this model and to expand this model as new sites open.

**Responsible Party:** *Oakland Human Services Department; Homelessness Division, Office of the City Administrator*

**Potential Funding Source:** *Homeless Housing Assistance and Prevention funds, City General Fund*

**Timeframe:** *FY 2022-2023 – FY 2024-2025*

**Objectives:** *Increase the number of interim housing sites which have people experiencing homelessness as partners in site design and operations.*

## **POLICY 4.3 PROMOTE PERMANENT SUPPORTIVE AND DEEPLY AFFORDABLE HOUSING FOR UNHOUSED COMMUNITIES**

### **Action 4.3.1: Finance the construction and maintenance of permanent supportive and deeply affordable housing for homeless households to expand the supply of deeply affordable and supportive housing for Oakland's most vulnerable residents.**

The City will secure and advocate for additional funding for building and operation of permanent supportive and deeply affordable housing for homeless households using a combination of State and federal sources, such as the State Homekey program, the federal HOME-ARP program, and funding from the local Oakland Housing Authority. The City will continue incorporating a preference for City-assisted affordable housing projects that include at least 20 percent of units for vulnerable populations, including but not limited to homeless individuals and families living at or below 30 percent of AMI with additional points awarded in the competitive funding process for projects with units targeting 20 percent of AMI. In addition, the City will increase this homeless set-aside with the issuance of future City funds, awarded through its Notice of Funding Availability (NOFA) programs should operating funding resource availability support the increase. The City will work with residents, service providers, and property owners to ensure adequate and transparent long-term plans for maintenance and service provision within new and existing permanent supportive housing.

The City will also continue pursuing the strategic acquisition of hotel, motel, and dorm facilities by and with nonprofit partners to house unsheltered residents. The City will further work to coordinate Oakland Housing Authority's award process with the City's affordable housing NOFA process and Homekey opportunities. The City will also work with the State and other partners to explore opportunities to expand the supply of extremely-low-income housing for residents that do not require supportive services. These efforts align with the City's HOME-ARP plan that targets HOME-ARP resources to support HUD Qualifying Populations, which include individuals and families who are: experiencing homelessness, at risk of becoming homeless, fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking or human trafficking, at greatest risk of housing instability, and/or needing supportive services or assistance would prevent homelessness.

For example, in September 2022 the City issued a Request for Proposals in advance of for Round 3 State Homekey program funding and has allocated a total of \$35,285,154 from the previous two rounds in local contribution to capital and operating expenses to this program. Through Council approval and in the RFP, the City intends to allocate at least 25 percent of its Round 3 matching funds to projects serving Transition Aged Youth (TAY) clients, through a separate scoring pool for TAY-serving projects. The City is also making a city-owned site, the Clara/Edes parcel, available for Homekey applications. Through Homekey, the City of Oakland partners with experienced housing organizations and service providers to develop and expand housing for people experiencing homelessness or at risk of homelessness. The City will continue to support six projects that have been awarded through past rounds of Homekey. These projects have added



285 units of affordable housing for people experiencing homelessness since 2020 to 2022. The City is currently conducting a robust stakeholder engagement process to guide the priorities for Measure U program investments, as discussed under Action 3.3.18. The results of that engagement process will inform the projected impact of housing units produced under Measure U; based on an average City subsidy investment of \$150,000 per affordable unit, Measure U is estimated to yield approximately 2,300 units of affordable housing. However, the cost per unit may vary depending on the outcomes from stakeholder engagement, and depending on program and project type – as demonstrated by the diversity of the City’s Homekey portfolio, as well as its new construction and preservation pipelines.

To achieve the objective of converting non-residential uses to 80 units through two hotel acquisitions, the city has committed assistance in the amount of \$17.2 million as part of a legally enforceable agreement. The units will be available at an affordable rent to very low-income households and will meet all requirements pursuant to Government Code 65583.1, subdivision (c)(2)(D) as noted in recorded regulatory agreements for the properties. The City will continue to meet all requirements pursuant to Government Code section 65583.1, including reporting requirements pursuant to subdivision (c) (7)

**Responsible Party:** *Oakland Human Services Department; Oakland Department of Housing and Community Development; Homelessness Division, Office of the City Administrator; Oakland Planning & Building Department*

**Potential Funding Source:** *Housing Trust Fund, HOME-ARP, State Homeless Housing Assistance and Prevention Funds, California Housing and Community Development Department Homekey Funds and City Match Funding (Totaling \$7.5 million for capital funds and \$9.7 million for operating expenses committed to date)*

**Timeframe:** As funding is available the City will continue to apply for competitive state and federal funding throughout this Housing Element period. The City will continue to identify ways to expand and finance the ideal matrix deeply affordable housing, permanent supportive housing, below market-rate housing, and strategic acquisitions of hotel, motel and dorm facilities by 2031.

The City is planning to release a New Construction NOFA targeting the production of additional permanent supportive housing (PSH) units in 2023. For example, the 2021-22 New Construction NOFA funded 324 units, 121 of which are designated homeless units.

*The City released the Round 3 Homekey Request for Proposals in 2022 in order to identify projects prior to the State releasing the Homekey Notice of Funding Availability (NOFA) which is expected to be released in Spring 2023. The City will continue to participate in Homekey, if and when future rounds are funded through the State budget.*

Regulatory Agreements for Project Homekey sites established in August 2022 extend through August 2077. The City will continue to inspect these units to ensure they remain decent, safe, and sanitary for occupancy.

**Objectives:** *Secure funding to significantly increase construction and maintenance of permanent supportive and deeply affordable housing to match need for unhoused communities.*

To ensure sites credited through the Alternate Adequate Sites process adhere to Government Code 65583.1, subd. (c).

### **Action 4.3.2: Streamline approval for modular developments to provide quality shelter quickly to address the scale of the crisis.**

The City will utilize statewide streamlining opportunities, such as categorical CEQA exemptions and Program EIRs, and revise the Planning Code to minimize the need for discretionary review with a ministerial option for projects that utilize objective design standards for approval. The City will also identify and eliminate roadblocks in the review of building permit applications to expedite and increase the production of modular developments and other quick-build shelter solutions on private land in Oakland. The City will also work with other public agencies, including Caltrans, to facilitate and streamline more flexible shelter solutions on public land. The City will ensure that smaller units used as permanent housing units are in compliance with the Building Code to mitigate fire and other public safety hazards.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees, SB2 Grant for Objective Design Standards*

**Timeframe:** *Planning Code changes in 2023; ongoing, 2023-2031*

**Objectives:** *Significantly increase production of modular developments and other quick-build shelter solutions to match need for unhoused communities.*

### **Action 4.3.3: Remove regulatory constraints to the development of transitional housing and supportive housing.**

The City will amend the Planning Code to ensure that transitional housing and supportive housing projects are permitted equivalent to similar permanent residential uses in the appropriate zone.

The City will amend the Planning Code to remove minimum parking requirements for transitional housing. For supportive housing, minimum parking requirements will only apply to employee parking for onsite services, and no minimum parking requirements will apply to the residential units.

The City currently processes supportive housing streamlined projects utilizing Assembly Bill 2162 (2021)/Government Code Section 65651 using the City's multipurpose basic application but has received few applications utilizing this procedure. The first such application was received during the drafting of this Housing Element. To provide greater clarity and encourage the use of this streamlining provision, the City will codify the by right requirements of Government Code Section 65651 into the Oakland Planning Code, and will modify the basic application to identify streamlining under this provision.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan*

**Timeframe:** *Planning Code changes in 2023*



**Objectives:** *Reduce barriers to the development of transitional and supportive housing.*

**Action 4.3.4: Ensure that the authority provided by the City’s Shelter Crisis Ordinance and Declaration of a Local Emergency regarding Homelessness remains in place until public health and safety concerns no longer persist.**

California Government Code Section 8698.4 allows the City Council to declare a shelter crisis when a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety. Upon a declaration of a shelter crisis, the city may allow persons unable to obtain housing to occupy designated public facilities, including facilities leased by the city, during the duration of the crisis. Further, upon a declaration of a shelter crisis, the City may apply reasonable local standards and procedures for the design, site development, and operation of homeless shelters and emergency housing that the City adopts by an ordinance reviewed and approved by State HCD, and provisions of any housing, health, habitability, planning and zoning, or safety standards, procedures or laws, as applied to public facilities, may be suspended.

On January 5, 2016, and subsequently on October 6, 2017 and September 30, 2021, the Oakland City Council adopted ordinances (No. 13348, 13456, and 13662 respectively) declaring a shelter crisis in the City of Oakland. These ordinances were adopted pursuant to the authority provided under state law beginning at California Government Code Section 8698. As these conditions continue to persist, the City Council has regularly renewed its declaration of a local public health emergency about the homelessness crisis at each of its regular Council meetings. On May 21, 2019, after review and approval by State HCD, the City Council additionally adopted an Ordinance for Emergency Building Standards Amendments to the 2016 California Building Standards Code that incorporated emergency building standards for emergency housing buildings and facilities, including health and safety standards for recreational vehicles, emergency sleeping cabins, membrane structures, and other emergency housing on property owned or leased by the City of Oakland. Statewide building standards for emergency housing were incorporated into the 2019 California Building Code and the 2019 California Residential Code and on December 10, 2019 the City Council passed Ordinance No. 13576 adopting these emergency housing provisions, including the local amendments previously approved by State HCD. Finally, on June 4, 2019, the City Council adopted an ordinance amending the Oakland Planning Code Section 17.07.060.A to allow Emergency Shelter Residential Activities and Emergency Housing Facilities on property designated by the City Administrator and owned or leased by the City.

The City will ensure that the authority provided under the City’s Shelter Crisis Ordinance and declaration of a local emergency regarding homelessness remains in place until public health and safety concerns no longer persist. The City will review public health and safety conditions prior to the expiration of the emergency ordinance declaring a shelter crisis, a two-year ordinance, and will continue to review conditions every two years to ensure no gap in the authority provided through the emergency declaration of a shelter crisis. The City will also ensure that subsequent amendments of the building code, a process that occurs every three years as the state building code and residential code is revised, will retain these emergency provisions as authorized under State law.

**Responsible Party:** *Oakland City Council; Oakland City Administrator; Oakland Planning & Building Department.*

**Potential Funding Source:** *General Fund*

**Timeframe:** *Ongoing*

**Objectives:** *Provide additional options for temporary shelter for all persons without the ability to obtain shelter until public health and safety concerns no longer persist.*

**Action 4.3.5: Provide development standards for Low Barrier Navigation Centers.**

Low Barrier Navigation Centers, pursuant to AB 101, are required to be permitted by right and without any discretionary approval. A Low Barrier Navigation Center is a “Housing First,” low barrier, temporary, service-enriched shelter that helps homeless individuals and families to quickly obtain permanent housing. The City will amend the Planning Code to include a definition for “low barrier navigation centers” and ensure that such centers are permitted by right, pursuant to State law.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge*

**Timeframe:** *Planning Code changes in June-July 2023*

**Objectives:** *Reduce barriers to the development of housing for persons experiencing homelessness.*

**Action 4.3.6: Expand opportunities for the permitting of Emergency Shelters.**

The City will revise the Oakland Planning Code to permit by right, without discretionary review, emergency shelters citywide when located on properties owned by churches, temples, synagogues, and other similar institutions approved for Community Assembly Civic Activities. The City will remove any minimum automobile parking requirements for emergency shelters. In other zones where emergency shelters are currently permitted only upon issuance of a major conditional use permit, the City will revise the Oakland Planning Code to require only a minor conditional use permit, which is processed by Planning Department staff and appealable only to the Planning Commission.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan surcharge*

**Timeframe:** *Planning Code changes in June-July 2023*

**Objectives:** *Reduce barriers to the development of housing for persons experiencing homelessness*

## **Goal 5. Promote Neighborhood Stability and Health**

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All Oakland residents deserve to live, work, play, and thrive in safe, affordable, healthy, and welcoming communities. In Oakland, this geography of opportunity and health-supporting neighborhoods has been inequitable, with low-income communities and communities of color more likely to live in neighborhoods overburdened by pollution, disinvestment, and other social and environmental injustices. Goals, policies, and actions in the Housing Action Plan can address environmental justice by protecting residential areas from harmful pollution impacts. As the City prioritizes investments, infrastructure, building upon existing community assets, and resources to achieve environmental justice in disinvested areas, the Housing Action Plan seeks to ensure that existing residents can stay in their communities and benefit from these increased resources through opportunities for homeownership (see also Goals 1 and 3).

1. Reduce greenhouse gas emissions in the building sector through the promotion of sustainable design principles, energy efficiency, decarbonization/electrification, and smart growth principles in residential developments.
2. Encourage higher-density, infill, and mixed-use development near transit to reduce reliance on automobiles.
3. Promote adaptation strategies to improve neighborhood and community resilience to climate change in collaboration with local and regional partners.
4. Leverage State and federal resources to assist with the remediation of environmental constraints on potential housing sites.
5. Ensure any addition of housing to neighborhoods at risk of wildfires is accompanied by infrastructure improvements to mitigate the evacuation needs for new residents.
6. Promote an equitable distribution of housing, including affordable housing, throughout the community, while providing opportunities to those that want to remain in existing neighborhood.
7. Ensure that programs support development of both rental and ownership opportunities for affordable and middle-income housing.

Homeownership confers a range of benefits – including greater certainty over housing costs, opportunity to stay in one’s chosen neighborhood, the ability to make changes to the living environment, privacy, and the ability to build financial equity. In addition to tangible individual benefits, homeownership also brings substantial social benefits such as a stronger sense of place and belonging, improved community health and safety, and civic participation.

### **HOW THIS GOAL AFFIRMATIVELY FURTHERS FAIR HOUSING**

Oakland has historically experienced patterns of significant inequities – between the hills and the flatlands, west and east, and across race and income. Rising housing costs and displacement pressures continue to disproportionately burden the city’s Black population and other people of color, even as historically Black neighborhoods continue to see disinvestment and relatively high rates of poverty – see Appendix D for further context. The City has made great strides to correct these patterns of discrimination—including through the establishment of the Department of Race and Equity to advance racial equity in 2016—but

needs to expand its efforts to eliminate racial disparities and discriminatory housing practices. The City will take steps to correct historic and ongoing patterns of discrimination to create a fair and just city through the simultaneous actions of opening up exclusionary neighborhoods (see Policy 3.4) and focusing resources, funds, tenant protections, and support of existing communities in disinvested neighborhoods and ethnic enclaves (see Goals 1, 2, and 3).

Oakland has some of the lowest rates of homeownership among major Bay Area cities, rivaled only by San Francisco. About 60 percent of Oaklanders are renters, and with continuously rising home prices, affordable homeownership remains out of reach for most Oaklanders. This is especially true for the city's working and middle classes, as traditionally blue-collar neighborhoods have become increasingly expensive in recent years. Homeownership is distributed unevenly by race and ethnicity – while most white households own their homes, the majority of BIPOC households are renters. American Indian or Alaska Native (70.8 percent), Hispanic or Latinx (69.4 percent), and Black or African American (67.8 percent) households are especially likely to be renters. A key driver behind these disparities is the legacy of the foreclosure crisis during the Great Recession. During the foreclosure crisis, 1 in 14 Oakland homeowners lost their homes. These foreclosures were highly concentrated in East and West Oakland. See Appendices B and D for more information.

This goal aims to expand opportunities for homeownership, particularly for low-income communities and communities of color. Along with efforts in Goal 1 and Goal 2, increased affordable and middle-income homeownership opportunities will reduce displacement pressures and keep Oaklanders in their homes. Expanding homeownership opportunities will protect both individual families and the social fabric of Oakland's neighborhoods. First-time homebuyer programs can also expand access to historically exclusionary neighborhoods by giving prospective homeowners the resources and tools they need to secure a home in neighborhoods that meet their needs. Community land trusts and other models of maintaining permanently affordable housing, as outlined in Policy 3.5, also provide opportunities to increase rates of affordable homeownership.

In addition to safe, affordable, high-quality housing for all people, a key determinant of equity is a healthy built and natural environment for all people. Such an environment should include a mix of land uses that support jobs, housing, amenities and services, trees and forest canopy, and clean air, water, soil, and sediment. In Oakland, low-income communities and communities of color are more likely to suffer from environmental injustices such as disproportionate exposure to air pollution, toxics and hazardous facilities and substances, contaminated water, and other environmental hazards. These disparities are due to a history of systemic racism and social injustices that influence where these communities live. As the impacts of climate change become more severe, these communities are most likely to be impacted first and hardest. As the City adds more housing stock over the course of this Housing Element period, it is imperative that new development sustains a healthy environment by working to “reduce the unique or compounded health risks in disadvantaged communities” and is prepared for the heightened impacts of climate change, especially protecting those who are most at risk. As part of this goal, efforts to align affordable housing development with transit—such as through the State's Affordable Housing and Sustainable Communities program—and expand access to high opportunity neighborhoods and good jobs are integral to furthering environmental justice through housing. The City will prioritize improvements in low resource and traditionally underserved areas as stated in Action 5.2.9 and will continue to give points in its competitive New Construction funding processes to projects in areas which help advance desegregation and are located in neighborhoods with strong educational quality (Action 5.2.8). As stated in Action 5.2.9, the City will continue to explore a variety of funding sources, continue the City's Capital Improvement Program (CIP) process, and use an equity lens to invest in priority communities and identify projects that address disparities in health and safety, existing conditions, economy, environment, improvement and collaboration. The City will prioritize investment, incentives, and other programs in environmental justice

communities in order to improve community assets that enhance quality of life and address Environmental Justice issues.

As noted in Action 5.2.1, the City will prioritize support for homeowners to retrofit their homes to protect inhabitants from wildfire smoke in communities with disproportionate exposure to air pollution and substandard housing.

Using an equity approach, the City works with funded providers to ensure that these services and resources are prioritized for the most vulnerable populations. Vulnerable populations are identified through sources such as Oakland's Stanford research partnership, the Urban Displacement Project, Racially and Ethnically Concentrated Areas of Poverty, and federally identified Opportunity Zones, and will additionally include environmental justice communities identified through the Environmental Justice Element. Examples of targeting funding resources include Action 5.2.3 (study options to provide financing for the remediation of environmentally contaminated sites, with priority for affordable projects) and Action 5.2.4 (Secure funding from the State's Affordable Housing and Sustainable Communities (AHSC) Program), which both seek to utilize funding programs that are specifically targeted toward R/ECAP and designated EJ communities. The State Equitable Community Revitalization Grant program specifically prioritized funds toward properties in historically vulnerable and disadvantaged communities, while the AHSC program utilizes funds collected through proceeds of the State's Cap and Trade program and reserved for EJ communities.

In addition, the City conducts extensive geographically targeted and community-specific outreach to vulnerable populations and those at highest risk of displacement, as well as - Black and African American communities, and Spanish-, Cantonese-, and Mandarin-speakers to improve access for non-English speakers. The outreach materials are also offered in multiple languages in accordance with the City's language access policy.

## **POLICY 5.1 SUSTAIN AFFORDABLE FIRST-TIME HOMEOWNERSHIP INCENTIVES**

### **Action 5.1.1: Provide first-time homebuyer programs.**

When funding is available, the City has historically provided several first-time homebuyer programs – including the First Time Homebuyer Mortgage Assistance Program (MAP), and the CalHome Program. As funding becomes available—either through State or program-related income—the City will resume these programs. The City also provides first-time homebuyer workshops and promotes workshops hosted by a HUD-approved counseling agency. Although City-sponsored classes are currently suspended due to the COVID-19 pandemic and the absence of funding, the City continues to provide information for other local classes. As we emerge from pandemic restrictions, the City will resume providing in-person workshops in 2023. Finally, the City maintains a list of city-assisted deed-restricted below market rate (BMR) homes for sale to assist potential buyers. The City collects data through public records and the first-time homebuyer programs to assess homebuyers' needs and to identify gaps in the programs.. Further, as part of Action 5.3.3, the City will engage in targeted outreach in partnership with community-based organizations and fair housing services providers to reach the most impacted communities – including Black and Latinx households.

**Responsible Party:** *Oakland Department of Housing and Community Development – Housing Development Services*

**Potential Funding Source:** *State Housing Fund Grants (HCD), program income, city-sourced funds.*

**Timeframe:** *The City applied for the last several CalHome program NOFAs to secure funding for down payment assistance but was denied. The City will continue to review NOFAs and strategically apply for this assistance when substantiated. The City is already using repayments from previous CalHome and other loan programs to support mortgage assistance.*

**Objectives:** *If the City of Oakland receives CalHome and other homeownership funding at historic rates, the City expects to support a total of 160 low- and moderate-income households with home purchases over the Housing Element cycle.*

### **Action 5.1.2: Expand access to low-cost financing for home purchase.**

Through the first-time homebuyer programs described in Action 5.1.1, the City was able to issue 121 loans totaling approximately \$6.8 million during the previous planning period. With appropriate funding, these low-cost financing options have been very effective in promoting affordable homeownership. The City will continue to seek funding for these programs and to refer homebuyers to resources related to other county, State, or federal level funding – including through the Consumer Financial Protection Bureau (CFPB), California Housing Finance Agency (CalHFA), Golden State Finance Authority (GSFA), Federal Home Loan Bank's (FHLB) WISH Program, Alameda County AC Boost, and Alameda County Mortgage Credit Certificate.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *State Housing Fund Grants (HCD)*

**Timeframe:** *Ongoing as funding is available, 2023-2031; Annual reporting on first time homebuyer program data*

**Objectives:** *If the City of Oakland receives CalHome grants and other homeownership funding at historic rates, the City expects to support a total of 160 low- and moderate-income households with home purchases over the next Housing Element cycle.*

### **Action 5.1.3: Provide paths to homeownership for Section 8 voucher holders.**

Oakland HCD has traditionally worked with Section 8 voucher holders as part of the first-time homebuyer programs. Furthermore, the Oakland Housing Authority (OHA) offers the Homeownership Program to eligible residents – which permits participants to apply their housing subsidy towards a monthly mortgage payment. As funding and capacity permits, the OHA will continue to offer this program and expand eligibility criteria as feasible. Oakland HCD will also continue to work with voucher holders through first time homebuyer programs. OHA will collect data on residents who make use of the Homeownership Program to understand program participants and existing gaps.

**Responsible Party:** *OHA; Oakland Department of Housing and Community Development*



**Potential Funding Source:** *HUD, State Housing Fund Grants (HCD)*

**Timeframe:** *Ongoing as funding is available, 2023-2031; Annual reporting on OHA's Homeownership Program*

**Objectives:** *If funded at historic levels, the City expects to provide 30 low-income Section 8 voucher holders with down payment assistance.*

## **POLICY 5.2. PROMOTE RESILIENT AND SUSTAINABLE DEVELOPMENT**

### **Action 5.2.1: Protect against smoke and wildfire.**

As wildfires become more frequent, it is increasingly important to ensure safe and healthy indoor air quality. The City will require new development follow requirements for indoor air filtration, including the installation of MERV filters, as specified in the California Building Code, and will support property owners in retrofitting their homes to protect inhabitants from wildfire smoke. The City will prioritize retrofits in communities with disproportionate exposure to air pollution and substandard housing. To reduce the impacts of secondhand smoke, the City will explore amendments to the smoking pollution control ordinance to create smoke-free environments within multifamily housing properties. Further, the City will encourage the addition of clean air centers and resilience spaces within residential areas that can provide emergency services in the event of a wildfire.

**Responsible Party:** *Sustainability and Resilience Division, City Administrator's Office; Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeframe:** *Ongoing, 2023 - 2031*

**Objectives:** *Significantly improve access to better indoor air quality to protect against smoke and wildfire through methods such as requiring installation of MERV filters in new developments and identifying additional clean air centers and resilience spaces within residential areas.*

### **Action 5.2.2: Promote infill, transit-oriented development (TOD), and mixed-use development.**

Expand and allow community-serving uses such as retail, restaurants, and personal services within areas that are primarily residential, and increase opportunities to add multi-family housing in commercial areas that are well-served by transit. Encourage sustainable transportation choices and improve pedestrian activity with new housing development, by reducing vehicular parking requirements and eliminating parking minimums for residential development within ½ mile of major transit stop (see Action 3.4.4) in new development and/or requiring transit, cyclist, and pedestrian access design features. Work with Bay Area Rapid Transit (BART) to rezone and facilitate development of high-density multifamily and mixed-use housing on BART-owned sites within the City, per AB 2923. Ensure that new transit-oriented development is accompanied by tenant protection policies described in Policy 1.1. Further, the City will



support and encourage the development of affordable housing near transit and amenities through its NOFA process, which prioritizes City funding awards to affordable housing projects with better transit access, and by co-applying to State programs such as AHSC and IIG (see Action 5.2.4).

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeframe:** *2023 – 2025 and Ongoing*

**Objectives:** *Significantly increase infill, transit-oriented development and mixed-use development to meet housing need.*

### **Action 5.2.3: Study options to provide financing for the remediation of environmentally contaminated sites, with priority for affordable projects.**

The City will study options to provide financial assistance to property owners for the remediation of environmentally contaminated sites, such as former gas stations or auto mechanic shops, which are being developed for housing. Funding priority will go to sites with proposed affordable housing projects.

**Responsible Party:** *Sustainability and Resilience Division, City Administrator's Office; Oakland Planning & Building Department; Economic and Workforce Development Department*

**Potential Funding Source:** *State of California's Equitable Community Revitalization Grant Program, United States Environmental Protection Agency Brownfields Grants program*

**Timeframe:** *Ongoing, 2023-2031 as funding is available*

**Objectives:** *As grant and loan funding sources are secured, Oakland will support through technical assistance and financing of characterization and/or remediation of environmentally contaminated sites.*

### **Action 5.2.4: Secure funding from the State's Affordable Housing and Sustainable Communities (AHSC) Program.**

The AHSC program, administered by the Strategic Growth Council and implemented by HCD, distributes Statewide Cap-and-Trade funding for affordable housing developments (new construction or renovation) and sustainable transportation infrastructure projects. Successfully implemented, the AHSC program transforms California cities into places where residents can get everywhere they want to go without having to drive. The City of Oakland will apply directly or support partners such as nonprofit and for-profit housing developers, transportation and transit agencies, and joint powers authorities to apply for AHSC grant funding.

**Responsible Party:** *Oakland Department of Housing and Community Development; DOT; Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeframe:** *The City of Oakland has historically had projects applied to each AHSC round, and expects to have 3-5 projects for the 2023 AHSC NOFA (Round 7). As a jobs and transit center of the region, the City will continue to submit highly qualified projects to this important state funding source each time the source is available in order to secure additional funding for affordable housing in transit-rich service and job centers.*

**Objectives:** *Significantly increase affordable housing development through application for AHSC funding to meet housing need.*

#### **Action 5.2.5: Encourage earthquake-resilient housing.**

As funding becomes available, the City will continue to operate loan programs to help property owners afford the cost of seismic safety programs. In the past, these loan programs have particularly focused on soft story retrofit projects. The City will also continue to implement the City's soft story retrofit ordinance, which requires vulnerable apartment buildings to retrofit soft story areas at risk of collapse.

**Responsible Party:** *Oakland Department of Housing and Community Development; Oakland Planning & Building Department*

**Potential Funding Source:** FEMA Hazard Mitigation Grant Program, CalOES Prepare California Match program, other sources as available.

**Timeframe:** *Ongoing, 2023 - 2031*

**Objectives:** *Successfully retrofit all vulnerable soft-story residential buildings at risk of collapse.*

#### **Action 5.2.6: Encourage climate-resilient housing.**

Consistent with the City's Equitable Climate Action Plan (ECAP) and Ordinance 13632 CMS, all newly constructed buildings in Oakland are prohibited from utilizing methane gas, also referred to as natural gas, or connecting to natural gas infrastructure. The City will continue to support property owners in building electrification, energy efficiency and resilience, and seismic safety retrofits, prioritizing funding in frontline and disadvantaged communities. The City will work with organizations such as the U.S. Green Building Council to recognize exemplary net-zero energy projects with sustainable and resilient design, including passive design and energy- and water-efficient systems. The City will continue to require all projects that meet the Green Building Ordinance for Private Development thresholds comply with green building standards, exceeding CALGreen Standards, and will encourage and promote green features such as durable low-embodied carbon materials, green and cool roofs, grey-water systems, electric vehicle charging stations, and others such features during the permitting and entitlements process. The City will continue to require green building certification under Build It Green's GreenPoint Rated or LEED Certification systems and give preference to projects scoring higher in the Green Point Checklist, or which meet or exceed LEED Gold level, in the affordable housing NOFA scoring process which determines which projects are awarded City

funds. The City can promote and expand existing programs to provide education and incentives to property owners and residents who implement water conservation, energy conservation, waste reduction, and resilient landscaping measures. The City will ensure that new housing development within areas subject to flooding associated with sea level rise encourage placement of life safety, mechanical, and electrical systems above flood elevations (i.e., second story or higher). The City will also encourage the addition of community spaces within residential areas that can provide emergency services in the event of a natural disaster or power outage. Recognizing the likely increase over time in power outages due to the impacts of the climate crisis, the City will work across City departments and with relevant agencies such as East Bay Community Energy, to increase community energy resilience such as through deploying or incentivizing onsite energy storage, and supporting the development of neighborhood resilience resources that include clean backup power.

**Responsible Party:** *Sustainability and Resilience Division, City Administrator's Office; Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeframe:** *Ongoing, 2023 - 2031*

**Objectives:** *Significantly increase construction of climate-resilient housing to meet housing need.*

#### **Action 5.2.7: Consider adoption of a disaster reconstruction overlay zone.**

The City will consider the adoption of a disaster reconstruction overlay zone to streamline reconstruction following a natural disaster. Such a zone would establish ministerial approvals and streamlined permitting for the reconstruction of homes after a natural disaster, similar to reconstruction zoning created in Santa Rosa following the Santa Rosa Wildfire. This could accelerate reconstruction, require rebuilt homes to adhere to the latest earthquake and fire safety standards, and reduce the impacts of disasters on housing affordability in Oakland.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *State and federal grants, as available*

**Timeframe:** *2023 - 2027*

**Objectives:** *Provide greater flexibility to meet housing need in response to potential disasters.*

#### **Action 5.2.8. Encourage new affordable housing in higher resource neighborhoods.**

Affordable housing units, including both publicly assisted housing and housing choice vouchers, tend to be concentrated in low resource and high segregation and poverty areas. Higher resource neighborhoods have failed to provide their share of affordable units through low-density zoning that has largely prevented development at the scale necessary for affordability.

To expand where affordable housing units are located, including both publicly assisted housing and housing choice vouchers, the City will encourage further affordable development in higher resource neighborhoods through allowing for higher densities and streamlined approval for affordable projects. In its annual competitions for the award of housing development funds, the City will continue to give points in its competitive New Construction funding processes to projects in areas which help advance desegregation and are located in neighborhoods with strong educational quality. Further efforts may include working with affordable developers to identify appropriate sites in high resource neighborhoods and providing direct outreach and resources to Section 8 voucher holders and landlords to find appropriate housing in higher resource areas (see also Action 3.3.2). Actions 3.2.1 and 3.4.1 will also help increase the availability of housing within higher resource neighborhoods.

As noted below, this is not intended to supplant affordable housing investment in lower resource/high poverty and segregation areas, because these are also areas where residents are often subject to displacement pressures, as well as areas with rich access to transit, service and job centers. However, affordable housing opportunities should be made available throughout the City.

Expanding equitable housing opportunities in higher resource areas will also require Oakland to take on a new challenge: find ways to expand affordable housing opportunities in wildfire-prone Hills neighborhoods. The City will therefore analyze the current evacuation capacity of Hills neighborhoods, assesses infrastructure options to expand that evacuation capacity, and study options to pair affordable housing development in the Hills with corresponding safety-related infrastructure investments. This effort will align with the upcoming changes to the City's Land Use and Transportation Element (LUTE), which is also being revised as part of the City's broader General Plan update.

However, while increasing affordable development in higher-resource neighborhoods is a State priority, it only represents one strategy towards increasing opportunity for historically disadvantaged residents. Many Oakland residents want to remain in the neighborhoods that they call home, and may not want to move to "higher-resource" areas which tend to be predominantly white and higher-income. Many existing ethnic enclaves offer resources like culturally specific grocery stores, churches, language services, or other key access points that could be difficult to find elsewhere. These neighborhoods are also often rich in transit and service resources tailored to community needs. Thus, efforts to increase access to exclusive neighborhoods must also be coupled with investment, cultural preservation, and anti-displacement efforts in Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs) as outlined in Action 5.2.9. These efforts are also described in Goal 1 and Goal 2. Oakland HCD's New Construction Notice of Funding Availability (NOFA) scoring criteria has recently been modified to balance scoring for higher-resource areas and high performing schools (for family housing) with the goal of increasing investment in areas of the City that have suffered from economic and infrastructural disinvestment, as well as prioritizing affordable housing in areas where low-income residents are especially vulnerable to displacement pressures. Under the current scoring for the allocation of tax-exempt bonds, only high-opportunity areas of Oakland are competitive for funding.

Failing the success of efforts to refine the definition of "high resource" areas to include those rich in transit, job and service accessibility, the City may need to consider adjusting its priorities to focus more investments

towards high-opportunity areas in order to continue to be competitive for state funding. However, the City remains concerned about the adverse impacts this would have on the City's anti-gentrification and anti-displacement work, and feels strongly that affordable housing resources are desperately needed in neighborhoods where low income residents are vulnerable to displacement. Lastly, the State relies on TCAC Opportunity Area Maps that designates much of Oakland as "low resource" or "high segregation and poverty." The City strenuously disagrees with these designations that do not recognize the critical role in housing production, jobs creation, and transit connection that Oakland plays for the region. Further, it lags behind the rapid market changes and displacement pressures experienced across the City's transit-, job-, and amenity-rich neighborhoods; this action pursues a more balanced and nuanced investment of resources to support housing across its neighborhoods.

**Responsible Party:** *Oakland Department of Housing and Community Development; Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge, permit fees, impact fees, other local, State, and federal funding sources as available*

**Timeframe:** *Geographic equity is currently incorporated as a scoring element in all NOFAs to prioritize awarding City funds towards projects that support this goal; and will continue to be a focus moving forward. New construction NOFAs will be released approximately every other year.*

**Objectives:** *The ratio of affordable housing units per acre shall increase by 10 percent more in neighborhoods categorized as "High" or "Highest" opportunity by the California Tax Credit Allocation Committee (TCAC) than the increase in the ratio of affordable housing units per acre in all other neighborhoods.*

### **Action 5.2.9: Prioritize improvements to meet the needs of low-resourced and disproportionately burdened communities.**

As part of Phase 1 of the GPU, the EJ Element will include policies and actions that will promote equitable access to public facilities, healthy food, safe and sanitary homes, and physical activity; reduce barriers to inclusive engagement and participation in the public decision-making process; and prioritize improvements and programs that address the needs of low-resourced and disproportionately burdened communities in Oakland. These investments will be focused in communities designated through the EJ screening process.

The City's Capital Improvement Program (CIP) for Fiscal Year 2023-2025 guides the City's long-term, strategic decisions regarding the construction, repair and replacement of the City's assets including libraries, public safety facilities, sewers, recreation centers and parks, transportation and street improvements. The CIP process approved by Oakland City Council in 2018 uses an equity lens to invest in priority communities and identify projects that address disparities in health and safety, existing conditions, economy, environment, improvement and collaboration. The CIP process also includes inclusive engagement focusing on priority neighborhoods. Engagement in past CIP cycles included online and text

surveys, online focus groups, door hangers and door knocking and collaborating with community-based organizations (CBOs) to reach community members. Additional information is available at: <https://www.oaklandca.gov/topics/capital-improvement-program>.

The goal of Oakland's Department of Transportation (OakDOT) Strategic Plan is to ensure equitable outcomes in transportation for all of Oakland's diverse constituencies, which guides the City's prioritization of transportation plans. The City's 2019-2021 Paving Plan prioritizes major streets for repaving based on equity indicators, street condition, and traffic safety and represents a \$100M construction investment in pavement rehabilitation and preventative maintenance, of which \$75M is prioritized on local streets with a goal of improving neighborhood quality of life. Local streets are prioritized based on equity indicators, street condition, and proximity to schools. Additional information is available at: <https://www.oaklandca.gov/resources/2019-paving-plan>.

Priority neighborhoods for the CIP process and OakDOT's plans are identified using OakDOT's Geographic Equity Toolbox to leverage attention and funding to neighborhoods that may have been historically and currently overlooked by City services and planning processes to support the values of equity and engagement. OakDOT's Geographic Equity Toolbox can be accessed at: <https://www.oaklandca.gov/resources/oakdot-geographic-equity-toolbox>.

As part of Phase 2 of the GPU, the City will promote complete 15-minute neighborhoods where residents have safe and convenient access to goods and services, such as healthy foods, on a daily or regular basis—that address unique neighborhood needs, and support physical activity, including walking, bicycling, active transportation, recreation, and active play. An expansion of more allowed mixed uses within centers of residential neighborhoods will be studied, as opposed to just along transit corridors as designated in the existing LUTE. The LUTE, OSCAR and the Infrastructure and Capital Facilities elements will include targeted policies and actions for environmental justice communities designated through the EJ screening process (i.e., low-resourced, traditionally underserved, and disproportionately burdened communities) that focus on:

- Equitable distribution of new beneficial public, civic, and cultural facilities and maintenance of existing facilities
- Appropriate land use designations and zoning to facilitate additional healthcare facilities in areas without sufficient access
- Maintain and improve existing civic and public facilities to ensure safer, more attractive facilities that are responsive to community needs
- Expand access to high-quality open space, pedestrian and bicycling amenities, and increase opportunities for physical activity and recreation spaces
- Prioritize investment, incentives, and other programs in environmental justice communities in order to improve community assets that enhance quality of life and address Environmental Justice issues.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge, permit fees, other local, State, and federal funding sources as available.*

**Timeframe:** *July 2023 for adoption of EJ Element. End of 2025 for adoption of LUTE, OSCAR, and Infrastructure and Capital Facilities Element*

**Objectives:** The City will continue to explore a variety of funding sources and will continue to prioritize capital improvements in low resource and traditionally underserved areas, which will include environmental justice communities identified through the EJ screening process being completed as part of the EJ Element in the City to improve fair housing conditions, support new construction of housing units, enhancing mobility to high resource areas, access to services and amenities, safer streets, and encourage community preservation, revitalization and, quality of life.

#### **Action 5.2.10: Promote the development of mixed-income housing to reduce income-based concentration.**

As noted previously, lower-income housing tends to be concentrated in lower resourced neighborhoods. The City will work to promote mixed-income developments to further reduce the geographic isolation of lower-income units and promote increase neighborhood investment in distressed areas. The City will encourage use of the State Density Bonus program by incentivizing on-site affordable units along with the Density Bonus instead of paying affordable housing impact fees, promote mixed-income development in specific plan areas, and access the CalHFA bond recycling facility for mixed-income projects.

**Responsible Party:** *Oakland Planning & Building Department*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeframe:** *Ongoing, 2023-2031*

**Objectives:** *Significantly increase production of mixed-income housing and reduce income-based concentration to match housing need.*

#### **Action 5.2.11: Provide accountability measures for housing programs, including annual monitoring.**

The Housing Element is a living document that provides a roadmap for the next eight years. As such, the City will actively monitor activities undertaken to meet program objectives pursuant to Annual Progress Report (APR) requirements. The City currently presents the APR annually to the Planning Commission and the City Council and will continue to bring the report to both the bodies as an information report for discussion and monitoring purposes. To ensure accountability, the City will solicit annual feedback from the community through surveys to understand the effectiveness of individual programs. In addition, the City will create a subcommittee of the Planning Commission to bring the progress report of the Housing Element to monitor its performance.



**Responsible Party:** *Oakland Planning & Building Department; Oakland Department of Housing and Community Development; Oakland Human Services Department; Oakland Economic & Workforce Development Department; Oakland Public Works Department; DOT; Homeless Division, City Administrator's Office; Sustainability and Resilience Division, City Administrator's Office*

**Potential Funding Source:** *General Plan Surcharge and permit fees*

**Timeframe:** *Ongoing, annual survey and monitoring during the 2023-2031 Housing Element Annual Progress Reporting cycle. By March 2024, create subcommittee of the Planning Commission to monitor the Housing Element.*

**Objectives:** *Monitor and enforce Housing Element implementation to understand whether individual programs significantly improve Oakland housing conditions and address housing need.*

## **POLICY 5.3. PROTECT HOMEOWNERS AND TENANTS FROM DISCRIMINATION**

### **Action 5.3.1: Provide fair housing services and outreach.**

The City will continue to partner with fair housing service providers operating within Oakland. As most housing discrimination complaints are related to a disability bias, the City will work with fair housing providers to provide additional educational resources in a variety of languages to both tenants and landlords related to disability rights in housing. The City will publicize fair housing services on its website, in City Hall, and in all housing-related programming. The City will also seek additional State and federal funding to assist fair housing providers.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** *CDBG, general fund, other local, State, and federal funding sources as available*

**Timeframe:** *End of 2023*

**Objectives:** *All stated outreach materials will be created and found online no later than the end of 2023.*

### **Action 5.3.2: Promote awareness of predatory lending practices**

Predatory lending practices are a major contributor to racially discriminatory housing patterns and were one of the major factors in the previous decade's foreclosure crisis. To curb these practices, the City will work with fair housing service providers to provide educational materials and workshops in a variety of languages to inform Oakland residents of best practices. The City will promote fair lending practices to ensure that low-income residents and residents of color have fair access to capital resources needed to acquire and maintain housing.

**Responsible Party:** *Oakland Department of Housing and Community Development*

**Potential Funding Source:** CDBG, general fund, other local, State, and federal funding sources as available

**Timeframe:** End of 2023

**Objectives:** All stated outreach materials will be created and found online no later than the end of 2023.

### **Action 5.3.3: Provide targeted outreach and support to disproportionately burdened groups and areas.**

Oakland's Black and Latinx populations experience disproportionately high rates of cost burden and tend to live in neighborhoods with higher rates of overcrowding and other housing issues. The City will work with fair housing service providers to target outreach and programming to Black and Latinx Oaklanders, as well as neighborhoods experiencing high levels of housing issues in parallel with Actions 5.3.1 and 5.3.2. The City will regularly monitor housing issues like cost burden, overcrowding, code enforcement complaints, and substandard housing to understand where the highest need for services exists.

**Responsible Party:** Oakland Department of Housing and Community Development; Oakland Planning & Building Department

**Potential Funding Source:** General Plan Surcharge, permit fees, other local, State, and federal funding sources as available

**Timeframe:** Ongoing, 2023-2031

**Objectives:** To determine what neighborhoods that fair housing service providers should target for outreach and programming to assist disproportionately burdened groups.

## **4.2 Quantified Objectives**

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State law requires that quantified objectives be established for new construction, rehabilitation, conservation, and preservation activities that will occur during the Housing Element cycle. Table 4-1 provides Oakland's quantified objectives by income category for the 2023-2031 Housing Element planning period. New construction estimates include units in pipeline projects, projected accessory dwelling units (ADUs), and the minimum remaining RHNA capacity. The remaining RHNA capacity represents development that the City must support beyond pipeline projects and projected ADUs as identified in the Sites Inventory, Appendix C (including potential development projects, 5<sup>th</sup> cycle RHNA sites, and other new opportunity sites), and through the actions in this Housing Action Plan.

**Table 4-1: City of Oakland 2023-2031 Quantified Objectives**

Income Category	New Construction <sup>1</sup>			Rehabilitation <sup>2</sup>	Conservation/ Preservation <sup>3</sup>
	Pipeline Project	Projected ADUs	Remaining RHNA		
Very Low Income <sup>4</sup>	1,241	692	4,578	-	168
Extremely Low Income <sup>4</sup>	325	346	2,605	-	84
Low Income	1,555	692	1,503	1,216	502
Moderate Income	182	594	3,681	-	-
Above Moderate Income	9,931	-	1,602	-	-
<b>Total</b>	<b>12,909</b>	<b>1,978</b>	<b>11,354</b>	<b>1,216</b>	<b>670</b>

1. New construction objectives represent the City's RHNA for the Sixth Cycle Housing Element update. Estimates include units from pipeline projects and projected accessory dwelling units (ADUs).

2. Estimates are derived from the City's 2020/2021 Consolidated Annual Performance and Evaluation Report (152 rehabilitated units in 2020/2021, projected over 8 year period).

3. Conservation/preservation estimates include support of the construction, acquisition, and/or preservation of deed restricted affordable housing units each year (640 units total, as described in Action 3.3.6) and down payment assistance for Section 8 voucher holders (30 units total, as described in Action 5.1.3). Units are proportionally distributed based on RHNA allocation among Low, Very Low, and Extremely Low Income sites.

4.1. The extremely low income housing need is included in the "Very Low Income" Pipeline Project, Projected ADUs, and Conservation/Preservation totals.

Source: City of Oakland, 2022; Dyett & Bhatia, 2022

**Table 4-1: City of Oakland 2023-2031 Quantified Objectives**

	<u>Very Low- Income<sup>1</sup></u>	<u>Low-Income</u>	<u>Moderate Income</u>	<u>Above-Moderate Income</u>	<u>Total</u>
<b><u>New Construction<sup>2</sup></u></b>					
Pipeline Projects	<u>1,238</u>	<u>1,555</u>	<u>182</u>	<u>9,936</u>	<u>12,909</u>
Projected ADUs	<u>692</u>	<u>692</u>	<u>594</u>	-	<u>1,978</u>
<b><u>Remaining RHNA</u></b>	<b><u>4,581</u></b>	<b><u>1,503</u></b>	<b><u>3,681</u></b>	<b><u>1,599</u></b>	<b><u>11,354</u></b>
<b><u>Rehabilitation<sup>3</sup></u></b>					
Housing Rehabilitation		<u>1,216</u>			<u>1,216</u>
<b><u>Conservation/Preservation</u></b>					
Construction, acquisition, and/or deed-restricted affordable housing units (Action 3.3.6)	<u>159</u>	<u>91</u>	<u>109</u>	<u>281</u>	<u>640</u>
Down payment assistance for Section 8 voucher holders (Action 5.1.3)	<u>7</u>	<u>4</u>	<u>5</u>	<u>13</u>	<u>30</u>
Proactive Rental Inspections (Action 2.1.3)	<u>47,768</u>	<u>13,221</u>	<u>8,395</u>	<u>27,116</u>	<u>96,500</u>

<u>Tenant Protections: Rent Adjustment Program (Action 1.1.1)</u>	<u>54,450</u>	<u>15,070</u>	<u>9,570</u>	<u>30,910</u>	<u>110,000</u>
<u>Tenant Counseling (individuals) (Action 1.1.5, 1.1.6)</u>	<u>1,410</u>	<u>390</u>	<u>248</u>	<u>800</u>	<u>2,848</u>
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1. <u>The extremely-low-income housing need is included in the “Very-Low-Income” Pipeline Project, Projected ADUs, and Conservation/Preservation totals.</u>					
2. <u>New construction objectives represent the City’s RHNA for the Sixth Cycle Housing Element update. Estimates include units from pipeline projects and projected accessory dwelling units (ADUs).</u>					
3. <u>Estimates are derived from the City’s 2020/2021 Consolidated Annual Performance and Evaluation Report (152 rehabilitated units in 2020/2021, projected over 8-year period).</u>					
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<u>Source: City of Oakland, 2022; Dyett &amp; Bhatia, 2022</u>					