

**February 19, 2020**

<b>Location:</b>	Citywide
<b>Proposal:</b>	Present an informational report to the Planning Commission identifying locations where the City has applied Ordinance No. 13537 which amended the Planning Code Section 17.07.060 to allow emergency shelter residential activities and emergency housing facilities on property designated by the City Administrator and owned or leased by the city with no discretionary planning approvals.
<b>Applicant:</b>	City of Oakland
<b>General Plan:</b>	All General Plan designations
<b>Zoning:</b>	All zoning districts
<b>Environmental Determination:</b>	This Housing Element Annual Progress Report is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15306 (Information Collection) and 15061(b)(3) (General Rule)
<b>Service Delivery District:</b>	All Service Delivery Districts
<b>City Council District:</b>	All City Council Districts
<b>Action to be Taken:</b>	Request for Planning Commission to receive this report.
<b>For Further Information:</b>	Contact Assistant to the City Administrator Joe DeVries at (510) 238-3083 or by email: <a href="mailto:JDevries@oaklandca.gov">JDevries@oaklandca.gov</a>

**SUMMARY**

The City of Oakland is presently experiencing an increasing number of unsheltered individuals. The Oakland City Council declared a shelter crisis with Ordinance No. 13456 C.M.S. on October 3, 2017. Subsequent Resolutions of the Council have acknowledged that additional emergency shelter sites and additional temporary emergency housing solutions, such as recreational vehicle parking areas, are needed to address the continued and increasing shelter crisis.

In May the City Council adopted Ordinance No. 13537 C.M.S. at the recommendation of the Planning Commission which amended the Planning Code Section 17.07.060 to allow emergency shelter residential activities and emergency housing facilities on property designated by the City Administrator and owned or leased by the city with no discretionary planning approvals. During its consideration of the Ordinance the Commission inserted language requiring City Staff to report back on locations where Emergency Interventions have occurred. This report will identify the locations that have been developed since passage of the Ordinance on June 4, 2019.

**BACKGROUND**

As the City experienced record growth in unsheltered residents over the past four years, the City Council declared a Shelter Crisis in Oakland which gave the City Administrator broad authority to implement emergency shelters under Section 8698 of the State Code. The first of these was a "Cabin Community" located at 6<sup>th</sup> and Castro Streets in West Oakland. The success of this site in providing emergency shelter beds quickly and affordably became a model the City replicated. The City also began considering developing Safe RV Parking Facilities which would also be allowed under this authority. In 2018, after

the City had opened 4 Community Cabin sites, State Law was amended and this required the City to seek a change in the Planning Code to continue to give the City Administrator authority to establish emergency shelters with no discretionary planning approvals. This led to the adoption of Ordinance No. 13537 C.M.S. Since June 2019 the City has opened the following Emergency Shelter Sites:

**Additional Community Cabin Sites:** At the time of the passage of Ordinance No. 13537 C.M.S. the City was operating Community Cabins at Northgate, Lake Merritt, and Miller Avenue; all of which are located on public (city owned property). Three new Sites have opened since that time.

**3411 Mandela Parkway** is the City's largest Community Cabin Site that opened in July 2019 in West Oakland. This site is divided into two separate and distinct sites, Mandela North and Mandela South which are each run separately to keep a smaller community feel to each site. This property is leased from Caltrans at a cost of one dollar per month and has beds for up to 78 people. Operation Dignity provides all Site Management, Case Management, and security services at both the North and South facility.

**599 Oak Street** is the City's 7<sup>th</sup> Community Cabin Site and opened the last week of January 2020. This site is leased from Caltrans at a cost of one dollar per month and has beds for up to 38 people. Roots Community Health Center provides Site Management and Security services at this location and Family Bridges provides Case Management services.

**Safe RV Parking Sites:** Resolution No. 87403 C.M.S. authorized the City Administrator to negotiate and enter into contracts with providers to operate and maintain Safe RV Parking Sites in the City that will be able to serve an estimated 240 people who are currently parking their RVs at various locations throughout the City. At a managed RV Site, participants will be able to park their RV for extended periods in a facility with sanitation and security services provided.

Three sites have opened thus far and one more is under development:

**711 71<sup>st</sup> Avenue**, a city owned 52,000 square foot parcel across from the Coliseum BART opened in June of 2019 to 28 RVs and was expanded to accommodate up to 45 RVs in late September. The site is managed by Housing Consortium of the East Bay and operation of this facility has been a success. Participants are able safely live off-street in their vehicles while working toward self-sufficiency.

**3499 Beach Street** which is connected to 3401 Mandela where the Mandela Community cabins are located, opened in August 2019 and accommodates up to 17 RVs. It is managed by Operation Dignity.

**615 High Street** is a City owned parcel near High street and the 880. This location is directly across the street from the large encampment of mostly RV dwellers on East 8<sup>th</sup> Street and Alameda Avenue. This site opened on February 3, 2020 and now has 41 RVs moved in. The site is also managed by Housing Consortium of the East Bay.

**2400 Wood Street** is a 4-acre private property that the City has entered into a lease with no monthly rental charge for up to three years. This site will accommodate up to 100 RVs and the owner is in the final stages of clearing the property to allow the city to move forward with construction of the site. Those who were residing in the Wood Street corridor will be given first priority to locate at this facility once construction is completed which is estimated to be Spring, 2020.

**Future Considerations:**

The City is in the planning stages at two new sites where State Emergency Medical Services Authority (EMSA) Trailers will be used to house people. These trailers were donated by the State of CA to help the City address this crisis.

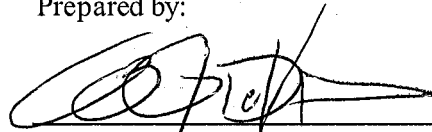
**633 Hegenberger Road:** This 500,000 square foot parcel is the former location of the Home Base Store abutting the Oakland Coliseum. A portion of this property will be used to house a Family Workforce Housing Shelter that will utilize trailers to house families with a working parent. This location will be operated by Roots Community Health Clinic. Additional Emergency Shelter interventions are being considered for this location due to the significant amount of land available.

**501 Jackson Street:** This Caltrans property is caddy-corner to the Oak Street Community Cabins, but its entrance will be on Jackson Street. The City will utilize 6 of the EMSA trailers to house homeless Transitional Age Youth in a program operated by Covenant House which is headquartered just 4 blocks away in Jack London Square.

**RECOMMENDATIONS:**

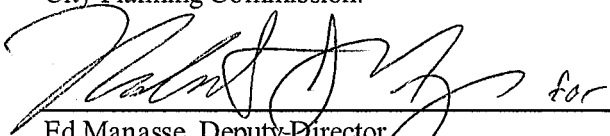
Staff recommends that the Planning Commission receive and accept this information report.

Prepared by:



Joe DeVries, Assistant to the City Administrator

Approved for forwarding to the  
City Planning Commission:



Ed Manasse, Deputy Director  
Department of Planning and Building

**ATTACHMENTS:**

- A. Ordinance No. 13537

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCIL MEMBER \_\_\_\_\_  
2019 MAY 23 PM 4:28

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

ORDINANCE NO. 13537 C.M.S.

**ADOPT AN ORDINANCE, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, AMENDING OAKLAND PLANNING CODE SECTION 17.07.060 TO ALLOW EMERGENCY SHELTER RESIDENTIAL ACTIVITIES AND EMERGENCY HOUSING FACILITIES ON PROPERTY DESIGNATED BY THE CITY ADMINISTRATOR AND OWNED OR LEASED BY THE CITY WITH NO DISCRETIONARY PLANNING APPROVALS**

**WHEREAS**, in 2017, the Alameda Co. Point-In-Time Count identified 2,761 homeless individuals in Oakland, which is a 26% increase since 2015; and

**WHEREAS**, on October 3, 2017, the City Council adopted Ordinance No. 13456 C.M.S. (the "Shelter Crisis Ordinance") declaring a shelter crisis in the City of Oakland; making findings that a significant number of persons are without the ability to obtain shelter, and that the situation has resulted in a threat to the health and safety of those persons; and

**WHEREAS**, the Shelter Crisis Ordinance was adopted pursuant to California Government Code Section 8698.1, et seq., and since its adoption, the State has adopted Government Code Section 8698.4 prescribing procedures that the City of Oakland must follow to suspend local planning code requirements and General Plan consistency during a shelter crisis; and

**WHEREAS**, the proposed Planning Code amendment will allow the City to more quickly and efficiently respond to this continued and increasing shelter crisis by providing a streamlined process for approving temporary emergency housing on properties owned or leased by the City during a declared shelter crisis, local emergency, or state of emergency. It will also allow for broader implementation of many of the temporary emergency housing solutions the City would like to pursue but are currently prohibited in most zoning districts, including emergency sleeping cabins, recreational vehicle parking, and other types of emergency housing facilities; and

**WHEREAS**, on May 1, 2019, the City Planning Commission conducted a public hearing to consider the proposed changes to Planning Code Section 17.07.060 to allow

Emergency Shelter Residential Activities and Emergency Housing and Emergency Housing Facilities on properties owned or leased by the City that have been designated by the City Administrator as temporary emergency housing sites during a declared shelter crisis, local emergency, or state of emergency, and voted to recommend the proposal to the City Council; and

**WHEREAS**, on May 7, 2019, the City Council will consider an Ordinance amending Section 15.04.03.2400 of the Oakland Building Code to incorporate emergency building standards for emergency housing buildings and facilities on City-owned or City-leased properties during a declared shelter crisis, local emergency, or state of emergency, which standards would be required for all Emergency Housing and Emergency Housing Facilities; and

**WHEREAS**, the proposed amendments to the Planning Code rely on the previous set of applicable California Environmental Quality Act (CEQA) determinations including previously certified Final Environmental Impact Reports for the Coliseum Area Specific Plan (2015); Broadway Valdez Specific Plan (2014); West Oakland Specific Plan (2014); Central Estuary Area Plan EIR (2013); Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan (1998); the West Oakland, Central City East, Coliseum, and Oakland Army Base Redevelopment Areas; the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (2010); and various Redevelopment Plan Final EIRs (collectively, "Previous CEQA Documents"), and no further environmental review is required under CEQA Guidelines Sections 15162 and 15163; and

**WHEREAS**, the Previous CEQA Documents provide analysis of the environmental impacts of the proposed amendments and support all levels of approval necessary to implement the Planning Code amendments; and

**WHEREAS**, the proposed amendments to the Planning Code would not result in any significant effect that has not already been analyzed in the Previous CEQA Documents, and there will be no significant environmental effects caused by the change that have not already been analyzed in the Previous CEQA Documents; and

**WHEREAS**, the City Council hereby finds and determines on the basis of substantial evidence in the record that none of the circumstances necessitating preparation of additional environmental review, as specified in CEQA and the CEQA Guidelines, including, without limitation, Public Resource Code Section 21166 and CEQA Guidelines Sections 15162 and 15163 are present in that (1) there are no substantial changes proposed in the project or the circumstances under which the project is undertaken that would require major revisions of the Previous CEQA Documents due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (2) there is no "new information of substantial importance," as defined in CEQA Guidelines Section 15162(a)(3); and

**WHEREAS**, each as a separate and independent basis, this action is exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3) (General Rule), 15301

(Existing Facilities), 15303 (New Construction or Conversion of Small Structures), 15304 (Minor Alterations of Land), 15311 (Accessory Structures), 15322 (In Fill Development Projects), 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning), and that no exceptions to the categorical exemptions apply, and is also exempt under the statutory CEQA exemption embodied in Government Code Section 8698.4(a)(4); and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** The City Council finds and determines the foregoing recitals to be true and correct and an integral part of the City Council's decision, and hereby adopts such recitals as findings.

**SECTION 2.** The City Council finds and determines the adoption of this Ordinance complies with CEQA, and relies on the Previous CEQA Documents. No further environmental review is required under CEQA Guidelines sections 15162 and 15163. Further, the Council finds the adoption of this Ordinance is exempt, pursuant to CEQA Guidelines sections 15061(b)(3) (General Rule), 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), 15304 (Minor Alterations of Land), 15311 (Accessory Structures), 15322 (In Fill Development Projects), 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning), and that no exceptions to the categorical exemptions apply, and is also exempt under Government Code section 8698.4(a)(4). Each of these provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance.

**SECTION 3.** Title 17 of the Oakland Municipal Code is hereby amended pursuant to *Exhibit A* attached hereto and incorporated by reference herein. Additions to Title 17 of the Oakland Municipal Code are shown as underline and omissions are shown as ~~strikethrough~~.

**SECTION 4.** This Ordinance serves the public interest and is necessary to protect the health, safety and/or general welfare of the citizens of Oakland, and is enacted pursuant to the City of Oakland's general police powers, Section 106 of the Charter of the City of Oakland, and Article XI, Sections 5 and 7 of the California Constitution, and California Government Code Sections 8698.1 *et seq.*

**SECTION 5.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

**SECTION 6.** This Ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

**SECTION 7.** The City Council hereby authorizes the City Administrator or designee to make non-substantive, technical conforming changes (essentially correction of typographical and clerical errors), prior to formal publication of the amendments in the Oakland Planning Code.

IN COUNCIL, OAKLAND, CALIFORNIA,

**JUN 0 4 2019**

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, ~~HEAVY~~ TAYLOR, THAO AND PRESIDENT KAPLAN

NOES - 0

ABSENT - 0


ABSTENTION - 0

Excused - 1 Reid

Introduction Date

**MAY 21 2019**

ATTEST:



LATONDA SIMMONS

City Clerk and Clerk of the Council of the City of  
Oakland, California

Date of Attestation:

June 13, 2019

## EXHIBIT A

### PLANNING CODE TEXT AMENDMENTS

Deletions to the Planning Code text are in ~~strikeout~~ and additions are underlined:

#### **17.07.060 Conformity with zoning regulations required.**

Except as otherwise allowed by Subsection A. below, by Section 17.114.030 and by the ~~N~~onconforming Use regulations in Chapter 17.114, or as authorized under Section 17.138.015, the ~~D~~evelopment Agreement procedure in Chapter 17.138, or the ~~V~~ariance procedure in Chapter 17.148, no activities or facilities shall be established, substituted, expanded, constructed, altered, moved, maintained, or otherwise changed, and no lot lines shall be created or changed, except in conformity to the zoning regulations.

A. Notwithstanding any contrary provisions in the zoning regulations or the Land Use and Transportation Element of the General Plan, for the duration of a state of emergency or local emergency (defined in California Government Code § 8558) or a shelter crisis (defined in Government Code §§ 8698.1 et seq.) declared by the City Council, Emergency Shelter Residential Activities, as defined in Section 17.10.118 of the Oakland Planning Code, and Emergency Housing and Emergency Housing Facilities, as defined in Section 15.04.3.2400 of the Oakland Building Code, shall be permitted by right with no discretionary approvals, including design review, on all properties owned or leased by the City that are designated by the City Administrator for use as temporary emergency housing sites. Facilities under this Subsection must meet the standards codified in Section 15.04.3.2400 of the Oakland Building Code, as may be amended. An informational report will be submitted to Planning Commission and City Council within ninety (90) days of the commencement of operation of each temporary emergency housing site authorized under this section. After the expiration of a declaration of a state of emergency, local emergency, or shelter crisis, all temporary uses permitted by this Section must be removed within ninety (90) days unless approved for continued use in conformity to the zoning regulations.



## **NOTICE AND DIGEST**

### **ADOPT AN ORDINANCE, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, AMENDING OAKLAND PLANNING CODE SECTION 17.07.060 TO ALLOW EMERGENCY SHELTER RESIDENTIAL ACTIVITIES AND EMERGENCY HOUSING FACILITIES ON PROPERTY DESIGNATED BY THE CITY ADMINISTRATOR AND OWNED OR LEASED BY THE CITY WITH NO DISCRETIONARY PLANNING APPROVALS**

This Ordinance amends Oakland Planning Code Section 17.07.060 related to conformity with the Zoning Regulations to allow the City to approve temporary emergency housing with no discretionary approvals, including design review, during a declared shelter crisis, local emergency, or state of emergency, on properties owned or leased by the City that are designated by the City Administrator for use as temporary emergency housing sites.