

Case File Number GP14001

November 19, 2014

Location:	Citywide
Proposal:	Recommendation to the City Council to adopt the <i>2015-2023 Housing Element</i> as a General Plan Amendment (GPA) and the Addendum to the Previous CEQA Documents. The City must plan to accommodate 14,765 new housing units between 2015 and 2023 to meet its “fair share” of the region’s housing need. The <i>2015-2023 Housing Element</i> demonstrates that the City can accommodate the new housing without rezoning or further GPAs, through current opportunity sites, and with projects either built, under construction, approved or in predevelopment.
Applicant:	City Planning Commission
Case File Number:	GP14001
Planning Permits Required:	General Plan Amendment
General Plan:	All General Plan Categories
Zoning:	All Zoning Categories
Environmental Determination:	Addendum to the Previous CEQA Documents; Public Resources Code section 21083.3; and CEQA Guidelines section 15183
Service Delivery District:	All
City Council District:	All
Status:	The Planning Commission reviewed the draft 2015-2023 Housing Element at its May 7, 2014, public hearing. The Community and Economic Development (CED) Committee of the Oakland City Council reviewed the draft 2015-2023 Housing Element at the June 10, 2014 public meeting.
Action to be Taken:	Conduct a public hearing, receive comments from the public, discuss and recommend adoption of the 2015-2023 Housing Element to City Council and the Addendum to the Previous CEQA Documents.
Finality of Decision:	Recommendation to City Council
For Further Information:	Contact case planner Devan Reiff at (510) 238-3550, dreiff@oaklandnet.com

Case File Number GP14001

November 19, 2014

SUMMARY

The Housing Element is the one of seven mandated elements of the Oakland General Plan; State law requires every jurisdiction to update its Housing Element every eight years. This report provides staff recommendations for the Planning Commission to consider for the *final version of the 2015-2023 Housing Element (Housing Element)*.

The draft *2015-2023 Housing Element* is an eight-year blueprint for housing in Oakland, presenting data, policies, and programs for housing at all income levels, including low-income and moderate income populations, as well as those with special needs such as seniors and individuals with disabilities. The draft *Housing Element* shows how the City will plan for housing its share of the projected population growth of Oakland, and of the larger Bay Area, as defined in the Regional Housing Needs Allocation (RHNA), produced by the Association of Bay Area Governments (ABAG). Oakland's share of the projected housing need in the Bay Area is 14,765 new or renovated housing units, to be accommodated in the years 2015-2023.

The draft *2015-2023 Housing Element* was prepared between December 2013 and April 2014 with the participation of the City's Bureau of Planning and the Department of Housing and Community Development (DHCD). The draft *Housing Element* has undergone extensive review, including public review: by the Oakland Planning Commission during public hearings in February and May, 2014; the Community and Economic Development Committee of the City Council during public meetings in March and June, 2014; as well as other community engagement efforts (see **Attachments A and B** to this report¹). The draft *2015-2023 Housing Element* was published in July 2014, and sent to the California Department of Housing and Community Development (Cal HCD) for its review. The City received a comment letter from Cal HCD (dated September 12, 2014), indicating three sections of the *2015-2023 Housing Element* which needed additional analysis and revision (see **Attachment C** to this report). City staff revised the draft *Housing Element* to reflect Cal HCD's requested changes, added analysis which was not available by the July 2014 publication date for the draft, and produced a final *2015-2023 Housing Element* for adoption (see **Attachment D** to this report). The City submitted a response to Cal HCD and received a letter from Cal HCD dated October 29, 2014, which stated that the revised draft element meets the statutory requirements of State housing element law (see **Attachment E** to this report). This staff report will discuss those changes made between the draft and final versions of the *Housing Element*.

BACKGROUND

The Housing Element is one of the seven required elements of Oakland's General Plan. The *2015-2023 Housing Element* is an eight-year blueprint for housing in Oakland, at all economic levels, including low income households and households with special needs.

State law requires local governments to adequately plan to meet their existing and projected housing needs. Under State law, Housing Elements must be updated every four to eight years. (The previous Housing Element was adopted in 2010 for the 2007-2014 planning cycle.) The contents are established

¹ For details about the community engagement process to produce the draft *Housing Element*, see the Planning Commission staff report for the May 7, 2014 public hearing (**Attachment A** to this report).

Case File Number GP14001

by State law and must include measurable objectives. The Housing Element update is subject to certification by the State of California.

Once the *2015-2023 Housing Element* is found to be in compliance by Cal HCD and the City submits its annual report on time, the City and other entities operating within the City become eligible to apply for critical regional and state funds (e.g. BEGIN Program, Infill Infrastructure Grants, Housing Related Parks Program, Local Housing Trust Fund, CDLAC Single Family Home Program, I-Bank and ISRF Programs, the HELP Program, and MTC One Bay Area Grant Program). The *Housing Element* provides a forum to define community goals for housing including the type of housing to be built and the priorities for spending housing dollars. It also provides an opportunity to incorporate ongoing housing policy discussions.

The foundation for the *2015-2023 Housing Element* is an inventory of sites suitable for residential development in Oakland, and a determination of whether the housing potential on land suitable for residential development is adequate to accommodate Oakland's Regional Housing Needs Allocation (RHNA), which is a State-mandated requirement that all California cities provide for their fair share of the regional housing need for all income levels. The State of California has determined the need for 187,990 new housing units in the nine-county Bay Area for the years 2015-2023, and RHNA "assignments" for each city are determined by ABAG. The final *2015-2023 Housing Element* also identifies constraints which make it difficult to produce housing in Oakland.

Oakland is required, under the RHNA, to plan to accommodate 14,765 new housing units between the years 2015 and 2023 in its update of the *Housing Element* (see Table 1). Of this total, 2,059 should be affordable to very low-income households, 2,075 to low-income households, 2,815 to moderate-income households, and 7,816 to above moderate-income households (also known as "market-rate units"). The City is required to provide the land capacity for these units (through zoning and development regulations), but is not required to build the units or otherwise guarantee their construction. Market conditions and limited availability of subsidies prevent many cities from actually achieving their RHNA targets.

Cities implement their housing elements through regulatory tools such as zoning, housing programs, daily decisions by staff, the Planning Commission and City Council about housing development, and housing programs. Oakland operates a number of housing programs seeking to benefit lower income homeowners and renters, and works with various non-profit community organizations and service providers to facilitate the development and preservation of housing options for all Oakland residents.

Table 1. Regional Housing Needs Assessment (RHNA) for the City of Oakland Housing Element Planning Period: 2014-2022

	Total Units	Units by Affordability Category				
		Extremely Low-Income ¹	Very Low-Income ¹	Low-Income	Moderate-Income	Above Moderate-Income
Oakland's Regional Housing Needs Allocation (RHNA)	14,765	1,029	1,030	2,075	2,815	7,816

1) Extremely Low-Income and Very Low-Income unit counts add to RHNA total of 2,059 for Very Low-Income. The City has estimated future housing need for extremely low income households as 50% of the overall RHNA need for very low income households.

STATE MANDATED CONTENTS OF THE HOUSING ELEMENT

California law (Government Code §65580 et seq.) requires, in part, that each city and county adopt a housing element that contains: (1) an assessment of housing needs and an inventory of resources and constraints to meet those needs; (2) a statement of the community's goals, quantified objectives, and policies related to the maintenance, preservation, improvement, and development of housing; and (3) a program setting forth a 5-year schedule of actions the City is taking or plans to take to achieve the goals and objectives and implement the policies of the housing element. The *Housing Element* includes the following information to meet these statutory requirements:

Housing Needs Assessment

- *Existing Conditions* (see final *2015-2023 Housing Element*, Chapter 3). A statement of population and housing characteristics, identification of special housing needs among certain population groups (seniors, large families, homeless and persons with disabilities), evaluation of housing conditions, and other projections and trends which support the goals, policies and programs of the City.
- *Projected Needs* (see final *2015-2023 Housing Element*, Chapter 4). Oakland's share of the Regional Housing Needs Allocation (RHNA) is established by ABAG (14,765 units). The RHNA for Oakland establishes the number of new units needed, by income category, to accommodate expected population growth between the years 2014-2022. From the State's perspective, this figure provides a benchmark for evaluating the adequacy of local zoning and regulatory actions, ensuring each local government is providing sufficient appropriately zoned land, and opportunities for housing development to address population growth and job generation.

Sites Inventory and Analysis

The City's analysis in the *2015-2023 Housing Element* (see Chapter 4) divides sites for housing into four groups:

- **Group 1: Housing Developments Recently Completed:** The first group consists of sites on which projects have been constructed between January 2014 and March 2014.
- **Group 2: Housing Developments with Planning Approvals:** The second group consists of sites with approved development proposals. Because there are specific proposals for each site, the number of units and their affordability can be identified.
- **Group 3: Sites with Housing Projects Planned:** Group 3 contains sites on which projects are planned, but that have not yet have secured planning approvals. This group includes projects that have started pre-application discussions with the City, and projects that had applications under review as of March, 2014.
- **Group 4: Additional Housing Opportunity Sites:** The fourth group consists of "opportunity sites" identified by the City as a result of several studies and planning analyses. The inventory focuses on larger sites suitable for multiple-unit housing development.

Based on Groups 1-3 of housing unit development, the City has identified more than half of the required number of units under the RHNA in specific projects that have been built, approved or proposed (7,938

Case File Number GP14001

units). See Table 4-2 in the *2015-2023 Housing Element* for a detail of all units in each group in all income categories.

To make up the remaining difference in the number of units to meet the RHNA, the City has also identified "opportunity sites" (Group 4) which are suitable for development of multifamily projects that could accommodate very low, low, and moderate income housing as well as market-rate units.

These opportunity sites are currently zoned for development of housing at least thirty units to the acre (called the "Mullin Densities"²). The majority of the opportunity sites are located in and around

Downtown, or along major commercial corridors and are easily accessible to transit, jobs, shopping and services. (See *2015-2023 Housing Element -- Attachment D* to this report --Table C-6 and Figure C-5). If properties were developed at that density, these sites, where new market-rate or affordable housing could be built, have the potential to accommodate an additional 10,000 units of housing, which more than accommodates the remaining units in the RHNA.

Analysis of Constraints to Housing

There are two categories of constraints to building housing in Oakland (see final *2015-2023 Housing Element*, Chapter 6):

- *Governmental constraints.* The production of housing is impacted by governmental constraints, which include land-use controls, development standards, infrastructure requirements, residential development fees and development approval processes.
- *Non-Governmental constraints.* The production of housing is also impacted by non-governmental constraints, which include land costs, environmental hazards, land availability, construction costs, financing for real estate development, and neighborhood sentiment.

Housing Programs

The final *2015-2023 Housing Element* identifies the various City programs which fund housing rehabilitation, assist first-time homebuyers, support housing development, and provide miscellaneous housing services to low-and moderate-income households (see final *2015-2023 Housing Element*, Chapter 5).

Statement of the City's Housing Goals, Policies and Actions

Chapter 7 of the final *2015-2023 Housing Element* describes the City's strategy for the period 2015-2023 for meeting the housing needs of all Oakland residents. The strategy includes the City's goals, policies and actions, including an implementation program (see final *Housing Element*, Chapter 7, Table 7-1) which identifies the agency responsible for each action, a timeline for completing each action, and potential funding sources. The goals in this *Housing Element* update are to:

- Provide adequate sites suitable for housing for all income groups;
- Promote the development of adequate housing for low- and moderate-income households;
- Remove constraints to the availability and affordability of housing for all income groups;

² Per AB 2348 (Mullin), Chapter 724, Statutes of 2004, this California law recognized that 30 dwelling units per acre in metropolitan jurisdictions is sufficient to accommodate housing for very low- and low-income populations. This is typically referred to as the "Mullin Densities."

Case File Number GP14001

- Conserve and improve older housing and neighborhoods;
- Preserve affordable rental housing;
- Promote equal housing opportunity; and
- Promote sustainable development and sustainable communities.

The policies and actions that implement these goals have changed from the *2007-2014 Housing Element* specifically to incorporate new planning initiatives and economic constraints given the dissolution of redevelopment agencies in California, and the resulting loss of funding to many of the City's housing programs. Changes to the policies and actions also include the following:

- Replaced the initiative to update of the City's Zoning Code to implement the City's General Plan (from the *2007-2014 Housing Element*) with an intention to update the City's General Plan Land Use and Transportation Element (LUTE). The Planning Bureau intends to undertake a General Plan LUTE update to refresh its vision and policy guidance reflecting changing demographics and market forces.
- Replaced the emphasis on focusing housing near the City's downtown and major transportation corridors (from the *2007-2014 Housing Element*) to focusing housing in the City's Specific Plan Areas and Priority Development Areas (PDAs), to better coordinate transportation and infrastructure investment with areas suitable for higher-density housing.
- Included the implementation of the recently adopted (2014) Specific Plans as way of meeting the City's housing needs³.

KEY ISSUES

This section will highlight the differences between the draft and the final *2015-2023 Housing Element*. Two categories of changes are discussed: 1) changes made at the request of Cal HCD; and 2) changes made since the publication of the July 2014 draft in response to public comments and new information.

Changes made at request of Cal HCD:

Cal HCD staff conducted a streamlined review of the draft *2015-2023 Housing Element*, based on the City meeting all eligibility criteria. Cal HCD's comment letter of September 12, 2014, provided the following comments to bring the City's *Housing Element* into compliance with State housing element law:

- 1) "The City is currently revising its sites inventory to re-calculate the number of units on identified sites. Based on communications, the revised calculation will account for land use controls and site improvements such as assuming typically built densities. Once the element is revised to describe the methodology and to re-calculate the number of units on identified sites, it will address this statutory requirement."

Response: Staff revised the Housing Opportunity Sites table to address Cal HCD's comment (see Appendix C, Table C-6, "Additional Housing Opportunity Sites," of the final *Housing Element*). Each opportunity site now references a high and low estimated number of units based on the likely built density of the site, rather than the maximum allowed by zoning. Further, staff

³ See the Broadway-Valdez District Specific Plan; the West Oakland Specific Plan; the Lake Merritt Station Area Plan.

carefully reviewed all Appendix C tables and revised the tables to remove sites which were either identified to be duplicates or inappropriate for residential development.

- 2) "While zoning has been amended to permit emergency shelters without discretionary action, the element should also include a description of the appropriateness of the zone and capacity to accommodate the need for emergency shelters. For example, the element could include a general description of total acreage, typical parcel sizes, redevelopment potential, capacity for reuse to emergency shelters and proximity to services and transportation."

Response: Staff revised the draft *Housing Element* to include a detailed summary of the eight segments which were recently adopted by Ordinance No. 13248 C.M.S. to permit emergency homeless shelters by right (i.e., without discretionary permits). The details (including a map depicting the eight segments) are included in **Appendix F** of the final *Housing Element*.

- 3) "Transitional and supportive housing must be permitted in all zones allowing residential uses and not be subject to any restrictions (e.g., occupancy limit) not imposed on similar dwellings (e.g., single family, multifamily) in the same zone. For example, transitional housing as a multifamily use in a multifamily zone must be permitted in the same manner as multifamily in the same zone. Likewise, supportive housing as a single family use in a single family zone must be permitted in the same manner as a single family use in the same zone.

"Based on communications, the City is in the process of evaluating whether zoning is consistent with these requirements and the element will meet this statutory requirement once the element includes a discussion or program as appropriate."

Response: The City Council adopted Ordinance No. 13248 C.M.S. which revised the Oakland Planning Code to define supportive and transitional housing as a residential use. The following program will be edited in the City of Oakland *2015-23 Housing Element* (Chapter 7, Goal 3, Policy 3.1 Expedite and Simplify Permit Processes) to ensure compliance with State law (underlined sections added and strikethrough removed):

Action 3.1.2: Special Needs Housing

Pursuant to Government Code Section 65583(a)(5), transitional and supportive housing must be considered a residential use of property and must be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. The City of Oakland amended its Planning Code in July 2014 to comply with this provision. The City's Planning Code will be evaluated and amended as appropriate for consistency with these requirements.
~~Continue to allow special needs housing and shelter by conditional use permit in specified residential and commercial zones.~~ Pursuant to Government Code Section 65583 and 65589.5, City of Oakland will ~~a~~Allow emergency shelters by-right as indicated in the Oakland Planning Code Section 17.103.015.

Changes made since publication of the Cal HCD Draft Document dated July 2014:

City staff have made additional updates and revisions to the Cal HCD Draft Housing Element, dated July 2014, in response to public comments and other comments received at public meetings, and to incorporate new information. Some of these updates were noted in the draft document as areas that were to be updated in the final document:

- 1) Chapter 3: Housing Conditions Survey: The report and findings of the windshield survey (based on a random sample of 1,700 housing units in Oakland) are included in the final *Housing Element* as Appendix A. The results are designed to inform policies about housing programs.
- 2) Chapter 3: Table 3-40 is now titled “Persons Per Room in All Occupied Housing Units (2010)” and has been updated with American Community Service 2006-2010 data.
- 3) Chapter 3: Table 3-55 “Cost to Preserve and Replace At-risk Housing in Oakland” has been populated with data based on DHCD Housing Development Section’s cost certification data of City-funded affordable new construction and rehabilitation projects.
- 4) Chapter 3: Table 3-58 in the draft version of the *Housing Element*, previously titled “City and County Actual and Projected Population Growth 1990-2020,” is now titled “City, County and Regional Projected Population Growth 2010-2040,” and the data has been updated with more recent population growth projects from ABAG *Projections 2013* analysis.
- 5) Chapter 4 and Appendix C have been updated, given the changes in the opportunity sites analysis noted above and in response to Cal HCD’s comments. Specifically, all data related to Appendix C tables have been updated to reflect this new analysis.
- 6) In Chapter 6, staff added narrative in the section “Financing for Real Estate Development.”
- 7) In Chapter 7, the following actions were added or otherwise revised (additions are indicated with underlined text and deletions are indicated using ~~striketrough~~ text). (See **Attachment G** to this report, for edits to Table 7-1 “Implementation Program”).

Action 2.7.2 Consider Implementing Mandatory and/or Voluntary Options for Developer Contributions to Affordable Housing Development by Conducting a Nexus Study and Economic Feasibility Study for Affordable Housing (among other areas studied—see Policy Action 3.3.2)

The City is committed to equitable development Citywide—with a focus on Specific Plan Areas, Priority Development Areas (PDAs) and large development projects—that provides housing for a range of economic levels to ensure the development of thriving, vibrant and complete communities.

The Nexus Study and Economic Feasibility Study will provide documentation of what level of development impact fees are supportable, by quantifying the impacts of development and establishing whether there is a reasonable relationship between the amount of the fees to be imposed on new developments and the impact created by the new developments. Mandatory options for developer contributions will include the study of a housing impact fee or affordable housing set-asides for newly constructed ownership housing. Voluntary options for developer contributions will include the study of bonuses and incentives such as Housing Overlay Zones. The RFP released July 8, 2014 requires that the contractor do an analysis of residential development costs and the market for both rental and owner-occupied housing in Oakland.

Action 2.7.3 Sale of City-Owned Property for Housing

Solicit Requests for Proposals (RFPs) from interested developers to construct housing on City-owned sites. RFPs will be posted on the City's website and distributed directly to developers, including nonprofit housing providers. In disposing of City-owned surplus properties, the City will give first consideration to affordable housing developers, per the California Surplus Lands Act, Government Code 54220 et seq. If the City does not agree to price and terms with an affordable housing developer and disposes of the surplus land to an entity that develops 10 or more residential units on the property, the City shall 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 54233. For those sites that are sold without affordable housing requirements, the City should consider depositing 25% of the proceeds of such sales to the Affordable Housing Trust Fund.

Action 2.7.4 Utilize 25% of the funds distributed to the City as a taxing entity under the Redevelopment dissolution and deposit them into the Affordable Housing Trust Fund (aka "Boomerang Funds")

The State statutes governing the dissolution of redevelopment agencies and the wind-down of redevelopment activities provide for the distribution of former tax-increment funding to taxing entities. The City of Oakland is one of a number of taxing entities that will benefit from

Oakland's Redevelopment Agency dissolution. The distribution of property tax will be from the Redevelopment Property Tax Trust Fund (RPTTF) and includes funds not needed by successor agencies to fulfill enforceable obligations. Additionally, there will be distributions to taxing entities sales proceeds and other revenues from the use or disposition of assets of what are now called "successor agencies" (former redevelopment agencies). These funds are called "boomerang funds" and represent a windfall in property tax revenue to the City of Oakland. In late 2013, the City of Oakland committed to setting aside 25% of the funds distributed to the City as a taxing entity under the Redevelopment dissolution and deposit them into the Affordable Housing Trust Fund. Starting in 2015, the Affordable Housing Trust fund will begin to receive boomerang funds on an annual basis.

Action 3.1.2: Special Needs Housing

Pursuant to Government Code Section 65583(a)(5), transitional and supportive allow special-needs housing must be considered a and-shelter by conditional use permit in-specified residential use of property and must be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. The City of Oakland amended its Planning Code in July 2014 to comply with this provision. The City's Planning Code will be evaluated and amended as appropriate for consistency with these requirements.

Pursuant to Government Code Section 65583 and 65589.5, City of Oakland will allow commercial-zones. Allow emergency shelters by-right as indicated in the Oakland Planning Code Section 17.103.015.

Action 3.3.2: Development Impact Fees

Consider transportation, capital improvement and housing impact fees to mitigate impacts on City infrastructure and services while balancing the costs to support new development. The City will be issuing a Request for Proposals (RFP) during the Housing Element planning period for an impact fee study that will consider transportation, infrastructure, and affordable housing. The RFP released July 8, 2014 requires that the contractor do an analysis of residential development

costs and the market for both rental and owner-occupied housing in Oakland. (See also Action 2.7.2.)

- 8) Appendix D was added to the final *Housing Element*: a program directory from the Oakland Department of Housing and Community Development.

Housing Equity Roadmap

"The Housing Equity Roadmap" is a proposed action plan for City housing policies and programs to address the displacement of long-time residents, create new strategies to develop new affordable housing, and improve Oakland's aging housing stock. In an effort to include the newly elected City Council in setting the City's housing-related policies for the next few years, the Housing Equity Roadmap will be presented to the Community and Economic Development Committee and the full City Council in February, 2015.

GENERAL PLAN ANALYSIS

Chapter 9 of the final *2015-2023 Housing Element* details, among other things, how the *Housing Element* is consistent with established City policies in the Oakland General Plan. Unlike many cities, Oakland's *Land Use and Transportation Element* (LUTE) already permits high-density housing and mixed-use developments on the main streets and commercial corridors—which is why this *Housing Element* shows the City can accommodate the 2015-2023 RHNA without any rezoning or General Plan Amendments. This is because 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 *2015-2023 Housing Element*, and the City's ability to accommodate its regional housing allocation from ABAG. A General Plan Amendment is only necessary to adopt the final *2015-2023 Housing Element*.

ENVIRONMENTAL DETERMINATION

The City conducted environmental review as required by CEQA to determine whether a Subsequent or Supplemental Environmental Impact Report (EIR) is needed to fully assess and evaluate the impacts of adoption of the *2015-2023 Housing Element*. As detailed in **Attachment F**, it has been determined that an Addendum is the appropriate CEQA document and no Supplemental or Subsequent EIR is required. **Attachment F** constitutes the Addendum.

The City has previously prepared and certified a set of applicable CEQA documents including: (a) 1998 Land Use and Transportation Element EIR; (b) 1996 Open Space Conservation and Recreation Element Mitigated Negative Declaration; (c) 2004 Safety Element Negative Declaration and 2012 Addendum; (d) 1998 Historic Preservation Element EIR; (e) 2005 Noise Element Negative Declaration; (f) 2007 Bicycle Master Plan EIR; (g) 2002 Pedestrian Master Plan Mitigated Negative Declaration; (h) 1999 and 2006 Estuary Policy Plan EIRs and 2013 Supplemental EIR; and (i) 2010 Housing Element EIR (for the 2007-2014 Planning Period). Collectively, these are known as the "Previous CEQA Documents".⁴ No legal actions were filed challenging the Previous CEQA Documents, and thus they are presumed valid. In addition, on November 3, 2008, the City Council adopted Standards Conditions of Approval/Uniformly Applied Development Standards, which were revised, in part, in 2011.

⁴ The Previous CEQA Documents are located at the City's websites,
<http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157> and
<http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009158>

The Addendum finds that the *2015-2023 Housing Element* would not result in significant environmental impacts considered under CEQA, and that no further/additional CEQA review is required. None of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code section 21166 and CEQA Guidelines sections 15162 and 15163 are present, in that:

1. There are no substantial changes to the project that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the 2007-2014 Housing Element EIR;
2. There are no substantial changes in circumstances that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the 2007-2014 Housing Element EIR; and
3. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Previous CEQA Documents were certified/adopted, which is expected to result in: (a) new significant environmental effects or a substantial increase in the severity of significant environmental effects already identified in the 2007-2014 *Housing Element* EIR; or (b) mitigation measures which were previously determined not to be feasible would in fact be feasible, or which are considerably different from those recommended in the 2007-2014 *Housing Element* EIR and which would substantially reduce significant effects of the project, but the City declines to adopt them.

Thus, in considering adoption of the *2015-2023 Housing Element*, the City can rely on the Previous CEQA Documents. In addition, as a separate and independent basis, the *2015-2023 Housing Element* is also exempt from CEQA review pursuant to Public Resources Code section 21083.3 and CEQA Guidelines section 15183, as detailed in the Addendum.

HOUSING ELEMENT ADOPTION PROCESS

The *2015-2023 Housing Element* has an up-to-date webpage where useful links, announcements and reports can be viewed. The project also has a dedicated email account for receiving feedback. Further, the City sends emails to 700 subscribers, via its "GovDelivery" distribution system, which allows interested parties to sign-up to receive email updates about the *Housing Element* update.

The Housing Element website address is:

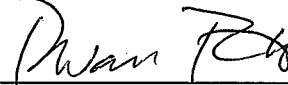
<http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/OAK045364>

Following State law, the City of Oakland proposes to adopt the *2015-2023 Housing Element* as a part of the City's General Plan, as a resolution adopting a General Plan Amendment. After the City Planning Commission considers the *Housing Element* and makes its recommendation, the *Housing Element* will then be considered at a public meeting before the Community and Economic Development Committee of the City Council, followed by a public hearing at the City Council. The public hearing before the City Council to consider adoption of the *Housing Element* is currently scheduled for December 9, 2014 to meet the State deadline of having an adopted *Housing Element* by January 30, 2015.

RECOMMENDATION

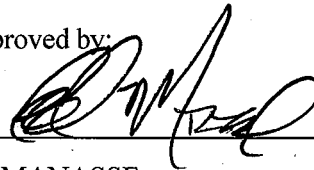
Staff recommends that the Planning Commission review the *2015-2023 Housing Element* and recommend that the City Council (1) adopt the *2015-2023 Housing Element* as a General Plan Amendment and (2) adopt the Addendum to the Previous CEQA Documents.

Prepared by:



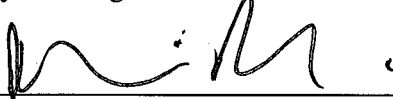
Devan Reiff, AICP
Planner III

Approved by:



ED MANASSE
Strategic Planning Manager

Approved for forwarding to the
City Planning Commission:



DARIN RANELLETTI
Deputy Director, Bureau of Planning

Attachments:

- A. May 7, 2014 Oakland Planning Commission staff report
- B. June 10, 2014 Community & Economic Development Committee agenda report
- C. September 12, 2014 Comment letter from California HCD
- D. Final *2015-2023 Housing Element*
- E. October 29, 2014 Approval letter from California HCD
- F. Addendum to Previous CEQA Documents
- G. Final *2015-23 Housing Element*—Chapter 7: excerpts of policy updates

Case File Number GP14001

May 7, 2014

Location:	Citywide
Proposal:	General Plan Amendment: <i>2015-2023 Housing Element</i>
Applicant:	City Planning Commission
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Zoning:	All Zoning Categories
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Service Delivery District:	All
City Council District:	All
Status:	An informational item on the preparation of the <i>2015-2023 Housing Element</i> was brought to the February 19, 2014, Planning Commission meeting.
Action to be Taken:	Provide feedback on the draft <i>2015-2023 Housing Element</i>
Finality of Decision:	Direct staff to return with Final Draft <i>2015-2023 Housing Element</i>
For Further Information:	Contact case planner Alicia Parker at (510) 238-3362, aparker@oaklandnet.com

SUMMARY

The Housing Element is the one of seven mandated elements of the Oakland General Plan; State law requires every jurisdiction to update its Housing Element every eight years. This report provides staff recommendations for the Planning Commission to consider for the Public Review Draft *2015-2023 Housing Element* (*Housing Element*).

The *2015-2023 Housing Element* is an eight year blueprint for housing in Oakland, presenting data, policies, and programs for housing at all income levels, including low-income and moderate income populations, as well as those with special needs such as seniors and individuals with disabilities. The *2015-2023 Housing Element* shows how the City will plan for housing its share of the projected population growth of Oakland, and of the larger Bay Area, as defined in the Regional Housing Needs Allocation (RHNA), produced by the Association of Bay Area Governments (ABAG). Oakland's share of the projected housing need in the Bay Area is 14,765 new or renovated housing units, to be accommodated in the years 2014-2022.

The draft *2015-2023 Housing Element* was prepared between December 2013 and April 2014 with the participation of the City's Bureau of Planning and the Department of Housing and Community Development. City staff has engaged the public in an extensive amount of outreach throughout this process. Public meetings were held before various City advisory boards, including the Commission on Aging (March 5, 2014) and the Mayor's Commission on Persons with Disabilities (April 14, 2014). In addition, public hearings were held before the City Planning Commission (February 19, 2014) and the Community and Economic Development Committee (March 25, 2014) to discuss the top housing issues in Oakland, and the strengths and weaknesses of the City's existing housing policies. Staff has also participated in the Housing Assistance Center's efforts to produce the City's draft *Housing Equity Roadmap* — further analysis of the City's affordable housing needs and an overview of nationally recognized policy efforts to address those needs. City staff has also engaged the public using the internet, and through the City's "Engage Oakland" website, has hosted housing related discussion topics. Additionally, City staff has incorporated input from housing related discussions from the five specific and area planning processes (Central Estuary Area Plan, Lake Merritt Station Area (Specific) Plan,

Broadway Valdez Specific Plan, West Oakland Specific Plan and the Coliseum Area Specific Plan). Notes from these various community meetings and public hearings, public comments received to date, and responses to public comments are included in this staff report on page 9.

The Draft 2015-2023 *Housing Element* is included as **Attachment A**.

BACKGROUND

The Housing Element is one of the required elements of Oakland's General Plan. The 2015-2023 *Housing Element* is an eight-year blueprint for housing in Oakland, at all economic levels, including low income households and households with special needs.

State law requires local governments to adequately plan to meet their existing and projected housing needs. Under state law, Housing Elements must be updated every four to eight years. (The previous Housing Element was adopted in 2010 for the 2007-2014 planning cycle.) The contents are established by state law and must include measurable objectives. The Housing Element update is subject to certification by the State of California.

Once the 2015-2023 *Housing Element* is found to be in compliance by the State Housing and Community Development Department and the City submits its annual report on time, the City and other entities operating within the City are eligible to apply for critical regional and state funds (e.g. BEGIN Program, Infill Infrastructure Grants, Housing Related Parks Program, Local Housing Trust Fund, CDLAC Single Family Home Program, I-Bank and ISRF Programs, the HELP Program, and MTC One Bay Area Grant Program). The Housing Element provides a forum to define community goals for housing including the type of housing to be built and the priorities for spending housing dollars. It also provides an opportunity to incorporate ongoing housing policy discussions.

The foundation for the draft 2015-2023 *Housing Element* is an inventory of sites suitable for residential development in Oakland, and a determination of whether the housing potential on land suitable for residential development is adequate to accommodate Oakland's Regional Housing Needs Allocation (RHNA). This is a state-mandated requirement that all California cities provide for their fair share of the regional housing need for all income levels. The State of California has determined the need for 187,990 new housing units in the 9-county Bay Area for the years 2015-2023, and RHNA "assignments" for each city are determined by ABAG. The draft 2015-2023 *Housing Element* also identifies constraints which make it difficult to produce housing in Oakland.

Oakland is required, under the RHNA, to plan for 14,765 new housing units between the years 2015 and 2023 in its update of the Housing Element. Of this total, 2,059 should be affordable to very low-income households, 2,075 to low-income households, 2,815 to moderate-income households, and 7,816 to above moderate-income households. The City is required to provide the land capacity for these units (through zoning and development regulations), but is not required to build the units or otherwise guarantee their construction. Market conditions and limited availability of subsidies prevent many cities from actually achieving their RHNA targets.

Cities implement their housing elements through regulatory tools such as zoning housing programs; daily decisions by staff, the Planning Commission and City Council about housing development, and housing programs. Oakland operates a number of housing programs targeted to lower income homeowners and renters, and works with various non-profit community organizations and service providers to facilitate the development and preservation of housing options for all Oakland residents.

RECENT CHANGES TO STATE LAW

Senate Bill (SB) 375, the Sustainable Communities and Climate Protection Act, which was adopted in 2008, strengthened coordination between regional housing allocation and transportation planning. Under SB 375, the Metropolitan Transportation Commission (MTC) is required to incorporate a Sustainable Communities Strategy (SCS) into the Regional Transportation Plan (RTP). The SCS is intended to achieve greenhouse gas (GHG) emission reductions. To that end, regional housing allocation planning should be designed to achieve GHG emission reduction goals by developing efficient land-use strategies such as infill, mixed-use, and/or downtown revitalization strategies, promoting and incentivizing a variety of housing types affordable to the workforce and households with lower incomes, and addressing climate change by reducing vehicle miles traveled. Additionally, SB 375 amended the RHNA schedule and strengthened rezoning requirements. Non-attainment Metropolitan Planning Organizations (MPOs) (of which the Bay Area's Metropolitan Transportation Commission is one) must adopt an RTP every four years. RHNA and housing element schedules must be coordinated with every other RTP, requiring housing elements be updated every 8 years, no later than 18 months after RTP adoption.

In an effort to meet overlapping objectives of SB 375 and Housing Element law, ABAG adopted "Plan Bay Area" with the following objectives:

- Increase supply, diversity and affordability of housing
- Promote infill development and more efficient land use patterns
- Promote intraregional relationship between jobs and housing
- Protect environmental resources
- Promote socioeconomic equity

The Plan Bay Area's strategy is to meet the region's housing need in Priority Development Areas (PDAs). PDAs are transit- and service-rich neighborhoods that offer a wide variety of housing options and amenities such as grocery stores, community centers, and restaurants. Oakland has identified 6 areas of the City that fit this criteria, or have plans to improve its infill development capacity in these areas. The One Bay Area Grant program (OBAG) operated by MTC will focus transit investment to jurisdictions that embrace infill housing and development planning. OBAG funding will take into account local jurisdictions' past housing production and housing production during the 2015-2023 RHNA planning period, for both market rate and affordable housing units constructed. The OBAG program also emphasizes the importance of planning for housing by requiring that a jurisdiction has a Housing Element certified by the California Department of Housing and Community Development (HCD) to be eligible for funding. In 2013, Oakland received \$20 million in transit investment for five projects located in PDAs. The City's Housing Element policy goals are designed to align with Plan Bay Area's objectives.

STATE MANDATED CONTENTS OF THE HOUSING ELEMENT

California law (Government Code §§ 65580 et seq.) requires, in part, that each city and county adopt a housing element that contains:

Housing Needs Assessment

- *Existing Conditions* (see draft 2015-2023 *Housing Element*, Chapter 3). A statement of population and housing characteristics, identification of special housing needs among certain population groups (seniors, large families, homeless and persons with disabilities), evaluation of

housing conditions, and other projections and trends which support the goals, policies and programs of the City.

- *Projected Needs* (see draft *2015-2023 Housing Element*, Chapter 4). Oakland's share (14,765 units) of the Regional Housing Needs Allocation (RHNA) as established by ABAG. The RHNA for Oakland establishes the number of new units needed, by income category, to accommodate expected population growth between the years 2014-2022. From the state's perspective, this figure provides a benchmark for evaluating the adequacy of local zoning and regulatory actions, ensuring each local government is providing sufficient appropriately zoned land, and opportunities for housing development to address population growth and job generation.

Sites Inventory and Analysis

More than a quarter of Oakland's RHNA is met by developments which are already built, or which have been approved through the Planning Commission, but which don't yet have building permits (see Table 4-2 of the draft *2015-2023 Housing Element*, **Attachment B** to this report). This figure includes 229-231 affordable units. There are an additional three thousand units which are in some stages of pre-development, where the applicants are discussing their proposals for new housing with the City.

Based on housing units completed, approved and planned, the City has identified more than half of the units required to meet its Regional Housing Needs Allocation. To make up the difference in number of units to meet the RHNA, and because many of these sites were developed or are proposed as market rate projects, the City has also identified "opportunity sites" which are suitable for development of multifamily projects that could accommodate very low, low and moderate income housing as well as market-rate units.

These opportunity sites are currently zoned for development of housing at thirty units to the acre ("Mullin Density"¹). If developed at that density, these sites, where new market rate or affordable housing could be built, have the potential to house an additional 16,000 units. Opportunity sites are zoned for higher density housing and are either vacant or underdeveloped. The majority are located in and around downtown or along major corridors and are easily accessible to transit, jobs, shopping and services. (See draft *2015-2023 Housing Element*, Table C-6 and Figure C-5, which is **Attachment C** to this report).

Analysis of Constraints on Housing

There are two categories of constraints to building housing in Oakland (see draft *2015-2023 Housing Element*, Chapter 6):

- *Governmental constraints*: includes land-use controls, development standards, infrastructure requirements, development fees and development approval processes.
- *Non-Governmental constraints*: includes land costs, environmental hazards, land availability, construction costs, financing for real estate development, and neighborhood sentiment.

Housing Programs

The draft *2015-2023 Housing Element* identifies the various City programs which fund housing rehabilitation, assistance to first-time homebuyers, support housing development, and provide

¹ As per AB 2348 (Mullin), Chapter 724, Statutes of 2004, this California law recognized that 30 dwelling units per acre in metropolitan jurisdictions is sufficient to accommodate housing for very low- and low-income populations. This is typically referred to as the "Mullin Densities."

miscellaneous services to low-and moderate-income households (see draft *2015-2023 Housing Element*, Chapter 5).

Statement of the City's Housing Goals, Policies and Actions

Chapter 7 of the draft *2015-2023 Housing Element* details the City's goals, policies and actions, including an implementation program table which identifies the agency responsible for each action, a timeline and funding sources (see Table 7-1 "Implementation Program" which is **Attachment D** to this report). The goals in this *Housing Element* update are to:

- Provide adequate sites suitable for housing for all income groups;
- Promote the development of adequate housing for low- and moderate-income households;
- Remove constraints to the availability and affordability of housing for all income groups;
- Conserve and improve older housing and neighborhoods;
- Preserve affordable rental housing;
- Promote equal housing opportunity; and
- Promote sustainable development and sustainable communities.

These goals, and the policies and actions which implement them, have changed from the *2007-2014 Housing Element* specifically to incorporate new planning initiatives and economic constraints given the dissolution of redevelopment agencies in California and the resulting loss of funding to many of the City's housing programs. The changes are briefly summarized below:

- Context for the City's Goals and Policies
 - Replaced the initiative to update of the City's Zoning Code to implement the City's General Plan (from the *2007-2014 Housing Element*) with an intention to update the City's General Plan Land Use and Transportation Element (LUTE). The Planning Bureau intends to undertake a General Plan LUTE update to refresh its vision and policy guidance reflecting changing demographics and market forces.
 - Replaced the emphasis on focusing housing near the City's downtown and major transportation corridors (from the *2007-2014 Housing Element*) to focusing housing in the City's Priority Development Areas (PDAs) to better coordinate transportation and infrastructure investment with areas suitable for dense housing.
 - Included the implementation of the Specific Plans as way of meeting the City's housing needs
- Policy 1.1 Priority Development Areas – updated this policy to reflect the change of emphasis to the City's PDAs to coordinate planning for housing investment with areas primed to receive transportation and infrastructure grant funding.
 - Action 1.1.1 – updated this policy to reflect emphasis of suitable sites as being those sites located in Priority Development Areas
 - Action 1.1.5 – added a policy about investigating the feasibility of a Housing Incentive Zoning as a method for incentivizing affordable housing and other community benefits in development projects.
 - Action 1.1.6 – added the International Boulevard Community Revitalization without Displacement Initiative which would result in the International Boulevard Transit Oriented Development Plan.
- Policy 1.3 Appropriate Locations and Densities for Housing – updated this policy and the supporting actions to include the Specific Plans which have addressed planning for a combined 17,000 new residential units across all Specific Plans.

- Policy 2.2 Affordable Homeownership Opportunities – updated the actions supporting this policy to reflect the impact of the dissolution of the redevelopment agencies and to discuss current programs to address the foreclosure crisis.
 - Action 2.2.1 reworded this policy to indicate that the First Time Homebuyer Program will be operated as funding is available.
 - Action 2.2.2 replaced the former Neighborhood Stabilization Program with an intention to consider developing a program (and related funding) to address vacant or abandoned housing due to foreclosures.
 - Action 2.2.3 added information about Restoring Ownership Opportunities Together (ROOT), which is a foreclosure mitigation pilot loan program that assists eligible homeowners at-risk of foreclosure to preserve ownership by re-structuring mortgage loans to more affordable monthly payments.
 - Action 2.2.4 added information about the Community Buying Program which seeks to assist Oakland residents (either homeowners who have lost their homes to foreclosure, tenants residing in foreclosed properties, or individuals who have been unable to compete with all-cash investors on the open market) to purchase properties from the Scattered-site Single Family Acquisition and Rehabilitation Program (Action 2.2.2 above) or other similar foreclosed housing.
 - Action 2.2.5 added information about the Home Preservation Loan Fund that will provide up to \$50,000 in forgivable loan funds for distressed homeowners.
- Policy 2.3 Density Bonus Program – updated the information on the City's Density Bonus Program to reflect recent changes to the Oakland Planning Code essentially bringing Oakland's Density Bonus Ordinance into conformance with State Law.
- Policy 2.7 Expand Local Funding Sources – included information about exploring an impact fee for affordable housing.
- Policy 2.9 PATH Strategies for the Homeless – updated this policy to reflect current approaches to ending homelessness through the City's Permanent Access To Housing (PATH) Strategy and through coordination efforts.
- Policy 3.1 Expedite and Simplify Permit Processes – updated references to permitting emergency shelters to reflect the current proposed Planning Code Amendments, that, if adopted, would permit emergency homeless shelters in limited areas by-right (Action 3.1.2).
- Policy 4.1 Housing Rehabilitation Loan Programs – updated this policy and associated actions to remove programs that are no longer used (primarily former Redevelopment Agency programs such as the Central City East Homeownership Program and the Neighborhood Stabilization Program), and added programs such as the Foreclosed and Defaulted Residential Property Registration, Inspection and Maintenance Program (Action 4.2.4) and the Investor-owned Property Registration, Inspection and Maintenance Program (Action 4.2.6).
- Policy 4.3 Housing Preservation and Rehabilitation – added the Scattered-site Single Family Acquisition and Rehabilitation Program which is a plan to consider developing a program to address vacant and abandoned housing due to foreclosures and tax liens (Action 4.3.5).

- Policy 6.1 Fair Housing Actions – updated this policy to include information about the City’s Housing Assistance Center which provides housing information and services for Oakland residents and small rental property owners and managers (Action 6.1.4).
- Policy 6.2 Reasonable Accommodations – updated this policy to reflect the current proposed draft Reasonable Accommodations Ordinance that, if adopted, would ensure flexibility in the application of the City’s zoning regulations to individuals with disabilities.
- Policy 7.1 Sustainable Residential Development Programs – updated this policy and related actions to closely tie the action items to the actions included in the City’s adopted Energy and Climate Action Plan (ECAP).

Public Outreach

State law (California Government Code Section 65583(c)(8)) requires the City to make “a diligent effort...to achieve public participation of all economic segments of the community in the development of the housing element....”

Public participation in Oakland has been an ongoing process since the adoption of the previous 2007-2014 Housing Element. In particular, the identification of housing issues, needs, and strategies has been part of the following City planning processes and ongoing public dialogue on housing issues:

- The City’s Strategic Planning Division initiated five Specific and Area Plans including the Central Estuary Area Plan, Lake Merritt Station Area (Specific) Plan, Broadway Valdez Specific Plan, West Oakland Specific Plan and the Coliseum Area Specific Plan. These plans have been geographically dispersed throughout the City, have included extensive community outreach processes and have resulted in long lists of community desires, including housing needs.
- The City’s Strategic Initiatives Division of the Department of Housing and Community Development and Planning and Building Department are working on policy recommendations for Council action, to support the alternative disposition goals of home preservation, new homeownership opportunities, and quality affordable rental housing. For this effort, staff will be convening meetings with different stakeholder groups to develop policy recommendations.

The ongoing identification of housing issues through these separate processes has been incorporated into the needs assessment and development of goals and policies for this *Housing Element* update. A catalogue of the housing related issues identified from the Specific Plan processes is included as **Attachment E**.

The City is also in the process of conducting outreach specific to the *Housing Element* update process. A combination of internet and social media, surveys, and public meetings have been, and will continue to be, employed to better understand the Oakland community housing needs and issues. Each of these methods is described below.

I. Internet and Social Media

The City is using a variety of internet and social media tools to engage the community in the housing element conversation. “Engage Oakland” is a community online forum where a series of housing related questions have been posed, on which Oakland residents, business owners, developers, activists and others have provided ideas and feedback. This input will continue to be taken into account by City staff when refining proposals about housing policy.

The *2015-2023 Housing Element* has an up-to-date webpage where useful links, announcements and reports can be viewed. The project also has a dedicated email account for receiving feedback. Further, the City sends emails via its "GovDelivery" distribution system. This system allows interested parties to sign-up to receive email updates about the Housing Element update.

The Housing Element website address is:

<http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/OAK045364>

II. Housing Conditions Survey

City staff has secured a consultant to conduct a new housing conditions survey as required by Housing Element law. The consultant will conduct a windshield survey, prepare housing condition findings, and summarize the results in a report, which the City will include in the *2015-2023 Housing Element*. This windshield survey will evaluate the condition of a random sample of 1,700 residential units throughout the City and include a description of the findings. The results are designed to will inform policies about housing programs.

III. Public Meetings

Staff has presented informational reports and solicited feedback as part of the outreach process at the Mayor's Commission on Persons with Disabilities, Commission on Aging, Planning Commission, and Community and Economic Development Committee of the City Council. In addition, staff has incorporated comments on housing development from the five specific and area planning processes over the last several years. The community has been invited to attend these meetings and participate in the discussion and voice their opinion. Many of these meetings occurred during the data and needs collection phase, as well as at the present time, during the presentation of the draft *Housing Element Update*. Comments received at all phases will be reviewed and incorporated into the final *2015-2023 Housing Element*.

KEY ISSUES

As discussed previously in this report, public participation on housing issues has been an ongoing process in Oakland. In addition to considering comments received as part of Specific Planning processes, staff presented information on the preparation of the *2015-2023 Housing Element* to various advisory boards and public bodies, in addition to hosting electronic discussions on housing topics through the "Engage Oakland" website. Specifically, staff asked that the public, advisory board members, Planning Commissioners and Council Members address the following questions:

1. What are the top housing issues in Oakland?
2. In terms of existing housing policies and programs, what are the strengths?
3. In terms of existing housing policies and programs, what are the weaknesses?

The following section summarizes the comments received to date and staff responses to the comments.

City Planning Commission

On February 19, 2014, staff presented an informational report to the City Planning Commission. The Planning Commission had general feedback summarized as follows:

Comment: Commissioners felt that important housing-related issues in Oakland included housing cost, school quality, neighborhood walkability, and access to public transit (including coordinating with AC Transit). A suggestion was made to locate new housing near transit oriented development areas, and to balance land uses by planning for housing while respecting the importance of commercial and industrial land. Additionally, a suggestion was made to offer leniency in the application of the City's parking standards for housing when ample public transportation options exist.

Response: The City's new proposed context for the goals, policies and actions contained in Chapter 7 of the draft *2015-2023 Housing Element* includes new housing in the City's Priority Development Areas, or existing neighborhoods near transit that the City Council has designated as appropriate locations for future growth. As summarized in Chapter 6 of the draft *2015-2023 Housing Element*, the City currently requires half a parking space in the two Transit-Oriented zones at the Fruitvale and West Oakland BART Stations. Some zones in the downtown and other commercial areas have no parking requirements. While some consider the residential parking and commercial parking standards of the City a constraint to new housing, the City routinely offers parking waivers, permits mechanical and stacked parking where feasible, encourages shared parking in mixed-use buildings and allows for "unbundling" — separating the cost of a new residential unit from the cost of a parking space. Additionally, the City's Standard Conditions of Approval require transportation demand management measures be taken when new projects over 50 units are proposed that include things such as subsidized transit passes.

Comment: Commissioners felt it was important to increase the percentage of owner-occupied housing and to concentrate on measures to maintain existing housing.

Response: Policy 2.2 in Chapter 7 of the draft *2015-2023 Housing Element* contains the City's policies on affordable ownership opportunities and maintaining the existing housing stock. This policy has been revised given the dissolution of redevelopment, however, it is noted that the City's First Time Homebuyer Program will be operated as funds are available and that a number of initiatives have been proposed to address neighborhood condition including foreclosure prevention and addressing abandoned properties. These programs include the Community Buying Program and Restoring Ownership Opportunities Together program (ROOT).

Comment: Since there has been a decrease in household size, are we still going to keep as a policy units for Larger Families? Staff should work with Oakland Housing Authority (OHA) on finding out what their market research has found out regarding the need for affordable large-size units (3+ bedrooms). It was also noted that the OHA is shifting assets to non-profit development and property management.

Response: Although there has been an overall decrease in household size, as documented in Chapter 3 of the draft *2015-2023 Housing Element*, Oakland continues to experience overcrowding rates which are especially severe for large families, regardless of income. This is due to an acute shortage of housing units with four or more bedrooms, especially rental units. Thus, Policy 2.6, which encourages the development of affordable rental and ownership housing units that can accommodate large families, will be retained.

Comment: There should be a policy around manufactured housing in residential districts.

Response: Policy 1.5 in the draft *2015-2023 Housing Element* provides for the inclusion of manufactured housing in appropriate locations, consistent with state mandates to plan for a variety of housing types and income levels.

Comment: Improve the current "mini-lots" policy to facilitate homeownership.

Response: Mini-lot development is allowed in all residential zones and commercial zones that permit residential uses. The City's current standards are designed to encourage the comprehensive planning of tracts of land; provide flexibility in the application of certain regulations in a manner consistent with the general purposes of the zoning regulations; and to promote a harmonious variety of uses, the economy of shared services and facilities, compatibility with surrounding areas, and the creation of attractive, healthful, efficient, and stable environments for living, shopping, or working.

Comment: What is the City's strategy for resiliency (climate change and location, design of affordable housing)?

Response: Chapter 7 of the draft *2015-2023 Housing Element* contains the City's climate change policy as it relates to housing issues. The chapter specifically addresses smart growth principles and encourages development that reduces carbon emissions. Also, new State law requires the City to address flood management and flood hazards and annually review flood maps. A flood hazard and land management discussion is included in Chapter 9 of the draft *2015-2023 Housing Element*.

Comment: The City needs a comprehensive citywide community benefits policy. This comprehensive strategy should be realistic and consider different market realities in different areas of the City, rather than becoming an inflexible, blanket policy that may stifle certain districts, rather than improve them.

Response: The new proposed Policy 1.1.5 Housing Incentive Zoning states that the City will explore the feasibility of developing Housing Incentive Zoning as a way of incentivizing development to include community benefits, while considering the costs of those benefits (to developers) as well as the value of the benefit (to the community); and the economic feasibility of requiring community benefits in exchange for additional height or density, among other important considerations.

Comment: Commissioners were curious about the barriers to building market-rate housing in the City. They were specifically interested in whether there were issues with planning/permitting; public safety (police and perceptions of crime); or the Oakland Unified School District. Commissioners felt that input from the developer and investment community was critical to understanding such barriers.

Response: With the publication of the Draft *2015-2023 Housing Element*, City staff will solicit feedback from the investment and development community to understand any barriers to housing and this feedback will be incorporated into the Final Draft *2015-2023 Housing Element*.

Comment: Commissioners also had the following information/text change requests:

- Include an update on housing production accomplishments from the last Regional Housing Needs Allocation (RHNA) period.
- Ideas for replacing Redevelopment Funding?
- Change references from "landscaping" to "planting"

Response: Chapter 2 of the final draft of the *2015-2023 Housing Element* will include an evaluation of how the City performed in meeting the actions of the *2007-2014 Housing Element*. As a place-holder, the contents of Chapter 2 included in this draft are the 2013 Annual Report to California Housing and Community Development Department on the *2007-2014 Housing Element*. Additionally, Chapter 5 of the draft *2015-2023 Housing Element* contains ideas for replacing former redevelopment funding. The references from landscaping to planting have been made.

Mayor's Commission on Aging

On March 5, 2014, staff presented an informational report on the preparation of the draft *2015-2023 Housing Element* to the Mayor's Commission on Aging. The following bullets summarize the advisory board member comments:

Comment: The advisory board members were interested in various statistics about seniors and housing including the following:

- Do you have statistics on homeless seniors (or an age distribution of the homeless)?

- *Response:* The City relies on Alameda County data for the homeless estimate. The County does not estimate the number of homeless seniors, rather the age breakdown is generally people under 17, 18-24, and over 25 years of age.
- Is it possible to revise the age of a “senior” to someone who is 55 (rather than the current 65)?
 - *Response:* California Civil Code (section 51.3) defines senior citizen as a person 62 years or older. For state-funded or regulated affordable housing developments, the definition of a senior citizen is 55 years or older (except for projects utilizing federal funds whose programs have differing definitions for senior projects that for many housing funding programs is 62 years or older).
- Do you have data on seniors living alone?
 - *Response:* Chapter 3 of the Housing Element contains data on seniors living alone. It is noted that “nearly 45 percent of senior-headed households consist of a single elderly person living alone.”
- Do you have data on seniors with language isolation?
 - *Response:* The City does not collect data on seniors with language isolation as part of the Housing Element.
- What rents are considered “affordable”?
 - *Response:* It is generally accepted that spending 30% of household income on rent is considered affordable. Income and rents are discussed in Chapter 3 of the draft 2015-2023 *Housing Element*.

City Council Community and Economic Development (CED) Committee Meeting

On March 25, 2014, staff presented an informational report on the preparation of the Housing Element to the CED Committee. Their comments are summarized as follows:

Comment: Need detailed plans and policies for how to address affordable housing in PDAs. This could include Public Benefits Zoning and Housing Impact Fees (including a nexus study).

Response: The new proposed Policy 1.1.5 Housing Incentive Zoning is designed as a way to investigate the feasibility of incentivizing development to extract public benefits. The policy indicates that the City will explore the feasibility of developing Housing Incentive Zoning, while considering the costs of benefits (to developers) as well as the value of the benefit (to the community); and the economic feasibility of requiring community benefits in exchange for additional height or density, among other important considerations. Policy 2.7.2 calls for the City to explore implementing a housing impact fee and notes the importance of funding a nexus study to determine the feasibility of the fee, and an appropriate fee structure. The City will be issuing a Request for Proposals (RFP) during the *Housing Element* planning period for an impact fee study that will consider transportation, infrastructure, and affordable housing.

Comment: Address the risks of displacement within the PDAs (look at policies to address displacement such as updating the Condominium Conversion Ordinance). The City must also coordinate housing development along AC Transit transfer hubs and high traffic routes. When focusing new housing in

PDAs we must consider bus transit routes as key access modes (not just BART; that is for more affluent communities).

Response: Action 1.1.6 International Boulevard Community Revitalization Without Displacement Initiative documents staff's work with community members and large foundations to pilot a revitalization and anti-displacement planning initiative to improve transportation connections, housing economic development, and health and public safety along the corridor. Additionally, Policy 5.6 presents the City's limitations on conversion of rental housing to condominiums. The extent of the condominium conversion impact area may be extended in some of the areas currently undergoing Specific Planning processes as a method to avoid displacement.

Comment: In Appendix C, the Site Inventory, identify affordable housing sites located within Priority Development Areas (PDAs) and work with non-profit developers to do preliminary Tax Credit Allocation Committee (TCAC)/Low Income Housing Tax Credit (LIHTC) scoring to see if any of these sites are appropriate for affordable housing development and would be competitive for funding.

Response: The "opportunity sites" in Appendix C have been mapped according to PDA. City staff has emailed active Community Housing Development Organizations in the City to partner with them to evaluate this list of opportunity sites in light of TCAC/LIHTC funding potential.

Comment: How well did we do with production in the past?

Response: Chapter 2 of the final draft of the *2015-2023 Housing Element* will include an evaluation of how the City performed in meeting the actions of the *2007-2014 Housing Element*. As a place-holder, the contents of Chapter 2 included in this draft is the 2013 Annual Report to California Housing and Community Development Department on the *2007-2014 Housing Element*. The table below provides a comparison of the actual building permits issued in each income category, compared to the Regional Housing Needs Allocation (RHNA).

Comparison of Housing Needs and Housing Production, 2007-2014

State Identified Affordability Categories	2007-2014 RHNA	Building Permits Issued 2007-December, 2013
Very Low (up to 50% AMI)	1,900	1,257
Low (51-80% AMI)	2,098	385
Moderate (81-120% AMI)	3,142	22
Above Moderate (> 120% AMI)	7,489	2,033
Total	14,629	3,697

Comment: Consider the ABAG/Plan Bay Area Grant criteria when developing new housing policies and locations for housing.

Response: ABAG's four-year \$320 million One Bay Area Grant (OBAG) Program requires a City to have a Complete Streets Policy (which Oakland adopted in February of 2013 in Resolution 84204) and also requires a jurisdiction to have a housing element adopted and certified by the State Department of Housing and Community Development (completion of the *2015-2023 Housing Element* is in progress; final adoption is scheduled for January 2015 and will be on-time). OBAG funding is targeted toward

achieving local land-use and housing policies by supporting the Sustainable Communities Strategy by promoting transportation investment in PDAs. OBAG is currently funding a variety of projects in the City's PDAs including local streets and road preservation, bicycle and pedestrian improvements and safe routes to school. Since the majority of opportunity sites are in PDAs, the City is well positioned to leverage housing investment with areas primed to receive transportation and infrastructure OBAG funding (upon the submittal of successful grant proposals).

Comment: Suggestion to circulate the *2015-2023 Housing Element* announcement through City Council members' email lists and newsletters.

Response: Staff sent out an announcement to all City Council members with a newsletter write up for distribution in e-newsletters.

Mayor's Commission on Persons with Disabilities

On April 14, 2014, staff made a presentation on the Housing Element to the Mayor's Commission on Persons with Disabilities. Advisory board member comments are summarized as follows:

Comment: Homeownership policies should be encouraged and the existing housing stock should be preserved. New housing should be located near grocery stores and transit. Similarly, housing for people with developmental disabilities should be located near easily accessible public transit routes. Public safety response to emergency calls should be equal across all neighborhoods.

Response: Policies 2.2 and 4.1 cover homeownership and preservation of the existing housing stock, respectively. Housing opportunity sites are located near PDAs. These areas are well served by public transportation and a mix of commercial, civic and residential uses.

Engage Oakland

Comments received on the "Engage Oakland" website varied from specific comments about considering a holistic approach to community development to specific concerns about property management issues. A summary of the comments follows.

Comment: Newly developed affordable housing must be built with a holistic lens, considering how this housing integrates with public transit, fresh food availability, and proximity to community based resources. Additionally, developers should solicit feedback from community based organizations serving the areas to be developed to better understand the needs of the community. In regard to individuals with disabilities, it is critical to ensure that affordable housing is developed in coordination with community service providers and in proximity to public transportation.

Response: The housing opportunity sites identified in the *2015-2023 Housing Element* are mostly in PDAs. These areas are well served by public transportation and have a mix of commercial, civic and residential uses.

Comment: In Copenhagen, renters in apartment buildings have first refusal on buying the building and turning it into a Housing Cooperative (not to be confused with co-housing), which ensures that a constant stream of affordable housing enters the market, while raising the quality of living for the inhabitants. This program should be adopted in Oakland.

Response: Policy 5.6 in the draft *2015-2023 Housing Element* discusses condominium conversions. Such an idea would need to be discussed within the larger condominium conversion context.

Comment: We need to create more affordable housing--without destroying the look and feel of existing neighborhoods, and without adding high-rise luxury condos. This can be accomplished by promoting secondary/in-law units through improved permitting, eliminate limits on the number of "units" per parcel (instead, create standards for minimum unit size, parking availability, and building height), and standardizing height to five stories (similar to Paris) for an ideal balance of livable, walkable and economically vibrant neighborhoods.

Response: Policy 1.4 covers the City's policy on secondary units. The City uses both density (i.e., units per parcel) and development standards (setbacks, height) to regulate development. The City has varying height limitations throughout the City based on surrounding context and State mandates to plan for a growing population.

Additional comments received beyond the scope of the draft *2015-2023 Housing Element*:

- Set schedules (5 to 7 days) for appropriate response time of landlords to tenant inquiry or request.
- All residential properties should be furnished with access to appropriate green waste disposal with garbage pick-up and there should be more reasonable dumping/bulky pick up policies.
- Require buildings housing 10 or more living units to have on-site maintenance (and provide on-site property managers with compensation i.e., reduced/free rent).
- Ensure all tenants of public housing have access and are trained to use internet at home for \$10/month or less.
- There should be fewer hurdles to evicting problem tenants.

GENERAL PLAN ANALYSIS

Chapter 9 of the draft *2015-2023 Housing Element* details how the Housing Element is consistent with established City policies in the Oakland General Plan. Unlike many cities, Oakland's *Land Use and Transportation Element* (LUTE) already permits high density housing and mixed use developments on the main streets and commercial corridors—which is why this *Housing Element* shows the City can accommodate the 2015-2023 RHNA without any rezoning or General Plan Amendments. This is because 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 *2015-2023 Housing Element* and the City's ability to accommodate its regional housing allocation from ABAG.

ENVIRONMENTAL DETERMINATION

Consideration of the draft Housing Element update is not a project under CEQA. The CEQA analysis for the *2015-2023 Housing Element* is underway. A completed CEQA document will be publicly available prior to the City's adoption of the final *2015-2023 Housing Element*.

HOUSING ELEMENT ADOPTION PROCESS

Following State law, the City of Oakland proposes to adopt the *2015-2023 Housing Element* as a part of the City's General Plan. The draft *2015-2023 Housing Element* would be adopted by the City Council

subsequent to the review and recommendation of the City Planning Commission. The City anticipates bringing the proposed *2015-2023 Housing Element* to the Planning Commission in September of 2014. Pending the recommendation by the Planning Commission, a public hearing at the City Council for adoption of the *2015-2023 Housing Element* would be scheduled for November 2014, to meet the State deadline of having an adopted *2015-2023 Housing Element* by January 2015.

RECOMMENDATION

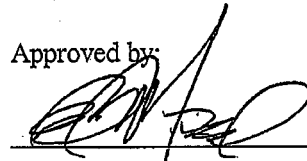
Staff recommends that the Planning Commission review and provide comments on the *2015-2023 Housing Element* and direct staff to return with a final *2015-2023 Housing Element* for adoption in the fall of 2014.

Prepared by:



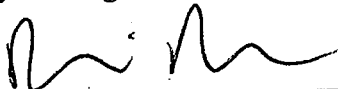
Alicia Parker
Planner II

Approved by:



ED MANASSE
Strategic Planning Manager

Approved for forwarding to the
City Planning Commission:



DARIN RANELLETTI
Deputy Director, Bureau of Planning

Attachments:

- A. Draft 2015-2023 *Housing Element*
- B. Table 4-2 "Actual Housing Production, 2007 to mid-2008 and Balance of Sites to be Provided"
- C. Map of Housing Opportunity Sites (Figure C-6)
- D. Implementation Program
- E. Summary of Specific Plan Housing Related Comments

Attachment A

Direct website link to the **2015-2023 *Housing Element*** (for downloading):

<http://www2.oaklandnet.com/oakcal/groups/ceda/documents/report/oak046882.pdf>

2015-2023 *Housing Element* Project webpage:

<http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/OAK045364>



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ATTACHMENT B

AGENDA REPORT

TO: FRED BLACKWELL
CITY ADMINISTRATOR

FROM: Rachel Flynn

SUBJECT: Draft 2015-2023 Housing Element

DATE: May 15, 2014

City Administrator
Approval

Date

5/22/14

COUNCIL DISTRICT: Citywide

RECOMMENDATION

Staff recommends that the City Council receive:

An Informational Report On The Draft 2015-2023 Housing Element Of The Oakland General Plan

EXECUTIVE SUMMARY

Staff has prepared this informational report to inform the City Council about the availability of the Draft 2015-2023 Housing Element (See *Attachment A*). This report describes the framework for the preliminary comprehensive citywide housing policy. Staff is currently seeking public comment on this draft and will submit the draft to the California Department of Housing and Community Development for a preliminary review in early July 2014.

BACKGROUND/LEGISLATIVE HISTORY

The Housing Element is one of the required elements of Oakland's General Plan. The *2015-2023 Housing Element* is an eight-year blueprint for housing in Oakland, at all economic levels, including low income households and households with special needs.

State law requires local governments to adequately plan to meet their existing and projected housing needs. Under state law, Housing Elements must be updated every four to eight years. (The previous Housing Element was adopted in 2010 for the 2007-2014 planning cycle.) The contents are established by state law and must include measurable objectives. The Housing Element update is subject to certification by the State of California.

Item: _____
Community and Economic Development Committee
June 10, 2014

Once the *2015-2023 Housing Element* is found to be in compliance by the State Housing and Community Development Department and the City submits its annual report on time, the City and other entities operating within the City are eligible to apply for critical regional and state funds (e.g. BEGIN Program, Infill Infrastructure Grants, Housing Related Parks Program, Local Housing Trust Fund, CDLAC Single Family Home Program, I-Bank and ISRF Programs, the HELP Program, and MTC One Bay Area Grant Program). The Housing Element provides a forum to define community goals for housing including the types of housing to be built and the priorities for spending housing dollars. It also provides an opportunity to incorporate ongoing housing policy discussions.

The foundation for the draft *2015-2023 Housing Element* is an inventory of sites suitable for residential development in Oakland, and a determination of whether the housing potential on land suitable for residential development is adequate to accommodate Oakland's Regional Housing Needs Allocation (RHNA). This is a state-mandated requirement that all California cities provide for their fair share of the regional housing need for all income levels. The State of California has determined the need for 187,990 new housing units in the 9-county Bay Area for the years 2015-2023, and RHNA "assignments" for each city are determined by ABAG. The draft *2015-2023 Housing Element* also identifies constraints which make it difficult to produce housing in Oakland.

Oakland is required, under the RHNA, to plan for 14,765 new housing units between the years 2015 and 2023 in its update of the Housing Element. Of this total, 2,059 should be affordable to very low-income households, 2,075 to low-income households, 2,815 to moderate-income households, and 7,816 to above moderate-income households. The City is required to provide the land capacity for these units (through zoning and development regulations), but is not required to build the units or otherwise guarantee their construction. Market conditions and limited availability of subsidies prevent many cities from actually achieving their RHNA targets.

Cities implement their housing elements through regulatory tools such as zoning housing programs and through daily decisions by staff, the Planning Commission and City Council about housing development, and housing programs. Oakland operates a number of housing programs targeted to lower income homeowners and renters, and works with various non-profit community organizations and service providers to facilitate the development and preservation of housing options for all Oakland residents.

RECENT CHANGES TO STATE LAW

Senate Bill (SB) 375, the Sustainable Communities and Climate Protection Act, which was adopted in 2008, strengthened coordination between regional housing allocation and transportation planning. Under SB 375, the Metropolitan Transportation Commission (MTC) is required to incorporate a Sustainable Communities Strategy (SCS) into the Regional Transportation Plan (RTP). The SCS is intended to achieve greenhouse gas (GHG) emission reductions. To that end, regional housing allocation planning should be designed to achieve GHG emission reduction goals by developing efficient land-use strategies such as infill, mixed-use, and/or downtown revitalization strategies, promoting and incentivizing a variety of housing types affordable to the workforce and households with lower incomes, and addressing climate change by reducing vehicle miles traveled. Additionally, SB 375 amended the RHNA schedule and strengthened rezoning requirements. Non-attainment Metropolitan Planning Organizations (MPOs) (of which the Bay Area's Metropolitan Transportation Commission is one) must adopt an RTP every four years. RHNA and housing element schedules must be coordinated with every other RTP, requiring housing elements be updated every 8 years, no later than 18 months after RTP adoption.

In an effort to meet overlapping objectives of SB 375 and Housing Element law, ABAG adopted "Plan Bay Area" with the following objectives:

- Increase supply, diversity and affordability of housing;
- Promote infill development and more efficient land use patterns;
- Promote intraregional relationship between jobs and housing;
- Protect environmental resources; and
- Promote socioeconomic equity.

The Plan Bay Area's strategy is to meet the region's housing need in Priority Development Areas (PDAs). PDAs are transit- and service-rich neighborhoods that offer a wide variety of housing options and amenities such as grocery stores, community centers, and restaurants. Oakland has identified six areas of the City that fit these criteria, or have plans to improve its infill development capacity in these areas. The One Bay Area Grant program (OBAG) operated by MTC will focus transit investment to jurisdictions that embrace infill housing and development planning. OBAG funding will take into account local jurisdictions' past housing production and housing production during the 2015-2023 RHNA planning period, for both market rate and affordable housing units constructed. The OBAG program also emphasizes the importance of planning for housing by requiring that a jurisdiction has a Housing Element certified by the California Department of Housing and Community Development (HCD) to be eligible for funding. In 2013, Oakland received \$20 million in transit investment for five projects located in PDAs. The City's Housing Element policy goals are designed to align with Plan Bay Area's objectives.

Item: _____
Community and Economic Development Committee
June 10, 2014

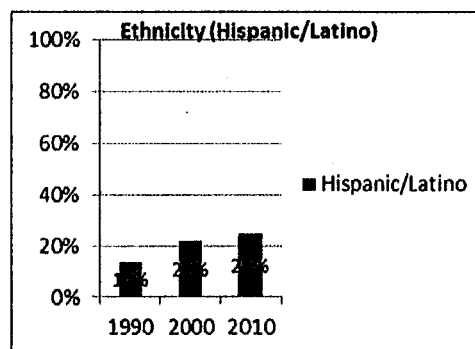
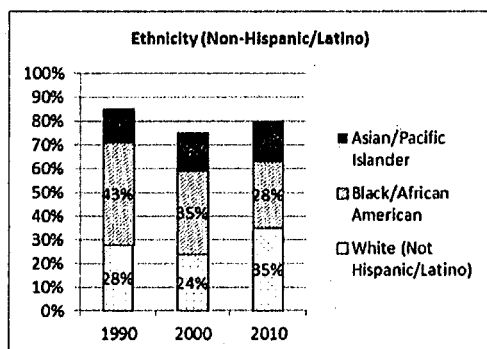
ANALYSIS

The last three decades have brought significant changes to Oakland. Before 1980, Oakland had experienced three decades of population decline due to changes in the local economy, migration to suburban communities, and other factors. Since 1990, Oakland has experienced growing interest as a place to live and work. In recent decades the San Francisco Bay Area has been the focal point of significant economic development and investment in the technology sector. In the early 2000s this resulted in significant constraints on housing in areas located near Silicon Valley (San Mateo County and San Francisco City and County). The bursting of the housing bubble and resulting foreclosure crisis and economic slowdown after 2008 resulted in a decline in housing demand and costs both in rental and ownership units in Oakland. A resurgence in the technology sector in recent years has resulted in another period of high housing demand that has spilled over to other regional cities including Oakland. One indicator of the regional nature of housing demand is the "Google Bus" phenomenon. Information technology companies provide free luxury coach bus shuttles from Bay Area cities to their corporate campuses in Silicon Valley. Those busses now have pick-up locations at four Oakland locations (including three BART stations). Murmurs of the regional impact of housing demand on the City of Oakland are starting to become visible in ways such as higher demand and increased costs of rental and ownership housing in the City.

Assessment of Existing Housing Market Conditions

Population Characteristics

Since at least the 1940s, Oakland has had a significantly higher percentage of African American, Asian and Hispanic residents than other cities of similar size. However, the most significant change in Oakland's population since 2000 has been a decrease in the number and the proportion of residents who identified themselves as Black/African-American. Between 2000 and 2010, Oakland's African American population declined by 22 percent. In comparison, during that same time, the White population increased by 44 percent, Asian/Pacific Islander population increased by 9 percent, and the Hispanic/Latino population increased by 13 percent.



The 2010 Census also showed that the number of households in Oakland has grown, but there has been a decline in the average household and family size. The average household size declined from 2.6 in 2000 to 2.49 in 2010. Similarly, the average family size also decreased, from 3.38 to 3.27. Of Oakland's family households with children (22,818), nearly one third (32 percent) are female-headed households. Female-headed households with children have slightly declined from 14,932 to 12,173 between 2000 and 2010. Among Female Headed Households, 55% live below the Poverty Level. Single-parent male-headed households increased from 3,298 in 2000 to 3,627 in 2010. Although household and family sizes are trending downward, they are still significant, which suggests that Oakland should plan for more housing to address the shortage of affordable housing for large families. According to the 2000 Census, there were 11,365 renter households with five or more persons, but only 2,341 rental units with four or more bedrooms (data for number of bedrooms in housing units is not available in 2010 U.S. Census data).

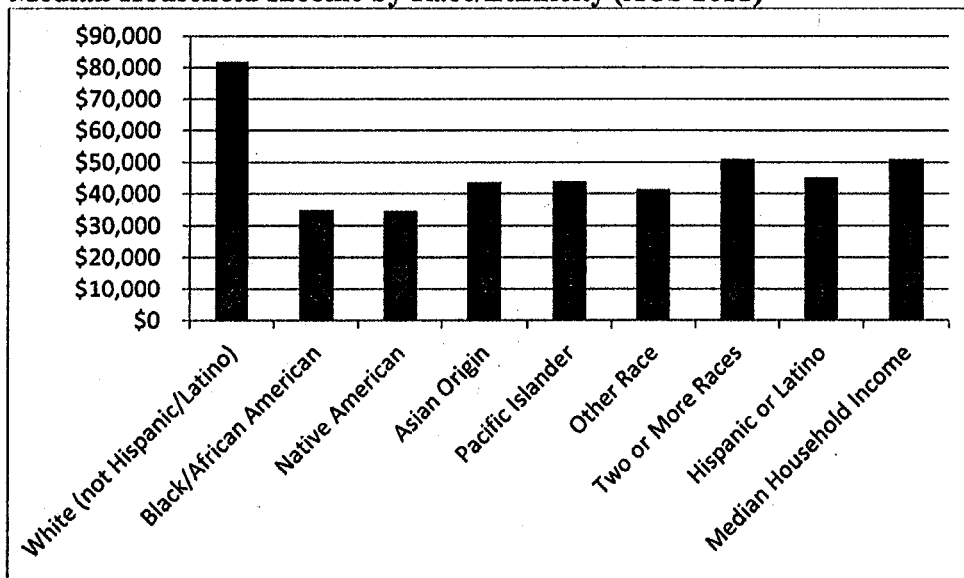
The senior citizen population increased from 41,788 to 43,449 between 2000 and 2010; a large percentage of seniors live alone and there are also a large percent of both owners and renters with incomes below 50% of the area median income. This trend suggests a continued and increasing need for affordable senior housing, especially rental housing for very low-income seniors, and a growing need for assisted care facilities so that seniors do not have to leave Oakland as they age. Even those seniors who do not need financial assistance may face limited choices for suitable housing if they choose to stay in Oakland. Approximately half of the homeowners in the City are over the age of 55, which may suggest an increasing need for financial assistance to lower-income seniors to make modifications for greater accessibility and mobility within and around the home, energy efficiency, and other home repairs and improvements that will allow seniors to live longer, independent lives in their present locations.

Oakland's homeless population has remained relatively constant since 2011, at 1,412 unsheltered homeless households. While the City of Oakland has a significant inventory of affordable housing, there are very long waiting lists for these units and most of them do not have supportive services or are not affordable to the current homeless population. Oakland's Permanent Access to Housing (PATH) Strategy contends that homelessness can be prevented or ended for these 1,412 households only by creating affordable and supportive housing units affordable to those with extremely low incomes. Further, resolving to end homelessness would require short-term subsidies for those who have obtained housing but are at risk of becoming homeless.

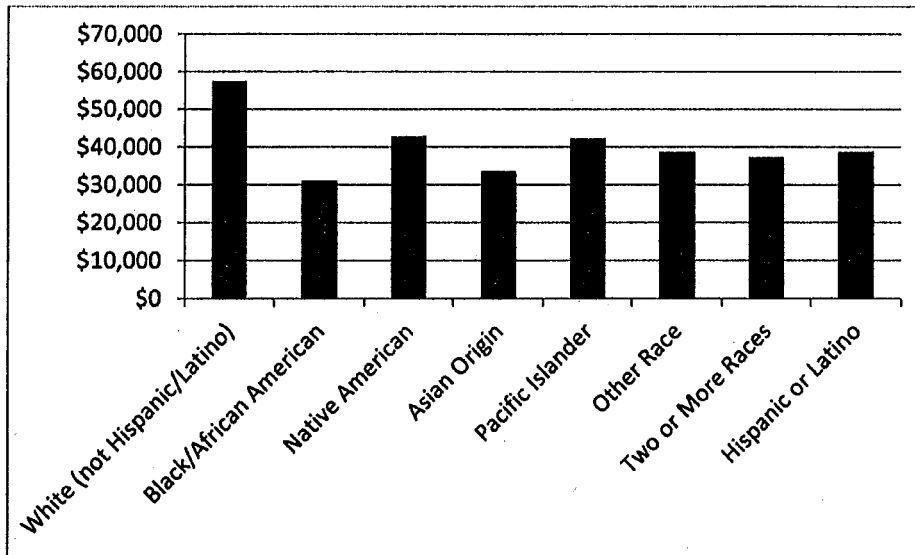
As of 2010, 59% of Oakland residents are renters, and 41% are homeowners. Over half of the City's households are very low- and low-income, virtually unchanged from the 1990 and 2000 Census. This is significantly above the countywide average of approximately 40 percent. If this income trend continues, the City is likely to experience a growing demand for assisted rental housing and first-time homebuyer assistance among low- and moderate-income family households, while non-family households may be better able to pay market costs for housing.

There are also significant disparities in income by race and ethnicity that have appeared in Oakland's demographics in 2011 compared to 2000. Households of White origin, who saw significant population gains between 2000 and 2010, had the highest median incomes in the City (in 2011 it was \$81,884 +/- \$2,961 compared to \$57,399 in 2000). Households of Asian or Hispanic or Latino origin saw modest population gains, however these households have significantly lower incomes (in 2011 it was \$43,834 +/- \$3,248 and \$45,233 +/- \$2,159 respectively compared to \$33,614 and 38,779 in 2000 respectively). Black/African American households, though their proportion of the population has declined, have among the lowest incomes in the City (in 2011 it was \$34,928 +/- \$1,488 compared to \$31,184 in 2000).

Median Household Income by Race/Ethnicity (ACS 2011)



Median Household Income by Race/Ethnicity (Census 2000)



Oakland's Housing Characteristics

Nearly half of Oakland's housing stock consists of single-family detached units (78,084 detached units) and more than 75% of all Oakland units were built prior to 1979. However, new construction is generally multi-family (townhomes, condos, apartments and lofts).

According to the City's annual rent survey, the estimated median rent in 2012 for a one-bedroom was \$1,095 and \$1,350 for a two-bedroom. The annual rental survey was not completed in 2013. Recent anecdotal evidence indicates that market rents have increased in Oakland according to an article in the *San Francisco Chronicle*¹ and based on data from RealFacts (a company that aggregates market rental data nationally). It is reported that the average rental rates for Oakland increased 10.3% from 2012 to 2013 to an average of \$2,124 (the type of unit was not noted in the article though it is assumed that it is an average of all types of units). RealFacts.com data is limited to a very specific market area that may not tell the story for what is happening in the entire City. Regardless, it is an indicator of an alarming trend of increased rental costs².

The median home sales price in 2013 shows that Oakland continues to rank among the lowest in ownership cost compared to other Bay Area cities. In recent years, this relative affordability has caused median home sales prices to grow at the highest rate among a sample of Bay Area cities. This illustrates that regional demand for housing is impacting the City's housing values. From

¹ Said, Carolyn, "Rents Soaring Across Region," *San Francisco Chronicle*, October 25, 2013.

² RealFacts data is based on 19 market rate buildings with 50 or more units located in the following zip codes: 94606, 94607, 94609, 94610, and 94612.

about 2008 to just recently, the financial crisis and resultant foreclosure crisis significantly impacted median home sales prices in all neighborhoods. As of 2013, the median sales prices by zip code ranged from \$153,000 to \$840,000.

Framework for a Citywide Housing Policy

A comprehensive citywide housing strategy is needed to ensure that the City protects housing resources in terms of availability and affordability for its existing and future residents, and ensures that intensification of existing neighborhoods is complimented by investment in public parks, infrastructure, and other important quality of life components. A comprehensive housing strategy is proposed to address the community's concerns regarding the following housing-related issues:

- I. Displacement of long-time residents;
- II. Foreclosure fall out;
- III. Community benefits;
- IV. Fostering market-rate housing as well as affordable housing; and
- V. Housing equity roadmap.

I. Displacement of Long-Time Residents

Preventing displacement of long-time residents is an important policy objective for the City of Oakland given the City's changing demographics (i.e., an influx of population with higher incomes) and the increasing cost of rental rates and home prices. As the City implements its recently completed Specific and Area Plans, there is the potential for displacement of low income and/or communities of color following reinvestment in their communities as an unintentional outcome. Displacement jeopardizes existing residents' ability to remain in the neighborhoods due to increased housing costs and insufficient access to employment opportunities. Further, the shift toward wealthier, more highly educated residents and higher-end businesses and increasing property values, sometimes at the expense of poorer residents, could also result from reinvestment in the neighborhoods (and surrounding areas) undergoing specific planning processes (i.e., West Oakland, Broadway Valdez, Coliseum, and Lake Merritt).

The City has a number of existing programs to address displacement, presented below.

Strategic Initiatives

This new unit within the City's Housing and Community Development Department identifies the City's priority housing and community development challenges and develops innovative solutions utilizing policy, program, and public/private partnership strategies. Examples of initiatives recently launched by Strategic Initiatives include:

- Housing Assistance Center, a one-stop center to address the housing problems of vulnerable residents;

Item: _____
Community and Economic Development Committee
June 10, 2014

- Comprehensive foreclosure prevention strategies and programs;
- Proactive new policy and program addressing defaulted and foreclosed properties, as well as subsequently owned investor properties;
- Community buying program to transform abandoned properties into new affordable housing; and
- International Boulevard equitable development initiative prioritizing anti-displacement strategies of long-time residents and businesses in a new Transit-Oriented-Development Corridor.

Housing Programs

The City of Oakland's housing programs support and fund housing rehabilitation, provide assistance to first time home buyers, help fund housing development, and provide other miscellaneous housing services for low and moderate-income households through:

- Housing rehabilitation programs;
- First-time home buyer programs;
- Housing development programs to construct or rehabilitate affordable housing;
- Programs to provide assistance to Oakland residents, including homeless; and
- Funds that assist non-profit service providers to support Oakland residents in a variety of housing related activities.

Tenant Protections

The City's residential Rent Adjustment Program limits rent increases to once per year at an amount equal to the average annual percentage increase in the Consumer Price Index (CPI). This ensures stability in rental rates for existing tenants. Also, the City's Just Cause for Eviction Ordinance helps to ensure tenants are not subject to eviction motivated by a rental property owner's desire to increase rents.

Residential Lending Programs

The Residential Lending Division of the City's Department of Housing and Community Development provides technical and financial assistance for repairs to owner-occupied homes and grants for accessibility modifications to owner-occupied and rental properties in the 1-4 unit size category. Residential Lending Division loans (as well as limited grants) provide valuable financing and are used to make accessibility improvements to allow individuals with disabilities access, to enable the community's seniors to age in place, and to conduct lead paint remediation that allows young children to grow up without the threat of lead poisoning. These programs allow low to moderate income households a chance to remain in their homes, lessening instances of displacement of residents, while still improving the housing stock and supporting neighborhood reinvestment. The Residential Lending Division provided 288 loans/grants during FY2012-13 throughout the City.

Item: _____

Community and Economic Development Committee
June 10, 2014

First Time Homebuyer Assistance

Mortgage Assistance Programs provides deferred payment second mortgages to low and very low income homebuyers. The City develops new and rehabilitates existing ownership housing units for purchase at affordable prices to low income families through collaboration with nonprofits such as Habitat for Humanity, Oakland Community Land Trust, and East Bay Asian Local Development Corporation.

Other programs provided by the City and by organizations, such as the Unity Council, with whom the City has developed partnerships, include counseling and education for first-time homebuyers.

Affordable Housing Development

Staff implements the City's annual Notice of Funding Availability (NOFA) process to make competitive funding awards for affordable housing projects. The City-funded and former Redevelopment Agency-funded portfolio includes approximately 133 projects with roughly 6,150 units to ensure proper management and maintenance and compliance with rent and income limits. There are other assisted housing units in the City that are not City or Agency-funded (but that do not include properties owned or managed by the Oakland Housing Authority or related entities). Counting those units there are a total of approximately 10,875 units.

Except for a minor predevelopment loan program, funding awards are made on a competitive basis, with ranking criteria including development and management experience of the development sponsors, location near transit and service/retail amenities, income levels served, and environmental/sustainability measures incorporated.

Condominium Conversion

Preservation of the existing housing stock is achieved through various regulatory tools, including Condominium Conversion regulations and development standards. The city's Condominium Conversion Ordinance addresses the conversion of rental units to ownership condominiums. The Condominium Conversion "Area of Primary Impact" could be extended to strategic locations throughout the City experiencing intense development pressure (such as in the Specific Plan areas) which would require rental housing that is converted to condos to be replaced (in the area). This would help to ensure a balance between rental and ownership housing in these locations. Limitations on condominium conversions will help preserve existing rental housing and prevent displacement. Possible impacts of extending the Area of Primary Impact would be studied prior to adopting an extension.

II. Foreclosure Fall Out

In October 2012, the City launched its foreclosure prevention and mitigation initiative that included community outreach and referral, homeowner and tenant counseling services, homeowner and tenant legal services, a City escalation team, and the Restoring Ownership

Item: _____
Community and Economic Development Committee
June 10, 2014

Opportunities Together (ROOT) Loan Fund. While Oakland has seen a significant decrease in foreclosure activities over the last year, and the prevention and mitigation efforts undertaken by the City and community partners have resulted in favorable outcomes for many Oakland households threatened by foreclosure activities, Oakland neighborhoods continue to experience the negative impacts of the foreclosure crisis. These negative impacts include public health hazards, deteriorated housing conditions, neighborhood destabilization resulting from abandonment and negligent property maintenance, and difficulties with banking entities that have large defaulted and foreclosed portfolios that are not complying with the intent of the January 2013 California Homeowner Bill of Rights, the purpose of which was to ensure fair lending and borrowing practices.

City staff implements various programs targeting these issues that are detailed in the City's Annual Action Plan to HUD (funded by CDBG, NSP, and program income from blight abatement program enforcement), including:

- Door-to-Door Foreclosure Prevention Outreach;
- Foreclosed Properties Blight Abatement Program;
- Foreclosure Counseling and Prevention;
- City's Neighborhood Stabilization Program (NSP) program (including investments into the Oakland Community Land Trust and Pre- and Post-Purchase Homebuyer Counseling); and
- ROOT Loan Fund Program.

New efforts include broader strategies such as a program to purchase distressed mortgage notes and a Community Buying program to purchase properties for home preservation or new affordable housing opportunities.

III. Community Benefits

Throughout the Specific Plan community involvement processes, as well as the initial public review of the *2015-2023 Housing Element*, the City has received numerous comments regarding community benefits. Residents expressed a strong interest in improving the quality of life for existing and future residents as the City becomes more dense. Residents valued community benefits such as investment in affordable housing, public infrastructure (streets and sidewalks), public spaces (plazas, parks and community centers) and social programs (childcare and jobs programs) and felt that the City must establish a mechanism for making developers contribute to community benefits. The City has proposed exploring options around Housing Incentive Zoning and an affordable housing impact fee to address community benefits.

Housing Incentive Zoning

The City has proposed Action 1.1.5 in the *2015-2023 Housing Element* which introduces housing incentive zoning as a potential way to address the provision of community benefits in concert with new development. Housing Incentive Zoning could provide a package of incentives to developers who include affordable housing and other community benefits in their projects. Housing Incentive Zoning is one tool for achieving community-identified benefits, such as affordable housing. The City will explore the feasibility of developing Housing Incentive Zoning that would target those areas throughout the City that are primed for development, and could most likely provide affordable housing and other community benefits.

The areas to be mapped with Housing Incentive Zoning could include some or all of Oakland's Priority Development Areas (PDAs). These are neighborhoods within walking distance of frequent transit service, offering a wide variety of housing options, and featuring amenities such as grocery stores, community centers, and restaurants. Given the importance of Federal Low Income Housing Tax Credits (LIHTC) in financing affordable housing, identifying which sites are good candidates for such tax credits would assist with addressing the affordable housing targets. Sites most competitive to receive tax credits are those sites in close proximity to transit and services, such as grocery stores and medical services, which are present in many of the City's PDAs. The Association of Bay Area Government's *Plan Bay Area* helps fund mixed-income housing production and locally-led planning in PDAs, further leveraging investment in these areas.

It is important that the City develop a carefully crafted bonus and incentive program that results in clear benefits for the community while not discouraging development. The program would need to offer bonuses and incentives that make sense in the marketplace, so that developers actually make use of them and the desired benefits or amenities are attained. For this reason, the economic feasibility of development must be a determining factor in arriving at the trade-off between development bonuses and incentives, and the amount of community benefits to be provided by a developer. The feasibility analysis will be a key component of any Housing Incentive Zoning process and will need to identify an appropriate method for allowing additional heights or density in exchange for the provision of affordable housing and other community benefits.

Affordable Housing Impact Fee

The provision of affordable housing choices is a concern and goal for the City of Oakland and must be addressed comprehensively, on a citywide basis. Action 2.7.2 of the *2015-2023 Housing Element* calls for the City to consider implementing an affordable housing impact fee. Impact fees are a commonly used method of mitigating the impacts of new development. An Affordable Housing Impact Fee is typically a per unit or per square foot fee levied on market rate housing and/or commercial development that can be used to build affordable homes. The rationale for an affordable housing fee is based on the premise that every person who moves into a market-rate home, or operates a business in a commercial development, will generate a need for services

typically provided by employees who are paid less than the median income, such as hair dressers, coffee baristas, gardeners, healthcare workers and preschool teachers. In order to fund "workforce" housing for these residents, subsidies are often required to make new affordable housing development viable. A Housing Impact Fee could be one source of those subsidies. The City of Oakland is planning to commission a nexus study to determine if an affordable housing impact fee is supportable, given current market conditions, and if so, what an appropriate fee structure would be given the housing demand and investment activity. Adoption of an affordable housing impact fee requires a nexus study, the purpose of which is to quantify the impacts of development. The Mitigation Fee Act specifies procedures for the adoption of impact fees, which include public notice and a public hearing, and adoption by ordinance or resolution by a majority of the legislative body (e.g., Oakland City Council). Impact fees are usually imposed either jurisdiction-wide or in other relatively large areas anticipating significant amounts of new development.

The affordable housing impact fee will be considered along with impact fees for transportation and capital improvements to mitigate impacts on City infrastructure and services while balancing the costs to support new development. The City will be issuing a Request for Proposals (RFP) during the Housing Element planning period for an impact fee study that will consider transportation, infrastructure, and affordable housing.

IV. Market Rate Housing Strategy

The City is committed to fostering the development of market rate housing in addition to affordable housing. To this end, the City is proposing the following initiatives: implementation of the recently completed Specific and Area Plans, expansion of the micro-living quarter regulations and modification of the secondary unit regulations, each of which is discussed below.

Specific and Area Plan Implementation

Over the past several years, the City has invested significant resources into developing Specific and Area Plans that will guide development in various neighborhoods over the next twenty years. The City's Strategic Planning Division initiated four Specific Plans and one Area Plan during the *2007-2014 Housing Element* period, which identify housing policies specific to their study areas: Lake Merritt Station Area (Specific) Plan, Broadway Valdez Specific Plan, West Oakland Specific Plan, Coliseum Area Specific Plan, and Central Estuary Area Plan. Each Plan included extensive community outreach processes and has resulted in specific zoning proposals. These Specific and Area Plans will facilitate the construction of nearly 17,000 new housing units in the City of Oakland with the goal that at least 15% of the new units are affordable.

The approval of the Specific and Area Plans will provide these substantial housing gains in two respects: environmental clearance and community buy-in for future housing projects. An environmental impact report was prepared for each Plan, which significantly streamlines future environmental review for projects that are consistent with the development density established

Item: _____
Community and Economic Development Committee
June 10, 2014

by the specific plan and zoning regulations. Each planning process involved extensive community participation which culminated with significant community buy-in to the policies and development framework outlined in the plans, thus minimizing possible community opposition to future housing development projects.

Expansion of Micro-Living Quarters

Micro-living quarters are defined in the Oakland Planning Code as "a multiple-tenant building with an average net-floor area of 175 square feet but a minimum size of 150 square feet. Bathroom facilities are included within each living quarter but cooking facilities are not allowed within each living quarter. A shared kitchen is required on each floor, the maximum number units are not prescribed but the size of the units and the FAR shall dictate the limits." Currently, these facilities may only be located in the Micro Living Quarters Pilot Program Area in the area bound by the Broadway, 26th Street, Valdez Street, and 23rd Street rights-of-way and are permitted upon the granting of a Conditional Use Permit. As this housing type has gained in popularity, the City will consider expanding the pilot program to the entire downtown area.

Modification of Secondary Unit Regulations

Action 3.1.7 of the 2007-2014 Housing Element calls for the City to encourage the construction of new Secondary Units and the legalization of existing non-conforming Secondary Units to bring those units into compliance with current zoning and building standards. Action 1.4.1 of the 2007-2014 Housing Element calls for the City to explore parking solutions to enable broader application of the Secondary Unit regulations. In response, the specific planning process for the West Oakland Specific Plan has proposed revisions to the Secondary Unit regulations. The Secondary Units regulations (in West Oakland only) will be relaxed to: 1) eliminate the existing requirement for a separate non-tandem parking space; and 2) eliminate the current prohibition on Secondary Units in the rear setback. These zoning changes will allow Secondary Units in the side and rear setback, as long as the structure doesn't exceed existing size limits and can meet all the same standards that allow a garage or accessory structure in the same location. Depending on the success of these changes, a similar relaxation of parking and/or secondary unit standards could be applied citywide.

V. Housing Equity Road Map

The City's Department of Housing and Community Development's Strategic Initiatives Unit will produce the Housing Equity Roadmap that will complement the Housing Element. The Housing Equity Roadmap will provide an analysis of housing trends, priority problems, and proposed targeted policy or programmatic solutions. Additionally, the Roadmap will go into more depth on new housing policy initiatives based on Oakland-specific issues and an analysis of best practice policies from other jurisdictions facing similar housing affordability and displacement issues. Anticipated problems and opportunities to be addressed in the Roadmap include:

- Production of new affordable housing;

Item: _____
Community and Economic Development Committee
June 10, 2014

- Preservation of existing ownership and rental housing that is currently affordable to residents;
- Improving the habitability conditions of existing housing; and
- Transforming abandoned properties into new affordable housing.

PUBLIC OUTREACH/INTEREST

An announcement of the preparation of the Draft *2015-2023 Housing Element* was presented to the public to gain feedback about the housing issues in Oakland and the effectiveness of existing housing policies. The Draft *2015-2023 Housing Element* was also presented to the public, as outlined below.

- I. The preparation of the Draft *2015-2023 Housing Element* was presented at the following advisory board meetings and public hearings :
 - February 19, 2014, City Planning Commission
 - March 5, 2014, Mayor's Commission on Aging
 - March 25, 2014, CED Committee
 - April 14, 2014, Mayor's Commission on Persons with Disabilities
- II. The Draft *2015-2023 Housing Element* was presented to City Planning Commission on May 7, 2014.
- III. A request for public comment was circulated via email and postings in newspapers and on the internet.
- IV. A discussion thread has been posted on the City's social media site, "Engage Oakland" since March, 2014.
- V. The City has received several letters in response to the housing element update.

Public comments received during the course of public outreach thus far are summarized in ***Attachment B***.

COORDINATION

Preparation of the Draft *2015-2023 Housing Element* has been a multi-department effort between the following City departments: Planning and Building, Department of Housing and Community Development, Economic and Workforce Development, Department of Human Services, and

Item: _____
Community and Economic Development Committee
June 10, 2014

Public Works. This report has been reviewed by the Office of the City Attorney and by the Budget Office.

COST SUMMARY/IMPLICATIONS

Adoption of the *2015-2023 Housing Element* update will have no direct fiscal impact to the City. However, having an updated Housing Element certified by the California Department of Housing and Community Development makes the City eligible for critical housing and transportation investments funded by various State and Regional entities.

SUSTAINABLE OPPORTUNITIES

Economic: The completed *2015-2023 Housing Element* update will include the identification of thousands of new units for affordable and market rate housing, subject to market conditions and the lending environment. The completed Housing Element will show housing developers where new housing could be built in the future.

Environmental: Many of the intended policies in the Housing Element (to comply with Senate Bill 375) will favor in-fill development and the identification of housing opportunity sites near major transit hubs and transportation corridors, thus improving environmental quality through reduced vehicle miles travelled.

Social Equity: There are significant social equity issues which would be addressed through the completion of the Housing Element. Primarily, the Housing Element will establish the policy and programmatic direction for the City in the building of housing for Oakland residents of all income levels.

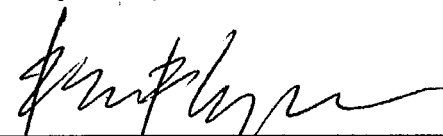
Item: _____
Community and Economic Development Committee
June 10, 2014

CEQA

Consideration of the draft Housing Element update is not a project under CEQA. The CEQA analysis for the *2015-2023 Housing Element* is underway. A completed CEQA document will be publicly available prior to the City's adoption of the final *2015-2023 Housing Element*.

For questions regarding this report, please contact Alicia Parker, Planner II, at (510) 238-3362.

Respectfully submitted,



RACHEL FLYNN
Director, Department of Planning and Building

Reviewed by:
Ed Manasse, Strategic Planning Manager
Bureau of Planning

Prepared by:
Alicia Parker, Planner II
Bureau of Planning

Attachments

- A. Draft *2015-2023 Housing Element*
- B. Public Comments Received To Date

Item: _____
Community and Economic Development Committee
June 10, 2014

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



September 12, 2014

Ms. Rachel Flynn, Director
Planning and Building Department
City of Oakland
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

Dear Ms. Flynn:

RE: Oakland's 5th Cycle (2015-2023) Draft Housing Element Update

Thank you for submitting Oakland's draft housing element received for review on July 16, 2014, along with revisions received on September 8 and 12, 2014. Pursuant to Government Code (GC) Section 65585(b), the Department is reporting the results of its review.

The Department conducted a streamlined review of the draft housing element based on the City meeting all eligibility criteria detailed in the Department's Housing Element Update Guidance. Our review was facilitated by communications with Ms. Maryann Sargent, Housing Development Coordinator and Mr. Devan Reiff, Planner III. In addition, the Department considered comments from East Bay Housing Organization and Building Industry Association of the Bay Area pursuant to GC Section 65585(c).

The draft housing element addresses most of the statutory requirements and represents a diligent effort to address housing element law and the community's housing needs. However, the following is still necessary to comply with State housing element law (GC, Article 10.6):

1. *Based on the information provided in subdivision (b), a city or county shall determine whether each site in the inventory can accommodate some portion of its share of the regional housing need by income level during the planning period... The number of units calculated pursuant to paragraph (1) shall be adjusted as necessary, based on the land use controls and site improvements requirement identified in paragraph (5) of subdivision (a) of Section 65583. (Government Code Section 65583(c)(1 and 2)).*

The City is currently revising its sites inventory to re-calculate the number of units on identified sites. Based on communications, the revised calculation will account for land use controls and site improvements such as assuming typically built densities. Once the element is revised to describe the methodology and to re-calculate the number of units on identified sites, it will address this statutory requirement.

ATTACHMENT C

2. *The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter.... (Government Code Section 65583(a)(4)).*

While zoning has been amended to permit emergency shelters without discretionary action, the element should also include a description of the appropriateness of the zone and capacity to accommodate the need for emergency shelters. For example, the element could include a general description of total acreage, typical parcel sizes, redevelopment potential, capacity for reuse to emergency shelters and proximity to services and transportation.

3. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7); Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone (Section 65583(a)(5)).*

Transitional and supportive housing must be permitted in all zones allowing residential uses and not be subject to any restrictions (e.g., occupancy limit) not imposed on similar dwellings (e.g., single family, multifamily) in the same zone. For example, transitional housing as a multifamily use in a multifamily zone must be permitted in the same manner as multifamily in the same zone. Likewise, supportive housing as a single family use in a single family zone must be permitted in the same manner as a single family use in the same zone.

Based on communications, the City is in the process of evaluating whether zoning is consistent with these requirements and the element will meet this statutory requirement once the element includes a discussion or program as appropriate.

As noted above, the City is currently working on addressing these requirements and once the element has been revised, it will comply with State housing element law. The Department recognizes the City's planning efforts, including the housing element and is committed to expeditiously work with the City to meet statutory requirements, including timelines for adoption.

To remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) the City must adopt its housing element within 120 calendar days from the statutory due date of January 31, 2015 for Association of Bay Area Governments localities. If adopted after this date, the City will be required to revise the housing element every four years until adopting at least two consecutive revisions by the statutory deadline (GC Section 65588(e)(4)). For information on housing element adoption requirements, visit our website at: http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

The Department appreciates the dedication of Maryann Sargent, Devan Reiff and Alicia Parker in preparation of the housing element. Working with them has been a pleasure and their attention to Oakland's planning, housing and community development needs is commendable. If you have any questions or need additional technical assistance, please contact me at (916) 263-7420.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. McDougall', with a stylized flourish at the end.

Paul McDougall
Housing Policy Manager

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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**ATTACHMENT E**

October 29, 2014

Ms. Rachel Flynn, Director
Planning and Building Department
City of Oakland
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

Dear Ms. Flynn:

RE: Oakland's 5th Cycle (2015-2023) Revised Draft Housing Element Update

Thank you for submitting Oakland's revised draft housing element received for review on October 22, 2014,. Pursuant to Government Code (GC) Section 65585(b), the Department is reporting the results of its review.

The revised draft element meets the statutory requirements of State housing element law. The housing element will comply with State housing element law (GC, Article 10.6) when the draft element with revisions are adopted and submitted to the Department, in accordance with GC Section 65585(g).

To remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) the City must adopt its housing element within 120 calendar days from the statutory due date of January 31, 2015 for ABAG localities. If adopted after this date, GC Section 65588(e)(4) requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent interests related to housing and community development and lower-income and special needs households. The City should make information regularly available and consider and incorporate comments where appropriate.

Once again, the Department appreciates the great efforts of Maryann Sargent, Devan Reiff and Alicia Parker in the housing element update process. The Department looks forward to receiving the adopted housing element. If you have any questions or need additional technical assistance, please contact Paul McDougall, of our staff, at (916) 263-7420.

Sincerely,

A handwritten signature in black ink that reads "Glen A. Campora".

Glen A. Campora
Assistant Deputy Director

**CEQA ADDENDUM
FOR
CITY OF OAKLAND HOUSING ELEMENT
(2015-2023)**

CASE FILE # GP14001

ATTACHMENT F to November 19, 2014 Planning Commission Report

A. INTRODUCTION

California state law requires all jurisdictions to prepare a Housing Element to their General Plan. The City of Oakland (City) has prepared a Housing Element for the planning period 2015-2023. Because adoption of the Housing Element as a General Plan Amendment by the Oakland City Council is a discretionary act, the Housing Element is considered a Project under the California Environmental Quality Act (CEQA)¹, and the City is the Lead Agency for the environmental review of the Housing Element. The purpose of this evaluation is to determine whether a Subsequent or Supplemental Environmental Impact Report (EIR) is needed to fully assess and evaluate the impacts of adoption and implementation of the *2015-2023 Housing Element (Housing Element)*. As detailed below, an Addendum (this document) is the appropriate CEQA document, and no Supplemental or Subsequent EIR is required.

Background

The *2015-2023 Housing Element* is a programmatic planning document which catalogues the housing programs and initiatives to address the needs for housing Oakland residents at all income levels. The *2015-2023 Housing Element* does not approve or authorize any particular development or project that will alter the environment. Rather, it outlines the need for, and commits the City to, plans and programs to advance the goals and policies of the *Housing Element*. Future work on some of those actions may be subject to CEQA, as described in this analysis.

Adoption of the *2015-2023 Housing Element* does not cause any new construction, nor does it directly impose other changes that would create significant environmental impacts. Any potential construction which may be affected by adoption of the *2015-2023 Housing Element* is neither more, nor less likely due to the *2015-2023 Housing Element*; and, at a minimum, no more likely to create a significant environmental impact than adoption of to the previous *2007-2014 Housing Element*.¹ Regardless, any such construction would be evaluated under CEQA at the time of the City's routine planning and building permitting process, such as Regular Design Review. Any such construction would also have to comply with existing policies and requirements in the City's General Plan and the City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval (SCA's). Therefore, impacts associated with the *2015-2023 Housing Element* would be less than significant.

Brief Overview of CEQA Approach and Summary Conclusions

On December 21, 2010, the Oakland City Council adopted the *2007-2014 Housing Element* and certified an EIR² for the *2007-2014 Housing Element*, which evaluated the environmental impacts of the goals, policies, and actions of the *2007-2014 Housing Element*. No legal actions were filed challenging the EIR, and thus it is presumed valid.

The policies and actions of the *2015-2023 Housing Element* are similar to and consistent with those included in several adopted City policy Documents which have previously undergone review pursuant to CEQA, resulting in certified/adopted environmental documents listed below:

- a) Land Use and Transportation Element (LUTE) EIR (1998);
- b) Open Space Conservation and Recreation Element Mitigated Negative Declaration (1996);

¹ In this Addendum, all references to the "project" are to the *2015-2023 Housing Element*, not to any individual strategy, policy, action or program of the City.

² State Clearinghouse Number 2009092065.

- c) Safety Element Negative Declaration (2004) and Addendum (2012);
- d) Historic Preservation Element EIR (1998);
- e) Noise Element Negative Declaration (2005);
- f) Bicycle Master Plan EIR (2007);
- g) Pedestrian Master Plan Mitigated Negative Declaration (2002); and
- h) Estuary Policy Plan EIRs (1999, 2006) and Supplemental EIR (2013).

Collectively, these CEQA reviews, along with the *2007-2014 Housing Element* EIR, are known as the "Previous CEQA Documents." No legal actions were filed challenging the Previous CEQA Documents, and thus they are presumed valid.

In addition, on November 3, 2008, the City Council adopted Standards Conditions of Approval/Uniformly Applied Development Standards via Ordinance No. 12899 C.M.S. to substantially mitigate environmental impacts/effects when applied to future projects. These Standard Conditions of Approval were revised, in part, in 2011, and continue to be imposed on development projects as Standard Conditions of Approval.

Since the City's certification and/or adoption of the Previous CEQA Documents, there have been no substantial changes in the City's policies that relate to actions in the *2015-2023 Housing Element*; and there is no new information, or a change of circumstances which would invalidate the Previous CEQA Documents. Moreover, the City has adopted new policies/regulations, including a Green Building Ordinance for private development (Ordinance No. 13040 C.M.S., adopted October 19, 2010) and revisions to the City's Standard Conditions of Approval (July, 2011), which further mitigate environmental impacts.

The City has also recently adopted several specific plans, including the West Oakland Specific Plan and the Broadway-Valdez District Specific Plan, and anticipates adopting the Lake Merritt Station Area Plan, each of which contain actions and policies that may help implement a number of the policies included in the *2015-2023 Housing Element*.

CEQA Approach

This Addendum will assess the extent to which changes that are proposed as part of the *2015-2023 Housing Element* may result in new significant environmental impacts or a substantial increase in the severity of significant impacts which were already identified in the Previous CEQA Documents.

The primary changes between the *2007-2014 Housing Element* and the *2015-2023 Housing Element* include changes to the policy context and additions to actions and policies, and changes to housing production goals to meet the Regional Housing Needs Allocation (RHNA), each of which is described below.

I. Policy Context Changes and Additions to Actions and Policies

Numerous factors contributed to the changes in the City's policy context, including changes to the City's leadership and administration, the dissolution of the City's Redevelopment Agency, and resulting changes in the City's approach to providing (and in particular, funding) housing programs. The City's current administration, in place since January 2011, has unveiled a "10K Two" housing initiative intended to attract 10,000 residents throughout the City, particularly along transit corridors. This has taken place

against the backdrop of the dissolution of all redevelopment agencies in the State of California. Prior to dissolution, Oakland Redevelopment Agency tax increment financing was the most significant source of funding for neighborhood improvement programs, including affordable housing and small business loans in Oakland. It is within this context that the City is addressing new policies and funding sources for its housing programs.

The City is rebounding from the loss of redevelopment and tax increment generated by redevelopment by allocating 25% of the tax revenue received from the State (called “boomerang funds”) to the City’s Affordable Housing Trust Fund. In addition to boomerang funds, the City also receives Federal HOME and CDBG funds that are allocated for housing. HOME funds are used primarily for housing development projects. CDBG funds are used for loans for rehabilitation of owner-occupied housing, capital and operating costs of shelters and other housing alternatives for the homeless, housing counseling, and fair housing services.

The City’s housing programs support and fund housing rehabilitation, provide assistance to first time homebuyers, help fund housing development, and provide other miscellaneous housing services for low- and moderate-income households. The majority of the City’s housing programs will remain in place; however, these programs will be operated on a much leaner budget. Funding for housing programs has been significantly reduced from the approximately \$23 million available from former Redevelopment Agency tax increment financing, to the current amount of approximately \$14 million (from boomerang funds, HOME funds, and CDBG funds).

In addition to boomerang funds, HOME funds and CDBG funds, the City has structured its policy environment to best position itself to receive One Bay Area Grant (OBAG) funds. The Association of Bay Area Governments (ABAG) adopted the Plan Bay Area strategy to better align transportation and housing planning. OBAG funds will be geared towards capital and infrastructure projects supporting infill development. Priority Development Areas (PDAs) have been identified throughout the City of Oakland which meet the Plan Bay Area’s criteria of being transit- and service-rich neighborhoods that offer a variety of amenities³. Much of the new policy context in the *2015-2023 Housing Element* relates to identifying strategies to target housing in PDAs.

Additionally, through the community outreach process undertaken as part of the *2015-2023 Housing Element* and the various Specific Plans that the City has adopted and/or anticipates adopting⁴, the City has received valuable feedback which has informed the development of new policies relating to limiting displacement of long-time residents, providing community benefits from new development, setting targets for affordable housing for new development and promoting market rate housing. In response, the City has identified the following initiatives: modifying the condominium conversion regulations, exploring the feasibility of public benefit zoning and an affordable housing impact fee, and implementing the Specific Plans.

In conducting the CEQA review, the City compared the 131 actions identified in the *Housing Element* (Chapter 7) against the content of the Previous CEQA Documents to determine which actions had already been analyzed (or “cleared”) under CEQA. Based on this comparison:

- 93 actions in the *Housing Element* (71% of the total) are identical or substantially similar (with new or revised language that does not change the substance of the action) to actions adopted in

³ In 2013, the City of Oakland received \$20 million in federal transportation grant funds for five streetscape projects.

⁴ The City adopted the Broadway-Valdez District Specific Plan, the West Oakland Specific Plan, and (anticipates) the adoption of the Lake Merritt Area Specific Plan in 2014.

the 2007-2014 *Housing Element* (and which were previously studied and cleared in the Previous CEQA Documents); and

- 38 actions in the *Housing Element* (29% of the total) were not expressly referenced in the Previous CEQA Documents, though the content of many of these actions is generally consistent with the goals and objectives included in other adopted City policies and existing practices. Table 1 provides a summary of the 38 actions. These actions are the subject of the CEQA analysis, below. As discussed below, of the 38 actions not expressly referenced in the Previous CEQA Documents, nine actions may require separate and/or future CEQA review because they are potential programs, which, if implemented, could have potential environmental impacts which will have to be studied during their specific adoption proceedings.

The modified policy context included in the 2015-2023 *Housing Element* does not introduce any new significant impacts not previously studied in the 2007-2014 *Housing Element* EIR.

Table 1. Actions in the 2015-2023 *Housing Element* Analyzed and Found to Cause No Significant Impacts

#	Action	Agency
Goal 1. Provide Adequate Sites Suitable for Housing for All Income Groups		
<i>Policy 1.1 Priority Development Areas Housing Program</i>		
1.1.4	International Blvd. Community Revitalization Without Displacement Incentive	Department of Housing & Community Development (DHCD) – Housing Assistance Center/Strategic Initiatives
1.1.5	Consider expanding the existing Micro-living quarters pilot program to the entire Downtown and Jack London Square PDA.	Bureau of Planning
<i>Policy 1.3 Appropriate Locations and Densities for Housing</i>		
1.3.1	Broadway Valdez Specific Plan (BVSP)	Bureau of Planning
1.3.2	Lake Merritt Station Area Plan (LMSAP)	Bureau of Planning
1.3.3	West Oakland Specific Plan (WOSP)	Bureau of Planning
1.3.4	Coliseum Area Specific Plan (CASP)	Bureau of Planning
1.3.5	Central Estuary Area Plan (CEAP)	Bureau of Planning
<i>Policy 1.4 Secondary Units</i>		
1.4.2	Secondary Unit – Setback Solutions	Bureau of Planning

#	Action	Agency
Goal 2. Promote the Development of Adequate Housing for Low- and Moderate-Income Households		
<i>Policy 2.1 Affordable Housing Development Programs</i>		
2.1.3	Utilize Public Housing Resources for New Development	Oakland Housing Authority
<i>Policy 2.2 Affordable Homeownership Opportunities</i>		
2.2.3	Foreclosure Mitigation Pilot Loan Program	DHCD – Housing Assistance Center/Strategic Initiatives
2.2.4	Community Buying Program	DHCD – Housing Assistance Center/Strategic Initiatives
2.2.5	Home Preservation Loan Program	DHCD – Housing Assistance Center/Strategic Initiatives
<i>Policy 2.7 Expand Local Funding Resources for Affordable Housing</i>		
2.7.2	Consider Implementing Mandatory and/or Voluntary Options for Developer Contributions to Affordable Housing Development by Conducting a Nexus Study and Economic Feasibility Study for Affordable Housing	DHCD and Bureau of Planning
2.7.3	Sale of City-Owned Property for Housing	Real Estate Department
2.7.4	Utilize 25% of the funds distributed to the City as a taxing entity under the Redevelopment dissolution and deposit them into the Affordable Housing Trust Fund (aka “Boomerang Funds”)	DHCD
<i>Policy 2.8 Rental Assistance</i>		
2.8.2	City of Oakland Rental Assistance Fund	DHCD – Housing Assistance Center/Strategic Initiatives
<i>Policy 2.9 PATH Plan for the Homeless</i>		
2.9.8	Sponsor-Based Housing Assistance Program	Oakland Housing Authority
Goal 3. Remove Constraints to the Availability and Affordability of Housing for All Income Groups		
<i>Policy 3.4 Intergovernmental Coordination</i>		
3.4.2	Allocations of Project Based Section 8 Voucher Units	Section 8 Program

#	Action	Agency
Goal 4. Conserve and Improve Older Housing and Neighborhoods		
<i>Policy 4.2 Blight Abatement</i>		
4.2.6	Investor-owned Property Registration, Inspection and Maintenance Program	DHCD – Housing Assistance Center/Strategic Initiatives
<i>Policy 4.3 Housing Preservation and Rehabilitation</i>		
4.3.4	Scattered-Site Single Family Acquisition and Rehabilitation Program	DHCD – Housing Assistance Center/Strategic Initiatives
4.3.6	Rehabilitating Public Housing	Oakland Housing Authority
4.3.7	Proactive Rental Inspection Policy	DHCD – Housing Assistance Center/Strategic Initiatives
4.3.8	Mitigate Loss of Units Demolished by Public or Private Actions	DHCD and Bureau of Planning
4.3.9	Seismic Safety Retrofit Policy	DHCD; Bureau of Building
<i>Policy 4.4 Anti-Displacement of City of Oakland Residents</i>		
4.4.1	Consider Developing a Standard City Tenant Relocation Policy and Fund City Program Operations	DHCD – Housing Assistance Center/Strategic Initiatives
Goal 5. Preserve Affordable Rental Housing		
<i>Policy 5.1 Preservation of At-Risk Housing</i>		
5.1.5	Local Non-traditional Housing	Oakland Housing Authority
<i>Policy 5.7 Preserve and Improve Existing Oakland Housing Authority-owned housing</i>		
5.7.1	Rehabilitation of Public Housing Units	DHCD – Housing Assistance Center/Strategic Initiatives
Goal 6. Promote Equal Housing Opportunity		
<i>Policy 6.1 Fair Housing Actions</i>		
6.1.4	Housing Assistance Center	DHCD – Housing Assistance Center/Strategic Initiatives
<i>Policy 6.5 Accountability</i>		
6.5.1	Housing Element Annual Progress Report	DHCD; Bureau of Planning and Building

#	Action	Agency
Goal 7. Promote Sustainable Development and Sustainable Communities		
<i>Policy 7.2 Minimize Energy and Water consumption</i>		
7.2.1	Energy-Efficiency and Weatherization Programs	Environmental Services (PWA), with input from all agencies
7.2.3	Facilitate a community solar program	Bureau of Building
7.2.5	Promote Water Conservation and Efficiency	Bureau of Planning, Bureau of Building, Environmental Services
<i>Policy 7.3 Encourage Development that Reduces Carbon Emissions</i>		
7.3.3	Implement SB 375 Provisions, Direct New Housing To Be Built in Priority Development Areas	Bureau of Planning
7.3.4	Integrate Land Use and Transportation Planning in Major Residential Projects	Bureau of Planning
7.3.5	Encourage New Housing at a Range of Prices	Bureau of Planning
<i>Policy 7.4 Minimize Environmental Impacts from New Housing</i>		
7.4.6	Encourage Food Production	Bureau of Planning
<i>Policy 7.5 Climate Adaptation and Neighborhood Resiliency</i>		
7.5.1	Climate Change and the Planning process	Bureau of Planning
7.5.2	Climate Adaptation Strategies	Bureau of Planning, Bureau of Building, Environmental Services (PWA)

As stated above, 93 actions in the *2015-2023 Housing Element* are identical or substantially similar (with new or revised language that does not change the substance of the action) to actions adopted in the *2007-2014 Housing Element*. For details of how each of these 93 policies are evaluated under CEQA, see the *2007-2014 Housing Element* EIR and Initial Study⁵, as well as actions and policies included in the Previous CEQA Documents. The City considers the 93 actions that were referred to in the text of the Previous CEQA Documents to have been previously analyzed (“cleared”) under CEQA and are consistent with various policies and actions in the Previous CEQA Documents. Thus, these 93 actions do not represent a substantial change which would warrant further CEQA review, other than this Addendum.

Of the 38 actions that were not expressly referenced in the Previous CEQA Documents, 29 actions would have no significant impacts because, as described below, each are programmatic actions of the City; any construction or rehabilitation of new housing that occurs as a result of these programs and actions would

⁵ See the City’s website, for the Initial Study, <http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak025268.pdf>; for the EIR, <http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/dowd021317.pdf>

be subject to CEQA review and the City's Standard Conditions of Approval at the time of permitting, so their potential environmental impacts would be reduced to a less than significant level. Nine of the 38 actions not expressly referenced in the Previous CEQA Documents, and the impacts of each action, once it is taken, could vary depending on the specific content of the action. Details of each future plan/action are not known at this time, and are too speculative to analyze in detail, but the City's intent and goal will be to reduce environmental impacts through taking each action. Further consideration with respect to CEQA would need to be undertaken (or, in the cases of the adopted Specific Plans, have already been undertaken) as the actions are further independently developed. Table 2 provides a summary of these actions.

Table 2. Housing Element Actions That May Require Independent Review or Potentially be Subject to Future Review

Action 1.3.1	Broadway Valdez Specific Plan	EIR certified in June, 2014
Action 1.3.2	Lake Merritt Station Area Plan	EIR expected to be certified in November, 2014
Action 1.3.3	West Oakland Specific Plan	EIR certified in July, 2014
Action 1.3.4	Coliseum Area Specific Plan	EIR expected to be certified by March, 2015
Action 1.3.5	Central Estuary Area Plan	EIR certified in June, 2013
Actions 2.7.2 and 3.3.2	Development Impact Fee and "Nexus" study	Future CEQA review during adoption proceedings for the new policy or impact fee program
Action 4.3.9	Seismic Safety Retrofit Policy	Future CEQA review during adoption proceedings for the new policy or seismic retrofit program
Action 7.3.3	Implement SB 375 provisions, direct new housing to be built in Priority Development Areas	No impact would be created by the City's participation in regional planning discussions. Any regional plans developed by other agencies would be subject to future CEQA review.

II. Housing Production Changes

Table 3 compares the Regional Housing Needs Allocation (RHNA) for the 2007-2014 *Housing Element* with the RHNA for the 2015-2023 *Housing Element*.

Table 3 Actual Housing Production and Balance of Units to be Provided				
	2007-2014 Housing Element ¹		2015-2023 Housing Element ²	
	No. of units	No. of units	No. of units	No. of units
Regional Housing Needs Allocation	14,629		14,765	
Units Constructed		1,128*		61**
Units with Planning Approvals		5,005		4,470

(entitlements or funded with subsidies)				
Units Planned (site acquisition or pre-development)		7,070		3,468
Subtotal		13,203		7,999
Remaining units to be accommodated	1,426		6,766	
¹ Source: Public Review Draft Housing Element, Table 4-2, 2009. ² Source: Public Review Draft Housing Element, Table 4-2, 2014. *Units Constructed (1/1/07-6/08) **Units Constructed (1/1/14-3/27/14)				

The RHNA target for the *2007-2014 Housing Element* was 14,629 units, while the RHNA target for the *2015-2023 Housing Element* is 14,765 units; this represents a minimal difference of 136 units which, as discussed below, would be no more likely to create significant environmental impacts than those studied under the Previous CEQA Documents.

Summary Conclusions

The Previous CEQA Documents identified the potential environmental impacts and the associated Standard Conditions of Approval (SCAs) and Mitigation Measures designed to substantially reduce/eliminate such impacts that would result from adoption and implementation of the City's *2007-2014 Housing Element*. Implementation of the *2007-2014 Housing Element* would have allowed development of 13,501 units required to meet the RHNA target (14,629 RHNA total less 1,128 built units).

This Addendum evaluates the possible impacts of implementation of the *2015-2023 Housing Element*, which would plan for the development of 14,704 units required to meet the RHNA target (14,765 RHNA total less 61 built units). This Addendum demonstrates that no further/additional CEQA review is required, as none of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the *CEQA Guidelines*, including Public Resources Code Section 21166 and *CEQA Guidelines* Sections 15162 and 15163, are present, in that:

1. There are no substantial changes to the project that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the Previous CEQA Documents;
2. There are no substantial changes in circumstances that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the Previous CEQA Documents; and
3. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Previous CEQA Documents were certified/adopted, which is expected to result in: (a) new significant environmental effects or a substantial increase in the severity of significant environmental effects already identified in the Previous CEQA Documents; or (b) mitigation measures which were previously determined not to be feasible would in fact be feasible, or which are considerably different from those recommended in the Previous CEQA Documents and which would substantially reduce significant effects of the project, but the City declines to adopt them.

Thus, in considering approval of the *2015-2023 Housing Element*, the City can rely on the Previous CEQA Documents, and no further/additional CEQA review is required.

Furthermore, each as a separate and independent basis, the *2015-2023 Housing Element* is also exempt from CEQA pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, as the City finds and determines that:

- a) The project is consistent with the Land Use and Transportation Element (LUTE), for which an EIR was certified in 1998 via Resolution No. 74129 C.M.S.; The LUTE was amended in 2006 via Resolution No. 80209 C.M.S.;
- b) Feasible mitigation measures identified in the LUTE EIR were adopted and have been, or will be, undertaken;
- c) The LUTE EIR evaluated impacts peculiar to the project and or project site, as well as off-site and cumulative impacts;
- d) Uniformly applied development policies and/or standards (City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval) have been adopted and found, when applied to future projects, to substantially mitigate impacts. To the extent that no such findings were previously made, the City hereby finds and determines that the City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval imposed on the project substantially mitigate environmental impacts; and
- e) Substantial new information does not exist to show that the City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval will not substantially mitigate the project and cumulative impacts.

Project Description

The following provides a brief description of the *2015-2023 Housing Element*, including project location, setting, and objectives:

Location

The *Housing Element* applies citywide.

Setting

The City is located in northern Alameda County (County) on the east side of the San Francisco Bay (Bay). The City is bounded by the cities of Berkeley and Emeryville to the north, the City of San Leandro to the south, the East Bay Regional Park District to the east, and the City of Alameda to the west. The City is approximately 15 miles east of the City and County of San Francisco, and 90 miles southwest of the City of Sacramento. Interstate 80 (I-80) provides access to the City from the northwest, while Interstates 580 (I-580) and 980 (I-980) provide access from the southeast.

The City encompasses 56 square miles of land and 24 square miles of water, and is mostly urbanized. Topography is varied; portions of the City are rolling or hilly, with elevations within the City limits rising from sea level to 1,760 feet at Grizzly Peak.

More than a dozen named creeks traverse the City, generally flowing from the crest of the hills south, to the Bay. It has been modified extensively by past land filling activities and creation of a shipping channel between the City and the City of Alameda. The City also contains a number of lakes, including Lake

Merritt, Lake Temescal, and a portion of Lake Chabot. Most of the City's natural hydrology has been altered by urban development, including major flood control project that buried or culverted many of the flatland creeks.

The City includes a number of distinct plant and animal communities. Approximately 20 percent of the land area in the City limits can be characterized as non-urbanized woodland, brushland, grassland, or wetland. Most of the City's natural vegetation has been modified, first by redwood logging, then by grazing, agriculture, and planting of non-native species, and finally by urbanization. The City's natural landscape is complimented by an urban landscape that includes yards, street trees, gardens, and "urban" wildlife.

Most of the City's existing urban development is located on the coastal shelf, near the Bay and Estuary, which varies in width from two to four miles. The City contains a wide range of residential, commercial, industrial, public, and open space land uses. Residential areas vary from very dense neighborhoods, exceeding 25,000 persons per square mile, to semi-rural neighborhoods with one-acre lots. In the year 2010, the City had a population of 390,724.

Project Objectives

The purpose of a Housing Element is to identify current and projected housing needs, and to set goals, policies, and programs to address those needs. The *2015-2023 Housing Element* is an update to the Housing Element of the City's *General Plan*. The current *2007-2014 Housing Element* was adopted by the City Council, and was subsequently certified as legally adequate by the State Department of Housing and Community Development (HCD) in 2010. The *2015-2023 Housing Element* is a statement by the City of its current and future housing needs and proposed actions to facilitate the provision of housing to meet those needs at all income levels, and presents a comprehensive set of housing policies and actions to be taken between January 1, 2015 and June 30, 2023. The *Housing Element* satisfies the requirements of State law, and is consistent with the other elements of the City's *General Plan*, adopted in 1998.

The City must accommodate 14,765 new housing units between January 2014 and June 2023 to meet its "fair share" of the State's housing need. The allocation is equivalent to an annual need of 1,969 housing units for the seven-and-a-half-year planning period (2015-2023).

Of the 14,765 new housing units required by Oakland's Regional Housing Needs Allocation:

- 2,059 should be affordable to extremely low- and very low income households (those making below 50 percent of the median area income);
- 2,075 should be affordable to low-income households (those making below 80 percent of the median area income);
- 2,815 should be affordable to moderate income households (those making below 120 percent of median area income); and
- 7,816 should be market-rate units (or "above moderate income units").

The *Housing Element* includes plans and implementation strategies to meet the City's RHNA of 14,765 units of varying affordability. The following categories of housing production summarize how the City intends to meet its target:

Units Constructed. Since January 1, 2014, 61 units have been constructed. It should be noted that these units are part of the project and help satisfy the *Housing Element's* RHNA target; however, under CEQA, these already constructed units are regarded as part of the existing built environment and are, thus, part of

the setting against which new units (the remaining 14,704 units needed to meet the RHNA target) would be evaluated for their impacts.

Units with Planning Approvals. The *2015-2023 Housing Element* identifies that between January 2014 and March 2014, 4,470 units had planning approvals (entitlements) including 221 affordable units that were funded, but neither group has started construction.

Units Planned. During the same time period, there were 3,468 units in pre-development, including 221 affordable units, meaning those that had a formal zoning pre-application on file with the City's Planning and Zoning Division, or, in the case of the affordable housing units, with preliminary funding commitments or site acquisition assistance from the City.

Remaining Units. Based on these three stages of housing unit development, the City has identified more than half of the units, in specific projects that have been built, approved or proposed, to accommodate the units required to meet its RHNA. To make up the difference in number of units to meet the RHNA, and because many of these sites were developed or are proposed as market-rate projects, the City has also identified "opportunity sites" which are suitable for development of multifamily projects that could accommodate very-low, low-and moderate income housing as well as additional market-rate units.

The City has identified available "housing opportunity sites" capable of accommodating approximately 10,032 additional units. Most of these sites are zoned for multi-family development along major corridors, in the downtown, and in transit village areas, and thus could accommodate a range of income types depending only on the availability of adequate financial subsidies to make possible the development of units for very low, low and moderate income households. As indicated in the *Housing Element* Appendix C Table C-6, a majority of these opportunity sites have a density of at least thirty dwelling units per acre. There are a number of new sites in the *2015-2023 Housing Element* which were not analyzed in the Previous CEQA Documents. However, each of the new sites in the *Housing Element* were considered in either the Environmental Impact Reports for the Broadway-Valdez Area Specific Plan, the West Oakland Specific Plan and/or the forthcoming (Fall, 2014) Lake Merritt Station Area Plan.

As stated above, while the state requires the City to evaluate and plan to accommodate the projected housing needs, the *Housing Element* does not propose development of any residential units, nor does it requires that any residential units be constructed.

B. CEQA ANALYSIS

The content of the *2015-2023 Housing Element* is similar to the content of the *2007-2014 Housing Element*, which has previously undergone review pursuant to CEQA. An EIR for the *2007-2014 Housing Element* was approved and certified by City Council on December 21, 2010 by Resolution No. 83134 C.M.S. No legal actions were filed challenging the EIR, and thus it is presumed valid.

The policies and actions of the *Housing Element* are similar to and consistent with those included in several adopted City policy Documents which have previously undergone review pursuant to CEQA, resulting in certified/adopted environmental documents listed below:

- a) Land Use and Transportation Element (LUTE) – The City Council adopted the LUTE and certified an EIR for the LUTE in 1998 via Resolution No. 74129 C.M.S. The LUTE was amended in 2006 via Resolution No. 80209 C.M.S.;

- b) Open Space Conservation and Recreation Element (OSCAR) – The City Council adopted the OSCAR and a Mitigated Negative Declaration for the OSCAR in 1996 via Resolution No. 72723 C.M.S.;
- c) Safety Element – The City Council adopted the Safety Element and a Negative Declaration for the Safety Element in 2004 via Resolution No. 78915 C.M.S. The City Council adopted amendments to the Safety Element and an Addendum in 2012 via Resolution No. 83939 C.M.S.;
- d) Historic Preservation Element – The City Council adopted the Historic Preservation Element and certified an EIR in 1998 via Resolution No. 74403 C.M.S. The City Council adopted amendments to the Historic Preservation Element in 2006 via Resolution No. 80363 C.M.S.;
- e) Noise Element – The City Council adopted the Noise Element and a Negative Declaration for the Noise Element in 2005 via Resolution No. 79312 C.M.S.;
- f) Bicycle Master Plan – The City Council adopted the Bicycle Master Plan and certified an EIR for the Bicycle Master Plan in 2007 via Resolution No. 80959 C.M.S.;
- g) Pedestrian Master Plan – The City Council adopted the Pedestrian Master Plan and a Mitigated Negative Declaration for the Pedestrian Master Plan in 2002 via Resolution No. 77514 C.M.S.; and
- h) Estuary Policy Plan – The City Council adopted the Estuary Policy Plan and certified an EIR for the Estuary Policy Plan in 1999 via Resolution No. 75037 C.M.S. The City Council adopted amendments to the Estuary Policy Plan and certified an EIR in 2006 via Resolution 79982 C.M.S., and adopted further amendments to the Estuary Policy Plan and a Supplemental EIR in 2013 via Resolution No. 84442 C.M.S.

Collectively, these CEQA reviews, along with the *2007-2014 Housing Element* EIR, are known as the “Previous CEQA Documents.” No legal actions were filed challenging the Previous CEQA Documents, and thus they are presumed valid.

Since the City’s certification and/or adoption of the Previous CEQA Documents, there have been no substantial changes in the City’s policies that relate to actions in the *2015-2023 Housing Element*; and there is no new information, or a change of circumstances which would invalidate the Previous CEQA Documents. Moreover, the City has adopted new policies/regulations, including a Green Building Ordinance for private development (Ordinance No. 13040 C.M.S., adopted October 19, 2010) and revisions to the City’s Standard Conditions of Approval (July, 2011), which further mitigate environmental impacts.

The City has also recently adopted several specific plans, including Broadway-Valdez District Specific Plan, West Oakland Specific Plan, and anticipates adopting the Lake Merritt Area Specific Plan in December, 2014, which may help implement a number of the policies included in the *Housing Element*.

Statement of Overriding Considerations

On December 21, 2010, the Oakland City Council adopted the *2007-2014 Housing Element* and certified the EIR for the *2007-2014 Housing Element*. Included with the City Council’s certification of the EIR was a “Statement of Overriding Considerations” for these significant and unavoidable impacts, finding

that the benefits of adopting the *2007-2014 Housing Element* outweigh any significant unavoidable impacts, specifically, Transportation and Circulation impacts and Air Quality impacts. The text of that statement is included below verbatim, for reference:

“60. The Planning Commission finds that each of the following specific economic, legal, social, technological, environmental, and other considerations and the benefits of the Project separately and independently outweigh these remaining significant, adverse impacts and is an overriding consideration independently warranting approval. The remaining significant adverse impacts identified above are acceptable in light of each of these overriding considerations that follow. Each individual benefit/reason presented below constitutes a separate and independent basis to override each and every significant unavoidable environmental impact, and, when the benefits/reasons are viewed collectively, provide an overall basis to override each and every significant unavoidable environmental impact.

“61. The *2007-2014 Housing Element* establishes locations for future housing in Oakland, market rate and affordable, showing that the City can meet its RHNA obligations under state law, without the need for rezoning or General Plan Amendments.

“62. Adoption of the *Housing Element* will allow the City to pursue its stated goals, policies and objectives for improving the affordability and availability of housing for Oakland’s residents. Specifically,

- Provide Adequate sites suitable for housing all income groups (Goal 1)
- Promote the development of adequate housing for low and moderate income households (Goal 2)
- Remove constraints to the availability and affordability of housing for all income groups (Goal 3)
- Conserve and improve older housing and neighborhoods (Goal 4)
- Preserve affordable rental housing (Goal 5)
- Promote equal housing opportunity (Goal 6)
- Promote sustainable development and sustainable communities (Goal 7)
- Increase public access to information through technology (Goal 8)

“63. Adopting the goals, policies and objectives and programs of the *Housing Element* is essential if the City is to attempt to reduce the number of foreclosed homes, keep people in housing they currently own, and provide enough housing for all segments of its economic population, and continue to build housing that meets the precepts of high density on transportation corridors and near BART stations, as directed by the City’s *Land Use and Transportation Element*, the “Focus” program from ABAG, and numerous other regional development policies.

“64. Adopting the *Housing Element* goals, policies and actions is crucial for the continuation of the City’s existing affordable housing programs, and opportunities for Oakland to be considered for current and future grant monies available from the State of California, as these monies are allocated to jurisdictions that have a certified *Housing Element*.

“XIII. CEQA CLEARANCE FOR FUTURE HOUSING DEVELOPMENT PROJECTS

“65. Although not required under CEQA, the EIR also identified some ‘project-level’ and ‘cumulative’ significant and unavoidable impacts of development of residential housing under

the *2007-2014 Housing Element*, such as Air Quality impacts relating to odors and gaseous toxic air contaminants; and Traffic impacts related to identified roadway segments impacts, previously identified impacted intersections, at-grade railroad crossings impacts, and identified State Highway impacts, as discussed above. Although certain future housing projects would be required to perform additional studies and must follow the feasible recommendations resulting from such studies, no further CEQA review would be required for above-identified impacts, as such impacts have already been identified as Significant Unavoidable and a Statement of Overriding Considerations adopted. Thus, specific residential developments would not have to prepare an EIR and/or Mitigated Negative Declaration solely based upon such impacts/recommendations.

“66. The EIR also identifies project-level and cumulative Less than Significant Air Quality impacts (for greenhouse gas emissions, carbon monoxide, and diesel particulate matter), which might occur as a result of specific housing development, but which would not result in a significant impact under CEQA, as discussed above. Therefore, future residential development projects would result in less-than-significant impacts and would not be required to undertake project-specific (and cumulative) impact analysis under CEQA for these topics.”

Since the adoption of the Previous CEQA Documents, there have been no substantial changes in the City's policies that relate to actions in the *2015-2023 Housing Element*; neither has there been new information, or a change of circumstances which would invalidate the Previous CEQA Documents.

The present document, as an Addendum to the Previous CEQA Documents, demonstrates that no further/additional CEQA review is required to adopt the Oakland *2015-2023 Housing Element*. None of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines are present, including, without limitation, Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15163.

First, as documented below, the *2015-2023 Housing Element* will not constitute substantial changes to the policies and actions in the *2007-2014 Housing Element*. Overall, the project would not cause any substantial changes to the project that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the Previous CEQA Documents.

Second, there are no substantial changes in circumstances that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the Previous CEQA Documents. There has been no change in the environmental conditions of the City of Oakland that was analyzed in the Previous CEQA Documents that would result in a new or increase the severity of previously identified significant environmental impacts, thus the *Housing Element* does not warrant further CEQA review other than this Addendum.

Lastly, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Previous CEQA Documents were adopted, which is expected to result in (a) new significant environmental effects or a substantial increase in the severity of significant environmental effects already identified in the Previous CEQA Documents; or (b) mitigation measures which were previously determined not to be feasible would in fact be feasible, or which are considerably different from those recommended in the Previous CEQA Documents, and which would substantially reduce significant effects of the project, but the City declines to adopt them.

CEQA Guidelines Section 15164 recommends the lead agency or a responsible agency prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the

conditions described in Section 15162 call for preparation of a subsequent EIR have occurred. As described above, an addendum to the Previous CEQA Documents is appropriate, as none of the circumstances necessitating preparation of additional CEQA review are present.

Environmental Topics

The *Housing Element* is a programmatic planning document which catalogues the housing programs and initiatives to address the needs for housing Oakland residents at all income levels. The *Housing Element* does not approve or authorize a project that will alter the environment. Rather, it outlines the need for future work to continue with existing plans and programs, or suggests future plans and programs which advance the goals and policies of the *Housing Element*. Future work on some of those actions may be subject to CEQA, as described in this analysis.

Adoption of the *Housing Element* does not cause any new construction nor directly impose other changes that would create significant environmental impacts. Any potential construction which may be affected by adoption of the *Housing Element* is no more likely to create a significant environmental impact due to the *Housing Element*. Regardless, any such construction would be evaluated under CEQA at the time of the City's routine planning and building permit process. Any such construction would also have to comply with existing policies and requirements in the City's General Plan and the City's Conditions of Approval and Uniformly Applied Development Standards imposed as Standard Conditions of Approval. Therefore, impacts associated with the *Housing Element* would be less than significant.

Below is a narrative discussion of each of the environmental topics in the City's CEQA Thresholds of Significance⁶ as they relate to the 38 actions in the *Housing Element* that were not expressly referenced in the Previous CEQA Documents, though the content of many of these actions is generally consistent with the goals and objectives included in other adopted City policies and existing practices. A general discussion is presented for each of these environmental topics regarding the potential of adoption and implementation of the *Housing Element* to create significant impacts. As noted in Table 2, above, further discussion is included where applicable, regarding actions that may result in programs that would be subject to future environmental review.

I. Aesthetics, Shadow, and Wind

The 2007-2014 *Housing Element EIR* found no significant impacts to Aesthetics, Shadow and Wind. The following analysis will consider those 38 new actions in the 2015-2023 *Housing Element* which were not analyzed in the Previous CEQA Documents.

Scenic Vistas, Scenic Highways, Visual Character

Adoption of the *Housing Element* would not have an impact on public scenic vistas, scenic highways or visual character. The City's existing policies in the General Plan encourage preservation of views and visual character⁷. Compliance with these policies would ensure that development under the *Housing Element* would not have a substantial adverse effect on a scenic vista, highway, or visual character. The development of the housing sites would also be subject to the City's design review process. The purpose of the design review process is to consider the design treatment and relationship of buildings to the surrounding built environment and ensure no significant adverse aesthetic impacts would result. In

⁶ Throughout this CEQA Addendum the "CEQA Thresholds of Significance" dated October 28, 2013 is used.

⁷ See OSCAR Element Policies, OS-9.1, OS-9.2, OS-9.3, OS-10.1 and OS-10.2; also OS-1.3 and Objective OS-9. See also the Land Use and Transportation Element, Policy W3.4.

addition, actions in the *Housing Element* that call for increased density near transit which may encourage the construction of taller buildings with the potential for aesthetic impacts on scenic vistas are consistent with policies and actions cleared under the Previous CEQA Documents. Adoption of the *Housing Element* would not increase the potential for impacts. As such, the proposed project would have a less-than-significant impact on scenic vistas, highways and visual character.

The 2015-2023 *Housing Element* is a planning document that identifies opportunities to improve and expand the City's housing stock; it does not, however, result in the actual new construction or revitalization of housing units in the City. Any potential construction which results from adoption of the 2015-2023 *Housing Element* is neither more, nor less, likely, due to the *Housing Element* to impact scenic vistas, highways and the visual character of the City. All future residential construction would need to comply with the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval, including regulations and requirements, and would be evaluated under CEQA at the time of review, which reduce potential impacts to a less than significant level. Therefore, this impact is considered to be less than significant.

Potential Glare or Shadows

Adoption of the *Housing Element* would not create a new source of substantial light or glare which would substantially and adversely affect day or nighttime views in the area. In addition, the *Housing Element* alone would not cause an increase in bird strikes due to a potential increase in daylighting. Nor would the *Housing Element* introduce landscape that would cast shadows on existing solar collectors, or cast shadows that substantially impair the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors. In addition, the adoption of the *Housing Element* will not cast a shadow on any public park, lawn, garden, or a historic resource. Any potential construction which may be affected by adoption of the 2015-2023 *Housing Element* is neither more, nor less, likely to create glare or cast a shadow due to the *Housing Element*, and would need to comply with the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval, including regulations and requirements related to the Building Code which address adequate light, and would be evaluated under CEQA at the time of review, which reduce potential impacts to a less than significant level. Therefore, this impact is considered *less than significant*.

Conflicts with General Plan, Planning Code, UBC for adequate light

The 2015-2023 *Housing Element* will not conflict with applicable provisions related to adequate light. The *Housing Element* is a planning document that identifies opportunities to improve and expand the City's housing stock; it does not, however, result in the actual new construction or revitalization of housing units in the City. Should such a project be proposed, it would need to comply with the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval, including regulations and requirements related to the Building Code which address adequate light. Therefore, there is no impact.

Wind

Adoption of the *Housing Element* will not create winds exceeding 36 mph. While it is possible that future construction of residential buildings might generate wind, this impact is associated with any potential new construction in the City, and would be neither more likely, nor less likely, due to the *Housing Element*. Any potential construction of residential units which may be affected by adoption of the 2015-2023 *Housing Element* is neither more, nor less, likely to create wind impacts due to the *Housing Element*. In

addition, future development would need to comply with the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval, including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Therefore, wind impacts would be *less than significant*.

II. Agriculture

Adoption of the *Housing Element* will not create impacts on agricultural land or forest resources. The City of Oakland is an urban community, without any substantial agricultural land or uses, nor any Williamson Act contracts. The City of Oakland General Plan does not contain areas zoned exclusively for agriculture use. The opportunity sites identified in the *Housing Element* for potential future development are located within the City of Oakland planning area, which is urbanized. No conversion of agricultural lands to non-agricultural uses would occur, and there would be no impacts related to agricultural resources. Thus, there is no Agricultural or Forestry Resources impact.

III. Air Quality

The 2007-2014 *Housing Element* EIR reviewed Air Quality impacts in detail, and conservatively found significant and unavoidable air quality impacts for gaseous toxic air contaminants and odors emitted locally from stationary sources. The Planning Commission adopted the CEQA findings for the 2007-2014 *Housing Element*, which included a Statement of Overriding Considerations for these impacts, and the City Council certified the EIR (see discussion below).

Adoption of the 2015-2023 *Housing Element* with its 38 new actions not studied in the Previous CEQA Documents does not directly encourage or induce new construction, so there cannot be any project-level impacts associated with adoption of the *Housing Element*. Similarly, there are not any project-level cumulative impacts, because no air quality impacts associated with the 2015-2023 *Housing Element* have been identified as significant, or potentially significant in this CEQA Addendum. Plan-level air quality impacts are an appropriate measure for the *Housing Element*, as it serves as a planning document for the development and rehabilitation of housing for Oakland residents in all income levels.

The City's CEQA plan-level Air Quality thresholds of significance require that a proposed plan be analyzed against the Bay Area 2010 Clean Air Plan (CAP).⁸ The CAP contains 55 control measures designed to reduce ambient concentrations of criteria pollutants and Greenhouse Gas Emissions. These control measures generally involve strategies to reduce vehicle trips, vehicle use, vehicle miles traveled, vehicle idling, traffic congestion, stationary combustion, and ambient temperatures.

No Conflict with the goals of the Bay Area Clean Air Plan (CAP) and its control measures

The CAP was reviewed to determine if the *Housing Element* would be in conflict, or inconsistent, with those measures. Neither the 2010 CAP nor any of the 55 control measures conflict with the actions in the *Housing Element*, and in particular, with the 38 new actions not studied in the Previous CEQA Documents. Therefore, the *Housing Element* would not conflict with the 2010 Clean Air Plan.

⁸ Bay Area 2010 CAP Chapter 4 – Overview of CAP Control Strategy

While it is possible that future construction of residential buildings might conflict with an individual measure of the CAP, this impact is associated with any potential new construction in the City, and would be neither more likely, nor less likely, due to the *2015-2023 Housing Element*. In addition, future development would need to comply with the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval, including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level.

Minimize potential Toxic Air Contaminant (TAC) impacts

Adoption of the *2015-2023 Housing Element* with its 38 new actions not studied in the Previous CEQA Documents will not introduce new TAC emitters, or increase TAC exposure for new residents. Any new construction of housing units which does result from the *2015-2023 Housing Element* would be neither more likely, nor less likely, due to the *Housing Element*, to expose new residents to TACs. In addition, future development would need to comply with the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval, including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Therefore, potential TAC impacts are considered *less than significant*.

Odors

Adoption of the *Housing Element* with its 38 new actions not studied in the Previous CEQA Documents will not introduce sources of odor, nor increase odor exposure for new residents. Any new construction of housing units which does result from the *Housing Element* would be neither more likely, nor less likely, due to the *Housing Element*, to expose new residents to odors. In addition, future development would need to comply with the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval, including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Therefore, potential odor impacts are considered *less than significant*.

Further, pursuant to Public Resources Code Section 21100(b)(2)(A), which requires that an EIR identify any significant environmental effects that cannot be avoided if the project is adopted and implemented, the following significant and unavoidable impacts on Air Quality were identified in the *2007-2014 Housing Element* Final EIR:

- a) Residential development proposed under the *Housing Element* could expose occupants at certain sites to substantial health risk from gaseous TACs emitted locally from stationary sources.
- b) Residential development proposed under the *Housing Element* could expose occupants to substantial/frequent odor nuisance resulting from odors emitted by strong local sources.

Nonetheless, by adhering to the *OSCAR Element* of the *General Plan* and the City's SCAs, all other air quality impacts related to the 38 new actions in the *Housing Element* would be less than significant. Compliance with General Plan policies and SCA's would also reduce the cumulative impacts of construction, operational, and traffic emissions to a less-than-significant level. However, even with implementation of federal, State, and local policies and regulations, cumulative TAC and odor impacts would be significant and unavoidable.

Adoption of *2015-2023 Housing Element* will not generate new or substantially increase the severity of significant air quality impacts beyond those addressed in the *2007-2014 Housing Element EIR*.

IV. Biological Resources

The *2007-2014 Housing Element* EIR found no significant impacts to Biological Resources. The following analysis will consider those 38 new actions in the *2015-2023 Housing Element* which were not analyzed in the Previous CEQA Documents.

Habitat Modifications, Special Status species, Riparian Habitat or Other Sensitive Natural Communities, Wetlands

Adoption of the *2015-2023 Housing Element* will not cause significant habitat modifications, effect special status species, effect riparian habitat or other sensitive natural communities, nor wetlands. Any potential construction of residential units which may be affected by adoption of the *Housing Element* is neither more, nor less, likely to create these biological impacts due to the *Housing Element*. In addition, future development would need to comply with the Oakland General Plan⁹, the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval, including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Therefore, impacts to habitat, special status species, riparian habitat or sensitive natural communities and wetlands would be *less than significant*.

Fish and Wildlife species, Migratory Corridors or native wildlife nurseries

Adoption of the *2015-2023 Housing Element* will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Any potential construction of residential units which may be affected by adoption of the *2015-2023 Housing Element* is neither more, nor less, likely to create these biological impacts due to the *Housing Element*. In addition, future development would need to comply with the Oakland General Plan¹⁰, the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval, including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Therefore, impacts to fish and wildlife species, migratory corridors or native wildlife nurseries would be *less than significant*.

Habitat Plans, and Trees and Creeks

Adoption of the *2015-2023 Housing Element* will not conflict with the City's *Open Space Conservation and Recreation Element*, which outlines a broad conservation and habitat plan. Any potential construction of residential units which may be affected by adoption of the *Housing Element* is neither more, nor less, likely to create these biological impacts due to the *Housing Element*. In addition, future development

⁹ See, for example, Action GE2.2 in the Safety Element (require continued enforcement of the grading, erosion, and sedimentation ordinance), and in the OSCAR Element, Objectives CO-1, CO-7, CO-8 and CO-9; Policies CO-1.1, CO-2.4, CO-7.1, CO-7.2, CO-9.1 and OS-1.3.

¹⁰ See, for example, in the Safety Element: Actions FL-1.3 and FL 1.5 (stormwater and creek protection), GE 2.2 and GE 2.3 (require continued enforcement of the grading, erosion, and sedimentation ordinance); , in the OSCAR Element: Objectives CO-7, CO-8, CO-9 and CO-11; Policies , CO-7.1, CO-7.2, CO-9.1, and CO 11.1, 11.2,

would need to comply with the Oakland General Plan¹¹, the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval, including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Therefore, impacts associated with the *Housing Element* would be *less than significant*.

Trees and Creeks

Adoption of the 2015-2023 *Housing Element* will not conflict Oakland's Tree Protection Ordinance or Creek Protection Ordinance. Any potential construction of residential units which may be affected by adoption of the *Housing Element* is neither more, nor less, likely to create these biological impacts due to the *Housing Element*. In addition, future development would need to comply with the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval, including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Therefore, impacts to trees and creeks, associated with the *Housing Element*, would be *less than significant*.

V. Cultural and Historic Resources

The 2007-2014 *Housing Element EIR* found no significant impacts to Cultural and Historic Resources. The following analysis will consider those 38 new actions in the 2015-2023 *Housing Element* which were not analyzed in the Previous CEQA Documents.

Historic Resources

Adoption of the 2015-2023 *Housing Element* will not cause a substantial adverse change in the significance of a historic resource as defined in CEQA Guidelines section 15064.5. Any potential construction of residential units which may be affected by adoption of the *Housing Element* is neither more, nor less, likely to create these historic impacts due to the *Housing Element*. In addition, future development would need to comply with the Oakland General Plan¹², the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval, including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Therefore, impacts to historic resources, associated with the *Housing Element*, would be *less than significant*.

Paleontological and Archeological Resources, and Human Remains

Adoption of the 2015-2023 *Housing Element* will not directly or indirectly destroy a unique paleontological or archeological resource or disturb any human remains. Any potential construction of residential units which may be affected by adoption of the *Housing Element* is neither more, nor less,

¹¹ See, for example, in the *Safety Element*: Actions GE 2.3 (require continued enforcement of the creek protection ordinance) and GE 2.6

(fire prevention vegetation management techniques for creek-sides); the *OSCAR Element*: Objectives CO-6 (Surface Waters protection); CO-7 (Protection of Native Plant communities); CO-8 (Wetlands); CO-9 (Rare, Endangered and Threatened Species); CO-10, (Vegetation management); and CO-11 (Wildlife).

¹² See, for example, in the *Safety Element*: Action GE 3.2 (require continued enforcement of the unreinforced masonry ordinance); the *Housing Element*, Goal 2, Objective 2-3, Policies 2.1, 3.1, 3.5, 3.7, 3.12, and 4.4 in the Historic Preservation Element; Policies I/C2.2, D6.2, N3.6, and N9.9 in the LUTE; and Action JL-4.1 and Policy JL6 in the Estuary Policy Plan.

likely to create these historic impacts due to the *Housing Element*. In addition, future development would need to comply with the protection of paleontological and archeological resources in the City's General Plan (such as Historic Preservation Element Objective 4, "Archeological Resources"), the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval, including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Therefore, impacts to cultural resources, associated with the *Housing Element*, would be *less than significant*.

VI. Geology and Soils

The 2007-2014 *Housing Element EIR* found no significant impacts from Geology and Soils. The following analysis will consider those 38 new actions in the 2015-2023 *Housing Element* which were not analyzed in the Previous CEQA Documents.

Seismic Activity and Ground Failure

The City of Oakland is located in an area of seismic activity, with principal faults including the Hayward Fault, San Andreas Fault, and the Calaveras Fault. Adoption of the 2015-2023 *Housing Element* would not create new impacts due to seismic activity or ground failure. Any potential construction of residential units which may be affected by adoption of the *Housing Element* is neither more, nor less, likely to create these geologic impacts due to the *Housing Element*. In addition, future development would need to comply with the Oakland General Plan¹³, the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval, including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Therefore, impacts from seismic activity and ground failure associated with the *Housing Element*, would be *less than significant*.

A new action to the 2015-2023 *Housing Element* not previously analyzed in the Previous CEQA Documents is:

Action 4.3.9 Seismic Safety Retrofit Policy: Develop and explore funding sources for a new seismic retrofit policy, coupled with tenant protections, to preserve about 14,000 soft story housing units in Oakland's flatland neighborhoods at risk for destruction in a major earthquake. A low interest loan fund may be possible through combining available public monies with private capital or alternatively through issuing a new bond, which would require voter approval.

The City Council action, or program, which results from this seismic retrofit policy will be subject to separate, independent CEQA review, conducted during the adoption proceedings for the seismic retrofit program.

Soil Erosion and Loss of Topsoil

Adoption of the 2015-2023 *Housing Element* would not result in substantial soil erosion or the loss of topsoil creating substantial risks to life, property, or creek/waterways. Adoption of the *Housing Element* would not create new impacts due to soil erosion or loss of topsoil. Any potential construction of residential units which may be affected by adoption of the 2015-2023 *Housing Element* is neither more,

¹³ See the Safety Element, Geologic Hazards chapter and policies; as well as OSCAR Element regarding land stability including Objective CO-2 and Policy CO-2.1.

nor less, likely to create these geologic impacts due to the *Housing Element*. In addition, future development would need to comply with the Oakland General Plan (specifically, Safety Element Action GE 2.2), the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval, including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Therefore, impacts due to soil erosion and loss of topsoil associated with the *Housing Element*, would be *less than significant*.

Expansive Soils

Adoption of the 2015-2023 *Housing Element* does not specify building site locations or selection on expansive soils. Adoption of the *Housing Element* would not create new impacts due to expansive soils. Any potential construction of residential units which may be affected by adoption of the *Housing Element* is neither more, nor less, likely to create these geologic impacts due to the *Housing Element*. In addition, future development would need to comply with the Oakland General Plan (specifically, the *OSCAR Element*, Action CO 1.1.3), the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval, including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Therefore, impacts due to expansive soils associated with the *Housing Element*, would be *less than significant*.

Wells, Pits, Swamp, etc.

Adoption of the 2015-2023 *Housing Element* does not specify a building site location or avoidance of a well, pit, swamp, mound, tank vault, or unmarked sewer line. Adoption of the *Housing Element* would not create new impacts due to wells, pits, swamps or other unstable sites. Any potential construction of residential units which may be affected by adoption of the *Housing Element* is neither more, nor less, likely to create these geologic impacts due to the *Housing Element*. In addition, future development would need to comply with the Oakland General Plan, the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval, including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. In addition, any individual project would need to submit a Phase I Site Assessment Report. The report would identify if any of these features were located on the site and what the recommendations would be address them. Therefore, impacts due to expansive soils associated with the *Housing Element*, would be *less than significant*.

Landfills or Fill Soils

Adoption of the 2015-2023 *Housing Element* does not specify a building site location, or avoidance of a landfill or unknown fill soils. Adoption of the *Housing Element* would not create new impacts due to landfills or fill soils. Any potential construction of residential units which may be affected by adoption of the *Housing Element* is neither more, nor less, likely to create these geologic impacts due to the *Housing Element*. In addition, future development would need to comply with the Oakland General Plan, the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval, including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Therefore, impacts due to landfills or fill soils associated with the *Housing Element*, would be *less than significant*.

Soils Incapable of Supporting Septic Tanks or Alternative Wastewater Systems

Adoption of the *2015-2023 Housing Element* does not specify a building site location, nor does it specifically avoid soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. The City of Oakland Municipal Code prohibits construction of septic tanks or systems that are not connected to the wastewater disposal systems. The *Housing Element* would not result in a significant impact.

VII. Greenhouse Gas Emissions / Global Climate Change

The *2007-2014 Housing Element* EIR reviewed Climate Change and Greenhouse Gas Emissions (GHG) impacts in detail, and found all impacts to be less than significant.

Adoption of the *2015-2023 Housing Element* with its 38 new actions not studied in the Previous CEQA Documents does not directly encourage or induce new construction, so there cannot be any project-level GHG impacts associated with adoption of the *Housing Element*. Adoption of the *Housing Element* would not increase greenhouse gas emissions.

Any potential construction of residential units which may be affected by adoption of the *2015-2023 Housing Element* is neither more, nor less, likely to create GHG impacts due to the *Housing Element*. In addition, future development would need to comply with the Oakland General Plan, the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval, including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Therefore, GHG impacts associated with the *Housing Element*, would be less than significant.

A number of actions in the *2015-2023 Housing Element* not analyzed in the Previous CEQA Documents, if implemented for new residential development, could produce environmental benefits, rather than impacts:

Action 7.2.1 Energy-Efficiency and Weatherization Programs: Pursue opportunities, in partnership with regional, state, and utility partners when appropriate, to augment existing or create new residential energy programs, and market these programs to minimize consumption of energy throughout the community, through conservation and efficiency. Such programs may include Property-Based Energy Financing, Right-sizing of Energy Equipment Guidelines, green building standards within existing housing rehabilitation programs, Weatherization and Energy Retrofit Loan Program, Renter-Occupied Residential Energy Program, Energy Upgrade California, and adoption of Energy Improvement at Time of Sale Ordinance.

Action 7.2.3 Facilitate a community solar program: Encourage and collaborate with local partners to launch a community solar program, to increase local use of renewable energy, including solar-thermal energy to produce heat and hot water.

Action 7.2.5 Promote Water Conservation and Efficiency: Expand promotion of water conservation and efficiency practices such as water-efficient landscaping, irrigation, lawn replacement, rainwater

collection, greywater systems, and the installation of water efficient fixtures and plumbing. In affordable housing developments, this will reduce utility bills, freeing up more resources to pay rent or a mortgage.

Action 7.3.4 Integrate Land Use and Transportation Planning in Major Residential Projects: Require the integration of land use and transportation planning and consideration of Greenhouse Gas (GHG) reduction opportunities in each planning, major development project, and planning effort undertaken by the City.

Action 7.4.6 Encourage Food Production: Encourage the inclusion of food-producing gardens, including rooftop gardens, in private development, where appropriate, with consideration of Bay Friendly landscaping principles.

Action 7.5.1 Climate Change and the Planning process: Consider qualitative and quantitative information regarding the potential effects of climate change during the project plan review process. Consider Oakland Planning Code amendments to limit certain vulnerable land uses (i.e. emergency, affordable, senior, or assisted living housing) in areas identified as vulnerable to climate change. Consider design review requirements for buildings to improve climate resiliency.

Action 7.5.2 Climate Adaptation Strategies: communicate information about potential local climate impacts to neighborhoods and developers, and encourage participation in the development of climate adaptation strategies to improve project and neighborhood resiliency; consider including notification of climate-related vulnerabilities at time-of-sale for properties in especially vulnerable areas.

VIII. Hazards and Hazardous Materials

The *2007-2014 Housing Element EIR* found no significant impacts from Hazards and Hazardous Materials. The following analysis will consider those 38 new actions in the *2015-2023 Housing Element* which were not analyzed in the Previous CEQA Documents.

Transport and Disposal, Emissions and Storage of Hazardous Materials

Adoption of the *2015-2023 Housing Element* would not create a significant hazard to the public or the environment, through the routine transport, use, or disposal of hazardous materials. Nor would its adoption create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment or emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The *Housing Element's* adoption would not induce the storage or use of acutely hazardous materials near sensitive receptors.

Any potential construction of residential units which may be affected by adoption of the *Housing Element* is neither more, nor less, likely to create these Hazards impacts due to the *Housing Element*. In addition, future development would need to comply with the Oakland General Plan, the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval, including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Therefore, impacts due to transport, disposal, emissions and storage of hazardous materials associated with the *Housing Element*, would be *less than significant*.

Be located on a site which is included on the "Cortese List" of hazardous materials sites

Adoption of the 2015-2023 *Housing Element* would not require the development of any new structures on any sites, nor on sites which are on the "Cortese List." Any potential construction of residential units which may be affected by adoption of the *Housing Element* is neither more, nor less, likely to create these Hazards impacts due to the *Housing Element*. In addition, future development would need to comply with the Oakland General Plan, the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval, including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Therefore, impacts due construction on sites which are on the "Cortese List" associated with the *Housing Element*, would be *less than significant*.

Result in less than two emergency access routes for streets exceeding 600 feet in length.

Adoption of the *Housing Element* would not require the development of any new structures on any sites, nor on sites where the design blocks emergency access routes on streets longer than 600 feet. Therefore, impacts associated with adoption of the *Housing Element* are *less than significant*.

Located within an Airport Land Use Plan or Private Airstrip

Adoption of the 2015-2023 *Housing Element* would not result in a safety hazard for people residing or working in Oakland, related to Oakland International Airport, or a private airstrip. Adopting the *Housing Element* would not require the development of any new structures on any sites, nor on sites which are within the Oakland Airport Land Use Plan. Any potential construction of residential units which may be affected by adoption of the *Housing Element* is neither more, nor less, likely to create these Hazards impacts due to the *Housing Element*. In addition, future development would need to comply with the Oakland General Plan, the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval, including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Therefore, impacts due construction on sites which are within an Airport Land Use Plan associated with the *Housing Element*, would be *less than significant*.

Emergency or Evacuation Plan

Adoption of the 2015-2023 *Housing Element* would not fundamentally impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. Adopting the *Housing Element* would not require the development of any new structures on any sites, nor on sites which are in any Emergency or Evacuation Plan. Any potential construction of residential units which may be affected by adoption of the *Housing Element* is neither more, nor less, likely to create these Hazards impacts due to the *Housing Element*. In addition, future development would need to comply with the Oakland General Plan, the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval, including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Therefore, impacts due construction on sites which are within an Emergency or Evacuation Plan associated with the *Housing Element*, would be *less than significant*.

Wildland Fires

Adoption of the *2015-2023 Housing Element* would not cause the exposure of people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. Adopting the *Housing Element* would not require the development of any new structures on any sites, nor on sites which are within the Oakland Airport Land Use Plan. Any potential construction of residential units which may be affected by adoption of the *Housing Element* is neither more, nor less, likely to create these Hazards impacts due to the *Housing Element*. In addition, future development would need to comply with the Oakland General Plan¹⁴, the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval, including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Therefore, impacts due construction on sites which are within the Wildland Fire zone associated with the *Housing Element*, would be *less than significant*.

IX. Hydrology and Water Quality

The *2007-2014 Housing Element EIR* found no significant impacts to Hydrology and Water Quality. The following analysis will consider those 38 new actions in the *2015-2023 Housing Element* which were not analyzed in the Previous CEQA Documents.

Water Quality Standards or waste discharge requirements; Groundwater Depletion and Recharge

Adoption of the *2015-2023 Housing Element* would not violate any water quality standards or waste discharge requirements, because it does not require the construction of any new buildings. Likewise, the adoption of the *Housing Element* would not substantially degrade water quality, nor would it deplete groundwater supplies or interfere substantially with groundwater recharge, such that there would be a net deficit in aquifer volume, or a lowering of the local groundwater table level to violate any water quality standards or waste discharge requirements.

Any potential construction of residential units which may be affected by adoption of the *Housing Element* is neither more, nor less, likely to create these Water Quality impacts due to the *Housing Element*. In addition, future development would need to comply with the Oakland General Plan, the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval¹⁵ including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Chapter 6 of the Oakland *Safety Element* identifies policies and actions which codify the City's commitment to reducing hazards from flooding, and to protect water quality. Therefore, impacts on water quality and hydrology, associated with the *Housing Element*, would be *less than significant*.

Erosion, siltation or flooding; 100-year flood hazard areas

Adoption of the *2015-2023 Housing Element* would not require the construction of any buildings or structures and therefore its adoption would not have an impact altering the existing drainage pattern of a

¹⁴ As noted, see Safety Element Policy FI-3 "Prioritize the reduction of wildfire hazard, with an emphasis on prevention." And also, see the OSCAR Element, Objective CO 10: "Manage vegetation so that risks of catastrophic wildfire is minimized."

¹⁵ See Safety Element: Action GE2.2, GE2.3, FL-1.4; and the OSCAR Element: Objectives CO-5, CO-6, Policies CO-5.2, CO-5.3, CO-5.3.1, CO-5.4.2 and Action CO-5.1.2.

site or area—either through the alteration of the course, or increasing the rate or amount of flow—of a creek, river or stream, in a manner that would result in substantial erosion, siltation, or flooding. While the City of Oakland does have 600 and 1,900 acres mapped as 100-year and 500-year flood hazard areas (respectively), the *Housing Element* would not result in any housing being built within those floodplains, nor would it place any structures within a 100-year flood hazard area which would impede or redirect flood flows. The City analyzed the list of housing opportunity sites (Housing Element, Table C-6) against the most recent flood hazard maps from the State of California¹⁶, and found that there are four opportunity sites listed which are privately owned which are within the 100-year FEMA flood plain :

- 7710-7722 International Blvd (sites COL-12B through 12F)
- 2910 Broadway (site PPDA-136)
- 3615 Foothill (site FDA-72)
- 2956 International Blvd (site FDA-81)

Any potential construction of residential units, either identified as housing opportunity sites, or any potential development site in the City, which may be affected by adoption of the *Housing Element* is neither more, nor less, likely to create these Water Quality impacts due to the *Housing Element*. In addition, future development would need to comply with the Oakland General Plan, the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Chapter 6 of the Oakland *Safety Element* identifies policies and actions which codify the City's commitment to reducing hazards from flooding, and to protect water quality. Therefore, impacts from erosion, siltation or flooding associated with the *Housing Element*, would be *less than significant*.

Substantial Runoff: Stormwater Drainage Systems and additional source of pollution

Adoption of the 2015-2023 *Housing Element* would not create or contribute substantial runoff which would exceed the capacity of existing or planned stormwater drainage systems. Nor will adoption of the *Housing Element* create any additional source of runoff or pollution. Any potential construction of residential units which may be affected by adoption of the *Housing Element* is neither more, nor less, likely to create these Water Quality impacts due to the *Housing Element*. In addition, future development would need to comply with the existing policies and requirements for preventing runoff, Oakland General Plan¹⁷, the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Therefore, impacts from substantial runoff associated with the *Housing Element*, would be *less than significant*.

Inundation by Seiche, Tsunami, or Mudflow

Adoption of the 2015-2023 *Housing Element* would not require the construction of any buildings or structures and would not expose people or structures to substantial risk of loss, injury or death as a result of inundation by seiche, tsunami, or mudflow. The likelihood of flooding from tsunamis, seiches, or mudflows in Oakland is negligible due to geography of the City, where the island of

¹⁶ Using California State Department of Water Resources "Best Available Maps" online program, accessed October 31, 2014.

¹⁷ See, as noted, Chapter 6 of the Oakland Safety Element, specifically Action FL-1.2; also see Action GE 2.5

Alameda and the Port of Oakland both act as buffers from the Bay, so the likelihood of large scale devastation from seiche, tsunami, or mudflow is not significant.

Any potential construction of residential units which may be affected by adoption of the *Housing Element* is neither more, nor less, likely to create these Water Quality impacts due to the *Housing Element*. In addition, future development would need to comply with the Oakland General Plan, the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Chapter 6 of the Oakland *Safety Element* identifies policies and actions which codify the City's commitment to reducing hazards from flooding, and to protect water quality. Therefore, impacts from inundation would be *less than significant*.

Drainage patterns and Creek Protection Ordinance

Adoption of the 2015-2023 *Housing Element* would not fundamentally conflict with Oakland's Creek Protection Ordinance. Because adoption of the *Housing Element* does not require any construction, the drainage patterns to Oakland creeks will not be impacted. Any potential construction of residential units which may be affected by adoption of the *Housing Element* is neither more, nor less, likely to create these Water Quality impacts due to the *Housing Element*. In addition, future development would need to comply with the Oakland General Plan, the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Chapter 6 of the Oakland *Safety Element* identifies policies and actions which codify the City's commitment to reducing hazards from flooding, and to protect water quality. Therefore, impacts to drainage patterns or to Oakland's creeks would be *less than significant*.

X. Land Use

The 2007-2014 *Housing Element EIR* found no significant impacts to Land Use. The following analysis will consider those 38 new actions in the 2015-2023 *Housing Element* which were not analyzed in the Previous CEQA Documents.

Divide an Existing Community, conflict with a Land Use Plan, Policy or Regulation

Adoption of the 2015-2023 *Housing Element* would not physically divide an established community, nor conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plans, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect, nor conflict with any applicable habitat conservation plan or natural community conservation plan.

Any potential construction of residential units which may be affected by adoption of the *Housing Element* is neither more, nor less, likely to create these Land Use impacts due to the *Housing Element*. In addition, future development would need to comply with the Oakland General Plan, the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Therefore, impacts to Land Use would be *less than significant*.

Conflict with a habitat conservation plan or natural community conservation plan

The *2015-2023 Housing Element* would not conflict with the City's Open Space Conservation and Recreation Element (OSCAR), which outlines a broad habitat conservation plan. Any potential construction of residential units which may be affected by adoption of the *Housing Element* is neither more, nor less, likely to create these Land Use impacts due to the *Housing Element*. In addition, future development would need to comply with the Oakland General Plan, the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Therefore, impacts to Land Use would be *less than significant*.

Additional Land Use Actions in the 2015-2023 Housing Element Not Analyzed in the Previous CEQA Documents

1. A number of land use actions in the *2015-2023 Housing Element* which monitor the progress of recently adopted (or expected to be adopted) Specific Plans have been subject to independent CEQA review. These Specific Plans envision the creation of thousands of units of new residential housing in particular areas of the City, and the environmental effects from these new units are already evaluated under CEQA:

Action 1.3.1 Broadway Valdez Specific Plan (BVSP): Track progress on the approval and completion of the 1,800 housing units included in the development program for the Broadway Valdez Specific Plan. An EIR was certified and the BVSP adopted by the Oakland City Council on June 17, 2014.

Action 1.3.2 Lake Merritt Station Area Plan (LMSAP): Track progress on the approval and completion of the 4,900 housing units included in the development program for the Lake Merritt Station Area (Specific) Plan. An EIR and the LMSAP were expected to be certified and adopted in December, 2014 by the Oakland City Council. Final action had not been taken at the time of the preparation of this CEQA Addendum.

Action 1.3.3 West Oakland Specific Plan (WOSP): Track progress on the approval and completion of the 5,360 housing units included in the development program for the West Oakland Specific Plan. An EIR was certified, and the WOSP adopted by the City Council on July 29, 2014.

Action 1.3.4 Coliseum Area Specific Plan (CASP): Track progress on the approval and completion of the 5,000 housing units included in the development program for the Coliseum Area Specific Plan. As of the preparation of this CEQA Addendum, the CASP had issued a Draft EIR, and a final EIR was being prepared.

Action 1.3.5 Central Estuary Area Plan (CEAP): Track progress on the approval and completion of the 400 housing units included in the development program for the Central Estuary Area Plan. An EIR was certified, and the CEAP adopted by the City Council on June 18, 2013.

2. As of the date of preparation of this CEQA Addendum, the City is in negotiations with a consultant team to prepare a "nexus" study, for the expected adoption of a development impact fee, which could include funds to pay for future affordable housing. Impact fees are an action of the *2015-2023 Housing*

Element, in both **Action 2.7.2** (Consider Implementing Mandatory and/or Voluntary Options for Developer Contributions to Affordable Housing Development by Conducting a Nexus Study and Economic Feasibility Study for Affordable Housing), and in **Action 3.3.2 (Development Impact Fees)**: “Consider transportation, capital improvement and housing impact fees to mitigate impacts on City infrastructure and services while balancing the costs to support new development. The City will be issuing a Request for Proposals (RFP) during the Housing Element planning period for an impact fee study that will consider transportation, infrastructure, and affordable housing. The RFP released July 8, 2014 requires that the contractor do an analysis of residential development costs and the market for both rental and owner-occupied housing in Oakland.” Adoption of a potential Development Impact Fee in Oakland would be subject to separate, independent CEQA review, at the time of its adoption by the Oakland City Council.

3. A further land use action in the *2015-2023 Housing Element* is **Action 7.3.4** (Integrate Land Use and Transportation Planning in Major Residential Projects), which requires the integration of land use and transportation planning and consideration of Greenhouse Gas (GHG) reduction opportunities in each planning, major development project, and planning effort undertaken by the City. Action 7.3.4 allows City staff and developers to seek ways to reduce GHG emissions in new development. By following this *Housing Element* action, new residential development could provide potential environmental benefits in the future, by reducing GHG emissions.

XI. Mineral Resources

Within the City of Oakland, there is one mining site that is identified by the Surface Mining and Reclamation Act (SMARA) as a Regionally Significant Resource. The Leona Quarry, Sector P, located between Claremont Canyon and the San Leandro border, contains rhyolite deposits and has been partially developed into Monte Vista Villages, a townhome development. However, none of the housing opportunity sites identified in the *Housing Element* are near the Leona Quarry. Nor are any of the housing opportunity sites designated as a Regionally Significant Construction Aggregate Resources by the State Mining and Geology Board.¹⁸ Development occurring under the *Housing Element* would have no impact on known mineral resources or significant mineral resources.

XII. Noise

The *2007-2014 Housing Element* EIR reviewed Noise impacts in detail, and found all impacts to be less than significant.

Adoption of the *2015-2023 Housing Element*, including the 38 new actions not previously analyzed in the Previous CEQA Documents, will not cause substantial impacts related to Noise. To the extent the *Housing Element* includes actions promoting infill and transit-oriented development that may cause noise impacts, these actions are consistent with the City’s General Plan and are considered cleared by the Previous CEQA Documents. Any potential construction of residential units which may be affected by adoption of the *Housing Element* is neither more, nor less, likely to create Noise impacts due to the *Housing Element*. In addition, future development would need to comply with the Oakland General Plan, the Zoning Ordinance and City’s Conditions of Approval & Uniformly Applied Development Standards

¹⁸ City of Oakland. *Open Space, Conservation and Recreation Element* of the Oakland General Plan, 1996.

imposed as Standard Conditions of Approval including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Therefore, impacts from Noise would be *less than significant*.

XIII. Population and Housing

The 2007-2014 *Housing Element EIR* found no significant impacts on Population and Housing. The following analysis will consider those 38 new actions in the 2015-2023 *Housing Element* which were not analyzed in the Previous CEQA Documents.

Adoption of the 2015-2023 *Housing Element* would not induce substantial population growth in a manner not already contemplated in the extant *Housing Element* of the General Plan, either directly, or indirectly, as it requires no construction of new housing. Similarly, the *Housing Element* would not displace substantial numbers of existing housing units, nor displace substantial numbers of people, because no housing is required to be built under the *Housing Element*. The infill and transit-oriented development patterns encouraged by the *Housing Element* are consistent with policies contained in the City's General Plan.

Any potential construction of residential units which may be affected by adoption of the *Housing Element* is neither more, nor less, likely to create Population or Housing impacts due to the *Housing Element*. In addition, future development would need to comply with the Oakland General Plan, the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Therefore, impacts from Population and Housing would be *less than significant*.

XIV. Public Services

The 2007-2014 *Housing Element EIR* found no significant impacts to Public Services. The following analysis will consider those 38 new actions in the 2015-2023 *Housing Element* which were not analyzed in the Previous CEQA Documents.

Adoption of the 2015-2023 *Housing Element* would not result in the need for nor substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services.

Any potential construction of residential units which may be affected by adoption of the *Housing Element* is neither more, nor less, likely to create Public Services impacts due to the *Housing Element*. In addition, future development would need to comply with the Oakland General Plan, the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Therefore, impacts from Public Services would be *less than significant*.

XV. Recreation

The *2007-2014 Housing Element EIR* found no significant impacts to Recreation. The following analysis will consider those 38 new actions in the *2015-2023 Housing Element* which were not analyzed in the Previous CEQA Documents.

The *2015-2023 Housing Element's* adoption will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, nor would it require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Any potential construction of residential units which may be affected by adoption of the *Housing Element* is neither more, nor less, likely to create Recreation impacts due to the *Housing Element*. In addition, future development would need to comply with the Oakland General Plan, the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Therefore, impacts to Recreation facilities would be *less than significant*.

XVI. Transportation/Traffic

Pursuant to Public Resources Code Section 21100(b)(2)(A), which that requires that an EIR identify any significant environmental effects that cannot be avoided if the project is adopted and implemented, the following significant and unavoidable impacts were identified in the *2007-2014 Housing Element Final EIR*:

- a) Roadway Segments (identified by study roadway segment number in the *2007-2014 Housing Element EIR*):
 - #5 San Pablo Avenue (SR 123) south of Stanford Avenue in the AM peak hour in both directions and in the PM peak hour in both directions (2035)
 - #9 West Grand Avenue west of Martin Luther King Way, westbound in the AM peak hour and eastbound in the PM peak hour (2035)
 - #11 Telegraph Avenue south of 51st Street, southbound in the AM peak hour and northbound in the PM peak hour (2035)
 - #18 Grand Avenue between Harrison Street and I-580, eastbound in the PM peak hour (Existing plus Project), westbound in the AM peak hour, and eastbound in the PM peak hour (2015 and 2035)
 - #21 Fruitvale Avenue south of I-580, northbound in the AM peak hour, southbound in the PM peak hour (Existing plus Project), in both directions in the AM peak hour, and in both directions in the PM peak hour (2015 and 2035)
 - #24 Foothill Boulevard north of Seminary Avenue, westbound in the PM peak hour (2015 and 2035)
 - #25 MacArthur Boulevard west of 98th Avenue, westbound in the AM peak hour and westbound in the PM peak hour (2035)
 - #26 MacArthur Boulevard east of Lincoln Avenue, westbound in the AM peak hour and eastbound in the PM peak hour (2035)

- #29 International Boulevard between 23rd Avenue and Fruitvale Avenue, eastbound in the PM peak hour (2015 and 2035)
- #30 International Boulevard west of Seminary Avenue, eastbound in the PM peak hour (2015 and 2035)

b) State Highway Segments

- #45 SR 13 north of I-580, northbound in the PM peak hour (Existing Plus Project)
- #46 SR 24 east of I-580, eastbound in the AM peak hour and both directions in the PM peak hour (Existing Plus Project)
- #52 I-880 north of 66th Avenue, northbound in the PM peak hour (Existing Plus Project)

Further, residential development under the *2007-2014 Housing Element* has the potential to introduce additional vehicle, bicycle, and pedestrian traffic to existing at-grade railroad crossings, thereby potentially contributing to safety issues along railroad corridors.

The Planning Commission adopted the CEQA findings for the *2007-2014 Housing Element*, which included a Statement of Overriding Considerations for these impacts, and the City Council certified the EIR. The Statement of Overriding Consideration makes findings that the benefits of the project separately and independently outweigh the remaining significant, adverse impacts, and that the remaining significant adverse impacts (including roadway and highway impacts, as well as the railroad crossing impacts) are acceptable in light of each of the overriding considerations.

Adoption of the *2015-2023 Housing Element* with its 38 new actions not studied in the Previous CEQA Documents does not directly encourage or induce new construction, so there cannot be any project-level transportation or traffic impacts (such as traffic load and capacity, or traffic safety thresholds) from construction associated with adoption of the *Housing Element*.

Conflict with adopted City policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or generate traffic at at-grade railroad crossings.

Adoption of the *2015-2023 Housing Element* does not conflict with City's policies, plans or programs regarding public transit, bicycle, or pedestrian facilities. The potential hazard of vehicle queuing at at-grade railroad crossings would not be an impact, because adoption of the *Housing Element* would not induce any new population or new residents. Finally, there would be no development to change air traffic patterns, because the adoption of the *Housing Element* doesn't create, or induce any new buildings to be constructed which could potentially change air traffic patterns.

Implementation of the *2015-2023 Housing Element* will have no additional impacts on emergency access. Any potential construction of residential units which may be affected by adoption of the *Housing Element* is neither more, nor less, likely to create transportation impacts due to the *Housing Element*. In addition, future development would need to comply with the Oakland General Plan, the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Therefore, transportation impacts would be *less than significant*.

Cumulative Impacts

Adoption of the *2015-2023 Housing Element* would not cause a cumulative increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system, nor exceed a cumulative level of service standard established by the county congestion management agency for designated roads or highways in a manner not contemplated in the LUTE, or in the adopted *Housing Element* of the Oakland General Plan.

Any potential construction of residential units which may be affected by adoption of the *Housing Element* is neither more, nor less, likely to create transportation impacts due to the *Housing Element*. In addition, future development would need to comply with the Oakland General Plan, the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Therefore, transportation impacts would be *less than significant*.

Two actions in the *2015-2023 Housing Element* attempt to encourage new development which reduces transportation trips and vehicle miles travelled in private automobiles:

Action 7.3.3 Implement SB 375 provisions, direct new housing to be built in Priority Development Areas.

Implement the provisions of State Bill (SB) 375 and regional agency rule-making, following their adoption. The City will continue to encourage mixed-use, infill, and transit development in designated Priority Development Areas.

Action 7.3.4 Integrate Land Use and Transportation Planning in Major Residential Projects

Require the integration of land use and transportation planning and consideration of Greenhouse Gas (GHG) reduction opportunities in each planning, major development project, and planning effort undertaken by the City.

Action 7.3.3 directs new housing to be built in already identified "Priority Development Areas", near major transit hubs; Action 7.3.4 allows City staff and developers to seek ways to reduce GHG emissions in new development. By following these two *Housing Element* actions, new residential development could provide potential environmental benefits in the future, by reducing GHG emissions.

Planning-related non-CEQA issues

Adopting the *2015-2023 Housing Element* wouldn't cause more impact from cars seeking parking, because adoption of the *Housing Element* would not induce any new population or new residents. Transit operations and load, likewise, would not be impacted by the adoption of the *Housing Element*. *Housing Element* actions that encourage infill and transit-oriented development patterns are consistent with General Plan policies covered under the Previous CEQA Documents. Any potential construction of residential units which may be affected by adoption of the *Housing Element* is neither more, nor less, likely to create transportation impacts due to the *Housing Element*. In addition, future development would need to comply with the Oakland General Plan, the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Therefore, transportation impacts would be *less than significant*.

XVII. Utilities and Service Systems

The 2007-2014 *Housing Element EIR* found no significant impacts to Utilities and Service Systems. The following analysis will consider those 38 new actions in the 2015-2023 *Housing Element* which were not analyzed in the Previous CEQA Documents.

Wastewater Treatment/Capacity, Stormwater and Water Supply

Adoption of the 2015-2023 *Housing Element* would not exceed local wastewater treatment requirements, nor require the construction of new water or wastewater treatment facilities or expansion of existing facilities, nor require new or expanded water supplies. Any potential construction of residential units which may be affected by adoption of the *Housing Element* is neither more, nor less, likely to create wastewater or water supply impacts due to the *Housing Element*. In addition, future development would need to comply with the Oakland General Plan, the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Thus, adoption of the *Housing Element* would create no significant impacts on wastewater treatment and capacity for the East Bay Municipal Utilities District (EBMUD); no requirements for new or expanded stormwater facilities; and no cause for an excessive demand on water supply from EBMUD. Therefore, impacts to wastewater treatment or water supplies would be *less than significant*.

Landfill Capacity and Solid Waste

Adoption of the 2015-2023 *Housing Element* would not create a quantity of solid waste that would conflict with locally permitted capacity or federal, state, and local statutes and regulations related to solid waste. Any potential construction of residential units which may be affected by adoption of the *Housing Element* is neither more, nor less, likely to create solid waste impacts due to the *Housing Element*. In addition, future development would need to comply with the Oakland General Plan, the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Therefore, impacts to landfill capacity or generation of solid waste would be *less than significant*.

Energy Standards and Energy Provider Capacity

Adoption of the 2015-2023 *Housing Element* would not violate regulations for energy standards or conservation, nor create an additional load which would reduce energy provider capacity (Pacific Gas & Electric). Any potential construction of residential units which may be affected by adoption of the *Housing Element* is neither more, nor less, likely to create energy impacts due to the *Housing Element*. In addition, future development would need to comply with the Oakland General Plan, the Zoning Ordinance and City's Conditions of Approval & Uniformly Applied Development Standards imposed as Standard Conditions of Approval including regulations and requirements related to the Building Code and would undergo project-specific CEQA review, which reduce potential impacts to a less than significant level. Therefore, impacts to energy provision would be *less than significant*.

C. SUMMARY

MANDATORY FINDINGS OF SIGNIFICANCE

For the reasons stated in the analysis above, the City finds and determines that adoption and implementation of the *2015-2023 Housing Element* will not have a significant impact on the environment (either by creating new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the Previous CEQA Documents). The analysis included in this document constitutes an Addendum to the Previous CEQA Documents, and demonstrates that no further CEQA review is required to adopt the *2015-2023 Housing Element*.

None of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the *CEQA Guidelines*, including Public Resources Code Section 21166 and *CEQA Guidelines* Sections 15162 and 15163, are present in that:

1. there are no substantial changes to the project that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the Previous CEQA Documents;
2. there are no substantial changes in circumstances that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the Previous CEQA Documents; and
3. there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Previous CEQA Documents was adopted, which is expected to result in (a) new significant environmental effects or a substantial increase in the severity of significant environmental effects already identified in the Previous CEQA Documents; or (b) mitigation measures which were previously determined not to be feasible would in fact be feasible, or which are considerably different from those recommended in the Previous CEQA Documents and which would substantially reduce significant effects of the project, but the City declines to adopt them.

Thus, in considering adoption and implementation of the *2015-2023 Housing Element*, the City can rely on the Previous CEQA Documents, and no further/additional CEQA review is required. Furthermore, as a separate and independent basis, the City finds and determines that the *2015-2023 Housing Element* is also exempt from further CEQA review pursuant to Public Resources Code section 21083.3 and CEQA Guidelines section 15183.

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ATTACHMENT G

**Table 7-1
Implementation Program**

Actions ¹		Agency	Approximate Timeframe	Funding
Goal 1: Provide Adequate Sites Suitable for Housing for All Income Groups				
Policy 1.1: Priority Development Areas - Housing Program				
1.1.1	Site Identification	Bureau of Planning	Keep updated inventory on the City's website	Permit Fees
1.1.2	Expedited Review	Bureau of Planning & Bureau of Building	Ongoing, 2015-23	Permit Fees
1.1.3	Streamline Environmental Review	Bureau of Planning	Ongoing, 2015-23	Permit Fees
1.1.4	International Blvd Community Revitalization Without Displacement Incentive	Department of Housing & Community Development (DHCD) – Housing Assistance Center/Strategic Initiatives	Policy development starting 2014-15	CDBG, California Sustainable Communities Planning Grant, California Endowment
1.1.5	Consider expanding the existing Micro-living quarters pilot program to the entire Downtown and Jack London Square PDA.	Bureau of Planning	2015-2017	TBD
Policy 1.2: Availability of Land				
1.2.1	Land Inventory (Opportunity Sites)	Bureau of Planning	Post to City's website within 90 days of adoption and final certification (by Cal HCD)	Permit Fees
Policy 1.3: Appropriate Locations and Densities for Housing				
1.3.1	Broadway Valdez Specific Plan (BVSP)	Bureau of Planning	Ongoing, 2015-23	Permit Fees
1.3.2	Lake Merritt Station Area Plan (LMSAP)	Bureau of Planning	Ongoing, 2015-23	Permit Fees

**Table 7-1
Implementation Program**

Actions¹		Agency	Approximate Timeframe	Funding
1.3.3	West Oakland Specific Plan (WOSP)	Bureau of Planning	Ongoing, 2015-23	Permit Fees
1.3.4	Coliseum Area Specific Plan (CASP)	Bureau of Planning	Ongoing, 2015-23	Permit Fees
1.3.5	Central Estuary Area Plan (CEAP)	Bureau of Planning	Ongoing, 2015-23	Permit Fees
1.3.6	Promote new housing opportunities in the Estuary Area.	Bureau of Planning	Ongoing, 2015-23	Permit Fees
Policy 1.4: Secondary Units				
1.4.1	Secondary Unit- Parking Solutions	Bureau of Planning	2014-2017Ongoing, 2015-23	Permit Fees
1.4.2	Secondary Unit – Setback Solutions	Bureau of Planning	2014-2017	TBD
Policy 1.5: Manufactured Housing				
1.5.1	Factory Built Housing	Bureau of Planning	Ongoing, 2015-23	Permit Fees
Policy 1.6: Adaptive Reuse				
1.6.1	Live/Work Conversions	Bureau of Planning	Ongoing, 2015-23	Permit Fees
Policy 1.7: Regional Housing Needs				
1.7.1	Accommodate 14,765 New Housing Units	Bureau of Planning	Ongoing, 2015-23	General Plan Surcharge Fee; Permit Fees

**Table 7-1
Implementation Program**

Actions¹	Agency	Approximate Timeframe	Funding
2.7.3 Sale of City-Owned Property for Housing	TBD	Ongoing, 2015-23	Staff time
2.7.4 Utilize 25% of the funds distributed to the City as a taxing entity under the Redevelopment dissolution and deposit them into the Affordable Housing Trust Fund (aka "Boomerang Funds")	Department of Housing & Community Development (DHCD)	Beginning in 2015 and ongoing, 2015-23	Redevelopment Property Tax Trust Fund (RPTTF) Allocation to the City of Oakland
Policy 2.8: Rental Assistance			
2.8.1 Expansion of Section 8 Vouchers	Housing Authority	Ongoing, 2015-23	Housing Authority Administrative Funds, Section 8 Program
2.8.2 City of Oakland Rental Assistance Program	Department of Housing & Community Development (DHCD) – Housing Assistance Center/Strategic Initiatives	Ongoing as funds are available, 2015-23	Wells Fargo Bank National Fair Housing Alliance Settlement Agreement Funds
Policy 2.9: PATH Strategy for the Homeless			
2.9.1 Provide outreach programs to those who are homeless or in danger of becoming homeless	Community Housing Services (DHS)	Ongoing, 2015-23	General Fund, HCD/ESG, HUD/CDBG
2.9.2 Support programs that help prevent renters from becoming homeless.	Department of Housing & Community Development (DHCD/DHCD) Community Housing Services (DHS)	Ongoing, 2015-23	General Fund, HCD/ESG, HUD/CDBG

**Table 7-1
Implementation Program**

Actions ¹	Agency	Approximate Timeframe	Funding
Policy 2.10: Promote an Equitable Distribution of Affordable Housing throughout the Community			
2.10.1 Provide Incentives for Location of City-Assisted Developments in Areas of Low Concentration of Poverty	Department of Community Development – Housing Development Services	Ongoing, 2015-23	HOME, HUD, CALHFA, County, misc. State/Federal housing programs, AHP private funds
Policy 2.11: Affordable Housing Preference for Oakland Residents and Workers			
2.11.1 Oakland Resident and Worker Housing Preference Policy Resolution	Department of Housing & Community Development (DHCD)	Ongoing enforcement, 2015-23	City staff time
Goal 3: Remove Constraints to the Availability and Affordability of Housing for All Income Groups			
Policy 3.1: Expedite and Simplify Permit Processes			
3.1.1 Allow Multifamily Housing	Bureau of Planning	Ongoing, 2015-23	Permit Fees
3.1.2 Special Needs Housing	Bureau of Planning	Transitional and Supportive Housing review and update: By December 2015	Permit Fees
		Allowing Emergency Shelters By-Right: Ongoing, 2015-23	
3.1.3 Discretionary Permits	Bureau of Planning	Ongoing, 2015-23	Permit Fees
3.1.4 “One-Stop” Permit Process.	Bureau of Planning	Ongoing, 2015-23	Permit Fees
3.1.5 Assign Priority to Affordable Housing	Bureau of Planning	Ongoing, 2015-23	Permit Fees
3.1.6 Expedite Environmental Review	Bureau of Planning	Ongoing, 2015-23	Permit Fees