

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

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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.

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 blue ink, appearing to read "P. McDougall", with a stylized flourish extending from the end.

Paul McDougall
Housing Policy Manager