

CITY OF OAKLAND



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Department of Transportation
Safe Streets Division

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Bicyclist and Pedestrian Advisory Commission, Monthly Meeting Agenda **Thursday, February 20, 2020; 6:00-8:00 pm** **City Hall, Hearing Room 4**

BPAC Home Page: www.oaklandca.gov/boards-and-commissions/bicyclist-and-pedestrian-advisory-commission
Resources for Commissioners: <https://www.oaklandca.gov/resources/resources-for-bpac-members>

Commissioners

Reginald K Burnette Jr, Andrew Campbell, Grey Gardner, Jesse Jones, Phoenix Mangrum, George Naylor,
Zachary Norris, Mariana Parreiras, Patricia Schader, Dianne Yee

Time	#	Topic
6:00	1	Roll Call/Determination of Quorum/Introductions (5 minutes)
6:05	2	Approval of meeting minutes <i>Attachment</i> (5 minutes)—Seek motion to adopt the January 2020 and January 2020 Special Meeting BPAC minutes.
6:10	3	BPAC 25th Anniversary Celebration (5 minutes)—Celebration commemorating the 25th Anniversary of the first meeting of the Bicycle/Pedestrian Advisory Committee held in February 1995.
6:15	4	Open Forum / Public Comment (10 minutes)—Members of the public may comment on any issue within BPAC's subject matter jurisdiction. Comments on a scheduled agenda item will be heard with that item. The BPAC's Open Forum Committee tracks Open Forum issues raised by the public. (See tinyurl.com/Oakland-BPAC-OpenForumTracking .) The Committee reviews the public comments on a periodic basis to identify policy issues for discussion by the Commission. To request City services, please contact the City of Oakland Call Center; information at www.oaklandca.gov/services/oak311 .
6:25	5	Committee Report Back <i>Attachment</i> (15 minutes)—Committees of the BPAC with activities in the past month will provide brief updates to the Commission. A list of active committees is included in the agenda packet.
6:40	6	Sidewalk Certification Program <i>Attachment</i> (20 minutes)—Sarah Fine, Complete Streets Paving & Sidewalk Program Manager, will provide an update on the Sidewalk Certification Program, Ordinance # 13549. An item on the program was heard at the Public Works Committee of City Council on February 11 th , 2020 and the agenda report from that item is attached.
7:00	7	Biannual Report from Strategic Planning <i>Attachment</i> (25 minutes)—Laura Kaminski, Acting Strategic Planning Manager, will give an update on the General Plan Update, Senate Bill 2 (SB2) Grant - Objective Design Standards, and Assembly Bill 1763 (AB1763) – “Super Density Bonus.” The agenda report and resolution that went to City Council to apply for the SB2 Grant is attached and more information on AB1763 can be found at https://leginfo.legislature.ca.gov/faces/billVersionsCompareClient.xhtml?bill_id=201920200AB1763 .
7:25	8	Strategic Plan Task Force Report Back (15 minutes)—The Strategic Plan Task Force, created at the January Special Meeting, will report back on their work on the BPAC 2020 Strategic Plan.



This meeting location is wheelchair accessible. To request disability-related accommodations or to request an ASL, Cantonese, Mandarin or Spanish interpreter, please email npond-danchik@oaklandca.gov or call (510) 238-4753 or 711 (for Relay Service) at least five (5) working days before the meeting. Please refrain from wearing scented products to this meeting as a courtesy to attendees with chemical sensitivities.

Esta reunión es accesible para sillas de ruedas. Si desea solicitar adaptaciones relacionadas con discapacidades, o para pedir un intérprete en español, Cantones, Mandarín o de lenguaje de señas (ASL) por favor envíe un correo electrónico a npond-danchik@oaklandca.gov o llame al (510) 238-4753 o al 711 para servicio de retransmisión (Relay Service) por lo menos cinco (5) días hábiles antes de la reunión. Se le pide de favor que no use perfumes a esta reunión como cortesía para los que tienen sensibilidad a los productos químicos. Gracias.

會場有適合輪椅出入設施。需要殘障輔助設施, 手語, 西班牙語, 粵語或國語翻譯服務, 請在會議前五個工作天電郵 npond-danchik@oaklandca.gov 或致電 (510) 238-4753 或 711 (電話傳達服務)。請避免塗搽香氛產品, 參加者可能對化學成分敏感。

Địa điểm tổ chức cuộc họp có đường dành riêng cho xe lăn. Để yêu cầu các phương tiện hỗ trợ phục vụ người khuyết tật hoặc yêu cầu thông dịch viên ASL, tiếng Quảng Đông, tiếng Quan Thoại hoặc tiếng Tây Ban Nha, vui lòng gửi email đến địa chỉ npond-danchik@oaklandca.gov hoặc gọi đến số 711 (với Dịch vụ Tiếp âm) ít nhất năm (5) ngày làm việc trước khi cuộc họp diễn ra. Vui lòng không sử dụng các sản phẩm có mùi thơm khi tham gia cuộc họp này như một phép lịch sự đối với những người tham dự nhạy cảm đối với các chất hóa học.



City of Oakland, Bicyclist & Pedestrian Advisory Commission
DRAFT Minutes from the January 16, 2020 meeting
City Hall, 2nd Floor, Sgt Daniel Sakai Hearing Room (aka Hearing Room 4)

Meeting agenda at <https://cao-94612.s3.amazonaws.com/documents/January-2020-BPAC-Agenda.pdf>.

Meeting called to order at 6:02 pm by BPAC Vice-Chair, George Naylor.

Item 1. Roll Call/Determination of Quorum/Introductions

At roll call, quorum was established with all commissioners present (X).

Commissioners	Present
Reginald K Burnette Jr	X
Andrew Campbell	X
Grey Gardner	X
Jesse Jones	X
Phoenix Mangrum	X
George Naylor	X
Mariana Parreiras	X
Patricia Schader	X
Dianne Yee	X

Introductions were made.

- Other attendees: Pepe Vallenias, Tom Holub, John Minot, Midori Tabata, Robert Prinz, Kenya Wheeler, Bradley Cleveland
- Staff: Jason Patton, Jennifer Stanley, Debra Israel

Item 2. Approval of meeting minutes

- A motion to ***adopt the Bicyclist & Pedestrian Advisory Commission meeting minutes from December 19, 2019*** was made (Parreiras), seconded (Burnette Jr), and approved with Commissioner Campbell abstaining. Adopted minutes online at www.oaklandbikes.info/BPAC.

Item 3. Open Forum / Public Comment

- Pepe Vallenias: public paths and stairways are being infringed upon by adjacent neighbors/property owners installing illegal fences. This is a safety hazard (beyond an annoyance). Commissioners encouraged him to report to the City via 311—online, phone, seeclickfix.com—as an illegal encroachment which would be forwarded to the appropriate department for follow up, and briefed him on what to expect. In response, John Minot noted that seeclickfix has no category for reported obstructed rights of way.
- John Minot: reported on effort to (re)install bus only lanes to the Bay Bridge and recommended that attendees contact their legislators to support this. Commissioner Parreiras noted that this issue is on the agenda of the BART board next week.

Item 4. Committee Report Back

- **Infrastructure:** no report. Will post agenda when available.
- **Legislative:** met yesterday. They are drafting a resolution that would lower speed limits around schools and are planning to meet with Council member. They are also meeting with City staff about citations (such as parking in bike lanes), and plan to broaden the scope of citation revisions, and involve other staff. They would like for training to be required for contractors implementing temporary traffic control plans. Next week they are meeting with Bike Share Program staff prior to a Public Works Committee meeting where an addendum to the bike share franchise agreement is being considered. They plan to start tracking state legislation relevant to the BPAC's mission.
- **Affordable Housing & Infrastructure Bond Public Oversight Committee (Liaison):** no report. Meeting next in February.
- **Mayor's Commission on Persons with Disabilities (Liaison):** reviewing the recent requirement to repair sidewalks when properties are sold after opposition from a real estate trade group and discussed the accessible Lime Scooters unveiled last week.
- **Open Forum:** no report.
- **Bicyclist Pedestrian Police Relations:** At January 8 meeting, they discussed:
 - Kenya Wheeler's recent interaction with an armed private security guard near a new development in the Broadway Valdez planning area. (He was detained while photographing bike racks.) Unlike OPD officers, private security guards don't wear body cameras. This should be addressed.
 - 90th Ave bikeway within context of larger East Oakland Transportation planning effort. How are stops being made in East Oakland, what is the training for OPD staff?
 - Unpacking stop data for 2016-2018.
 - Future bike rides with officers.
- **Planning Commission Review:** tracking Howard Terminal and Downtown Specific Plan projects.

Speakers other than commissioners: Pepe Vallas

Item 5. Nominations & Elections for BPAC Chair and Vice Chair

- **Chair:** Commissioner Naylor was sole nominee and accepted the nomination. Election was approved unanimously on voice vote.
- **Vice-Chair:** Commissioner Campbell was nominated and accepted. Commissioner Parreiras nominated and declined. Election of Commissioner Campbell was approved unanimously on voice vote.

Item 6. Commissioner Transition and Committee Appointments

The BPAC Chair welcomed three new commissioners (Grey Gardner, Patricia Schader, and Dianne Yee), and thanked Commissioner Jones for continuing to serve.

The result of discussion on new committee assignments is summarized in the table below.

Committee Name / Liaison Role	Date Created	Purpose	Commissioners	Community Members
Infrastructure Committee	2/16/2017	Review and comment on the design of projects	Burnette Jr, Mangrum, Parreiras (alternate: Schader), Yee	Robert Prinz, Midori Tabata
Legislative Committee	6/21/2018	Research and develop policy recommendations for consideration by the BPAC	Gardner , Mangrum, Naylor, Parreiras	Chris Kidd, Kenya Wheeler
Liaison to Affordable Housing & Infrastructure Bond Public Oversight Committee	5/17/2018	Monitor Committee activities and report back to the BPAC	Naylor	n/a
Liaison to Mayor's Commission on Persons with Disabilities	5/17/2018	Monitor MCPD activities and report back to the BPAC	Parreiras; Schader (substitute)	n/a
Open Forum Committee	3/17/2016	Review and analyze comments received during Open Forum	Jones, Schader	Midori Tabata
Bicyclist Pedestrian Police Relations Committee	9/20/2018	Rectify inequitable policing and racial profiling through analysis, dialog, and recommendations	Burnette Jr, Gardner, Schader, Mangrum	Tom Holub, Zachary Norris, Kenya Wheeler
Planning Commission Review Committee	1/17/2019	be a resource to the Planning Commission and provide input on bicycle and pedestrian elements of proposed projects	Campbell , Schader	Bradley Cleveland, John Minot, Kenya Wheeler

*Committee Chairs in **bold**. Changes/updates should be reported to staff.

It was proposed that a liaison to the Public Works Committee be added. This can be discussed at the upcoming strategic planning meeting.

Speakers other than commissioners: Bradley Cleveland, Midori Tabata, Kenya Wheeler, John Minot

Item 7. 2020 Census

Richard J. Luna, Assistant to the City Administrator, gave a presentation (***see attachment***) on the 2020 Census. He reported that a team of City staff were conducting outreach and that the city's boards and commission members are considered ambassadors. Key points from the presentation and discussion:

- This is the first majority digital Census.
- There is no citizenship question included.
- California has allocated millions of dollars to help with hard to count populations (e.g. different languages, unhoused, etc.); 57% of Oakland residents live in hard to count census tracts.
- A separate, one-day count is being conducted for Oakland's unhoused population. The federal government has not agreed to the City's request that more resources be allocated.
- Census workers are still being recruited, with pay of ~ \$25/hr.

Speakers other than commissioners: Debra Israel, Kenya Wheeler

Item 8. Bike Plan Implementation Status

Jennifer Stanley and Jason Patton with OakDOT's Safe Streets Division's Bicycle & Pedestrian Program gave an overview of the City's progress implementing Oakland's bike plan projects and programs since bike plan update adoption in July 2019. **See attachment.**

Jennifer shared an online mapping application with six tabs that share the status of the bikeway network, bike signs, and bike parking, as well as active and completed bikeway projects. (See www.oaklandbikemaps.info.) Details about individual assets or projects can be found by clicking on lines or points. Source data is shared via www.data.oaklandnet.com, an open data platform. The maps will be updated twice annually (January and July).

Jason described the bike plan's three program areas. He explained that the social services model of providing direct services is atypical for DOT but typical for the Oakland Public Library (OPL). Jason asked the Commissioners to consider the plan recommendation that the community partners be included in bike plan implementation in an advisory role, and how that best dovetails with BPAC's mandate.

Summary of Discussion:

- The new (and long awaited) bike lanes on Havenscourt Blvd have slowed traffic.
- OPL has fixed over 20k flats this year. Almost all libraries have bike pumps.
- The Bicycle & Pedestrian Program is the lead on bike plan implementation, but the hand off from Great Streets has been slow. The Program expects to have at least two new mid-level staff in 2020 which should help.
- There is no longer sufficiently advance notice of bike projects. It was requested that reporting of the design phase be reinstated. Better coordination is needed.

Speakers other than commissioners: Robert Prinz

- A motion to ***extend the meeting by 15 minutes was made (Parreiras), seconded (Mangrum), and passed on voice vote.***

Item 9. BPAC Chair Report to Public Works Committee

Kenya Wheeler, 2019 BPAC Chair, presented a draft 2019 Annual Report to the Public Works Committee for approval by the BPAC (**see attachment**). He said that it was based on last year's report format and will provide it to staff for distribution to commissioners. He would like comments back from BPAC, and staff will coordinate on soliciting and consolidating comments. All are welcome to attend or watch the meeting on KTOP (date to be determined).

Item 10. Three-month look-ahead, suggestions for meeting topics, announcements

Three-month look-ahead

January 30th Special Meeting

- Strategic Planning

February

- TDA Projects Recommended List (tentative)
- BART Bike/Pedestrian Projects Update (tentative)
- 14th Street Active Transportation Program (ATP) Grant (tentative)

- Biannual Strategic Planning Projects (tentative)

March

- Bike to Work Day Planning
- Seamless Bay Area (tentative)
- Active Transportation Program (ATP) Grant Ideas (tentative)

Suggestions for meeting topics

- Move the BART item to March.
- Foothill Blvd safety projects update, or an update on OakDOT's quick build safety projects.
- Revel motor scooters update

Announcements

- OakDOT is on track to submit two applications for the Affordable Housing Sustainable Communities grant program (shared with BPAC previously):
 - Fruitvale Transit Village (\$2.5 M): Fruitvale Alive Gap Closure; Pedestrian Lights on International Blvd
 - West Oakland BART (\$3 M): 18th St Bikeway
- As of January 20, Clipper cards can be used to access the BikeLink eLockers owned by Oakland, Capitol Corridor, and SMART. Go to the clipper website to add your BikeLink information.
- The January 30 BPAC Special Meeting is later than usual because of the mandatory ethics training.

Meeting adjourned at 8:22pm.

Attachments (to be appended to adopted minutes)

- Census presentation
- Bike plan progress presentation
- Draft Chair's report to Public Works Committee

Minutes recorded by Jennifer Stanley, Bicycle & Pedestrian Facilities Coordinator, emailed to meeting attendees for review on January 23, 2020 with comments requested by 5pm, Thursday, January 30 to jstanley@oaklandca.gov. Revised minutes will be attached to the February 2020 meeting agenda and considered for adoption at that meeting.



City of Oakland, Bicyclist & Pedestrian Advisory Commission
DRAFT Minutes from the January 30, 2020 Special meeting
City Hall, 2nd Floor, Sgt Daniel Sakai Hearing Room (aka Hearing Room 4)

Meeting agenda at https://cao-94612.s3.amazonaws.com/documents/BPAC_Agenda_January-30-Special-Meeting.pdf.

Meeting called to order at 7:34 pm by BPAC Chair, Naylor.

Item 1. Roll Call/Determination of Quorum/Introductions

At roll call, quorum was established with eight commissioners present (X). One (-) was excused (provided notice of absence as specified in by-laws).

Commissioners	Present (x)
Reginald K Burnette Jr	X
Andrew Campbell (Vice-Chair)	X
Grey Gardner	X
Jesse Jones	X
Phoenix Mangrum	X
George Naylor (Chair)	X
Mariana Parreiras	-
Patricia Schader	X
Dianne Yee	X

Introductions were made.

- Other attendees: Abe McKay, Kent Lewandowski
- Staff: Yvonna Cázares, Noel Pond-Danchik, Jason Patton

Item 2. Open Forum / Public Comment

- Kent Lewandowski thanked the BPAC and Oakland Department of Transportation (OakDOT) staff for the bicycling infrastructure installed last year around Lake Merritt.
- Kent Lewandowski asked the BPAC to weigh in on bicyclist/pedestrian improvement opportunities at new developments like the Brooklyn Basin development.
 - Lewandowski was referred to get involved with the Planning Review Committee led by Commissioner Campbell that looks at bicyclist and pedestrian issues around developments or the Infrastructure Committee led by Robert Prinz that deals with bicyclist and pedestrian issues around infrastructure projects in the city.

Item 3. Strategic Planning

Yvonna Cázares from the Office of the Mayor lead the BPAC in updating their Strategic Plan from 2019 by reviewing past achievements, goal-setting for 2020, and planning with an eye towards equity, relationship building/community engagement, and alignment with the needs of Oakland's diverse communities.

Summary of Discussion:

- Tracking progress of strategic plan goals throughout the year was recommended and noted as a weakness from last year's strategic plan.
- Commissioners each commented on a personal goal for the commission. Personal goals included:
 - How to best help the commission
 - Help push the City to the extent possible to make protected spaces for bikes and pedestrians the norm
 - Create a safer, more equitable place for cyclists and pedestrians in East Oakland
 - Improve bicyclist and pedestrian access in East Oakland
 - Improve relationships with the Oakland Police Department and the community
 - More community engagement and engagement with City Council
 - Follow up on input most effectively
 - Focus on safety for youth and children
 - Be a good administrator/facilitator
 - Make sure there's enough time to get meaningful input from commissioners and community
 - Bring out the diverse strengths of the commissioners
- Commissioners reflected on the accomplishments from the last year:
 - Legislative committee led to tangible resolution to expedite safety projects
 - Advocacy and promotion of the Master Bike Plan
 - The first group to shine light on bicyclist/pedestrian and police relations
- Commissioners reviewed their 2019 strategic plan goals:
 - Changed Goal 6: Fiscal oversight of measure B and BB into a task under Goal 3.
 - Added Goal 5. Coordination with Outside Agencies into Goal 2: Project Input and Goal 3. Project Delivery
 - Combined Goal 2. Project Input and Goal 3. Project Delivery.
 - Added a task to follow projects and commission input through the pipeline.
 - BPAC wasn't successful at shifting the focus from projects to policy and programs last year. This year projects should be shifted to the Infrastructure Committee.
- Committees were assigned to each goal:
 - Goal 1. Legislative and Policy
 - Legislative Committee
 - Police Relations Committee
 - Goal 2. Project Input and Delivery
 - Infrastructure Committee
 - Planning Commission Review Committee
 - Goal 3. Community Engagement
 - Police Relations Committee
 - Open Forum Committee
 - Liaisons to other commissions
- The commission discussed the role of committees.
 - There should be more communication between committees and the commission including more scheduling of items from committees to the commission.
 - Committees should try to take notes and post them publicly so other commissioners and the public can keep up on what other committees are working on.
- A mechanism to measure progress on the strategic plan goals is needed.
 - Quarterly strategic plan check-ins were recommended.
 - Committees tracking goals was recommended.

- A motion to ***extend the meeting by 10 minutes*** was made (Naylor), seconded (Jones), and passed on voice vote with all commissioners present voting in favor.
- A motion to ***form a task force on strategic planning*** was made (Mangrum), seconded (Schader), and passed on voice vote with all commissioners present voting in favor.
 - The task force will determine tasks for each of the goal areas, assign committees to the tasks, and make recommendations for tracking progress of the strategic plan.
 - Commissioners Campbell, Gardner, Mangrum, and Jones volunteered for the task force.

Meeting adjourned at 8:53 pm.

Minutes recorded by Noel Pond-Danchik, Pedestrian Program Coordinator, emailed to meeting attendees for review on February 4, 2020 with comments requested by 5pm, Tuesday, February 11th, 2020 to NPond-Danchik@oaklandca.gov. Revised minutes will be attached to the February 2020 meeting agenda and considered for adoption at that meeting.

February 2020 BPAC Agenda Item #5 Attachment

Active BPAC Committees/Task Forces/Liaisons

Committee Name / Liaison Role	Date Created	Purpose	Commissioners	Community Members
Infrastructure Committee	2/16/17	Review and comment on the design of projects	Burnette Jr, Mangrum, Parreiras (alternate: Schader), Yee	Robert Prinz, Midori Tabata
Legislative Committee	6/21/18	Research and develop policy recommendations for consideration by the BPAC	Gardner , Mangrum, Naylor, Parreiras	Chris Kidd, Kenya Wheeler
Liaison to Affordable Housing & Infrastructure Bond Public Oversight Committee	5/17/18	Monitor Committee activities and report back to the BPAC	Naylor	
Liaison to Mayor's Commission on Persons with Disabilities	5/17/18	Monitor MCPD activities and report back to the BPAC	Parreiras; Schader (substitute)	
Open Forum Committee	3/17/16	Review and analyze comments received during Open Forum	Jones, Schader	Midori Tabata
Bicyclist Pedestrian Police Relations Committee	9/20/18	Rectify inequitable policing and racial profiling through analysis, dialog, and recommendations	Burnette Jr, Gardner, Schader, Mangrum	Tom Holub, Zachary Norris, Kenya Wheeler
Planning Commission Review Committee	1/17/2019	be a resource to the Planning Commission and provide input on bicycle and pedestrian elements of proposed projects	Campbell , Schader	Bradley Cleveland, John Minot, Kenya Wheeler
2020 Strategic Plan Taskforce	1/30/2020		Campbell, Gardner, Mangrum, Jones	

*Committee Chairs in **bold**



AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Ryan Russo
Director

SUBJECT: Status Report on Sidewalk Ordinance
No. 13549 C.M.S.

DATE: January 9, 2020

City Administrator Approval

Date: 1/30/20

RECOMMENDATION

Staff Recommends That the City Council Receive An Informational Report On The Status Of: 1) The Implementation Of Sidewalk Ordinance 13549 To Include The Process On How To Obtain The Sidewalk Ordinance Compliance Certificate, Including The Process For Exemptions 2) The Process To Obtain Information If A Tree Causing Sidewalk Damage Is A Certified City Tree And The Documentation That Would Be Provided To The Property Owner 3) Consideration Of A 90-Day Moratorium On The Ordinance.

EXECUTIVE SUMMARY

This report summarizes the status of Sidewalk Ordinance No. 13549 C.M.S, which is known colloquially as the Sidewalk Certification Program, and the processes and permits that implement the policies set out in the Ordinance. The report includes discussion of:

- 1) the Process for obtaining a Sidewalk Compliance Certificate;
- 2) Sidewalk Certification exemptions and the process for substantiating such exemptions;
- 3) growing the pool of contractors eligible to certify sidewalks;
- 4) the process for verifying claims of sidewalk damage due to Official City trees; and
- 5) the potential impact of the proposed 90-day moratorium on the Ordinance.

BACKGROUND / LEGISLATIVE HISTORY

Oakland is in the early stages of an infrastructure renaissance. The era started in November of 2016, when 82% of voters supported passage of Measure KK, which made \$350M available for transportation infrastructure investment.

In May 2019, the Oakland Department of Transportation (OakDOT) proposed—and the Council approved—a three-year, \$100M Paving Plan that prioritized local streets and used equity factors to allocate funds among nine Planning Areas. OakDOT's equity-based capital allocation drew national attention as it ensured that the largest share of funding would go to traditionally underserved communities.

While OakDOT is responsible for the maintenance of Oakland's roadways, per the California Streets and Highways Code, private property owners are responsible for maintaining their abutting sidewalks. This means that the City must work through property owners to get the safety and access benefits of sidewalks that are in a state of good repair.

To create a Sidewalk Repair Program to accompany the Paving Plan, OakDOT presented a May 2019 Agenda Report that proposed four pieces of legislation:

- 1) The Sidewalk Ordinance required sidewalk inspection and repair upon title transfer for real property. OakDOT was assigned responsibility for its administration.
- 2) A second ordinance established joint liability for injuries—and reduced City liability—related to private sidewalk damage.
- 3) The third piece of legislation was a resolution authorizing OakDOT to complete sidewalk repairs on behalf of low-income property owners.
- 4) The final resolution authorized a 90-day suspension of sidewalk repair permit fees. July 1, 2019 to September 30, 2019.

ANALYSIS AND POLICY ALTERNATIVES

The Sidewalk Certification program has generated a dramatic increase in the number of permitted sidewalk repairs in the City of Oakland. Prior to passage of the Ordinance, few Oakland property owners—fewer than 10 a month—chose to perform sidewalk repairs, and the level achieved in a single year, FY19, was 128. The July 9, 2019 launch of the Sidewalk Certification Program had a dramatic impact on repair permit activity. The 142 sidewalk repair permits issued in the first three months of FY20 established a new *annual* record for the sidewalk category. See Figure 1 below.

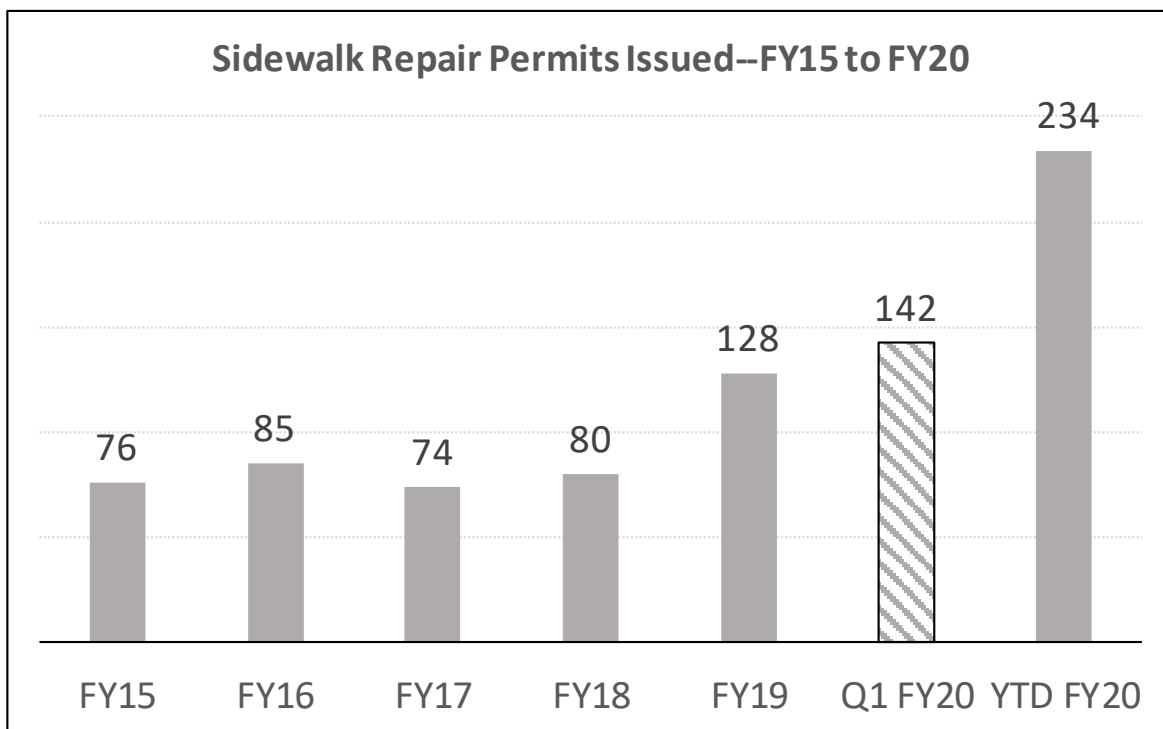


Figure 1 - Q1FY20 set a new *annual* record for sidewalk repair permits. YTD = December.

The growth in sidewalk repairs has been fueled by the successful implementation of the Sidewalk Certification program. Compliance certificate activity was low in the first weeks of program implementation. However, just five weeks into implementation, Sidewalk Certification surpassed Sewer Laterals (SL) to become the largest category of permits issued by OakDOT (Figure 2 below).

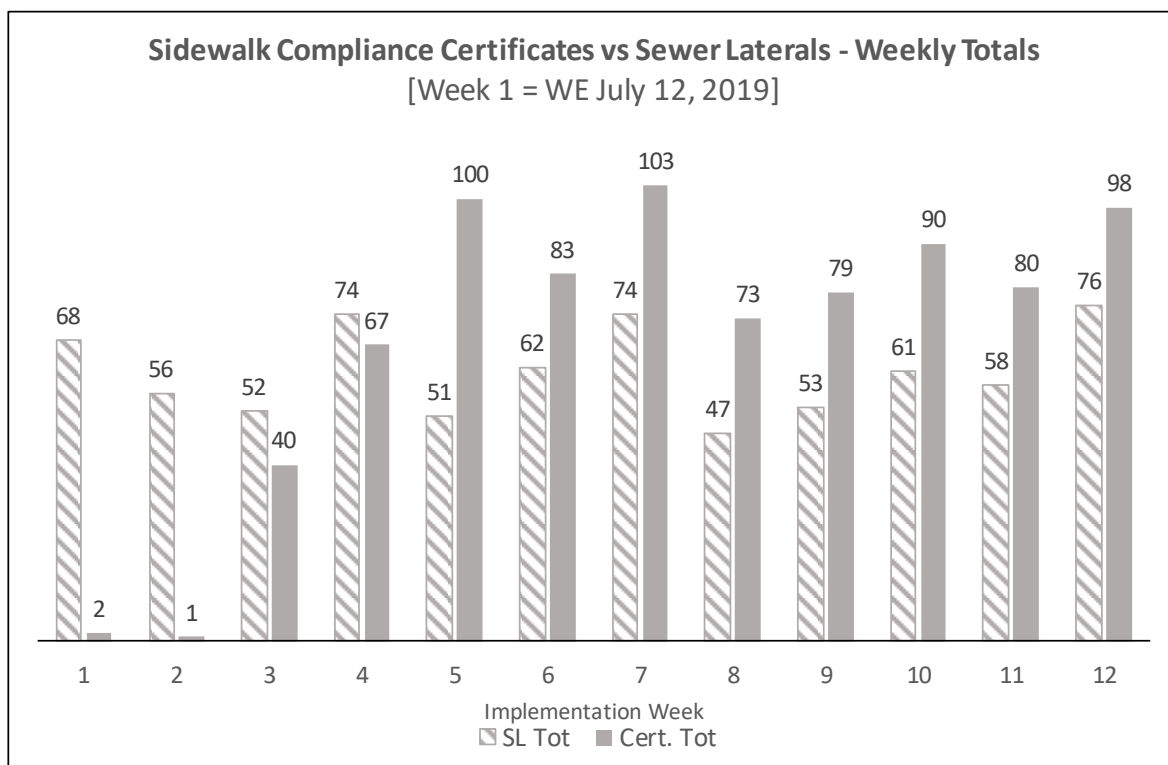


Figure 2 - Compliance Certificates passed SL to become OakDOT's largest permit category.

How to obtain a sidewalk compliance certificate:

To administer the Sidewalk Certification program, OakDOT defined an application process, created a compliance certificate, and established a permanent archive for photographs and other items submitted as evidence of sidewalk condition.

OakDOT's permitting branch issues approximately 8,000 permits per year. OakDOT leveraged existing permitting processes and tools to launch the Sidewalk Certification program.

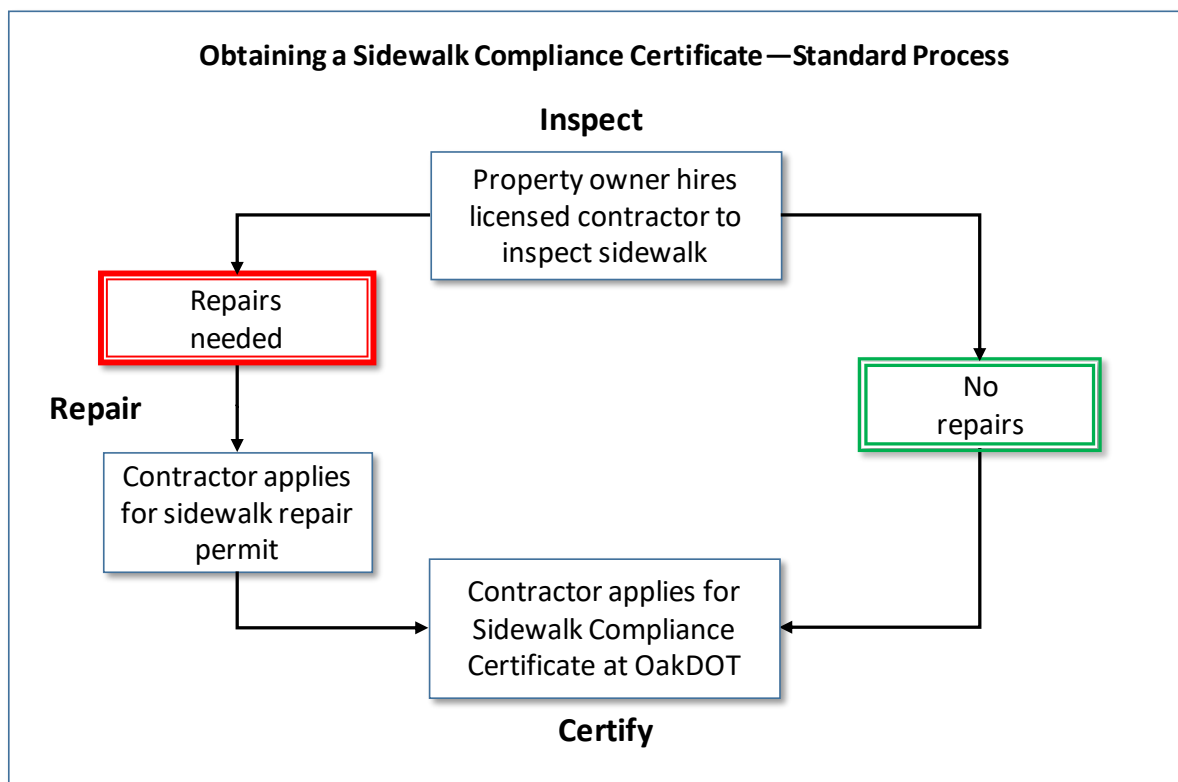


Figure 3 - Sidewalk Certification begins with an inspection

For property owners with an abutting sidewalk, the process begins with hiring a licensed contractor to inspect the sidewalk. If the sidewalk is in good condition, the contractor takes photographs and visits the OakDOT Permit Office to apply for a compliance certificate. If the sidewalk needs repairs, the contractor visits OakDOT and applies for a normal sidewalk repair permit. The contractor takes before and after photos of the sidewalk and returns to OakDOT to apply for a compliance certificate.

As is the case with many new initiatives, there were challenges at the launch of the Certification program, and OakDOT addressed those challenges while administration of the program continued. Indeed, in the six-month life of the program, many process improvements have been made to increase overall efficiency and effectiveness. Among the most notable changes are the following:

- In a departure from standard permitting policy, licensed contractors were allowed to inspect and approve sidewalk repairs in place of OakDOT inspectors, thus, avoiding potentially costly scheduling delays.
- Within one week of program launch, OakDOT published a Frequently Asked Questions (FAQ) document to the OakDOT website. This continuously updated document is the definitive public-facing statement of policy regarding Sidewalk Certification.
- Within two weeks of program launch, staff introduced a Provisional Sidewalk Compliance certificate that allowed transactions in escrow to postpone compliance and progress to closing.

- Staff added sewer lateral contractors—C-42 & C-57 licenses—to the list of contractors eligible to inspect and certify sidewalks, in order to expand the pool of possible contractors.
- OakDOT created a Sidewalk Compliance Handbook to ensure that Permit Counter staff have an up-to-date process resource available to guide their work with applicants.

Properties without sidewalks

In the early weeks of implementation, OakDOT received a legal opinion confirming the status of certain properties as exempt from the ordinance. This included properties with no fronting paved sidewalk at all.

The exempt status of properties with no sidewalks is evident in the title of the Ordinance, which specifies that the new regulations apply to properties with “Sidewalks In the Public Right-of-Way” at the time of property transfer. Nevertheless, many property owners with no sidewalks called or visited the Permit Office with concerns regarding the Ordinance, particularly in the early days of implementation.

Some of the concerned property owners had transactions in escrow or close to escrow. As a customer service, OakDOT issued many of them a Provisional Sidewalk Compliance Certificate. The provisional certificates grant property owners a 90-day grace period during which they are not subject to the Ordinance. Concerned no-sidewalk property owners were advised to bring the provisional document to their closing meeting, in case questions were to arise regarding compliance with the Ordinance.

In recent months, realtors have informed OakDOT that extending provisional certifications to owners who are not subject to the Ordinance was confusing. In response, OakDOT has taken the following steps:

1. Adjusting office policy in a manner that removes provisional certificates as the first choice when no-sidewalk customers call or visit the Permit Office;
2. Adding statements to the OakDOT website that make it clear that properties without improved public sidewalks are exempt from the inspection and repair ordinance.

Owners who insist on a certificate would be issued a provisional certificate with the following unique text applied:

“Pursuant to Oakland Municipal Code Title 12, Chapter 12.04, Section 12.04.380: Sidewalk inspection, replacement, and compliance certificates.

There is no improved sidewalk at the above address, and such properties are not subject to Sidewalk Certification. This provisional certificate is not required. It is issued as a courtesy to the property owner, and it will be valid for a period of 90 days from the date of issue.”

Sidewalk damage due to trees

OakDOT has developed a streamlined process for assisting property owners who have questions about sidewalk damage caused by street trees. Repairs to damage due to city trees is the responsibility of the City, not the property owner. In the City of Oakland, this issue is complicated by two factors.

- 1) Not all trees at curbside are Official City Trees.
- 2) Even when city trees are present, other sidewalk damage may still be owner responsibility.

When a property owner calls or visits the OakDOT permit office regarding City tree-related sidewalk damage this triggers a process that will address each of these important issues.

- 1) First, a research effort will determine if there is a City tree(s) at the subject address.
 - a) Takes one to two days
 - b) Owner will be notified by email
 - c) A note will be added to the permit database (Accela)
- 2) An OakDOT inspector will visit the property to assess city tree damage and determine other, owner responsibility damage
 - i) Takes one to three days
 - ii) Owner will be notified by email
 - iii) A note will be added to the permit database (Accela)

Answering the City vs non-City tree question can be accomplished in one to two business days. The resident is informed via email and a note is added to the address record in the permitting

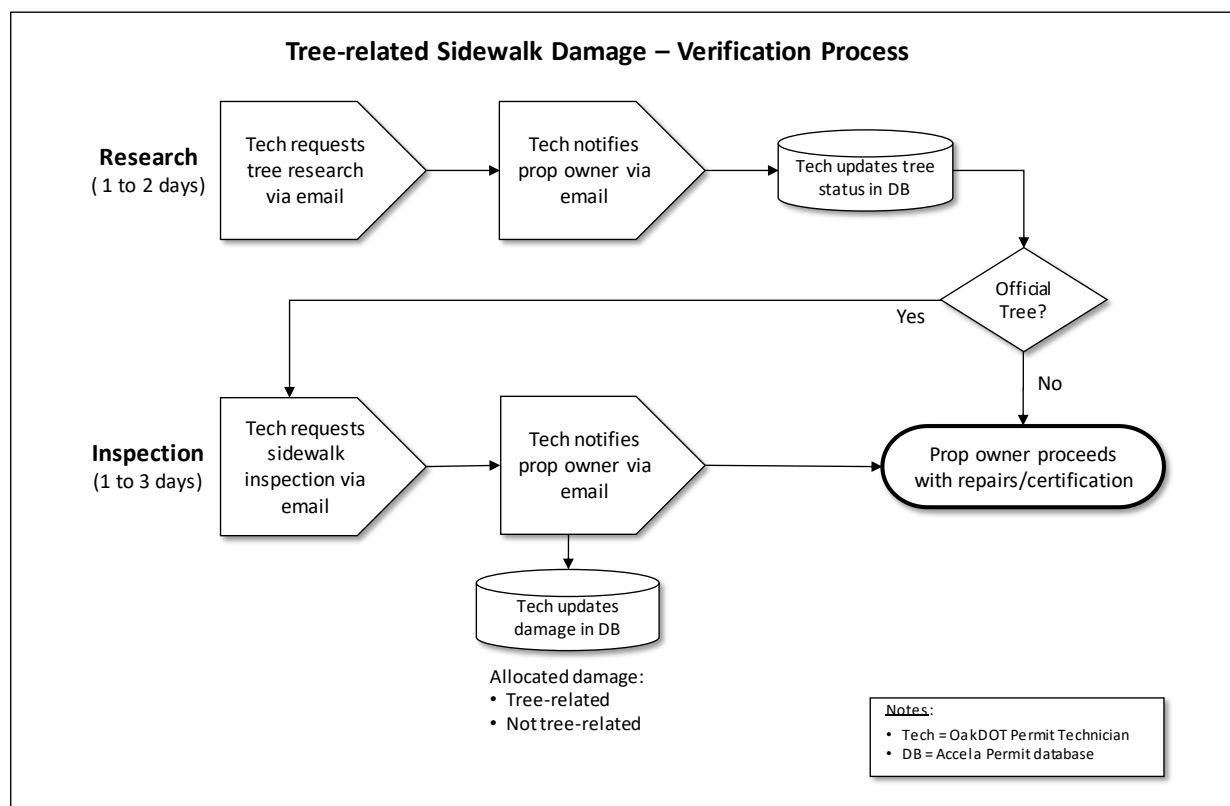


Figure 4 - Streamlined tree damage assessment

Once the presence of a City tree is confirmed, the OakDOT Permit Office staff will request an inspection by a staff member. The inspector will confirm, and photograph, damage due to City trees and non-City tree damage that would-be property owner responsibility. The results of the inspection will be shared with the homeowner for use in their work with a licensed contractor.

The City has a significant backlog of service requests regarding tree removals and tree-related sidewalk damage. However, the tree-related damage need not be repaired for the property owner to have their sidewalk certified.

The City of Oakland published a Comprehensive Sidewalk Survey in 2006. That publication indicated that:

- 84% of all City sidewalks were in good condition;
- 16% of sidewalks are non-compliant
- 5% of sidewalks (one third of the non-compliant) have damage due to City trees

OakDOT has issued 1,603 Sidewalk Certifications in the six months ended December 31, 2019. If the proportions outlined above are accurate, we would expect 80 properties with damage due to city trees. This works out to less than one case per day—a manageable amount for addressing in the process OakDOT has designed.

Expanding the pool of eligible contractors

At the launch of the Sidewalk Certification program, California State Licensing Board (CSLB) licensees A, B, and C-8 were eligible to inspect, repair, and certify sidewalks. Soon, several stakeholders became concerned that the pool of eligible contractors was too small. The shortage, they claimed, was creating delays and inflated prices.

OakDOT was sensitive to the concerns raised regarding the contractor pool, and the agency added C-42 and C-57 licensees as eligible contractors. Our effort to increase the number of ready and eligible contractors is ongoing. The following are examples of promising opportunities OakDOT are pursuing.

- Cultivate minority and independent contractors: Implementation of the Sidewalk Compliance program and the inspection and repair market it creates, should be an opportunity for small businesses in Oakland. That said, OakDOT will work with trade groups and labor organizers to grow awareness of certification and attract more contractors into the Oakland market. The new entrants may include independent contractors who find that they can justify licensing and other costs based on the revenue potential represented by Sidewalk Certification. Contractors who abandoned the city due to a lack of business might similarly be encouraged to return to Oakland. OakDOT's efforts in this area include a January 16, 2020 meeting with labor advocate Mr. Eddie Dillard.
- Promoting contractor services to customers: Oakland residents sometimes call or visit the OakDOT Permit Office for advice on hiring a contractor, and contractors have been known to linger in 4th floor elevator lobby on the off chance of meeting a potential customer. OakDOT is barred from advertising or recommending commercial services. However, we are working to develop a creative and legal solution that would allow contractors to display their business cards in a public area near OakDOT offices, and OakDOT will provide links on its website to lists of Oakland contractors who hold the required licenses as well as providing outreach to those contractors to ensure they are aware of the new City laws.

- Inspection and certification by OakDOT: OakDOT has recently hired one new inspector, and we expect to add three more within the next year. As new staff members come onboard, OakDOT priorities will be the safety and quality inspection duties, which are challenging today, given the inspector corps in understaffed status. However, with additional staff and technology, staff hope to offer a portion of OakDOT inspector time to support Sidewalk Certification. Staff have already designed the process for how OakDOT inspection and certification will work, and will move forward when staffing levels are such that a block of time can be made available on a consistent basis.
- Realtor/Contractor Partnerships: Realtors are important stakeholders in Sidewalk Certification, and they have a role to play in helping their clients understand and become compliant with the law. Serving as an informed information conduit and connecting clients with contractors are ways that realtors can ensure efficient and effective compliance.

Proposal For 90-day Moratorium of Sidewalk Certification Program

Some of the City's realtor stakeholders are advocating suspension of the Sidewalk Certification Program. The Berkeley-based Association of Realtors (AOR) points to process problems, that add time and expense to the compliance process, as justification for the suspension. They claim that suspension is the only way for OakDOT to address the remaining problems with implementation of the Ordinance.

Suspension is an unusual and extreme proposal. In order to evaluate a possible moratorium objectively, within the context of the Certification Program and the legitimate status of realtors as important stakeholders, staff evaluated the following conditions:

- 1) Is the Oakland real estate market in crisis?
- 2) Would imposing a moratorium be equitable?
- 3) Are we comfortable with the precedent we would set with this suspension?

The Oakland real estate market is not in crisis.

Sidewalk Certification has not had a negative impact on the real estate market. A review of Multiple Listing Service (MLS) data shows that, for July to November, total transaction closings were virtually unchanged year-over-year; 1,481 in FY2019 vs 1,474 in FY2020, down 0.5%. The month-to-month pattern shows closings rising and falling consistent with the well-established seasonal pattern, see Figure 5 below.

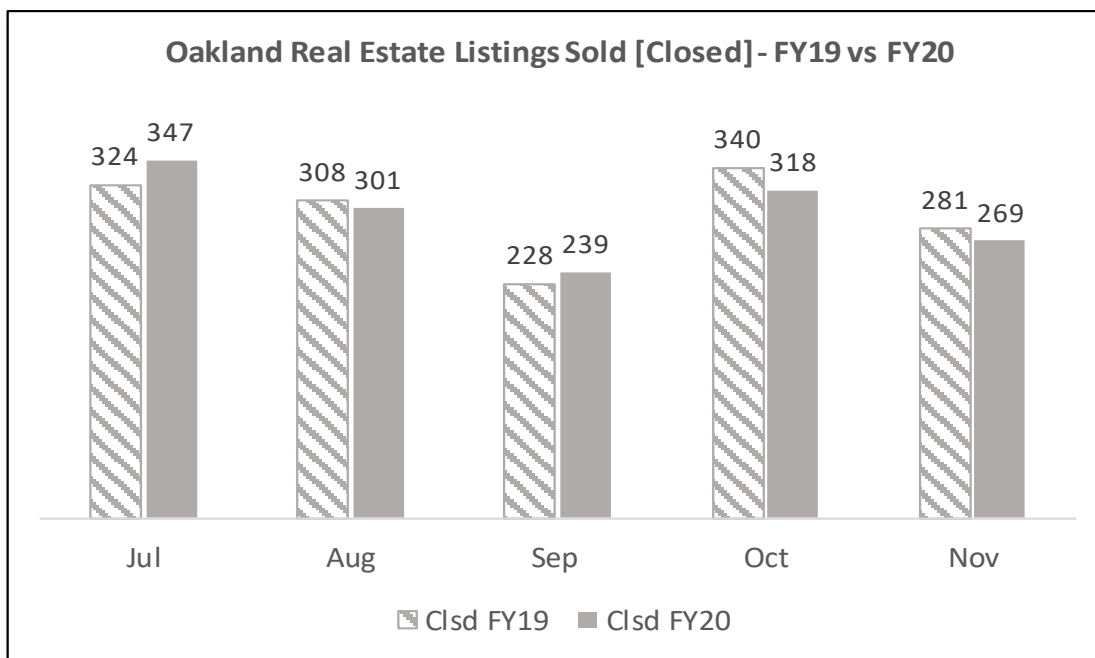


Figure 5 - Source: Bridge MLS

Suspending the Ordinance may have inequitable outcomes

Suspension of certification for 90 days would put close to 90 sidewalk repairs at risk. Those repairs are important to other stakeholders—including American Disabilities Act (ADA) advocates, the bike/pedestrian community, and Oakland residents, which is why Council enacted the ordinance in the first place.

Suspension of the program would set a dangerous precedent.

The important and valid reasons behind the City's enactment of this new policy and program remain unchanged. While there were some challenges with respect to initial implementation, staff has worked effectively to address those challenges. The resulting unprecedented amount of sidewalk repair demonstrates in stark terms that the policy is working as intended. Pausing a new, effective City program based on valid public policy due to legitimate but manageable concerns would be a poor precedent for the Council to establish. Better would be direction from Council to City staff to continue working with stakeholders to address legitimate concerns and most importantly, ensure the program continues to meet its intended policy goals.

FISCAL IMPACT

Since this is an informational report, no fiscal impacts have been identified.

PUBLIC OUTREACH / INTEREST

Direct mail

Informational postcards were mailed to a random selection of ten thousand Oakland addresses. The cards described the certification program and the planned July 1 launch date.

OakDOT website

Information on the Sidewalk Compliance Program was posted to the OakDOT website. This includes a Frequently Asked Questions (FAQ) document, which was first posted on July 16, 2019, and has been continuously updated since that time.

The Bridge Association of Realtors

Per their website, the BRIDGE Association of Realtors (AOR) is “dedicated to serving our members by providing programs and services to enhance their ability to conduct business with integrity and competence”. In addition to many phone calls and emails, OakDOT has had three formal meetings with AOR members and representatives.

- 1) 10/18/2019: OakDOT presented to a large group of AOR members at their Berkeley, CA headquarters. That presentation was followed by 90 minutes of Q&A and one-on-one consultation.
- 2) 11/18/2019: OakDOT met with four AOR representatives at City Hall.
- 3) 12/19/2019: Finally, OakDOT met with four AOR representatives in the offices of Mayor Libby Schaaf.

Mayor's Commission on Persons with Disabilities

12/16/2019: OakDOT made a presentation on the Ordinance at the Mayor's Commission on Persons with Disabilities (MCPWD). We presented a comprehensive PowerPoint that covered the legislative background, implementation, and program performance. During Q&A, each of the commissioners indicated their support for the program and urged the agency to push even further; e.g., requiring properties without sidewalks to install paved walkways at title transfer. The Commission subsequently sent a letter (attached) formally indicating its support.

COORDINATION

Oakland Public Works Department [OPW]: OakDOT coordinates with OPW, as needed, to research tree-related sidewalk damage. Planning & Building [P&B]: P&B partners with OakDOT in administering a portion of the Sidewalk Compliance Program. One of the triggers for sidewalk inspection and repair is the permitting of a property renovation valued at \$100,000 or more. When permittees apply for a renovation permit that breaks the \$100,000 level, P&B directs them to OakDOT to initiate certification of their sidewalks.

SUSTAINABLE OPPORTUNITIES

Economic: Repair of damaged sidewalks by the responsible parties improves the overall value of properties in Oakland, as well as reducing the risk of injuries and associated costs.

Environmental: A robust sidewalk repair program supports walking as a desirable and preferred mode of transportation, exercise and public health.

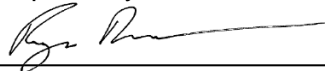
Race & Equity: Requiring repairs of sidewalks at the time of transfer of a property ensures that all neighborhoods, including those that have been historically underinvested and those who use wheelchairs for mobility, is good public policy and furthers the City's equity goals.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That the City Council Receive An Informational Report On The Status Of: 1) The Implementation Of Sidewalk Ordinance 13549 To Include The Process On How To Obtain The Sidewalk Ordinance Compliance Certificate, Including The Process For Exemptions 2) The Process To Obtain Information If A Tree Causing Sidewalk Damage Is A Certified City Tree And The Documentation That Would Be Provided To The Property Owner 3) Consideration Of A 90-Day Moratorium On The Ordinance.

For questions regarding this report, please contact Reginald Bazile, Assistant to the Director, at (510) 507-6752.

Respectfully submitted,



Ryan Russo
Director
Oakland Department of Transportation

Reviewed by:
Wladimir Wlassowsky,
Assistant Director

Prepared by:
Reginald Bazile, Assistant to the Director
Strategic Planning & Administration



FILED
OFFICE OF THE CITY CLERK
OAKLAND

2019 SEP 26 PM 2:11

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: William A. Gilchrist
Director, Planning and
Building

SUBJECT: Senate Bill 2 (2017) Planning Grant
Program FY 2019-20

DATE: September 16, 2019

City Administrator Approval

Date:

9/26/19

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To Apply For, Accept And Appropriate Funds From The Senate Bill 2 (2017) Planning Grant Program From The California Department of Housing And Community Development In An Estimated Amount Of Up To \$625,000 To Provide Funding For The Preparation, Adoption, And Implementation Of Plans And Policies That Streamline Housing Approvals, Accelerate Housing Production, And Increase Housing Stock From November 1, 2019 Through June 30, 2022.

EXECUTIVE SUMMARY

Adoption of the proposed resolution will allow the City Administrator, or her designee, to apply for and accept the Senate Bill 2 (2017) Planning Grant Program funding from the California Department of Housing and Community Development. If approved, the Planning Grant Program can fund the development of objective design review standards and other systems intended to expedite the production of housing. These funds can also support research and analysis necessary to develop a proposal for rezoning certain areas near major transit hubs, allow for greater density, and explore allowance of two-, three-, and four-unit buildings on lots that currently permit single-family residences exclusively. Utilization of these funds will ultimately lead to changes in the Planning & Building Department's (PBD) Bureau of Planning policies regarding the review and approval process, as well as potential rezoning of parcels that would result in changes to Oakland's Planning Code, thereby requiring further City Council approval. Together, these measures will help create more housing stock, accelerate its production, and lower its overall cost to middle- and low-income residents.

BACKGROUND / LEGISLATIVE HISTORY

Oakland is in the midst of a housing crisis that is perpetuating rising costs, increased rent burden, displacement, and widespread demographic change. At the root of this crisis is the limited availability of housing in Oakland, specifically housing available to moderate- and low-income renters. Since the burst of the housing bubble, and the ensuing economic recession in

Item: _____
CED Committee
October 8, 2019

2008, housing demand has far outstripped production. The Bay Area has continued to add jobs while housing production has not matched the same pace.

Oakland's limited housing stock, coupled with the influx of higher-income residents, has caused the price of housing to skyrocket, adversely impacting many residents. As of 2016, 48 percent of Oakland renters are rent burdened—meaning that more than 30 percent of their household income is spent on rent.¹ Oakland's homeless population has increased 47 percent in the past two years, jumping from 2,761 in 2017 to 4,071 in 2019.² As Oakland's overall population has continued to grow—from 390,792 in 2010 to 429,082 in 2018—the City's African American population has steadily decreased from 140,139 in 2000 to 101,482 in 2017.^{3 4} These trends underscore the importance of exploring opportunities to generate more housing stock, at varying levels of affordability.

The production of housing at all income levels in Oakland has not accelerated enough to significantly impact growing housing prices or the resultant demographic changes. Between 2015 and 2018, the City of Oakland issued permits for the construction of 9,710 new units of housing; as of January 2019, there were over 8,600 homes under construction. While this level of housing production is a large increase from years past, it is not commensurate with the level of population growth, or the need for housing at varying levels of affordability. A 2017 study conducted by the *East Bay Express* found that only six percent of Oakland's rental housing pipeline is affordable to low- and moderate-income households.

On March 21, 2019, City Council adopted Resolution No. 87579 C.M.S. requesting the Bureau of Planning Staff to study and the Planning Commission to consider incentives to encourage transit-oriented housing—including affordable housing—in the City of Oakland, including but not limited to:

- Lowering the required parking ratio;
- Allowing for a greater height maximum;
- Allowing for greater density; and
- Streamlining the permitting process for transit-oriented housing, including affordable housing.

In 2017, Governor Jerry Brown passed a bill package aimed at addressing the State of California's housing shortage and high housing costs, which included Senate Bill (SB) 2: the Building Homes and Jobs Act. Through taxing real estate documents and transactions, this bill generates revenue to support efforts to increase the supply of affordable housing in California.

The State of California, Department of Housing and Community Development (HCD) issued a Notice of Funding Availability (NOFA) dated March 28, 2019, for the Planning Grants Program. The purpose of the Planning Grants Program, financed through SB 2 funds in fiscal year (FY) 2019-20 only, is to provide funding and technical assistance to qualifying local governments in

¹ <https://data.oaklandnet.com/Equity-Indicators/Rent-Burden/fsve-tisg>, data sourced from American Community Survey Public Use Microdata Series, 2018.

² Michelle Kingston, "Oakland's Homeless Population Increased by 47 Percent in Two Years," KRON4, July 23, 2019

³ U.S. Census Bureau, *Population Estimates, July 1, 2018 (V2018)*, P94-171

⁴ U.S. Census, 2017 ACS 5-Year Survey (Table B03002)

California to prepare, adopt, and implement plans and process improvements that streamline housing approvals and accelerate housing production. In order to receive SB 2 funding, eligible municipalities must have submitted a recent Annual Progress Report, have an HCD-compliant housing element, demonstrate consistency with State Planning Priorities identified by the SB 2 program, and apply for projects that advance Priority Policy Areas identified by the SB 2 program.

SB 2 grant applications are due on November 30th, and the City of Oakland will have until June 30th, 2022 to expend funds. The Bureau of Planning intends to work with a consultant(s) selected through the issuance of a Request for Proposal (RFP) to provide assistance to Planning staff in the development of these polices and proposals, and to conduct the research and development of Priority Policy Area programs and policies. The award of any professional service contracts will follow the City's Contracting procedures and policies.

ANALYSIS AND POLICY ALTERNATIVES

The Bureau of Planning seeks to use SB 2 Planning Grants Program funds to develop strategies that will ameliorate both the shortage of housing stock and its limited affordability. The Bureau seeks funds to pursue projects in four of the distinct Priority Policy Areas highlighted in the grant guidelines: a) Rezoning to permit by-right housing along major transit corridors, b) Objective design review standards and checklist for developments near transit corridors or that contain a significant percentage of affordable units, c) Expedited processing to accelerate approvals and permitting, and d) Accessory Dwelling Units (ADUs) or Other Innovative building strategies to densify existing lower-density residential areas and missing middle typologies.

Construction of new single-family homes and large-scale multifamily housing is often affordable only to those earning well above the Area Median Income. ADUs and innovative building strategies and typologies can help address the housing shortage by generating needed housing stock which is affordable to middle-income households. Supporting the development of ADUs, duplexes, triplexes, and quadplexes as low-cost building strategies generates a lower price point more affordable to middle-income households without relying on tax credits and other competitive funding sources.

Expedited processing and objective design review standards are tools that will increase overall housing stock in Oakland—reducing the timeline required for predevelopment and approvals allows housing to be built faster and at a lower cost. These measures will also allow the City of Oakland to incentivize the construction of affordable housing by expediting the processing and review of projects that provide a certain amount or percentage of affordable units. Rezoning to permit by-right development near major transit corridors will also rapidly increase housing stock and provide incentive for developers to generate affordable units in order to qualify for the program.

The City of Oakland Bureau of Planning will pursue four distinct projects with funds from the SB 2 Planning Grants Program, the final products of which will require further City Council adoption. Each of these projects will help the City of Oakland accelerate housing production and increase housing supply at varying income levels.

1. *Expedited Processing* to speed up approvals and permit processing. This would include a separate, expedited, non-discretionary permit review of housing projects that meet certain criteria such as: affordable housing or developments that contain a certain percentage of affordable housing; developments that are near BART, along the Bus Rapid Transit (BRT), and other major transit corridors.
2. *Rezone to Permit By-right* housing that is located in areas near BART, along the BRT, and other major transit corridors to promote transit-oriented development, especially for projects that include an affordable housing component. This project would also aim to rezone areas near transit nodes to allow greater density of housing. These projects would be reviewed through an objective, non-discretionary, design review standards checklist.
3. *Objective Design Review Standards* that can be used to expedite processing and approval of affordable housing, developments that contain a certain percentage of affordable housing, and/or are near BART, along the BRT, and other major transit corridors.
4. *Accessory Dwelling Unit (ADU) or Other Innovative Building Strategies* establishing approaches to densify existing lower density residential areas. These approaches will include supporting the development of ADUs as well as "missing middle" typologies (e.g., duplexes, triplexes, quadplexes) to encourage significantly more residential development in lower density residential areas.

SB 2 financing will allow Bureau of Planning staff to research, analyze, and draft the framework for these innovative policies, with funding available until June of 2022. Congruent with the goals for the Planning Grants Program, the Bureau of Planning's intention is to develop and implement policies that will expedite housing development and increase housing supply. Each of the four proposed projects will require review by the Planning Commission and approval by the City Council for adoption, if there are changes to the Planning Code. Bureau of Planning staff will use SB 2 funds to select a qualified team of consultants through an RFP process, to work on each project and assist Planning staff in the development of new policies and proposals. Notwithstanding any potential subsequent obligation to conduct environmental review under the California Environmental Quality Act (CEQA), the preliminary action of applying for, accepting and appropriating state funding is not a decision that commits the City to a definite course of action with respect to implementation of developed proposals and therefore is not subject to CEQA.

Staff is requesting adoption of the proposed Resolution by the City Council at its meeting of October 15, 2019, in order to meet the application deadline.

FISCAL IMPACT

Approval of the proposed resolution will authorize the application, acceptance, and allocation of the SB 2 Planning Grant Program funds for Program Year 2019-2020, 2020-2021, and 2021-2022 in a total estimated amount of \$625,000. Successful applicants will receive an award letter from the California Department of Housing and Community Development and will be awarded funds through a standard agreement process that will specify the amount of funds granted, timeline for expenditure of funds, and the approved use of funds. Grantees will submit for reimbursements based on actual cost incurred on a quarterly basis.

The fiscal impact to the City is the staff time dedicated to developing the policy tools. A team of consultants will support Bureau of Planning staff throughout the research, analysis, and development of these projects.

PUBLIC OUTREACH / INTEREST

As part of the research and development of these tools and policies, Bureau of Planning staff will conduct an extensive outreach process, with the intention of engaging several different stakeholder groups. The outreach process will consist of interviews, focus groups, surveys, and community meetings. The stakeholder groups with whom Bureau of Planning staff will engage include:

- *Real Estate Developers* – Engaging with the development community will help Bureau of Planning staff identify how much time they generally spend on pre-development, design review, and approvals, and how much time proposed policy measures would save them. By determining how proposed policies would impact the development timeline, staff can begin to ascertain how much cost savings would result from given changes. Developers would also be able to provide insight as to which changes to the design review process would be the most impactful, and how.
- *Oakland Renters and Owners* – Engaging with Oakland renters and owners will help Bureau of Planning staff develop criteria for housing typologies and affordability thresholds that fit the current demand. Oakland renters can speak from experience about which housing typologies are in highest demand, as well which are most accessible. It is also important to understand from home owners what assistance they can use to build ADUs and/or other missing middle units. Renters also know first-hand which unit configurations and arrangements best fit different family sizes, levels of physical ability, and age brackets. Working closely with Oakland renters and owners will allow Bureau of Planning staff to design policy tools that maximize impact, and directly address the City's housing shortage.
- *Oakland Stakeholders* – Policy changes that allow for increased density and different housing typologies will impact Oaklanders beyond those who are building or living in the new units. Parking, transportation, design, and building updates will impact Oakland residents in myriad ways, and Bureau of Planning staff plans to connect with a broad coalition of stakeholders. Community meetings with existing groups and organizations will help Bureau of Planning staff develop policy tools that are comprehensive and sustainable; incorporating diverse voices into the planning process will limit adverse and unintended effects of these proposed projects.

COORDINATION

The Bureau of Planning will work closely with PBD's Bureau of Building in the development of plans and policies that promote housing development while also adhering to safety, design, and habitability standards. Bureau of Planning staff will also work with the Department of Transportation to coordinate densification adjacent to transit nodes. City Councilmembers will also be involved in conversations about increasing density in their respective districts.

SUSTAINABLE OPPORTUNITIES

Economic: Expediting housing production will generate construction jobs in Oakland. Promoting ADUs and missing-middle housing typologies (e.g., duplexes, triplexes, quadplexes) will give Oakland residents opportunities to supplement their income by generating additional units on their properties. Expedited processing, by-right development of projects with affordable units, and promotion of low-cost building strategies will also help address the City's homeless crisis. Encouraging development near BART and other transit nodes will lessen the financial burden, felt by many Oakland residents, of commuting long distances to work.

Environmental: The lack of housing near transit creates traffic congestion, and worsens air pollution, as residents are forced to drive long distances to their jobs. Considerable evidence shows that households living near dense areas and transit corridors have lower carbon footprints than those living in less dense areas further from transit. Affordable housing located near transit is particularly impactful, as low-income households are more likely not to own cars if they have access to quality transportation options.

Social Equity: Oakland residents—particularly residents of color, and low-income residents—are being displaced at an alarming rate. SB 2 funds will help the Bureau of Planning develop strategies to create more housing supply, with additional focus on developing housing that is affordable to Oaklanders of all income levels. Increasing the availability and the affordability of housing stock is a step towards keeping our most vulnerable communities intact, and giving residents an opportunity to participate in, and benefit from, Oakland's growth and development.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To Apply For, Accept And Appropriate Funds From The Senate Bill 2 (2017) Planning Grant Program From The California Department of Housing And Community Development In An Estimated Amount Of Up To \$625,000 To Provide Funding For The Preparation, Adoption, And Implementation Of Plans And Policies That Streamline Housing Approvals, Accelerate Housing Production, And Increase Housing Stock From November 1, 2019 Through June 30, 2022.

For questions regarding this report, please contact Laura Kaminski, Acting Strategic Planning Manager, at 510-238-6809.

Respectfully submitted,



WILLIAM A. GILCHRIST
Director, Planning and Building Department

Reviewed by:
Ed Manasse, Deputy Director/City Planner

Prepared by:
Dylan Hamilton, Planner II
Laura Kaminski, Acting Strategic Planning
Manager

2019 SEP 26 PM 2:11


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT, AND APPROPRIATE FUNDS FROM THE SENATE BILL 2 PLANNING GRANT PROGRAM FROM THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT IN AN ESTIMATED AMOUNT OF UP TO \$625,000 TO PROVIDE FUNDING FOR THE PREPARATION, ADOPTION, AND IMPLEMENTATION OF PLANS AND POLICES THAT STREAMLINE HOUSING APPROVALS, ACCELERATE HOUSING PRODUCTION, AND INCREASE HOUSING STOCK FROM NOVEMBER 1, 2019 THROUGH JUNE 30, 2022.

WHEREAS, in 2017, Governor Jerry Brown signed a bill package aimed at addressing the State of California's housing shortage and high housing costs, which included the Building Homes and Jobs Act (SB 2); and

WHEREAS, the Planning Grants Program, financed through SB 2 funds, provides funding and technical assistance to qualifying local governments in California to prepare, adopt, and implement plans and process improvements that streamline housing approvals and accelerate housing production. These funds will lead to changes in the Planning & Building Department's Bureau of Planning policy regarding the review and approval process, and would also result in changes to Oakland's Planning Code, which would require further City Council approval; and

WHEREAS, Oakland is in the midst of a housing crisis, rooted in the limited availability of housing specifically available to moderate- and low-income renters, that is perpetuating rising costs, increased rent burden, displacement, and widespread demographic change; and

WHEREAS, while the level of housing production in the City of Oakland has increased greatly in recent years, the production of housing at all income levels has not accelerated enough to significantly impact growing housing prices or the resultant demographic change; and

WHEREAS, on March 21, 2019, City Council Resolution No. 87579 C.M.S. requested the Bureau of Planning Staff to study and the Planning Commission to consider incentives to encourage transit-oriented housing—including affordable housing—in the City of Oakland, including but not limited to:

- Lowering the required parking ratio;
- Allowing for a greater height maximum;

- Allowing for greater density; and
- Streamlining the permitting process for transit-oriented housing, including affordable housing; and

WHEREAS, the State of California, Department of Housing and Community Development (HCD) has issued a Notice of Funding Availability (NOFA) dated March 28, 2019, for the Planning Grants Program; and

WHEREAS, the City Council of the City of Oakland desires to submit a project application for the Planning Grants Program to accelerate the production of housing and through the City Administrator submit a 2019 Planning Grant Program grant application as described in the Planning Grants Program NOFA and SB 2 Planning Grants Program Guidelines released by HCD for the Planning Grants Program; and

WHEREAS, HCD is authorized to provide up to **\$123 million** under the SB 2 Planning Grants Program from the Building Homes and Jobs Trust Fund for assistance to Cities and Counties (as described in Health and Safety Code section 50470 et seq. (Chapter 264, Statutes of 2017 (SB 2))) related to the Planning Grants Program; and

WHEREAS, the City Council desires that the Bureau of Planning utilize SB 2 Planning Grant Program funds to develop strategies that will ameliorate both the shortage of housing stock and its limited affordability, including through the development of four of the distinct Priority Policy Areas highlighted in the SB 2 Planning Grant Program Guidelines: a) Rezoning to permit by-right housing along major transit corridors, b) Objective design review standards and checklist for developments near transit corridors or that contain a significant percentage of affordable units, c) Expedited processing to accelerate approvals and permitting, d) and Accessory Dwelling Unit or Other Innovative building strategies to densify existing lower-density residential areas and missing middle typologies; and

WHEREAS, the Bureau of Planning will pursue four distinct projects with funds from the SB 2 Planning Grants Program, with each of these projects helping the City of Oakland accelerate housing production and increase housing supply at varying income levels. The final products of each project will require further City Council approval prior to adoption; and

1. *Expedited Processing* to speed up approvals and permit processing. This would include a separate expedited, non-discretionary, permit review of housing projects that meet certain criteria such as: affordable housing or developments that contain a certain percentage of affordable housing; developments that are near BART, along the Bus Rapid Transit (BRT), and other major transit corridors.
2. *Rezone to Permit By-right* housing that is located in areas near BART, along the BRT and other major transit corridors to promote transit-oriented development, especially for projects that include an affordable housing component. This project would also aim to rezone areas near transit nodes to allow greater density of housing. These projects would be reviewed through an objective, non-discretionary, design review standards checklist.
3. *Objective Design Review Standards* that can be used to expedite processing and approval of affordable housing, developments that contain a certain

percentage of affordable housing, and/or are near BART, along the BRT, and other major transit corridors.

4. *Accessory Dwelling Unit (ADU) or Other Innovative Building Strategies* establishing approaches to densify existing lower density residential areas. These approaches will include supporting the development of ADUs as well as missing middle typologies (e.g., duplexes, triplexes, quadplexes) to encourage significantly more residential development in lower density residential areas; and

WHEREAS, congruent with the goals for the Planning Grants Program, SB 2 financing will allow Bureau of Planning staff to research, analyze, and draft the framework for these innovative policies, with funding available until June 30th, 2022; and

WHEREAS, the Bureau of Planning will work with a consultant/consultants, selected through the issuance of a Request for Proposal (RFP) wherein interested consultants can apply for selection to assist Planning staff in the development of these policies and proposals, to conduct the research and development of Priority Policy Area programs and policies, with the award of any professional service contracts complying with the City's Contracting procedures and policies; and

WHEREAS, as part of the research and development of these tools and policies, Bureau of Planning staff will conduct an extensive outreach process, with the intention of engaging several different stakeholder groups through interviews, focus groups, surveys, and community meetings; and

WHEREAS, notwithstanding any potential subsequent obligation to conduct environmental review under the California Environmental Quality Act ("CEQA"), the preliminary action of applying for, accepting and appropriating state funding is not a decision that commits the City to a definite course of action with respect to implementation of developed proposals and therefore is not subject to CEQA; now, therefore, be it

RESOLVED: That the City Administrator or her designee on behalf of the City of Oakland is hereby authorized and directed to apply for and submit to HCD the 2019 Planning Grants Program application in the amount of six hundred and twenty-five thousand dollars (\$625,000); and be it

FURTHER RESOLVED: That in connection with the Planning Grants Program grant, if the application is approved by HCD, the City Administrator or their designee is authorized to enter into, execute, and deliver a State of California Agreement (Standard Agreement) for the amount of six hundred and twenty-five thousand dollars (\$625,000), and any and all other documents required or deemed necessary or appropriate to evidence and secure the Planning Grants Program grant, the City's obligations related thereto, and all amendments thereto (collectively, the "Planning Grant Program Grant Documents"); and be it

FURTHER RESOLVED: That the City shall be subject to the terms and conditions as specified in the Standard Agreement, the SB 2 Planning Grants Program Guidelines, and any applicable Planning Grants Program guidelines published by HCD, with funds to be used for the allowable expenditures as specifically identified in the Standard Agreement, with the application in full being incorporated as part of the Standard

Agreement, and with any and all activities funded, information provided, and timelines represented in the application to be enforceable through the executed Standard Agreement; and be it

FURTHER RESOLVED: That the City Council hereby agrees to use the funds for eligible uses in the manner presented in the application as approved by HCD and in accordance with the Planning Grants NOFA, the Planning Grants Program Guidelines, and the 2019 Planning Grants Program Application; and be it

FURTHER RESOLVED: That the City Administrator or her designee is authorized to execute the City of Oakland Planning Grants Program application, the Planning Grants Program Grant Documents, and any amendments thereto, on behalf of the City as required by HCD for receipt of the Planning Grants Program Grant.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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

February 2020 BPAC Agenda Item #9 Attachment

Three-month agenda look-ahead

March

- Transportation Development Act (TDA) Article 3
- Bike to Work Day Planning
- Micromobility Update

April

- BART Bicyclist/Pedestrian Projects Update
- 14th St Active Transportation Program (ATP) Grant Project Update
- Biannual Paving Update (tentative)
- Alameda County Transportation Commission (ACTC) Updates (tentative)

May

- Bike to Work Day Report Back
- Active Transportation Program (ATP) Grant Applications (tentative)
- Upcoming Grant Projects and Schedule (tentative)

For more details on upcoming meeting planning see the BPAC Scheduler at

https://docs.google.com/spreadsheets/d/1PmvGuKNg3lBspg7WwnqB7_MaQumB6BCpA_7Sbvuf8Q8/edit?usp=sharing

Commissioner announcements

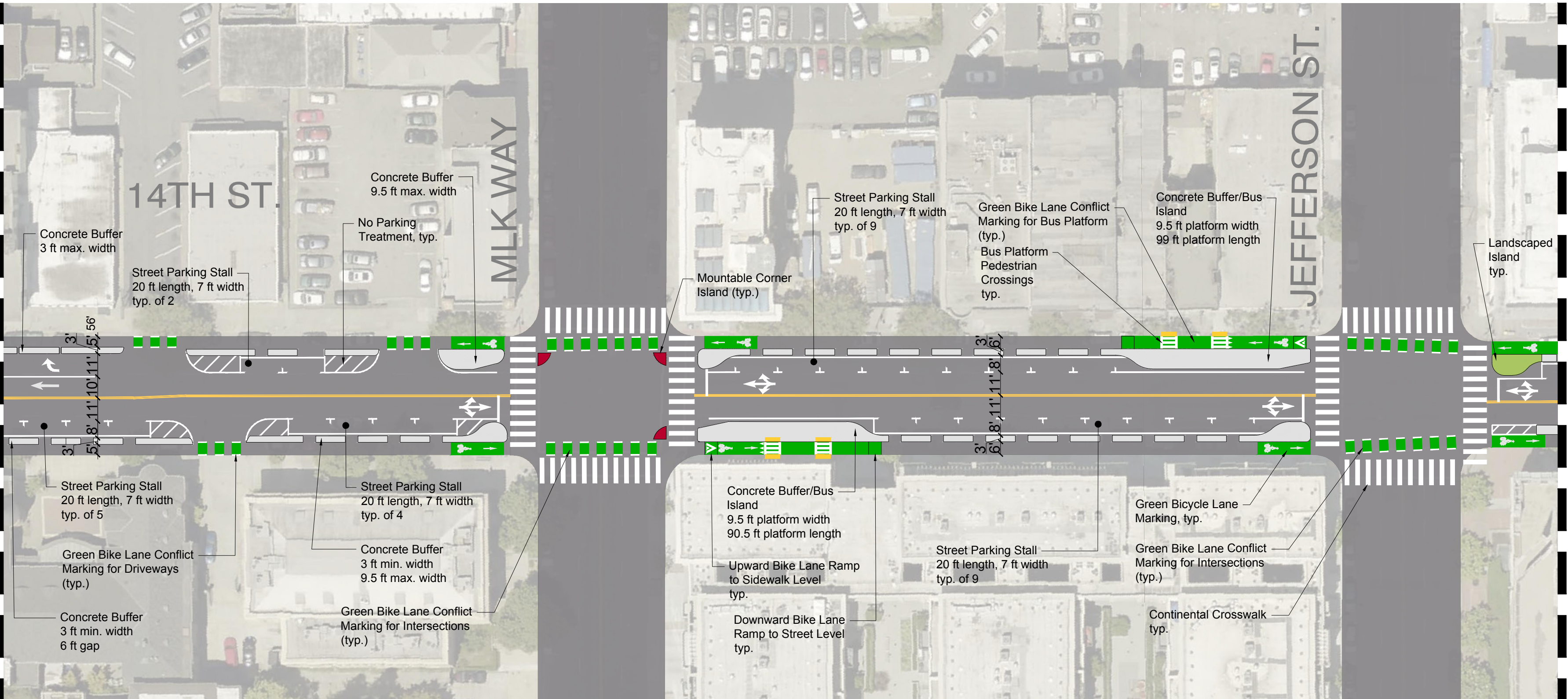
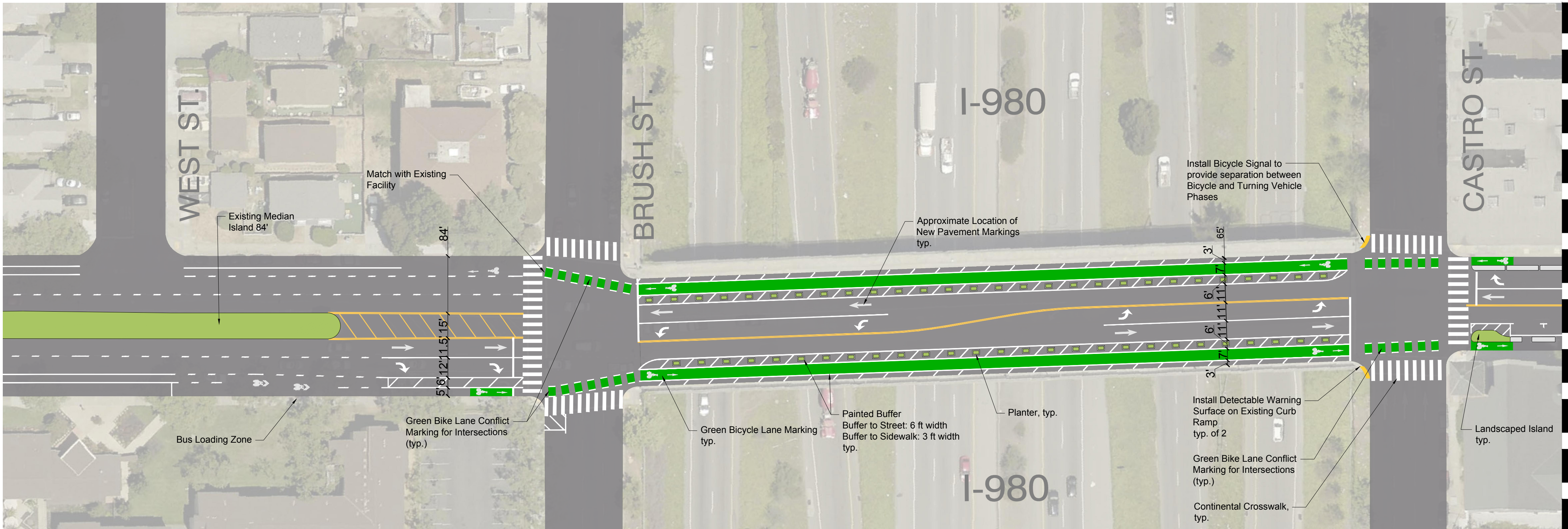
- I. None

Staff announcements

- I. Lily Brown, Transportation Planner in Oakland Department of Transportation's Great Streets Division, provided an overview update and 35% design on the 14th Street ATP Project attached. This project will be heard as an item at a future meeting.
-

Overview on 14th St. ATP Project from Project Manager Lily Brown:

- The City applied for an Active Transportation Program (ATP) grant in 2016 to build protected bike lanes, transit boarding islands, signal improvements, and rain gardens, while maintaining on-street parking and one travel lane in each direction. The project is located on 14th Street between Brush Street and Oak Street.
- Oakland was awarded the grant in 2017, and City Council accepted the grant in September 2018.
- The City's adopted FY 2017-2019 Capital Improvement Plan includes the 14th St project and specifies its eligibility for local matching funds from Measure KK.
- As a result, DOT staff initiated the project by collecting data, hiring a consultant to support 0-35% design, and conducting outreach (attending NCPCs in the spring, hosting a May public meeting, attending BPAC in September, and hosting a task force meeting in October).
- To date, the City has spent no grant funds.
 - The grant requires a local match of \$3,454,000.
 - The grant is awarded by phases: \$1,235,000 for Engineering Plans, Specifications & Estimates (PS&E) and \$9,343,000 for Construction. This is the largest grant ever awarded to the Department of Transportation.
 - The City recently requested an extension of the PS&E phase to accommodate a longer planning process.
 - The City will be requesting an extension of the Construction phase to reduce cumulative impacts on the neighborhood. This would extend the construction contract award date to mid-2022 at the latest, without losing the grant.
 - Construction is anticipated to take about one year total (done by mid-2023), but we would implement the project block-by-block to minimize impacts.
 - The City is still in the planning, outreach and conceptual design phase (35% design phase is complete), which has been funded by the local matching funds.
- If the City does not pursue the project, we may jeopardize future ATP grant funding. ATP grants account for over 1/5 of our capital project funding.
- The City is in discussion with the D3 Council Office about the project and mitigations the City can deliver. We are actively working on those mitigations such as changing street sweeping schedules along 14th street and better-enforcing construction parking.

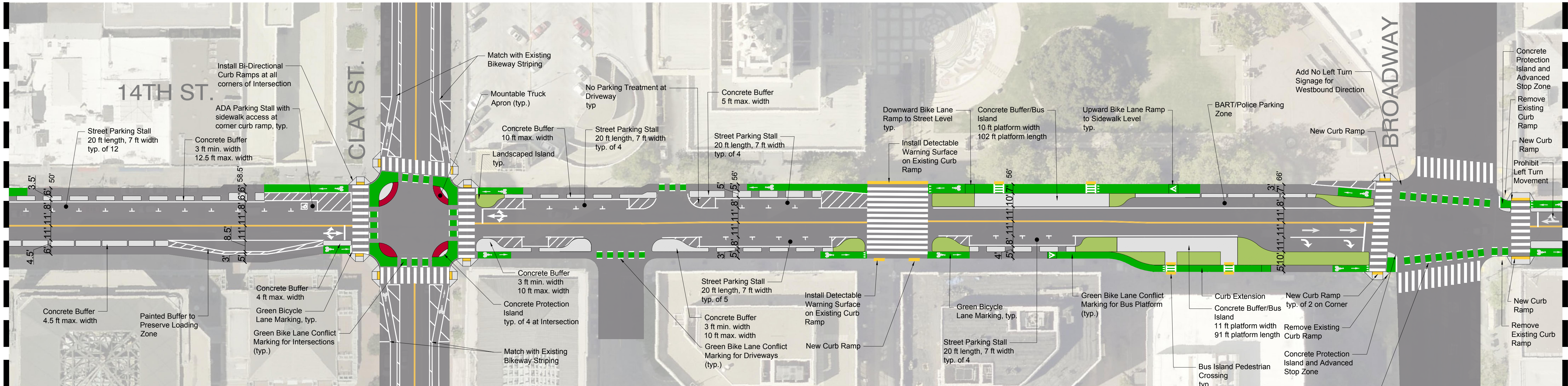


FIVE ADA ACCESSIBLE SPACES ARE CURRENTLY PROVIDED ON 14TH STREET. DURING THE NEXT PHASE OF DESIGN, FOUR ADDITIONAL ADA ACCESSIBLE PARKING SPACES SHOULD BE PROVIDED ON SIDE STREETS ALONG THE CORRIDOR.

35% DESIGN SUBMISSION
PRELIMINARY - NOT FOR CONSTRUCTION

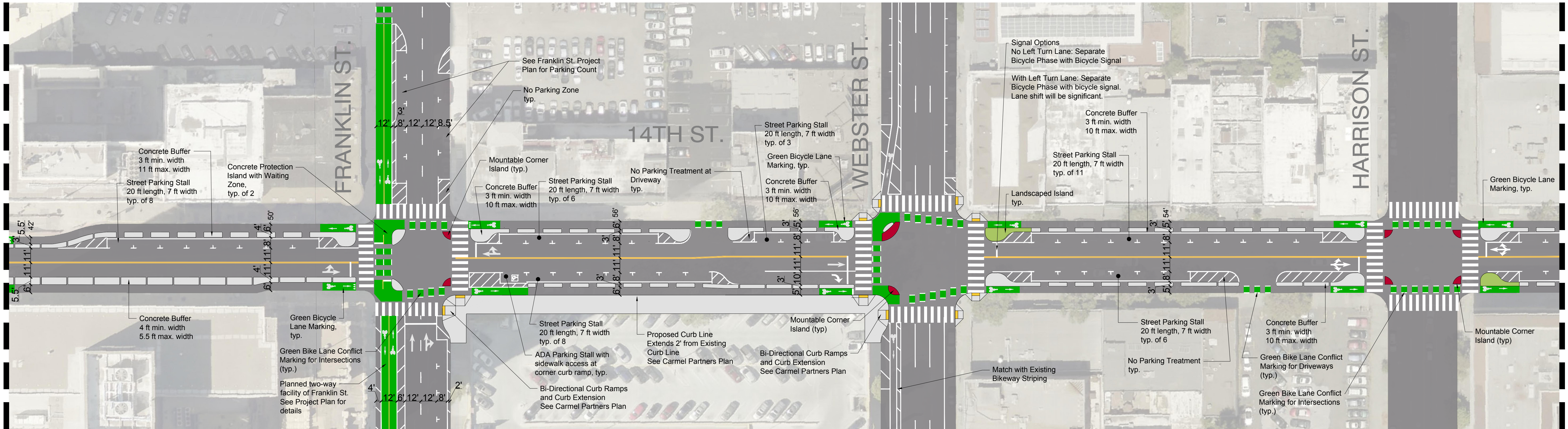
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ALL DRAWINGS ARE INSTRUMENTS OF PROFESSIONAL SERVICE FOR THIS PROJECT. REUSE OR ALTERATION IS AT THE USER'S SOLE RISK.					DATE	01/08/2020						
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I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF [STATE], LICENSE NO. _____, EXPIRATION DATE: _____.		APVD		NO.	DATE	REVISION	BY	APVD	SHEET NO.	1 of 3		

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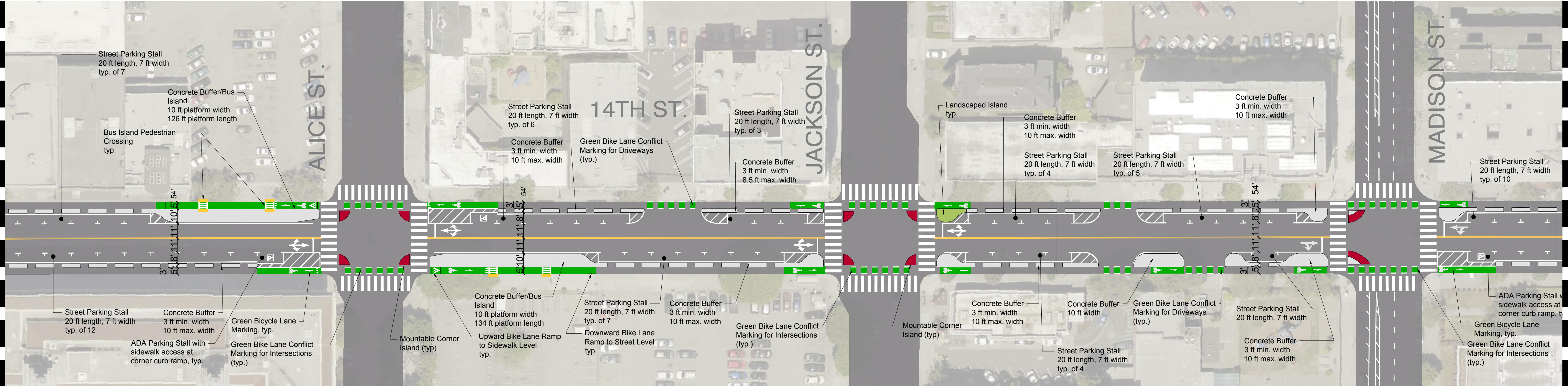
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35% DESIGN SUBMISSION
PRELIMINARY - NOT FOR CONSTRUCTION

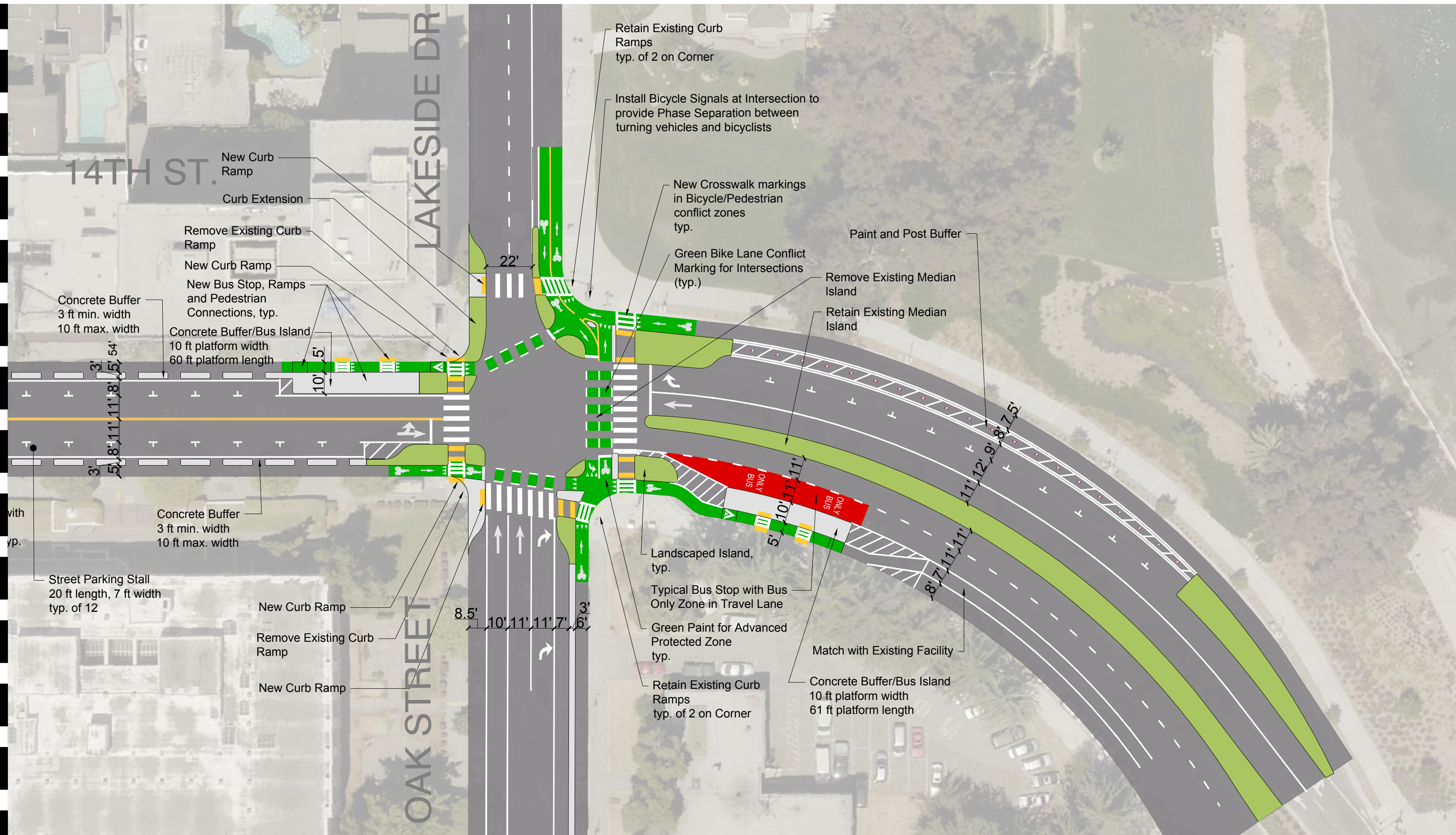
PROFESSIONAL CERTIFICATION		REUSE OF DOCUMENTS						TOOLE DESIGN		1635 BROADWAY, SUITE 200 OAKLAND, CA 94612 PHONE: 510.298.0740 FAX: 301.927.2800 www.tooledesign.com		14TH STREET SAFE ROUTES IN THE CITY CITY OF OAKLAND, CA		<div><div><div>0'</div><div>40'</div><div>80'</div></div><div>SCALE: 1" = 40'</div></div> <div></div>		PROJECT NO. XXXX	
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