

2023–2031

Housing Element Update

ERRATA SHEET FOR THE REVISED HCD REVIEW DRAFT

MARCH 14, 2023

The yellow highlighted text was added to the Draft Housing Element in response to comments received from the Department of Housing and Community Development (HCD) during phone conversations in February 2023.

The green highlighted text was added to the Draft Housing Element in response to comments received from HCD during phone and email conversations in March 2023, and per Planning Commission Resolution No. 6-23.

School, over 50 percent of the student population are eligible for free meals and/or are Hispanic or Black.

TABLE 4-20: FREEDOM HIGH SCHOOL ENROLLMENT BY RACE/ETHNICITY

| Race | American Indian/ Alaska Native | Asian | Black | Hispanic | Native Hawaiian/ Pacific Islander | White | Two or More Races |
|----------|---------------------------------------|-------|-------|--------------------------------------|-----------------------------------|-------|-------------------|
| Students | 9 | 207 | 257 | 1,157 | 14 | 739 | 110 |
| | Free lunch eligible: 770 ¹ | | | Directly certified: 570 ² | | | |

Notes:

¹ Free lunch students: those eligible to participate in the Free Lunch Program (i.e., those with family incomes below 130 percent of the poverty level or who are directly certified)

² The number of students reported as categorically eligible to receive free meals to the USDA for the FNS 742. Students are categorically eligible to receive free meals if they belong to a household receiving the selected federal benefits noted above or are migrant, homeless, in foster care, or in Head Start.

Source: Contra Costa Housing Collaborative AFFH analysis, 2022.

Figure 4-22 displays educational index scores for the City of Oakley. The majority of the City has an educational score of 0.25–0.50. A western sliver and eastern portions of the City score less than 0.25 (indicating the least positive educational outcomes). Where Oakley meets Brentwood on the southern City border, a small area has an educational score of 0.50–0.75, the highest in Oakley.

The Oakley Library, which is one of the oldest libraries in the Contra Costa County Library system, currently shares a space with Freedom High School. The Oakley Library currently serves the community by offering computers, free Wi-Fi access, and a variety of materials that support the educational and entertainment needs of the community. The City is currently in the process of developing a plan to construct a new, state-of-the-art library in the middle of the City's downtown. The City has been working with Contra Costa County on a plan to locate the new library where an old, now unused Sheriff's Substation exists downtown. The County has entered into an agreement with the City that will give the City the land and split the cost to demolish the existing building. The City has already completed the Historical Evaluation of the building and will bring the Demolition Contract to the City Council at the April 11, 2023, City Council Meeting. The demolition is anticipated to start in May and be complete by the end of June. The City hired Baker Tilly in Summer of 2022 to help with some early analysis, which was presented to the City Council in January of 2023. The City has been engaged with a local non-profit, Friends of the Oakley Library, and they have been in strong support of the project and will take an active role in helping to increase awareness and public input for the new library. The City is currently in the second phase of the project and will soon release Request for Proposals (RFPs) for Architectural Design and Economic Analysis. The downtown is the ideal location to locate the new library as it is more centrally located, close to transportation, shopping, amenities, and the Oakley Elementary School. The new library will be upgraded and modernized to better support the educational needs of existing and future residents of Oakley. Investing in a new library can help to affirmatively further fair housing by increasing access to educational opportunities in an area with relatively low educational index scores.

Government Code Section 65583 requires that cities with an unmet need for emergency shelters allow these uses by right without a conditional use or other discretionary permit in at least one zone. The identified zone(s) must have sufficient capacity to accommodate the shelter need, and at a minimum provide capacity for at least one year-round shelter. Recent state law also specifies that parking standards for shelters be based on staffing, not the occupants of the shelter (Government Code Section 65583, per AB 139, 2019).

According to the 2020 point-in-time count, there were 50 people experiencing homelessness in Oakley. In Oakley, emergency shelters are permitted by right on the Civic Center site within the Downtown Core Zone in the Downtown Specific Plan. The Civic Center site includes an undeveloped parcel that is used as the City’s corporation yard. The corporation yard site is planned for development by the Downtown Specific Plan and uses discussed for the site have included various civic and community-serving uses. This 0.99-acre parcel has the capacity to accommodate an emergency shelter and the City is supportive of locating an emergency shelter on the parcel. Development standards on this site allow for maximum building heights of four floors/50 feet and floor area ratios of 1.0 would accommodate a building of 24,000 – 43,124 square feet, which would allow for more than enough space to provide an emergency shelter to accommodate the City’s unmet need of 50 beds of emergency shelter.² However, it is unclear if the process to approve a shelter on this site would meet the by-right requirements of state law. Therefore, the Housing Plan also includes a program action to identify a replacement site with a different zoning district where emergency shelters will be permitted consistent with that meets the requirements of State law in the event that the corporation yard site is approved for development with a use other than an emergency shelter.

In addition to providing the by-right allowance in the Downtown Core Zone, City of Oakley Zoning Code identifies “transitional shelters and homeless shelters consistent with Section 65008 of the Government Code” as uses allowed in multiple-family zones with a conditional use permit (CUP). State law also includes provisions for low barrier navigation centers (LBNCs) to assist persons experiencing homelessness. A LBNC is a type of shelter defined as a “Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.”

California Government Code Section 65662 (AB 101,2019) requires Low Barrier Navigation Center development to “be a use by-right in areas zoned for mixed uses and nonresidential zones permitting multifamily uses” if it meets specified requirements. Section 65660 of the Government Code defines “Low Barrier” as best practices to reduce barriers to entry, and may include, but is not limited to, the following: 1) the presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth; 2) pets; 3) the storage of possessions; 4) privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms. Oakley’s Zoning Code does not specifically address LBNCs.

² Based on AB 2339 (Bloom, 2022) calling for a minimum of 200 sf per person

On- and Off-Site Improvements

When developing land, the City may require the developer to dedicate land, construct, or pay fees to provide necessary on and off-site improvements. Land dedication, site improvements or fees may be required to provide adequate sanitary sewer and water service to a project, to make necessary transportation improvements, and to provide other infrastructure to the project. In addition, the City may require the payment for various offsite improvements as part of project mitigation measures (e.g., payment towards an offsite traffic signal). Developers of new residential projects are also required to construct all onsite streets, sidewalks, curb, gutter, and affected portions of offsite arterials. ~~The cost for site improvements varies from project to project, based on the specific location and existing infrastructure. For infill projects where infrastructure may already be available, there may be a need to upgrade and/or expand the existing improvements to serve new residential development.~~

Road classifications and standards are found in the City's General Plan Circulation Element. They are as follows:

- Major Arterial – 4 or more lanes, 120 foot right-of-way
- Minor Arterial – 2 lanes, 76 foot right of way
- Collector – 2 lanes, 70-85 foot right-of-way
- Local Street – 2 lanes, 60 foot right-of-way

Arterials and collectors are designated on the General Plan according to existing and projected needs. Developers are responsible for the development of roadways associated with the residential project. City roadways are required to be paved. Curbs/gutters and drainage facilities direct storm and runoff water out of residential developments.

Development of and connection to municipal water and sewer services are required as a condition of approving tract maps. Water service is necessary for a constant supply of potable water. Sewer services are necessary for the sanitary disposal of wastewater. These off-site requirements allow for the development of much higher residential densities.

The cost for site improvements varies from project to project, based on the specific location and existing infrastructure. For infill projects where infrastructure may already be available, there may be a need to upgrade and/or expand the existing improvements to serve new residential development. On- and off-site improvements in the City of Oakley are consistent with requirements of other cities in the region. While on- and off-site improvements do influence the cost of development, the improvement requirements do not present a constraint to the development of housing in Oakley. These standards have been in place since the City incorporated and have been factored into the cost of development. Housing has continued to develop in Oakley at a faster rate compared to the surrounding region and on- and off-site improvement costs have not hindered projects from moving forward.

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| Objective: | Comply with State law and accelerate housing production through clear development standards |
| Responsible Department: | Planning |
| Financing Source: | General Fund |
| Time Frame: | December 2023 |

ACTION 1.6: DENSITY BONUS ORDINANCE

The City shall continue to use the Density Bonus Ordinance and associated incentives to encourage affordable housing, including housing for seniors and other special needs populations. The City shall ~~review and~~ revise the existing Density Bonus Ordinance [in conjunction with the update to the AHO ordinance to comply with current State law, and shall monitor changes in State law annually and revise the Ordinance](#) when required by any future revisions to State density bonus law. *[Source: 2015-2023 Housing Element, Policy Action 1.3 [sic]]*

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| Objective: | Implement Density Bonus Ordinance in compliance with State law |
| Responsible Department: | Planning |
| Financing Source: | General Fund |
| Time Frame: | Update Density Bonus Ordinance by January 31, 2024. Review State density bonus law annually and amend ordinance within the timeframe required by new legislation as necessary to maintain compliance with State law |

ACTION 1.7: MONITOR DEVELOPMENT FEES

[The City shall continue to monitor required development fees including in-lieu fees, development impact fees, and processing fees, with the aim of reducing constraints on the development of affordable housing, including, but not limited to, senior housing, housing for farmworkers, emergency/transitional housing, housing for persons with disabilities \(including developmental\), single room occupancies, and accessory dwelling units. Where fees are established and administered by regional agencies, such as the Regional Transportation Development Impact Fee, Ironhouse Sanitary District Fee, and Diablo Water District Fee, the City will request the administering agency to review and reduce fees if the City has determined that the agency’s fee is constraining residential development, particularly development of affordable housing and/or housing for special needs groups. \[Source: 2015-2023 Housing Element, Policy Action 1.3. Note: Action 1.7 has been added back in per comments from HCD.\]](#)

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| Objective: | Reduce constraints on the development of affordable housing |
| Responsible Department: | Planning |
| Financing Source: | General Fund |
| Time Frame: | Annual monitoring in conjunction with the Annual Progress Report. If fees are determined to be a constraint, the City shall convene a meeting with regional agencies within three months to identify ways to reduce the constraint on development. |

ACTION 1.887: AMENDMENTS TO THE DOWNTOWN SPECIFIC PLAN

The City shall review and amend the Downtown Specific Plan to establish a by-right density for residential development, develop objective development standards that facilitate residential and mixed-use development, allow accessory dwelling units and special needs housing types consistent with State law, and remove internal inconsistencies to ensure development standards are clear and consistent. *(New)*

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| Objective: | Accelerate housing production in the downtown by providing clarity and transparency in the application of development standards |
| Responsible Department: | Planning |
| Financing Source: | General Fund |
| Time Frame: | December 2024 ⁵ |

ACTION 2.3: ~~INFRASTRUCTURE-DOWNTOWN-SPECIFIC~~ INVESTMENT PROGRAM

~~The City will continue to implement the City’s Capital Improvement Program to ensure that infrastructure facilities are adequately maintained and do not contribute to the deterioration of neighborhoods.~~ The City will continue to invest in infrastructure and capital improvements in Downtown Oakley (e.g., storm drain, sidewalks, crosswalks, lighting, parking, future Amtrak station, and library facility) to improve safety, expand transit access, create new amenities, and encourage new private investment in and around Downtown that increases access to opportunity for low resource neighborhoods in Oakley. *[Source: 2015-2023 Housing Element, Policy Action 2.3; modified]*

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| Objective: | Provide adequate infrastructure <u>and encourage revitalization of Downtown Oakley to improve pedestrian safety and expand access to transit, services, and amenities to residents living in low resource neighborhoods in and around Downtown</u> |
| Responsible Department: | Public Works & Engineering |
| Financing Source: | General Fund, <u>Storm Water Fund, Gas Tax Fund, Street Maintenance and Rehabilitation Fund, Measure J</u> |
| Time Frame: | Ongoing <u>Initiate sidewalk repair and replacement projects in Spring 2023. Begin demolition of Sheriff’s Substation for new library facility in Spring/Summer 2023. Release Request for Proposals (RFPs) for Architectural Design and Economic Analysis for new library facility in Summer 2023. Initiate Downtown storm drain improvement project in Summer 2023. Initiate street resurfacing and repair in Summer 2023.</u> |

ACTION 2.4: MONITOR ASSISTED HOUSING UNITS

The City has not identified any assisted housing units at-risk of converting to market-rate in the 10 years from the start of the planning period. However, the City will continue to maintain a database of assisted housing units and regularly monitor assisted housing units to ensure compliance with affordability requirements. The City shall require projects that received government funding and/or were granted a density bonus to provide at least three years notice prior to the conversion of any deed-restricted affordable rental units to market rate. Annual reports, which are submitted by owners and managers of affordable units, will be reviewed to ensure that all deed restrictions and agreements are in compliance. *[Source: 2015-2023 Housing Element, Policy Action 2.4; modified]*

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| Objective: | Preserve existing deed-restricted affordable units |
| Responsible Department: | Planning |
| Financing Source: | General Fund |
| Time Frame: | Annual monitoring |

ACTION 3.3: HOUSING CHOICE VOUCHER PROGRAM

The City shall continue to support the Housing Authority of Contra Costa County in its continuing administration of the Housing Choice Voucher (HCV) Program to assist very low-income Oakley households. The City shall collaborate with the Housing Authority on an educational campaign to educate landlords about their obligation to accept vouchers under fair housing laws and to encourage landlords in single-family neighborhoods to actively participate in the HCV Program as a way to affirmatively further fair housing. If feasible, the City shall coordinate with the Housing Authority to explore the creation of incentive based program to encourage landlords to accept housing choice vouchers.

[Source: New Action]

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| Objective: | Reduce source of income discrimination and improve housing mobility and access to opportunity by increasing HCV usage in Oakley’s single-family neighborhoods by 10 new vouchers |
| Responsible Department: | Planning |
| Financing Source: | General Fund |
| Time Frame: | Initiate collaboration with the Housing Authority in 2025; ongoing |

ACTION 3.4: HOUSING FOR EXTREMELY-LOW INCOME HOUSEHOLDS AND SPECIAL NEEDS GROUPS

The City shall encourage the development of housing units for extremely low-income households (earning 30 percent or less of the median income for Contra Costa County) and for households with special housing needs, including persons with disabilities and developmental disabilities, farmworkers, and persons/families experiencing or at-risk of homelessness. The City shall encourage the development of housing for extremely low income households utilizing a variety of activities such as outreach to housing developers through individual and group meetings, proactively seeking partnerships with housing developers, providing in-kind technical assistance, providing financial assistance or land write-downs when feasible, providing expedited processing, identifying grant and funding opportunities and providing support to developers in seeking funding, and/or offering additional incentives, such as density bonuses and parking reductions above and beyond those offered in the AHO. *[Source: 2015-2023 Housing Element, Policy Action 4.3. Note: Action 3.4 has been added back in per comments from HCD.]*

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| Objective: | 50 units of extremely low income and/or special needs housing |
| Responsible Department: | Planning |
| Financing Source: | General Fund |
| Time Frame: | Outreach to developers of special needs housing in 2024 and bi-annually thereafter; ongoing support of development projects |

ACTION 3.554: REASONABLE ACCOMMODATION PROCEDURES

To accommodate the housing needs of persons with disabilities and provide a streamlined permit review process, the City shall prepare and adopt a reasonable accommodation ordinance. The City shall update the City’s website to specify the City’s procedures for accommodating requests and to include a dedicated contact or application form specific to reasonable accommodation requests. *[Source: 2015-2023 Housing Element, Policy Action 4.5]*

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| Objective: | Facilitate access to fair housing for persons with disabilities |
| Responsible Department: | Planning/Building |
| Financing Source: | General Fund |
| Time Frame: | Adopt reasonable accommodation ordinance by June 2025 |

ACTION 3.665: ZONING AMENDMENTS FOR SPECIAL NEEDS HOUSING

The City shall amend the Zoning Code to ensure compliance with State law and encourage special needs housing as follows:

- Allow transitional and supportive housing in the Agricultural Limited zone.
- Allow Low Barrier Navigation Center developments by right in mixed-use zones and nonresidential zones permitting multi-unit uses (Government Code Sections 65660-65668).
- Ensure parking for emergency shelters is based on the number of employees consistent with Government Code Section 65583(a)(4)).
- Allow for the approval of 100 percent affordable developments that include a percentage of supportive housing units, either 25 percent or 12 units, whichever is greater, without a conditional use permit or other discretionary review in all zoning districts where multifamily and mixed-use development is permitted (Government Code Section 65651(a)).
- [Reduce constraints for residential care facilities for more than six persons by ensuring inclusion in all residential zones and providing approval certainty and objectivity for housing for persons with disabilities.](#)
- [Add provisions ensuring that manufactured homes on permanent foundations are allowed in the same manner and in the same zones as other single family dwellings, consistent with Government Code Section 65852.3.](#)
- [Add a broad and inclusive definition of “family” that complies with fair housing laws.](#)

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| Objective: | Compliance with State law |
| Responsible Department: | Planning |
| Financing Source: | General Fund |
| Time Frame: | Within one year of Housing Element adoption |

ACTION 3.776: ADEQUATE EMERGENCY SHELTER SITES

The City currently (2023) allows emergency shelters as a by-right permitted use on the Civic Center site within the Downtown Specific Plan. The City shall identify an additional zoning district where emergency shelters will be allowed as a by-right, permitted use. The zoning district shall be a residential zoning district and shall have adequate available sites (e.g., vacant site or building that can be converted to a shelter) with capacity to accommodate at least 50 beds of emergency shelter. ~~If the City approves development of a use other than an emergency shelter on the remaining undeveloped parcel on the Civic Center site, prior to issuance of any entitlements, the City shall identify a replacement zoning district that has suitable site(s) to accommodate the City's emergency shelter need. The Zoning Code, or applicable specific plan, shall be updated to permit emergency shelters within the replacement zoning district or applicable specific plan.~~ Emergency shelters shall be permitted consistent with the requirements of Government Code Section 65583. *[Source: 2015-2023 Housing Element, Policy Action 4.7, modified]*

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| Objective: | Monitor Sources of Development Financing |
| Responsible Department: | Planning |
| Financing Source: | General Fund |
| Time Frame: | Ongoing/Annually December <u>January</u> 2024 |

ACTION 3.87: INCREASE CAPACITY FOR CIVIC ENGAGEMENT

The City shall work to increase capacity for civic engagement with an emphasis on building capacity among historically underrepresented populations. This shall include conducting targeted outreach to affordable housing building leaders on opportunities for civic engagement; considering reinitiating the Oakley Leadership Academy to develop civic leadership, and to build a stronger community through well-informed and engaged residents; and continuing to engage with and support the Oakley Youth Advisory Council (OYAC), which is open to youth that live in Oakley or attend school in Oakley between 6th and 12th grade, to build capacity for civic participation and raise awareness of opportunities to participate in City events. *[Source: New Program]*

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| Objective: | <u>To build capacity for civic engagement among historically underrepresented populations</u> |
| Responsible Department: | <u>Planning</u> |
| Financing Source: | <u>General Fund</u> |
| Time Frame: | <u>Conduct targeted outreach to affordable housing building leaders quarterly starting in 2023.</u> <u>Work with the OYAC in 2023 to identify ways to reach underserved and underrepresented populations in planning processes such as the General Plan and Housing Element.</u> <u>Consider initiating Leadership Academy in 2024.</u> |

ACTION 3.9: TENANTS' RIGHTS INFORMATION

The City will partner with fair housing organizations to ensure that resident have information about the California Tenant Protection Act of 2019 (AB 1482). Develop print and online educational materials and make materials availability at City facilities, on the City's website, and at apartment complexes throughout the City. *[Source: New Program]*

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| Objective: | Disseminate information to community and fair housing organizations |
| Responsible Department: | Planning |
| Financing Source: | General Fund |
| Time Frame: | January 2025 |