

# OAKLEY



CALIFORNIA

## STAFF REPORT

**DATE:** March 26, 2019

**TO:** Bryan Montgomery, City Manager *Approved and Forwarded to the City Council*

**FROM:** Joshua McMurray, Planning Manager

**SUBJECT:** Annual Progress Report on Implementation of the 2015-2023 Housing Element with SB 341 Reporting Requirements

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### **Background and Analysis**

Every year the City Council is required to adopt an Annual Progress Report on the implementation of the Housing Element of the General Plan. The Annual Report is then forwarded on to the State Office of Planning and Research and the Department of Housing and Community Development. The 2018 Annual Report is included as Attachment 1. The report demonstrates the City has made substantial progress in completing the 27 Action Programs through the four years of this eight year Housing Element Cycle. Compliance with Senate Bill 341 in relation to reporting requirements for Housing Successor to Redevelopment Agencies is also included as an attachment to the Housing Element Annual Progress Report.

### **Fiscal Impact**

In years past, a consultant had prepared the annual report at a cost of approximately \$3,000. City staff prepared the report in-house to minimize consultant expenses. There is no other fiscal impact associated with this project.

### **Conclusion and Recommendation**

Staff requests that the City Council adopt the Resolution of the City Council of the City of Oakley Making Findings and Approving the Annual Progress Report on Implementation of the Housing Element for the City of Oakley.

### **Attachments**

1. Annual Progress Report w/ SB 341 Report
2. Draft City Council Resolution

**Please Start Here**

General Information	
Jurisdiction Name	Oakley
Reporting Calendar Year	2018
Contact Information	
First Name	Joshua
Last Name	McMurray
Title	Planning Manager
Email	<a href="mailto:mcmurray@ci.oakley.ca.us">mcmurray@ci.oakley.ca.us</a>
Phone	(925) 625-7004
Mailing Address	
Street Address	<u>3231 Main Street</u>
City	Oakley
Zipcode	94561

**Submittal Instructions**

Housing Element Annual Progress Reports (APRs) forms and tables must be submitted to HCD and the Governor's Office of Planning and Research (OPR) on or before April 1 of each year for the prior calendar year; submit separate reports directly to both HCD and OPR pursuant to Government Code section 65400. There are two options for submitting APRs:

- 1. Online Annual Progress Reporting System (Preferred)** - This enters your information directly into HCD's database limiting the risk of errors. If you would like to use the online system, email [APR@hcd.ca.gov](mailto:APR@hcd.ca.gov) and HCD will send you the login information for your jurisdiction. *Please note: Using the online system only provides the information to HCD. The APR must still be submitted to OPR. Their email address is [opr.apr@opr.ca.gov](mailto:opr.apr@opr.ca.gov).*
- 2. Email** - If you prefer to submit via email, you can complete the excel Annual Progress Report forms and submit to HCD at [APR@hcd.ca.gov](mailto:APR@hcd.ca.gov) and to OPR at [opr.apr@opr.ca.gov](mailto:opr.apr@opr.ca.gov). Please send the Excel workbook, not a scanned or PDF copy of the tables.

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**ANNUAL ELEMENT PROGRESS REPORT**  
**Housing Element Implementation**  
 (CCR Title 25 §6202)

<b>Jurisdiction</b>	Oakley	
<b>Reporting Year</b>	2018	(Jan. 1 - Dec. 31)

Note: + Optional field  
 Cells in grey contain auto-calculation formulas

Table A																			
Housing Development Applications Submitted																			
Project Identifier					Unit Types		Date Application Submitted	Proposed Units - Affordability by Household Incomes							Total Approved Units by Project	Total Disapproved Units by Project	Streamlining	Notes	
1					2	3	4	5							6	7	8	9	10
Prior APN*	Current APN	Street Address	Project Name*	Local Jurisdiction Tracking ID*	Unit Category (SFA,SFD,2 to 4,5+,ADU,MH)	Tenure R=Renter O=Owner	Date Application Submitted	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Total PROPOSED Units by Project	Total APPROVED Units by project	Total DISAPPROVED Units by Project (Auto-calculated Can Be Overwritten)	Was APPLICATION SUBMITTED Pursuant to GC 65913.4(b)? (SB 35 Streamlining)	Notes*
Summary Row: Start Data Entry Below															177	177	23		
	037-100-048	1731 Main Street	The Village at Main		SFD	O	9/20/2018								154	154			No 037-100-049, 037-100-13, 19 and 2
	033-170-021	Machado Lane	Castro Property		SFD	O	5/23/2018								10	10			No Approved 9/25/2018
	040-080-001 and 002		Ranchettes @ Neroly		SFD	O	3/3/2018								13	13			No Approved 9/25/2018

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
2019-2020

Table with columns: Reporting Year, Date, Unit Types, and Unit Types. Reporting Year: 2019, Date: Jan 1 - Dec 31, 2019.

Main data table with columns: Project Identifier, Unit Types, Affordability by Household Income - Building Permits, Affordability by Household Income - Certificates of Occupancy, and various performance metrics. Includes a 'Summary Row' at the top and a 'Notes' column at the bottom.







**ANNUAL ELEMENT PROGRESS REPORT**  
**Housing Element Implementation**

(CCR Title 25 §6202)

<b>Jurisdiction</b>	Oakley	
<b>Reporting Year</b>	2018	(Jan. 1 - Dec. 31)

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs. Please contact HCD if your data is different than the material supplied here

Table B													
Regional Housing Needs Allocation Progress													
Permitted Units Issued by Affordability													
		1	2									3	4
Income Level		RHNA Allocation by Income Level	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	317			8							8	309
	Non-Deed Restricted												
Low	Deed Restricted	174			66							66	108
	Non-Deed Restricted												
Moderate	Deed Restricted	175										209	
	Non-Deed Restricted		70	88	51								
Above Moderate		502	164	208	117	192						681	
<b>Total RHNA</b>		<b>1168</b>											
<b>Total Units 44</b>			<b>234</b>	<b>296</b>	<b>242</b>	<b>192</b>						<b>964</b>	<b>417</b>

Note: units serving extremely low-income households are included in the very low-income permitted units totals  
Cells in grey contain auto-calculation formulas





**ANNUAL ELEMENT PROGRESS REPORT**  
**Housing Element Implementation**

(CCR Title 25 §6202)

<b>Jurisdiction</b>	Oakley
<b>Reporting Year</b>	2018 (Jan. 1 - Dec. 31)

**Table D**

**Program Implementation Status pursuant to GC Section 65583**

**Housing Programs Progress Report**

Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.

1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
1.1 Provision of Adequate Sites to Meet Remaining RHNA Need	Provision of Adequate Sites to accommodate remaining RHNA need of 385 extremely low, very low, and low income units	1/27/2017	The City completed this program by designating 9 specific properties with the Affordable Housing Overlay Zone. The City Council adopted Ordinance 16-16 that adopted the overlay.
1.2 Density Bonus Ordinance	Implement Density Bonus Ordinance	Ongoing	The City will continue to use the Density Bonus Ordinance with qualifying affordable projects.
1.3 Review and Revise Development Fees	Review and Revise Development Fees	Review Annually	The City's Park and Traffic Impact Fee's are currently being looked at and revised with anticipated reductions to both fees.
1.4 Promote Energy-Conserving Programs	Efficient Use of Energy Resources	12/31/2016	The City has adopted the California Energy Code and performs plan reviews to ensure projects meet the codes intention for efficient energy use. The City also has an updated website with links and information to Energy Conservation programs.
1.5 Encourage Residential Development in Areas Served by Public Transit	Encourage Residential Development near Transit	7/1/2016	The City adopted the Downtown Specific Plan which is within 1/2 mile of public transit. The DSP allows for reduced parking in order to facilitate the redevelopment of downtown. Additionally, the General Plan has policies that encourage high density development near transit, and the City has made a consistent effort to locate higher density development along existing transit corridors.
1.6 Maintain an Inventory of Available Land Resources	Inventory of Available Land Resources	12/1/2016	The City has developed a comprehensive map of vacant and underutilized parcels. The list includes both vacant parcels and parcels that have infill potential. The information was updated prior to the adoption of the 2015-2023 Housing Element.
1.7 Encourage Infill Development	Encourage infill as a means to provide additional opportunities for construction	12/1/2015	The city continues to encourage infill development. The City has adopted a Downtown Specific Plan which specifically provides for infill and mixed use residential opportunities within the City.
1.8 Jobs-Housing Balance Evaluation	Analyze the status of jobs and housing within the community and then provide to large employers within the community	Ongoing	The city has a comprehensive list of approved and developed subdivisions within the City. This list is readily available to large employers within the City.
1.9 Annual Review and Reporting of Housing Element Progress	Complete reporting requirements	Report due to HCD Annually	The Annual Report is scheduled for Council review and approval at the March 26, 2019 City Council Meeting. Thereafter, the Annual Report will be forwarded to HCD.
1.10 Affordable Housing Overlay	Review and Revise Affordable Housing Overlay	In conjunction with Policy Action 1.1	The City completed this program with the adoption of Ordinance 15-16 in Summer 2016.
1.11 Multifamily Housing Sites	Encourage multifamily and affordable residential uses on multifamily sites	In conjunction with Policy Action 1.1	Active Program (See also Status of Implementation of Goal 1.1)

2.1 Rehabilitation of Existing Housing Units	Continue to provide information on housing rehabilitation assistance	6/1/2015	The City has provided access on the web site to the full list of programs available with the County and HUD, as well as links to appropriate web sites
2.2 Proactive Code Enforcement	Develop a Proactive Code Enforcement Strategy	Ongoing	Staff has developed, adopted and implemented a Property Maintenance Program, as well as a Residential Rental Inspection Program.
2.3 Infrastructure Preservation Program	Provide Adequate Infrastructure	Ongoing	The City annually adopts a capital improvement program as part of its budget to plan and schedule infrastructure improvements throughout Oakley. Based on those adopted priorities and funding plans the City aggressively implements capital improvement projects. There are currently 19 capital improvement projects in various stages of implementation throughout the City.
3.1 Monitor Assisted Housing Units	Monitor units to identify at risk units and insure current units compliance	Ongoing and Annual Monitoring	The City requires fiscal year financial and proof of certification to be reported 90 days after the end of the prior fiscal year. These reports are then audited. The City also maintains active relationships with owners and management.
3.2 Encourage Development of New Affordable Rental Housing for Remaining RHNA Need	Encourage Affordable Rental Housing Development to meet remaining RHNA need	Ongoing	Active Program (See also Status of Implementation of Goal 1.1)
4.1 Increase Access to Homeownership	Disseminate information about the available programs for Affordable Housing through offices, library or City website	8/1/2015	The City website has the following information: where existing affordable family and senior housing projects within the City are located as well as submitted development applications, a link to the 211 program, and the County Section 8 Program.
4.2 Promote Fair Housing Standards	Continue to encourage the enforcement of federal and state fair housing standards	8/1/2015	The City currently posts resources on the web site, plus disseminates information through the housing department and the police department. A guide to tenants and landlords rights is kept on hand as well.
4.3 Development of Housing for Extremely-Low Income Households and Special Needs Groups	Encourage housing to meet need of 45 Extremely-Low Income units or special needs housing	Through the 2015-2023 Planning Cycle	The City works cooperatively with affordable housing developers to explore incentives. Although the City does not have available funds, staff has explored funding sources from other agencies in efforts to find ways to achieve the program goals to attain Extremely-Low Income units.
4.4 Development of Housing for Large Families	Increase Housing for Large Families	Ongoing	The City continues to focus on achieving a balance to accommodate various needs for housing.
4.5 Reasonable Accommodation Procedures	Continue reasonable accommodation procedures	Ongoing	Staff continues to ensure that projects meet the State's newest accessibility requirements by identifying deficiencies at plan review stage. City also works with a Certified Access Specialist for plan reviews and inspections.
4.6 Compliance with SB2	Comply with SB 2	1/1/2016	The City has completed this program and has adopted an ordinance that complied with SB 2 in regard to transitional and supportive housing. The Downtown Specific Plan provides a zone district and site to allow an Emergency Shelter by-right.
4.7 Ensure Adequate Emergency Shelter Sites	Accommodate the City's emergency shelter need	Ongoing/Annually	The Downtown Specific Plan provides a zone district and site to allow an Emergency Shelter by-right.
4.8 Pursue Outside Funding Sources	Monitor Sources of Development Financing	Ongoing/Annually	The City is working cooperatively with affordable housing developers to explore outside funding sources. Although the City does not have available funds, staff has explored funding sources from other agencies in efforts to find ways to achieve the program goals to attain Extremely-Low Income units instead of Very-Low and -Low. The City has had numerous meetings and discussions in the past with developers to explore incentives and creative financing.
4.9 Provide Comprehensive Housing Information	Comprehensive Housing Resources	Ongoing	The City uses print media, mailers, web-based information, e-mail blasts, and other methods to provide information about available housing resources.
4.10 Residential Care Facilities	Accommodate residential care facilities/group homes	1/1/2016	The City has completed this program and has adopted an ordinance that complied with State Law pertaining to Residential Care Facilities.
4.11 Employee and Farmworker Housing	Accommodate farmworker and employee housing	1/1/2016	The City has completed this program and has adopted an ordinance that complied with State Law pertaining to Employee and Farmworker Housing.





Table E

Commercial Development Bonus Approved pursuant to GC Section 65915.7

Project Identifier				Units Constructed as Part of Agreement				Description of Commercial Development Bonus	Commercial Development Bonus Date Approved
1				2				3	4
APN	Street Address	Project Name <sup>+</sup>	Local Jurisdiction Tracking ID <sup>+</sup>	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Description of Commercial Development Bonus	Commercial Development Bonus Date Approved
Summary Row: Start Data Entry Below									

**ANNUAL ELEMENT PROGRESS REPORT**  
**Housing Element Implementation**  
 (CCR Title 25 §6202)

<b>Jurisdiction</b>	Oakley
<b>Reporting Period</b>	2018 (Jan. 1 - Dec. 31)

Note: + Optional field  
 Cells in grey contain auto-calculation formulas

**Table F**

**Units Rehabilitated, Preserved and Acquired for Alternative Adequate Sites pursuant to Government Code section 65583.1(c)(2)**

This table is optional. Jurisdictions may list (for informational purposes only) units that do not count toward RHNA, but were substantially rehabilitated, acquired or preserved. To enter units in this table as progress toward RHNA, please contact HCD at APR@hcd.ca.gov. HCD will provide a password to unlock the grey fields. Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in Government Code section 65583.1(c)(2).

Activity Type	Units that Do Not Count Towards RHNA <sup>+</sup> Listed for Informational Purposes Only				Units that Count Towards RHNA <sup>+</sup> Note - Because the statutory requirements severely limit what can be counted, please contact HCD to receive the password that will enable you to populate these fields.				The description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1 <sup>+</sup>
	Extremely Low-Income <sup>+</sup>	Very Low-Income <sup>+</sup>	Low-Income <sup>+</sup>	TOTAL UNITS <sup>+</sup>	Extremely Low-Income <sup>+</sup>	Very Low-Income <sup>+</sup>	Low-Income <sup>+</sup>	TOTAL UNITS <sup>+</sup>	
Rehabilitation Activity									
Preservation of Units At-Risk									
Acquisition of Units									
Total Units by Income									

<b>Jurisdiction</b>	Oakley	
<b>Reporting Year</b>	2018	(Jan. 1 - Dec. 31)

<b>Entitled Units Summary</b>		
<b>Income Level</b>		<b>Current Year</b>
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		0
Total Units 44		0

Note: units serving extremely low-income households are included in the very low-income permitted units totals

<b>Submitted Applications Summary</b>	
Total Housing Applications Submitted:	3
Number of Proposed Units in All Applications Received:	177
Total Housing Units Approved:	23
Total Housing Units Disapproved:	0

<b>Use of SB 35 Streamlining Provisions</b>	
Number of Applications for Streamlining	0
Number of Streamlining Applications Approved	0
Total Developments Approved with Streamlining	0
Total Units Constructed with Streamlining	0

<b>Units Constructed - SB 35 Streamlining Permits</b>			
<b>Income</b>	<b>Rental</b>	<b>Ownership</b>	<b>Total</b>
Very Low	0	0	0
Low	0	0	0
Moderate	0	0	0
Above Moderate	0	0	0
Total	0	0	0

Cells in grey contain auto-calculation formulas



**Oakley Housing Fund**  
**SB 341 Annual Reporting Requirements for Housing Successors to Redevelopment Agencies**  
**For Fiscal Year Ended June 30, 2018**

1. *Amounts Deposited into the Low & Moderate Housing Asset Fund, distinguishing any amounts deposited for items listed on the Recognized Obligation Payment Schedule (ROPS) from other amounts deposited.*

a. ROPS Schedule Funding	\$ 0
b. Loan Payments Received	\$ 18,988
c. Interest Earnings on Cash Balances	<u>\$ 839</u>
Total Deposits	<u>\$ 19,827</u>

2. *A statement of the balance in the fund as of the close of the fiscal year, distinguishing any amounts held for items listed on the ROPS from other amounts. \$*

Cash	\$ 77,484
Restricted for Current Payables	<u>\$ -0-</u>
Available Cash Balance	<u>\$77,484</u>

3. *Description of the expenditures from the fund by category, including, but not limited to, expenditures (A) for monitoring and preserving the long-term affordability of units subject to affordability restrictions or covenants entered into by the redevelopment agency or the housing successor and administering the activities described in paragraphs (2) and (3) of subdivision (a), (B) for homeless prevention and rapid rehousing services for the development of housing described in paragraph (2) of subdivision (a), and (C) for the development of housing pursuant to paragraph (3) of subdivision (a).*

(A) Monitoring and Preserving LT Affordability of Units	\$3,322
(B) Homeless Prevention	\$ 0
(C) Development of Housing	\$ 0
(D) Other (accounting, bank fees, etc..)	<u>\$15,159</u>
Total Expenditures	<u>\$18,481</u>

4. *As described in paragraph (1) of subdivision (a), the statutory value of real property owned by the housing successor, the value of the loans and grants receivable, and the sum of these two amounts.*

Real Property Owned	\$ 0
Loans Receivable	<u>\$11,297,336</u>
Total	<u>\$11,297,336</u>

**Oakley Housing Fund**  
**SB 341 Annual Report**  
**For Fiscal Year Ended June 30, 2018**

5. *Description of any transfers made pursuant to paragraph (2) of subdivision (C) in the previous fiscal year and, if still unencumbered, in earlier fiscal years and a description of and status update on any project for which transferred funds have been or will be expended if that project has not yet been placed in service.*

*\$0 (No transfers made under this section, in the current or any prior year).*

6. *Description of Projects for which the Oakley Housing Fund receives or is holding property tax revenue pursuant to the ROPS and the status of that project.*

*N/A -The Oakley Housing Fund neither receives nor holds property tax revenue pursuant to a ROPS.*

7. *For interests in real property acquired by the former redevelopment agency prior to February 1, 2012, a status update on compliance with section 33334.16. For interest in real property acquired on or after February 1, 2012, a status update on the project.*

*N/A – The Oakley Housing Fund owns no real property.*

8. a. *A description of outstanding obligations pursuant to Section 33413 that remain to transfer to the Housing Successor on February 1, 2012.*

*The Oakley Housing Fund is obligated to pay the remaining deferred impact fee obligation related to the Oakley Cypress Associates project. The balance at June 30, 2018, including interest, was \$1,116,849.*

- b. *A description of the Housing Successor's progress in meeting obligations described in 8a.*

*Very little progress has been made since dissolution of the Oakley Redevelopment Agency, as these fees were only recently confirmed as solely a Housing Successor obligation, and the Department of Finance continually denied any Successor Agency payment.*

- c. *A description of the housing successor's plan to meet unmet obligations described in 8a.*

*The Housing Successor receives loan repayments each year, and after paying for the services described in item 3 above, it will continue to use remaining balances to pay down this obligation. Given the state of the projects and length of the loan repayment terms, payment of the impact fees may take decades.*

**Oakley Housing Fund**  
**SB 341 Annual Report**  
**For Fiscal Year Ended June 30, 2018**

9. *Information required by subparagraph (B) or paragraph (3) of subdivision (a).*

*N/A.*

10. *Percentage of units of deed-restricted rental housing restricted to seniors and assisted individually or jointly by the Housing Successor, its former RDA and its host jurisdiction within the last 10 years in relation to the aggregate number of units of deed-restricted rental housing assisted individually or jointly by the housing successor, its former RDA and its host jurisdiction within the same time period.*

*47.5%*

11. *a. The amount of excess surplus. N/A – None.*

*b. The amount of time that the successor agency has had the excess surplus. N/A*

*c. The housing successor's plan for eliminating the excess surplus. N/A*

**RESOLUTION NO. XX – 19**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY MAKING FINDINGS AND APPROVING THE ANNUAL PROGRESS REPORT ON IMPLEMENTATION OF THE HOUSING ELEMENT FOR THE CITY OF OAKLEY**

**WHEREAS**, in November 1998, the voters approved the incorporation of the City of Oakley, to be effective July 1, 1999; and

**WHEREAS**, on July 1, 1999, the City of Oakley was incorporated; and

**WHEREAS**, after incorporation, the City adopted the Contra Costa County General Plan for the Oakley Area as its General Plan, the County's subdivision ordinance as its subdivision Ordinance, and the County's zoning ordinance as its zoning ordinance (Ordinance Nos. 1-99, 17-99, 22-99). Since that time, the City has prepared its own General Plan, as required by Government Code Section 65360; and

**WHEREAS**, in December 2002, the Oakley City Council adopted the Oakley 2020 General Plan; and as part of the General Plan the City developed a 2001-2007 Housing Element, which was certified by The State Department of Housing and Community Development (HCD) in 2005; and

**WHEREAS**, in August 2009, the Oakley City Council adopted the 2007-2014 Housing Element,

**WHEREAS**, in January 2015, the Oakley City Council adopted the 2015-2023 Housing Element,

**WHEREAS**, the City is required to provide housing opportunities for all income groups. HCD reviews the Housing Element portion of the General Plan, and requires an Annual Progress Report on the Implementation of the Housing Element; and

**NOW, THEREFORE**, on the basis of the above findings of fact and the entire Record, the City Council makes the following additional findings in support of the approvals:

1. The City has completed an Annual Progress Report (Attachment 1), which outlines the progress the City has made on the goals and policies outlined in the Housing Element:
  - a. The City shall meet the State Department of Housing and Community Development Department (HCD) requirements to ensure the City is providing adequate housing types for all income groups.

- b. Compliance with HCD requirements will provide for orderly, well balanced growth within the City.

**PASSED AND ADOPTED:** by the City Council of the City of Oakley at a meeting held on the 26<sup>th</sup> day of March 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

\_\_\_\_\_  
Claire Alaura, Mayor

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Libby Vreonis, City Clerk

\_\_\_\_\_  
Date