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OFFICE OF THE CITY CLERK
OAKLAND

2014 NOV 20 PM 2:47 **AGENDA REPORT**

TO: HENRY L. GARDNER
INTERIM CITY ADMINISTRATOR

FROM: Rachel Flynn

SUBJECT: 2015-2023 Housing Element

DATE: November 7, 2014

City Administrator
Approval

Date

11-20-14

COUNCIL DISTRICT: Citywide

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing and upon conclusion, adopt:

Resolution Adopting The 2015-2023 Housing Element As A General Plan Amendment To The Oakland General Plan And Adopting The Addendum To The Previous CEQA Documents, As Recommended By The City Planning Commission

EXECUTIVE SUMMARY

In accordance with State law, the City of Oakland seeks to adopt an Amendment to the City's General Plan to update its Housing Element, which is one of seven mandatory elements of the General Plan. An updated Housing Element is required of each city in the State of California to address the housing needs of all residents, in all income levels, over the planning period 2015-2023. Staff prepared this report to guide the City Council in its deliberations for the adoption of the *2015-2023 Housing Element* (See *Attachment A*).

The draft *2015-2023 Housing Element (Housing Element)* was prepared between December 2013 and April 2014 by staff from the City's Bureau of Planning, and the Department of Housing and Community Development (DHCD). The Oakland Planning Commission and the City Council Community and Economic Development Committee held a public hearing and a public meeting (respectively) on the draft *Housing Element*.¹ The draft *Housing Element* was published in July, 2014, and sent to California Department of Housing and Community Development (Cal HCD), for their review. A comment letter was received by Cal HCD on

¹ See June 10, 2014 CED agenda report, and May 7, 2014 Planning Commission staff report for further details.

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September 12, 2014, indicating three sections of the *Housing Element* which needed additional analysis and revision (see **Attachment B** to this report). City staff revised the draft *Housing Element* to reflect HCD's requested changes, added analysis which was not available by the July publication date for the draft, and produced a final *Housing Element* for adoption. This agenda report will discuss those changes made between the draft and final *Housing Elements*.

OUTCOME

By adopting the *2015-23 Housing Element* prior to January 31, 2015, the City remains in compliance with State law. If adopted by this deadline, then the City will continue to remain eligible to apply for State funding contingent on having a *Housing Element* in compliance with State law.

BACKGROUND/LEGISLATIVE HISTORY

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

State law requires local governments to adequately plan to meet their existing and projected housing needs. Under state law, Housing Elements must be updated every four to eight years. The previous *Housing Element* was adopted in 2010 for the 2007-2014 planning cycle. Government Code section 65583 sets forth the required contents of the housing element of a general plan. The *Housing Element* update is subject to certification by the State of California.

In a letter dated October 29, 2014, Cal HCD made a written determination that the "revised draft element meets the statutory requirements of State housing element law" (see **Attachment C** to this report). Once this document is adopted by the City Council, and the City submits its annual report on time, the City and other entities operating within the City will become eligible to apply for critical regional and state funds (e.g. BEGIN Program, Infill Infrastructure Grants, Housing Related Parks Program, Local Housing Trust Fund, CDLAC Single Family Home Program, I-Bank and ISRF Programs, the HELP Program, and MTC One Bay Area Grant Program). The *Housing Element* provides a forum to define community goals for housing including the types of housing to be built and the priorities for spending housing dollars. It also provides an opportunity to incorporate ongoing housing policy discussions.

The foundation for the draft *2015-2023 Housing Element* is an inventory of sites suitable for residential development in Oakland, and a determination of whether the housing potential on land suitable for residential development is adequate to accommodate Oakland's Regional Housing Needs Allocation (RHNA). This is a state-mandated requirement that all California

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cities provide for their fair share of the regional housing need for all income levels. The State of California has determined the need for 187,990 new housing units in the 9-county Bay Area for the years 2015-2023, and RHNA “assignments” for each city are determined by ABAG. The draft *2015-2023 Housing Element* also identifies constraints which make it difficult to produce housing in Oakland.

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

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

As for community participation during the *2015-2023 Housing Element* preparation, there have been numerous public meetings or hearings where residents, non-profit and for-profit housing developers, and other interested parties commented on the draft *Housing Element*. The City responded to public comments received at the May 7, 2014 Planning Commission hearing. See “Public Comment” section of this report, below, for further details. Additionally, Appendix E of the *Housing Element* details all public comments received and the City’s response to those comments.

At the time of this report writing, the Oakland Planning Commission was scheduled to hold a public hearing on November 19, 2014, to consider recommending adoption of the final *2015-2023 Housing Element* and the Addendum to the Previous CEQA Documents (defined below). Staff intends to prepare a Supplemental Agenda Report, that will summarize the Planning Commission’s recommendations, in time for Council consideration at the December 2, 2014 Community and Economic Development Committee public meeting.

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ANALYSIS

A number of housing units have been produced, or are in the entitlement process as of March, 2014², that count towards the City’s RHNA obligations. To clearly communicate the different categories of housing units completed, approved, planned and on housing opportunity sites, Table 4-2 of the *2015-2023 Housing Element* is included in this agenda report as **Table 1:**

Table 1. (Table 4-2 from <i>2015-2023 Housing Element</i>)	Total Units	Units by Affordability Category				
		Extremely Low Income	Very Low Income	Low Income	Moderate Income	Above Moderate Income
Oakland's Regional Housing Needs Allocation	14,765	1,029	1,030	2,075	2,815	7,816
Group 1: Units Constructed 1/1/14 to 3/27/14 (Permits Issued after 1/1/14)						
Appendix C-1: Private sector market and affordable units completed	61					61
Group 1 Subtotal	61					61
Group 2: Units Receiving Planning Approvals						
Appendix C-2: Private Sector Market Rate units-approved	4,188					4,188
Appendix C-3: Publicly Subsidized Affordable-funded and in pre-development	221	54	99	47	17	4
Group 2 Subtotal	4,409	54	99	47	17	4,192
Group 3: Units Planned						
Appendix C-4. Publicly Subsidized Affordable-site acquisition	221			187	2	32
Appendix C-5: Private Sector Market Rate--in planning pre-development ¹	3,247			72		3,175
Group 3 Subtotal	3,468			259	2	3,207
Total Units C-1 to C-5 (completed, under construction, approved, pre-development):	7,938	54	99	306	19	7,460
Total Sites Needed Given RHNA Requirement - - Surplus/(Deficit):	(6,827)	(975)	(931)	(1,769)	(2,796)	(356)
Sites Needed to comply with Affordable Requirements -- Surplus/(Deficit):	(6,471)					
Appendix C-6: Opportunity Sites (potential number of new units)	10,032					

Table 1 shows that there are 7,938 housing units that are completed, under-construction, approved, or in pre-development; most are above-moderate units (i.e. they have no affordability restrictions). When this estimate of housing unit production is compared to Oakland’s RHNA of 14,765 units, the City has an estimated production deficit of 6,827 housing units. Of that deficit, there are 6,471 housing units that must be affordable to extremely low-, very low-, low- and moderate-income residents. To make up this deficit of units to meet the RHNA affordable unit

² March 2014 was the end of the analysis period, prior to the preparation of the draft *2015-2023 Housing Element* for public review (and publication in July, 2014).

production requirement, the City has identified opportunity sites which are suitable for development of multifamily projects that could accommodate 10,032 housing units, including very low-, low-, and moderate-income housing, as well as additional market-rate units. Given these opportunity sites, Oakland shows that it can accommodate its RHNA goals for the 2015-2023 planning period.

Moderate Income housing

Much of the focus of the 2015-2023 Housing Element is on the needs of households by income level. Incomes are defined as a percentage of the median income for the Oakland metropolitan statistical area (MSA), comprising Alameda and Contra Costa counties. **Table 2** summarizes the definitions used by City staff for these income groups. These definitions and income limits are released annually by City staff and used by most agencies for defining “low-” or “moderate-” income³. *These income limits are used only to determine eligibility for various government programs.*

In **2013**, the year used during the 2015-2023 Housing Element production, 100% median income for a household of four in Oakland was **\$89,200**. In **2014**, 100% median income for a household of four in Oakland is \$93,500. In 2014, a moderate income household of four (earning between 81 and 120% of median household income) has income of between \$67,600 and \$110,400.

Table 2. Definitions used for comparing income levels (2015-2023 Housing Element Table 3-7)

Income Definitions	
Extremely Low-Income	30 percent or less of the Oakland MSA median income
Very Low-Income	31 to 50 percent of the Oakland MSA Median Income
Low-Income	51 to 80 percent of the Oakland MSA Median Income
Moderate-Income	81 to 120 percent of the Oakland MSA Median Income
Above-moderate-Income	More than 120 percent of the Oakland MSA Median Income

Table 3 shows the percentage in 2010 of each income category, for the City as a whole.

³ See City website, www2.oaklandnet.com/Government/o/hcd/s/Data/DOWD008693#/income

Table 3. Percent of 2010 Oakland Households by Income (2015-2023 Housing Element Table 3-9)

Income Category	Percent of Households
Extremely Low Income	23%
Very Low	14%
Low	15%
Moderate	48%
Above Moderate	

Source: U.S. Department of Housing and Urban Development CHAS Data Book, based on 2006-2010 5-Year Average Data

Note: Percentages may not sum to 100% due to rounding

Table 4 shows in 2010, there were approximately 73,750 moderate-income and above-moderate income households in Oakland, of those households 31% were renter-occupied and 69% were owner-occupied.

Table 4. 2010 Income by Tenure (2015-2023 Housing Element Table 3-12B)

Income Level	Renter		Owner	
	Number	% of all renters	Number	% of all owners
Extremely Low	30,250	34%	5,615	9%
Very Low	15,245	17%	6,540	10%
Low	15,355	17%	8,110	12%
Moderate/ Above Moderate	28,370	31%	45,380	69%
Total	89,220	100%	65,645	100%

Sources: U.S. Department of Housing and Urban Development CHAS Data based on American Community Survey 2006-2010 5 year Average Data

Note: Percentages may not sum to 100% due to rounding

As required by State law, the 2015-2023 Housing Element contains numerous polices, goals and actions to address the housing needs of all Oakland residents and across all income categories.

Framework for a Citywide Housing Policy

A comprehensive citywide housing strategy is needed to ensure that the City protects housing resources in terms of availability and affordability for its existing and future residents, and

ensures that intensification of existing neighborhoods is complimented by investment in public parks, infrastructure, and other important quality of life components. A comprehensive housing strategy is proposed to address the community's concerns regarding the following housing-related issues:

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

I. Displacement of Long-Time Residents

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

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

Strategic Initiatives

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

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

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Housing Programs

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

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

Tenant Protections

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

Residential Lending Programs

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

First Time Homebuyer Assistance

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

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

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Affordable Housing Development

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

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

Condominium Conversion

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

II. Foreclosure Fall Out

In October 2012, the City launched its foreclosure prevention and mitigation initiative that included community outreach and referral, homeowner and tenant counseling services, homeowner and tenant legal services, a City escalation team, and the Restoring Ownership Opportunities Together (ROOT) Loan Fund. While Oakland has seen a significant decrease in foreclosure activities over the last year, and the prevention and mitigation efforts undertaken by the City and community partners have resulted in favorable outcomes for many Oakland households threatened by foreclosure activities, Oakland neighborhoods continue to experience the negative impacts of the foreclosure crisis. These negative impacts include public health hazards, deteriorated housing conditions, neighborhood destabilization resulting from abandonment and negligent property maintenance, and difficulties with banking entities that have large defaulted and foreclosed portfolios that are not complying with the intent of the January 2013 California Homeowner Bill of Rights, the purpose of which was to ensure fair lending and borrowing practices.

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

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

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

III. Affordable Housing Impact Fee

The provision of affordable housing choices is a concern and goal for the City of Oakland and must be addressed comprehensively, on a citywide basis. Action 2.7.2 of the *2015-2023 Housing Element* calls for the City to consider implementing an affordable housing impact fee. Impact fees are a commonly used method of mitigating the impacts of new development. An Affordable Housing Impact Fee is typically a per unit or per square foot fee levied on market rate housing and/or commercial development that can be used to build affordable homes. The rationale for an affordable housing fee is based on the premise that every person who moves into a market-rate home, or operates a business in a commercial development, will generate a need for services typically provided by employees who are paid less than the median income, such as hair dressers, coffee baristas, gardeners, healthcare workers and preschool teachers. In order to fund "workforce" housing for these residents, subsidies are often required to make new affordable housing development viable. A Housing Impact Fee could be one source of those subsidies.

The City of Oakland is currently conducting nexus study to quantify the impacts of development and evaluate the potential for an affordable housing impact fee, given current market conditions, and if so, what an appropriate fee structure would be given the housing demand and investment activity. The Mitigation Fee Act specifies procedures for the adoption of impact fees, which include public notice and a public hearing, and adoption by ordinance or resolution by a majority of the legislative body (e.g., Oakland City Council). Impact fees are usually imposed either jurisdiction-wide or in other relatively large areas anticipating significant amounts of new development.

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The feasibility of an affordable housing impact fee will be considered along with impact fees for transportation and capital improvements to mitigate impacts on City infrastructure and services while balancing the costs to support new development. The City is currently negotiating a contract with Hausrath Economics Group, of Oakland, and sub-consultants, to produce an impact fee study in the next year which will consider transportation, infrastructure, and affordable housing impact fees.

IV. Market Rate Housing Strategy

The City is committed to fostering the development of market-rate housing, in addition to affordable housing, to serve the population of residents who are in the “moderate-income” (unregulated) and “above moderate-income” demographic. To this end, the City is proposing the following initiatives: implementation of the recently completed Specific and Area Plans, expansion of the micro-living quarter regulations and modification of the secondary unit regulations, each of which is discussed below.

Specific and Area Plan Implementation

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

An environmental impact report was prepared for each Plan, which significantly streamlines future environmental review for projects that are consistent with the development density established by the specific plan and zoning regulations. Each planning process involved extensive community participation in the policies and development framework outlined in the Plans. The goal of this series of Specific Plans is to encourage the private housing market to build significant numbers of new housing units in Oakland. The Plans each contain actions and policies that may help implement a number of the policies included in the *2015-2023 Housing Element*.

Expansion of Micro-Living Quarters

Micro-living quarters are defined in the Oakland Planning Code as “a multiple-tenant building with an average net-floor area of 175 square feet but a minimum size of 150 square feet. Bathroom facilities are included within each living quarter but cooking facilities are not allowed within each living quarter. A shared kitchen is required on each floor, the maximum number

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these facilities may only be located in the Micro Living Quarters Pilot Program Area in the area bound by the Broadway, 26th Street, Valdez Street, and 23rd Street rights-of-way and are permitted upon the granting of a Conditional Use Permit. As this housing type has gained in popularity in other cities, the City will consider expanding the pilot program to the entire downtown area.

Modification of Secondary Unit Regulations

Action 3.1.7 of the *2007-2014* and *2015-2023 Housing Elements* call for the City to encourage the construction of new Secondary Units, and to encourage the legalization of existing non-conforming Secondary Units to bring those units into compliance with current zoning and building standards. Action 1.4.1 of the *2007-2014* and *2015-2023 Housing Elements* call for the City to explore parking solutions to enable broader application of the Secondary Unit regulations. In response, the planning process for the West Oakland Specific Plan revised the Secondary Unit regulations in West Oakland to: eliminate the existing requirement for a separate non-tandem parking space. Depending on the success of these changes, a similar relaxation of parking and/or secondary unit standards could be applied citywide. Allowing smaller households to live in secondary units, particularly near transit, makes efficient use of the existing housing stock in Oakland.

V. Housing Equity Roadmap

The City's Department of Housing and Community Development's Strategic Initiatives Unit is producing the "Housing Equity Roadmap" to complement the *2015-2023 Housing Element*. The Housing Equity Roadmap is a proposed action plan for City housing policies and programs to address the displacement of long-time residents, create new strategies to develop new affordable housing, and improve Oakland's aging housing stock. Additionally, the Roadmap will go into more depth on new housing policy initiatives based on Oakland-specific issues and an analysis of best practice policies from other jurisdictions facing similar housing affordability and displacement issues. Anticipated problems and opportunities to be addressed in the Roadmap include:

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

In an effort to include the newly elected City Council in setting the City's housing-related policies for the next few years, staff intend to present the Housing Equity Roadmap at public meetings of the Community and Economic Development Committee and the full City Council in February, 2015.

PUBLIC OUTREACH/PARTICIPATION

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

- I. The preparation of the draft *Housing Element* was presented at the following advisory board meetings and public hearings:
 - February 19, 2014, City Planning Commission
 - March 5, 2014, Mayor's Commission on Aging
 - March 25, 2014, CED Committee
 - April 14, 2014, Mayor's Commission on Persons with Disabilities
- II. The draft *Housing Element* was presented to City Planning Commission on May 7, 2014, and at the City Council Community and Economic Development Committee on June 10, 2014.
- III. A request for public comment was circulated via email to 700 subscribers to the *Housing Element* Gov Delivery list serv, and in postings in the *Oakland Tribune*, and on the City's website.⁴
- IV. The City has received several letters in response to the *Housing Element* update.

COORDINATION

Preparation of the final *2015-2023 Housing Element* has been a multi-department effort between the following City departments: Planning and Building, Department of Housing and Community Development, Economic and Workforce Development, Department of Human Services, and Public Works. This report has been reviewed by the Office of the City Attorney and by the Budget Office.

COST SUMMARY/IMPLICATIONS

Adoption of the *2015-2023 Housing Element* update will have no direct fiscal impact to the City. However, having an updated Housing Element certified by the California Department of

⁴ See: <http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/OAK045364>

Housing and Community Development makes the City eligible for critical housing and transportation investments funded by various State and Regional entities. The programs and actions in the *Housing Element* already have identified funding sources, as shown in Table 7-1, Chapter 7.

SUSTAINABLE OPPORTUNITIES

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

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

Social Equity: There are significant social equity issues which would be addressed through the adoption of the *Housing Element*. Primarily, the *Housing Element* will establish the policy and programmatic direction for the City in the building of housing for Oakland residents of all income levels, between the years 2015-2023.

California Environmental Quality Act (CEQA)

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

The City has previously prepared and certified a set of applicable CEQA documents including: (a) 1998 Land Use and Transportation Element EIR; (b) 1996 Open Space Conservation and Recreation Element Mitigated Negative Declaration; (c) 2004 Safety Element Negative Declaration and 2012 Addendum; (d) 1998 Historic Preservation Element EIR; (e) 2005 Noise Element Negative Declaration; (f) 2007 Bicycle Master Plan EIR; (g) 2002 Pedestrian Master Plan Mitigated Negative Declaration; (h) 1999 and 2006 Estuary Policy Plan EIRs and 2013 Supplemental EIR; and (i) 2010 Housing Element EIR (for the 2007-2014 Planning Period).

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Collectively, these are known as the "Previous CEQA Documents"⁵. No legal actions were filed challenging the Previous CEQA Documents, and thus they are presumed valid. In addition, on November 3, 2008, the City Council adopted Standards Conditions of Approval/Uniformly Applied Development Standards, which were revised, in part, in 2011.

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

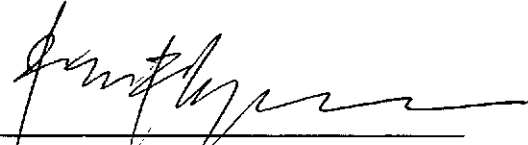
- (1) there are no substantial changes to the project that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the Previous CEQA Documents;
- (2) there are no substantial changes in circumstances that would result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

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

⁵ The Previous CEQA Documents are located at the City's websites:
www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157 and
www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009158

For questions regarding this report, please contact Devan Reiff, Planner III, at (510) 238-3550

Respectfully submitted,



RACHEL FLYNN

Director, Planning and Building Department

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Bureau of Planning

Prepared by:

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Bureau of Planning

Attachments

- A. Draft *2015-2023 Housing Element*
- B. Cal HCD letter dated September 12, 2014
- C. Cal HCD letter dated October 29, 2014
- D. CEQA Addendum to Previous CEQA Documents

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Alena Chen

Office of the City Attorney

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OFFICE OF THE CITY CLERK
OAKLAND

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OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION ADOPTING THE 2015-2023 HOUSING ELEMENT AS A GENERAL PLAN AMENDMENT TO THE OAKLAND GENERAL PLAN AND ADOPTING THE ADDENDUM TO THE PREVIOUS CEQA DOCUMENTS, AS RECOMMENDED BY THE CITY PLANNING COMMISSION

WHEREAS, on December 21, 2010, the City Council adopted the previous Housing Element for the 2007-2014 planning period and certified the 2007-2014 Housing Element Environmental Impact Report (EIR); and

WHEREAS, in accordance with State law, the City of Oakland seeks to adopt a General Plan Amendment for the City’s General Plan to update its Housing Element, which is one of seven mandatory elements of the General Plan; and

WHEREAS, an updated Housing Element is required of each city in the State of California to address the housing needs of all residents, in all income levels, over the planning period 2015-2023; and

WHEREAS, the Association of Bay Area Governments adopted the Regional Housing Needs Allocation (RHNA) for the 2015-2023 planning period, which requires the City to plan to accommodate 14,765 new housing units between 2015 and 2023 to meet its “fair share” of the State’s housing need; and

WHEREAS, of the 14,765 new housing units, 2,059 should be affordable to very low-income households, 2,075 to low-income households, 2,815 to moderate-income households, and 7,816 to above moderate-income households; and

WHEREAS, the 2015-2023 Housing Element demonstrates that the City can accommodate the new housing units required by the RHNA without rezoning or further General Plan Amendments through current opportunity sites, and with projects either built, under construction, approved or in predevelopment; and

WHEREAS, Planning staff conducted extensive community outreach throughout the adoption process for the 2015-2023 Housing Element, which included using various internet and social media tools to engage and inform the public, such as a dedicated Housing Element website that makes useful links, announcements, and reports available, a community online forum for housing-related topics (“Engage Oakland”), and an e-mail distribution system (“GovDelivery”) to solicit comments from and send updates to interested parties; and

WHEREAS, Planning staff presented informational reports and encouraged public participation as part of the Housing Element update process at various public meetings and hearings before the City Planning Commission (February 19, 2014), the Mayor's Commission on Aging (March 5, 2014), the Community and Economic Development (CED) Committee of the City Council (March 25, 2014), and the Mayor's Commission on Persons with Disabilities (April 14, 2014); and

WHEREAS, the draft 2015-2023 Housing Element was considered by the City Planning Commission at a duly noticed public hearing on May 7, 2014, and the CED Committee of the City Council at a public meeting on June 10, 2014; and

WHEREAS, as required by State law, the City submitted the draft 2015-2023 Housing Element to the State Department of Housing and Community Development (HCD) for review in July 2014; and

WHEREAS, on September 12, 2014, HCD, in its response letter to the City, noted three concerns relating to the draft, which required revisions to the City's site inventory, amendments to the description of the eight segments that permit emergency shelters by right, and inclusion of a program to address the requirements that transitional and supportive housing be permitted in all zones allowing residential uses and not be subject to any restrictions not imposed on similar dwellings in the same zone; and

WHEREAS, the City responded to HCD's concerns and on October 29, 2014, HCD provided a written determination that the "revised draft element meets the statutory requirements of State housing element law"; and

WHEREAS, on November 19, 2014, after Planning staff addressed the changes requested by HCD and considered and incorporated public comments where appropriate, at a duly noticed public hearing, the City Planning Commission recommended adoption of the 2015-2023 Housing Element and the Addendum to the Previous CEQA Documents ("Addendum"); and

WHEREAS, on December 2, 2014, at a duly noticed public meeting, the CED Committee of the City Council approved the recommendation of staff to adopt the 2015-2023 Housing Element and Addendum; and

WHEREAS, the City Council held a duly noticed public hearing on December 9, 2014, to consider HCD's written findings and adoption of the 2015-2023 Housing Element and Addendum; and

WHEREAS, the City has previously prepared and certified a set of applicable CEQA documents including: (a) 1998 Land Use and Transportation Element EIR (Resolution No. 74129 C.M.S.); (b) 1996 Open Space Conservation and Recreation Element Mitigated Negative Declaration (Resolution No. 72723 C.M.S.); (c) 2004 Safety Element Negative Declaration (Resolution No. 78915 C.M.S.) and 2012 Addendum (Resolution No. 83939 C.M.S.); (d) 1998 Historic Preservation Element EIR (Resolution No. 74403 C.M.S.); (e) 2005 Noise Element Negative Declaration (Resolution No. 79312 C.M.S.); (f) 2007 Bicycle Master Plan EIR (Resolution No. 80959 C.M.S.); (g) 2002 Pedestrian Master Plan Mitigated Negative Declaration (Resolution No. 77514 C.M.S.); (h) 1999 and 2006 Estuary Policy Plan EIRs (Resolution Nos. 75037 C.M.S. and

79982 C.M.S.) and 2013 Supplemental EIR (Resolution No. 84442 C.M.S.); and (i) 2010 Housing Element EIR (Resolution No. 83134 C.M.S.). Collectively, these are known as the "Previous CEQA Documents." No legal actions were filed challenging the Previous CEQA Documents, and thus they are presumed valid. In addition, on November 3, 2008, the City Council adopted Standard Conditions of Approval/Uniformly Applied Development Standards via Ordinance No. 12899 C.M.S. to substantially mitigate environmental impacts/effects when applied to future projects. These Standard Conditions of Approval were revised, in part, in 2011, and continue to be imposed on development projects as Standard Conditions of Approval; and

WHEREAS, the City has prepared an Addendum to the foregoing Previous CEQA Documents to evaluate the potential impacts of the 2015-2023 Housing Element; and

WHEREAS, the Addendum demonstrates that no further/additional CEQA review is required to adopt the 2015-2023 Housing Element; specifically, none of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation, Public Resources Code section 21166 and CEQA Guidelines sections 15162 and 15163 are present, in that: (1) there are no substantial changes to the project that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the Previous CEQA Documents; (2) there are no substantial changes in circumstances that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the Previous CEQA Documents; and (3) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Previous CEQA Documents were certified/adopted, which is expected to result in (a) new significant environmental effects or a substantial increase in the severity of significant environmental effects already identified in the Previous CEQA Documents; or (b) mitigation measures which were previously determined not to be feasible would in fact be feasible, or which are considerably different from those recommended in the Previous CEQA Documents, and which would substantially reduce significant effects of the project, but the City declines to adopt them; and

WHEREAS, the Previous CEQA Documents and the Addendum reflect the City's independent judgment and analysis; now, therefore, be it

RESOLVED: That the City hereby finds and determines that it has been presented and has independently reviewed and considered the information in the Previous CEQA Documents and Addendum, and that no further environmental review is required for adoption of the 2015-2023 Housing Element, because: (1) there are no substantial changes to the project that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the Previous CEQA Documents; (2) there are no substantial changes in circumstances that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the Previous CEQA Documents; and (3) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Previous CEQA Documents were certified/adopted, which is expected to result in (a) new significant environmental effects or a substantial increase in the severity of significant environmental effects already identified in the Previous CEQA Documents; or (b) mitigation measures which were previously determined not to be feasible would in fact be feasible, or which are considerably different from those recommended in the Previous CEQA Documents, and which would substantially reduce significant effects of the project, but the City declines to adopt them. Thus, in considering adoption of the 2015-2023 Housing Element, the City can rely on the Previous

CEQA Documents; and be it

FURTHER RESOLVED: That, each as a separate and independent basis, adoption of the 2015-2023 Housing Element is also exempt from CEQA review pursuant to Public Resources Code section 21083.3 and CEQA Guidelines Section 15183; and be it

FURTHER RESOLVED: That the City hereby adopts the 2015-2023 Housing Element as a General Plan Amendment; and be it

FURTHER RESOLVED: That the City hereby directs the City Administrator or his or her designee to submit the 2015-2023 Housing Element to HCD for certification promptly following its adoption; and be it

FURTHER RESOLVED: That the City hereby directs the Environmental Review Officer or designee to cause to be filed a Notice of Determination/Notice of Exemption with the appropriate agencies; and be it

FURTHER RESOLVED: That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City's decision is based are respectively: (a) Oakland Planning and Building Department, Strategic Planning Bureau, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California; and (b) Office of the City Clerk, One Frank H. Ogawa Plaza, 1st Floor, Oakland California; and be it

FURTHER RESOLVED: That the recitals contained in this resolution are true and correct and are an integral part of the City Council's decision.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

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

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



September 12, 2014

ATTACHMENT B

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

Dear Ms. Flynn:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "P. McDougall". The signature is stylized and somewhat abstract, with a large "P" and "M" and a long, sweeping tail.

Paul McDougall
Housing Policy Manager

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

2020 W El Camino Avenue, Suite 500
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October 29, 2014

ATTACHMENT C

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

Dear Ms. Flynn:

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

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

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

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

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

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

Sincerely,

Glen A. Campora
Assistant Deputy Director

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

CASE FILE # GP14001

ATTACHMENT D TO DECEMBER 2, 2014 COUNCIL AGENDA REPORT

A. INTRODUCTION

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

Background

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

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

Brief Overview of CEQA Approach and Summary Conclusions

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

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

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

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

² State Clearinghouse Number 2009092065

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

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

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

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

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

CEQA Approach

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

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

I. Policy Context Changes and Additions to Actions and Policies

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

As stated above, 93 actions in the *2015-2023 Housing Element* are identical or substantially similar (with new or revised language that does not change the substance of the action) to actions adopted in the *2007-2014 Housing Element*. For details of how each of these 93 policies are evaluated under CEQA, see the *2007-2014 Housing Element EIR and Initial Study*⁵, as well as actions and policies included in the Previous CEQA Documents. The City considers the 93 actions that were referred to in the text of the Previous CEQA Documents to have been previously analyzed (“cleared”) under CEQA and are consistent with various policies and actions in the Previous CEQA Documents. Thus, these 93 actions do not represent a substantial change which would warrant further CEQA review, other than this Addendum.

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

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

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

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

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

II. Housing Production Changes

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

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

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

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

Summary Conclusions

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

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

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

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

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

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

Project Description

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

Location

The *Housing Element* applies citywide.

Setting

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

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

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

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

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

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

Project Objectives

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

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

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

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

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

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

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

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

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

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

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

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

B. CEQA ANALYSIS

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

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

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

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

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

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

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

Statement of Overriding Considerations

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

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

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

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

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

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

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

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

“XIII. CEQA CLEARANCE FOR FUTURE HOUSING DEVELOPMENT PROJECTS

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

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

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

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

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

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

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

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

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

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

Environmental Topics

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

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

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

I. Aesthetics, Shadow, and Wind

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

Scenic Vistas, Scenic Highways, Visual Character

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

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

⁷ See OSCAR Element Policies, OS-9 1, OS-9 2, OS-9 3, OS-10 1 and OS-10 2, also OS-1 3 and Objective OS-9 See also the Land Use and Transportation Element, Policy W3 4

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

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

Potential Glare or Shadows

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

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

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

Wind

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

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

II. Agriculture

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

III. Air Quality

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

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

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

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

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

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

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

Minimize potential Toxic Air Contaminant (TAC) impacts

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

Odors

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

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

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

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

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

IV. Biological Resources

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

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

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

Fish and Wildlife species, Migratory Corridors or native wildlife nurseries

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

Habitat Plans, and Trees and Creeks

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

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

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

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

Trees and Creeks

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

V. Cultural and Historic Resources

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

Historic Resources

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

Paleontological and Archeological Resources, and Human Remains

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

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

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

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

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

VI. Geology and Soils

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

Seismic Activity and Ground Failure

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

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

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

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

Soil Erosion and Loss of Topsoil

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

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

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

Expansive Soils

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

Wells, Pits, Swamp, etc.

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

Landfills or Fill Soils

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

Soils Incapable of Supporting Septic Tanks or Alternative Wastewater Systems

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

VII. Greenhouse Gas Emissions / Global Climate Change

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

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

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

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

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

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

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

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

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

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

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

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

VIII. Hazards and Hazardous Materials

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

Transport and Disposal, Emissions and Storage of Hazardous Materials

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

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

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

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

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

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

Located within an Airport Land Use Plan or Private Airstrip

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

Emergency or Evacuation Plan

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

Wildland Fires

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

IX. Hydrology and Water Quality

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

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

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

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

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

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

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

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

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

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

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

Substantial Runoff: Stormwater Drainage Systems and additional source of pollution

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

Inundation by Seiche, Tsunami, or Mudflow

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

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

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

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

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

Drainage patterns and Creek Protection Ordinance

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

X. Land Use

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

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

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

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

Conflict with a habitat conservation plan or natural community conservation plan

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

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

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

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

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

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

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

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

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

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

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

XI. Mineral Resources

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

XII. Noise

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

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

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

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

XIII. Population and Housing

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

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

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

XIV. Public Services

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

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

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

XV. Recreation

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

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

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

XVI. Transportation/Traffic

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

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

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

b) State Highway Segments

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

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

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

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

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

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

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

Cumulative Impacts

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

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

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

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

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

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

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

Planning-related non-CEQA issues

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

XVII. Utilities and Service Systems

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

Wastewater Treatment/Capacity, Stormwater and Water Supply

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

Landfill Capacity and Solid Waste

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

Energy Standards and Energy Provider Capacity

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

C. SUMMARY

MANDATORY FINDINGS OF SIGNIFICANCE

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

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

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

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