

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 DEC -2 PM 12:41

OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

RESOLUTION No. 83134 C.M.S.

Introduced by Councilmember _____

RESOLUTION CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE 2007-2014 HOUSING ELEMENT AND ADOPTING THE HOUSING ELEMENT, AS RECOMMENDED BY THE OAKLAND CITY PLANNING COMMISSION

WHEREAS, California Government Code Section 65583 requires that the City prepare an update to the Housing Element of the General Plan; and

WHEREAS, the City's share of regional housing need is based on a plan prepared by the Association of Bay Area Governments (ABAG), the "Regional Housing Needs Allocation" (RHNA) that was adopted in 2007; and

WHEREAS, under the RHNA, Oakland must accommodate 14,629 new housing units between 2007 and 2014 with certain distribution of units for various income categories of Area Median Income; and

WHEREAS, in February 2009, the City published the draft 2007-2014 Housing Element and invited the public to comment, and further, held a community workshop on April 14, 2009 to present the Housing Element to residents and members of the for-profit and non-profit housing communities; and

WHEREAS, the Housing Element shows the City can accommodate the new housing in the RHNA without rezoning or further GPAs, through current opportunity sites, and with projects either built, under construction, approved or in predevelopment; and

WHEREAS, in March 2009, the City submitted the Housing Element to the State Department of Housing and Community Development (HCD) for review; and

WHEREAS, on April 30, 2009, HCD, in its response letter to the City, "commends Oakland's effort and success in addressing its housing and community development needs" and requested specific clarifications of the analysis; and

WHEREAS, in April and May, 2009, staff presented the Housing Element at meetings of the project area committees of the Central City East, the West Oakland and the Broadway-MacArthur Redevelopment Areas and heard comment from the committee members; and

WHEREAS, on June 3, 2009, after making the changes requested by HCD and responding to comments heard at the public meetings (Housing Element, Appendix H), the Revised Public Review draft of the Housing Element was presented at a duly noticed public hearing of the City Planning Commission and the Commission recommended the Housing Element be subject to California Environmental Quality Act (CEQA) review; and

WHEREAS, on September 21, 2009, an Initial Study/Notice of Preparation (NOP) was published for public review, which screening out from further study all impacts except those relating to Transportation and Circulation; Air Quality; Noise; Climate Change/Greenhouse Gas (GHG) Emissions; and

WHEREAS, duly noticed Environmental Impact Report (EIR) scoping hearings were held before the City Planning Commission on October 7, 2009 and before the Landmarks Preservation Advisory Board on October 19, 2009; and

WHEREAS, on August 12, 2010 a Notice of Availability/Notice of Release of a Draft EIR was published , and on August 16, 2010, the City published the Draft EIR, making it available to the public/governmental agencies for review and comment; and

WHEREAS, on September 15, 2010, the City Planning Commission held a duly noticed public hearing on the Draft EIR; and

WHEREAS, on November 5, 2010, a Notice of Availability/Release and Final EIR were published and made available for review and comment; and

WHEREAS, on November 17, 2010, the City Planning Commission held a duly notice public hearing on the Housing Element; and

WHEREAS, the City Planning Commission, after closing the public hearing but before taking action on the Housing Element, adopted the required California Environmental Quality Act (CEQA) findings, including certifying the EIR; rejecting alternatives as infeasible; adopting a Statement of Overriding Considerations; and adopting CEQA clearance for future housing development projects; and

WHEREAS, the City Planning Commission also recommended to the City Council adoption of the Housing Element and the Standard Conditions of Approval and Mitigation Monitoring Program (SCAMMRP); and

WHEREAS, the Housing Element was considered at a regular, duly noticed, meeting of the Community and Economic Development Committee of the City Council on December 14, 2010; and

WHEREAS, the Housing Element was considered at a regular, duly noticed, public hearing of the City Council on December 21, 2010; Now, Therefore, be it

RESOLVED: that the City Council, as the final decision-making body for the lead agency, has independently reviewed, considered and analyzed the Housing Element EIR, and the CEQA findings of the City Planning Commission contained in the approved November 17, 2010 City Planning Commission Report; and be it

FURTHER RESOLVED: that the City Council, as the final decision-making body for the lead agency, hereby confirms, adopts and incorporates by reference into this Resolution (as if fully set forth herein) the CEQA findings contained in the approved November 17, 2010 City Planning Commission Report, prior to taking action in approving the Housing Element; and be it

FURTHER RESOLVED: that the City Council adopts and incorporates by reference into this Resolution (as if fully set forth herein), as conditions of approval of the Housing Element, the SCAMMRP contained in the approved November 17, 2010 City Planning Commission Report; and be it

FURTHER RESOLVED: that the City Council hereby adopts the Housing Element as an element of the General Plan, based, in part, upon the findings of the City Planning Commission contained in the approved November 17, 2010 City Planning Commission Report (incorporated by reference into this Resolution (as if fully set forth herein)); and further finds and determines that the public safety, health, convenience, comfort, prosperity and general welfare will be furthered by the adoption of the Housing Element; and be it

FURTHER RESOLVED: that the City Council hereby authorizes and directs the City Administrator, or designee, to file the adopted Housing Element with the California Department of Housing and Community Development for certification; and be it

FURTHER RESOLVED: That the Environmental Review Officer, or designee, is directed to cause to be filed a Notice of Determination with the appropriate agencies; and be it

FURTHER RESOLVED: that the record before this Council relating to the Housing Element includes, without limitation, the following:

1. the Housing Element, including all accompanying maps, papers and appendices;
2. all final staff reports, final decision letters and other final documentation and information produced by or on behalf of the City, including without limitation the Environmental Impact Report and supporting technical studies and appendices, and all related/supporting final materials, and all final notices relating to the general plan amendment and attendant hearings;
3. all oral and written evidence received by the City Planning Commission and City Council during the public hearings on the general plan amendment; and all written evidence received by the relevant City Staff before and during the public hearings on the general

plan amendment;

4. all matters of common knowledge and all official enactments and acts of the City , such as (a) the General Plan; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations and Oakland Fire Code; (c) Oakland Planning Code; (d) other applicable City policies and regulations; and , (e) all applicable state and federal laws, rules and regulations; 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 Council's decision is based, are respectively: (a) Community and Economic Development Agency, Planning and Zoning Division, 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, DEC 21 2010, 20

PASSED BY THE FOLLOWING VOTE:

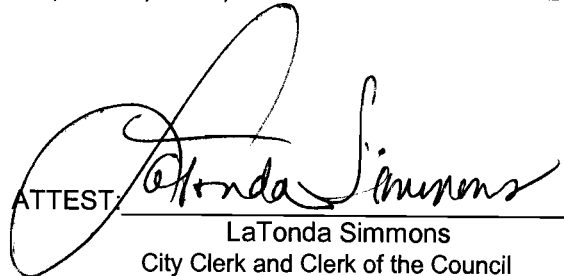
AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST



LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California