



CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A TRIBAL CULTURAL RESOURCES TREATMENT AND MONITORING AGREEMENT PURSUANT TO SENATE BILL 35 (2017) WITH THE CONFEDERATED VILLAGES OF LISJAN REGARDING THE AVOIDANCE OF ANY ADVERSE EFFECTS ON TRIBAL CULTURAL RESOURCES AS A RESULT OF THE DR. KENNETH ANDERSON AFFORDABLE SENIOR HOUSING PROJECT LOCATED AT 1003 E. 15TH STREET

WHEREAS, Eden Housing, a California non-profit corporation, proposes to construct a development with 68 affordable residential units and up to 84 parking spaces in a five-story building at 1003 E. 15th Street, also known as the Dr. Kenneth Anderson Affordable Senior Housing Project (Project); and

WHEREAS, Eden Housing submitted a pre-application to the Bureau of Planning under the provisions of Senate Bill 35 (SB 35), Government Code Section 65913.4, to initiate the required tribal scoping consultation process; and

WHEREAS, upon receiving the pre-application, the City of Oakland (City) sent out notifications to all the tribes on the list provided by the Native American Heritage Commission and received one request for tribal consultation from the Confederated Villages of Lisjan (Tribe); and

WHEREAS, during the tribal consultation process, the City received the results of an archeological analysis and testing report based on a Tribe- and City-approved scope of work, which concluded that the probability of encountering precontact buried archaeological deposits in the course of construction of the Project is remote; and

WHEREAS, after reviewing the report, the Tribe expressed the desire to enter an agreement with the City documenting the methods, measures, and conditions for tribal cultural resources that the City will require as conditions of approval for the Project; and

WHEREAS, entering into a Tribal Cultural Resources Treatment and Monitoring Agreement with the Tribe will allow the Project to remain eligible for the SB 35 process, streamlining the review and construction of affordable housing which is a goal of the City; now, therefore, be it

RESOLVED: That the City Council authorizes the City Administrator to negotiate and execute a Tribal Cultural Resources Treatment and Monitoring Agreement pursuant to Senate Bill 35, Government Code Section 65913.4, with the Confederated Villages of Lisjan regarding the avoidance of any adverse effects on tribal cultural resources as a result of constructing the Dr. Kenneth Anderson Senior Housing Project located at 1003 E. 15th Street; and be it

FURTHER RESOLVED: That the Tribal Cultural Resources Treatment and Monitoring Agreement and all such other documents, amendments, agreements and instruments pertaining to said agreement, shall be reviewed and approved by the City Attorney's Office as to form and legality prior to execution; and be it

FURTHER RESOLVED: That the Council finds and determines that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to California Government Code Section 65913.4(b)(1)(E) (tribal consultation), California Government Code Section 65913.4(m) (determination of whether housing development project is subject to streamlined ministerial approval process), and CEQA Guidelines sections 15061(b)(3) (common sense exemption), 15268(b) (ministerial projects), 15307 (actions for protection of natural resources), and 15308 (actions for protection of the environment).

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council
of the City of Oakland, California