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Office of the City Attorney

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OAKLAND

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OAKLAND CITY COUNCIL

RESOLUTION No. 85315 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 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; 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.

DEC 09 2014

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, ~~REID~~, SCHAAF and PRESIDENT KERNIGHAN *-7*

NOES - *Ø*

ABSENT - *Reid-1*

ABSTENTION - *Ø*

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