APPROVED AS TO FORM AND LEGALITY

City Attorney

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OAKLAND

2012 MAR -1 AM 9:35

OAKLAND CITY COUNCIL

RESOLUTION NO. 83758 C.M.S.

Introduced by Councilmember _____

RESOLUTION APPROVING THE ASSOCIATION OF BAY AREA GOVERNMENTS' REPORT "TAMING NATURAL DISASTERS" AS OAKLAND'S LOCAL HAZARD MITIGATION PLAN

WHEREAS, the Bay Area is subject to various earthquake-related hazards such as ground shaking, liquefaction, landsliding, fault surface rupture, and tsunamis; and

WHEREAS, the Bay Area is subject to various weather-related hazards including wildfires, floods, and landslides; and

WHEREAS, the City of Oakland prepares for disasters with understanding that disasters do not recognize city, county, or special district boundaries; and

WHEREAS, the City of Oakland seeks to maintain and enhance both a disaster-resistant city and region by reducing the potential loss of life, property damage, and environmental degradation from natural disasters, while accelerating economic recovery from those disasters; and

WHEREAS, the City of Oakland is committed to increasing the disaster resistance of the infrastructure, health, housing, economy, government services, education, environment, and land use systems in the City of Oakland as well as in the Bay Area as a whole; and

WHEREAS, the federal Disaster Mitigation Act of 2000 requires all cities, counties, and special districts to have adopted a Local Hazard Mitigation Plan to receive disaster mitigation funding from FEMA; and

WHEREAS, ABAG has approved and adopted the ABAG report *Taming Natural Disasters* as the multi-jurisdictional Local Hazard Mitigation Plan for the San Francisco Bay Area; and

WHEREAS, the Safety Element of the City of Oakland's General Plan, known as "Protect Oakland," was adopted by Council Resolution No, 78915 C.M.S. on November 16, 2004, and was intended to serve as the foundation for Oakland's Local Hazard Mitigation Plans; and

WHEREAS, The City prepared an Initial Study (dated September 15, 2004), which evaluated the environmental impacts of the *Safety Element* of the General Plan, and the City Council adopted a Negative Declaration and approved the *Safety Element* on November 16, 2004, via Resolution No. 78915 C.M.S. ("2004 ND"). The 2004 ND relied, in part, on the 1998 *Land Use and Transportation Element* EIR and the 2006 *Open Space Conservation and Recreation Element* of the General Plan (OSCAR) Negative Declaration. In addition, the City has prepared and adopted/certified (a) the 2005 *Noise Element* Negative Declaration; and (b) the 2010 *Housing* Element EIR. Collectively these California Environmental Quality Act (CEQA) reviews 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.; and

WHEREAS, the City prepared an Addendum to the foregoing CEQA documents to evaluate the potential impacts of the Oakland Local Hazard Mitigation Plan; and

WHEREAS, the Addendum demonstrates that no further/additional CEQA review is required to adopt the Oakland Local Hazard Mitigation Plan; 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 as 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, each as a separate and independent basis from the other CEQA findings, the City Council finds the project exempt from CEQA review, according to exemptions cited in the CEQA addendum (including the exemptions in CEQA Guidelines Section 15060, 15061, 15300,15304, 15330 and 15183); and

WHEREAS, Oakland's Local Hazard Mitigation Plan, augmented by ABAG's regionally developed strategies, and including Oakland-specific maps and analysis, has been incorporated as a City of Oakland Annex into ABAG's multijurisdictional Local Hazard Mitigation Plan for the San Francisco Bay Area; now, therefore be it

RESOLVED: That the City of Oakland adopts, and adapts with its Local Hazard Mitigation Plan Annex, ABAG's multi-jurisdictional Local Hazard Mitigation Plan for the San Francisco Bay Area as Oakland's Local Hazard Mitigation Plan; and be it

FURTHER RESOLVED: That the City of Oakland commits to continuing to take those actions and initiating further actions, as appropriate, as identified in the City of Oakland Local Hazard Mitigation Plan Annex to the ABAG multi-jurisdictional Local Hazard Mitigation Plan; and be it

FURTHER RESOLVED: the City of Oakland accepts the Oakland Planning Commission's approval of the CEQA Addendum prepared for the Oakland Hazard Mitigation Plan, finding no further environmental review is required for the adoption of the Local Hazard Mitigation Plan, because: (1) there are no substantial changes to the project or 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; (2) 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 as 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 be it

FURTHER RESOLVED: each as a separate and independent basis from the other CEQA findings, the City Council finds the project exempt from CEQA review according to exemptions cited in the CEQA addendum (including CEQA Guidelines Sections 15060, 15061, 15300,15304, 15330 and 15183); and be it

FURTHER RESOLVED: That the City of Oakland adopts the Local Hazard Mitigation Plan, together with its list of mitigation strategies, attached hereto as Exhibit A, as the Implementation Appendix of the *Safety Element* of the Oakland General Plan.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 20 2012, 20_____

PASSED BY THE FOLLOWING VOTE:

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

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: LaTonda Simmons

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