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AGENDA REPORT

TO: HENRY L. GARDNER
INTERIM CITY ADMINISTRATOR

FROM: Rachel Flynn

SUBJECT: Supplemental Report on Jack London Square
Redevelopment Project Revision #1

DATE: July 9, 2014

City Administrator
Approval

Date

7/10/14

COUNCIL DISTRICT: 3

RECOMMENDATION

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

A Resolution Approving the Jack London Square Redevelopment Project Revision #1, Including: A) Adopting Addendum #1 to the Jack London Square Redevelopment Project Environmental Impact Report; B) Adopting Revisions to the Jack London Redevelopment Project Planned Unit Development and Design Review Subject to Conditions of Approval; and C) Approving a Minor Variance from Loading Requirements.

In a separate but related report (specific to all General Plan Amendments to be processed at one time), staff will also request the City Council to consider adopting a General Plan Amendment to allow residential development on two sites.

REASON FOR SUPPLEMENTAL

At its meeting of July 8, 2014, the Community and Economic Development Committee of the City Council moved to approve the recommendations with a revision to the height limit for one of the affected development sites, Site D. This supplemental report presents the revision and discusses the implications.

Additionally, this report includes two non-substantive and clarifying edits to the California Environmental Quality Act (CEQA) analysis.

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ANALYSIS

Revision to Height Limit for Site D: The originally proposed maximum height for Site D was 193 feet (17 stories). However, at the CEDC meeting on July 8, 2014, the applicant offered to lower the maximum height for Site D to the height of the Ellington building located at Broadway and Second Street (179 feet tall). The CEDC then moved to forward the proposed project, including the maximum height provision proposed by the applicant, to the City Council.

Throughout the public review process, community members and decision-makers have debated the proposed maximum building height for Site D. Opponents have expressed concern about a tall building being out of place in the low-rise context of the Jack London District, view blockage, and the perception that a tall building would convey a corporate and uninviting ambiance near the waterfront. Supporters have expressed interest in having iconic architecture and an architectural beacon at this important place at the base of Broadway on the waterfront.

The applicant's proposed revision would bring the maximum height for future development of Site D down to the height of the tallest nearby building, the Ellington at Second Street and Broadway. The proposed revision brings the height to within the neighborhood context while still allowing for an important architectural statement at the base of Broadway. Staff supports the proposed revision.

Revision to CEQA Analysis: Additionally, this report includes two non-substantive and clarifying edits to the California Environmental Quality Act (CEQA) analysis beginning on page 9 of the July 8 CEDC report. The edits replace the word "preliminary" where it occurs twice with the word, "substantial". The language has been revised because staff has completed substantial review, as follows:

In accordance with CEQA, the City reviewed and analyzed the proposed project changes and other relevant information to determine whether circumstances requiring the preparation of a subsequent or supplemental EIR exist. Based upon ~~preliminary~~ **substantial** information, the City has determined that none of those circumstances are present. As a result, the appropriate CEQA documentation is an Addendum. An Addendum is appropriate when none of the circumstances that require a supplemental or subsequent EIR pursuant to CEQA Guidelines Section 15162 have occurred, specifically:

- There are no substantial changes proposed in the project which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

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- There are no substantial changes with respect to project circumstances which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- There is no new information of substantial importance which would result in new significant environmental effects, a substantial increase in the severity of previously identified significant effects, previously infeasible mitigation measures or alternatives now found to be feasible, or new mitigation measures or alternatives which are considerably different from previous ones that would substantially reduce environmental effects.

Here, based upon preliminary **substantial** information, the City believes that none of the circumstances described above have occurred since 2004. As a result, the appropriate CEQA documentation is an Addendum. The Addendum was published and made publically available on May 9, 2014. The document is provided under separate cover to the City Council and is available to the public at 250 Frank Ogawa Plaza, Suite 3315, Oakland CA 94612 during normal business hours and at <http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/OAK044560>.

For questions regarding this report, please contact Catherine Payne, Planner III, at (510) 238-6168.

Respectfully submitted,



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Planning and Building Department

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