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Approved as to Form and Legality

OAKLAND CITY COUNCIL

Hee

City Attorney

RESOLUTION NO. 85108 = C.M.S.

Introduced by Councilmember _____

A RESOLUTION, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, (A) CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND MAKING RELATED CEQA FINDINGS; (B) ADOPTING THE WEST OAKLAND SPECIFIC PLAN AND DESIGN GUIDELINES; AND (C) AUTHORIZING THE INSTALLATION OF BICYCLE LANES ON ADELINE STREET FROM SEVENTH (7TH) STREET TO THIRTY-SIXTH (36TH) STREET, AND ON WEST GRAND AVENUE FROM MANDELA PARKWAY TO MARKET STREET

WHEREAS, on April 27, 2011 the City of Oakland issued a Request for Proposals to solicit a consulting team to prepare a West Oakland Specific Plan (WOSP) and associated Environmental Impact Report; and

WHEREAS, after a competitive bidding process the JRDV International consultant team was selected and the project was initiated; and

WHEREAS, the project commenced in July, 2011 and a Steering Committee and a Technical Advisory Committee was established to solicit public input on development of the West Oakland Specific Plan; and

WHEREAS, over the course of the project as part of the public outreach effort, twelve Steering Committee meetings, seven Technical Advisory Committee, ten joint Steering Committee and Technical Advisory Committee meetings, and six community workshops/meetings, were held to guide the development of the Specific Plan; and

WHEREAS, the West Oakland Specific Plan will be a 20- to 25-year planning document that provides a vision and planning framework for future growth and development within the Plan Area, which is generally bounded by Interstate-580 (MacArthur Freeway) to the north, Interstate-980 to the east, and the re-located Interstate-880 (Nimitz Freeway) wrapping around the south and west with a small portion of the Plan Area above I-880 in the East Bay Bridge Shopping Center and below I-880 along the 3rd Street corridor; and

WHEREAS, the West Oakland Specific Plan presents an extraordinary opportunity to guide West Oakland's future development in a land use direction that: (a) improves the quality of life for existing and future residents; (b) supports existing businesses and industry while encouraging new development, services and land uses that have significant job generation; (c) promotes Transit-Oriented Development (TOD) at the West Oakland BART Station; (d) encourages

residential and commercial mixed-use development along major West Oakland corridors; (e) enhances and preserves West Oakland residential neighborhoods and historic resources; and (f) in recognition of considerable community concerns, offers strategies that minimize the impact of ongoing displacement and gentrification; and

WHEREAS, the West Oakland Specific Plan contains recommendations to meet the above-noted objectives and contains recommendations for addressing barriers to community and economic development; and

WHEREAS, the West Oakland Specific Plan supports the longstanding vision for West Oakland that contains increased employment opportunities, provides needed goods and services to local residents, supports abundant and affordable housing resources and facilitates sustainable development; and

WHEREAS, the West Oakland Specific Plan includes amendments to the Oakland General Plan to update the land use map to accommodate compatible uses; and

WHEREAS, West Oakland Specific Plan contains Design Guidelines to ensure that the new development addresses the character of surrounding areas, and recognizes the historic character of West Oakland neighborhood and key historic structures; and

WHEREAS, on October 22, 2012, a Notice of Preparation of a Draft Environmental Impact Report (Draft EIR) for the West Oakland Specific Plan was published; and

WHEREAS, two duly noticed Draft EIR scoping hearings were held, one before the Landmarks Preservation Advisory Board (LPAB) on November 5, 2012 and the second before the City Planning Commission on November 14, 2012, to receive comments on the scope and content of the Draft EIR for the West Oakland Specific Plan; and

WHEREAS, an Environmental Impact Report has been prepared that analyzes impacts associated with implementation of the West Oakland Specific Plan;

WHEREAS, a Notice of Availability/Notice of Release of a Draft EIR was issued on January 29, 2014, along with publication of Draft EIR itself, both of which were made available to the public/governmental agencies for review and comment; and

WHEREAS, three duly noticed public hearings on the Draft EIR were held including: a Landmarks Preservation Advisory Board public hearing on February 10, 2014, a City of Oakland Planning Commission hearing on February 24, 2014, and a Parks and Recreation Advisory Commission hearing on March 12, 2014; and

WHEREAS, on February 24, 2014, the Draft Specific Plan and Draft EIR, as well as General Plan Amendments, Zoning Map, Height Area Map, Draft Zoning Concepts, and Design Guidelines were presented to the full Planning Commission and various advisory boards, including the Landmarks Preservation Advisory Board, as well as the Parks and Recreation Advisory Commission, each of which provided comments unique to their topic area; and

WHEREAS, on May 30, 2014, a Notice of Availability/Release of a Final EIR and Specific Plan

was issued, and a Final EIR and Specific Plan were published on May 30, 2014, both of which were made available for public review and comment; and

WHEREAS, on June 9, 2014 a duly noticed public hearing was held before the Landmarks Preservation Advisory Board to consider the Final Draft West Oakland Specific Plan (WOSP), Related Documents and EIR and the Board recommended approval, with minor revisions; and

WHEREAS, on June 11, 2014 a duly noticed public hearing was held before the City Planning Commission to consider the Final Draft WOSP, Related Documents and EIR; and

WHEREAS, the City Planning Commission, after conducting and closing the public hearing, (a) adopted the required California Environmental Quality Act (CEQA) findings, including certifying the EIR, rejecting alternatives as infeasible, and adopting a Statement of Overriding Considerations; (b) adopted the WOSP Standard Conditions of Approval and Mitigation Monitoring Program (SCAMMRP); (c) recommended the City Council adopt, as revised at the Planning Commission, the WOSP, new Design Guidelines and General Plan and Planning Code Amendments based, in part, upon the WOSP Adoption Findings; and (d) recommended that City Council authorize the City Administrator or designee to make minor ongoing revisions to the adopted Design Guidelines (with major changes to be made by the Planning Commission), and to make non-substantive, technical conforming edits to the Planning Code that may have been overlooked in deleting old sections and cross-referencing new sections to the new West Oakland Commercial Zones Regulations (which are essentially correction of typographical and/or clerical errors), and to make nonsubstantive, technical conforming changes (essentially correction of typographical and clerical errors and minor clarifications) to the West Oakland Specific Plan without returning to the City Council or City Planning Commission; and

WHEREAS, action on the WOSP affords an opportunity to implement certain bicycle-related amendments to the existing West Oakland circulation network; and

WHEREAS, installing bicycle lanes meets the goals of the City of Oakland's Bicycle Master Plan to provide safe and direct bicycle access to key areas and on key corridors in Oakland; and

WHEREAS, the Bicycle Master Plan was adopted by City Council on December 7, 2007 as part of the Land Use and Transportation Element of the City's General Plan and reaffirmed by City Council on December 4, 2012; and

WHEREAS, the Bicycle Master Plan identifies Adeline Street from 3rd Street to 36th Street and West Grand Avenue from Mandela Parkway to Market Street as proposed projects for the installation of bicycle lanes; and

WHEREAS, the installation of bicycle lanes on Adeline Street will reconfigure the applicable portions of the roadway from two travel lanes in each direction to one travel lane and one bike lane in each direction plus a two-way center turn lane; and

WHEREAS, the installation of bicycle lanes on West Grand Avenue will reconfigure the applicable portions of the roadway from three travel lanes in each direction to two travel lanes and one bike lane in each direction; and

WHEREAS, City Council has directed staff to prepare reports for their approval when bicycle projects require the reduction of travel lanes on a roadway; and

WHEREAS, the Adeline Street bike lanes and West Grand Avenue bike lanes have been studied for feasibility and evaluated for environmental impacts; and

WHEREAS, the WOSP, Related Documents and EIR was considered at a regular, duly noticed, meeting of the Community and Economic Development (CED) Committee of the City Council on July 8, 2014, and the Committee recommended adoption of the Plan, and Related Documents; and

WHEREAS, the WOSP, Related Documents and EIR were considered at a regular, duly noticed, public hearing of the City Council on July 15, 2014; 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 West Oakland Specific Plan EIR and the CEQA findings of the City Planning Commission contained in the approved June 11, 2014, 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) all the CEQA findings contained in the approved June 11, 2014, City Planning Commission Report prior to taking action in approving the West Oakland Specific Plan; 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 West Oakland Specific Plan, the Standard Conditions of Approval and Mitigation Monitoring Program (SCAMMRP) contained in the approved June 11, 2014, City Planning Commission Report; and be it

FURTHER RESOLVED, that the City Council, hereby adopts the West Oakland Specific Plan and Design Guidelines, based, in part, upon the WOSP Adoption Findings (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 WOSP; and be it

FURTHER RESOLVED, that the City Council hereby authorizes the City Administrator or designee to make (1) minor ongoing revisions to the adopted Design Guidelines for the WOSP consistent with the WOSP, General Plan and Oakland Planning Code, but with major revisions to be made by the Planning Commission; without returning to the City Council or Planning Commission; and (3) non-substantive, technical conforming changes (essentially correction of typographical and clerical errors and minor clarifications) to the WOSP; and be it

FURTHER RESOLVED, that the City Council authorizes the installation of bicycle lanes on Adeline Street from 7th Street to 36th St Street by reconfiguring the roadway from two travel lanes in each direction to one travel lane and one bike lane in each direction plus a two-way center turn lane; and be it

FURTHER RESOLVED, that the City Council authorizes the installation of bicycle lanes on

West Grand Avenue from Mandela Parkway to Market Street by reconfiguring the roadway from three travel lanes in each direction to two travel lanes and one bike lane in each direction; and be it

FURTHER RESOLVED, that nothing in this Resolution shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law; and be it

FURTHER RESOLVED, that the provisions of this Resolution are severable. If a court of competent jurisdiction determines that a word, phrase, clause, sentence, paragraph, subsection, section, Chapter or other provision is invalid, or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions of this Resolution [that can be given effect without the invalid provision or application] and the application of those provisions to other persons or circumstances are not affected by that decision. The City Council declares that the City Council would have adopted this resolution irrespective of the invalidity of any particular portion of this Resolution; and be it

FURTHER RESOLVED, that it is the intent of City Council that future adopted Citywide Impact Fees would apply the West Oakland Specific Plan if the City Council so directs; 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 these actions include, without limitation, the following:

1. the West Oakland Specific Plan, Design Guidelines, General Plan 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 West Oakland Specific Plan and attendant hearings;
3. all oral and written evidence received by the Landmarks Preservation Advisory Board, City Planning Commission and City Council during the public hearings on the WOSP; and all written evidence received by the relevant City Staff before and during the public hearings on the WOSP;
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) Planning and Building Department – Bureau of Planning, 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 this Resolution shall be conditioned upon, and shall only become effective, upon the City Council's final adoption of the City Council's adoption of Resolution No. ____ C.M.S., entitled RESOLUTION APPROVING THE ENVIRONMENTAL DETERMINATIONS FOR, AND ADOPTING, THE FOLLOWING TWO AMENDMENTS TO THE CITY OF OAKLAND GENERAL PLAN: (1) APPROVE CHANGES TO THE GENERAL PLAN DESIGNATIONS IN SUPPORT OF THE WEST OAKLAND SPECIFIC PLAN AS DELINEATED IN EXHIBIT A; AND (2) APPROVE CHANGES TO THE GENERAL PLAN DESIGNATIONS OF (a) ASSESSOR'S PARCEL NUMBER 0018-0415-001-01 (KNOWN AS "SITE D" OF THE JACK LONDON SQUARE DEVELOPMENT PROJECT, AND GENERALLY BOUNDED BY THE BUILDING KNOWN AS 70 WASHINGTON STREET TO THE SOUTH AND WEST, EMBARCADERO WEST TO THE NORTH, AND BROADWAY TO THE EAST) FROM RDE-1 (RETAIL, DINING, ENTERTAINMENT PHASE 1) TO RDE-2 (RETAIL, DINING, ENTERTAINMENT PHASE 2), AND (b) ASSESSOR'S PARCEL NUMBER 0018-0420-004-01 (KNOWN AS "SITE F-2" OF THE JACK LONDON SQUARE DEVELOPMENT PROJECT, AND GENERALLY BOUNDED BY HARRISON STREET TO THE WEST, EMBARCADERO WEST TO THE NORTH, ALICE STREET TO THE EAST, AND WATER STREET TO THE SOUTH) FROM WCR-1 (WATERFRONT COMMERCIAL RECREATION 1) TO MUD (MIXED USE DEVELOPMENT) AS DELINEATED IN EXHIBIT B.

FURTHER RESOLVED, that the recitals contained in this resolution are true and correct and are an integral part of the City Council's decision.

JUL 15 2014

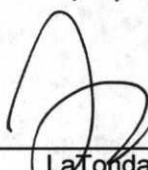
IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE: Ayes: Gallo, Gibson McElhaney, Kalb, Kaplan, SchAAF, Reid, Kernighan-7

NOES - 0

ABSENT - 0

ABSTENTION - Brooks - 1

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