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Approved as to Form and Legality

OAKLAND CITY COUNCIL


City Attorney

RESOLUTION NO. 86963 C.M.S.

Introduced by Councilmember _____

A RESOLUTION (A) CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND ADOPTING RELATED CEQA FINDINGS, INCLUDING ADOPTION OF A STATEMENT OF OVERRIDING CONSIDERATIONS; (B) AMENDING THE GENERAL PLAN LAND USE DIAGRAM FOR THE OAK KNOLL SITE TO MATCH THE PROJECT'S PARCEL-BY-PARCEL SPECIFICITY AND EXISTING SITE CONDITIONS; (C) ADOPTING PLANNED UNIT DEVELOPMENT PERMIT, PRELIMINARY DEVELOPMENT PLAN AND DESIGN GUIDELINES, FINAL DEVELOPMENT PLAN FOR MASTER DEVELOPER SITE IMPROVEMENTS, FINAL DEVELOPMENT PLAN FOR CLUB KNOLL RELOCATION AND REHABILITATION, VESTING TENTATIVE TRACT MAP, CONDITIONAL USE PERMIT FOR SHARED ACCESS FACILITIES, CREEK PERMIT, TREE PERMIT AND OTHER DEVELOPMENT RELATED LAND USE PERMITS FOR OAK KNOLL MIXED USE COMMUNITY PLAN PROJECT, LOCATED ON THE FORMER OAK KNOLL NAVAL MEDICAL CENTER PROPERTY AT 8750 MOUNTAIN BOULEVARD;

WHEREAS, in 2006, Oak Knoll Venture Acquisitions LLC ("the developer") purchased 167 acres of the former Oakland Navy Medical Center from the United States Navy in 2005, and requested a conformity determination for a project involving 960 residential units, 72,000 square feet of commercial development, 53 acres of open space ("2006 Project", and requested confirmation that a General Plan's Land Use Diagram with Proposed Adjustments to the proposed designation boundaries" reflected General Plan conformity.

WHEREAS, in May of 2006, the Director of Planning determined that the 2006 Project conformed to the General Plan, with an amended Determination rendered on December 20, 2006; and

WHEREAS, the Director's Determination of General Plan conformance was appealed to the Planning Commission in December of 2006; and

WHEREAS, in March 2007, after a noticed public hearing, the Planning Commission upheld the Director's determination that the 2006 Project conformed with the General Plan; and

WHEREAS, on March 9, 2015 Oak Knoll Venture Acquisitions LLC submitted an application for environmental review to the Bureau of Planning to develop 935 residential units, over 84

acres of parks and open space and over 72,000 square feet of neighborhood serving commercial space ("Project"); and

WHEREAS, the 2006 Project was found to conform with the General Plan, and the Project is a reduction in units and commercial square footage but an increase in the open space acreage over the 2006 Project, the Project therefore also conforms with the General Plan; and

WHEREAS, in 2006 the City of Oakland Redevelopment Agency amended the Oak Knoll Redevelopment Plan, including replacing the Redevelopment Plan Land Use Map with the General Plan Land Use Diagram; and

WHEREAS, Oak Knoll Venture Acquisitions LLC has prepared an Oak Knoll Mixed-Use Community Plan Project that provides for the development of 918 residential units, over 84 acres of parks and open space and over 72,000 square feet of neighborhood serving commercial space within the approximately 183-acre site, and has submitted development applications for: a General Plan Amendment; Rezoning; a Preliminary Planned Unit Development Permit for the entire project; a Final Development Plan for Master Developer Site Improvements, a Final Development Plan for Club Knoll Relocation and Rehabilitation, a Vesting Tentative Tract Map, a Conditional Use Permit for Shared Access Facilities, a Creek Permit, and a Tree Removal Permit ("Project"); and

WHEREAS, Oak Knoll Venture Acquisitions LLC has subsequently acquired, or acquired an interest in an additional approximately 16 acres, for a combined Project site of approximately 183 acres, not including the City of Oakland's ownership of a 5.4-acre parcel on the former Oakland Navy Medical Center located on portions of Barcelona Street and St. Andrews Road ("Barcelona" parcel); and

WHEREAS, although the Project is consistent with the General Plan, the Applicant has requested a General Plan Amendment to the Land Use Diagram to match the Project's parcel by parcel specificity and existing site conditions; and

WHEREAS, Oak Knoll Venture Acquisitions LLC has held community meetings to create dialogue with community members, provide information and updates on the Project, and address concerns; and

WHEREAS, on March 20, 2015, a Notice of Preparation of a Draft Supplemental Environmental Impact Report ("SEIR") for the Project was published pursuant to the California Environmental Quality ("CEQA"); and

WHEREAS, in order to receive comments on the scope and content of the Draft SEIR for the Project, duly noticed Draft SEIR scoping hearings were held before the Oakland Landmarks Preservation Advisory Board ("LPAB") on April 13, 2015 and before the Oakland City Planning Commission on April 15, 2015; and

WHEREAS, a Combined Notice of Availability and Release of a Draft SEIR and Notice of Public Hearings on the Draft SEIR for the Project was published on August 26, 2016, and a Draft SEIR was released on August 29, 2016, both of which were made available to the public/governmental agencies for review and comment; and

WHEREAS, duly noticed public hearings on the Draft SEIR for the Project were held before the Oakland LPAB on September 12, 2016, before the Oakland Bicycle and Pedestrian Advisory Committee on September 15, 2016, and before the Oakland City Planning Commission on October 5, 2016; and

WHEREAS, duly noticed public hearings on the Project were held on October 26, 2016 before the Design Review Committee ("DRC"); November 16, 2016 before the Zoning Update Committee; and December 14, 2016 before the DRC; and

WHEREAS, on April 27, 2017, a Notice of Availability and Notice of Release of a Final SEIR, as well as a Responses to Comment and Final SEIR, which responded to comments received on the Draft SEIR, were published and made available for public review and comment; and

WHEREAS, on May 8, 2017 a duly noticed public hearing was held before the LPAB to consider the SEIR and Project land use entitlements, and the LPAB recommended approval of the Project; and

WHEREAS, on June 21, 2017, at a duly noticed public hearing to consider the SEIR and Project land use entitlements, the City Planning Commission, voted to continue the hearing to a date uncertain; and

WHEREAS, on October 18, 2017, at a duly noticed public hearing, the City Planning Commission, after conducting and closing the public hearing, recommended that the City Council: (a) adopt the required CEQA findings, including certifying the SEIR and rejecting alternatives as infeasible; (b) adopt the Standard Conditions of Approval and Mitigation Monitoring and Reporting Program ("SCAMMRP"); and (c) approve the General Plan Amendment; Rezoning; the Preliminary Planned Unit Development Permit for the entire project; the Final Development Plan for Master Developer Site Improvements, the Final Development Plan for Club Knoll Relocation and Rehabilitation, the Vesting Tentative Tract Map, the Conditional Use Permit for Shared Access Facilities, the Creek Permit, and the Tree Removal Permit ("Project") based, in part, upon the Findings contained in the October 18, 2017 City Planning Commission Agenda Report and attachments ("City Planning Commission Report"); and

WHEREAS, the SEIR and Project were considered at a regular, duly noticed meeting of the City Council's Community and Economic Development Committee on October 31, 2017, which recommended certification of the SEIR and approval of the Project; and

WHEREAS, and SEIR and Project were considered at a regular, duly noticed, public hearing of the City Council on November 7, 2017; and

RESOLVED, that the City Council, as the final decision-making body for the lead agency, has independently reviewed, considered, and analyzed the SEIR and the CEQA findings of the City Planning Commission contained in the approved City Planning Commission Report, the October 31, 2017 City Council's Community and Economic Development Committee's Agenda Report and attachments and the Council Agenda Report and Attachments (collectively "City Council Agenda Reports"); 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 City Planning Commission Report and the City Council Agenda Reports prior to taking action in approving the Project; and be it

FURTHER RESOLVED, that the City Council adopts and incorporates by reference into this Resolution (as if fully set forth herein), the SCAMMRP contained in the approved City Planning Commission Report and the City Council Agenda Reports; and be it

FURTHER RESOLVED, that the City Council hereby adopts the Amendment to the General Plan Land Use Diagram for the Oak Knoll Site to match the Project's parcel specificity and existing site conditions as detailed in *Exhibit A*, attached hereto and hereby incorporated by reference, based in part upon the findings contained in the approved City Planning Commission Report and the City Council Agenda Reports; and be it

FURTHER RESOLVED, that the City Council hereby adopts all the Project's planning-related permits/approvals including the Planned Unit Development Permit, Preliminary Development Plan and Design Guidelines, Final Development Plan for Master Developer Site Improvements, Final Development Plan for Club Knoll Relocation and Rehabilitation, Vesting Tentative Tract Map, Conditional Use Permit for Shared Access Facilities, Creek Permit, and Tree Permit for the Oak Knoll Mixed Use Community Plan Project, based in part upon the findings contained in the approved City Planning Commission Report and the City Council Agenda Reports; 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 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 Project development application, as may be amended or supplemented, and all related materials, 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 SEIR and supporting technical studies and appendices, and all related/supporting final materials, and all final notices relating to the Project and General Plan Amendment and attendant hearings;
3. All oral and written evidence received by the Oakland LPAB, BPAC, City Planning Commission, and City Council during the public hearings on the Project as well as all written evidence received by the relevant City Staff before and during the public hearings on the Project and General Plan Amendment;

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; (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, except as specifically set forth herein, this ordinance suspends and supersedes all conflicting resolutions, ordinances, plans, codes, laws and regulations.

FURTHER RESOLVED, if any provisions of this ordinance or application thereof to any person or circumstances are held invalid, the remainder of this ordinance and the application of provisions to the other persons or circumstances shall not be affected thereby.

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's Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, California; (b) Public Works Agency Tree Services Division, 7101 Edgewater Dr., Bldg. 4 Oakland California; and (c) 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.

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 07 2017

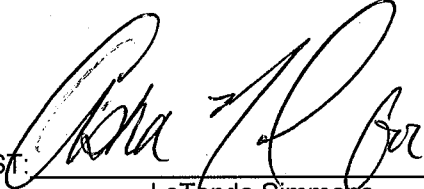
PASSED BY THE FOLLOWING VOTE:

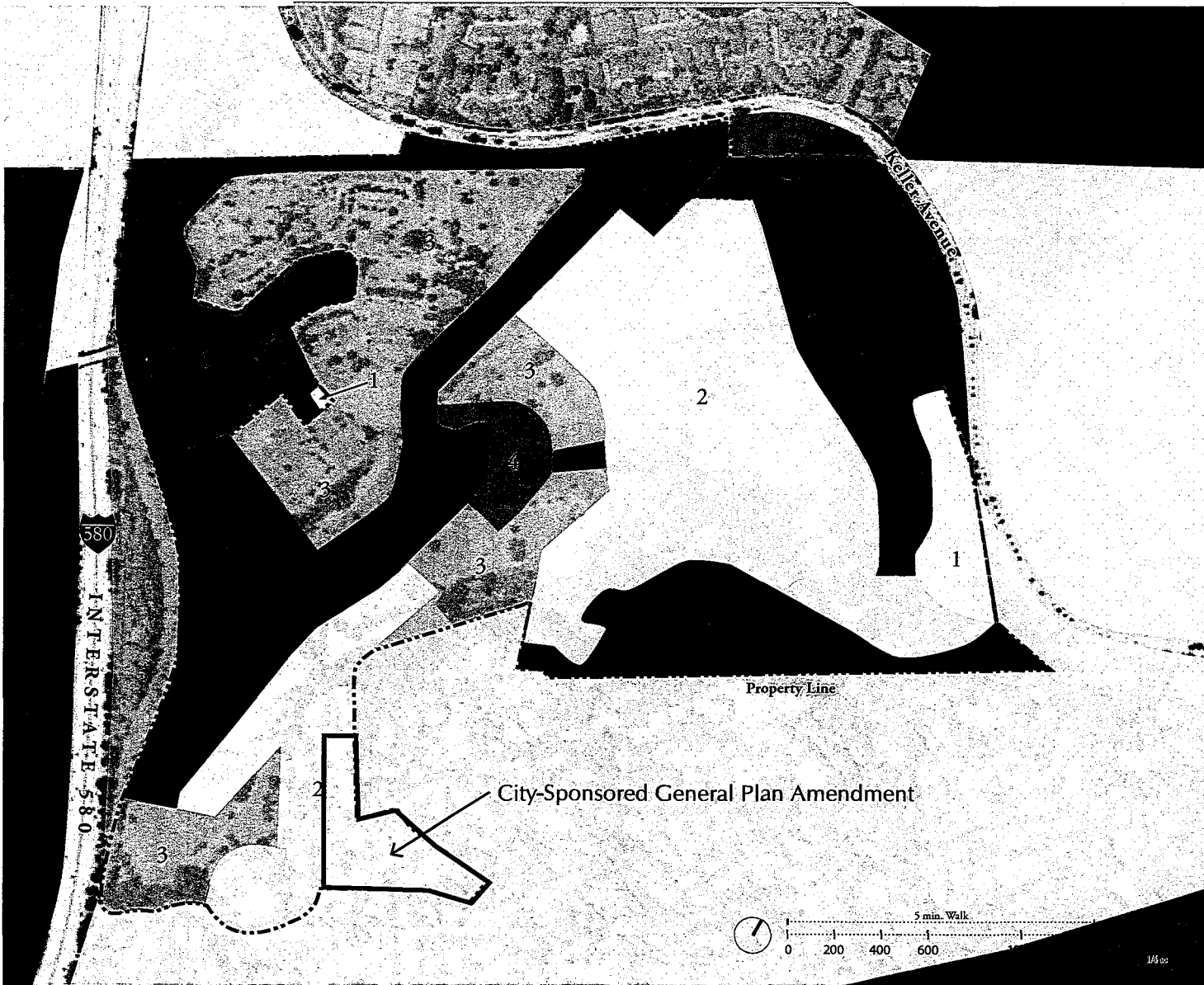
AYES- BROOKS, CAMPBELL WASHINGTON, ~~WASHINGTON~~ KAPLAN, REID, AND PRESIDENT GIBSON MCELHANEY — 5

NOES- Gallo, Guillen & Kudlo

ABSENT- 0

ABSTENTION- 0

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



LEGEND	
---	Property Line
1	Hillside Residential
2	Detached Unit Residential
3	Mixed Housing Type Residential
4	Neighborhood Center Mixed Use
5	Community Commercial
6	Institutional
7	Resource Conservation Area
8	Urban Park and Open Space

Note: General Plan Designations outside of Oak Knoll property line from May 19, 2015 City of Oakland General Plan Designations.

Revised Attachment E: Proposed General Plan Land Use Diagram Amendments
October 18, 2017

Exhibit A