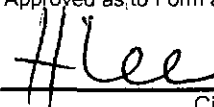


2014 OCT 16 AM 8:38

**OAKLAND CITY COUNCIL**

Approved as to Form and Legality

  
City Attorney

**RESOLUTION NO. 85276 C.M.S.**

Introduced by Councilmember \_\_\_\_\_

**A RESOLUTION (A) CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND MAKING RELATED CEQA FINDINGS AND ADOPTING THE LAKE MERRITT STATION AREA PLAN AND RELATED GENERAL PLAN AMENDMENTS AND DESIGN GUIDELINES; (B) AUTHORIZING THE INSTALLATION OF BICYCLE LANES ON EIGHTH (8<sup>TH</sup>) STREET FROM HARRISON STREET TO FALLON STREET, ON TENTH (10<sup>TH</sup>) STREET FROM MADISON STREET TO OAK STREET, MADISON STREET FROM FIFTH (5<sup>TH</sup>) STREET TO NINETEENTH (19<sup>TH</sup>) STREET, AND ON OAK STREET FROM FIFTH (5<sup>TH</sup>) STREET TO THIRTEENTH (13<sup>TH</sup>) STREET; AND (C) ADOPTING A GENERAL PLAN AMENDMENT TO THE COMMUNITY COMMERCIAL LAND USE CLASSIFICATION TEXT FOR THE BROADWAY VALDEZ DISTRICT SPECIFIC PLAN (BVDSF) AREA TO ALLOW A MAXIMUM DENSITY OF 250 UNITS PER GROSS ACRE AND MAKING RELATED CEQA FINDINGS.**

**WHEREAS**, the Lake Merritt Station Area Plan (LMSAP), Related General Plan Amendments, Design Guidelines, bicycle lane improvements and EIR have been recommended for adoption by the City Planning Commission (*Exhibits A, A1 and A2*); and

**WHEREAS**, the General Plan Amendment to the Community Commercial land use classification text for the Broadway Valdez District Specific Plan (BVDSF) to allow a maximum density of 250 units per gross acre has been recommended for adoption by the City Planning Commission (*Exhibits B and B1*); and

**WHEREAS**, the number of general plan amendments that can be adopted in any calendar year is limited to four (4) times pursuant to City and state requirements; and

**WHEREAS**, more than one general plan amendment can be made at a time; and

**WHEREAS**, the City seeks to adopt all of the recommended general plan amendments (*Exhibits A1, A2 and B1*) into one resolution so that all the general plan amendments are considered a single amendment to the general plan; and

**WHEREAS**, regarding the LMSAP and Related General Plan Amendments, Design Guidelines, bicycle land improvements and EIR, the City has complied with the California Environmental Quality Act (CEQA) and hereby adopts the appropriate CEQA findings, as contained in the approved October 8, 2014, City Planning Commission Report; and

**WHEREAS**, regarding the General Plan Amendment for the Community Commercial land use

classification text for the BVDSP area to allow a maximum of 250 units per gross acre, the City hereby finds none of the circumstances necessitating preparation of additional CEQA review are present in that there are no substantial changes to the project or 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 previously certified BVDSP EIR; and 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 previously certified BVDSP EIR was 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 previously certified BVDSP EIR; 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 previously certified BVDSP EIR and which would substantially reduce significant effects of the project, but the City declines to adopt them; and now therefore, be it

**RESOLVED**, that the City Council, as the final decision-making body for the lead agency, hereby confirms and approves the environmental determinations and adopts the above-referenced CEQA findings and (1) the Lake Merritt Station Area Plan (LMSAP) and related General Plan Amendments, Design Guidelines and bicycle lane improvements; and (2) the General Plan Amendment to the Community Commercial land use classification text for the Broadway Valdez District Specific Plan (BVDSP) to allow a maximum density of 250 units per gross acre (*as detailed in Exhibits A, A1, A2, B and B1*) and further finds that the public safety, health, convenience, comfort prosperity and general welfare will be furthered by the adoption of: the Lake Merritt Station Area Plan (LMSAP), Related General Plan Amendments, Design Guidelines, bicycle lane improvements; and the General Plan Amendment to the Community Commercial land use classification text for the Broadway Valdez District Specific Plan (BVDSP) to allow a maximum density of 250 units per gross acre; 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 the Environmental Review Officer, or designee, is directed to cause to be filed Notices 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 LMSAP, Design Guidelines, General Plan and Planning Code Amendments including all accompanying maps, papers and appendices;

2. The General Plan Amendment to the Community Commercial land use classification for the Broadway Valdez District Specific Plan area.
3. 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 LMSAP, BVDSP and attendant hearings;
4. all oral and written evidence received by the Landmarks Preservation Advisory Board, City Planning Commission and City Council during the public hearings on the LMSAP; and all written evidence received by the relevant City Staff before and during the public hearings on the LMSAP and BVDSP; and
5. 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, 1<sup>st</sup> 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 18 2014

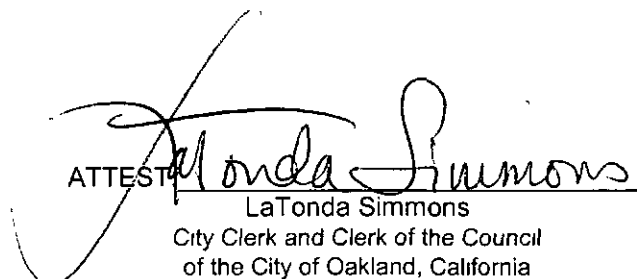
**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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

DATE OF ATTESTATION: 12/4/2014

**LAKE MERRITT STATION AREA PLAN  
AMENDMENTS TO CITY OF OAKLAND GENERAL PLAN, LAND USE &  
TRANSPORTATION ELEMENT (LUTE)**

**WHEREAS**, on April 16, 2009, the Oakland City Council adopted Resolution No. 82090 C.M.S. which authorized the City Administrator to enter into a Professional Services contract with Dyett & Bhatia to prepare a Specific Plan and Environmental Impact Report for the Lake Merritt BART Station Area; and

**WHEREAS**, as part of the public outreach effort, five community workshops were held between April 2010 and December 2012; four focus groups (“Neighborhood Teas”) were held between December 2010 and April 2011; as well as eight Community Stakeholder Group (CSG) meetings, four Technical Advisory Committee (TAC) meetings, and two combined SCG and TAC meetings were held; and

**WHEREAS**, the Lake Merritt Station Area Plan (LMSAP) includes (a) amendments to the 1998 General Plan to increase the allowable Floor Area Ratios and to update the land use map to accommodate compatible uses; (b) new design guidelines to ensure that future development contributes to the creation of an attractive, pedestrian-oriented district characterized by high quality design and a distinctive sense of place; and

**WHEREAS**, City Planning staff have proposed (a) five new Lake Merritt Station Area District zones to replace the existing zoning in the area to implement the LMSAP, as well as make changes associated to the new Lake Merritt Station Area Plan District zones throughout the Planning Code, as well as related changes to the Zoning and Height Maps; (b) amendments to the Off-Street Parking Chapter of the Planning Code to have specific parking regulations for the Lake Merritt Station Area Plan District zones to implement the LMSAP; and

**WHEREAS**, between December 2012 and January 2013, the Draft Lake Merritt Station Area Plan, Design Guidelines, draft zoning concepts, including Zoning and Height Area Maps, draft General Plan Amendments the full Planning Commission and various advisory boards, including the Landmarks Preservation Advisory Board, the Zoning Update and Design Review Committees of the Planning Commission, as well as the Bicycle and Pedestrian Advisory Committee, and Parks and Recreation Advisory Committee, each of which provided comments unique to their topic area; and

**WHEREAS**, on March 1, 2012, a Notice of Preparation of a Draft Environmental Impact Report (Draft EIR) for the LMSAP was published; and

**WHEREAS**, two duly noticed Draft EIR scoping hearings were held, one before the Landmarks Preservation Advisory Board on March 12, 2012 and the second before the City Planning Commission on March 21, 2012, to receive comments on the scope and content of the Draft EIR for the LMSAP; and

**WHEREAS**, a Notice of Availability/Notice of Release of a Draft EIR was issued on October 24, 2013, 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 November 18, 2013, and two City of Oakland Planning Commission hearings on November 20, 2013 and on December 4, 2013; and

**WHEREAS**, on July 21, 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 July 28, 2014, both of which were made available for public review and comment; and

**WHEREAS**, on August 11, 2014 a duly noticed public hearing was held before the Landmarks Preservation Advisory Board (LPAB) to consider the Final LMSAP, Related Documents and EIR and the LPAB recommended approval, with minor revisions; and

**WHEREAS**, on October 8, 2014 a duly noticed public hearing was held before the City Planning Commission to consider the Final LMSAP, 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 LMSAP Standard Conditions of Approval and Mitigation Monitoring Program (SCAMMRP); (c) recommended the City Council adopt, with revisions, the LMSAP, new Design Guidelines and General Plan and Planning Code Amendments based, in part, upon the LMSAP 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 Lake Merritt Station Area Plan District zones (which are essentially correction of typographical and/or clerical errors); and

**WHEREAS**, action on the LMSAP affords an opportunity to implement certain bicycle-related amendments to the existing Lake Merritt Station Area 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 City of Oakland's Bicycle Master Plan calls for the implementation of a citywide network of bikeways to connect downtown, transit stations, commercial districts, neighborhoods, and the waterfront; and

**WHEREAS**, the Bicycle Master Plan proposes bikeways on the following streets to serve the Lake Merritt BART Station (“Lake Merritt BART Bikeways Project”): 8th Street from Harrison Street to Fallon Street; 9th Street from Harrison Street to Fallon Street; 10th Street from Madison Street to Oak Street; Madison Street from 2nd Street to 19th Street; and Oak Street from Embarcadero to 14th Street; and

**WHEREAS**, the installation of bicycle lanes on 8th Street, 10th Street, Madison Street, and Oak Street requires the removal of travel lanes from portions of these streets as detailed below; 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 Lake Merritt BART Bikeways Project has been studied for feasibility and evaluated for environmental impacts; and

**WHEREAS**, the LMSAP, Related Documents and EIR was considered at a regular, duly noticed, meeting of the Community and Economic Development Committee of the City Council on October 28, 2014, and the Committee recommended adoption of the Plan, and Related Documents; and

**WHEREAS**, the LMSAP, Related Documents and EIR were considered at a regular, duly noticed, public hearing of the City Council on November 5, 2014; and, now be it

**RESOLVED**, that the City Council, as the final decision-making body for the lead agency, has independently reviewed, considered and analyzed the LMSAP EIR and hereby confirms, adopts and incorporates by reference into this Resolution (as if fully set forth herein) the CEQA findings of the City Planning Commission contained in the approved October 8, 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) the CEQA findings of the City Planning Commission; and be it

**FURTHER RESOLVED**, that the City Council hereby adopts and incorporates by reference into this Resolution (as if fully set forth herein), as conditions of approval of the LMSAP, the Standard Conditions and Mitigation Monitoring and Reporting Programs (SCAMMRP) contained in the approved October 8, 2014, City Planning Commission Report; and be it

**FURTHER RESOLVED**, that the City Council, hereby adopts the LMSAP and Design Guidelines, based, in part, upon the LMSAP 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 LMSAP; and be it

**FURTHER RESOLVED**, that the City Council hereby adopts the General Plan amendments as detailed in *Exhibits A1 and A2*, attached hereto and hereby incorporated by reference, based, in

part, upon the LMSAP 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 these amendments; 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 LMSAP consistent with the LMSAP, General Plan and Oakland Planning Code, but with major revisions to be made by the Planning Commission; and (2) non-substantive, technical conforming changes (essentially correction of typographical and clerical errors and minor clarifications) to the LMSAP prior to formal publication, without returning to the City Council or City Planning Commission; and be it

**FURTHER RESOLVED**, that the City Council authorizes the installation of bicycle lanes on 8th Street from Harrison Street to Fallon Street by reducing this one-way roadway from four (4) travel lanes to three (3) travel lanes; and be it

**FURTHER RESOLVED**, that the City Council authorizes the installation of bicycle lanes on 10th Street from Madison Street to Oak Street by reducing this roadway from two (2) travel lanes per direction to one (1) travel lane per direction; and be it

**FURTHER RESOLVED**, that the City Council authorizes the installation of bicycle lanes on Madison Street from 5th Street to 19th Street by reducing this one-way roadway from three (3) travel lanes to two (2) travel lanes; and be it

**FURTHER RESOLVED**, that the City Council authorizes the installation of bicycle lanes on Oak Street from 5th Street to 6th Street by reducing this roadway from two (2) northbound travel lanes to (1) northbound travel lane and from 6th Street to 13th Street by reducing this one-way roadway from four (4) travel lanes to three (3) travel lanes; and be it

**FURTHER RESOLVED**, it is the intent of the Council to expedite with all urgency the nexus studies that are a pre-requisite for adopting Citywide Impact Fees for affordable housing, transportation, and infrastructure (which includes improvements to existing parks), and to direct staff to strive to complete these studies by October 2015, and bring related actions forward to a vote by December 2015; and be it

**FURTHER RESOLVED**, that it is the intent of City Council that future adopted Citywide impact fees would apply to the LMSAP if the City Council so directs; and be

**FURTHER RESOLVED**, that, should environmental and traffic analyses of individual projects warrant, the City may require the installation of traffic calming measures as a condition of project approval; and be it

**FURTHER RESOLVED**, that the record before this Council relating to these actions include, without limitation, the following:

1. The LMSAP, Design Guidelines, General Plan and Planning Code Amendments 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 LMSAP 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 LMSAP; and all written evidence received by the relevant City Staff before and during the public hearings on the LMSAP; and
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.



## LAKE MERRITT STATION AREA PLAN AMENDMENTS TO CITY OF OAKLAND GENERAL PLAN, LAND USE & TRANSPORTATION ELEMENT (LUTE)

Implementation of the Lake Merritt Station Area Plan will require amendments to the General Plan and to the City of Oakland Planning Code (“Planning Code”) to ensure that broad City policy and specific development standards are tailored to be consistent with this Plan. These amendments will be adopted concurrently with the Plan. Upon adoption, the objectives and policies contained in this Plan will supersede goals and policies in the General Plan with respect to the Plan Area. In situations where policies or standards relating to a particular subject are not provided in the Station Area Plan, the existing policies and standards of the City’s General Plan and Planning Code will continue to apply. When future development proposals are brought before the City, staff and decision-makers will use the Station Area Plan as guide for project review. Projects will be evaluated for consistency with the intent of Plan policies and for conformance with development regulations and design guidelines.

### I. TEXT AMENDMENTS TO THE CITY OF OAKLAND GENERAL PLAN, LAND USE & TRANSPORTATION ELEMENT (LUTE)

The following are proposed text changes to the General Plan, Land Use & Transportation Element. Additions to the Plan are underlined; deletions are in ~~strikeout~~.

#### Oakland General Plan, Land Use & Transportation Element (LUTE)

##### Chapter 3: Policies in Action

##### The Land Use Diagram

##### Land Use Classifications

##### Urban Residential

**Intent:** The Urban Residential classification is intended to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise or high-rise residential structure in locations with good access to transportation and other services.

**Desired Character and Uses:** The primary future use in this classification is residential. Mixed use buildings that house ground floor commercial uses and public facilities of compatible character are also encouraged. If possible, where detached density housing adjoins urban residential the zoning should be structured to create a transition area between the two.

**Intensity/Density:** Except as indicated below, the maximum allowable density in these areas is 125 units per gross acre.

- Within the Lake Merritt Station Area Plan area, the maximum allowable density is 250 units per gross acre.

**Policy Framework Basis for the Classification:** Neighborhood Goals, Neighborhood Objectives N1, N2, N3, N5, N6, N8, N9, N10, N11, and related policies. Waterfront Objectives W8, W12, and related policies. Downtown Objectives D1, D2, D3, D6, D10, D11 and related policies.

## Community Commercial

**Intent:** The Community Commercial Classification is intended to identify, create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts or centers.

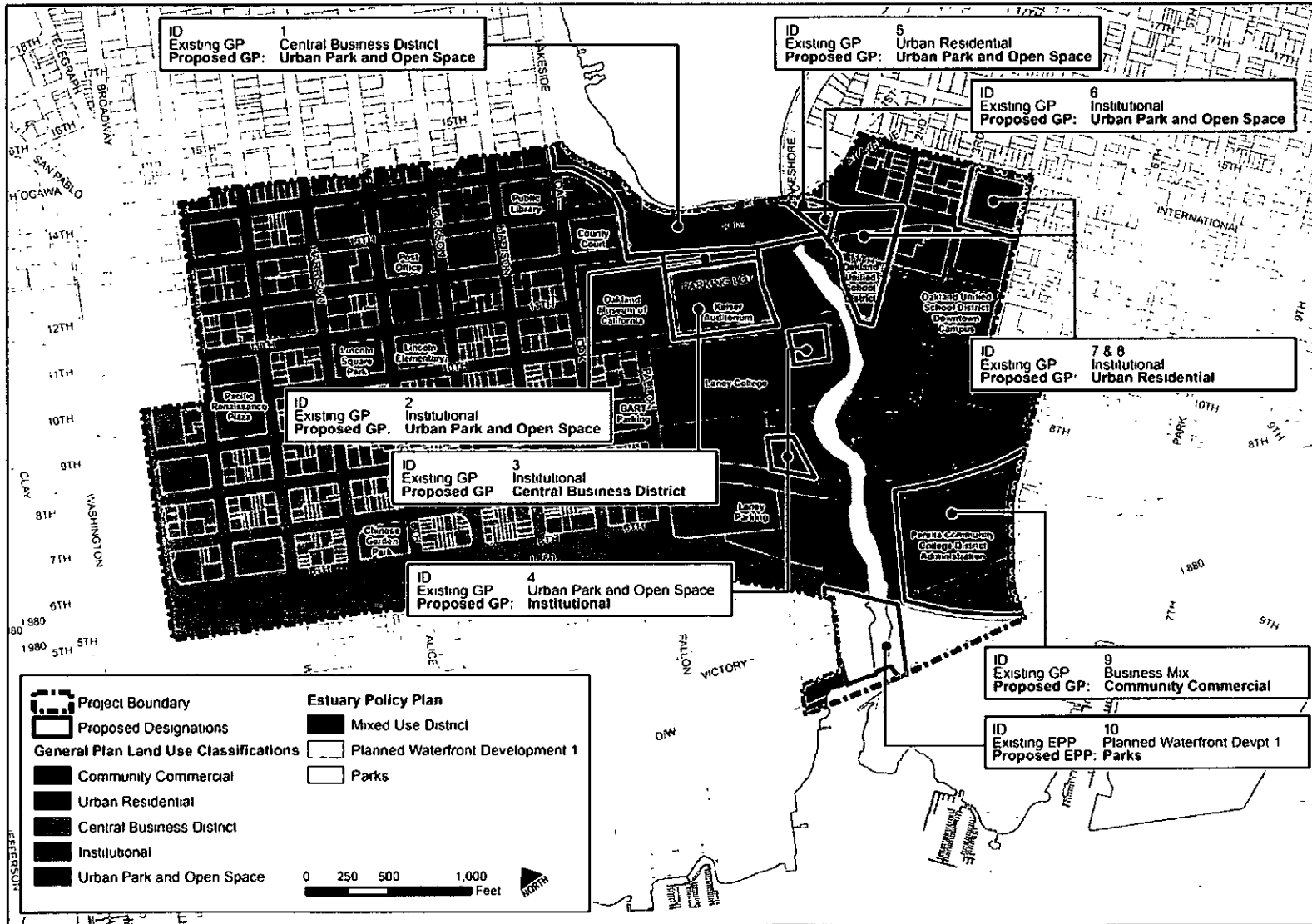
**Desired Character and Uses:** Community Commercial areas may include neighborhood center uses and larger scale retail and commercial uses, such as auto related businesses, business and personal services, health services and medical uses, education facilities, and entertainment uses. Community Commercial areas can be complemented by the addition of urban residential development and compatible mixed use development.

**Intensity/Density:** Except as indicated below, the maximum FAR for this classification is 5.0. Maximum residential density is 125 units per gross acre.

- Within the Broadway Valdez District Specific Plan area, the maximum FAR for this classification is 8.0
- Within the Lake Merritt Station Area Plan area, the maximum FAR for this classification is 12.0. Maximum residential density is 250 units per gross acre.

**Policy Framework Basis for the Classification:** Neighborhood Goals; Neighborhood Objectives N1, N2, N3, N6, N8, N9, N10, N11, and related policies. Industry and Commerce Goals, Industry and Commerce Objectives I/C 1, I/C 2, and I/C 3, I/C 5. Transportation Objective T2.

II. MAP AMENDMENTS TO THE CITY OF OAKLAND GENERAL PLAN, LAND USE & TRANSPORTATION ELEMENT (LUTE)



**BROADWAY VALDEZ DISTRICT SPECIFIC PLAN  
AMENDMENTS TO CITY OF OAKLAND GENERAL PLAN, LAND USE &  
TRANSPORTATION ELEMENT (LUTE)**

**WHEREAS**, the City Council adopted the Broadway Valdez District Specific Plan (BVDSP), related General Plan amendments, design guidelines and new zoning regulations for the Plan Area on June 17, 2014 and July 2, 2014, respectively; and

**WHEREAS**, the adopted General Plan amendments consisted of text and map changes to the General Plan Land Use and Transportation Element (LUTE), which included an increase to the allowed Floor Area Ratio (FAR) for the Community Commercial General Plan land use classification (in the Broadway Valdez District only) from 5.0 to 8.0; and

**WHEREAS**, congruent with this increase in intensity for the Community Commercial General Plan land use classification in the Broadway Valdez District only, the allowed density should also have been amended, but was inadvertently omitted; and

**WHEREAS**, the amendment to the General Plan's Community Commercial land use classification text, for the Broadway Valdez District only, to allow a maximum density of 250 units per gross acre (*as detailed in Exhibit B1*) would correct the omission noted above; and

**WHEREAS**, on September 17, 2014, at duly noticed public hearing of the City Planning Commission, the Commission recommended adoption of the proposed General Plan Amendment; and

**WHEREAS**, the proposed General Plan Amendment relies on the previously certified Environmental Impact Report (EIR) for the Broadway Valdez Specific Plan, as noted in Resolution 85065, C.M.S.; and now therefore, be it

**RESOLVED**, that the City Council, as the final decision-making body for the lead agency, hereby determines that the previously certified EIR for the Broadway Valdez Specific Plan, as noted in Resolution 85065, C.M.S. satisfies the requirements of CEQA in that there are no substantial changes to the project or 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 previously certified BVDSP EIR; and 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 previously certified BVDSP EIR was 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 previously certified BVDSP EIR; 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 previously certified BVDSP EIR and which would substantially reduce significant effects of the project, but the City declines to adopt them; and be it

**FURTHER RESOLVED**, that the City Council hereby adopts the General Plan amendments as detailed in *Exhibit B1*, attached hereto and hereby incorporated by reference, based, in part, upon the BVDSP Adoption Findings contained in the approved May 21, 2014 City Planning Commission Report (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 these amendments; and be it

**FURTHER RESOLVED**, that the record before this Council relating to these actions include, without limitation, the following:

1. The General Plan Amendments to the Community Commercial land use classification text for the Broadway Valdez District Specific Plan area that allows a maximum of 250 units per gross acre (*as detailed in Exhibit B1*);
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 BVDSP 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 BVDSP; and all written evidence received by the relevant City Staff before and during the public hearings on the BVDSP; and
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.

**BROADWAY VALDEZ DISTRICT SPECIFIC PLAN AREA PLAN AMENDMENTS TO CITY of OAKLAND  
GENERAL PLAN, LAND USE & TRANSPORTATION ELEMENT (LUTE)**

The following are text amendments to the General Plan, Land Use & Transportation Element. Additions to the Plan are underlined.

**Oakland General Plan, Land Use & Transportation Element (LUTE)**

**Chapter 3: Policies in Action**

**The Land Use Diagram**

**Land Use Classifications**

**Community Commercial**

**Intent:** The Community Commercial Classification is intended to identify, create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts or centers

**Desired Character and Uses:** Community Commercial areas may include neighborhood center uses and larger scale retail and commercial uses, such as auto related businesses, business and personal services, health services and medical uses, education facilities, and entertainment uses. Community Commercial areas can be complemented by the addition of urban residential development and compatible mixed use development.

**Intensity/Density:** Except as indicated below, the maximum FAR for this classification is 5.0. Maximum residential density is 125 units per gross acre.

- Within the Broadway Valdez District Specific Plan area, the maximum FAR for this classification is 8.0. Maximum residential density is 250 units per gross acre

**Policy Framework Basis for the Classification:** Neighborhood Goals; Neighborhood Objectives N1, N2, N3, N6, N8, N9, N10, N11, and related policies. Industry and Commerce Goals; Industry and Commerce Objectives I/C 1, I/C 2, and I/C 3, I/C 5. Transportation Objective T2.