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OAKLAND

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APPROVED AS TO FORM AND LEGALITY

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DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION NO. 81815 C.M.S.

RESOLUTION AMENDING THE GENERAL PLAN LAND USE DESIGNATION FOR LION CREEK CROSSING PHASE IV FROM "MIXED HOUSING TYPE RESIDENTIAL" AND "URBAN RESIDENTIAL" TO "NEIGHBORHOOD CENTER MIXED USE"

WHEREAS, the approximately 1.1-acre site of the Lion Creek Crossing Phase IV Residential Project ("Project"), located on 69th and 70th Avenues between Snell Street and the continuation of Lion Way, is currently designated "Mixed Housing Type Residential" and "Urban Residential" on the General Plan Land Use Diagram in the Land Use and Transportation Element of the Oakland General Plan; and

WHEREAS, the intent of the "Mixed Housing Type Residential" designation is to create, maintain, and enhance residential areas typically located near the City's major arterials and characterized by a mix of single family homes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate; and

WHEREAS, the intent of the "Urban Residential" designation is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise or high-rise residential structures in locations with good access to transportation and other services; and

WHEREAS, high-density residential uses are not consistent with the intent of the "Mixed Housing Type Residential" designation; and

WHEREAS, social service uses are not consistent with the intent of the "Urban Residential" designation; and

WHEREAS, the Oakland Housing Authority and their developers ("Applicant") filed an application for a general plan amendment, redevelopment plan amendment, rezoning, tentative parcel map, design review, conditional use permit, and variances ("Applications") to construct a 72-unit residential development at the Project site on September 4, 2008; and

WHEREAS, the application for the general plan amendment petitioned the City to amend the General Plan Land Use Designation for the Project site from “ Mixed Housing Type Residential” and “Urban Residential” to “Neighborhood Center Mixed Use”; and

WHEREAS, the intent of the “Neighborhood Center Mixed Use” designation is to identify, create, maintain and enhance mixed use neighborhood commercial centers; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on the the Project Applications on February 4, 2009; and

WHEREAS, at the February 4, 2009, public hearing, the Planning Commission adopted, and made appropriate findings for accepting the addended Mitigated Negative Declaration, approved the Applications for design review, conditional use permit, and variances (collectively called “Development Permits”), recommended approval of the general plan amendment to the City Council, recommended approval of the redevelopment plan amendment to the City Council and Redevelopment Agency, and recommended approval of the rezoning to the City Council; and

WHEREAS, the Planning Commission found, in part, that the Project is consistent with the “Neighborhood Center Mixed Use” designation and that the proposed general plan amendment will not cause the General Plan to become internally inconsistent; and

WHEREAS, the Planning Commission also found, in part, that the proposed general plan amendment is consistent with the overall goals, objectives, and policies of the General Plan in that the Project is a well-designed development on an underutilized and blighted infill site located in an urbanized area of the City near public transportation that will provide needed affordable housing and economic revitalization, and that the proposed general plan amendment is necessary to implement the Project; and

WHEREAS, the Community and Economic Development Committee of the City Council conducted a duly noticed meeting on the Project Applications on February 24, 2009, and recommended Project approval; and

WHEREAS, the City Council and Redevelopment Agency of the City of Oakland conducted a duly noticed joint public hearing on the Project Applications on March 3, 2009; and

WHEREAS, all interested parties were given the opportunity to participate in the public hearing by submittal of oral and written comments; and

WHEREAS, the public hearing was closed by the City Council and Redevelopment Agency on March 3, 2009; and

WHEREAS, the City Council independently reviewed and considered the findings made by the Planning Commission for approval of the Design Review, Conditional Use Permit, Variances, General Plan Amendment, Redevelopment Plan Amendment and Rezone, incorporated into the record by reference and included as Attachment D to the staff report, and hereby affirms said findings; and

WHEREAS, The City Council, acting as the Lead Agency, has independently reviewed, analyzed, and considered the Coliseum Gardens HOPE VI Revitalization MND/FONSI, and Addenda prior to acting on the approvals. Based upon such independent review, analysis, and consideration, and exercising its independent judgment, the City Council hereby finds the criteria of CEQA Guidelines Section 15162 requiring additional environmental review have not been met. Specifically, and without limitation, the City Council finds and determines that the project would not result in any new or more severe significant impacts, there is no new information of substantial importance that would result in any new or more severe significant impacts, there are no substantial changes in circumstances that would result in any new or more severe significant impacts, and there is no feasible mitigation measure or alternative that is considerably different from others previously analyzed that has not been adopted, based upon the accompanying City Council Agenda Report, and elsewhere in the record for this project; now, therefore, be it

RESOLVED: That the City Council, having heard, considered and weighed all the evidence in the record presented on behalf of all parties and being fully informed of the Applications and the Planning Commission's decision on the Project, hereby amends the General Plan land use designation of the Project site from "Mixed Housing Type Residential" and "Urban Residential" to "Neighborhood Center Mixed Use" as shown on the map attached to this Resolution as **Exhibit A**; and be it

FURTHER RESOLVED: That this decision is based, in part, on the February 24, 2009, Community and Economic Development Committee Agenda Report (which was forwarded to the City Council for its March 3, 2009, public hearing), the February 4, 2009, Planning Commission Report, and the Initial Study/Negative Declaration which are hereby incorporated by reference as if fully set forth herein; and be it

FURTHER RESOLVED: That in support of the City Council's decision to amend the General Plan, the City Council affirms and adopts as its findings and determinations (a) the February 24, 2009, Community and Economic Development Committee Agenda Report, and (b) the February 4, 2009, Planning Commission Report, including, without limitation, the discussion, findings, conclusions, and conditions of approval (each of which is hereby separately and independently adopted by this Council in full); and be it

FURTHER RESOLVED: That the City Council finds and determines that this Resolution complies with CEQA and the Environmental Review Officer 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 the Project Applications includes, without limitation, the following:

1. the Project Applications, including all accompanying maps and papers;
2. all plans submitted by the Applicant and his representatives;

3. all staff reports, decision letters and other documentation and information produced by or on behalf of the City, including without limitation the Initial Study/Negative Declaration and supporting technical studies, all related and/or supporting materials, and all notices relating to the Project Applications and attendant hearings;

4. all oral and written evidence received by the City staff, the Planning Commission, and the City Council before and during the public hearings on the Project Applications;

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) Community & Economic Development Agency, Planning & Zoning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California; and (b) Office of the City Clerk, 1 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, MAR 3 2009, 2009

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN,
~~REID~~ AND PRESIDENT BRUNNER - 7

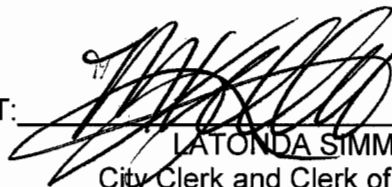
NOES- 0

ABSENT- 0

ABSTENTION- 0

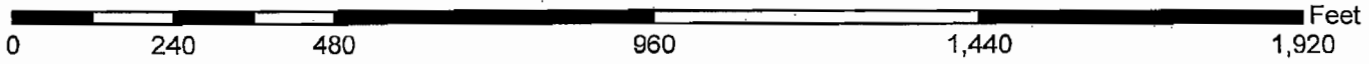
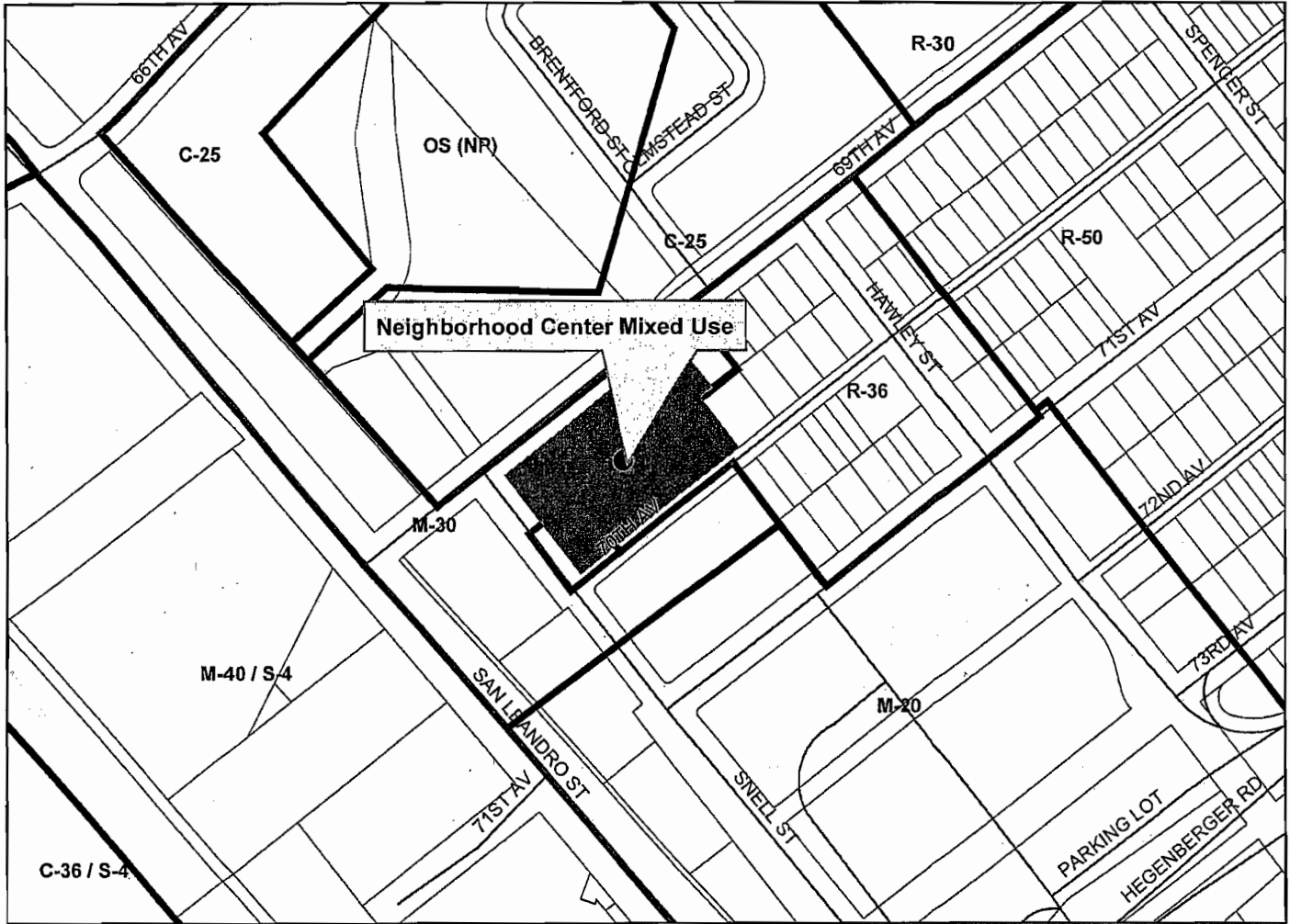
Excused - Reid - 1

ATTEST:



LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

Exhibit A
Amendment to General Plan
Lion Creek Crossings Phase IV
Snell Street Between 69th & 70th Ave.



Case File: Lion Creek Crossings Phase IV
Applicant: Oakland Housing Authority
Address: 69th Ave & Snell St
Zone: C-25

