

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2015 MAY 21 AM 11:29

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

A RESOLUTION, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, (A) CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND ADOPTING RELATED CEQA FINDINGS; (B) AMENDING THE GENERAL PLAN FOR A PORTION OF THE PROJECT SITE FROM MIXED HOUSING TYPE RESIDENTIAL TO INSTITUTIONAL; (C) ADOPTING PRELIMINARY PLANNED UNIT DEVELOPMENT PERMIT, FINAL PLANNED UNIT DEVELOPMENT PERMIT FOR PHASE 1, CONDITIONAL USE PERMITS, VARIANCES, PHASED VESTING TENTATIVE TRACT MAP AND OTHER DEVELOPMENT RELATED LAND USE PERMITS; (D) APPROVING A HELISTOP PERMIT AS RECOMMENDED BY THE CITY ADMINISTRATOR'S OFFICE; AND (E) APPROVING A TREE REMOVAL PERMIT AS RECOMMENDED BY THE PUBLIC WORKS AGENCY, FOR CHILDREN'S HOSPITAL AND RESEARCH CENTER OAKLAND'S MASTER PLAN, LOCATED AT 747 52ND STREET, OAKLAND

WHEREAS, Children's Hospital and Research Center Oakland ("CHRCO"), now UCSF Benioff Children's Hospital Oakland, is an existing hospital facility that contains a complex of medical buildings on a triangular site, located at 747 52nd Street, in the northern portion of the City of Oakland, Alameda County; and

WHEREAS, California State Senate Bill 1953 ("SB 1953") requires all hospitals in California providing acute care to be designed and constructed to withstand a major earthquake and remain operational after the quake; and

WHEREAS, in order to comply with SB 1953, certain structures and facilities must be retrofitted, replaced, or removed from acute care services by December 31, 2019; and

WHEREAS, CHRCO has developed a Campus Master Plan Project that provides for the development of new and replacement facilities within the existing 11-acre CHRCO campus, and on or about May 2, 2014, submitted development applications for: a General Plan Amendment; Rezoning; a Preliminary Planned Unit Development Permit for Phases 1 and 2; a Final Planned Unit Development Permit for Phase 1; Conditional Use Permits to convert residential structures to non-residential in the S-1 and CN-3 Zones, permit health care use in the RM-2 and CN-3 Zones, demolish rooming units in the S-1 Zone, and permit commercial uses in the S-1 Zone; Design Review for residential facilities, non-residential facilities, Potentially Designated Historic Properties, and demolition of historic structures; Minor Variances for open facilities, number of loading berths, and Family Residence Building parking; an exception from ground floor

transparency percentage in the CN-3 Zone; a Phased Vesting Tentative Tract Map; a Helistop permit; and a Tree Removal Permit for Phase 1 (“Project”); and

WHEREAS, the main purpose of the Project is to create new seismically compliant acute care facilities that meet the seismic safety requirements of SB 1953 at the earliest practical date and within mandated state deadlines; and

WHEREAS, other Project goals include renovating existing structures, constructing new and replacement hospital facilities and associated infrastructure, and redesigning the CHRCO campus’ access points and internal street layout to improve site access, intermodal circulation, and pedestrian safety within the campus and adjacent City streets; and

WHEREAS, the Project will be developed in two phases; and

WHEREAS, Phase 1 of the Project would include: (a) demolition of one residential building; (b) minor rear yard additions on two residential buildings; (c) construction of a 6-story, 89,100 sq. ft. Outpatient Center (“OPC2”) and a 1,100 sq. ft. addition to the Central Plant Building; (d) construction of a new entrance to the existing parking garage off Martin Luther King Jr. Way; (e) landscaping and circulation improvements; (f) renovation of 95,500 sq. ft. within the existing CHRCO site; and (g) removal of nineteen trees, preservation of seven trees, and the installation of new native landscaping and bio-filtration planting areas around the OPC2 building; and

WHEREAS, Phase 2 of the Project would include: (a) demolition of one residential building, a modular building, the rear portions of three residential buildings, the B/C Wing, the existing heli-stop structure, the Bruce Lyon Memorial Research Center, the HemOnc Administrative Building, and several trailers; (b) construction of a 2-story, 14,500 sq. ft. Family Residence Building with 12 to 16 residential units, a 3-story 31,300 sq. ft. Clinical Support Building, a 5-story, 43,500 sq. ft. Link Building with a heli-stop on the roof; a 5-story, 101,000 sq. ft. Patient Pavilion, a 3,800 sq. ft. Central Utility Plant Building, and a 4-story, 114,900 sq. ft. parking structure with 334 stalls; (c) acquisition and improvement of 1.5 acres of Caltrans Right-of-Way; (d) improvement of site access and circulation to 52nd Street and Dover Street; (e) landscaping and utilities improvements; (f) renovation of 42,342 sq. ft. within the existing CHRCO site; (g) relocation of two residential buildings east of the Family Residence Building; and (h) removal of 89 trees, preservation of 36 trees, and the installation of new native landscaping and bio-filtration planting areas; and

WHEREAS, thirty-one community meetings were held to create dialogue with community members, provide information and updates on the Project, and address concerns; and

WHEREAS, CHRCO held a community visioning event to discuss the Project in July 2012, which was attended by neighbors, CHRCO patients, staff, donors, and local community leaders; and

WHEREAS, on July 26, 2013, a Notice of Preparation of a Draft Environmental Impact Report (“EIR”) for the Project was published; and

WHEREAS, in order to receive comments on the scope and content of the Draft EIR for the Project, duly noticed Draft EIR scoping hearings were held before the Oakland Landmarks Preservation Advisory Board (“LPAB”) on August 12, 2013; before the Oakland Bicycle and Pedestrian Advisory Committee (“BPAC”) on August 15, 2013; and before the Oakland City Planning Commission on August 28, 2013; and

WHEREAS, a Combined Notice of Availability and Release of a Draft EIR and Notice of Public Hearings on the Draft EIR for the Project was published on August 4, 2014, and a Draft EIR was released on August 7, 2014, both of which were made available to the public/governmental agencies for review and comment; and

WHEREAS, duly noticed public hearings on the Draft EIR for the Project were held before the Oakland LPAB on September 8, 2014; before the Oakland City Planning Commission on September 17, 2014 ; and before the Oakland BPAC on September 18, 2014; and

WHEREAS, an LPAB Design Review public hearing was held on December 8, 2014, and a hearing also was held before the Design Review Committee of the Planning Commission on December 10, 2014; and

WHEREAS, on February 27, 2015, a Notice of Availability/Notice of Release of a Final EIR, as well as a Responses to Comment/Final EIR, which responded to comments received on the Draft EIR, were published and made available for public review and comment; and

WHEREAS, on March 9, 2015 a duly noticed public hearing was attempted to be held before the LPAB to consider the EIR and Project land use entitlements, but there was no quorum. Individual members of the LPAB recommended approval of the Project, with minor revisions; and

WHEREAS, on March 18, 2015, California Airport Land Use Commission staff found the Project as currently proposed to be compatible with each of the four Airport Compatibility Planning Factors: noise, safety, airspace protection, and overflight criteria; and

WHEREAS, on April 1, 2015 a duly noticed joint public hearing was held before the City Planning Commission and City Administrator’s Hearing Officer to consider the EIR and Project development applications; and

WHEREAS, on April 1, 2015, the City Planning Commission, after conducting and closing the public hearing, recommended that the City Council: (a) adopt the required California Environmental Quality Act (“CEQA”) findings, including certifying the EIR and rejecting alternatives as infeasible; (b) adopt the Project Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (“SCAMMRP”); and (c) approve, as revised at the Planning Commission, the Project based, in part, upon the Project Findings and conditions of approval contained in the April 1, 2015 City Planning Commission Agenda Report and attachments (“City Planning Commission Report”); and

WHEREAS, pursuant to Chapter 5.28 of the Oakland Municipal Code, a Helistop Permit from

the City Administrator's Office is necessary to relocate the existing helistop on the CHRCO campus as part of Phase 2 of the Project; and

WHEREAS, California Public Utilities Code Section 21661.5 requires that the City Council approve the proposal to construct and operate a helistop located within City boundaries before Caltrans Division of Aeronautics can issue its final approval; and

WHEREAS, on April 6, 2015, the Hearing Officer from the City Administrator's Office, after receiving comments from the public and the City Planning Commission at the April 1, 2015 joint public hearing, recommended that the City Council approve the Helistop Permit; and

WHEREAS, pursuant to Chapter 12.36 of the Oakland Municipal Code, a Tree Removal Permit from the Tree Services Division of the City Public Works Agency is necessary to remove protected trees on the CHRCO campus; and

WHEREAS, on April 14, 2015, the Public Works Agency Tree Services Division, after properly noticing the Tree Removal Permit, recommended that the City Council approve the Tree Removal Permit for Phase 1 of the Project; and

WHEREAS, the EIR and Project were considered at a regular, duly noticed meeting of the City Council's Community and Economic Development Committee on April 28, 2015, which recommended certification of the EIR and approval of the Project with revised conditions of approval; and

WHEREAS, the Project and EIR were scheduled to be considered at a regular, duly noticed, public hearing of the City Council on May 5, 2015, but the matter was rescheduled; and

WHEREAS, the Project and EIR were considered at a regular, duly noticed, public hearing of the City Council on May 19, 2015; 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 Project EIR and the CEQA findings of the City Planning Commission contained in the approved City Planning Commission Report, the April 28, 2015 City Council's Community and Economic Development Committee's Agenda Report and attachments and the May 5, 2015 Supplemental City 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), as conditions of approval of the Project, 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 General Plan Amendment 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, the Helistop Permit, and the Tree Removal Permit for Phase 1, based in part on the findings identified above as well as the approved City Planning Commission Report and the City Council Agenda Reports, the April 6, 2015 City Administrator Helistop Permit recommendation, and the April 14, 2015 Public Works Agency Tree Removal Permit recommendation with further revised conditions of approval dated May 5, 2015; 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 May 2, 2014 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 EIR and supporting technical studies and appendices, and all related/supporting final materials, and all final notices relating to the Project and attendant hearings;
3. All oral and written evidence received by the Oakland LPAB, BPAC, City Planning Commission, City Administrator's Office, and City Council during the public hearings on the Project as well as all written evidence received by the relevant City Staff (including the Public Works Agency Tree Division) before and during the public hearings on the Project;
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, 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; (b) City Administrator's Office, One Frank H. Ogawa

Plaza, 11th Floor, Oakland California; (c) Public Works Agency Tree Services Division, 7101 Edgewater Dr, Bldg 4 Oakland California; and (d) 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, _____

PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, ~~WASHINGTON~~, and
PRESIDENT _____ GIBSON MCELHANEY

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

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

DATE OF ATTESTATION: _____

2015 MAY 21 AM 11:29

Mark P. Wald
Office of the City Attorney

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WHEREAS, California State Senate Bill 1953 ("SB 1953") requires all hospitals in California providing acute care to be designed and constructed to withstand a major earthquake and remain operational after the quake; and

WHEREAS, in order to comply with SB 1953, certain structures and facilities must be retrofitted, replaced, or removed from acute care services by December 31, 2019; and

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transparency percentage in the CN-3 Zone; a Phased Vesting Tentative Tract Map; a Helistop permit; and a Tree Removal Permit for Phase 1 (“Project”); and

WHEREAS, the main purpose of the Project is to create new seismically compliant acute care facilities that meet the seismic safety requirements of SB 1953 at the earliest practical date and within mandated state deadlines; and

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WHEREAS, Phase 1 of the Project would include: (a) demolition of one residential building; (b) minor rear yard additions on two residential buildings; (c) construction of a 6-story, 89,100 sq. ft. Outpatient Center (“OPC2”) and a 1,100 sq. ft. addition to the Central Plant Building; (d) construction of a new entrance to the existing parking garage off Martin Luther King Jr. Way; (e) landscaping and circulation improvements; (f) renovation of 95,500 sq. ft. within the existing CHRCO site; and (g) removal of nineteen trees, preservation of seven trees, and the installation of new native landscaping and bio-filtration planting areas around the OPC2 building; and

WHEREAS, Phase 2 of the Project would include: (a) demolition of one residential building, a modular building, the rear portions of three residential buildings, the B/C Wing, the existing heli-stop structure, the Bruce Lyon Memorial Research Center, the HemOnc Administrative Building, and several trailers; (b) construction of a 2-story, 14,500 sq. ft. Family Residence Building with 12 to 16 residential units, a 3-story 31,300 sq. ft. Clinical Support Building, a 5-story, 43,500 sq. ft. Link Building with a heli-stop on the roof; a 5-story, 101,000 sq. ft. Patient Pavilion, a 3,800 sq. ft. Central Utility Plant Building, and a 4-story, 114,900 sq. ft. parking structure with 334 stalls; (c) acquisition and improvement of 1.5 acres of Caltrans Right-of-Way; (d) improvement of site access and circulation to 52nd Street and Dover Street; (e) landscaping and utilities improvements; (f) renovation of 42,342 sq. ft. within the existing CHRCO site; (g) relocation of two residential buildings east of the Family Residence Building; and (h) removal of 89 trees, preservation of 36 trees, and the installation of new native landscaping and bio-filtration planting areas; and

WHEREAS, thirty-one community meetings were held to create dialogue with community members, provide information and updates on the Project, and address concerns; and

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WHEREAS, on July 26, 2013, a Notice of Preparation of a Draft Environmental Impact Report (“EIR”) for the Project was published; and

WHEREAS, in order to receive comments on the scope and content of the Draft EIR for the Project, duly noticed Draft EIR scoping hearings were held before the Oakland Landmarks Preservation Advisory Board (“LPAB”) on August 12, 2013; before the Oakland Bicycle and Pedestrian Advisory Committee (“BPAC”) on August 15, 2013; and before the Oakland City Planning Commission on August 28, 2013; and

WHEREAS, a Combined Notice of Availability and Release of a Draft EIR and Notice of Public Hearings on the Draft EIR for the Project was published on August 4, 2014, and a Draft EIR was released on August 7, 2014, both of which were made available to the public/governmental agencies for review and comment; and

WHEREAS, duly noticed public hearings on the Draft EIR for the Project were held before the Oakland LPAB on September 8, 2014; before the Oakland City Planning Commission on September 17, 2014 ; and before the Oakland BPAC on September 18, 2014; and

WHEREAS, an LPAB Design Review public hearing was held on December 8, 2014, and a hearing also was held before the Design Review Committee of the Planning Commission on December 10, 2014; and

WHEREAS, on February 27, 2015, a Notice of Availability/Notice of Release of a Final EIR, as well as a Responses to Comment/Final EIR, which responded to comments received on the Draft EIR, were published and made available for public review and comment; and

WHEREAS, on March 9, 2015 a duly noticed public hearing was attempted to be held before the LPAB to consider the EIR and Project land use entitlements, but there was no quorum. Individual members of the LPAB recommended approval of the Project, with minor revisions; and

WHEREAS, on March 18, 2015, California Airport Land Use Commission staff found the Project as currently proposed to be compatible with each of the four Airport Compatibility Planning Factors: noise, safety, airspace protection, and overflight criteria; and

WHEREAS, on April 1, 2015 a duly noticed joint public hearing was held before the City Planning Commission and City Administrator’s Hearing Officer to consider the EIR and Project development applications; and

WHEREAS, on April 1, 2015, the City Planning Commission, after conducting and closing the public hearing, recommended that the City Council: (a) adopt the required California Environmental Quality Act (“CEQA”) findings, including certifying the EIR and rejecting alternatives as infeasible; (b) adopt the Project Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (“SCAMMRP”); and (c) approve, as revised at the Planning Commission, the Project based, in part, upon the Project Findings and conditions of approval contained in the April 1, 2015 City Planning Commission Agenda Report and attachments (“City Planning Commission Report”); and

WHEREAS, pursuant to Chapter 5.28 of the Oakland Municipal Code, a Helistop Permit from

the City Administrator's Office is necessary to relocate the existing helistop on the CHRCO campus as part of Phase 2 of the Project; and

WHEREAS, California Public Utilities Code Section 21661.5 requires that the City Council approve the proposal to construct and operate a helistop located within City boundaries before Caltrans Division of Aeronautics can issue its final approval; and

WHEREAS, on April 6, 2015, the Hearing Officer from the City Administrator's Office, after receiving comments from the public and the City Planning Commission at the April 1, 2015 joint public hearing, recommended that the City Council approve the Helistop Permit; and

WHEREAS, pursuant to Chapter 12.36 of the Oakland Municipal Code, a Tree Removal Permit from the Tree Services Division of the City Public Works Agency is necessary to remove protected trees on the CHRCO campus; and

WHEREAS, on April 14, 2015, the Public Works Agency Tree Services Division, after properly noticing the Tree Removal Permit, recommended that the City Council approve the Tree Removal Permit for Phase 1 of the Project; and

WHEREAS, the EIR and Project were considered at a regular, duly noticed meeting of the City Council's Community and Economic Development Committee on April 28, 2015, which recommended certification of the EIR and approval of the Project with revised conditions of approval; and

WHEREAS, the Project and EIR were scheduled to be considered at a regular, duly noticed, public hearing of the City Council on May 5, 2015, but the matter was rescheduled; and

WHEREAS, the Project and EIR were considered at a regular, duly noticed, public hearing of the City Council on May 19, 2015; 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 Project EIR and the CEQA findings of the City Planning Commission contained in the approved City Planning Commission Report, the April 28, 2015 City Council's Community and Economic Development Committee's Agenda Report and attachments and the May 5, 2015 Supplemental City 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), as conditions of approval of the Project, 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 General Plan Amendment 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

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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 May 2, 2014 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 EIR and supporting technical studies and appendices, and all related/supporting final materials, and all final notices relating to the Project and attendant hearings;
3. All oral and written evidence received by the Oakland LPAB, BPAC, City Planning Commission, City Administrator's Office, and City Council during the public hearings on the Project as well as all written evidence received by the relevant City Staff (including the Public Works Agency Tree Division) before and during the public hearings on the Project;
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, 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; (b) City Administrator's Office, One Frank H. Ogawa

Plaza, 11th Floor, Oakland California; (c) Public Works Agency Tree Services Division, 7101 Edgewater Dr, Bldg 4 Oakland California; and (d) 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, _____

PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY

NOES –

ABSENT –

ABSTENTION –

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

DATE OF ATTESTATION: _____