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AS REVISED

OAKLAND CITY COUNCIL

RESOLUTION NO. 85185 C.M.S.

RESOLUTION APPROVING THE ENVIRONMENTAL DETERMINATION FOR, AND ADOPTING, THE FOLLOWING AMENDMENT TO THE CITY OF OAKLAND GENERAL PLAN: 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 A

WHEREAS, on June 11, a duly noticed public hearing was held before the City Planning Commission to consider a General Plan Amendment and related documents and addended Environmental Impact Report (EIR); and

WHEREAS, there is a general plan amendment that has been recommended for adoption by the City Planning Commission; and

WHEREAS, the Community and Economic Development Committee of the City Council at its meeting of July 8, 2014, also considered the proposed general plan amendment, and the CEQA document and findings specified in the general plan amendment attached to the report; and

WHEREAS, on September 23, 2014, a duly noticed public hearing was held before the City Council to consider a General Plan amendment and related documents and addended EIR; and

WHEREAS, the City has complied with the California Environmental Quality Act (CEQA) and made the appropriate findings in the Jack London Square Development Project staff report and Resolution and hereby readopts and affirms such findings; and

NOW, THEREFORE, BE IT RESOLVED: The City Council approves the environmental determination and adopts the general plan amendment (as detailed in the attachments, incorporated herein by reference), based in part, upon the findings set forth in the City Council Agenda Report entitled "Jack London Square Redevelopment Project Revision #1" and further finds that the public safety, health, convenience, comfort prosperity and general welfare will be furthered by the adoption of this amendment to:

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 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 2), and b) changes to the land use designation of Assessor's Parcel Number 0018-0420-004-01 (known as "Site F-2" of the Jack London Square 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 identified in Exhibit A.

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 CEQA findings contained in Attachment B to the City Council Agenda Report entitled "Jack London Square Redevelopment Project Revision #1."

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, the Standard Conditions and Mitigation Monitoring and Reporting Programs (SCAMMRP) for the Jack London Square Project, and shall apply each such SCAMMRP individually to the appropriate General Plan Amendments for the individual projects identified in this Resolution.

FURTHER RESOLVED: That the City Administrator is directed to file notices of determination for the above-referenced actions with the Alameda County Clerk with the appropriate agencies. .

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator or designee to make (1) minor ongoing revisions to the project identified in this Resolution consistent with the project approvals, the General Plan and the Oakland Planning Code.

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.

FURTHER RESOLVED: That the record before this Council relating to this resolution includes, without limitation, the following:

1. The general plan (including the Estuary Policy Plan, LUTE, and land use designation diagrams), including all accompanying maps and papers;
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 CEQA documentation and supporting final technical studies and appendices, and all related/supporting final materials, and all final notices relating to the general plan amendment and its attachments, and attendant hearings;
3. All oral and written evidence received by the City Planning Commission and City Council during the public hearings on the general plan amendment and its attachments; and all written evidence received by relevant City Staff before and during the public hearings on the Jack London Square Development Project, including without limitation, the general plan amendment and its attachments;
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 applicant City policies and regulations; and, (e) all applicable state and federal laws, rules and regulations.

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:

- (a) Oakland Planning and Building Department, Planning & Zoning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California; and
- (b) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 14th Floor, Oakland, California.

IN COUNCIL, OAKLAND, CALIFORNIA, SEP 23, 2014

PASSED BY THE FOLLOWING VOTE:

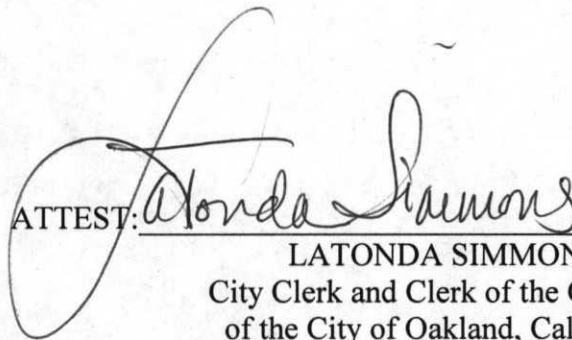
AYES- BROOKS, GALLO, GIBSON MCELHANEY, ~~KATIB~~, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN - 7

NOES- 0

ABSENT- 0

ABSTENTION- 1 KAIB

ATTEST:



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