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DEPUTY CITY ATTORNEY

OFFICE OF THE CITY CLERK
CITY OF OAKLAND2005 JUN -08 PM 10:14 **OAKLAND CITY COUNCIL****RESOLUTION NO. 79982 C. M. S.****RESOLUTION AMENDING THE GENERAL PLAN ESTUARY POLICY PLAN TO CREATE A NEW LAND USE DESIGNATION, PLANNED WATERFRONT DEVELOPMENT-4, AND TO ADOPT LAND USE MAP AND TEXT CHANGES IN CONNECTION WITH THE OAK TO NINTH AVENUE MIXED USE DEVELOPMENT PROJECT**

WHEREAS, the Oak to Ninth Avenue Mixed Use Development Project ("Project") area is within the Estuary Policy Plan area of the General Plan and is currently designated Planned Waterfront Development-1 and Parks, Open Space, Promenades;

WHEREAS, residential uses are not specifically permitted by the Planned Waterfront Development-1 designation; and

WHEREAS, the Project proposes 3,100 residential units, approximately 200,000 square feet of commercial space, parks and open space, marinas, roads and other infrastructure, and shoreline improvements in a new mixed use neighborhood; and

WHEREAS, the proposed Planned Waterfront Development-4 designation and other text changes will allow the mix of uses proposed by the Project; and

WHEREAS, the text amendments to the Estuary Policy Plan will establish the new Planned Waterfront Development-4 provisions, clarify and revise certain policies and statements applicable to the Project, and update information based on changed conditions since the adoption of the Plan in 1999; and

WHEREAS, on May 28, 2004, in accordance with the California Environmental Quality Act ("CEQA"), City staff issued a Notice of Preparation stating the City's intent to prepare an Environmental Impact Report ("EIR") for the Project; and

WHEREAS, as part of the proposed Project, the applicant requested approval of amendments to the Estuary Policy Plan in connection with development of the Project site; and

WHEREAS, on September 1, 2005, the Draft EIR for the Project, SCH #2004062013, was released by the City for a 54-day public review and comment period, and on September 28, 2005, October 12, 2005, and October 17, 2005, respectively, the Planning Commission, the Parks and Recreation Advisory Commission, and the Landmarks Preservation Advisory Board held public hearings to provide the public with additional opportunities to comment on the DEIR; and

WHEREAS, on December 3, 2005, the Planning Commission conducted a site visit to the Project site; and

WHEREAS, on February 1, 2006, the City released the Final EIR for the Project and on June 9, 2006 the City published an addendum to the Final EIR; and

WHEREAS, on February 8, 2006, the Parks and Recreation Advisory Commission, and, on January 9, 2006 and February 27, 2006, the Landmarks Preservation Advisory Board, held public hearings on the Project, and

WHEREAS, on December 14, 2005 and January 25, 2006, the Design Review Committee of the Planning Commission held public hearings on the Project; and

WHEREAS, on January 25, 2006, the Planning Commission held a public hearing to discuss the major environmental and policy issues pertaining to the Project; and

WHEREAS, on March 15, 2006, the Planning Commission held a public hearing on the Project and certified the EIR, adopted CEQA Findings and a Statement of Overriding Considerations, adopted a Mitigation Monitoring and Reporting Program, adopted General Findings, recommended adoption of General Plan Amendments, recommended adoption of amendments to the Central City East Redevelopment Area Plan and the Central District Urban Renewal Plan, recommended adoption of an ordinance rezoning the Project site from M-40 and S-2/S-4 to Planned Waterfront Zoning District-4, Open Space-Region Serving Park, and S-2/S-4, recommended adoption of an ordinance adopting the Planned Waterfront District-4 zoning district, recommended adoption of a Development Agreement ordinance, approved a Preliminary Development Plan, approved Design Guidelines, approved a Vesting Tentative Subdivision Map, and adopted Conditions of Approval; and

WHEREAS, the Planning Commission found that the Project is consistent with the General Plan as proposed for amendment and that the General Plan Amendments will not cause the General Plan to become internally inconsistent; and

WHEREAS, an appeal of the Planning Commission actions was filed on March 24, 2006 by Arthur D. Levy on behalf of Oakland Heritage Alliance, Rajiv Bhatia, John Sutter, East Bay Bicycle Coalition, League of Women Voters of Oakland, Waterfront Action, Coalition of Advocates for Lake Merritt, and Sierra Club Northern Alameda County Regional group; and

WHEREAS, on March 28, 2006 the City Council and the Oakland Redevelopment Agency held a public Informational Workshop on the Project and the Project approvals; and

WHEREAS, the City Council and the Oakland Redevelopment Agency held a public hearing on June 20, 2006, which was noticed in accordance with legal requirements; and

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

WHEREAS, on June 20, 2006, the City Council fully reviewed, considered, and evaluated the Project EIR, all of the staff reports prepared for the Project including the attachments to the staff reports, public testimony, and all other documents and evidence in the public record on the Project and the appeal;

NOW, THEREFORE, BE IT RESOLVED that the City Council affirms and adopts the CEQA Findings attached to this Resolution as Exhibit A, the Mitigation, Monitoring and Reporting

Program attached as Exhibit B, the Conditions of Approval attached as Exhibit C, and the General Findings attached as Exhibit D, each of which is incorporated herein by reference; and be it

FURTHER RESOLVED that the City Council amends the General Plan Estuary Policy Plan to designate the Project site Planned Waterfront Development-4 and Parks and adopt the text changes as shown in the attached Estuary Policy Plan Amendment; and be it

FURTHER RESOLVED that City staff is directed to undertake the clerical task of amending Exhibits A, B, C, and D, if necessary to conform to this Resolution.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 20 2006, 2006

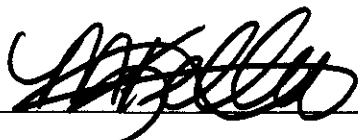
PASSED BY THE FOLLOWING VOTE:

AYES - ~~4~~ ~~BRUNNER, CHANG, KERNIGHAN, NADEL,~~
REID, ~~SIAM~~ AND PRESIDENT DE LA FUENTE - 6

NOES - 0

ABSENT - 0

ABSTENTION - 2 Brooks And Quan

ATTEST: 

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