

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2005 MAY -5 PM 10: 52

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Community and Economic Development
DATE: May 17, 2005

RE: WOOD STREET DEVELOPMENT PROJECT

Joint City and Agency Action on the proposed Wood Street Development Project, West Oakland:

(1) A Resolution Denying the Appeals of Arthur D. Levy and Margareta Lin, Sustaining the March 16, 2005 Planning Commission Actions on the Wood Street Development Project and Certifying the Final Environmental Impact Report for the Wood Street Project;

(2) A Resolution Amending the General Plan Land Use Designation of the 29.2 Acre Wood Street Project Area, bounded by 10th Street to the South, West Grand Avenue to the North, Wood Street to the East, and the I-880 Frontage Road to the West, from Business Mix to Urban Residential;

(3) A Resolution Approving and Recommending Adoption of the Second Amendment to the Oakland Army Base Redevelopment Plan to Revise Land Use Designations for the 16th and Wood Street Subarea and to Make Various Text Changes;

(4) An Ordinance Adopting the Second Amendment to the Oakland Army Base Redevelopment Plan to Revise Land Use Designations for the 16th and Wood Street Subarea and to Make Various Text Changes;

(5) An Ordinance Adopting the Wood Street Zoning District for 29.2 Acres in West Oakland Between 10th Street to the South, West Grand Avenue to the North, Wood Street to the East, and the I-880 Frontage Road to the West;

(6) An Ordinance of the City of Oakland Rezoning Property into the Wood Street Zoning District Located in West Oakland between 10th Street to the South, West Grand Avenue to the North, Wood Street to the East, and the I-880 Frontage Road to the West

(7) A Resolution Approving Five Separate Vesting Tentative Parcel Maps within the Wood Street Zoning District (Maps 8551, 8552, 8553, 8554, 8555)

The Wood Street Development Project would result in the construction of up to 1,557 residential units, including live/work units in converted warehouses; 13,000 square feet of neighborhood-serving commercial uses; and up to 24,000 square feet of public/community

uses associated with the historic 16th Street Train Station. The 29.2 acre site is located in West Oakland between 10th Street to the south, West Grand Avenue to the north, Wood Street to the east, and the I-880 frontage road to the west.

SUMMARY

This report provides the revised language and additions to the Conditions of Approval as directed by the City Council at the May 3, 2005 public hearing concerning the Wood Street Project. It also includes final versions of the seven actions required of the City Council and the Redevelopment Agency to approve the project.

As a brief background, the May 3, 2005 staff report discussed the proposed project, described the Planning Commission's March 16, 2005 actions and recommendations, responded to the appeals filed by Arthur J. Levy and Margaretta Lin, and addressed the questions raised by Councilmembers and the public at the April 12, 2005 CED Committee meeting.

At the May 3, 2005 public hearing, the City Council took public testimony, reviewed and considered the two appeals and reviewed three key remaining issues: 1) the Redevelopment Agency's affordable housing requirements; 2) the overall approach to preserving the 16th Street Train Station; and 3) the degree to which union labor, local hiring requirements, and other employment programs will be used in the project. Councilmember Nadel and Brunner presented a motion indicating support of the project with changes and additions to the wording of some of the Conditions of Approval. The motion was supported by all the other Councilmembers (please refer to Attachment A). No final action was taken at the public hearing.

Staff was directed to return to the May 17, 2005 with the revised wording incorporated into the Conditions of Approval (Exhibit C-2) and all other documents conformed to the City Council's actions. The following actions are now before the City Council:

1. Adopt the Resolution denying the appeals and certifying the Environmental Impact Report for the project;
2. Adopt the Resolution approving the General Plan Amendment;
3. Adopt the Resolution amending the Oakland Army Base Redevelopment Plan land use map;
4. Adopt the Ordinance amending the Oakland Army Base Redevelopment Plan;
5. Adopt the Ordinance approving the "Wood Street Zoning District";
6. Adopt the Ordinance amending the zoning map and applying the Wood Street Zoning District; and
7. Adopt the Resolution approving five separate Vesting Tentative Parcel Maps, 8551 through 8555.

CHANGES TO THE CONDITIONS OF APPROVAL TO REFLECT THE CITY COUNCIL'S MAY 3, 2005 DIRECTION (EXHIBIT C-2)

Attached Exhibit C-2 contains redlined language that reflects the City Council's May 3, 2005 direction, as set forth in Attachment A. This document has been redlined against the version of the Conditions of Approval contained in the May 3, 2005 City Council packet. Staff and the Project Sponsors have reviewed and discussed these changes, and they have been further informed by suggestions from the appellants and various groups. The major changes and additions are summarized below:

- 1) A definition of "Train Station Entity" has been added in the General Notes and Definitions Section to reflect a broader entity other than a non-profit corporation. This term has, in turn, been used to replace all references to "non-profit entity" throughout the document. *(In conformance with Council Direction No. 10).*
- 2) Condition of Approval 7A has been included that sets forth requirements regarding local hiring and other construction labor requirements. *(In conformance with Council Direction No. 3 and Councilmember Brooks' concern about monitoring such construction labor requirements).*
- 3) Condition of Approval 7B has been added. *(In conformance with Council Direction No. 2).*
- 4) Condition of Approval 9 has been revised to add language that traffic routes be designated that have the least impact on traffic and residents. *(In conformance with Council Direction No. 4).*
- 5) Condition of Approval 25 has been revised to add the requested language that the measured growth in traffic must be based on the Project traffic analysis contained in the EIR and that the City has no obligation to fund any required improvements in the future. *(In conformance with Council Direction No. 6).*
- 6) Condition of Approval 52A has been added, and makes clear that the Baggage Wing part of the preservation of the 16th Street Train Station, along with as much of the Elevated Platform as possible. This requirement is reflected in revised language in Development Area 5 of the Wood Street Zoning District (May 17, 2005 version), Parcel 2 of the VTPM 8554 (attached), and through Conditions of Approval 56A, 56B and 57A. *(In conformance with Council Direction No. 1).*
- 7) Condition of Approval 56A has been revised to change the sequence of how the preservation efforts would occur by requiring the Train Station Entity to submit a Business Plan, Financing Plan and Management Plan prior to the Redevelopment Agency determination of financial assistance. *(In conformance with Council Direction No. 8.)*

8) Condition of Approval 56B has been added to set forth a process for Council consideration if the Baggage Wing Purchase Agreement and the Baggage Wing Funding Agreement are not executed within the specified eight month period. The City Council would make the final determination, if required, pertaining to the infeasibility of retaining the Baggage Wing. *(In conformance with Council Direction No. 9).*

9) Condition of Approval 56A (c) and 100 (a) has been amended to incorporate a formula for compensating the Project Sponsors for the Baggage Wing and the 1.5 acre affordable housing parcel. *(In conformance with Council Direction No. 8a.).*

10) Condition of Approval 59 has been modified to incorporate the objectives for the Train Station Entity. *(In conformance with Council Direction No. 10).*

11) Condition of Approval 100 has been amended to reflect the City Council's direction to provide all 15 percent of the affordable units on site, along with more specific detail pertaining to the process by which the Wood Street Project Sponsors will offer the units for sale to qualified buyers. In addition, a procedure has been established to assure the units will not be lost in the event that all are not initially sold to qualified buyers. Other minor clarifying language has been added from the City Attorney and Redevelopment Agency staff. *(In conformance with Council Direction No. 7.)*

RECOMMENDATIONS AND RATIONALE

Staff recommends approval of this project with the revised Conditions of Approval, the revised findings, the revised Wood Street Zoning District and the revised VTPM 8554. Attached to this staff report are the documents to support this approval:

- Exhibit A CEQA Findings and Statement of Overriding Considerations Related to approval of the Wood Street Project
- Exhibit B Wood Street Mitigation Monitoring and Reporting Program
- Exhibit C-1 The Condition of Approval to be attached to the Resolution Amending the General Plan, the Resolution Amending the Redevelopment Plan, the Ordinance Amending the Redevelopment Plan, the Ordinance adopting Wood Street zoning District, and the Ordinance Rezoning the Property into the Wood Street Zoning District.
- Exhibit C-2 The Conditions of Approval to be attached to the Resolution denying the two appeals and to the five Resolutions approving the Vesting Tentative Parcel Maps.
- Exhibit D General Findings Required for Approval of the Wood Street Project

ACTIONS REQUESTED BY THE CITY COUNCIL

1. Adopt the Resolution denying the appeals and certifying the Environmental Impact Report for the project;
2. Adopt the Resolution approving the General Plan Amendment;
3. Adopt the Resolution amending the Oakland Army Base Redevelopment Plan land use map;
4. Adopt the Ordinance amending the Oakland Army Base Redevelopment Plan;
5. Adopt the Ordinance approving the “Wood Street Zoning District”, with the attached version of the Wood Street Zoning District dated May 17, 2005;
6. Adopt the Ordinance amending the zoning map and applying the Wood Street Zoning District; and
7. Adopt the Resolution approving five separate Vesting Tentative Parcel Maps, 8551 through 8555, and acknowledging the revised VTPM 8554 with Parcel 2 as modified to include the Baggage Wing.

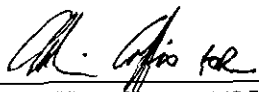
Respectfully submitted,



CLAUDIA CAPPIO
Community and Economic Development
Director of Development, Building
Services, and the Oakland Army Base
Reuse Authority

Prepared by:
Margaret Stanzione
Planner IV, Major Projects
Planning & Zoning

APPROVED AND FORWARDED TO THE
OAKLAND CITY COUNCIL:



OFFICE OF THE CITY ADMINISTRATOR

ATTACHMENTS

- A. Written List of City Council Direction from the May 3, 2005 public hearing
- B. Revised Vesting Tentative Parcel Map 8554
- C. Letter from the Bay Area Air Quality Management District dated May 2, 2005
- D. Letter from Arthur D. Levy dated May 5, 2005
- E. Letters in support of the West Oakland Train Station Coalition's demands from Debra Grabelle, Don Hightower, Tom Walsh, Martin Garcia, Robert Lassiter & Family, Robert Spencer, Pete Easton, Marilyn Bechtel



OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION DENYING THE APPEALS OF ARTHUR D. LEVY AND MARGARETTA LIN, SUSTAINING THE MARCH 16, 2005 PLANNING COMMISSION ACTIONS ON THE WOOD STREET DEVELOPMENT PROJECT AND CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE WOOD STREET PROJECT

WHEREAS, in accordance with the California Environmental Quality Act (“CEQA”), the City issued a Notice of Preparation (“NOP”), indicating an intent to prepare an Environmental Impact Report (“EIR”) on the Wood Street Project, including a General Plan Amendment, a Zoning Code Amendment and rezoning, a Redevelopment Plan Amendment, and five Vesting Tentative Parcel Maps; and

WHEREAS, a Draft Environmental Impact Report (“DEIR”) on the Wood Street Project, SCH #2004012110, was released by the City and circulated for public review and comment from September 21, 2004 to November 15, 2004; and

WHEREAS, the Landmarks Preservation Advisory Board and the Planning Commission held public hearings on the DEIR on October 18, 2004 and October 20, 2004, respectively; and

WHEREAS, on January 26, 2005, the Planning Commission conducted another public hearing to discuss the major environmental and policy issues pertaining to the Project; and

WHEREAS, the Final Environmental Impact Report (FEIR) was published on February 7, 2005; and

WHEREAS, the Planning Commission conducted a public hearing on March 16, 2005 to provide the public with the opportunity to comment on the Wood Street Project FEIR and the Project approvals, including the proposed General Plan Amendment; and

WHEREAS, on March 16, 2005, the Planning Commission 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 the General Plan Amendment, approved five Vesting Tentative Parcel Maps and adopted accompanying Conditions of Approval; and

WHEREAS, two separate appeals of the Planning Commission's March 16, 2005 actions were filed, one on March 25, 2005 by Arthur D. Levy and one on March 28, 2005 by Margaretta Lin on behalf of the Just Cause Oakland and the Coalition for West Oakland Revitalization (collectively, the "Appeals"); and

WHEREAS, the Community and Economic Development Committee of the City Council considered the Wood Street Project on April 12, 2005; and

WHEREAS, the City Council held a public hearing on May 3, 2005 which was noticed in accordance with the legal requirements; and

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

WHEREAS, the public hearings on the Appeals were closed by the City Council on May 3, 2005; and

WHEREAS, on May 17, 2005, the City Council, at its duly noticed regular meeting, fully reviewed, considered and evaluated the EIR, staff reports, public testimony and all documents and other evidence submitted on this matter;

NOW, THEREFORE, BE IT RESOLVED: That neither appellant has shown, by reliance on the evidence contained in the record that the Planning Commission's decision was made in error, that there was an abuse of discretion by the Planning Commission, that the Planning Commission's decision was not supported by substantial evidence in the record, or that the Planning Commission's decision was improper. This conclusion is based, in part, on the DEIR, the FEIR, the staff reports for the Planning Commission hearings, and the staff reports prepared for the City Council staff report, each of which is hereby incorporated by reference. Accordingly, each of the Appeals is denied and the Planning Commission's March 16, 2005 actions are upheld as modified by the City Council; and be it

FURTHER 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 VTPM Conditions of Approval attached as Exhibit C; and the General Findings attached as Exhibit D all incorporated by this reference; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 17, 2005

PASSED BY THE FOLLOWING VOTE:

AYES-

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LATONDA SIMMONS
Interim City Clerk and Clerk of the Council
of the City of Oakland, California

Hee
DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AMENDING THE GENERAL PLAN LAND USE DESIGNATION OF THE 29.2 ACRE WOOD STREET PROJECT AREA, BOUNDED BY 10TH STREET TO THE SOUTH, WEST GRAND AVENUE TO THE NORTH, WOOD STREET TO THE EAST, AND THE I-880 FRONTAGE ROAD TO THE WEST, FROM BUSINESS MIX TO URBAN RESIDENTIAL

WHEREAS, the Wood Street Project Area is currently designated “Business Mix” on the General Plan Land Use Map in the Land Use and Transportation Element (“LUTE”) of the Oakland General Plan; and

WHEREAS, the intent of this land use category is to create, protect and enhance areas of the City that are appropriate for a wide variety of business and related commercial and industrial establishments; and

WHEREAS, according to the City of Oakland’s Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations” (“Guidelines”) the Business Mix designation does not allow for residential development; and

WHEREAS, the Wood Street Project proposes 1,557 residential units, including 186 live-work units in some converted warehouses, along with 13,000 square feet of neighborhood-serving commercial uses, along with space for civic or community uses; and

WHEREAS, according to the Guidelines, the “Urban Residential” designation would allow the mix of activities, including residential, that are proposed for the Wood Street Project; and

WHEREAS, in accordance with the California Environmental Quality Act (“CEQA”), the City issued a Notice of Preparation (“NOP”), indicating an intent to prepare an Environmental Impact Report (“EIR”) on the Wood Street Project, including a General Plan Amendment, a Zoning Code Amendment and rezoning, a Redevelopment Plan Amendment, and five Vesting Tentative Parcel Maps; and

WHEREAS, a Draft Environmental Impact Report (“DEIR”) on the Wood Street Project, SCH #2004012110, was released by the City and circulated for public review and comment from September 21, 2004 to November 15, 2004; and

WHEREAS, the Landmarks Preservation Advisory Board and the Planning Commission held public hearings on the DEIR on October 18, 2004 and October 20, 2004, respectively; and

WHEREAS, on January 26, 2005, the Planning Commission conducted another public hearing to discuss the major environmental and policy issues pertaining to the Project; and

WHEREAS, the Final Environmental Impact Report (FEIR) was published on February 7, 2005; and

WHEREAS, the Planning Commission conducted a public hearing on March 16, 2005 to provide the public with the opportunity to comment on the Wood Street Project FEIR and the Project approvals, including the proposed General Plan Amendment; and

WHEREAS, on March 16, 2005, the Planning Commission 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 the General Plan Amendment, approved five Vesting Tentative Parcel Maps and adopted accompanying Conditions of Approval; and

WHEREAS, the Planning Commission found that the Wood Street Project is consistent with the General Plan and that the proposed General Plan Amendment will not cause the General Plan to become internally inconsistent; and

WHEREAS, the Community and Economic Development Committee of the City Council considered the Wood Street Project on April 12, 2005; and

WHEREAS, the City Council held a public hearing on May 3, 2005, which was noticed in accordance with the legal requirements;

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 all incorporated by this reference; and be it

FURTHER RESOLVED, that the City Council amends the General Plan land use designation of the 29.2 acre Wood Street Project, bounded by 10th Street to the south, West Grand Avenue to the north, Wood Street to the east, and the I-800 frontage road to the west, from Business Mix to Urban Residential.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:

AYES-

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LATONDA SIMMONS

Interim Secretary of the Redevelopment Agency
of the City of Oakland

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

RESOLUTION NO. _____ C.M.S.

A RESOLUTION APPROVING AND RECOMMENDING ADOPTION OF THE SECOND AMENDMENT TO THE OAKLAND ARMY BASE REDEVELOPMENT PLAN TO REVISE LAND USE DESIGNATIONS FOR THE 16TH AND WOOD STREET SUBAREA AND TO MAKE VARIOUS TEXT CHANGES

WHEREAS, the City Council of the City of Oakland (the "City Council") adopted the Redevelopment Plan for the Oakland Army Base Redevelopment Project (the "Redevelopment Plan") on July 11, 2000, as a redevelopment plan for the Oakland Army Base Project Area (the "Project Area") pursuant to the California Community Redevelopment Law (Health and Safety Code Sections 33000, et seq.); and

WHEREAS, the City Council adopted the First Amendment to the Redevelopment Plan") on December 21, 2004; and

WHEREAS, the Redevelopment Plan includes a Redevelopment Land Use Map attached to the Plan as Attachment No. 3C, which sets forth land use designations for the 16th and Wood Subarea of the Project Area; and

WHEREAS, it is necessary and desirable that this Land Use Map be revised for the reasons set forth in the staff report accompanying this Resolution; and

WHEREAS, the land use designations for the 16th and Wood Subarea in the Oakland General Plan have been or will be revised, and the Agency desires that the Redevelopment Land Use Maps in the Redevelopment Plan be consistent with the Oakland General Plan; and

WHEREAS, the Agency wishes to make textual changes to the Redevelopment Plan to conform the Redevelopment Plan to the City's General Plan and zoning policies and procedures; and

WHEREAS, the Agency has submitted to the Council a proposed Second Amendment to the Oakland Army Base Redevelopment Plan (the "Second Amendment" or the "Amendment"); and

WHEREAS, Health and Safety Code Section 33450, et seq., authorizes a legislative body to amend a redevelopment plan after holding a public hearing; and

WHEREAS, this proposed amendment does not propose any additional property for inclusion in the Project Area, nor does it increase or reduce the Project Area or affect the Redevelopment Agency's authority to claim tax increment revenues; and

WHEREAS, on March 16, 2005, the Planning Commission submitted to the Council its report and recommendations for approval of this proposed amendment; and

WHEREAS, the City has provided the published and mailed notice of the hearing and this amendment as required by Health and Safety Code Section 33452; and

WHEREAS, after consideration of the proposed amendment by the Community and Economic Development Committee of the City Council on April 12, 2005, the Redevelopment Agency and the City Council held a joint public hearing on the proposed amendment, as permitted under Health and Safety Code Section 33458, on May 3, 2005; and

WHEREAS, on February 7, 2005, the Final Environmental Impact Report ("FEIR") on the Wood Street Project was released; and

WHEREAS, on March 16, 2005, the Planning Commission, among other things, certified the EIR, adopted CEQA Findings and a Statement of Overriding Considerations, and adopted a Mitigation Monitoring and Reporting Program; and

WHEREAS, it can be seen with certainty that the other amendments to the Redevelopment Plan will have no environmental effect, pursuant to CEQA Guidelines § 15063(b)(3), since they merely conform the Redevelopment Plan to existing City land use standards and procedures; now, therefore, be it

RESOLVED: That the Agency hereby approves and recommends adoption of the Second Amendment to the Oakland Army Base Redevelopment Plan; and be it further

RESOLVED: That the Agency Secretary is directed to transmit a copy of this Resolution to the City Council for its consideration in adoption of the Second Amendment; and be it further

RESOLVED: That this Resolution is based in part on the findings set forth above, the CEQA Findings and Statement of Overriding Considerations Related to Approval of the Wood Street Project, Mitigation Monitoring and Reporting Program, Conditions of Approval and General Findings Related to Approval of the Wood Street Project attached as Exhibit A-D and incorporated by this reference.

IN AGENCY, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, AND CHAIRPERSON DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LATONDA SIMMONS
Interim Secretary of the Redevelopment Agency
of the City of Oakland

WHEREAS, on March 16, 2005, the Planning Commission submitted to the Council its report and recommendations for approval of this proposed amendment; and

WHEREAS, the City has provided the published and mailed notice of the hearing and this amendment as required by Health and Safety Code Section 33452; and

WHEREAS, after consideration of the proposed amendment by the Community and Economic Development Committee of the City Council on April 12, 2005, the Redevelopment Agency and the City Council held a joint public hearing on the proposed amendment, as permitted under Health and Safety Code Section 33458, on May 3, 2005; and

WHEREAS, on February 7, 2005, the Final Environmental Impact Report ("FEIR") on the Wood Street Project was released; and

WHEREAS, on March 16, 2005, the Planning Commission, among other things, certified the EIR, adopted CEQA Findings and a Statement of Overriding Considerations, and adopted a Mitigation Monitoring and Reporting Program; and

WHEREAS, it can be seen with certainty that the other amendments to the Redevelopment Plan will have no environmental effect, pursuant to CEQA Guidelines § 15063(b)(3), since they merely conform the Redevelopment Plan to existing City land use standards and procedures; now, therefore,

The Council of the City of Oakland does ordain as follows:

SECTION 1. The Second Amendment to the Redevelopment Plan for the Oakland Army Base Project attached to this Ordinance as Attachment A is hereby approved and adopted as an amendment to the Redevelopment Plan for the Oakland Army Base Project.

SECTION 2. The City Council finds that it is necessary and desirable to amend the Redevelopment Plan for the reasons set forth herein and in the staff report accompanying this Ordinance.

SECTION 3. The City Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Determination for this action.

SECTION 4. This Ordinance is based in part on the findings set forth above, the CEQA Findings and Statement of Overriding Considerations Related to Approval of the Wood Street Project, Mitigation Monitoring and Reporting Program, Conditions of Approval and General Findings Related to Approval of the Wood Street Project attached as Exhibit A-D and incorporated by this reference.

SECTION 5. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and this Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

SECTION 6. This Ordinance shall be in full force and effect immediately upon its passage as provided by Section 216 of the City Charter, if adopted by at least six members of Council, or upon the seventh day after final adoption if adopted by fewer votes.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:


AYES-	BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, AND PRESIDENT DE LA FUENTE
NOES-	_____
ABSENT-	_____
ABSTENTION-	_____

ATTEST: _____
LATONDA SIMMONS
Interim City Clerk and Clerk of the Council
of the City of Oakland, California

**AN ORDINANCE ADOPTING THE SECOND AMENDMENT TO
THE OAKLAND ARMY BASE REDEVELOPMENT PLAN TO
REVISE LAND USE DESIGNATIONS FOR THE 16TH AND WOOD
STREET SUBAREA AND TO MAKE VARIOUS TEXT CHANGES**

NOTICE AND DIGEST

This ordinance amends the Oakland Army Base Redevelopment Plan to revise the Redevelopment Land Use Map for the 16th and Wood Subarea, and to make various text changes to conform the Plan to the City's General Plan and zoning policies and procedures.

APPROVED AS TO FORM AND LEGALITY

DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

**AN ORDINANCE OF THE CITY OF OAKLAND
REZONING PROPERTY INTO THE WOOD STREET
ZONING DISTRICT LOCATED IN WEST OAKLAND
BETWEEN 10TH STREET TO THE SOUTH, WEST
GRAND AVENUE TO THE NORTH, WOOD STREET TO
THE EAST, AND THE I-880 FRONTAGE ROAD TO THE
WEST**

WHEREAS, on December 2, 2003, in accordance with the California Environmental Quality Act ("CEQA"), City staff issued a initial Notice of Preparation ("NOP"), with a revised NOP issued on January 21, 2004, indicating an intent to prepare an Environmental Impact Report ("EIR") for the land use entitlements, including the requested General Plan Amendment, the Wood Street Zoning District Regulations, the Oakland Army Base Area Redevelopment Plan Amendment, and five Vesting Tentative Parcel Maps, for the proposed Wood Street Project; and

WHEREAS, as part of the proposed development, the Project applicant requested a rezoning of the Project Area to the proposed Wood Street Zoning District, to allow for a residential mixed-use development on the site; and

WHEREAS, on September 21, 2004, the DEIR, SCH #2004012110, was released by the City for a 56-day public review and comment period and on October 18, 2004 and October 20, 2004, respectively, the Landmarks Preservation Advisory Board and the Planning Commission held public hearings to provide the public with additional opportunities to comment on the DEIR; and

WHEREAS, on January 26, 2005, the Planning Commission conducted another public hearing to discuss the major environmental and policy issues pertaining to the Project; and

WHEREAS, on February 7, 2005, the Final Environmental Impact Report ("FEIR") on the Wood Street Project was released; and

WHEREAS, on March 16, 2005, the Planning Commission conducted another public hearing, took testimony and determined that the EIR (consisting of the DEIR and the FEIR) was adequate for decision-making on the requested land use entitlements for the Project and certification of the EIR; and

WHEREAS, on March 16, 2005, the Planning Commission 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 a General Plan Amendment, approved five Vesting Tentative Parcel Maps and adopted accompanying Conditions of Approval; and

WHEREAS, on March 16, 2005, the Planning Commission recommended that the Council establish the proposed Wood Street Zoning District and adopt the proposed Zoning Regulations, Standards, and Guidelines for Development and Use of Property within the Wood Street Zoning District, attached hereto as Exhibit E; and

WHEREAS, on April 12, 2005 the Community and Economic Development Committee held a public hearing on the Project; and

WHEREAS, on May 3, 2005, the City Council held a public hearing noticed in accordance with the legal requirements; and

WHEREAS, the City Council adopts the CEQA findings attached 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, all incorporated by this reference; and

WHEREAS, the notice required by section 17.144.060 has been given; now, therefore, *the City Council of the City of Oakland does ordain:*

SECTION 1. The City of Oakland's Zoning Map is hereby amended by rezoning the land in the area shown on the map attached as Exhibit F and incorporated here by this reference as follows:

FROM CURRENT ZONING: Light Industrial
TO: Wood Street Zoning District

and

FROM CURRENT ZONING: General Industrial
TO: Wood Street Zoning District

and

FROM CURRENT ZONING: Industrial-Residential Transition Combining Zone
TO: Wood Street Zoning District

SECTION 2. The Planning Director is directed to change the Zoning Map pursuant to Chapter 17.144 of the Oakland Municipal Code to conform to the rezoning referenced in Section 1.

In Council, Oakland, California, _____, 2005

Passed By The Following Vote:

AYES- _____

NOES- _____

ABSENT- _____

ABSTENTION- _____

ATTEST: _____

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

**AN ORDINANCE ADOPTING THE WOOD STREET
ZONING DISTRICT FOR 29.2 ACRES IN WEST
OAKLAND BETWEEN 10TH STREET TO THE SOUTH,
WEST GRAND AVENUE TO THE NORTH, WOOD
STREET TO THE EAST, AND THE I-880 FRONTAGE
ROAD TO THE WEST**

NOTICE AND DIGEST

This Ordinance established the Wood Street Zoning District. The Zoning Regulations, Standards, and Guidelines for Development and Use of Property within the Wood Street Zoning District are hereby adopted and attached to this Ordinance as Exhibit E. The City of Oakland's Zoning Code is hereby amended to include the Wood Street Zoning District and Zoning Regulations, Standards, and Guidelines for Development and Use of Property within the Wood Street Zoning District.

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

AN ORDINANCE ADOPTING THE WOOD STREET ZONING DISTRICT FOR 29.2 ACRES IN WEST OAKLAND BETWEEN 10TH STREET TO THE SOUTH, WEST GRAND AVENUE TO THE NORTH, WOOD STREET TO THE EAST, AND THE I-880 FRONTAGE ROAD TO THE WEST

WHEREAS, on December 2, 2003, in accordance with the California Environmental Quality Act (“CEQA”), City staff issued a initial Notice of Preparation (“NOP”), with a revised NOP issued on January 21, 2004, indicating an intent to prepare an Environmental Impact Report (“EIR”) for the land use entitlements, including the requested General Plan Amendment, the Wood Street Zoning District Regulations, the Oakland Army Base Area Redevelopment Plan Amendment, and five Vesting Tentative Parcel Maps, for the proposed Wood Street Project; and

WHEREAS, as part of the proposed development, the Project applicant requested a rezoning of the Project Area to the proposed Wood Street Zoning District, to allow for a residential mixed-use development on the site; and

WHEREAS, the Wood Street Zoning District Regulations are described in the Draft Environmental Impact Report (“DEIR”), in Master Response 1 of the Final Environmental Impact Report (“FEIR”), in Exhibits A and D attached hereto, and in the staff reports presented to the City; and

WHEREAS, the Wood Street Zoning District Regulations are attached hereto as Exhibit E; and

WHEREAS, on September 21, 2004, the DEIR, SCH #2004012110, was released by the City for a 56-day public review and comment period and on October 18, 2004 and October 20, 2004, respectively, the Landmarks Preservation Advisory Board and the Planning Commission held public hearings to provide the public with additional opportunities to comment on the DEIR; and

WHEREAS, on January 26, 2005, the Planning Commission conducted another public hearing to discuss the major environmental and policy issues pertaining to the Project; and

WHEREAS, on February 7, 2005, the Final Environmental Impact Report (“FEIR”) on the Wood Street Project was released; and

WHEREAS, on March 16, 2005, the Planning Commission conducted another public hearing, took testimony and determined that the EIR (consisting of the DEIR and the FEIR) was adequate for decision-making on the requested land use entitlements for the Project and certification of the EIR; and

WHEREAS, on March 16, 2005, the Planning Commission 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 a General Plan Amendment, approved five Vesting Tentative Parcel Maps and adopted accompanying Conditions of Approval; and

WHEREAS, on March 16, 2005, the Planning Commission recommended that the Council adopt the proposed Wood Street Zoning District Regulations, attached hereto as Exhibit E; and

WHEREAS, the Community and Economic Development Committee considered the Project at a public hearing on April 12, 2005; and

WHEREAS, the City Council held a public hearing on May 3, noticed in accordance with the legal requirements; and

WHEREAS, the City Council adopts the CEQA findings attached 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 hereto as Exhibit D, all incorporated by this reference; and finds that the adoption of the Wood Street Zoning District Regulations will promote the public health, safety and welfare; and

WHEREAS, the notice required by section 17.144.060 has been given; now, therefore,

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. The Wood Street Zoning District is hereby established.

SECTION 2. The Zoning Regulations, Standards, and Guidelines for Development and Use of Property within the Wood Street Zoning District are hereby adopted and attached to this Ordinance as Attachment A as amended by substituting the following for Section 1.30:

Section 1.30 Conditions on Vesting Tentative Maps: Each of the conditions and each of the mitigation measures imposed upon the approval of the vesting tentative maps for the Wood Street Zoning District by Resolutions _____ shall be imposed (1) as conditions of the Preliminary Development Plans for the parcels to which the conditions apply; and also (2) as conditions of the Final Development Plans if compliance with the conditions is required subsequent to the approval of the Final Development Plan.

SECTION 3. The City of Oakland’s Zoning Code is hereby amended to include the Wood Street Zoning District established by Section 1 and Zoning Regulations, Standards, and Guidelines for Development and Use of Property within the Wood Street Zoning District.

SECTION 4. Except as specifically set forth herein, this ordinance suspends and supersedes all conflicting resolutions, ordinances, plans, codes, laws and regulations.

SECTION 5. If any provisions of this ordinance or application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application of provisions to the other persons or circumstances shall not be affected thereby.

SECTION 6. The City Planning Director is directed to undertake the clerical task of correcting text, maps or diagrams of the Wood Street Zoning District as necessary to achieve consistency with Vesting Parcel Map Nos. 8551, 8552, 8553, 8554 and 8555, which Vesting Parcel Maps are located within the Wood Street Zoning District.

SECTION 7. This ordinance shall become effective 30 days after passage and within 15 days of passage shall be published once with the names of the City Council Members voting for and against it in the Oakland Tribune, a newspaper which is published in this City and in Alameda County.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:

AYES- _____

NOES- _____

ABSENT- _____

ABSTENTION- _____

ATTEST: _____

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

**AN ORDINANCE OF THE CITY OF OAKLAND
REZONING PROPERTY INTO THE WOOD STREET
ZONING DISTRICT LOCATED IN WEST OAKLAND
BETWEEN 10TH STREET TO THE SOUTH, WEST
GRAND AVENUE TO THE NORTH, WOOD STREET TO
THE EAST, AND THE I-880 FRONTAGE ROAD TO THE
WEST**

NOTICE AND DIGEST

This Ordinance rezones 29.2 acres of land in West Oakland from Light Industrial, General Industrial, and Industrial-Residential Transition Combining Zone to the Wood Street Zoning District.

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

**RESOLUTION APPROVING FIVE SEPARATE VESTING TENTATIVE
PARCEL MAPS WITHIN THE WOOD STREET ZONING DISTRICT
(MAPS 8551, 8552, 8553, 8554, 8555)**

WHEREAS, in accordance with the California Environmental Quality Act (“CEQA”), the City issued a Notice of Preparation (“NOP”), indicating an intent to prepare an Environmental Impact Report (“EIR”) on the Wood Street Project, including a General Plan Amendment, a Zoning Code Amendment and rezoning, a Redevelopment Plan Amendment, and five Vesting Tentative Parcel Maps; and

WHEREAS, a Draft Environmental Impact Report (“DEIR”) on the Wood Street Project, SCH #2004012110, was released by the City and circulated for public review and comment from September 21, 2004 to November 15, 2004; and

WHEREAS, the Landmarks Preservation Advisory Board and the Planning Commission held public hearings on the DEIR on October 18, 2004 and October 20, 2004, respectively; and

WHEREAS, on January 26, 2005, the Planning Commission conducted another public hearing to discuss the major environmental and policy issues pertaining to the Project; and

WHEREAS, the Final Environmental Impact Report (“FEIR”) was published on February 7, 2005; and

WHEREAS, the Planning Commission conducted a public hearing on March 16, 2005 to provide the public with the opportunity to comment on the Wood Street Project FEIR and the Project approvals, including the proposed General Plan Amendment; and

WHEREAS, on March 16, 2005, the Planning Commission 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 the General Plan Amendment, approved five Vesting Tentative Parcel Maps, subject to any changes adopted by the City Council, and adopted accompanying Conditions of Approval; and

WHEREAS, two separate appeals of the Planning Commission's March 16, 2005 actions were filed, one on March 25, 2005 by Arthur D. Levy and one on March 28, 2005 by Margaretta Lin on behalf of the Just Cause Oakland and the Coalition for West Oakland Revitalization (collectively, the "Appeals"); and

WHEREAS, the Community and Economic Development Committee of the City Council considered the Wood Street Project on April 12, 2005; and

WHEREAS, the City Council held a public hearing on May 3, which was noticed in accordance with the legal requirements; and

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

WHEREAS, the public hearing on the Appeals were closed by the City Council on May 3, 2005; and

WHEREAS, on May 17, 2005, the City Council, at its duly noticed regular meeting, fully reviewed, considered and evaluated the EIR, staff reports, public testimony and all documents and other evidence submitted on this matter; and

WHEREAS, based upon its review of the record the City Council denied the Appeals and upheld the March 16, 2005 decision of the Planning Commission, as modified;

NOW, THEREFORE, BE IT RESOLVED: That the City Council approves each of the Vesting Tentative Parcel Maps identified as Vesting Parcel Maps 8551, 8552, 8553, 8554, 8555, affirms and adopts the CEQA Findings attached to this Resolution as Exhibit A; the Mitigation, Monitoring and Reporting Program attached as Exhibit B; the VTPM Conditions of Approval attached as Exhibit C; and the General Findings attached as Exhibit D all incorporated by this reference; and be it

FURTHER RESOLVED: That because each of the Vesting Tentative Parcel Maps approved by this Resolution shall be separate and independent (consistent with the Wood Street Zoning District and all conditions of approval and other requirements), that the City Council directs staff, as a clerical matter, to produce five separate Resolutions, one for each of Vesting Parcel Map 8551, 8552, 8553, 8554 and 8555 documenting this approval of each map, and with the same Exhibits A, B, C and D attached to each such Resolution, and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 17, 2005

PASSED BY THE FOLLOWING VOTE:

AYES-

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LATONDA SIMMONS
Interim City Clerk and Clerk of the Council
of the City of Oakland, California

CITY OF OAKLAND



CITY HALL * ONE FRANK H. OGAWA PLAZA * OAKLAND, CALIFORNIA 94612

(510) 238-3611
FAX: (510) 238-6699
TDD: (510) 839-6451

_____ The Staff Report was not available in time for inclusion as backup material and will be included elsewhere in the agenda.

_____ This report was distributed previously. A copy is available in the City Clerk's Office.

_____ Attachments to this report are available in the City Clerk's Office for review.

_____ This is an Oral Report (No written material submitted).

_____ The item(s) will be distributed at the meeting.

_____ No written material submitted.

_____ This item sets a Public Hearing. Written material will be provided at the time of the hearing.

_____ This item was prepared on motion (No written material submitted).

_____ Agenda item(s) not used.

_____ This item was printed separately and will be included elsewhere in the agenda.

_____ Material will be provided in Supplemental Agenda Packet

_____ Other: _____

LATONDA SIMMONS
Interim City Clerk and
Clerk of the City Council

ORA/COUNCIL

Item 27

Date MAY 17 2005