

**CITY OF OAKLAND
COUNCIL AGENDA REPORT**

TO: Office of the City Manager
ATTN: Deborah Edgerly
FROM: Community and Economic Development Agency
DATE: June 15, 2004

RE: PUBLIC HEARING TO CONSIDER ACTIONS ON THE JACK LONDON DEVELOPMENT PROJECT – NINE SITES IN JACK LONDON SQUARE BOUNDED BY HARRISON STREET TO THE WEST, 2ND STREET TO THE NORTH, ALICE STREET TO THE EAST AND THE ESTUARY TO THE SOUTH

ACTIONS TO BE CONSIDERED AT THIS PUBLIC HEARING:

- 1) Appeal of Planning Commission's March 17, 2004 Approval of the Project. Appellant: Anna Shimko on behalf of Jack London Square Partners, LLC;
- 2) Appeal of the Planning Commission's March 17, 2004 Approval of the Project. Appellant: Gary Knecht;
- 3) Consideration of Resolution Upholding the Appeal of Jack London Square Partners, LLC as to Fast Food Uses Only and Partially Upholding the Appeal of Gary Knecht as to Parking Mitigation and Design Review Only, and Otherwise Sustaining the March 17, 2004 Planning Commission Approval for the Jack London Square Revise Project and Approving the Project as Revised.
- 4) Certification of the Environmental Impact Report for the project;
- 5) Consideration of a Planned Unit Development Permit for the Project;
- 6) Consideration of a Preliminary Development Plan for the Project;
- 7) Consideration of Final Development Plans for Sites C, D, Pavilion 2, 66 Franklin, F1, F2, F3 and G;
- 8) Consideration of a Major Variance for Fast Food Restaurant Commercial Activities;
- 9) Consideration of a Major Conditional Use Permit for the hotel use on Site F-3, the two pedestrian bridges and a reduction in parking due to the shared parking provisions
- 10) Consideration of First Reading for Ordinance No. ____ AN ORDINANCE OF THE CITY OF OAKLAND ADJUSTING THE ZONING DISTRICT BOUNDARY LINE FOR THE JACK LONDON SQUARE DISTRICT SO THAT C-45 (COMMUNITY SHOPPING COMMERCIAL) IS DESIGNATED FOR THE AREA BOUNDED BY HARRISON STREET TO THE WEST, 2ND STREET TO THE NORTH, ALICE STREET TO THE EAST AND THE ESTUARY TO THE SOUTH
- 11) Consideration of First Reading for Ordinance No. ____ AN ORDINANCE OF THE CITY OF OAKLAND APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF OAKLAND AND JACK LONDON SQUARE PARTNERS, LLC, AND CEP-JLS I LLC, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE DEVELOPMENT AGREEMENT ON BEHALF OF THE CITY

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SUMMARY

Jack London Square Partners (Project Applicant) has filed a series of development applications for a major mixed use project on nine sites in Jack London Square. The project site is roughly bounded on the estuary side of the Embarcadero between Clay Street and Alice Street in downtown Oakland, south of Interstate 880 (I-880). Plans call for intensifying the retail, dining, and entertainment uses within Jack London Square. The project approved by the Planning Commission on March 17, 2004, calls for approximately 960,000 square feet of new commercial development including retail, restaurants, a new movie theater, a full-service hotel and office uses. The Planning Commission approved a Planned Unit Development (PUD) for the project, along with major conditional use permits for the hotel, two pedestrian bridges and the shared parking provisions. A major variance for fast food restaurant commercial activities was also approved by the Commission. In addition, the Planning Commission recommended that the City Council approve a Development Agreement (DA) for the project as well as a rezoning of the entire project site to C-45 (Community Commercial).

Subsequent to the Planning Commission approval of the project, two appeals were filed. Jack London Square Partners, LLC (JLSP) filed an appeal of the Planning Commission suggested requirement that would restrict national chain fast food retailers from operating on the site. Gary Knecht filed an appeal of the Commission's approval on a variety of grounds, including inadequacy of design review, design plans, conditions and requirements pertaining to off-street parking and fast food activities.

In addition to consideration of the two appeals, the City Council is requested to consider two ordinances pertaining to this project: a Development Agreement ordinance and an ordinance that would rezone a portion of the development site to the C-45 (Community Shopping Commercial) District, consistent with the surrounding area.

In response to the City Council's March 30, 2004 work session as well as some of the issues raised by the Knecht appeal, a series of changes to the March 17, 2004 Planning Commission action is recommended concerning the calculation of future parking demand, strengthening and specifying transit measures, reducing the total amount of office square footage permitted, refining the permitted uses in the project, and modifying future design review requirements. These changes are specifically listed in Exhibit E, attached to the draft resolution concerning the appeal (Attachment 4). Revisions to the proposed Development Agreement have also been proposed; these are redlined against the DA recommended by the Planning Commission and are contained in the draft DA dated June 3, 2004. (Attachment 7)

This report provides an overview of the project, a summary of the March 17, 2004 Planning Commission actions and responses to every issue raised in the appeals. Finally, analysis and recommendations concerning the proposed Development Agreement and rezoning are included.

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Staff recommends upholding the appeal filed by the Jack London Square Partners; partially upholding the appeal of Gary Knecht and denying the remainder of the appeal, approving the project with the revisions to the project and conditions and requirements listed in Exhibit E to Attachment 4; introducing the ordinance to rezone a portion of the site to C-45 and introducing the ordinance approving the Development Agreement for the project.

FISCAL IMPACTS

This project, if approved, would likely have significant fiscal benefits to the City in the form of increased property tax revenues, sales tax revenues, building permit and other fees. In addition, the intensification of retail, restaurant and commercial activity would likely have indirect economic benefits. The costs of processing this application are recovered through application fees.

BACKGROUND AND PROJECT DESCRIPTION

The proposed project would redevelop nine specific sites within Jack London Square. These sites are owned by the Port of Oakland, and an agreement has been executed between the Port and the Project Applicant to grant options for future long – term ground lease interests. The project would intensify existing office, retail, and dining establishments by providing new construction on nine development areas (labeled Site C, Site D, Pavilion 2, Water I Expansion, 66 Franklin, Site F1, Site F2, and Site F3) as well as add retail uses and a large parking structure on an adjacent full block (labeled Site G) on the project area site plan. Project plans are included as an attachment. The Preliminary Development Plan (“PDP”) shows not-to-exceed building envelopes totaling approximately 960,000 square feet, with approximately 131,800 square feet of demolition of existing commercial development. Final Development Plans (“FDPs”) for eight of the nine building sites have also been submitted and approved by the Planning Commission, totaling approximately 690,000 square feet. A detailed project description and summary tables are included in the March 17, 2004 Planning Commission Staff Report, which is included as an attachment.

A full list of entitlements required for the project is provided in the following table:

Entitlement	Type of Action	Commission or Council Action Required
EIR	By Resolution	The Planning Commission certified the FEIR on March 17,2004; this action has been appealed to the City Council.
Planned Unit Development (PUD)	By Resolution	The Planning Commission approved the PUD on March 17, 2004; this action has been appealed to the City Council.

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Rezoning	By Ordinance	The Planning Commission recommended that the City Council approve the rezoning of part of the site to C-45. The Council has the final action.
Conditional Use Permit (CUP) and Variances	By Resolution	The Planning Commission approved the Major Conditional Use Permit and Major Variance on March 17, 2004; these actions have been appealed to the City Council.
Development Agreement	By Ordinance	The Planning Commission recommended that the City Council approve the Development Agreement. The City Council has the final action.

KEY ISSUES PERTAINING TO THIS PROJECT

Appeal from Jack London Square Partners. Jack London Square Partners (JLSP) is objecting to the Planning Commission's expressed interest in restricting or eliminating the ability for national chain fast food establishments to locate within the Jack London Project. On March 17, 2004, during the motion to approve the project, the Commission gave direction to review the legal issues associated with restricting fast food operations. (Please refer to the attached appeal letter from Cassidy, Shimko and Dawson, dated March 25, 2004, Attachment 1.)

This issue was raised at the Planning Commission in connection with the proposed variance pertaining to fast food uses. There is legal precedent that suggests it may be inappropriate to enact conditions on the variance or other land use permits that restrict the identity of potential users, rather than the use itself. However, the City is not aware of any precedent that would preclude such restrictions in the context of the development agreement, which establishes mutually agreed upon obligations rather than City-imposed conditions.

Staff Response: Oakland Planning Code Section 17.10.190 defines "Fast Food Restaurant Commercial Activities" as the retail sale of "ready to eat prepared foods and beverages, for on and off site premises consumption, whenever the foods and beverages are available upon a short waiting time and are primarily served in or on disposable wrappers, containers or plates." This definition obviously encompasses a broad variety of food and beverages, including burritos, pre-packaged and made to order sandwiches, cookies, ice cream, chocolates, pizza, noodles, etc. Who prepares the food or beverage is not material.

The project sponsor has developed a concept of including a concentration of commercial food retailers in small venues at Site F1, the California Harvest Hall. The development at this site is one of the centerpieces of the revitalization of the Jack London Square area, and a broad variety of establishments that serve quickly prepared foods will complement the California food and agriculture focus of the project at this site. To restrict fast food uses not only presents a legal risk but would unduly restrict the project sponsor from incorporating appropriate food and beverage vendors that would insure the success of the project. In short, staff does not believe it is practical or beneficial to regulate the types and extent of fast food commercial activities for this project.

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Conditions of approval have already been incorporated to assure that the operational aspects of such activities would be well managed (including trash control, noise, odors, etc.) Moreover, drive-thru operations are explicitly prohibited through Condition of Approval No. 30.f., as revised. As an additional protection for Site G, a conditional use permit requirement has been added to the PUD land use regulations for any fast food activity on the ground floor of the garage.

As a further refinement of the preferred fast food prototypes that would be desirable with regard to character and the theme of the California Harvest Hall concept, language has been added as a new Section 4.8 of the draft Development Agreement.

Staff therefore recommends that the City Council affirm the Major Variance for Fast Food Restaurant Commercial Activities with the language set forth in the DA as to the type of food or beverage served and uphold the appeal filed by JLSP.

Appeal from Gary Knecht. Gary Knecht, an adjacent resident, has also filed an appeal. Mr. Knecht's Request for Appeal (the "Knecht Request for Appeal"), dated March 29, 2004, attaches two pages of specific, wide ranging issues being appealed, and was submitted simultaneously with a letter (the "Parking Letter") dated March 29, 2004, from Mr. Knecht to the City regarding off-street parking for the Project. The appeal also references the following two documents:

1. Letter dated March 17, 2004, from the Law Office of Brian Gaffney to the Oakland City Planning Commission (the "Gaffney Letter"); and
2. Letter dated March 17, 2004, from the South of the Nimitz Improvement Council (SoNiC) to the Oakland Planning Commission, including the attachment entitled "Comments on PUD Application" (the "SoNiC Letter").

Given the myriad of issues raised in Mr. Knecht's appeal and in order to comprehensively address each specific issue, a separate document has been prepared entitled "Response to Gary Knecht Request for Appeal", dated June 1, 2004 and incorporated into this staff report as Attachment 3. The response document is organized by italicized headings that summarize the concerns raised in the order they were presented, and includes a staff response directly below each issue. A table of contents has also been included in this document. Please also refer to the full version of the letters at Attachment 2 for a full text of the issue being addressed.

City Council March 30, 2004 Worksession. The City Council held a worksession to review and consider the major issues involved with this development on March 30, 2004. A list of the major issues raised is presented below, along with a response to how this issue is being addressed:

1. *The parking demand and supply for the project should be further specified and the parking issues raised in the appeal should be addressed.* Mitigation Measure B.4 has been revised to require that a portion of the existing spaces that will be eliminated by the development will be accounted for as those sites are developed. Please refer to the document entitled Response to "Gary Knecht Request for Appeal", for further

explanations about the parking demand and supply issues for the project and how specific points raised in the appeal have been addressed.

2. *Consider limiting the total amount of office space permitted for the project.* The applicant has revised the PDP so that the total amount of office space is reduced by approximately 147,000 square feet, to 335,000 square feet.
3. *Consider incorporating residential uses into the project.* The Estuary Policy Plan for the Jack London District (south of the Embarcadero) currently prohibits residential uses. The initial application included residential units above the Garage on Site G, but these were removed in order to reduce the overall height and mass of this building in the plans approved by the Planning Commission.
4. *Revise the future design review process to provide a public review process for both the final designs of each approved FDP as well as for major changes that may occur to the eight FDPs as the development progresses.* The Development Agreement (DA) has been revised to require all approved FDPs to be reviewed by the Planning Commission's Design Review Committee. In addition, any major change to an approved FDP would go back to the Design Review Committee for review and approval.
5. *The minimum project and the time required to complete it should be reviewed so that it is clearer when the minimum project would be completed. Other performance milestones should be considered.* The minimum project under the DA has been revised to call for completion of the building shells for Sites D and F1 (the theater and Harvest Hall) at a minimum of 145,000 square feet and all associated public access and waterfront improvements at the end of eight years (description included as Exhibit E to the DA.) Performance milestones have been added that call for the public improvements along the Estuary Shoreline (within 30 feet of the waterfront railing) and the West Green to be completed by the end of fourth year and all building permits and other ministerial permits for the Minimum Project would be required to be issued for Sites D and F1 by the end of the sixth year.
6. *The local hiring provisions of the development agreement should be reviewed and strengthened.* The DA has been revised to incorporate current City policies and requirements for local hiring. A new exhibit (Exhibit L) has been incorporated into the DA that provides the actual text of the City requirements.
7. *Traffic reduction measures listed in the Air Quality section of the MMRP should be strengthened.* These measures have been revised and strengthened and are contained in the Mitigation Monitoring and Reporting Program (MMRP), under Mitigation Measure C.2.

Environmental Impact Report and Findings. In taking action to approve the project, the City Council would need to certify the Environmental Impact Report and make the findings required by the California Environmental Quality Act (CEQA). As a brief background, a DEIR was published for this project in September, 2003 and circulated for a 46 day public comment period. All comments received were responded to, and published in an FEIR on February 13, 2004. The

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FEIR contains a full analysis of the Revised Project as well as revised mitigation measures to protect Heinold's and to address archeological impacts.

The Revised Project would result in the elimination of a potentially significant and unavoidable impact to Heinold's through the revisions presented to the design of the Harvest Hall building on Site F1. By removing the glass enclosure and providing setbacks from the new building, Heinold's will retain its distinct character and identity. Revised mitigation measures have also been incorporated regarding vibration impacts to Heinold's during construction activity. Mitigation Measure E.3 has been corrected, removing the text about temporarily moving Heinold's during construction. Instead, Heinold's will be protected in its present location.

All potential impacts resulting from the revised project can be mitigated to a less than significant level except for certain traffic and air quality impacts, as follows:

- The intersection of Broadway and 5th Street will operate at an unacceptable level. The project traffic will worsen this existing condition. (Impact B.1.e)
- The project will cumulatively contribute to congestion on regional and local roadways by the year 2025. (Impact B.11)
- The project will result in an increase in emissions as the result of project-related traffic, thus decreasing air quality. (Impact C.2)

For these impacts that cannot feasibly be mitigated to a less than significant level, a draft Statement of Overriding Considerations has been prepared and staff recommends that the City Council uphold the Planning Commission action and adopt it as part of the findings for the project. In doing so, the City Council would be making a finding that there are social and economic benefits that outweigh the identified traffic and air quality impacts, and that other requirements have been incorporated into the project to reduce these impacts even though it would not reduce the impact to a less-than-significant level. The Mitigation Monitoring and Reporting Program (MMRP) and the Conditions of Approval require the project applicant to reduce automobile use through carpooling, transit incentives, participation in the City Carshare Program and other measures. In addition, the project applicant has committed to a peak hour shuttle program to BART. These trip reduction measures have been recommended in the Conditions of Approval and the MMRP, and, as previously noted, further refinements have been added to strengthen these provisions (Mitigation Measure C.2).

Resolution Partially Upholding the Appeal from JLS Partners and Partially Upholding the Appeal of Gary Knecht. Upon review of the two appeals as well as the proposed changes to the project responding to both the appeals and the City Council direction at their March 30, 2004 work session, a resolution has been drafted upholding the JLS appeal and partially upholding the appeal from Gary Knecht (Attachment 4)

In adopting this resolution, the City Council would be approving the project as approved by the Planning Commission at their March 17, 2004 meeting, by taking action on the Planned Unit Development, Preliminary Development Plan, the eight Final Development Plans, the Major Variance for fast food restaurant commercial activities, a Major Conditional Use Permit for the

hotel use, the two pedestrian bridges and a reduction of parking due to the shared parking provisions, with the following modifications as set forth in Exhibit C and E of the resolution and the revised Development Agreement:

- Mitigation Measure B.4 has been revised to account for the parking spaces that will be eliminated as Sites D, F1, F2 and G are developed. This approach will effectively increase the number of parking spaces that must be incorporated into the project by a minimum of 230 spaces, and a maximum of 380 spaces, depending on the phasing of construction.
- Mitigation Measure B.4 has been further revised to specify that the duration of parking must be evaluated as part of the determination of parking supply required for each project.
- Mitigation Measure C.2 has been refined to further specify transit measures that will decrease reliance of car trips to the site, thereby improving air quality.
- A maximum project cap on the amount of office space has been added to the PDP of 335,000 square feet, or a net decrease of 147,000 square feet.
- The list of permitted uses for the project has been revised to eliminate consumer laundry and repair service and drive through activities, a correction and clarification to the Planning Commission approval.
- Within the list of permitted and conditionally permitted activities, the distinctions between retail activity and office activity in the PUD regulations have also been made more distinct, with elimination of administrative, financial and consultative services and business and communication services activities from the retail category of land uses. These uses would now be listed under the office category.
- In addition, non-assembly cultural uses have been added, thereby allowing a museum or other interpretative activities throughout the project, most notably in the area around Heinold's First and Last Chance Saloon.
- A conditional use permit requirement has been added for fast food restaurants at Site G (parking garage.)
- A stipulation that Site G will contain at least 15,000 square feet of retail has been incorporated into the PDP. This component was agreed upon by the applicant at the time of the Planning Commission review.
- A requirement has been added that the pedestrian bridge between the parking garage on Site G and the new development across Embarcadero (F1, F2 and F3) must be constructed and operational by the time of occupancy of the garage.
- A minimum setback of 40 feet has been specified for the hotel building on Site F3, adjacent to the waterfront/estuary trail.

- The provisions for future design review requirements have been modified to address the public's and City Council's concerns about further review of the final designs for the FDPs prior to the issuance of a building permit as well as for major changes that may occur in the future between the approved FDP and a modified project that is substantially different but still within the approved PDP envelope. This process is set forth in Section 3.3 of the draft DA, dated June ____, 2004.
- Other minor clarifications and additions have been incorporated into the Conditions of Approval. These changes are reflected in redline and strike out from the Planning Commission Approval and are set forth in Exhibit C to the Resolution.

Proposed Rezoning to C-45 District. The items before the City Council also require a zoning change for the portions of the Revised Project currently zoned M-20 (Site G) and R-80 (Sites F2 and F3). This change is set forth in the proposed ordinance (Attachment 5.) The proposed change would extend the adjacent C-45 zoning in order to standardize the entire project area zoning designation. Site G will remain within the currently applicable S-4 Design Review Combining Zone. The C-45 zoning designation for the project area is more compatible with the development policies and standards of the General Plan, specifically the Estuary Policy Plan, than the existing M-20 and R-80 designations. The WCR-1 (Waterfront Commercial Recreation, Phase II) General Plan designation applicable to Sites F2 and F3 and the MUD (Mixed Use District) General Plan designation applicable to Site G both emphasize retail, restaurant, cultural, office, hotel, commercial-recreational and open space uses, which are more consistent with a C-45 (community shopping commercial) zoning designation than with the M-20 (light industrial) or R-80 (high-rise apartment residential) zoning designations. In addition, while the existing M-20 designation for Site G may permit most of the uses proposed for that site, it also allows additional, light industrial uses that would not be appropriate in the context of the commercial and entertainment goals of the Revised Project, and therefore the C-45 designation more accurately guides the range of uses and provides a more appropriate set of development policies and standards. The rezoning does not introduce a new zone into the area, and does not create an incompatibility with the surrounding districts. Instead, the rezoning simply moves the existing boundary line that separates the C-45 district from the M-20 and R-80 districts.

Development Agreement Ordinance. The Development Agreement must be adopted by ordinance, a draft of which is contained in Attachment 7 to this staff report. The DA contains the following major terms and provisions:

- Purpose: Provide certainty to City and Developer for the large-scale undertaking involved in redeveloping Jack London Square and the major investments required of Developer in connection with a phased development occurring over a period of years; implement important City policies, especially the Estuary Plan, to enhance the value, operation and function of existing Jack London Square improvements with public infrastructure, retail, commercial, entertainment, hotel and other uses; increase employment opportunities in the City and lead to the production of increased revenues through taxes resulting from the ownership, operation and occupancy of the

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improvements contemplated as part of the redevelopment of Jack London Square and the overall enhancement of the entire Jack London Square area as a result of that redevelopment.

- **Term:** Fifteen (15) years.
- **Vesting:** Vests entitlements under City General Plan, ordinances, rules, regulations, and policies in effect as of effective date of Development Agreement; City has right to apply future City regulations pursuant to specified standards as long as they do not conflict with entitlements and City regulations on effective date of Development Agreement; future changes to construction codes and standards will apply; future City regulations may be applied in order to protect the health and safety of the community.
- **Minimum Project:** "Minimum Project" entails improvements on Development Parcel D and Development Parcel F-1 containing at least 145,000 square feet of space for uses permitted in Project entitlements and installation of improvements for public access and waterfront on designated common area portions of Jack London Square. Developer must obtain building permits for "Minimum Project" within six (6) years after effective date of Development Agreement and complete the "Minimum Project" within eight (8) years. A portion of the public improvements must be completed within four (4) years.
- **Transfers and Assignments:** Developer has the right to transfer to affiliates of Developer without City's further consent, but affiliates must assume applicable obligations under Development Agreement (an affiliate is essentially an entity controlling or controlled by Developer or its general partners or managing members, or successors by merger, acquisition or asset purchase); non-affiliate transfers are subject to review and approval by City Council based on Development Agreement standards related to qualification of transferee to perform under Development Agreement.

For ease of comparison, the attached draft DA has been redlined to show the changes from the review draft (dated March 9, 2004) that Planning Commission reviewed and recommended for adoption as part of their March 17, 2004 actions on the project. The Planning Commission draft was also distributed to the City Council at their March 30, 2004 work session. The major changes to the DA are summarized as follows:

- The design review provisions in Section 3.3.3 have been revised to require further design review for all sites and for major amendments to the approved FDPs.
- Developer's minimum project obligations have been expanded and further refined with milestones for issuance of a building permit, completion of construction and a portion of the public improvements.
- Clarifications have been made about when action is required of City staff vs. the City Council.
- Indemnification provisions have been clarified.
- Provisions have been added concerning the quality and character of the development with regard to the design, types of uses and activities, particularly with regard to future transfer to another party to assure that the overall development objectives are maintained.
- Local hiring requirements have been incorporated consistent with the current City policy.

- Provisions have been added to limit national fast-food chain restaurants and to facilitate local and regional fast-food uses that represent a world-wide variety of food types and cultural origins.

SUSTAINABLE OPPORTUNITIES

Economic: This project has significant potential economic benefits such as increases in property tax valuation, sales tax increases, helping to revitalize the Jack London Square area of downtown and indirect economic benefits of increasing both temporary and permanent employment and increasing investment in this part of Oakland.

Environmental: The Project Applicant has stated that they will incorporate green building techniques and materials in the new construction. As mandated, a construction waste recycling and reuse plan will be required as a condition of approval.

Social Equity: The proposed Development Agreement will contain provisions for using small and local business in the implementation of the project, as well as the use of prevailing and living wages.

DISABLED AND SENIOR ACCESS

The project must comply with all physical disabled access requirements in the buildings and other public improvements along the Estuary. There are no special provisions for accommodating senior programs or access into the project.

SUMMARY

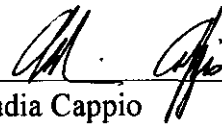
Staff recommends that the City Council uphold the Planning Commission action, modify the project as described in this staff report and approve the project. During the past two years, the project applicant has completed important design work and a thorough environmental review, both of which have resulted in a thoughtful, well-integrated redevelopment scheme for Jack London Square that will build on the area's strength as a retail, dining and entertainment destination. Project conditions and requirements have been sufficiently delineated and revised to assure successful implementation and reduce impacts to less than significant levels. The DA will provide the certainty that will enable sufficient investment and flexibility as the building sites are completed. As revised, the DA also ensures that the City's interests will be protected as the project moves forward.

RECOMMENDED COUNCIL ACTION:

- 1) To open the public hearing and take testimony concerning the appeals, the proposed rezoning and Development Agreement and to close the public hearing;
- 2) To review and consider the appeals filed by JLSP and Gary Knecht;


- 3) To review and consider the Final EIR for the project, and to certify the FEIR, making the findings contained in Exhibit A, attached to this staff report, including rejecting the alternatives to the project as being infeasible, adopting a Statement of Overriding Considerations, finding that the benefits of the proposed project outweigh the significant, unavoidable impacts and adopting the attached Mitigation Monitoring and Reporting Program (MMRP – Exhibit B.)
- 4) To adopt the Resolution Upholding the Appeal of Jack London Square Partners, LLC, as to Fast Food Uses Only and Partially Upholding the Appeal of Gary Knecht as to Parking Mitigation and Design Review Only, and Otherwise Sustaining the March 17, 2004 Planning Commission Approval for the Jack London Square Revised Project, and Approving the Jack London Project as Revised.
- 5) To introduce for first reading an Ordinance of the City of Oakland Adjusting the Zoning District Boundary Line for the Jack London Square District so that the C-45 (Community Shopping Commercial) is Designated for the Area Bounded by Harrison Street to the West, 2nd Street to the North, Alice Street to the East and the Estuary to the South.
- 6) To introduce for first reading an Ordinance of the City of Oakland Approving a Development Agreement Between the City of Oakland and Jack London Square Partners, LLC, and CEP-JLS I, LLC, and Authorizing the City Manager to Execute the Development Agreement on Behalf of the City.

Respectfully submitted,



Claudia Cappio
Development Director

APPROVED AND FORWARDED TO THE
CITY COUNCIL



OFFICE OF THE CITY MANAGER

- Attachments:
1. Appeal filed by Jack London Square Partners
 2. Appeal filed by Gary Knecht and attachments
 3. Response to Gary Knecht Request for Appeal
 4. Resolution Upholding the Appeals and Exhibits A, B, C, D, E

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5. Proposed Rezoning Ordinance
6. Proposed Development Agreement Ordinance
7. Draft Development Agreement dated June 3, 2004
8. Planning Commission Staff Report dated March 17, 2004 and attachments
9. EIR for the Project (Draft and Final) – available at the Planning Department Offices, 150 Frank Ogawa Plaza, Suite 3315, Oakland

JACK LONDON SQUARE REDEVELOPMENT PROJECT REPORT ATTACHMENTS:

- Attachment 1: Appeal filed by Jack London Square Partners
- Attachment 2: Appeal filed by Gary Knecht
- Attachment 3: Response to Gary Knecht Request for Appeal
- Attachment 4: Resolution Upholding the Appeals and Exhibits
- Attachment 5: Proposed Rezoning Ordinance
- Attachment 6: Proposed Development Agreement Ordinance
- Attachment 7: Draft Development Agreement dated June 3, 2004
- Attachment 8: Planning Commission Staff Report – March 17, 2004
- Attachment 9: Draft and Final Environmental Impact Reports

THESE DOCUMENTS ARE ON FILE AND
AVAILABLE FOR REVIEW AT
THE OFFICE OF THE CITY CLERK

ATTACHMENTS 4 THROUGH 7
ARE ALSO AVAILABLE ON LINE AT
www.oaklandnet.com

Location of Office:

Office of the City Clerk
1st Floor, Records Section
One Frank Ogawa Plaza
Oakland, Ca. 94612

Office Hours 8:30 A.M. – 5:00 P.M.
Closed During Lunch Hour (12:00 P.M. – 1:00 P.M.)

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