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# AGENDA REPORT

**TO:** HENRY L. GARDNER  
INTERIM CITY ADMINISTRATOR

**FROM:** Rachel Flynn

**SUBJECT:** Jack London Square  
Redevelopment Project Revision #1

**DATE:** August 29, 2014

City Administrator  
Approval

Date

9-10-14

**COUNCIL DISTRICT: 3**

## RECOMMENDATION

Staff requests that the City Council conduct a public hearing and upon conclusion adopt:

**A Resolution Approving the Jack London Square Redevelopment Project Revision #1, Including: A) Adopting Addendum #1 to the Jack London Square Redevelopment Project Environmental Impact Report; B) Adopting Revisions to the Jack London Redevelopment Project Planned Unit Development and Design Review Subject to Conditions of Approval; and C) Approving a Minor Variance from Loading Requirements.**

**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 F2" 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**

## EXECUTIVE SUMMARY

The purpose of this report is to recommend approval of a proposed amendment to the Planned Unit Development (PUD) Preliminary Development Permit (PDP) for the Jack London Square Redevelopment Project (case files ER030004, DA13171 and PUD13170), as shown in Figure 1: Site Map. Specifically, staff requests that the City Council consider approving the amendment to

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the PUD, Design Review, and Minor Variance related to the project, subject to findings and conditions of approval, and approve General Plan Amendments (GPAs) to allow residential uses on two sites within the PUD.

### **OUTCOME**

Adoption of the resolution would result in the ability to develop residential uses at two sites in Jack London District where residential uses are not currently permitted under the General Plan. Specifically, residential development would be permitted on the Jack London District Planned Unit Development (JLD PUD) Sites D and F2, located respectively on Embarcadero at Broadway and Embarcadero at Harrison Street. Adoption of the resolution would also result in expanded development options and increased intensity allowances for Sites D and F2.

### **BACKGROUND/LEGISLATIVE HISTORY**

The City of Oakland approved the nine-site, multi-phased development project known as "Jack London Square Redevelopment Project" (project) in 2004. The project is located on sites throughout the Jack London District of Oakland, south of Interstate 880, and owned by the Port of Oakland (with the exception of Sites D and F2, which are owned by JLSV Land, LLC). The project was subject to an Environmental Impact Report, PUD (including a PDP and several Final Development Plans) (and appeal), Major Conditional Use Permit (and appeal), Major Variance, Rezone, and Development Agreement (and appeal), with final approvals for the land use entitlements granted by the Oakland City Council on June 15, 2004. The approved project is an entirely commercial development that includes new retail, office, entertainment and dining uses in the project area. Prior to approving the project, the City Council imposed a cap on the amount of new office uses that could be developed as part of the project.

Since 2004, the project proponent has developed three sites: Sites "C", "G" and "F1". "Site C" is a commercial building that includes 16,000 square feet of above-ground floor office space and 16,000 square feet of vacant retail, dining and entertainment space on the ground floor. "Site G" includes 1,086 parking spaces (although the site was only required to have 743 spaces), 30,000 square feet of vacant retail space on the ground floor, and a pedestrian bridge connecting the building to Jack London Square over the railroad right-of-way along Embarcadero. "Site F1" is a six-story building with an approximately 33,000 square-foot footprint, and encompasses a total of 191,000 square feet; there is a restaurant located on the ground floor and mostly occupied office uses on the upper floors.

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The Community and Economic Development Committee reviewed this item at its regularly scheduled hearing on July 8, 2014. At that hearing, the Applicant offered to lower the maximum height for Site D from 193 to 179 feet tall (the same height as the Ellington building located at 2<sup>nd</sup> Street and Broadway). The CEDC unanimously voted to move the item forward to City Council for consideration.

The City Council continued the item from the July 15 to the July 29, 2014 City Council agenda, and then pulled the item from the July 29, 2014 agenda. Councilmember McElhaney indicated that she was communicating with the Applicant regarding proposed building heights, possible community benefits and opportunities to meet with the community regarding the project details. In addition, the Councilmember indicated that the item could come before the City Council in the near future.

### ANALYSIS

**General Plan Analysis:** The Jack London Square Project is located in the Estuary Policy Plan Area of the Oakland General Plan, which was adopted in 1999.

The F2 project site is located in the Waterfront Commercial Recreation 1 (WCR-1) land use classification of the General Plan. The intent of this classification is to “extend public-oriented waterfront activities west from Webster Street to Alice Street, in conjunction with enhanced public access, open space, and recreational opportunities” (EPP, page 132). With regards to desired character, “Future development in this area should be primarily retail, restaurant, cultural, office, hotel, commercial-recreational, conference, exhibition, performances, shows, parks, and public open spaces, and recreational opportunities with active public-oriented uses on ground floors on streets and adjacent to open space areas” (EPP, page 132). The average floor area ratio (FAR) over the entire area is 3.0. Residential uses are not included in this land use classification.

Site D is located in the Retail, Dining, Entertainment Phase 1 (RDE-1) land use classification of the General Plan. The intent of this classification is to “intensi[f]y and enhance public-oriented uses and activities that strengthen the attractiveness of the area as an active and pedestrian-friendly waterfront destination” (EPP, page 132). With regards to desired character, “future development in this area should be primarily retail, restaurant, entertainment, marina support, cultural, hotel, upper level offices, parks, and open space with active uses on the ground level of principle streets” (EPP, page 132). The average FAR over the entire area is 3.5. Residential uses are not included in this land use classification.

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**Summary of Proposed General Plan Amendment (GPA)**

	Current GP	Proposed GP		Allowable FAR	Requirements
Site D	RDE-1 (3.5 FAR, no residential)	RDE-2	166.67 du/ac (92 du/666 du*)	7.0 FAR	GPA
Site F2	WCR-1 (3.0 FAR, no residential)	MUD	166.67 du/ac (283 du/666 du*)	5.0 FAR	GPA

\*GP density can be applied in an additive manner within a PUD. Therefore, unrealized residential density for Site G (291 du) can be added to build-out for Sites D and F2 sites. The total number of units for the PUD would be 666.

The applicant proposes a General Plan Amendment (GPA) to allow the ability to construct residential uses on both Sites D and F2.

The applicant proposes amending the Site D land use designation to become Retail, Dining, Entertainment Phase 2 (RDE-2). The intent of this classification is to “enhance and intensify Lower Broadway as an active pedestrian-oriented entertainment district that can help to create stronger activity and pedestrian linkages with downtown Oakland, Old Oakland, and Chinatown” (EPP, page 132). With regards to desired character, “Future development in this area should be primarily retail, restaurant, entertainment, hotel, upper level office, cultural, parks public open space, and any other use that is complementary to active public-oriented ground-level uses” (EPP, p. 132). The maximum FAR is 7.0, and the district allows 125 dwelling units per gross acre. In summary, the difference between the RDE-1 and RDE-2 designations is that the latter allows residential uses and emphasizes pedestrian-oriented development with active public-oriented uses on the ground floor.

The applicant proposes amending the Site F2 land use designation to become Mixed Use District (MUD). The intent of his classification is to “Encourage the development of nontraditional higher density housing (work/live, lofts, artist studios) within a context of commercial and light industrial/manufacturing uses” (EPP, p.133). With regards to desired character, “Future development in this area should be primarily light industrial, warehousing, wholesale, retail, restaurant, office, residential, work/live, loft units, parks, and public open spaces with manufacturing, assembly, and other uses that are compatible with adjacent uses” (EPP, p. 133). The maximum FAR is 5.0, and the district allows up to 125 dwelling units per gross acre.

**Zoning District Analysis:** Both Sites D and F2 are currently zoned C-45 Community Shopping Commercial Zone (C-45 zone). The applicant does not propose a rezone. The existing zoning regulations are consistent with the proposed General Plan land use designations and would allow the proposed physical changes to the project (residential options and removal of office cap). The intent of the C-45 zone is to “create, preserve, and enhance areas with a wide range of both retail and wholesale establishments serving both long and short term needs in compact locations oriented toward pedestrian comparison shopping, and is typically appropriate to commercial clusters near intersections of major thoroughfares” (Oakland Planning Code Section 17.56.010). The outright permitted residential density is one dwelling unit per 300 square feet of lot area. The maximum FAR is 7.0 (and may be exceeded by 10 percent on any corner lot).

**Loading Variance:** The applicant is requesting an off-street loading variance for both Sites D and F2. For Site D, the applicant proposes no on-site loading spaces, and one off-site loading space on Broadway, south of Embarcadero, adjacent to the building entrance. For Site F2, the applicant proposes one on-site loading space where two are required under the zoning regulations.

**PUD Analysis:** The proposed revisions to the PUD include the addition of residential options for Sites D and F2 and the removal of the cap on office uses for the same sites. The PUD allows permitted density and FAR to be applied in an additive manner throughout the PUD area. This means that the available FAR from one PUD site can be added to another site located within the same PUD. The proposed residential options rely on this calculation to maximize the allowable density and FAR for Sites D and F2, as shown below.

Site D PUD Requirement		Consistency of Site D Proposal	Requirements
Land Use	59k sf Retail/ 90k sf Office/41k sf theater	250,775 sf residential/du 92-666	PUD amendment required
FAR	7.0 FAR (168,294 sf/886,723 sf sitewide*)	Complies	Consistent with PUD
Footprint	38k sf	Complies	Consistent with PUD
Height	150 feet	Exceeds	PUD amendment required
Square footage	190k sf	250,775 sf	Consistent with PUD

\*FAR can be applied in an additive manner within a PUD. Therefore, unrealized residential FAR for Site G (349,194 sf) can be added to build-out for the Sites D and F2 sites, subject to FDP approval.

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Site F2

Site F2 PUD Requirement		Consistency of Site F2 Proposal	Requirements
Land Use	15k sf Retail/ 134k sf Office	540,205 sf residential/283-666 du	PUD amendment required
FAR	5.0 FAR (369,235 sf/886,723 sf sitewide*)	Complies	Consistent with PUD
Footprint	57k sf	Exceeds	PUD amendment required
Height	125 feet	Exceeds	PUD amendment required
Square footage	149k sf	540,205 sf	PUD amendment required
Parking	550 spaces		

\*FAR can be applied in an additive manner within a PUD. Therefore, unrealized residential FAR for Site G (349,194) can be added to build-out for the Sites D and F2 sites, subject to FDP approval.

Office Cap

	Existing	Proposed by PUD Amendment	Requirement	
Office Uses	355,300 sf cap	Based on PUD variants (realistically, up to 62,000 sf of office space more than currently allowed on Sites D and F2)	Requires amendment to PUD	Must comply with FAR and density requirements

**PUBLIC OUTREACH/INTEREST**

The project is subject to a General Plan Amendment, therefore staff provided a 17-day newspaper notice, 300' radius and interested party mailing and on-site posting. In addition, staff circulated a 45-day GPA review notice to affected agencies and parties.

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## **COORDINATION**

Staff has consulted with the City Attorney's Office and with the Budget Office in the preparation of this staff report and legislation.

## **COST SUMMARY/IMPLICATIONS**

The proposed project would expand the land use development and intensity opportunities on two sites in the Jack London District. There would be no direct costs to the City. However, indirect cost implications could include increased tax revenue and increased service expenses related to increased land use density at the two sites.

## **PAST PERFORMANCE, EVALUATION AND FOLLOW-UP**

The project is subject to a Development Agreement (DA). City staff most recently performed a DA Compliance review in September 2013 and found the project to be in compliance with the terms of the DA at that time. The applicant does not propose any changes to the Development Agreement at this time.

## **SUSTAINABLE OPPORTUNITIES**

**Economic:** Diversifying allowable land uses and increasing allowable land use density would potentially allow a quicker pace for delivery of development sites as a result of increased development flexibility and potential for financial return. In addition, the applicant has decided of their own accord to offer the City a pledge of \$250,000 towards design and implementation of a Broadway Interstate 880 underpass pedestrian upgrade and of the Webster Green (See Attachment B, Attachment D therein). This offer is desirable to both the applicant and the community in terms of supporting established desirable community benefits. This commitment is included in the Conditions of Approval for this project.

It should be noted that the applicant previously applied for an amendment to the DA. In response to the applicant's request, staff recommended the inclusion of community benefits in the DA. However, the applicant has since withdrawn the application for an amendment to the DA. The DA is a negotiated agreement and the City can request community benefits as part of that negotiation. Without amending the DA, there is no nexus for the City to negotiate additional community benefits of the applicant beyond what the applicant is offering, as described above.

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**Environmental:** The proposed project changes the development potential for two sites in the Jack London District. The proposal would provide increased land use development flexibility and the potential for increased intensity of development beyond current plans. These changes from the approved project are evaluated in the Addendum (See Attachment C EIR and Addendum) and are determined not to result in significant environmental impacts under CEQA. However, it should be noted that the proposed project would potentially result in more diversified land uses in the Jack London District (currently, there are only commercial uses in the area) and increased building height. Individuals could perceive a decrease in visual and/or physical access to the waterfront due to the increased building presence in the area. Diversified land uses would increase the presence of people in the area at all hours of the day and all days of the week.

**Social Equity:** Diversifying allowable land use and increasing allowable land density would potentially allow for a quicker pace for development of current vacant sites in a showcase neighborhood in Oakland. In addition, as noted above, the applicant has decided of their own accord to offer the City a pledge of \$250,000 towards design and implementation of a Broadway Interstate 880 underpass pedestrian upgrade and of the Webster Green (see Attachment B Planning Commission Report, Attachment D therein). This offer is desirable to both the applicant and the community in terms of supporting established desirable community benefits. This commitment helps the City of Oakland achieve long-standing objectives to beautify and increase the safety of key physical connections between the Jack London District, downtown and Chinatown neighborhoods.

### CEQA

The City Council certified an EIR for the existing project approvals on June 15, 2004. The EIR considered an envelope of development of up to 960,700 square feet of commercial uses. The proposed project would develop up to 1,287,700 net new gross square feet (gsf) of commercial and residential uses (including up to 665 dwelling units not previously proposed and a "Maximum Commercial Scenario" that would develop up to 960,700 net new gsf of commercial uses (similar to the project analyzed in the 2004 EIR).

In accordance with CEQA, the City reviewed and analyzed the proposed project changes and other relevant information to determine whether circumstances requiring the preparation of a subsequent or supplemental EIR exist. Based upon substantial information, the City has determined that none of those circumstances are present. As a result, the appropriate CEQA documentation is an Addendum. An Addendum is appropriate when none of the circumstances that require a supplemental or subsequent EIR pursuant to CEQA Guidelines Section 15162 have occurred, specifically:

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- There are no substantial changes proposed in the project which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- There are no substantial changes with respect to project circumstances which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- There is no new information of substantial importance which would result in new significant environmental effects, a substantial increase in the severity of previously identified significant effects, previously infeasible mitigation measures or alternatives now found to be feasible, or new mitigation measures or alternatives which are considerably different from previous ones that would substantially reduce environmental effects.

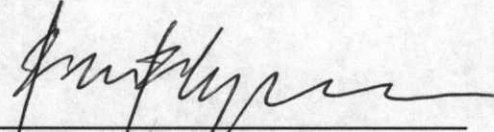
Here, based upon substantial information, the City believes that none of the circumstances described above have occurred since 2004. As a result, the appropriate CEQA documentation is an Addendum. The Addendum was published and made publically available on May 9, 2014. The document is provided under separate cover to the City Council and is available to the public at 250 Frank Ogawa Plaza, Suite 3315, Oakland CA 94612 during normal business hours and at <http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/OAK044560>.

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For questions regarding this report, please contact Catherine Payne, Planner III, at (510) 238-6168.

Respectfully submitted,



Rachel Flynn, Director  
Department of Planning and Building

Reviewed by:  
Scott Miller, Zoning Manager

Prepared by:  
Catherine Payne, Planner III

The following attachments were previously made available to the City Council and general public as part of the related reports considered on July 15 and July 29, 2014, respectively; and are available at:

<https://oakland.legistar.com/LegislationDetail.aspx?ID=1824090&GUID=89B1FEE4-69D7-4C9D-A172-F7E2CB650FC4>

or from the City Clerk's Office located at City Hall, 1 Frank Ogawa Plaza, Oakland, CA 94612, during normal business hours)

Attachment A: Project Plans

Attachment B: Planning Commission Report (as revised by the Planning Commission on May 28, 2014), dated May 28, 2014, including the following attachments:

- A. Proposed Project Plans and Design Guidelines
- B. Proposed Revisions to the PUD text
- C. Jack London Square Redevelopment Project EIR and Addendum #1 (provided under separate cover to the Planning Commission; available to the public at 250 Frank Ogawa

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Plaza, Suite 3315, Oakland CA, 94612 during regular business hours and at <http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/OAK044560>).

- D. Letter from Ellis Partners, dated April 10, 2014
- E. Loading Variance Request Exhibit
- F. Public Comments Provided in Writing
- G. DRC Staff Report, dated December 18, 2013
- H. ZUC Staff Report, dated January 15, 2014 (includes 2004 approved FDPs for Sites D and F2)

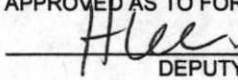
Attachment C: Jack London Square Redevelopment Project EIR and Addendum #1 (provided under separate cover to the City Council; available to the public at 250 Frank Ogawa Plaza, Suite 3315, Oakland CA, 94612 during regular business hours and at

<http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/OAK044560>.

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## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**A RESOLUTION APPROVING THE JACK LONDON SQUARE REDEVELOPMENT PROJECT REVISION #1, INCLUDING: A) ADOPTING ADDENDUM #1 TO THE JACK LONDON SQUARE REDEVELOPMENT PROJECT ENVIRONMENTAL IMPACT REPORT; B) ADOPTING REVISIONS TO THE JACK LONDON REDEVELOPMENT PROJECT PLANNED UNIT DEVELOPMENT AND DESIGN REVIEW SUBJECT TO CONDITIONS OF APPROVAL; AND C) APPROVING A MINOR VARIANCE FROM LOADING REQUIREMENTS**

**WHEREAS**, Ellis Partners, on behalf of JLSV Land, LLC (“Applicant”), filed an application for a general plan amendment, design review, revision to the Planned Unit Development, and variances (“Applications”) to revise the Planned Unit Development originally approved on June 15, 2004; and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on the Project Applications on May 21, 2014, and May 28, 2014, respectively; and

**WHEREAS**, at the May 28, 2014 public hearing, the Planning Commission adopted, and made appropriate findings for accepting the Addendum #1 to the Jack London Square Redevelopment Project Environmental Impact Report (SCH No. 2003022086), approved the Applications for design review, revision to the Planned Unit Development, and variances (collectively called “Development Permits”), and recommended approval of the general plan amendment to the City Council; and

**WHEREAS**, the Community and Economic Development Committee of the City Council conducted a duly noticed meeting on the Project Applications on July 8, 2014, and recommended Project approval; and

**WHEREAS**, the City Council conducted a duly noticed public hearing on the Project Applications on September 23, 2014; and

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

**WHEREAS**, the public hearing was closed by the City Council on September 23, 2014;  
and

**WHEREAS**, the City Council independently reviewed and considered the findings made by the Planning Commission for approval of the Design Review, revision to the Planned Unit Development, Variances, and General Plan Amendment into the record by reference and included in Attachment B to the staff report, and hereby affirms said findings; and

**WHEREAS**, The City Council, acting as the Lead Agency, has independently reviewed, analyzed, and considered the Jack London Square Redevelopment Project Environmental Impact Report and Addendum #1 prior to acting on the approvals. Based upon such independent review, analysis, and consideration, and exercising its independent judgment, the City Council hereby finds the criteria of CEQA Guidelines Section 15162 requiring additional environmental review have not been met. Specifically, and without limitation, the City Council finds and determines that the project would not result in any new or more severe significant impacts, there is no new information of substantial importance that would result in any new or more severe significant impacts, there are no substantial changes in circumstances that would result in any new or more severe significant impacts, and there is no feasible mitigation measure or alternative that is considerably different from others previously analyzed that has not been adopted, based upon the accompanying City Council Agenda Report, and elsewhere in the record for this project; now, therefore, be it

**RESOLVED**: That the City Council, having heard, considered and weighed all the evidence in the record presented on behalf of all parties and being fully informed of the Applications and the Planning Commission's decision on the Project, hereby approves the Jack London Square Redevelopment Square Redevelopment Project Revision #1 Project-Specific Approvals; and be it

**FURTHER RESOLVED**: That approval of the Jack London Square Redevelopment Square Redevelopment Project Revision #1 Project-Specific Approvals is conditioned upon approval of the General Plan Amendment subject to a separate City Council action; and be it

**FURTHER RESOLVED**: That this decision is based, in part, on the July 8, 2014, Community and Economic Development Committee Agenda Report (which was forwarded to the City Council for its September 23, 2014, public hearing), the May 21, 2014, Planning Commission Report, and the Addendum #1 to the EIR which are hereby incorporated by reference as if fully set forth herein; and be it

**FURTHER RESOLVED**: That in support of the City Council's decision to amend the General Plan, the City Council affirms and adopts as its findings and determinations (a) the July 8, 2014, Community and Economic Development Committee Agenda Report, and (b) the May 21, 2014, Planning Commission Report, including, without limitation, the discussion, findings, conclusions, and conditions of approval (each of which is hereby separately and independently adopted by this Council in full); and be it



**FURTHER RESOLVED:** That the City Council finds and determines that this Resolution complies with CEQA and the Environmental Review Officer is directed to cause to be filed a Notice of Determination with the appropriate agencies; and be it

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

1. the Project Applications, including all accompanying maps and papers;
2. all plans submitted by the Applicant and his representatives;
3. all staff reports, decision letters and other documentation and information produced by or on behalf of the City, including without limitation the Addendum to the EIR and supporting technical studies, all related and/or supporting materials, and all notices relating to the Project Applications and attendant hearings;
4. all oral and written evidence received by the City staff, the Planning Commission, and the City Council before and during the public hearings on the Project Applications;
5. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations and Oakland Fire Code; (c) Oakland Planning Code; (d) other applicable City policies and regulations; and, (e) all applicable state and federal laws, rules and regulations; and be it

**FURTHER RESOLVED:** That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based are respectively: (a) Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California; and (b) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1<sup>st</sup> floor, Oakland, California; and be it





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DEPUTY CITY ATTORNEY

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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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, \_\_\_\_\_, 2014

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID,  
SCHAAF and PRESIDENT KERNIGHAN

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California