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OAKLAND

2014 OCT -3 AM 8:51

APPROVED AS TO FORM AND LEGALITY

H Lee
DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION NO. 85180 C.M.S.

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 SQUARE REDEVELOPMENT PROJECT PLANNED UNIT DEVELOPMENT AND DESIGN REVIEW SUBJECT TO CONDITIONS OF APPROVAL; C) APPROVING A MINOR VARIANCE FROM LOADING REQUIREMENTS; AND D) ACCEPTING JLSV LAND, LLC OFFER TO CONTRIBUTE ADDITIONAL COMMUNITY BENEFITS

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, JLSV Land, LLC has submitted an offer, as detailed in the memorandum dated September 23, 2014, to contribute additional community benefits to the City of Oakland, ; 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 the City accepts the JLSV Land, LLC offer to contribute additional community benefits, as described in the memo dated September 23, 2014, which has been submitted to this body as evidence of such offer and, accordingly, directs staff to incorporate the same as a condition of approval of this project; 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, 1st floor, Oakland, California; and be it

FURTHER RESOLVED: That the recitals contained in this resolution are true and correct and are an integral part of the City Council's decision.

IN COUNCIL, OAKLAND, CALIFORNIA, SEP 23 2014, 2014

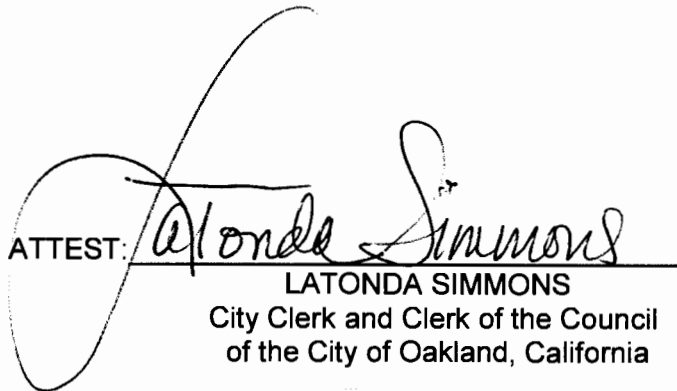
PASSED BY THE FOLLOWING VOTE:

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

NOES- 0

ABSENT- 0

ABSTENTION- Kalb-1

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