

OAKLAND CITY COUNCIL

Hlee

 City Attorney

RESOLUTION NO. 85491 C.M.S.

Introduced by Councilmember _____

OFFICE OF THE CITY CLERK
 OAKLAND

2015 APR 16 PM 3:32

A RESOLUTION, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, A) CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND MAKING RELATED CEQA FINDINGS; AND B) ADOPTING THE COLISEUM AREA SPECIFIC PLAN AND RELATED GENERAL PLAN AMENDMENTS.

WHEREAS, in 1998, the Land Use and Transportation Element of the Oakland General Plan identified the Coliseum Area as a “Showcase District.” The Coliseum Area Specific Plan (CASP) is intended to implement the General Plan vision for the Coliseum Area; and

WHEREAS, on March 6, 2012, the Oakland City Council adopted Resolution No. 83747 C.M.S. which authorized the City Administrator to enter into a Professional Services contract with Lamphier-Gregory to prepare a Specific Plan and Environmental Impact Report (EIR) for the area surrounding the Oakland-Alameda County Coliseum; and

WHEREAS, on April 19, 2013, a Notice of Preparation of a Draft Environmental Impact Report (Draft EIR) for the Coliseum Area Specific Plan (Coliseum Plan) was published; and

WHEREAS, two duly noticed Draft EIR scoping hearings were held, one before the Landmarks Preservation Advisory Board (LPAB) on May 13, 2013, and the second before the City Planning Commission on May 1, 2013, to receive comments on the scope and content of the Draft EIR for the Coliseum Plan; and

WHEREAS, a Notice of Availability/Notice of Release of a Draft EIR for the Coliseum Plan was issued on August 18, 2014, along with publication of Draft EIR itself on August 22, 2014, both of which were made available to the public/governmental agencies for review and comment; and

WHEREAS, two duly noticed public hearings on the Draft EIR for the Coliseum Plan were held, including: a LPAB public hearing on September 8, 2014 and a Oakland Planning Commission hearing on October 1, 2014; and

WHEREAS, as part of the public outreach effort for the Coliseum Plan, nine community and business owner workshops were held between April 24, 2014 and February 17, 2015, and numerous other presentations were made to various community groups and stakeholders. In addition, public informational hearings were held before the Planning Commission, the LPAB, the Port Board of Commissioners, the Oakland-Alameda County Coliseum Authority, and the Alameda County Airport Land Use Commission, among others; and

WHEREAS, the Coliseum Area Specific Plan (Coliseum Plan) includes: (a) amendments to the 1998 Land Use and Transportation Element (LUTE) of the Oakland General Plan; and (b) amendments to the 1999 Estuary Policy Plan of the Oakland General Plan to update the General Plan to accommodate compatible uses in the Coliseum area; and

WHEREAS, six new D-CO Coliseum Area District zones are proposed to replace the existing zoning in the Coliseum Plan Area to implement the Coliseum Plan, as well as related zoning changes throughout the Planning Code, and zoning “clean up” provisions which are timely and necessary for the continued implementation of the recently adopted West Oakland Specific Plan and Lake Merritt Station Area Plan; and

WHEREAS, between September 2014 and March 2015, the Draft Coliseum Area Specific Plan and Draft EIR, as well as the General Plan Amendments, Zoning Maps, and Draft Planning Code Amendments (Related Actions) were presented to the full Planning Commission and various advisory boards, including the Zoning Update Committee of the Planning Commission, the Landmarks Preservation Advisory Board, as well as the Bicyclist and Pedestrian Advisory Commission, and Parks and Recreation Advisory Commission, each of which provided comments unique to their topic area. At that time, a complete draft of the proposed new D-CO Coliseum Area District Zones Regulations (Chapter 17.101H) was first presented at the January 21, 2015 Zoning Update Committee public hearing; and

WHEREAS, on January 30, 2015, the City issued a Revised Final Draft Coliseum Area Specific Plan (Final Draft Plan), based on comments received to date at public meetings and community workshops; and

WHEREAS, on February 20, 2015, a Notice of Availability/Release of a Final EIR, and a Final EIR were published on February 20, 2015, both of which were made available for public review and comment; and

WHEREAS, two duly noticed public hearings were held before the Landmarks Preservation Advisory Board (LPAB) to consider the Final Draft Plan and EIR on February 9, 2015 and February 23, 2015, and the LPAB recommended revisions to the Cultural and Historic Resources mitigation measures in the Draft EIR be made by staff and reviewed by the LPAB, prior to adoption by the Planning Commission; and

WHEREAS, duly noticed public hearings were held before the City Planning Commission on February 4, 2015 and March 4, 2015 to consider the Final Draft Plan and EIR, and at the March 4, 2015 Commission hearing, the Planning Commission elected to continue the item for a vote at a special meeting on March 11, 2015; and

WHEREAS, on March 11, 2015, the City Planning Commission, after conducting and closing the public hearing, recommended that the City Council (a) adopt the required California Environmental Quality Act (CEQA) findings, certify the EIR, reject alternatives as infeasible, and adopt a Statement of Overriding Considerations; (b) adopt the Coliseum Area Specific Plan's Standard Conditions of Approval and Mitigation Monitoring Program (SCAMMRP); (c) adopt, as revised at the Planning Commission, the Coliseum Area Specific Plan and General Plan and Planning Code Amendments and EIR mitigations, based, in part, upon the Coliseum Plan Adoption Findings; and (d) authorize staff to make minor ongoing revisions and to make non-substantive, technical conforming edits to the Planning Code that may have been overlooked in deleting old sections and cross-referencing new sections to the new Coliseum Area District Zones (which are essentially correction of typographical and/or clerical errors); and

WHEREAS, on March 18, 2015, the Alameda County Airport Land Use Commission held a public hearing to discuss the Coliseum Area Specific Plan and EIR; and

WHEREAS, the Coliseum Area Specific Plan, General Plan and Planning Code Amendments and EIR were considered at a regular, duly noticed, meeting of the Community and Economic Development (CED) Committee of the City Council on March 24, 2015, and the CED Committee recommended adoption of the Coliseum Plan and Related Actions, with an amended zoning map that removes "D-CO-4" zoning at the waterfront, replacing it with "D-CO-3" zoning, which does not permit residential uses; and additional considerations that East Bay Municipal Utility District corporation yard expansion be screened and landscaped appropriately, and the City, as it is negotiating with developers, will look at how to integrate workforce housing and various levels of affordability; and

WHEREAS, the Coliseum Plan, Related Actions and EIR were considered at a regular, duly noticed, public hearing of the City Council on March 31, 2015; now, therefore be it

RESOLVED, that the City Council, as the final decision-making body for the lead agency, has independently reviewed, considered and analyzed the Coliseum Area Specific Plan EIR and the CEQA findings recommended by the City Planning Commission; and be it

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 the CEQA findings set forth in Attachment A to the March 24, 2015 CED Committee agenda report and further revised in the March 31, 2015 City Council Supplemental Report, and certifies that EIR has been prepared in accordance with CEQA, prior to taking action in approving the Coliseum Plan; and be it

FURTHER RESOLVED, that the City Council adopts and incorporates by reference into this Resolution (as if fully set forth herein), as conditions of approval of the Coliseum Area Specific Plan, the Standard Conditions of Approval and Mitigation Monitoring Program (SCAMMRP) set forth in Attachment H to the March 24, 2015 CED Committee agenda report; and be it

FURTHER RESOLVED, that the City Council, hereby adopts the Coliseum Area Specific Plan and Related Actions, based, in part, upon the Coliseum Plan Adoption Findings (incorporated by reference into this Resolution as if fully set forth herein) set forth in Attachment I to the March 24, 2015 CED Committee agenda report, and further finds and determines that the public safety, health, convenience, comfort, prosperity and general welfare will be furthered by the adoption of the Coliseum Area Specific Plan; and be it

FURTHER RESOLVED, that the City Council hereby adopts the General Plan amendments as detailed in *Exhibit A* and *Exhibit B*, attached hereto and hereby incorporated by reference, based, in part, upon the Coliseum Plan Adoption Findings (incorporated by reference into this Resolution as if fully set forth herein); and further finds and determines that the public safety, health, convenience, comfort, prosperity and general welfare will be furthered by the adoption of these amendments; and be it

FURTHER RESOLVED, that the City Council hereby authorizes the City Administrator or designee to make (1) minor ongoing revisions to the Coliseum Area District Zones for the Coliseum Area Specific Plan, consistent with the Coliseum Plan, General Plan and Oakland Planning Code, but with major revisions to be made by the Planning Commission; (2) ongoing revisions to Table 7.5 in Chapter 7 of the Coliseum Plan (“Action Plan”) and non-substantive, technical conforming changes (essentially correction of typographical and clerical errors and minor clarifications) to the Coliseum Area Specific Plan prior to formal publication, without returning to the City Council or City Planning Commission; and be it

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; and be it

FURTHER RESOLVED, that the provisions of this Resolution are severable. If a court of competent jurisdiction determines that a word, phrase, clause, sentence, paragraph, subsection, section, Chapter or other provision is invalid, or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions of this Resolution (that can be given effect without the invalid provision or application), and the application of those provisions to other persons or circumstances are not affected by that decision. The City Council declares that the City Council would have adopted this resolution irrespective of the invalidity of any particular portion of this Resolution; and be it

FURTHER RESOLVED, that the Environmental Review Officer, or designee, is directed to cause to be filed a Notice of Determination with the appropriate agencies; and be it

FURTHER RESOLVED, that the City Council authorizes the Planning Director, or his or her designee, to revise graphics in the Coliseum Area Specific Plan, as necessary to illustrate the sports and entertainment district is to be focused on the Coliseum site; and be it

FURTHER RESOLVED, that, as recommended by the Community and Economic Development Committee action of March 24, 2015, the new Coliseum Plan zoning map remove the “D-CO-4” zone, replacing it with the “D-CO-3” zone; that the City require the East Bay Municipal Utility District to use appropriate landscaping and screening should the agency expand its corporation yard at Oakport Street; and that the City negotiate with developers in the Coliseum Plan Area to allow workforce housing and housing with various levels of affordability; and be it

FURTHER RESOLVED, that the record before this Council relating to these actions include, without limitation, the following:

1. The Coliseum Area Specific Plan, General Plan and Planning Code Amendments including all accompanying maps, papers and appendices;
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 Environmental Impact Report and supporting technical studies and appendices, and all related/supporting final materials, and all final notices relating to the Coliseum Area Specific Plan and attendant hearings;
3. All oral and written evidence received by the Landmarks Preservation Advisory Board (LPAB), City Planning Commission, and City Council during the public hearings on the Coliseum Area Specific Plan; and all written evidence received by the relevant City staff before and during the public hearings on the Coliseum Plan;
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, 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 it is the intent of City Council that future adopted Citywide Impact Fees would apply to development in the Coliseum Area, if the City Council so directs; and be it

FURTHER RESOLVED, that, should environmental and traffic analyses warrant, the City may require the installation of street improvements and traffic calming measures as a condition of project approval; 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) Planning and Building Department – Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California; and (b) Office of the City Clerk, One 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, MAR 31 2015

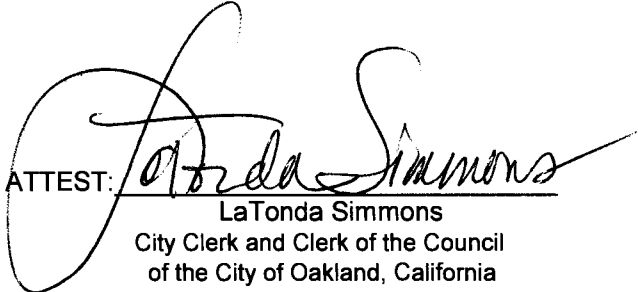
PASSED BY THE FOLLOWING VOTE:

AYES - ~~Brooks~~, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY - 7

NOES - 0

ABSENT - 0

ABSTENTION - Brooks - 1

ATTEST: 
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California