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OFFICE OF THE CITY CLERK
OAKLAND

2017 OCT 19 PM 4:23

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: William Gilchrist
Director, PBD

SUBJECT: Oak Knoll Mixed Use Community
Plan Project

DATE: October 16, 2017

City Administrator Approval

Date:

10/19/17

RECOMMENDATION

Staff Recommends That The City Council Conduct A Public Hearing And, Upon Conclusion, Consider Adopting, As Recommended By The Oakland City Planning Commission:

1) A Resolution: (A) Certifying The Supplemental Environmental Impact Report And Adopting Related CEQA Findings, Including Adoption Of A Statement Of Overriding Considerations; (B) Amending The General Plan Land Use Diagram For The Oak Knoll Site To Match The Project's Parcel-By-Parcel Specificity And Existing Site Conditions; And (C) Adopting Planned Unit Development Permit, Preliminary Development Plan and Design Guidelines, Final Development Plan for Master Developer Site Improvements, Final Development Plan For Club Knoll Relocation and Rehabilitation, Vesting Tentative Tract Map, Conditional Use Permit for Shared Access Facilities, Creek Permit, Tree Permit And Other Development Related Land Use Permits For Oak Knoll Mixed Use Community Plan Project, Located On The Former Oak Knoll Naval Medical Center Property At 8750 Mountain Boulevard;

2) An Ordinance: (A) Adopting CEQA Findings, Including Certification Of The Supplemental Environmental Impact Report; And (B) Rezoning, Including New Zoning Districts, New Zoning Text And Zoning Map Changes For Oak Knoll Mixed Use Community Plan Project, Located On The Former Oak Knoll Naval Medical Center Property At 8750 Mountain Boulevard, Oakland;

3) A Resolution: (A) Certifying The Supplemental Environmental Impact Report, And Adopting Related CEQA Findings; And (B) Amending The General Plan From Hillside Residential And Resource Conservation To Detached Unit Residential For The City-Barcelona Parcel Located At Barcelona Street And St. Andrews Road, Oakland; And

4) An Ordinance: (A) Adopting CEQA Findings, Including Certification Of The Supplemental Environmental Impact Report; And (B) Rezoning From RH-3 Hillside Residential Zone - 3 To The Proposed D-OK-1 Oak Knoll District Residential Zone - 1 And The D-OK-7 Passive Open Space Zoning For The City-Owned Barcelona Parcel Located At Barcelona Street And St. Andrews Road, Oakland.

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Community & Economic Development Committee

October 31, 2017

EXECUTIVE SUMMARY

Oak Knoll Venture Acquisitions LLC ("Applicant") submitted an application to develop the former Oak Knoll Naval Medical Center, Oakland (the Project site, or NMCO) located at 8750 Mountain Boulevard as a new master-planned community known as the Oak Knoll Mixed Use Community Plan Project ("Project"). The Applicant is requesting planning-related permits including a General Plan Amendment, Rezoning, and other planning-related actions that would enable development of 918 residential units, 72,000 square feet of primarily neighborhood-serving commercial uses, relocation and rehabilitation of the historic Club Knoll building to accommodate commercial uses and civic uses, with the remainder of the site consisting of parks, open space and streets, all within the approximately 183-acre Project site. Approval will allow the Project to proceed.

In addition, City staff is sponsoring a General Plan Amendment and Rezoning of the 5.4- acre City-owned parcel located along a portion of Barcelona Street and St. Andrew's Road ("Barcelona Parcel").

Pursuant to the California Environmental Quality Act (CEQA), the City prepared a Supplemental Environmental Impact Report (SEIR) to analyze the environmental impacts resulting from development of the Project. The SEIR identifies impacts related to air quality, and transportation and circulation that would remain significant and unavoidable despite implementation of identified Mitigation Measures. Implementation of the City's Standard Conditions of Approval and additional Mitigation Measures would reduce certain environmental impacts related to aesthetics, biological resources, historical resources and geology to less than significant levels; and implementation of the City's Standard Conditions of Approval would reduce all other environmental impacts to a less than significant level.

On October 18, 2017, the Oakland City Planning Commission conducted a public hearing on the Project, heard public comment, and voted to recommend that the City Council adopt the CEQA findings and certify the SEIR (**Attachment 1 and 2**). The Planning Commission also recommended that the City Council approve the planning-related permits including the Planned Unit Development Permit (PUD), Preliminary Development Plan (PDP) and Design Guidelines, Final Development Plan (FDP) for Master Developer Site Improvements, FDP for Club Knoll Relocation and Rehabilitation, Vesting Tentative Tract Map (VTTM), Conditional Use Permit (CUP) for Shared Access Facilities, Creek Permit, and other development related land use permits including the Rezoning and General Plan Amendment for the Project, subject to the Findings and revised Conditions of Approval. In addition, the Planning Commission also recommended that the City Council approve the Rezoning and General Plan Amendment for the City-owned Barcelona parcel. On October 19, 2017, the Oakland Public Works, Tree Services Unit recommended that the City Council approve the Tree Permit for the Project.

BACKGROUND / LEGISLATIVE HISTORY

Overview of Past Planning and Development Efforts

Much of the Project site was originally developed in 1924 as the Oak Knoll Country Club and Golf Course. The U.S. Navy commissioned the property in 1942, and initially constructed a temporary hospital for medical treatment of World War II battle casualties returning from the Pacific. Expansions of the hospital facilities were made during and after the War, and the hospital evolved into a modern regional hospital serving Navy personnel who had been wounded in the Korean and Vietnam Wars. A large main hospital building was opened in 1968, and continued to provide specialized care for military personnel into the 1990s. The Defense Base Closure and Realignment Act of 1990 directed the U.S. Navy to close NMCO, and the NMCO was officially decommissioned and closed in 1996.

Re-use and Redevelopment Plans

Planning for reuse of the Project site also began in the 1990s. A Reuse Plan for the NMCO was prepared in 1996, and the Navy and City of Oakland prepared a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Disposal and Reuse of the Oak Knoll Naval Medical Center Oakland. The preferred reuse strategy for the former military base (also known as the Maximum Capacity Alternative) included 584 residential units, 300,000 square feet of office development, 100,000 square feet of commercial retail uses, a 9-hole executive golf course, 32 acres of publicly accessible open space, and 44,000 square feet of other active recreation space. The City of Oakland certified the EIS/EIR and adopted the Maximum Capacity Alternative as the preferred Reuse Plan in 1998.

On June 30, 1998, the Oakland City Council adopted via Ordinance 12065 C.M.S., the Oak Knoll Redevelopment Plan for the Project site. The purpose of the Redevelopment Plan was to mitigate the economic and social degradation due to the closure of the NMCO, implement the Final Reuse Plan, eliminate blight, subdivide the Project site into areas suitable for development with improved pedestrian and vehicular circulation, re-plan and redesign the Project site, establish retail and other commercial functions, provide adequate land for parking and open space, establish design standards and preserve affordable housing. In 2006, the City adopted Ordinance 12777 C.M.S., which fiscally merged the Oak Knoll Redevelopment Plan with the Central City East Redevelopment Plan (CCE) to pool the funds between the two redevelopment project areas. In addition, the affordable housing production requirements for the Oak Knoll Redevelopment Plan were also merged with the CCE Plan. Although the Redevelopment Agency was dissolved as of February 1, 2012 following a California Supreme Court decision, the Redevelopment Plan remains in place.

Development Proposals Prior to 2014

With the exception of two separate private parcels (the Sea West Credit Union and Seneca School parcels) and the City-owned Barcelona parcel, the remainder of the former NMCO was acquired by the Applicant in 2005. In 2006, the Applicant proposed a master plan ("2006 Plan") that was similar, but with notable differences, to the current proposal. The 2006 Plan was

analyzed in a 2008 Draft SEIR, but a Response to Comments / Final SEIR was not completed, and therefore, the SEIR was not finalized or certified. The prior 2006 Plan was withdrawn due to the 2008 Recession.

Proposed Project

In 2014, Oak Knoll Venture Acquisitions LLC reinitiated planning efforts for the property, and staff conducted planning and environmental review of those plans. A Notice of Preparation (NOP) to prepare a new SEIR was published on March 20, 2015. The Notice of Availability for the Draft SEIR was prepared and released on August 29, 2016. A Notice of Availability and Release of the Response to Comments / Final SEIR document that, together with the Draft SEIR, make up the SEIR, was published on April 27, 2017.

The Project site would be developed with 918 residential units, 72,000 square feet of commercial uses in a Retail Village (relocation and rehabilitation of the historic Club Knoll building to accommodate 10,000 square feet of commercial uses and 4,000 square feet civic uses) with approximately 5.6 acres of parks and open space, and new streets (***Attachment 2-A***). A number of planning entitlements including a General Plan Amendment and Rezoning are required that would enable development of the Project, as more fully described below. In addition, City staff is sponsoring a General Plan Amendment and Rezoning for the Barcelona parcel.

General Plan Amendment

The existing City of Oakland General Plan Land Use Diagram shows five different land use designations for the Project site including Hillside Residential, Community Commercial, Urban Open Space, Institutional, and Resource Conservation (see ***Attachment 2-D***). The Applicant is requesting a General Plan Amendment and clarifications to the Land Use Diagram to be consistent with the proposed Project and the Rezoning as described below. The new General Plan land use designations include Hillside Residential, Detached Unit Residential, Mixed Housing Type, Community Commercial, Neighborhood Center, and Urban Open Space, and Resource Conservation (***Attachment 2-E***). The General Plan land use classifications for two out-parcels, the Seneca Center and Sea West Federal Credit Union, will not be changed. City staff is proposing to amend the General Plan for the Barcelona parcel from Hillside Residential and Resource Conservation to Detached Unit Residential.

Rezoning

The current Zoning for the Project site is Hillside Residential-4 ("RH-4"), which is intended to create, maintain and enhance areas for single-family dwellings on lots of 6,500 to 8,000 square feet (***Attachment 2-F***). The Applicant is requesting that the City amend the Planning Code to adopt a new Zoning district, new Zoning text and associated Zoning map changes (see ***Attachment 2-G***) consistent with the proposed Project. The proposed Oak Knoll District Zoning Regulations (D-OK Zones) would include seven sub-zones for residential, commercial, amenity community commercial, active open space and passive open space uses. These proposed Planning Code amendments provide detailed regulations on land use activities and

development standards for the Project site only. Zoning for the Seneca Center and Sea West Federal Credit Union will not be changed. In addition, the Barcelona parcel is currently zoned Hillside Residential-3 (RH-3), which is generally intended for areas with single-family dwellings on lots of at least 12,000 square feet. Staff is proposing to rezone the Barcelona parcel to the proposed D-OK Zoning District Regulations, and specifically, the D-OK-1 Oak Knoll District Residential Zone - 1 and the D-OK-7 Passive Open Space Zoning. This change will decrease the allowable density of the site from approximately 19 units to 17 units.

Planned Unit Development Permit (PUD), Preliminary Development Plan (PDP), Design Guidelines, and Final Development Plans (FDP)

Chapters 17.140 and 17.142 of the Oakland Planning Code include regulations that govern PUDs. The purposes of these regulations are: to encourage comprehensive planning of larger tracts of land; to provide flexibility in the application of certain regulations in a manner consistent with the general purposes of the Zoning regulations; and to promote a harmonious variety of uses, the economy of shared services and facilities, compatibility with surrounding areas, and the creation of attractive, healthful, efficient and stable environments for living, shopping or working. These PUD regulations are applicable and appropriate for master planning development of the large, nearly 200-acre Oak Knoll site.

The Applicant intends to serve as Master Developer for the Project, and has requested approval of a PUD permit that establishes a comprehensive plan or PDP for the entire site (**Attachment 2-B**). Also, included in the PDP are Design Guidelines that provide design principles to future builders, and that refine and clarify the PDP (**Attachment 2-C**). As Master Developer, the Applicant intends to sell discrete, entitled, subdivided parcels within the site to future home and commercial builders, who will in turn build the residential and commercial uses of the Project. Future builders will need to submit Final Development Plans for their individual commercial and residential projects, and for phase-specific streets and utilities, which address site planning, architecture and landscaping. These subsequent Final Development Plans must demonstrate consistency with the overall PDP and Design Guidelines. Two FDPs have been submitted for approval as part of the City Council's current deliberations.

The FDP for Master Developer Site Improvements (**Attachment 2-I**) provides designs for site-wide grading and retaining walls, installation of backbone streets and major utilities, entry monuments, design of streets and parks (including landscape planting, street lighting, street furniture, and play structures), and Rifle Range Creek restoration and other creek tributary improvements.

The other FDP is for the Club Knoll building. Club Knoll is the only surviving part of the former golf course and Navy use on the Project site and the only remaining building of historic significance. The Applicant intends to relocate and restore the building as a community center for the Project. The Club Knoll FDP (**Attachment 2-J**) includes current photographs, a grading plan for the relocation site, and a site plan that shows the orientation of the relocated building. Floor plans, building sections and elevations of the restored building, as well as a materials board, landscape plan and landscape planting palette are also included. Further, the FDP includes the relocation methodology of segmenting the building into movable pieces and

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replacing these building segments onto a new steel skeleton frame. The FDP identifies each of Club Knoll's constituent building parts, an estimate of the extent to which those parts currently remain intact, the relative percent of these parts to be relocated, and the relative percent of these parts that are currently missing and need replacement. None of the current building's mechanical, electrical, sprinkler or plumbing systems are intended to be relocated, but instead will be all new, code-compliant systems. A large majority of the historic character-defining elements of the building do exist and will be relocated to the new site and incorporated as a fully rehabilitated building.

Vesting Tentative Tract Map (VTTM)

The Applicant requests approval of a VTTM (**Attachment 2-H**) to merge lots and then subdivide the Project site to create separate individual development parcels, consistent with the PDP. This VTTM provides the Master Developer with the ability to create up to 398 individual lots used for phasing, finance, or sale of one or more lots for further subdivision by other developers. These lots are inclusive of all single-family residential lots and small-lot parcels, as well as larger lots for townhouse development, the Retail Village, and open space parcels. The VTTM illustrates the proposed large-lot parcelization, individual single-family home parcels, typical street sections, a grading plan, utility plans and intersection details.

Creek Permit

The Oak Knoll site is bisected by Rifle Range Creek and two associated tributaries, Powerhouse Creek and Hospital Creek. The Applicant requests approval of a Creek Protection Plan (**Attachment 2-K**) that includes a set of detailed drawings of proposed creek improvements, and Best Management Practices (BMPs) to be implemented during and after construction to protect the creeks. The Creek Protection permit includes a significant creek restoration effort for these on-site creeks that will result in daylighting all four existing culverts in the Project's reach. The plans call for removing non-native vegetation and replanting with native plants; removing existing obsolete infrastructure, and stabilizing deeply incised reaches and actively eroding bank areas that are too steep to support riparian vegetation. Implementation of the Creek Protection Permit will result in a net increase of both jurisdictional waters and riparian habitats, but will require significant grading and tree removal that will cause substantial initial disturbance of existing conditions. The Creek Restoration Plan is necessary to stabilize the creek, and will provide long-term benefits of a sustainable channel, lower maintenance, improved habitat and visual relief.

Tree Permit

The Applicant requests approval of a Tree Permit that would enable ultimate removal of up to 3,567 trees that qualify as protected under the Oakland Tree Ordinance 11556 C.M.S., including 2,518 trees that are native species. As compensation (or Mitigation), the Applicant proposes to plant 8,527 new trees throughout the Project site (**Attachment 2-M**), and will supplement a portion of the smaller-sized replacement tree planting by planting larger (36", 48" and 60" boxed size) native trees, and by salvaging and relocating 20 healthy oak trees (which are in addition to the trees to be planted). In addition, the Applicant's Tree Permit includes detailed

recommendations for tree protection measures to be implemented during construction. The tree permit was posted on May 3, 2017, and the comment period closed on May 31, 2017. The proposed tree species to be planted is included in the PDP application and will be confirmed with submittal of each FDP.

Conditional Use Permit (CUP) for Shared Access Facilities

Staff has determined that the private, shared driveways that access each of the Project's "Garden Court" units require a CUP for shared-access facilities, and shall include 20-foot wide private access easements, to be maintained by a Home Owner's Association (HOA) for those specific developments. Accordingly, the Project includes a request for approval of a CUP for Shared Access Facilities, and the VTTM identifies these private access easements.

Development Agreement

The Applicant had applied for, and City staff and the Applicant entered negotiations for, a Development Agreement (DA) with respect to development of the property. Both parties had indicated their willingness to consider a DA under certain mutually beneficial terms and conditions. However, the Project Applicant and the City have mutually agreed to withdraw from further consideration of a DA (**Attachment 2-L**), as there was no consensus reached on the terms or other specific details. Therefore, negotiations over the terms and conditions have ceased and no further action is anticipated at this time.

Exclusive Negotiating Agreement (ENA) for the Barcelona Parcel

The City-owned Barcelona parcel was originally included in the Project and analyzed in the SEIR. It had been considered for sale to Oak Knoll Acquisition LLC as part of an Exclusive Negotiating Agreement (ENA) approved by the City Council in mid-2017. Oak Knoll Acquisitions LLC is no longer considering purchase of the Barcelona parcel, and it has been removed from the Applicant's Project and proposed entitlements. The City will continue to hold title to this property until another interested party may choose to purchase it, or until the City may pursue its own development plans for the property.

Planning Commission Actions on the Project

At a duly-noticed hearing before the Oakland City Planning Commission on October 18, 2017, the Planning Commission recommended that the City Council adopt the CEQA findings (**Attachment 2-Q**), certify the EIR, and approve the planning related permits based on findings (**Attachment 2-O**), the Standard Conditions of Approval and Mitigation Monitoring Reporting Program, and Project Specific Conditions of Approval (**Attachments 2-P and 2-R**).

Pursuant to Section 17.130.080 of the Oakland Planning Code, the entire development application for the Project must be considered by the City Council for final action because the application requires both legislative and adjudicatory actions. Therefore, the City Council is the body that must adopt the CEQA findings and certify the SEIR before it approves the Project's

development application or any action that comprises that application. The Planning Commission, acted as an advisory body with recommendations to the City Council.

Oakland Public Works Tree Services Unit Actions on the Project

The Tree Removal Permit is an integral part of the Planning entitlements and analysis contained within the SEIR. As noted above, these Planning permits must be considered by the City Council for final action and the City Council must adopt the CEQA findings and certify the SEIR before it approves the Project's development application or any action that comprises that application. On October 19, 2017, the Oakland Public Works Tree Services Unit recommended that the City Council approve the tree removal permit based on findings and conditions (***Attachment 3***). As the Tree Services Unit acted as an advisory body with recommendations to the City Council, no appeal of this action was necessary and the City Council will make the final decision pertaining to the Tree Removal Permit as part of the overall consideration of the Project.

ANALYSIS AND POLICY ALTERNATIVES

During the planning, design, and environmental review process for the Project over the past three years, staff has heard concerns about several components of the Project. These concerns are summarized below together with staff responses to those concerns about how they have been addressed.

General Plan Consistency

Staff has received correspondence and public comment suggesting that the Project is not consistent with the City's General Plan as to land use, facilities and density, particularly as to the General Plan Land Use Diagram as established pursuant to the 1998 Oak Knoll Naval Medical Center Reuse Plan.

Similar concerns were raised during the prior Oak Knoll 2006 project application process. At that time, the City's Deputy Director of Planning and Zoning issued a written determination that the 2006 Oak Knoll project application was in substantial compliance with the General Plan, concluding that the land uses and facility types as proposed in 2006 conformed to the General Plan Land Use and Transportation Element's (LUTE) Land Use Diagram and policies. An appeal of that 2006 determination was filed, and in March, 2007 the Oakland Planning Commission considered this appeal and upheld the Director's determination. The current Project is similar in many ways to the prior 2006 Oak Knoll project, and (as was the case with the 2006 project) does not change or introduce new or different land uses other than those shown on the existing General Plan Land Use Diagram. The Oak Knoll project is consistent with the LUTE's implementation strategy for the Oak Knoll property as a "Target Area" for community and economic development, in that it contains a mix of land uses compatible with existing surrounding development. The Project aligns with this General Plan implementation strategy, and the Project's development plan and land use configuration remains in substantial conformance with the General Plan (***Attachment 2-N***).

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To provide future clarity as to the General Plan Land Use Diagram, the Applicant requests an amendment to the General Plan Land Use Diagram to amend land use designations within the Project area that accurately reflect the Project's parcel-specific uses. City staff is sponsoring a General Plan amendment and rezoning for the City-owned Barcelona parcel (**Attachments 2-E and 2-G**).

Oak Knoll Redevelopment Plan Consistency

As discussed in the Planning Commission staff report (**Attachment 2-O**), the Project is consistent with the Oak Knoll Redevelopment Plan's purpose as well as the General Plan's Land Use Diagram, which replaced the Redevelopment Plan's land use map upon amendment in 2006 via Ordinance 12778 C.M.S. Therefore, the Project is in conformance with the Redevelopment Plan.

Affordable Housing Impact Fees

City staff has received numerous comments from the public who are concerned that the Project is not providing any on-site affordable housing. Oakland Municipal Code Chapter 15.72 requires market-rate developers to address at least a portion of the impact of their development on the need for affordable housing through payment of Affordable Housing Impact Fees. Revenue from the fees are used to preserve and expand the supply of affordable housing in Oakland. If a developer voluntarily decides to provide affordable housing units as part of their project, they are not subject to the Affordable Housing Impact Fee provided that the total number of units affordable to low or moderate-income households represents at least 10% of the total number of housing units, or the total number of units affordable to very low-income households represents at least 5% of the total number of housing units.

The Applicant has made clear to staff and has expressed at public hearings that they do not intend to provide any on-site affordable housing as part of the Project, and will instead pay the applicable Affordable Housing Impact Fees. Based on the Project's location in Zone 1 as mapped under the Master Fee Schedule that will be effective as of July 1, 2018 (which is assumed to be the timeframe that the first building permits for new housing in the Project will be requested), the Project's calculated Affordable Housing Impact Fees will total approximately \$19.4 million (2017 dollars, automatically adjusted upward annually for inflation in accordance with the residential building cost index, and appropriate adjustments for regional and local construction costs, as necessary). Payment of these fees is due in two installments: 50% due prior to the issuance of a building permit and 50% due prior to issuance of a certificate of occupancy for each development parcel.

The Applicant and City staff had been negotiating through the DA process for advance payment of the affordable housing fees. The Applicant's offer was to finance these fees through a Community Facilities District (CFD) or other similar financing structure. Although the City had not made definitive plans for use of these advanced affordable housing fees, staff was focused on developing a broad-based affordable housing ownership program (e.g., through down payment assistance, mortgage assistance and subsidies, forgivable loans, and/or soft second

mortgages) as a way for households to stabilize housing costs and build wealth. With the withdrawal of the DA application, negotiations on this issue ceased. Regardless of the timing of the payment, the City will receive approximately \$19.4 million (2017 dollars), which it can apply to the City's affordable housing programs.

Developer Improvements on the Barcelona Parcel

A 50-foot public access easement remains on the Barcelona parcel for construction of a roadway serving both the adjacent portion of the Project and the Barcelona parcel, and a 26-foot wide extension of this easement remains for provision of emergency vehicle access (only) to the existing segment of Sequoya Road (***Attachment 2-R, Exhibit E***). The Applicant has agreed to improve the roadway serving the Barcelona parcel and the EVA, including any tree removal and grading necessary to construct this roadway for the City. These easements and physical improvements add significant value to the Barcelona parcel and assure that any future development will gain access through the Oak Knoll parcel. This aspect is important as residents below the Barcelona Parcel had expressed concerns about the viability of using St. Andrews Road for access given its narrow width and steep, winding condition.

Traffic and Traffic Improvements

Staff has heard many concerns about the Project's adverse effects on traffic and about the need for traffic improvements. The Project's SEIR concluded that traffic generated by the Project would adversely affect seven signalized and un-signalized intersections in the vicinity, and that new or improved signals and associated lane improvements would be warranted. The affected intersections include:

- I-580 Eastbound on-ramp at Seminary Avenue/Kuhnle Avenue
- I-580 Westbound off-ramp at Seminary Avenue/Kuhnle Avenue
- I-580 Eastbound off-ramp at Fontaine Street/Keller Avenue
- Mountain Boulevard/Keller Avenue
- I-580 Westbound off-ramp at Mountain Boulevard/Shone Avenue
- I-580 Eastbound off-ramp at Golf Links Road/98th Avenue, and
- I-580 Westbound ramp at Mountain Boulevard/Golf Links Road

Mitigation Measures are identified in the SEIR for each of these intersections, capable of reducing traffic impacts to less than significant levels. The Applicant is responsible for installation of all seven off-site intersection improvements, assuming Caltrans and City approval, in accordance with the timing provisions set forth in the SEIR. These intersection improvements are considered "developer constructed facilities" pursuant to the Oakland Municipal Code, and the Applicant may apply for a Credit and Reimbursement Agreement with the City pursuant to Municipal Code section 15.74.120, whereby the Applicant may receive credit against otherwise applicable transportation impact fees, in exchange for installation of these improvements (***Attachment 2-R, Condition #22***).

The SEIR also concluded that traffic generated by the Oak Knoll Project would contribute traffic to freeway segments that are already heavily congested (operate at Level of Service (LOS) F conditions), and the Project's traffic would further increase freeway congestion. These impacts are classified as significant and unavoidable because no feasible mitigation measures are available to reduce freeway congestion to less than significant levels. Widening Interstate 580 is not currently planned, would be beyond the scope for this or any individual project, and is not within the City's authority to undertake capacity-enhancing freeway improvements.

Transportation Demand Management (TDM)

Staff has heard concerns expressed that the Project's TDM Plan would not meet the City's 20% trip reduction goal, and suggestions that the TDM Plan be revised to require additional measures to meet the 20% goal. The Project's TDM Plan includes both land use design strategies and operational TDM measures. Land use strategies incorporated into the Project include the proposed mix of retail and residential land uses, and pedestrian and bicycle improvements included in the Project's "complete street" designs. There are many operational measures included in the TDM Plan, but the focus is on either subsidizing AC Transit to increase bus service to the Project site and the surrounding area, or alternatively, providing private shuttle service to new residents. The bus or shuttle service would provide an alternative to single-occupant vehicles and provide a direct route to the Coliseum BART station. The Applicant has had meetings with AC Transit representatives to discuss service improvements and costs, but have requested that the private shuttle option be retained should they be unable to reach agreement with AC Transit. The trip reductions associated with Project design elements, plus those that can be achieved via operation strategies, together would achieve the City's 20% trip reduction goal. Therefore, staff is recommending that the City Council approve the TDM Plan as being consistent with City Standard Conditions of Approval.

Club Knoll Relocation

Several concerns have been expressed indicating that the reasons why Club Knoll needs to be relocated from its current location have not been clearly articulated, that relocation efforts may simply result in a replica of the building using new materials, and that the success of the relocation and rehabilitation ultimately relies on the details of a Work Program (building permit-level designs) yet to be prepared, and on on-site decision-making during the relocation and rehabilitation process. Staff is supportive of the Relocation and Rehabilitation Plan (**Attachment 2-J**) because 1) it provides for retention of the historically important Club Knoll building with new uses rather than its demolition, 2) relocation and rehabilitation is consistent with General Plan policies and Planning Code requirements, 3) rehabilitation of the building will be done in accordance with Secretary of Interior Standards, and 4) because the relocation site is centrally located within the Project, and the Club Knoll building would provide a distinctive rehabilitated landmark in a prominent and important location.

SEIR Mitigation Measures, technical recommendations for relocation and rehabilitation efforts, surety bonding and insurance requirements are all required of this plan, and the architect selected to implement the plan (Architectural Dimensions) has experience and expertise in

relocation and rehabilitation of historic buildings. To further ensure the Plan is developed and executed in accordance with all requirements, Conditions of Approval for the Project provide for peer-review of the Final Work Plan for Club Knoll Relocation and Rehabilitation by a third-party, independent professional and the Landmarks Preservation Advisory Board (LPAB) prior to implementation. Furthermore, a third-party independent professional preservation architect and structural engineer would be required to be on-site to monitor dismantlement and reassembly of the Club Knoll building.

Ownership and Maintenance of Public and Community Property

Establishment of a Community Facilities District (CFD)

Staff recommends that the City establish a CFD for the Project, pursuant to the Mello-Roos Community Facilities Act of 1982 (**Attachment 2-R, Condition #50**). The CFD is to include only those properties within the Oak Knoll Project. The CFD will contain two separate parcel taxes to be levied only against property owners within the Project, up to a maximum of two percent (2.00%) of the appraised market value of that residential unit at the time bonds are sold or secured. A Special Services Tax is to be levied on all Oak Knoll properties in perpetuity to finance maintenance costs of certain public facilities and improvements. The maintenance funds collected may only be used for publically owned facilities. The total value of the Special Services Tax will be determined by the City at the time the CFD is formed, but in the amount necessary to maintain those public facilities in accordance with City-defined standards and cost parameters for maintenance, repair and/or replacement. Another Special Facilities Tax will be used to secure bonds issued for purposes of financing construction of the Project's public facilities and improvements. Tax revenues available to secure bond funding for construction purposes will be limited to those funds available after all Special Services taxes and GHAD assessments have been assessed. In other words, maintenance funds shall be the first priority.

Annexation to the Geologic Hazards Abatement District (GHAD)

A GHAD is required as a standard Condition of Approval within the SEIR to address geologic hazards. Staff recommends that the City annex the Project into the existing Oakland Area GHAD. The Oakland Area GHAD is an independent public agency that oversees geologic hazard prevention, mitigation, abatement and control. Like a CFD, the GHAD is authorized to levy a special tax for purposes of maintaining certain properties to prevent geologic hazards. Unlike a CFD, the GHAD is also authorized to own those lands deemed subject to potential geologic hazards (**Attachment 2-R, Condition #51**).

Ownership, Funding Sources and Maintenance Responsibilities

The Applicant intends to install certain primary site improvements pursuant to the Master Developer FDP. Once these improvements are installed, the Applicant intends to sell developable properties to subsequent homebuilders and a retail developer, to convey certain open space parcels to the GHAD, and to dedicate certain public lands to the City. At final buildout, the Applicant would not own any remaining property. Therefore, up until sale or dedication of property, City staff and the Applicant have agreed in principle to certain ownership

and maintenance responsibilities, as outlined in the Oak Knoll Development Ownership, Funding Sources and Maintenance Responsibilities Matrix (**Attachment 2-R - Exhibit B**):

- The City of Oakland will own and maintain the public roads within the Project (including pavement, streetlights and traffic signals) as well as the storm drains and sewer lines within the public right-of-way. Staff has also agreed in principle to City of Oakland ownership of the five public parks and the pedestrian bridge across Rifle Range Creek, provided the CFD is responsible for all maintenance obligations, to be funded through the CFD special services tax.
- The Oakland Area GHAD will own and maintain the Rifle Range Creek corridor, Powerhouse and Hospital Creeks, and all other open space parcels. It will also be responsible for maintenance of all function-related stormwater quality facilities including those in the street right-of-way, the EVAs, and all improvements within the open space parcels (such as gates, fences and trails).
- HOA ownership and/or maintenance obligations will be limited to ornamental landscaped areas at Project entries, ornamental landscaping (only) along the Rifle Range Creek corridor, ornamental landscape within the street right-of-way, any ornamental landscape associated with stormwater quality facilities, and vegetation management for fire suppression. The HOA would also own and be responsible for maintenance of the Club Knoll building, as one of the purposes of the Club Knoll building is to serve as a clubhouse and meeting room for the HOA. Condition of Approval for the Project (**Attachment 2-R, Condition #29**) require the HOA to contract with a professional property management firm to operate and maintain the Club Knoll building on their behalf.

Project Phasing of Public Improvements

Conditions of Approval (**Attachment 2-R, Conditions #23 and #24**) ensure that public improvements for Phase 1 (roads, parks, bridges, trails, Rifle Range Creek improvements, etc.) are front-loaded into the earlier parts of Phase 1, and completed before any development in Phases 2 or 3. Public improvements in subsequent phases are tied to certificates of occupancy for new residential development that is proximate to these public improvements and ensures that each development parcel(s) can be independently accessed with all utilities and other required public improvements. These Conditions provide clarity as to specifically when, during each development phase, the identified public improvements must be completed. The Applicant will install and dedicate to the City or the GHAD the development's public parks and trails, and may apply to the City Administrator for a waiver or reduction of otherwise applicable Capital Improvement Impact Fees (pursuant to Municipal Code Section 15.74.080).

FISCAL IMPACT

With approval of a CFD, additional Special Services taxes would be paid by future homeowners within the Project to fund ongoing maintenance, repair and replacement of City-owned parks and the pedestrian bridge. With approval of annexation into the Oakland Area GHAD, additional

GHAD assessments would be paid by future homeowners to fund ongoing maintain of the Rifle Range Creek corridor, all function-related stormwater quality facilities, and all improvements within the Project's open space parcels. With the CFD and GHAD in place, it is expected that approval of the Project and related permits would result in no direct maintenance costs to the City.

PUBLIC OUTREACH / INTEREST

Since the mid-1990s, planning efforts for reuse and redevelopment of the NMCO, the Applicant has been actively involved in conversations, workshops and discussions with surrounding HOAs, private neighborhood groups and individual neighbors. The Applicant's outreach efforts and the involvement of neighbors and neighborhood groups have been substantial and ongoing for over 20 years and kept the public aware of the Project and its processes to date.

More recent City-sponsored public efforts pertaining to this Project have included the following public hearings/meetings held before City Boards, Committees, and Commissions:

- Oakland Bicyclist and Pedestrian Advisory Commission (BPAC) (September 15, 2016)
- Zoning Update Committee (November 16, 2016)
- LPAB – 4 meetings (May 9, 2016; September 12, 2016; November 14, 2016; and May 8, 2017)
- Design Review Committee – 3 meetings (July 27, 2016; October 26, 2016; and December 14, 2016)
- Oakland City Planning Commission – 4 meetings (September 7, 2016; October 5, 2016; June 21, 2017; and October 18, 2017)

COORDINATION

The following City departments reviewed the Project and related permits, as well as provided technical assistance on the SEIR:

- Planning and Building Department,
- Oakland Public Works (Transportation Planning & Funding Division, Transportation Services Division, Department of Engineering and Construction, and the Tree Services Division),
- Office of Neighborhood Investment,
- Oakland Police Department,
- Oakland Fire Department,
- City Administrator's Office, and
- City Attorney's Office.

SUSTAINABLE OPPORTUNITIES

Economic: The Project is anticipated to generate approximately 2,500 direct construction jobs, spread across the construction period. Per the Economic Benefit Report provided by the Applicant (**Attachment 2-QB**) and peer-reviewed by a City-retained independent consultant, the Project's economic benefits include:

- \$5.2 million in increased annual/ongoing General Fund revenues, representing a \$3.4 million net annual surplus during the initial period of operation.
- \$7.4 million in increased annual/ongoing Property Taxes, including \$2.1 million to the City of Oakland, \$1.2 million to the County of Oakland, and \$4.1 million to other agencies (i.e., Oakland Unified School District, Bay Area Rapid Transit, East Bay Regional Park District, etc.).
- \$436,000 in annual/ongoing Sales Tax revenues to the City of Oakland
- \$3.2 million in other annual/ongoing voter-approved taxes and revenues
- \$19.4 in Affordable Housing fees (2017 dollars)
- \$2.9 million in Southeast Oakland Traffic Impact Fees

Environmental: The Project's Creeks plan would restore and enhance the total reach of Rifle Range Creek and Hospital Creek within the Project boundaries, including daylighting and restoring over 1,000 linear feet of culverted channel, widening the channel to increase storage capacity, and resulting in a net increase of jurisdictional waters and riparian habitats. The Tree Permit and Tree Mitigation plan would result in substantially more trees planted than removed and measures in place to prevent Sudden Oak Death. In addition, the Applicant would relocate 100% of the Star Tulip bulbs which is an Oakland special species of concern, to appropriate areas within the project site. The Club Knoll Relocation and Restoration Plan would restore a City of Oakland historic building that is currently in poor condition, consistent with Secretary of Interior Standards. As required by City of Oakland Standard Conditions of Approval (SCA), the Project will be required to implement a TDM Plan designed to reduce Project-generated vehicle trips by 20%, and will be required to implement a Greenhouse Gas Reduction Plan designed to reduce greenhouse gas emissions by 36% from a "business-as-usual" scenario. The Project includes a "complete streets" plan and system of new bikeways and trails to encourage multi-modal transportation and healthy living. The Project also includes five new parks that have playgrounds, dog park areas, and informal field areas.

Social Equity: The Project will provide a diversity of housing types and sizes, including single-family homes, townhomes, and small lots that can accommodate a variety of market-rate household types and incomes. The Project will also develop 5.6 acres of improved parks and recreational facilities, as well as trails and paths that provide connections between the parks to surrounding open space and neighborhoods, open to the general public.

Item: _____

CEQA

A SEIR has been prepared for the Project pursuant to the CEQA. The SEIR has been provided to the City Council under separate cover. Limited copies of the Draft and Final EIR are available, at no charge, at the Oakland Planning Permit Counter at 250 Frank Ogawa Plaza, Suite 2214, Oakland, California 94612, and is available to the public through the City's website: <http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157>
The June 21, 2017 Planning Commission staff report (**Attachment 2**) includes a detailed summary of the CEQA process, timelines, findings and overall summary of the environmental review for the project. Below is a brief summary.

A Notice of Preparation was published on March 20, 2014, and scoping sessions were held before the Oakland LPAB and the Oakland City Planning Commission.

The City prepared a Draft SEIR, which addressed all environmental topics identified in the City of Oakland's CEQA Thresholds of Significance, including Aesthetics, Air Quality, Biological Resources, Cultural and Paleontological Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise and Vibration, Population and Housing, Public Services and Recreation, Transportation and Circulation, Utilities and Service Systems, and Energy. The Draft SEIR identified several significant and unavoidable impacts for the Project related to air quality and transportation and circulation. The Draft SEIR also presented a comparative assessment of a reasonable range of alternatives to the Project. These alternatives include the CEQA-required No Project alternative, Alternative A - Reduced Footprint Residential Mix, Alternative B - Reduced Footprint, Low Density Small Lot, Alternative C - Hillside Low Density, Large Lot, the Club Knoll Demolition Alternative, and a Reduced Club Knoll Relocation Alternative. The Draft SEIR identified Alternative C (the Hillside Low Density, Large Lot Alternative) as the CEQA-required environmentally superior alternative to the Project, after considering the No Project Alternative as CEQA requires. Alternative C was identified as environmentally superior because, when compared to the proposed Project and all other alternatives, it would avoid more of the significant impacts identified for the Project. The Draft SEIR was released on August 29, 2016, beginning a 45-day public comment period. Public hearings on the Draft SEIR were held before the LPAB, BPAC and the Planning Commission.

A Response to Comments / Final SEIR document (which together with the Draft SEIR make up the SEIR) was published on October 12, 2017. The Response to Comments document included written responses to all comments received during the public review period on the Draft SEIR and at the public hearings on the Draft SEIR. On October 18, 2017, the Oakland Planning Commission heard public testimony and recommended that the City Council certify the SEIR and adopt the CEQA findings.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council take public testimony, close the public hearing, and adopt, as recommended by the Oakland City Planning Commission:

1) A Resolution (A) Certifying the Supplemental Environmental Impact Report and adopting related CEQA Findings, including adoption of a Statement of Overriding Considerations; (B) Amending the General Plan Land Use Diagram for the Oak Knoll Site to match the Project's parcel-by-parcel specificity and existing site conditions; (C) Adopting Planned Unit Development Permit, Preliminary Development Plan and Design Guidelines, Final Development Plan for Master Developer Site Improvements, Final Development Plan for Club Knoll relocation and rehabilitation, Vesting Tentative Tract Map, Conditional Use Permit for Shared Access Facilities, Creek Permit, Tree Permit and other development related land use permits for the Oak Knoll Mixed Use Community Plan Project, located on the former Oak Knoll Naval Medical Center Property at 8750 Mountain Boulevard;

2) An Ordinance (A) Adopting CEQA Findings, including Certification of the Supplemental Environmental Impact Report; and (B) Rezoning, including new Zoning Districts, new Zoning text and Zoning Map changes for the Oak Knoll Mixed Use Community Plan Project, located on the former Oak Knoll Naval Medical Center Property at 8750 Mountain Boulevard, Oakland;

3) A Resolution (A) Certifying the Supplemental Environmental Impact Report and adopting related CEQA Findings and (B) Amending the General Plan from Hillside Residential And Resource Conservation to Detached Unit Residential for the City-owned Barcelona parcel located at Barcelona Street and St. Andrews Road, Oakland; and

4) An Ordinance (A) Adopting CEQA Findings, including certification of the Supplemental Environmental Impact Report and (B) Rezoning from RH-3 Hillside Residential Zone - 3 to the proposed D-OK-1 Oak Knoll District Residential Zone - 1 and the D-OK-7 Passive Open Space Zoning for the City-owned Barcelona Parcel located at Barcelona Street and St. Andrews Road, Oakland.

- I. Final Development Plan (FDP) – Master Developer Site Improvements (Revised for the October 18, 2017 staff report with removal of the Barcelona Parcel)*
- J. Final Development Plan (FDP) – Club Knoll*
- K. Creek Protection Plan*
- L. Deleted; replaced with letter from Applicant confirming withdrawal of the Development Agreement application, dated October 6, 2017*
- M. Tree Removal/Replacement Plan*
- N. Discussion Regarding General Plan Conformity and Amendments to the Land Use Diagram*
- O. Findings for General Plan Amendment, Oak Knoll Rezoning, Planned Unit Development permit, including the Oak Knoll Preliminary Development Plan and Design Guidelines, Master Developer Site Improvements Final Development Plan, Vesting Tentative Tract Map, and Creek Permit revised for the October 18, 2017 staff report with the addition of Conditional Use Permit for Shared Access Facilities*
- P. Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCAMMP)*
- Q. CEQA Findings, including a Statement of Overriding Considerations*
- R. Staff-recommended Conditions of Approval (Revised: Clean and redlined versions to include changes from the June 21, 2017 staff report as well as recommendations from the Planning Commission motion at the October 18, 2017 public hearing)*

Exhibit A: *Equivalent Housing Unit Summary*

Exhibit B: *Oak Knoll Development Ownership, Funding Sources and Maintenance Responsibilities Matrix;*

Exhibit C: *Oak Knoll Phasing Diagram*

Exhibit D: *Phase 1 Diagram*

Exhibit E: *Extension of Barcelona Street*

- S. Public Comments, including Additional Public Comments since June 21, 2017*
- T. Fire Department Memo revised for the October 18, 2017 staff report*

3. Tree Permit Recommendation, Tree Services Division, dated October 19, 2017

NOTE:

The Draft and Final SEIRs were provided under separate cover for review and consideration by the CED Committee and City Council, and are available to the public at the Planning Department office at 250 Frank H. Ogawa Plaza, Suite 2214, Oakland, CA 94612 and on the City's website at <http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009157> under item 30

For questions regarding this report, please contact Scott Gregory, the contact planner at (510)535-6671 or Heather Klein, Planner IV, at (510)238-3659.

Respectfully submitted,



William Gilchrist
Director, Department of Planning and Building

Reviewed by:
Darin Ranelletti, Deputy Director
Bureau of Planning

Prepared by:
Scott Gregory, Contract Planner

ATTACHMENTS (3):

1. Oak Knoll Project Staff Report to the Planning Commission, dated October 18, 2017
2. Oak Knoll Project Staff Report to the Planning Commission, dated June 21, 2017, including the following previous attachments revised for the October 18, 2017 Staff Report, as noted:
 - A. Site Plan (Revised for the October 18, 2017 staff report, with removal of the Barcelona Parcel)
 - B. Oak Knoll PUD Permit, Preliminary Development Plan (PDP) (Revised for the October 18, 2017 staff report with removal of the Barcelona Parcel)
 - C. Oak Knoll PUD Permit, Design Guidelines (Revised for the October 18, 2017 staff report with removal of the Barcelona Parcel)
 - D. Existing General Plan Land Use Diagram (LUTE)
 - E. Proposed General Plan Land Use Diagram Amendment (Revised for the October 18, 2017 staff report with City-proposed GPA for Barcelona Parcel)
 - F. Existing Zoning Map and Text
 - G. Proposed Rezoning Map and Zoning Text, D-OK Oak Knoll District Zone Regulations (Revised for the October 18, 2017 staff report with City-proposed rezoning of Barcelona Parcel)
 - H. Vesting Tentative Tract Map (Revised for the October 18, 2017 staff report with removal of the Barcelona Parcel) with Memo dated September 2017 regarding changes to the VTTM

Item: _____
Community & Economic Development Committee
October 31, 2017

2017 OCT 19 PM 4: 23

Approved as to Form and Legality

OAKLAND CITY COUNCIL

City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

A RESOLUTION (A) CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND ADOPTING RELATED CEQA FINDINGS, INCLUDING ADOPTION OF A STATEMENT OF OVERRIDING CONSIDERATIONS; (B) AMENDING THE GENERAL PLAN LAND USE DIAGRAM FOR THE OAK KNOLL SITE TO MATCH THE PROJECT'S PARCEL-BY-PARCEL SPECIFICITY AND EXISTING SITE CONDITIONS; (C) ADOPTING PLANNED UNIT DEVELOPMENT PERMIT, PRELIMINARY DEVELOPMENT PLAN AND DESIGN GUIDELINES, FINAL DEVELOPMENT PLAN FOR MASTER DEVELOPER SITE IMPROVEMENTS, FINAL DEVELOPMENT PLAN FOR CLUB KNOLL RELOCATION AND REHABILITATION, VESTING TENTATIVE TRACT MAP, CONDITIONAL USE PERMIT FOR SHARED ACCESS FACILITIES, CREEK PERMIT, TREE PERMIT AND OTHER DEVELOPMENT RELATED LAND USE PERMITS FOR OAK KNOLL MIXED USE COMMUNITY PLAN PROJECT, LOCATED ON THE FORMER OAK KNOLL NAVAL MEDICAL CENTER PROPERTY AT 8750 MOUNTAIN BOULEVARD;

WHEREAS, in 2006, Oak Knoll Venture Acquisitions LLC ("the developer") purchased 167 acres of the former Oakland Navy Medical Center from the United States Navy in 2005, and requested a conformity determination for a project involving 960 residential units, 72,000 square feet of commercial development, 53 acres of open space ("2006 Project", and requested confirmation that a General Plan's Land Use Diagram with Proposed Adjustments to the proposed designation boundaries" reflected General Plan conformity.

WHEREAS, in May of 2006, the Director of Planning determined that the 2006 Project conformed to the General Plan, with an amended Determination rendered on December 20, 2006; and

WHEREAS, the Director's Determination of General Plan conformance was appealed to the Planning Commission in December of 2006; and

WHEREAS, in March 2007, after a noticed public hearing, the Planning Commission upheld the Director's determination that the 2006 Project conformed with the General Plan; and

WHEREAS, on March 9, 2015 Oak Knoll Venture Acquisitions LLC submitted an application for environmental review to the Bureau of Planning to develop 935 residential units, over 84

WHEREAS, duly noticed public hearings on the Draft SEIR for the Project were held before the Oakland LPAB on September 12, 2016, before the Oakland Bicycle and Pedestrian Advisory Committee on September 15, 2016, and before the Oakland City Planning Commission on October 5, 2016; and

WHEREAS, duly noticed public hearings on the Project were held on October 26, 2016 before the Design Review Committee ("DRC"); November 16, 2016 before the Zoning Update Committee; and December 14, 2016 before the DRC; and

WHEREAS, on April 27, 2017, a Notice of Availability and Notice of Release of a Final SEIR, as well as a Responses to Comment and Final SEIR, which responded to comments received on the Draft SEIR, were published and made available for public review and comment; and

WHEREAS, on May 8, 2017 a duly noticed public hearing was held before the LPAB to consider the SEIR and Project land use entitlements, and the LPAB recommended approval of the Project; and

WHEREAS, on June 21, 2017, at a duly noticed public hearing to consider the SEIR and Project land use entitlements, the City Planning Commission, voted to continue the hearing to a date uncertain; and

WHEREAS, on October 18, 2017, at a duly noticed public hearing, the City Planning Commission, after conducting and closing the public hearing, recommended that the City Council: (a) adopt the required CEQA findings, including certifying the SEIR and rejecting alternatives as infeasible; (b) adopt the Standard Conditions of Approval and Mitigation Monitoring and Reporting Program ("SCAMMRP"); and (c) approve the General Plan Amendment; Rezoning; the Preliminary Planned Unit Development Permit for the entire project; the Final Development Plan for Master Developer Site Improvements, the Final Development Plan for Club Knoll Relocation and Rehabilitation, the Vesting Tentative Tract Map, the Conditional Use Permit for Shared Access Facilities, the Creek Permit, and the Tree Removal Permit ("Project") based, in part, upon the Findings contained in the October 18, 2017 City Planning Commission Agenda Report and attachments ("City Planning Commission Report"); and

WHEREAS, the SEIR and Project were considered at a regular, duly noticed meeting of the City Council's Community and Economic Development Committee on October 31, 2017, which recommended certification of the SEIR and approval of the Project; and

WHEREAS, and SEIR and Project were considered at a regular, duly noticed, public hearing of the City Council on November 7, 2017; and

RESOLVED, that the City Council, as the final decision-making body for the lead agency, has independently reviewed, considered, and analyzed the SEIR and the CEQA findings of the City Planning Commission contained in the approved City Planning Commission Report, the October 31, 2017 City Council's Community and Economic Development Committee's Agenda Report and attachments and the Council Agenda Report and Attachments (collectively "City Council Agenda Reports"); 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 contained in the approved City Planning Commission Report and the City Council Agenda Reports prior to taking action in approving the Project; and be it

FURTHER RESOLVED, that the City Council adopts and incorporates by reference into this Resolution (as if fully set forth herein), the SCAMMRP contained in the approved City Planning Commission Report and the City Council Agenda Reports; and be it

FURTHER RESOLVED, that the City Council hereby adopts the Amendment to the General Plan Land Use Diagram for the Oak Knoll Site to match the Project's parcel specificity and existing site conditions as detailed in *Exhibit A*, attached hereto and hereby incorporated by reference, based in part upon the findings contained in the approved City Planning Commission Report and the City Council Agenda Reports; and be it

FURTHER RESOLVED, that the City Council hereby adopts all the Project's planning-related permits/approvals including the Planned Unit Development Permit, Preliminary Development Plan and Design Guidelines, Final Development Plan for Master Developer Site Improvements, Final Development Plan for Club Knoll Relocation and Rehabilitation, Vesting Tentative Tract Map, Conditional Use Permit for Shared Access Facilities, Creek Permit, and Tree Permit for the Oak Knoll Mixed Use Community Plan Project, based in part upon the findings contained in the approved City Planning Commission Report and the City Council Agenda Reports; 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 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 record before this Council relating to these actions include, without limitation, the following:

1. The Project development application, as may be amended or supplemented, and all related materials, 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 SEIR and supporting technical studies and appendices, and all related/supporting final materials, and all final notices relating to the Project and General Plan Amendment and attendant hearings;
3. All oral and written evidence received by the Oakland LPAB, BPAC, City Planning Commission, and City Council during the public hearings on the Project as well as all written evidence received by the relevant City Staff before and during the public hearings on the Project and General Plan Amendment;

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 applicable City policies and regulations; and (e) all applicable state and federal laws, rules and regulations; and be it

FURTHER RESOLVED, except as specifically set forth herein, this ordinance suspends and supersedes all conflicting resolutions, ordinances, plans, codes, laws and regulations.

FURTHER RESOLVED, if any provisions of this ordinance or application thereof to any person or circumstances are held invalid, the remainder of this ordinance and the application of provisions to the other persons or circumstances shall not be affected thereby.

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's Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, California; (b) Public Works Agency Tree Services Division, 7101 Edgewater Dr., Bldg. 4 Oakland California; and (c) 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, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, AND PRESIDENT GIBSON MCELHANEY

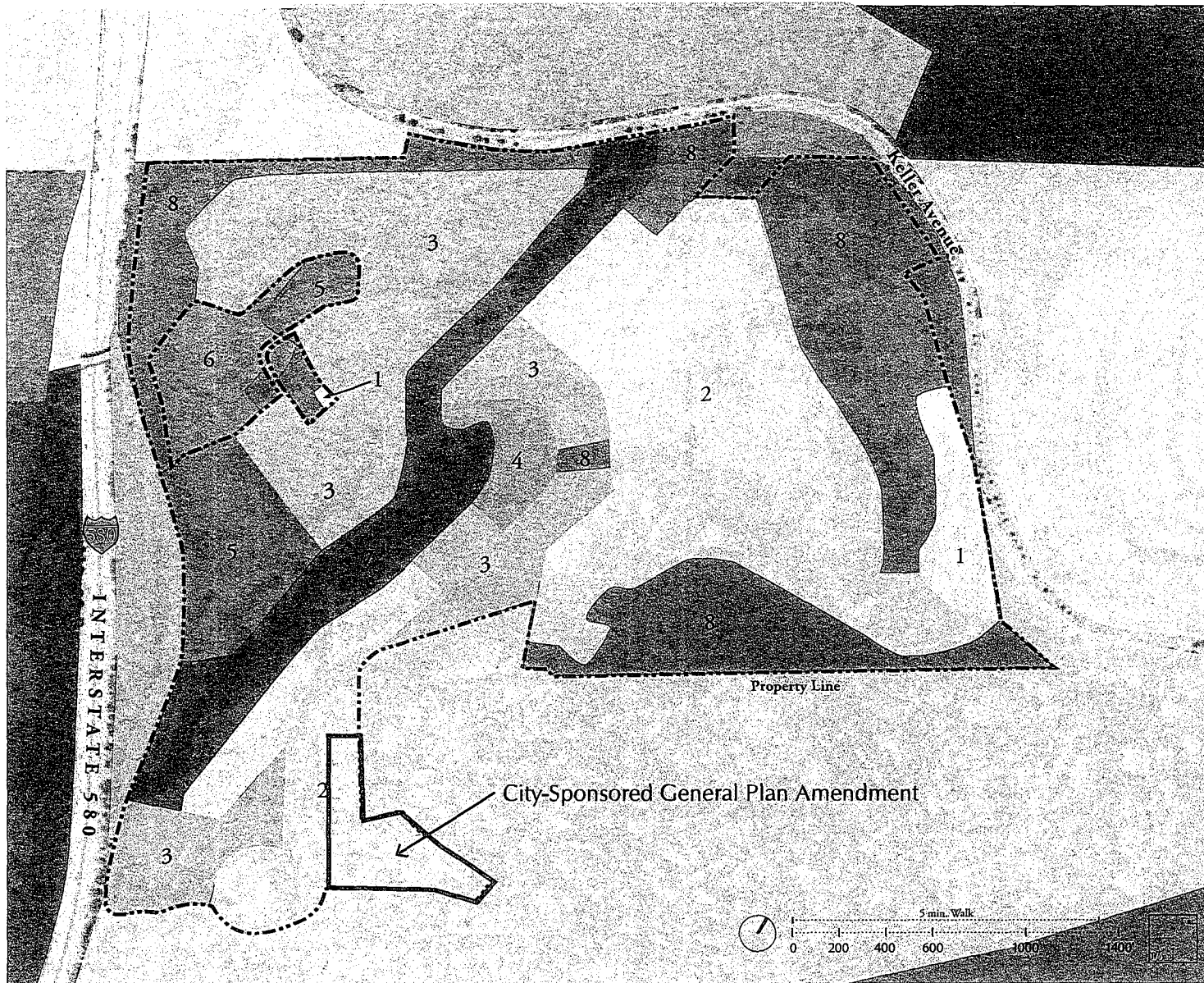
NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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



LEGEND	
---	Property Line
1	Hillside Residential
2	Detached Unit Residential
3	Mixed Housing Type Residential
4	Neighborhood Center Mixed Use
5	Community Commercial
6	Institutional
7	Resource Conservation Area
8	Urban Park and Open Space

Note: General Plan Designations outside of Oak Knoll property line from May 19, 2015 City of Oakland General Plan Designations.

Revised Attachment E: Proposed General Plan Land Use Diagram Amendments
October 18, 2017

Exhibit A