

EXHIBIT D TO ALL APPROVAL DOCUMENTS

GENERAL FINDINGS RELATED TO APPROVAL OF THE WOOD STREET PROJECT

CITY COUNCIL HEARING
MAY 17, 2005

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I. INTRODUCTION

1. These general findings are adopted by the City of Oakland and the Redevelopment Agency of the City of Oakland for the Wood Street Project. These findings refer to the EIR prepared for that project, SCH #2004012110, and are based upon that EIR. Capitalized terms are defined in Exhibit A (CEQA Findings). These findings are based upon all materials contained in the record of proceedings, as identified in Exhibit A (CEQA Findings). Some findings are based especially on specific reports, or upon specific pages of the EIR, as noted below. However, all findings are based upon the entire record. References to specific reports and specific pages of documents are not intended to identify those sources as the exclusive basis for the finding.

2. These general findings are attached as Exhibit D and incorporated by reference into several approval documents pertaining to the Wood Street Project: a resolution amending the General Plan, an ordinance amending the Oakland Army Base Redevelopment Plan, a resolution recommending the Redevelopment Plan amendment, an ordinance creating the Wood Street Zoning District, an ordinance rezoning the Project Area to the Wood Street Zoning District, and a resolution approving five separate Vesting Tentative Parcel Maps (VTPMs) for five sites within the Project Area, and denying appeals regarding the Planning Commission decision regarding the Maps. For ease of reference, all the relevant findings under the Planning and Zoning Law, the Municipal Code, the Redevelopment Law and other applicable policies or regulations are included in this one document.

3. Attached to these same approval documents is an Exhibit A that contains CEQA findings. Also attached is an Exhibit B that references impacts, mitigation measures, and resulting levels of significance, and sets forth the Mitigation Monitoring and Reporting Program. Also attached is an Exhibit C that contains the conditions of approval. All Exhibits are incorporated by reference into each other, and into the approval documents.

4. Exhibit C to the VTPM Resolutions contains definitions relating to Train Station facilities that are used in all findings as well. Specifically, references to the 16th Street Train Station and its various components are as follows. “16th Street Train Station” refers to all facilities associated with the station, which are as follows:

- the “Main Hall” (including its north and south wings, and the canopy at the Wood Street entrance to the Main Hall)
- the “Elevated Platform” (which housed the Elevated Tracks before they were removed in the 1940s)
- the “Baggage Wing”
- the “Signal Tower”
- the “Elevated Platform Feasibility Study Area,” which is the area of the Elevated Platform which is immediately adjacent to the Main Hall and the Baggage Wing

Each of these capitalized, quoted terms refers to facilities that comprise the 16th Street Train Station, as depicted in Figure 1 attached to the VTPM Conditions of Approval (Exhibit C to the VTPM Resolution). References to portions of the 16th Street Train Station to be preserved or rehabilitated, and references to portions of the 16th Street Train Station to be demolished, refer to the portions to be preserved, rehabilitated and demolished after implementation of VTPM Conditions 56A and 57A.

5. References to title, chapter and to code sections are references to the Oakland Municipal Code unless the context clearly indicates otherwise. References to Exhibits are references to the other exhibits to which this Exhibit D is attached.

6. Pursuant to Water Code section 10911(c), the City finds, based upon the water supply assessment provided by EBMUD and information in the entire record, that projected water supplies (including the supplemental water supply and demand management described by EBMUD in its water supply assessment) will be sufficient to satisfy the demand of the Project, in addition to existing and planned future uses. The City further finds that there are no subdivisions of more than 500 dwelling units, as none of the VTPMs propose more than 500 dwelling units. Accordingly, Government Code section 66473.7 does not apply.

7. On March 16, 2005, the Planning Commission certified the EIR and approved five Vesting Tentative Parcel Maps (VTPMs) for the Project, subject to numerous conditions. Arthur D. Levy appealed the Commission’s approval of the VTPMs. These findings support denial of that appeal, as well as approval of the Project. A separate appeal was filed by Margaretta Lin, on behalf of Just Cause Oakland and the Coalition for West Oakland Revitalization, but that appeal challenged only the Commission’s certification of the EIR. The CEQA aspects of the Levy appeal and the Lin appeal are addressed in Exhibit A (CEQA findings).

8. These findings are adopted after extensive review and consideration. The hearings are listed in Exhibit A (CEQA findings). The City has considered the advice and recommendations from the Landmarks Preservation Advisory Board, Planning Director, Planning Commission and Community and Economic Development Committee of the Council,

all of which have recommended the Project subject to certain considerations. The recommendations are deemed to include recommendations for all approvals and findings required to adopt the approvals to which these findings are attached.

II. GENERAL PLAN CONSISTENCY

9. The Project is governed by the *City of Oakland General Plan* and any decision by the City affecting land use and development must be consistent with the General Plan. In order to achieve consistency between the Wood Street Project and the General Plan, the Project sponsors have requested a General Plan Amendment to change the designation of the Project Area from “Business Mix” to “Urban Residential.” The proposed Amendment is discussed in the EIR, especially at pages 3.2-6 through 3.2-18 of the DEIR along with a discussion of General Plan policies that are consistent with the Project. The proposed General Plan Amendment is also discussed in the staff reports presented to the Landmark Preservation Advisory Board, Planning Commission, Community and Economic Development Council Committee, the City Council and the Oakland Redevelopment Agency. The City adopts the conclusions, analysis and explanations contained in the EIR and staff reports.

10. The intent of the Business Mix land use category is to “create, preserve and enhance areas of the City that are appropriate for a wide variety of business and related commercial and industrial establishments.” When the General Plan Land Use and Transportation Element (LUTE) was adopted in 1998, it was anticipated that the Project Area would be developed with light industrial, manufacturing, bioscience, and research and development facilities. However, there was no demand for the light industrial land uses envisioned for this area, as evidenced by the lack of interest in developing the Business Mix land uses referenced in the LUTE since it was adopted. Instead, there was a demand for residential land uses, which are not permitted under the Business Mix designation.

11. The Project Sponsors have requested a General Plan Amendment to change the land use designation in the Project Area to Urban Residential, and have proposed the development of up to 1,570 residential units, including 186 live/work units, some in converted warehouses, 13,000 square feet of neighborhood serving commercial uses, and 14,487 square feet of community and civic uses associated with the historic 16th Street Train Station. The Project Sponsors propose to preserve and restore the Main Hall and the Signal Tower, and to construct a public plaza in front of the train station.

12. The Project, including the General Plan Amendment, Redevelopment Plan Amendment, Rezoning, and each Vesting Tentative Parcel Maps, is consistent with the General Plan and will result in an internally consistent General Plan.

13. The General Plan Amendment approved for this Project will not cause the General Plan to become internally inconsistent. The General Plan Amendment and the remainder of the General Plan comprise an integrated, internally consistent and compatible statement of policies for the City. The various land uses authorized for the Project are compatible with the objectives, policies, general land uses, and programs specified in the General Plan, as amended. The Project is compatible with and conforms to the objectives, policies, general land uses and programs specified in the General Plan. The Project furthers the objectives

and policies of the General Plan and does not obstruct their attainment. The Project, as conditioned through conditions of approval set forth in Exhibit C to the VTPM Resolution, is compatible with, and in harmony with, General Plan goals and policies. The Project is in harmony with surrounding neighborhoods, and the site is physically suitable for the development proposed.

14. The General Plan comprises many objectives, policies, principles, programs, standards, proposals and action plans (collectively “policies”), as well as performance standards. The City recognizes that the policies necessarily compete with each other. Examples of the tensions between General Plan policies are found between those policies that promote managed growth and encourage new residential construction, and those that provide for protection of historical resources that exist on undeveloped land. The City has considered all applicable General Plan policies and the extent to which the Project conforms to and potentially competes with each of those policies.

15. The City has fully evaluated the extent to which the Project achieves each policy, including those pertaining to compatibility of land uses, protection of open space, standards regarding geology, soils and earthquake risks, hazardous materials, flood hazards and drainage, protection of water quality, protection of biological resources, transportation standards and goals, regional and local housing needs, jobs/housing balance, noise, protection of air quality, protection of visual resources, standards for public services and utilities, protection of archeological and historical resources, the provision of housing for all sectors of the economic community, economic incentives, and the provision of employment opportunities for residents of Oakland in general, and West Oakland in particular. The City has also fully considered the Project’s compliance with all goals, policies and objectives in the General Plan, and finds the Project in compliance with the General Plan.

16. For the reasons stated in the EIR, in the staff reports referenced above, in these findings, and in the CEQA findings for the Project (Exhibit A), the City finds that the balance achieved by the Project among competing General Plan policies is acceptable, and that the Project complies with all performance standards in the General Plan. The Project achieves each applicable policy to some extent, and represents a reasonable accommodation of all applicable competing policies in the General Plan. The Project promotes the General Plan goals referenced in the CEQA statement of overriding considerations (Exhibit A). Specifically, the implementation of the approved project will result in the fulfillment of several important General Plan policies including investment in an economically distressed area, the encouragement of infill development, meeting regional fair share of housing needs, the creation of a new civic open space, and the preservation of a designated City landmark.

17. The Project also complies with applicable Historic Preservation Element goals and policies. The City adopts the explanation of how the Project complies with this Element from the EIR, particularly the Cultural Resources Chapter of the DEIR and Master Response 4 of the FEIR. The 16th Street Train Station is a Class 1 Landmark. The Project preserves the vast majority of this Class 1 Landmark, proposing demolition of only the north and south ends of the Elevated Platform that extend beyond the Elevated Platform Feasibility Study Area, and demolition of the portion of the Elevated Platform Feasibility Study Area, if any, that is not retained after implementation of VTPM Condition 57A. Demolition is permitted under the

Historic Preservation Element upon either of the following two findings: (c) the applicant demonstrates that the existing property has no reasonable use or cannot generate a reasonable economic return and that the development replacing it will provide such use or generate such return; or (d) the applicant demonstrates that the property constitutes a hazard to public safety and is economically infeasible to rehabilitate on its present site. For the reasons explained in Exhibit A (CEQA findings), the City adopts both findings. The City also finds that the mitigation measures reasonably assure compliance with Secretary of Interior standards that the potential rehabilitation of the Main Hall and Baggage Wing will be compatible with the property's historic design.

18. When the Landmarks Preservation Advisory Board and Planning Commission considered the proposed demolition of portions of the 16th Street Train Station, and the proposed retention and reuse of portions of the 16th Street Train Station, they determined that demolition should not be permitted absent further investigation into possibilities for retaining a greater width of the Elevated Platform Feasibility Study Area and the Baggage Wing. The Planning Director likewise determined that demolition should not be permitted absent additional efforts to preserve these facilities. The Project Sponsors therefore proposed to preserve a greater portion of the 16th Street Train Station, and the Council directed that additional language be included in the proposed measures at its meeting of May 3, 2005. These measures are now reflected in VTPM Conditions 52A (providing for preservation of the 16th Street Train Station including the Main Hall, Baggage Wing, and as much of the Elevated Platform Feasibility Study Area as possible), 56A (providing an opportunity for the Redevelopment Agency to fund retention of the Baggage Wing), 56B (assuring that the Baggage Wing may not be demolished as part of this approval, and setting forth a process to ensure even more consideration of feasibility should the Project Sponsor seek permission to demolish the Baggage Wing at some future date) and 57A (providing for additional investigation of retaining a greater width of the Elevated Platform Feasibility Study Area). There was also concern at the Landmarks Preservation Advisory Board regarding the feasibility of reusing the Main Hall if lot lines were drawn immediately around the Main Hall without providing additional space for parking or accessory functions. In response, the Project Sponsor submitted evidence (Attachment H to the staff report for the March 16, 2005 Planning Commission meeting), which demonstrates the feasibility of reuse. The City now finds the concerns of the Planning Director and these lower bodies have been addressed adequately in VTPM Conditions 56A, 56B and 57A, and as explained in the following paragraphs.

19. Implementation of VTPM Condition 56A will involve a determination by the Redevelopment Agency whether to fund retention of the Baggage Wing. If the Redevelopment Agency elects to fund retention of the Baggage Wing, the Baggage Wing shall be retained, and rehabilitation and reuse of the Baggage Wing will be explored pursuant to VTPM Conditions 58 and 59. If the Redevelopment Agency does not elect to fund retention of the Baggage Wing, the Project Sponsor will not be allowed to demolish the Baggage Wing unless the Project Sponsor obtains additional approvals at a later date, as provided in VTPM Condition 56B.

20. Implementation of VTPM Condition 57A will result in a determination, to be made in connection with approval of a Preliminary Development Plan, of the amount of width of the Elevated Platform Feasibility Study Area that can be retained, leaving the portion that

cannot be retained to be demolished. The portion of the Elevated Platform Feasibility Study Area that is not demolished will be preserved, and rehabilitation and reuse of the preserved portion of the Elevated Platform Feasibility Study Area will be explored pursuant to VTPM Conditions 58 and 59.

21. The City finds that, with imposition of these conditions, demolition and removal of the Class 1 Landmark facilities (demolition of the north and south ends of the Elevated Platform that extend beyond the Elevated Platform Feasibility Study Area, and demolition of the portion of the Elevated Platform Feasibility Study Area, if any, that is not retained after implementation of VTPM Condition 57A) are appropriate because the applicant has demonstrated that the existing property has no reasonable use and cannot generate a reasonable economic return, and that the proposed replacement structures will provide a reasonable use and a reasonable economic return. The reasons for this conclusion are set forth in the section of Exhibit A (CEQA Findings) pertaining to Historic Resource Issues. With respect to the portions of the 16th Street Train Station proposed for retention and rehabilitation, the City finds the proposal conforms substantially with the Secretary of Interior's Standards for the Treatment of Historic Property; and that, to the extent the proposals can be argued not to conform due to demolition of other portions of the 16th Street Train Station, the applicant has demonstrated that the property has no reasonable use or cannot generate a reasonable economic return without that demolition, and that no feasible alternatives are available to obtain such use or return. (Tables 4-1 and 4-2 of Historic Preservation Element)

22. The City finds compliance with Note 1 of Table 4-1 of the Historic Resources Element as follows. There has already been extensive discussion and consideration of the demolition of portions of the 16th Street Train Station. Many commenters have made numerous, specific suggestions regarding the portions that will or may be demolished. Despite the breadth, length and extent of this process, there have been no proposals by any person or entity to purchase or move the historic structures, except for the concepts already embodied in mitigation measures and VTPM conditions of approval. In light of this extensive processing, the City finds that a period of 90 days, starting from the date of the Council's final decision to adopt the Wood Street Zoning District, is a sufficient period of time for the Project Sponsors to investigate sale or moving of the property in compliance with Note 1 in Table 4-1. The sufficiency of the investigation shall lie in the sole discretion of the Planning Director. The City finds that VTPM conditions of approval comply with the requirements of Note 2(i) of Table 4-1 pertaining to documentation and a salvage program. The City finds that note 2(ii) of Table 4-1, pertaining to Class 3 landmarks, is not applicable as no Class 3 landmarks are in the Project.

23. As explained in Master Response 4 in the FEIR, and in the definitions of terms contained in the Historic Preservation Element, none of the other properties in the Wood Street Zoning District are subject to the regulatory portions of the Historic Preservation Element. That element contains regulations restricting or prohibiting alteration or demolition of certain buildings. Those regulations apply only to properties that have been designated historic properties pursuant to the procedures in Policy 2.3. Neither Bea's Hotel nor the Pacific Coast Canning Company Buildings have been subjected to the procedures in Policy 2.3, and are therefore not designated historic properties. Demolition of these buildings is appropriate because the demolition has been studied in an Environmental Impact Report, and the properties are blighted as previously determined when the Redevelopment Plan was adopted, and based upon

the information about the existing setting in the EIR, in photographs submitted to the City by commenters, and in the testimony of numerous commenters at the May 3, 2005 Council hearing. No funding has been located that would permit retention of these properties, and the City is not able to acquire the properties.

24. Bea's Hotel and the four Pacific Coast Canning Company Buildings are Potential Designated Historic Properties. The City finds compliance with Policy 3.5 of the Historic Preservation Element with respect to Bea's Hotel. Bea's Hotel has experienced alteration and deterioration, resulting in a rating of Dc2+, and in a determination that the property does not warrant retention. This determination is confirmed by a recent inspection performed by Alan Dreyfus, as noted in the materials presented to the Council for its May 3, 2005 meeting. Bea's Hotel is proposed for demolition under the Project. The regulations of the Wood Street Zoning District assure that the design quality of the new development will be compatible with the character of the neighborhood, and that the new design will be at least equal in quality to the existing design.

25. The City finds compliance with Policy 3.5 of the Historic Preservation Element with respect to the Pacific Coast Canning Company buildings. These buildings are located at 1111 through 1119 Pine Street, between 11th and 13th Streets, in Development Area 2. One building (the Cannery Building) is proposed for reuse. The two smaller buildings are currently proposed for demolition. The fourth building (referred to as the Icehouse) will continue to be used for warehouse storage and is zoned to accommodate future residential development, and may be demolished. The buildings have been substantially altered, and have been vacant for some time. The district that encompasses the buildings has not been designated a Preservation District by the City, and none of the buildings themselves have been designated as historic properties. The condition of the buildings and the fact that their design is undistinguished, result in the City's determination that the buildings do not warrant retention. The regulations of the zoning district provide adequate assurance that proposed design of the new development will be compatible with the character of the neighborhood, and at least equal in quality to the existing design. The proposal for the Cannery Building will comprehensively modify that building, while incorporating elements to honor its history. Lew Hing's granddaughter expressed support for the development proposal for Development Area 2, at the April 11, 2005 meeting of the Landmarks Preservation Advisory Board.

26. The City acknowledges the controversy and difference of opinion regarding the consistency of the Project with the General Plan. In some instances, commenters have urged that the City consider the Project inconsistent with the General Plan unless the Project is redesigned to incorporate attributes desired by the commenters. Examples include affordable housing; redesign of architectural elements, project intensity or density to provide what the commenters believe is a better degree of compatibility with adjacent neighborhoods; economic incentives; job creation; retention of existing businesses; and job training opportunities. To the extent these subjects are reflected in the Oakland General Plan, the City finds that the controversy is about the extent to which the Project will achieve each General Plan provision, and not whether the Project is inconsistent with any of those provisions. However, the City has never interpreted its General Plan to require that every single development project incorporate every ideal referenced in the General Plan to fullest extent possible. Rather, the City has historically interpreted its General Plan to provide City-wide goals, objectives, policies and

programs designed to make Oakland as a whole a balanced, inviting, viable community with sufficient housing to meeting the City's fair share of regional housing needs. The City has reviewed carefully the role the Project will play in achieving city-wide goals, policies, objectives and programs, and finds the extent and manner in which the Project will participate acceptable and desirable.

27. The City has also carefully reviewed the goals, policies, objectives and programs specifically applicable to the West Oakland neighborhood, and finds the extent and manner in which the Project will participate to be acceptable and desirable. The City finds that the Project particularly advances certain General Plan goals, policies, objectives and programs that are specific to the West Oakland neighborhood. The Project will improve neighborhood land use compatibility through the development of pedestrian-oriented mixed-use development rather than industrial or transportation related uses, and will contribute to moving high impact industrial uses away from residences. The Project will invest in neighborhood infrastructure by modernizing the existing sewer and storm drains to serve the site, undergrounding utilities and providing new streetscape, sidewalks and lighting. The Project will address disinvestment in West Oakland by redeveloping and revitalizing underutilized or vacant land. The Project will meet the goal of adaptive reuse through the preservation and rehabilitation of the 16th Street Train Station. Finally, the Project will provide the neighborhood with compatible infill development that includes live-work units.

28. During the processing of the Project, the various Project Sponsors have agreed to additional regulations applicable to the Development Areas each controls, as reflected in VTPM Conditions 7A (regarding hiring practices), 52A (provision for preservation of the 16th Street Train Station including the Main Hall, Baggage Wing, and as much of the Elevated Platform Feasibility Study Area as possible), 56A (providing an opportunity for retention of the Baggage Wing), 56B (assuring that the Baggage Wing may not be demolished as part of this approval, and setting forth a process to ensure even more consideration of feasibility should the Project Sponsor seek permission to demolish the Baggage Wing at some future date), 57A (regarding the width of the Elevated Platform Feasibility Study Area), 68A (Buffer Area Adjacent to California Waste Solutions Facility), and 100 (providing opportunities for lower income persons and families to reside in the Project). These additional provisions will assure that General Plan policies encouraging job opportunities, opportunities for housing for persons and families of lower economic status, preservation of historic resources, and compatibility with the surrounding neighborhood are achieved to a greater extent than they would otherwise be, and further evidence General Plan consistency. The retained portions of the 16th Street Train Station will continue to be subject to the protections of Ordinance 10435, by which the 16th Street Train Station was designated as an Oakland landmark.

III. WOOD STREET ZONING DISTRICT

29. The Wood Street Zoning District is attached to the Ordinance of the City of Oakland Adopting the Wood Street Zoning District. The City adopts the conclusions, analysis and explanations contained in the EIR, staff reports and presentations by the Project Sponsors relating to the zoning district.

30. Pursuant to Chapter 17.144, the City finds the rezoning of the Project Area to the Wood Street Zoning District is consistent with the goals and policies of the General Plan and the proposed General Plan Amendment related to this site, as noted above. The notice required by section 17.144.060 has been given.

31. The Wood Street Zoning District is based on regulations from the existing Oakland Zoning Code and sets forth land use regulations, development standards, design guidelines and other requirements. The adoption of the Wood Street Zoning District will apply exclusively to the 29.2 acre Wood Street Project, and will allow for a residential mixed-use development in the Project Area, consistent with the proposed land use designations under the General Plan Amendment related to this site. The rezoning will promote local and regional welfare by allowing housing to be developed on a site which is currently underutilized or vacant, in a manner that accommodates a unique site that faces many development challenges. This significant addition to Oakland's housing stock will help satisfy local and regional housing needs to a much greater degree than would the current zoning designations, none of which are appropriate for residential development. The Project will provide a variety of housing types, making the development accessible to a range of needs in the market. The Wood Street Zoning District will allow the development of pedestrian-oriented, live-work, mixed-use development near the center of the Bay Area, with convenient access to public transit and freeways. The type of development will promote the public health, safety and welfare by reducing pollution associated with both long distance commuting and industrial truck traffic, as well as redeveloping and revitalizing an economically distressed area of the City. The rezoning will facilitate private investment into an economically depressed area, and will promote the goals and purposes of the Oakland Army Base Redevelopment Plan.

32. The Wood Street Zoning District does not create an incompatibility with the surrounding area. The area to the northwest of the Project Area, across I-880, contains mostly transportation-related uses. The majority of the land to the south and east of the Project Area is zoned for residential uses. Other land to the south contains industrial uses including a recycling center. Limitations have been incorporated into the requirements for the project to assure adequate setbacks and buffering between the surrounding industrial and commercial uses and the approved residential uses. Implementation of the Project will help to alleviate existing land use conflicts in the area by introducing pedestrian-oriented mixed-use development into the Project Area. Retaining the existing zoning, in contrast, would result in the expansion of new industrial and transportation related uses in the Project Area in an area immediately adjacent to existing residential uses. Limiting the expansion of these industrial and transportation uses promotes the public health, safety and welfare by restricting and re-directing heavy truck traffic and the accompanying impacts on air quality. Further, the Project would serve to buffer the existing adjacent homes from current high levels of noise from I-880 and the frontage road.

33. The Wood Street Zoning District will not create visual incompatibility with the surrounding districts. The Wood Street Zoning District promotes the public interest by identifying three "overlay zones" within the Project Area, to ensure that there is a transition in scale from the existing neighborhood to the Project, that new development fronting the 16th Street Plaza creates a well-defined urban space and is complementary to the scale of the 16th Street Train Station, and that there is greater flexibility for development facing onto the busy frontage road. The Wood Street Zoning District proposes a base set of development standards

for each Development Area. These include maximum and minimum densities, floor area ratios, height limits, setbacks, and parking. The Zoning District also includes design guidelines to be applied to future development in the Project Area which emphasize physical design features that promote visual interest, pedestrian friendliness, attractive streetscape and visual compatibility with existing nearby development.

34. The additional provisions reflected in VTPM Conditions 7A (providing for a local construction labor process), 52A (providing for preservation of the 16th Street Train Station including the Main Hall, Baggage Wing, and as much of the Elevated Platform Feasibility Study Area as possible), 56A (providing an opportunity for retention of the Baggage Wing), 57A (regarding the width of the Elevated Platform Feasibility Study Area), 68A (Buffer Area Adjacent to California Waste Solutions Facility), and 100 (providing opportunities for lower income persons and families to reside in the Project), and provide further assurance that the Project will be compatible with the surrounding neighborhood, and will promote the health, safety and welfare of the citizens of Oakland.

IV. OAKLAND ARMY BASE AREA REDEVELOPMENT PLAN AMENDMENT

35. The Project Area is within the 16th/Wood sub-area of the Oakland Army Base (OARB) Redevelopment Project Area. The OARB Redevelopment Plan was adopted in 2000, based upon determinations documented in the Report To City Council Oakland Army Base Redevelopment Project, prepared by Hausrath Economics Group and dated May 2000. This report documented physical, economic and infrastructure-related blight in the 16th and Wood Area, finding factors that substantially hinder the economically viable use of land and buildings in the area and prevent their successful redevelopment. As documented in the EIR, in staff reports, and in photographs and descriptions presented by commenters, the area has experience further deterioration since then.

36. The OARB Redevelopment Plan did not mandate a specific development program for the Project Area, deferring instead to the range of land use activities allowed by the Oakland General Plan and Zoning Code. The Project includes a General Plan Amendment to change the designation of the Project Area from “Business Mix” to “Urban Residential.” The Project also includes a Redevelopment Plan Amendment, to amend the Redevelopment Plan land use map for the 16th/Wood sub-area to “Urban Residential,” consistent with the General Plan. The proposed OARB Redevelopment Plan Amendment is discussed in the EIR, especially at pages 3.2-18 through 3.2-21 of the DEIR, and contains a discussion of Redevelopment Plan goals with which the Project is consistent. The proposed Redevelopment Plan Amendment is also discussed in the staff reports presented to the City and in materials presented by the applicant. The City adopts the conclusions, analysis and explanations contained in the EIR and staff reports.

37. Pursuant to Health and Safety Code sections 33450 and 33458, the City Council and the Redevelopment Agency, meeting jointly, find that the amendment to the OARB Redevelopment Plan is necessary and desirable. The proposed amendment has been submitted to the Planning Commission pursuant to Health and Safety Code section 33453. The Planning Commission has independently reviewed and considered the proposed amendment and has recommended that the City Council and the Redevelopment Agency amend the OARB

Redevelopment Plan, and that the Council amend the General Plan as proposed. The notice required by section 17.144.060 was duly given prior to the Planning Commission consideration of this action, and the City gave proper public notice prior to City Council and Redevelopment Agency consideration as required by Health and Safety Code section 33452.

38. The Redevelopment Plan Amendment is consistent with the General Plan Amendment included in the Project and consistent with the Redevelopment Plan goals. The OARB Redevelopment Plan is a long-term plan, designed to retain flexibility so the Agency can respond to changes in market and economic conditions, developer interest, and redevelopment opportunities. The proposed Amendment is desirable as it will allow for residential mixed-use development that will help to eliminate physical and economic blighting influences in the Redevelopment Project Area, a central goal of the Redevelopment Plan. Amending the Redevelopment Plan to allow for the development of the Project will help to mitigate the economic and social degradation faced by the City due to the closure of the Oakland Army Base. It will allow for the subdivision of land into parcels suitable for modern integrated development with improved pedestrian and vehicular circulation. It will strengthen the economic base of the community through the construction of infrastructure and site improvements that will in turn stimulate new development, through private investment in an economically depressed area of the City, and through development of a Project likely to implement Redevelopment Plan goals of raising property values and generating tax increment revenue.

39. Pursuant to Redevelopment law and the Redevelopment Plan, and as set forth in Exhibit F to the staff report for the 3/16/2005 Planning Commission meeting and Attachments G and H to the staff report for the 5/3/2005 Council meeting, the Redevelopment Agency has several options available to it to meet the Redevelopment Plan's requirement for the provision of affordable housing. The Plan requires that 25% of all tax increment revenue generated by redevelopment within the Redevelopment Project Area be set aside for the provision of affordable housing, which could be used to assist in the development of such housing. Such tax increment will be more than sufficient to ensure that the affordable housing requirements of the Redevelopment Plan will be met. Conley Consulting Group has estimated that such housing set aside tax increment will be \$96 - \$106 million by 2030, and that the Wood Street Project alone will generate \$36.8 million by 2030.

40. VTPM Condition No. 100 requires the Project Sponsors to provide very low, low, and moderate income housing within the Development Areas in a manner that will assist the Redevelopment Agency in meeting its obligations under the Redevelopment Plan and Section 33413 of the Health and Safety Code (State Redevelopment Law).

V. VESTING TENTATIVE PARCEL MAPS

41. Pursuant to Title 16 of the Oakland Municipal Code, the City finds that each of the Vesting Tentative Parcel Maps (VTPMs) 8551, 8552, 8553, 8554 and 8555, independently and collectively, are consistent with the goals and policies of the General Plan and the General Plan Amendment related to this site, as noted above. The VTPMs are discussed in the staff reports presented to the City and also in the text accompanying the Maps. The City adopts the conclusions, analysis and explanations contained in the staff reports and in the VTPMs. The City denies the Levy appeal and approves VTPMs 8551-8555 for the Project, as

subject to the VTPM Conditions of Approval (Exhibit C to the VTPM resolution). The Planning Commission's approval of each VTPM is also conditioned upon enactment by the Council of the General Plan Amendment and Rezoning included in the Project.

42. VTPMs 8551, 8552, 8553, 8554 and 8555 each contain all information required by State Law and by the Oakland Municipal Code, including all information referenced in section 16.08.010. Each VTPM provides, to the extent feasible given the nature of the site and the challenges faced in designing a viable development project, for future passive or natural heating or cooling opportunities.

43. Final maps may be filed in phases, as set forth in the VTPMs and in the Conditions of Approval (Exhibit C to the VTPM resolution). In addition, a Final Map cannot be recorded unless the City has first approved a Final Development Plan for the area subject to the Final Map.

44. Each VTPM meets all design standards of Chapter 16.16 and all improvement standards of Chapter 16.20 through the requirements of the Wood Street Zoning District Zoning Standards, Guidelines and Regulations for Development and Use of Property with the Wood Street Zoning District, and through the items shown on each VTPM.

45. Pursuant to section 16.20.040, the City has given due consideration of the allocation of suitable areas for open space, schools, parks and playgrounds.

46. The VTPM conditions of approval require submittal of a preliminary soils report, in accordance with section 16.20.060. As required by section 16.20.070, all grading work shall be done under the direction of a registered civil engineer, who shall submit the certificate required by section 16.20.070 prior to acceptance of subdivision improvements.

47. The precise location of the portion of the line between Parcel 2 and Parcel 3 of VTPM 8554, which surrounds the Elevated Platform Feasibility Study Area, shall be as depicted in the Final Development Plan for Parcel 3, in compliance with VTPM Condition of Approval 57A. Determining the location of this portion of the line on the final map is ministerial because the line will simply mimic the proposal approved in the Final Development Plan for Parcel 3.

48. The portion of the line between Parcel 2 and Parcel 3 of VTPM 8554, which surrounds the Baggage Wing, shall be as depicted in Figure 2 to the VTPM conditions of approval. Determining the location of this portion of the line on the final map is ministerial because the only determination needed is whether the line shown on the final map substantially conforms to the line in Figure 2 to the VTPM conditions of approval.