

OFFICE OF THE CITY CLERK  
OAKLAND, CALIFORNIA

2011 APR 27 PM 12:59

APPROVED AS TO FORM AND LEGALITY:

Mark P. Ward  
DEPUTY CITY ATTORNEY

## OAKLAND CITY COUNCIL

RESOLUTION No. 83365 C.M.S.

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**RESOLUTION APPROVING THE MACARTHUR TRANSIT VILLAGE STAGE TWO (2) FINAL DEVELOPMENT PLAN PERMIT AND VARIANCES, WHICH WOULD ALLOW FOR DEVELOPMENT OF 90-UNIT AFFORDABLE HOUSING COMPLEX, AS PART OF THE MACARTHUR TRANSIT VILLAGE PLANNED UNIT DEVELOPMENT (PUD060058), PURSUANT TO CITY COUNCIL RESOLUTION NO. 81422 C.M.S. CONDITION OF APPROVAL # 27, AS RECOMMENDED BY THE PLANNING COMMISSION**

**WHEREAS**, the City of Oakland Planning Commission certified the Macarthur Transit Village EIR on June 4, 2008; and

**WHEREAS**, the City of Oakland Planning Commission recommended approval of the Macarthur Transit Village Planned Unit Development (PUD) on June 4, 2008; and

**WHEREAS**, the Oakland City Council approved the Macarthur Transit Village PUD on July 1, 2008; and

**WHEREAS**, the Oakland City Council adopted the "Development Agreement by and between City of Oakland and Macarthur Transit Community Partners, LLC Regarding the Property and Project Known as 'Macarthur Transit Village'" (DA) on July 21, 2009; and

**WHEREAS**, Macarthur Transit Community Partners ("Applicant") filed applications for a Final Development Permit (FDP) and variances for Stage Two (2) of the Macarthur Transit Village to accommodate development of the Macarthur Transit Village Stage Two, which consists, in relevant part, of 90 affordable housing units ("Project"); and

**WHEREAS**, the City of Oakland Planning Commission's Design Review Committee held a duly noticed meeting on February 23, 2011 and recommended revisions to the Project; and

**WHEREAS**, the City of Oakland Planning Commission held a duly noticed public hearing on the Project on April 6, 2011; and

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

**WHEREAS**, the public hearing was closed by the Planning Commission on April 6, 2011; and

**WHEREAS**, the Planning Commission adopted the addendum to the certified Macarthur Transit Village EIR, finding, in relevant part, that no further environmental review is required; and

**WHEREAS**, the Planning Commission recommended approval of the Project; and

**WHEREAS**, the matter came before the Community & Economic Development Committee at a duly noticed public meeting on May 10, 2011, which recommended approval of the Project; and

**WHEREAS**, the matter came before the City Council at a duly noticed public hearing on May 17, 2011; now, therefore be it

**RESOLVED:** That the City Council, having independently heard, considered and weighed all the evidence in the record and being fully informed of the Applications and the Planning Commission's decision on the Project, hereby affirms the City Planning's Commission CEQA determination that no further CEQA review is required and therefore adopts the addendum and approves the Project; and be it

**FURTHER RESOLVED:** That the decision is based, in part, on the June 4, 2008 Planning Commission Report, the July 1, 2008 City Council Report, the February 23, 2011 Design Review Committee Report, the Approved April 6, 2011 Planning Commission Report, and May 17, 2011 City Council Agenda Report and 2008 certified EIR, which are all hereby incorporated by reference as if fully set forth herein, and be it

**FURTHER RESOLVED:** That, in support of the City Council's decision, the City Council affirms and adopts as its findings and determinations the Approved April 6, 2011 Planning Commission Report, and the May 17, 2011 City Council Agenda Reports (including, without limitation, the discussion, findings, conclusions, and conditions of approval, each of which is hereby separately and independently adopted by this Council in full); and be it

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

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

1. the Project Applications, including all accompanying maps and papers;
2. all plans submitted by the Applicant and his representatives;
3. all staff reports, decision letters and other documentation and information produced by or on behalf of the City, including without limitation the EIR and supporting technical studies, all related and/or supporting materials, and all notices relating to the Project Applications and attendant hearings;

4. all oral and written evidence received by the City staff, the Planning Commission, and the City Council before and during the public hearings on the Project Applications; and
5. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations and Oakland Fire Code; (c) Oakland Planning Code; (d) other applicable City policies and regulations; and, (e) all applicable state and federal laws, rules and regulations; and be it

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

**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, MAY 17 2011, 2011

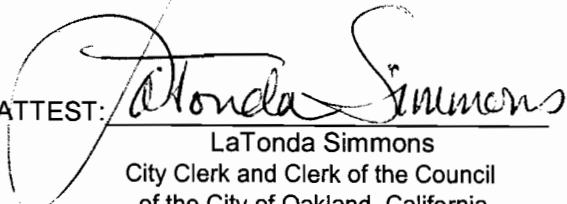
**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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