

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

REVISED
Approved as to Form and Legality

Mark J. Wall
City Attorney

2011 MAR 23 PM 3:55 RESOLUTION NO. 83292 C.M.S.

Introduced by Councilmember _____

**RESOLUTION APPROVING THE MACARTHUR TRANSIT VILLAGE
(a) STAGE ONE (1) FINAL DEVELOPMENT PLAN PERMIT, WHICH
WOULD ALLOW FOR DEVELOPMENT OF A NEW BART PARKING
GARAGE AND SITE INFRASTRUCTURE, 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, AND (b) VESTING
TENTATIVE TRACT MAP 8047, 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 accepted the Macarthur Transit Village Draft Transportation Demand Management Plan (TDM) 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) for Stage One (1) of the Macarthur Transit Village and for a Vesting Tentative Tract Map (TTM8047) to accommodate development of the Macarthur Transit Village Stage One; and

WHEREAS, the City of Oakland Planning Commission's Design Review Committee (DRC) held a duly noticed meeting on May 26, 2010 and recommended revisions to the proposed Stage One FDP; and

WHEREAS, the City of Oakland Planning Commission held a duly noticed public hearing on the Project on November 3, 2010; 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 November 3, 2010; 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 Stage One FDP and TTM8047, as well as the Final Transportation Demand Management (TDM) Plan; and

WHEREAS, the matter came before the Community & Economic Development Committee on December 14, 2010, which recommended approval of the Project; and

WHEREAS, the matter came before the City Council at a duly noticed public hearing on December 21, 2010, but was continued to a future date; and

WHEREAS, the City of Oakland Planning Commission held a duly noticed public hearing on the revisions to TTM8047 on March 16, 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 March 16, 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 revisions to TTM8047; and

WHEREAS, the matter came again before the City Council at a duly noticed public hearing on April 5, 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, adopts the Final TDM Plan and approves the Macarthur Transit Village Stage One FDP and TTM8047; 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 May 26, 2010 Design Review Committee Report, the Approved November 3, 2010 and March 16, 2011 Planning Commission Reports, the December 14, 2010 and April 5, 2011 City Council Agenda Reports 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 November 3, 2010 and March 16, 2011 Planning Commission Reports, and the December 14, 2010 and April 5, 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, 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, APR 5 2011, 20

PASSED BY THE FOLLOWING VOTE:

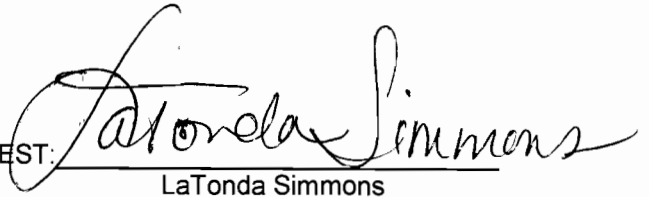
AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT

REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: 

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