


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT AND REGULAR DESIGN REVIEW FOR AN AUTOMOTIVE REPAIR FACILITY AT 401 27TH STREET AND THE ASSOCIATED CEQA EXEMPTION, AS RECOMMENDED BY THE PLANNING COMMISSION.

WHEREAS, the Broadway Valdez Area Specific Plan encourages auto showrooms in an urban format on Broadway Auto Row; and

WHEREAS, auto showrooms are not economically feasible without a related auto repair facility; and

WHEREAS, Jody Stout applied for a Conditional Use Permit and Regular Design Review to legalize an auto repair facility at 401 27th Street associated with an auto showroom with an urban format at 4133 Broadway (Permit number: PLN19029); and

WHEREAS, after a duly noticed meeting on March 4, 2020, the Planning Commission recommended that the City Council approve the proposed auto repair facility at 401 27th Street by a vote of 6-0 (one abstention); and

WHEREAS, as shown in **Exhibit A**, the March 4, 2020 Planning Commission Staff Report, the proposal, as conditioned, meets the findings required in the Planning Code for the City to approve the application; and

WHEREAS, the City Council held a duly noticed public hearing on June 2, 2020 to consider the proposal, and all interested parties were provided an ample opportunity to participate in said hearing and express their views; and

WHEREAS, the project qualifies for an exemption from the California Environmental Quality Act (CEQA) under Section 15301 of the State CEQA Guidelines (Existing Facilities); now, therefore be it

RESOLVED: That the City Council hereby approves the project's planning-related permits/approvals, including the Conditional Use and Regular Design Review Permits for an Auto Repair and Cleaning Commercial Activity and façade improvements at 401 27th Avenue, based on the Findings, Conditions of Approval, and content included in Exhibit A, the March 4, 2020, Planning Commission staff report regarding the proposal and the June 2, 2020, City Council agenda report; and be it

FURTHER RESOLVED: That the City Council determines that the project is exempt from CEQA under Section 15301 of the State CEQA Guidelines (Existing Facilities); 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 Exemption 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; 3. All oral and written evidence received by the Oakland Zoning Update Committee, 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; 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: 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 the Planning and Building Department's Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 2114, 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 - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California