  
City Attorney's Office

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2019 OCT 24 PM 3:59

# OAKLAND CITY COUNCIL

RESOLUTION NO. 87915 - C.M.S.

**A RESOLUTION DENYING THE APPEAL BY THE CONCERNED PRESCOTT PARENTS COMMITTEE (PLN18388-A01) AND UPHOLDING THE PLANNING COMMISSION'S DECISION TO APPROVE A MINOR CONDITIONAL USE PERMIT AND ENVIRONMENTAL DETERMINATION TO ESTABLISH A HEALTH CARE CIVIC ACTIVITY AT 1630 10<sup>TH</sup> STREET (PLN18388)**

**WHEREAS**, the project applicant, Options Recovery Services (Tom Gorham), filed an application on September 20, 2018, for a Minor Conditional Use Permit to establish a Health Care Civic Activity within the existing civic building at 1630 10<sup>th</sup> Street, as case PLN18388 ("Project" or "Application"); and

**WHEREAS**, the proposed Health Care Civic Activity is for a drug and alcohol rehabilitation center that focuses on case management, education groups, and treatment planning and therapy, and does not include the distribution of or treatment via medication; and

**WHEREAS**, on January 18, 2019, the Project was noticed, and notices were legally distributed and a public notice sign was posted at the subject site; and

**WHEREAS**, on February 25, 2019, and April 9, 2019, community meetings were held at the subject site to discuss the proposal with the community; and

**WHEREAS**, on June 28, 2019, the Project went out for Planning Commission Public Notice, and notices were legally distributed and a public notice sign was posted at the subject site; and

**WHEREAS**, on July 17, 2019, the Planning Commission approved the minor Conditional Use Permit subject to the findings and conditions outlined in the staff report and additional conditions imposed by the Planning Commission and further approved related California Environmental Quality Act (CEQA) findings, with a vote of 6-0; and

**WHEREAS**, on July 29, 2019, a timely appeal of the Planning Commission's approval was filed by Andrei Soroker, representing the Concerned Prescott Parents Committee; and

**WHEREAS**, after giving due notice to the Appellant; the Applicant, and all interested parties, the Appeal came before the City Council at a duly noticed public hearing on November 5, 2019; and

**WHEREAS**, the Project is consistent with all applicable Zoning regulations and General and Specific Plans, including, the RM-2 Zone, the West Oakland Specific Plan, and the Oakland General Plan; and

**WHEREAS**, the Project will not create an environmental impact per CEQA and is exempt from CEQA environmental review under Section 15301 (Existing Facilities) and Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) of the State CEQA Guidelines; and

**WHEREAS**, the project, as a drug and alcohol rehabilitation center (health care civic activity), will be a vital service to the neighborhood, Oakland, and Alameda County community; now, therefore be it

**RESOLVED:** That the City Council, having heard, considered, and weighed all the evidence in the record presented on behalf of all parties, and being fully informed of the application, the Planning Commission's decision, and the appeal, find that the appellant has not shown that the Planning Commission's approval of the minor Conditional Use Permit and Environmental Determination was made in error, that there was an abuse of discretion by the Planning Commission or that the Commission's decision was not supported by substantial evidence as outlined in the July 17, 2019 Staff Report to the Planning Commission and the Agenda Report to City Council dated October 14, 2019 and incorporated by reference as if fully set forth herein; and be it

**FURTHER RESOLVED:** That the City Council independently determines that the required findings can be satisfied to approve a minor Conditional Use Permit and Environmental Determination for a health care civic activity at 1630 10<sup>th</sup> Street, and furthermore, to adopt the Resolution to deny the appeal under PLN18388-A01 and uphold Planning Commission Decision on PLN18388; and be it

**FURTHER RESOLVED:** That per standard City practice, if litigation is filed challenging this decision, or any subsequent implementing actions, then the time period for obtaining necessary permits for construction or alteration and/or commencement of authorized activities stated in Condition of Approval #2 is automatically extended for the duration of the litigation; 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,

NOV 0 5 2019

PASSED BY THE FOLLOWING VOTE:

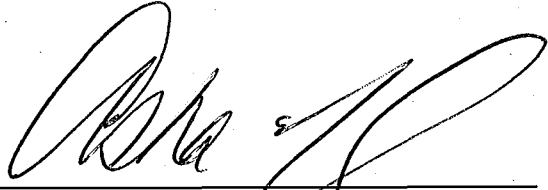
AYES - ~~FORTUNA, BAS, GALLO, BROWN, McELHANEY,~~ KALB, REID, TAYLOR, THAO AND  
PRESIDENT KAPLAN, ~~MA, A, S, P, - 17~~ 6

NOES - 1 *McElhaney*

ABSENT - 0

ABSTENTION - 1 *Bas*

ATTEST:



LATONDA SIMMONS  
City Clerk and Clerk of the Council of the  
City of Oakland, California