

OAKLAND CITY COUNCIL

RESOLUTION NO. 78964 C. M. S.

INTRODUCED BY COUNCILMEMBER _____

Muk P. Wald

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A \$41,080 IN-LIEU OPEN SPACE FEE IN COMPLIANCE WITH THE CONDITIONS OF APPROVAL AND MITIGATION MEASURES FOR THE PRESERVATION PARK PROJECT, AND THE APPROPRIATION OF THE REVENUE TO FUND 1010, ORG. 92270, PROJECT NO. P252710 FOR PUBLIC IMPROVEMENTS AT LAFAYETTE PARK

WHEREAS, the Preservation Park Project (now known as Landmark Place Homes) entails the construction of 92 residential units, a 450 square-foot café, and 90 off-street parking spaces; and

WHEREAS, the Oakland City Council approved the Development and Disposition Agreement for the Preservation Park Project on July 25, 2000; and

WHEREAS, the Oakland City Planning Commission certified the Mitigated Negative Declaration and approved the planning entitlements for the Preservation Park Project on July 5, 2000; and

WHEREAS, the Preservation Park Project required approval of a variance because the open space requirements of the Zoning Regulations were not met; and

WHEREAS, the project approvals included Condition of Approval 17 and Mitigation Measures XIVA and XIVB, which required the project sponsor to mitigate the potential impact of the project's open space deficit on recreational facilities at Lafayette Park by paying an in-lieu fee; and

WHEREAS, the calculation for the \$41,080 in-lieu open space fee was based on the cost of the land and the amount of the open space deficit; and

WHEREAS, the fee must be formally accepted by the City Council because there is not an adopted open space impact fee;

NOW, THEREFORE, BE IT

RESOLVED: That any agreements executed pursuant to this Resolution shall be approved as to form and legality by the City Attorney and a copy shall be filed with the City Clerk.

FURTHER RESOLVED: That the City Council hereby appoints the City Administrator or his/her designee to act as an agent of the City Council to accept the \$41,080 in-lieu open space fee for the Preservation Park Project and to appropriate the revenue to general fund (Fund 1010), Public Works Agency, capital improvement (Organization 92270), Lafayette Square (Project Number P252710) for public improvements at Lafayette Park, which may include repairing the plumbing and lighting for the existing fountain, fixing the existing tree supports, and/or providing crosswalk enhancements.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 21 2004, 2004

PASSED BY THE FOLLOWING VOTE:

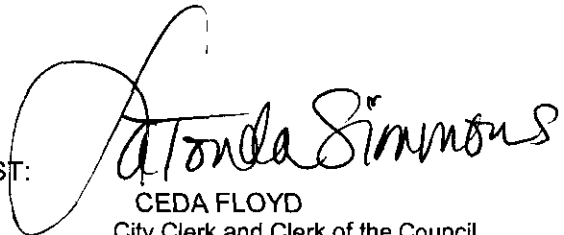
AYES- BRUNNER, CHANG, BROOKS, NADEL, REID, QUAN, WAN AND
PRESIDENT DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:


CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California