

2013 MAR 13 PM 4:28
RESOLUTION No. _____ C.M.S.
Introduced by Councilmember _____

A RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING BY AND AMONG THE CITY OF OAKLAND, THE CITY OF BERKELEY AND THE CITY OF EMERYVILLE FOR THE DEVELOPMENT OF 6701 SAN PABLO AVENUE, A PROPERTY LOCATED WITHIN EACH OF THE THREE JURISDICTIONS

WHEREAS, the owner of 6701 San Pablo Ave, LBA, approached the cities of Oakland, Berkeley and Emeryville regarding the development of the aforementioned property which is located within all three jurisdictions; and

WHEREAS, the property owner requests that all future land use and building permits be processed by the City of Berkeley for efficient development; and

WHEREAS, the City of Oakland agrees that the issuance of planning and building permits and building inspections should be solely handled by the City of Berkeley as there is little difference between Berkeley and Oakland's Codes; and

WHEREAS, the City of Oakland is committed to seeing properties developed in as efficient a manner as possible; and

WHEREAS, the City Council hereby finds and determines that CEQA exemptions 15268(b) (Projects which are Ministerial), 15061(b)(3) (Projects which will have no impact on the environment), 15301 (Projects involving Existing Facilities), 15183 (Projects consistent with a Community Plan, General Plan, or Zoning), and 15332 (Infill) apply to this project, each of which provides a separate and independent basis for CEQA clearance; now, therefore be it

RESOLVED: The City Council, having independently heard, considered, reviewed and weighed all the evidence in the record presented on behalf of all parties and being fully informed of the Memorandum of Understanding negotiated by and among the City of Oakland, the City of Berkeley and the City of Emeryville accept that Zoning Land Use controls, Building Permits and Building Inspections for activities on the property will be solely reviewed, issued and conducted by the City of Berkeley; 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) City of Oakland, Office of Planning, Building and Neighborhood Preservation, 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA; and (b) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st Floor, Oakland, CA; 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; and be it

FURTHER RESOLVED: That the City Administrator or her designee is authorized, without returning to the City Council, to negotiate and execute a Memorandum of Understanding for the development of 6701 San Pablo Avenue consistent with the Agenda Report and to negotiate and execute all documents, amendments, agreements and instruments reasonably necessary or required to implement this Resolution, however, a separate agreement allocating the responsibility and costs for the provision of emergency and public safety services to the Property will require further approval by the City Council; and be it

FURTHER RESOLVED: That the Office of the City Attorney shall approve the Memorandum of Understanding and all such other documents, amendments, agreements and instruments, as to form and legality.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON McELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

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