


City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO ENTER INTO A MEMORANDUM OF AGREEMENT (MOA) WITH THE CITY OF PIEDMONT ESTABLISHING THAT THE CITY OF PIEDMONT WILL PROCESS PLANNING AND BUILDING ENTITLEMENTS FOR THE DEVELOPMENT OF AN ACCESSORY DWELLING UNIT (ADU) AT 1086 ANNERLEY ROAD, A PROPERTY LOCATED WITHIN BOTH JURISDICTIONS; AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

WHEREAS, the property owner of 1086 Annerley Road, which is located in the cities of Oakland and Piedmont, approached both jurisdictions regarding construction of an accessory dwelling unit (ADU) at 1086 Annerley Road; and

WHEREAS, the property owner requests that land use and building permits for the development proposal be processed by the City of Piedmont; 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 Piedmont as there is little difference between Piedmont and Oakland’s codes in regards to ADU development standards; 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 California Environmental Quality Act (CEQA) exemptions 15268(b) (Projects that are Ministerial) and 15303(a) (New Construction or Conversion of Small Structures) apply to this project, both of which provide a separate and independent basis for CEQA clearance; now, therefore be it

RESOLVED: that the City Administrator or designee is authorized to negotiate and execute a Memorandum of Agreement (MOA), in substantially similar form as to the MOA attached hereto as *Exhibit A*, for the development of an ADU at 1085 Annerley Road and to negotiate and execute all documents, amendments, agreements and instruments reasonably necessary or required to implement this Resolution; and be it

FURTHER RESOLVED: that the MOA and all such other documents, amendments, agreements and instruments, shall be reviewed and approved by the City Attorney’s Office as to form and legality prior to execution; and be it

FURTHER RESOLVED: that CEQA exemptions 15268(b) (Projects that are Ministerial) and 15303(a) (New Construction or Conversion of Small Structures) apply to this project, both of which provide a separate and independent basis for CEQA clearance.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND PRESIDENT FORTUNATO BAS

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

Asha Reed
City Clerk and Clerk of the Council
of the City of Oakland, California

EXHIBIT A