

2023 SEP -7 PM 9:41

APPROVED AS TO FORM AND LEGALITY

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Brian Mulby

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89901 C.M.S.

A RESOLUTION DENYING THE APPEAL BY THE NEIGHBORHOOD STEERING COMMITTEE AND THUS UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF (A) CERTIFICATION OF THE HEAD ROYCE SCHOOL PLANNED UNIT DEVELOPMENT (PUD) PERMIT ENVIRONMENTAL IMPACT REPORT (EIR) PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), AND (B) THE PUD PERMIT, FINAL DEVELOPMENT PERMIT (FDP) PHASE I-II, CONDITIONAL USE PERMIT (CUP), DESIGN REVIEW, AND AMENDED CONDITIONS FOR THE EXPANSION OF THE EXISTING HEAD ROYCE SCHOOL CAMPUS TO THE FORMER LINCOLN CHILDREN'S CENTER SITE AT 4368 LINCOLN AVENUE TO CREATE A UNIFIED, 22-ACRE K-12 SCHOOL AND TO INCREASE THE ENROLLMENT TO TWELVE HUNDRED AND FIFTY (1,250) STUDENTS LOCATED AT 4315 LINCOLN AVENUE, OAKLAND CA

WHEREAS, the project applicant, the Head Royce School (Applicant) filed an application with the Bureau of Planning on December 18, 2018, to revise the existing Planned Unit Development (PUD) Permit and associated Conditional Use Permit (CUP), as well as a Design Review Permit, for expansion of the Head Royce School (Project), located at 4315 Lincoln Avenue; and

WHEREAS, the Project would allow an increase in enrollment from nine hundred and five (905) to twelve hundred and fifty (1,250) students over a 20-year period, expansion of the school across Lincoln Avenue, and construction of a new "South Campus" on the adjacent 8-acre site of the former Lincoln Children's Center at 4368 Lincoln Ave (Project); and

WHEREAS, On January 31, 2022, the Applicant filed an application for a Final Development Permit (FDP) for the first two phases of the PUD, as case file PLN18532-PUDF01 and the Applicant requested that the PUD and the FDP be processed concurrently; and

WHEREAS, In compliance with the California Environmental Quality Act (CEQA), staff determined that there was a fair argument the project impacts could be significant and, as a result, a Notice of Preparation (NOP) was published on February 1, 2019 to notify the public that the City was preparing an Environmental Impact Report (EIR) for the Project; and

WHEREAS, Public Scoping Hearings on the EIR occurred before the Planning Commission on February 20, 2019 and before the Landmarks Preservation Advisory Board (LPAB) on March 11, 2019; and

WHEREAS, a Notice of Availability for the Draft EIR was published on November 5, 2021 and Public Hearings on the Draft EIR were held before LPAB on December 13, 2021 and before the Planning Commission on December 15, 2021; and

WHEREAS, a Final EIR entitled “Head Royce School Planned Unit Development Permit Project” was prepared for the Project in October, 2022; and

WHEREAS, the LPAB considered modifications proposed to the Historic Resource buildings to be restored as part of the Project at a duly noticed public meeting on March 3, 2023, during which the LPAB recommended design changes prior to the item moving forward to the Planning Commission for consideration; and

WHEREAS, the design recommendations were incorporated into the revised Project prior to proceeding to the Planning Commission; and

WHEREAS, the City Planning Commission took testimony and considered the Project at its duly noticed public meeting of April 19, 2023 and, at the conclusion of the public hearing, deliberated the matter and voted (+4-0) to: 1) certify the EIR and adopt supporting CEQA findings and 2) approve the PUD Permit, the FDP for Phase I and II, the CUP, and Design Review Permit for the Project; and

WHEREAS, on May 1, 2023, Veneruso & Moncharsh filed two appeals of the Planning Commission’s April 19 decision on behalf of the Neighborhood Steering Committee; and

WHEREAS, Appeal PLN18053-A01 is of the Planning Commission’s certification of the EIR pursuant to CEQA and Appeal PLN 18053-A02 is of the Planning Commission’s decision to grant Head-Royce School the various planning entitlement permits; and

WHEREAS, the Neighborhood Steering Committee’s appeals included statements setting forth the basis of the appeals; and

WHEREAS, after giving due notice to the Appellant, the Applicant, all interested parties and the public, the Appeal came before the City Council for a public hearing on September 19, 2023; and

WHEREAS, the Appellant, the Applicant, supporters of the application, those opposed to the application and interested neutral parties were given ample opportunity to participate in the public hearing through the submittal of oral and/or written comments; and

WHEREAS, the public hearing on the Appeal was closed by the City Council on September 19, 2023; now, therefore be it

RESOLVED: That, the City Council hereby independently finds and determines that the requirements of CEQA, as prescribed by the Secretary of Resources, and the City of Oakland's environmental review requirements, have been satisfied, and be it

FURTHER 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 and the Project, the Planning Commission's decision, and the appeal, finds that the Appellant has not shown, by reliance on evidence already contained in the record before the City Planning Commission, that the Commission's decision on April 19, 2023 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 in the record, based on the April 19, 2023 Staff Report to the City Planning Commission and the August 21, 2023 City Council Agenda Report hereby incorporated by reference as if fully set forth herein.

FURTHER RESOLVED: Accordingly, the Appeal PLN18053- A01 and PLN18053-A02 are denied, the Planning Commission's CEQA Certification is upheld, based upon the substantial evidence provided in the record in the April 19, 2023 Staff Report to the City Planning Commission and the August 21, 2023 City Council Agenda Report, each of which is hereby separately and independently adopted by this Council in full; and be it

FURTHER RESOLVED: That, in support of the Planning Commission's decision to approve the Project, the City Council affirms and adopts the April 19, 2023 Staff Report to the City Planning Commission (including without limitation the discussion, findings, conclusions and conditions of approval, each of which is hereby separately and independently adopted by this Council in full), as well as the August 21, 2023 City Council Agenda Report (including without limitation the discussion, findings, conclusions and conditions of approval, each of which is hereby separately and independently adopted by this Council in full), except where otherwise expressly stated in this Resolution; and be it

FURTHER RESOLVED: That, the City Council finds and determines that this Resolution complies with CEQA, and that the Environmental Review Officer is directed to cause to be filed a Notice of Determination (NOD) with the appropriate agencies; and be it

FURTHER RESOLVED: That, the record before this Council relating to the Applicant's application and the Neighborhood Steering Committee's appeal includes, without limitation, the following:

1. the applications, including all accompanying maps and papers;
2. all plans submitted by the Applicant and representatives;
3. the notices of appeal and all accompanying statements and materials submitted by the Applicant, Neighborhood Steering Committee, and interested parties;
4. all final staff reports, final decision letters, and other final documentation and information produced by or on behalf of the City, including without limitation all related/supporting final materials including the CEQA analysis, findings, and consultant responses to the Appeals prepared for the Project and attached to the staff reports, all final notices relating to the application, and attendant hearing transcripts and videos;

5. all oral and written evidence received by the City Planning Commission and City Council during the public hearings on the appeal; and all written evidence received by relevant City Staff before and during the public hearings on the application and Appeals; and
6. all matters of common knowledge and all official enactments and acts of the City, including, without limitation: (a) the General Plan; (b) Oakland Municipal Code, including the Oakland Planning Code; (c) other applicable City policies and regulations; and (d) 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 respectively: (a) Department of Planning & Building, Bureau of Planning, 250 Frank H. Ogawa Plaza, 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.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: **SEP 19 2023**

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS - 8

NOES -
ABSENT -
ABSTENTION -

ATTEST: _____

ASHA REED

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