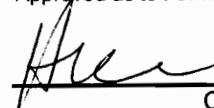


FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL



City Attorney

2010 JUL -8 PM 2: 57 **RESOLUTION NO. 82943 C.M.S.**

Introduced by Councilmember _____

CONDUCT A PUBLIC HEARING AND UPON CONCLUSION ADOPT A RESOLUTION APPROVING A CONDITIONAL USE PERMIT AND VARIANCE FOR A TEMPORARY SURFACE PARKING LOT AT 1331 HARRISON STREET.

WHEREAS, Terra Linda Development Services, LLC., on behalf of Peter Iwate, has submitted an application for a minor variance and minor conditional use permit to allow a temporary surface auto-fee parking lot for up to 49 spaces at 1331 Harrison Street, in the Central Business District ; and

WHEREAS, the surface auto-fee parking use is proposed on a temporary basis (four years) on a site that is currently entitled for highrise residential development; and

WHEREAS, surface parking lots are not permitted in the Central Business District and, as such, the use would be subject to a minor conditional use permit for an auto-fee parking lot with fewer than 50 parking spaces and a minor variance from zoning limitations and additional criteria; and

WHEREAS, at the duly noticed June 16, 2010 Planning Commission meeting, the Planning Commission, after independently reviewing and considering the environmental findings and the proposed project, was unable to make a decision regarding the proposed project and forwarded the matter to the City Council for consideration; and

WHEREAS, all interested parties were given the opportunity to participate in the public hearing by submittal of oral and written comments; and

WHEREAS, approval of the project is exempt from the California Environmental Quality Act, under, without limitation, the following sections of the CEQA Guidelines: 15304, Minor Alterations to land; 15311, Accessory Structures, and 15332, Infill Development Projects; 15183, Projects Consistent with General Plan and Zoning, and

WHEREAS, the City Council independently reviewed and considered the findings for approval of the Minor Conditional Use Permit and Minor Variance; now, therefore be it

RESOLVED: that the City Council finds and determines that this Resolution complies with the California Environmental Quality Act; and be it

FURTHER RESOLVED: that the City Council, having heard, considered and weighed all of the evidence in the record presented on behalf of all parties and being fully informed of the Applications and the Planning Commission's consideration of the project, hereby adopts as its findings and determinations (a) the findings and conditions of approval (each of which is hereby

separately and independently adopted by this Council in full); and hereby approves the Minor Conditional Use Permit and Minor Variance; and be it

FURTHER RESOLVED: That the record before this Council relating to the Project Applications includes, without limitation, the following: 1) the Project Applications, including all accompanying maps and papers; 2) all plans submitted by the Applicant and their representatives; 3) all staff reports and other documentation and information produced by or on behalf of the city, including without limitations all related and/or supporting materials, and all notices relating to the Project Applications and attendant hearings; 4) all oral and written evidence received by the City staff, the Planning Commission, and the City Council before and during the public hearings on the Project Applications; and 5) all matters of common knowledge an all official enactments and acts of the City, such as (a) the General Plan; (b) Oakland Municipal Code; (d) other applicable City policies and regulations; and (e) 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) Community & Economic Development Agency, Planning & Zoning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California; and (b) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st floor, Oakland, California; 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, JUL 20 2010, 2010

PASSED BY THE FOLLOWING VOTE:

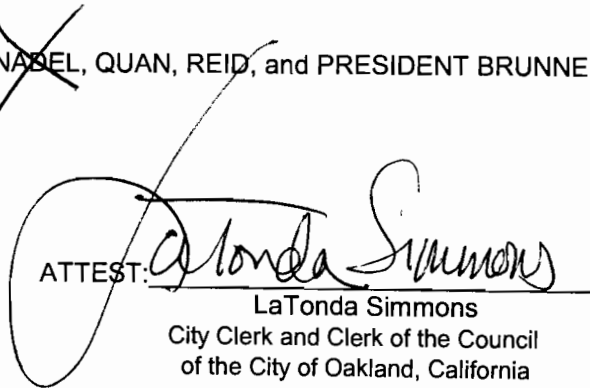
AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, ~~NABEL~~, QUAN, REID, and PRESIDENT BRUNNER - 7

NOES - \emptyset

ABSENT - \emptyset

ABSTENTION - Nadel - 1

ATTEST:


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