

OAKLAND CITY COUNCIL

F. PAIZ

City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION TO INITIATE FORMATION OF THE OAKLAND AREA GEOLOGICAL HAZARD ABATEMENT DISTRICT (GHAD) AND SETTING A PUBLIC HEARING FOR JULY 18, 2006 TO CONSIDER FORMATION OF THE GHAD.

WHEREAS, this Resolution is made pursuant to Division 17 (Sections 26500 *et. seq.*) of the California Public Resources Code; and

WHEREAS, on June 1, 2005, the City of Oakland Planning Commission approved the tentative map for the Siena Hill Project (TTM 7396) and imposed Condition of Approval No. 8 that requires a geologic hazard abatement district to be fully operational, and all assessments, reserve funding and/or long-term financing and other requirements necessary to fully fund the district be established and authorized before the final map for the Project can be approved; and

WHEREAS, this Condition further requires the applicant of the Siena Hill Project to prepare a plan of control for the GHAD, as defined in California Public Resources Code 26509; and

WHEREAS, the applicant caused the Plan of Control for the Oakland Area GHAD to be prepared and submitted it to the City for review and comment; the Plan of Control dated April 19, 2006 is hereby presented to the City Council for its review and consideration and is attached as Exhibit "A"; and

WHEREAS, it is the intent of the City to continue conditioning new development projects to be placed within a GHAD and it is the further intent of the City Council to form the Oakland Area GHAD to initially include the Siena Hill Project and to allow new development projects the ability to annex to the GHAD; and

WHEREAS, the City Council has determined that the GHAD will protect the health, safety and welfare of the future residents within the Oakland Area GHAD and within the City and that the GHAD is being created to prevent, mitigate, abate, or control landslides, land subsidence, soil erosion and similar geologic hazards within its boundaries; now, therefore be it

RESOLVED: That, the City Council of the City of Oakland hereby orders: That a public hearing (Hearing) be set on this Resolution as required by California Public Resources Code Section 26558, which Hearing will be held on Tuesday, July 18, 2006, 2006 at 7:00 p.m. in the City Council Chambers, City Hall, One Frank H. Ogawa Plaza, Oakland, California, 94612; and be it

FURTHER RESOLVED: That City Council hereby directs that only new development projects shall be conditioned to annex into the proposed GHAD as part of the project approval; and be it

FURTHER RESOLVED: Per California Public Resource Code Section 26550.5, that existing property owners have the ability to petition the proposed GHAD Board for annexation if the petition is signed by 10% of the property owner(s) within the proposed boundary to be annexed; and be it

FURTHER RESOLVED: The City Council hereby directs that notice of the Hearing shall be mailed to all owners of real property to be included within the proposed GHAD as shown on the assessment roll last equalized by the County. Notice of the Hearing shall be mailed by first class postage certified mail with return receipt requested and postmarked not less than 20 nor more than 30 days preceding the date of the Hearing. Notice of the Hearing shall include a copy of this Resolution and shall indicate where the Plan of Control may be reviewed or duplicated. Notice of the Hearing shall also set forth the address where objections to the proposed formation may be mailed or otherwise delivered up to and including the time of the hearing; and be it

FURTHER RESOLVED: At any time not later than the time set for the Hearing of objections to the proposed formation of the GHAD, any owner of real property within the proposed district may make a written objection to the formation. Such objection shall be in writing, shall contain a description of the land owned by the objector by lot, tract, and map number, and shall be signed by such owner. If the person whose signature appears on such an objection is not shown on the assessment roll last equalized by the County as the owner of the subject property, the written objection shall be accompanied by evidence sufficient to indicate that such person is the owner of such property; and be it

FURTHER RESOLVED: As required by California Public Resource Code Section 26566, if more than 50% of the assessed valuation of the proposed district objects to the formation the GHAD or annexation into the GHAD, then the GHAD Board must abandon the formation or annexation proceedings; and be it

FURTHER RESOLVED: The legislative body has the sole discretion to proceed with formation of the GHAD or annexation of a proposed boundary into the GHAD; and be it

FURTHER RESOLVED: The City Council finds and determines that this Resolution is exempt from CEQA pursuant to California Public Resources Code Section 26559 and the Environmental Review Officer is directed to cause to be filed a Notice of Exemption with the Alameda County Clerk and the State Office of Planning and Research.

FURTHER RESOLVED: 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, including the Plan of Control, are respectively: (a) Community & Economic Development Agency, Planning & Zoning Division, 250 Frank H. Ogawa Plaza, 3rd floor, Oakland CA.; and (b) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st floor, Oakland, CA; and be it

FURTHER RESOLVED: 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, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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

OAKLAND CITY COUNCIL

F. Faiz

City Attorney

06 JUL 14 10:14 AM '06

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WHEREAS, it is the intent of the City to continue conditioning ~~future-new~~ development projects to be placed within a GHAD and it is the further intent of the City Council to form the Oakland Area GHAD to initially include the Siena Hill Project and to allow ~~future-new~~ development projects the ability to annex to the GHAD; and

WHEREAS, the City Council has determined that the GHAD will protect the health, safety and welfare of the future residents within the Oakland Area GHAD and within the City and that the GHAD is being created to prevent, mitigate, abate, or control landslides, land subsidence, soil erosion and similar geologic hazards within its boundaries; now, therefore be it

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