

**GENERAL FINDINGS
RELATED TO APPROVAL OF THE WOOD STREET PROJECT**

I. INTRODUCTION

1. These general findings are adopted by the City of Oakland and the Redevelopment Agency of the City of Oakland for the Wood Street Project. These findings refer to the EIR prepared for that project, SCH #2004012110, and are based upon that EIR. Capitalized terms are defined in Exhibit A (CEQA Findings). These findings are based upon all materials contained in the record of proceedings, as identified in Exhibit A (CEQA Findings). Some findings are based especially on specific reports, or upon specific pages of the EIR, as noted below. However, all findings are based upon the entire record. References to specific reports and specific pages of documents are not intended to identify those sources as the exclusive basis for the finding.

2. These general findings are attached as Exhibit D and incorporated by reference into several approval documents pertaining to the Wood Street Project – a resolution amending the General Plan, an ordinance amending the Oakland Army Base Redevelopment Plan, an ordinance rezoning the Project Area to the Wood Street Zoning District, a resolution from the Redevelopment Agency regarding the amendments to the Oakland Army Base Redevelopment Plan, and a staff report or Resolution approving five separate Vesting Tentative Parcel Maps for five sites within the Project Area. For ease of reference, all the relevant findings under the Planning and Zoning Law, the Municipal Code, the Redevelopment Law and other applicable policies or regulations are included in this one document.

3. Attached to these same approval documents is an Exhibit A that contains CEQA findings. Also attached is an Exhibit B that references impacts, mitigation measures, and resulting levels of significance, and sets forth the Mitigation Monitoring and Reporting Program. Also attached is an Exhibit C that contains the conditions of approval. All Exhibits are incorporated by reference into each other, and into the approval documents.

4. References to title, chapter and to code sections are references to the Oakland Municipal Code unless the context clearly indicates otherwise. References to Exhibits are references to the other exhibits to which this Exhibit D is attached.

II. GENERAL PLAN CONSISTENCY

5. The Project is governed by the *City of Oakland General Plan* and any decision by the City affecting land use and development must be consistent with the General Plan. In order to achieve consistency between the Wood Street Project and the General Plan, the Project sponsors have requested a General Plan Amendment to change the designation of the Project Area from “Business Mix” to “Urban Residential.” The proposed Amendment is discussed in the DEIR, especially at pages 3.2-6 through 3.2-18 along with a discussion of *General Plan policies that are consistent with the Project*. The proposed General Plan Amendment is also discussed in the staff reports presented to the City. The City adopts the conclusions, analysis and explanations contained in the EIR and staff reports.

6. The intent of the Business Mix land use category is to “create, preserve and enhance areas of the City that are appropriate for a wide variety of business and related

commercial and industrial establishments.” When the General Plan Land Use and Transportation Element (LUTE) was adopted in 1998, it was anticipated that the Project Area would be developed with light industrial, manufacturing, bioscience, and research and development facilities. However, there was no demand for the light industrial land uses envisioned for this area. Instead, there was a demand for residential land uses, which are not permitted under the Business Mix designation.

7. The Project Sponsors have requested a General Plan Amendment to change the land use designation in the Project Area to Urban Residential, and have proposed the development of up to 1,570 residential units, including 186 live/work units, some in converted warehouses, 13,000 square feet of neighborhood serving commercial uses, and 14,487 square feet of community and civic uses associated with the historic 16th Street Train Station. The Project Sponsors propose to preserve and restore the main hall of the historic 16th Street Train Station and the signal tower, and to construct a public plaza in front of the train station.

8. The Project, including the General Plan Amendment, Redevelopment Plan Amendment, Rezoning, and Vesting Tentative Parcel Map, is consistent with the General Plan and/or will result in an internally consistent General Plan.

9. The General Plan Amendment approved for this Project will not cause the General Plan to become internally inconsistent. The General Plan Amendment and the remainder of the General Plan comprise an integrated, internally consistent and compatible statement of policies for the City. The various land uses authorized for the Project are compatible with the objectives, policies, general land uses, and programs specified in the General Plan, as amended. The Project is compatible with and conforms to the objectives, policies, general land uses and programs specified in the General Plan. The Project furthers the objectives and policies of the General Plan and does not obstruct their attainment. The Project, as conditioned through conditions of approval set forth in Exhibit C, is compatible with, and in harmony with, General Plan goals and policies. The Project is in harmony with surrounding neighborhoods, and the site is physically suitable for the development proposed.

10. The General Plan comprises many objectives, policies, principles, programs, standards, proposals and action plans (collectively “policies”), as well as performance standards. The City recognizes that the policies necessarily compete with each other. Examples of the tensions between General Plan policies are found between those policies that promote managed growth and encourage new residential construction, and those that provide for protection of historical resources that exist on undeveloped land. The Council has considered all applicable General Plan policies and the extent to which the Project conforms to and potentially competes with each of those policies.

11. The City has fully evaluated the extent to which the Project achieves each policy, including those pertaining to compatibility of land uses, protection of open space, standards regarding geology, soils and earthquake risks, hazardous materials, flood hazards and drainage, protection of water quality, protection of biological resources, transportation standards and goals, regional and local housing needs, jobs/housing balance, noise, protection of air quality, protection of visual resources, standards for public services and utilities, protection of archeological and historical resources, the provision of housing for all sectors of the economic community, economic incentives, and the provision of employment opportunities for residents of Oakland in general, and West Oakland in particular. The City has also fully considered the Project’s compliance with all goals, policies and objectives in the General Plan, and finds the Project in compliance with the General Plan.

12. For the reasons stated in the EIR, in staff reports presented to the Commission and the Council, in these findings, and in the CEQA findings for the Project (Exhibit A), the City finds that the balance achieved by the Project among competing General Plan policies is acceptable, and that the Project complies with all performance standards in the General Plan. The Project represents a reasonable accommodation of all applicable competing policies in the General Plan. The Project promotes the General Plan goals referenced in the CEQA statement of overriding considerations (Exhibit A). Specifically, the implementation of the approved project will result in the fulfillment of several important General Plan policies including investment in an economically distressed area, the encouragement of infill development, meeting regional fair share of housing needs, the creation of a new civic open space, and the preservation of a designated City landmark.

13. The City acknowledges the controversy and difference of opinion regarding the consistency of the Project with the General Plan. In some instances, commentors have urged that the City consider the Project inconsistent with the General Plan unless the Project is redesigned to incorporate attributes desired by the commentors. Examples include affordable housing; redesign of architectural elements, project intensity or density to provide what the commentors believe is a better degree of compatibility with adjacent neighborhoods; economic incentives; job creation; retention of existing businesses; and job training opportunities. To the extent these subjects are reflected in the Oakland General Plan, the City finds that the controversy is about the extent to which the Project will achieve each General Plan provision, and not whether the Project is inconsistent with any of those provisions. However, the City has never interpreted its General Plan to require that every single development project incorporate every ideal referenced in the General Plan to fullest extent possible. Rather, the City has historically interpreted its General Plan to provide City-wide goals, objectives, policies and programs designed to make Oakland as a whole a balanced, inviting, viable community with sufficient housing to meeting the City's fair share of regional housing needs. The City has reviewed carefully the role the Project will play in achieving city-wide goals, policies, objectives and programs, and finds the extent and manner in which the Project will participate acceptable and desirable.

14. The City has also carefully reviewed the goals, policies, objectives and programs specifically applicable to the West Oakland neighborhood, and finds the extent and manner in which the Project will participate to be acceptable and desirable. The City finds that the Project particularly advances certain General Plan goals, policies, objectives and programs that are specific to the West Oakland neighborhood. The Project will improve neighborhood land use compatibility through the development of pedestrian-oriented mixed-use development rather than industrial or transportation related uses, and will contribute to moving high impact industrial uses away from residences. The Project will invest in neighborhood infrastructure by modernizing the existing sewer and storm drains to serve the site, undergrounding utilities and providing new streetscape, sidewalks and lighting. The Project will address disinvestment in West Oakland by redeveloping and revitalizing underutilized or vacant land. The Project will meet the goal of adaptive reuse through the preservation and rehabilitation of the 16th Street Train Station. Finally, the Project will provide the neighborhood with compatible infill development that includes live-work units.

III. WOOD STREET ZONING DISTRICT

15. The Wood Street Zoning District is attached to the rezoning ordinance as Exhibit E. The City adopts the conclusions, analysis and explanations contained in the EIR, staff reports and presentations by the Project Sponsors relating to the zoning district.

16. Pursuant to Chapter 17.144, the City finds the rezoning of the Project Area to the Wood Street Zoning District is consistent with the goals and policies of the General Plan and the proposed General Plan Amendment related to this site, as noted above. The notice required by section 17.144.060 has been given.

17. The Wood Street Zoning District is based on regulations from the existing Oakland Zoning Code and sets forth land use regulations, development standards, design guidelines and other requirements. The adoption of the Wood Street Zoning District will apply exclusively to the 29.2 acre Wood Street Project, and will allow for a residential mixed-use development in the Project Area, consistent with the proposed land use designations under the General Plan Amendment related to this site. The rezoning will promote local and regional welfare by allowing housing to be developed on a site which is currently underutilized or vacant, in a manner that accommodates a unique site that faces many development challenges. This significant addition to Oakland's housing stock will help satisfy local and regional housing needs to a much greater degree than would the current zoning designations, none of which are appropriate for residential development. The Project will provide a variety of housing types, making the development accessible to a range of needs in the market. The Wood Street Zoning District will allow the development of pedestrian-oriented, live-work, mixed-use development near the center of the Bay Area, with convenient access to public transit and freeways. The type of development will promote the public health, safety and welfare by reducing pollution associated with both long distance commuting and industrial truck traffic, as well as redeveloping and revitalizing an economically distressed area of the City. The rezoning will facilitate private investment into an economically depressed area, and will promote the goals and purposes of the Oakland Army Base Redevelopment Plan.

18. The Wood Street Zoning District does not create an incompatibility with the surrounding area. The area to the northwest of the Project Area, across I-880, contains mostly transportation-related uses. The majority of the land to the south and east of the Project Area is zoned for residential uses. Other land to the south contains industrial uses including a recycling center. Limitations have been incorporated into the requirements for the project to assure adequate setbacks and buffering between the surrounding industrial and commercial uses and the approved residential uses. Implementation of the Project will help to alleviate existing land use conflicts in the area by introducing pedestrian-oriented mixed-use development into the Project Area. Retaining the existing zoning, in contrast, would result in the expansion of new industrial and transportation related uses in the Project Area in an area immediately adjacent to existing residential uses. Limiting the expansion of these industrial and transportation uses promotes the public health, safety and welfare by restricting and re-directing heavy truck traffic and the accompanying impacts on air quality. Further, the Project would serve to buffer the existing adjacent homes from current high levels of noise from I-880 and the frontage road.

19. The Wood Street Zoning District will not create visual incompatibility with the surrounding districts. The Wood Street Zoning District promotes the public interest by identifying three "overlay zones" within the Project Area, to ensure that there is a transition in scale from the existing neighborhood to the Project, that new development fronting the 16th Street Plaza creates a well-defined urban space and is complementary to the scale of the 16th Street Train Station, and that there is greater flexibility for development facing onto the busy frontage road. The Wood Street Zoning District proposes a base set of development standards for each Development Area. These include maximum and minimum densities, floor area ratios, height limits, setbacks, and parking. The Zoning District also includes design guidelines to be applied to future development in the Project Area which emphasize physical design features that

promote visual interest, pedestrian friendliness, attractive streetscape and visual compatibility with existing nearby development.

IV. OAKLAND ARMY BASE AREA REDEVELOPMENT PLAN AMENDMENT

20. The Project Area is within the 16th/Wood sub-area of the Oakland Army Base (OARB) Redevelopment Project Area. The OARB Redevelopment Plan did not mandate a specific development program for the Project Area, deferring instead to the range of land use activities allowed by the Oakland General Plan and Zoning Code. The Project includes a General Plan Amendment to change the designation of the Project Area from “Business Mix” to “Urban Residential.” The Project also includes a Redevelopment Plan Amendment, to amend the Redevelopment Plan land use map for the 16th/Wood sub-area to “Urban Residential,” consistent with the General Plan. The proposed OARB Redevelopment Plan Amendment is discussed in the EIR, especially at pages 3.2-18 through 3.2-21 of the DEIR, and contains a discussion of Redevelopment Plan goals with which the Project is consistent. The proposed Redevelopment Plan Amendment is also discussed in the staff reports presented to the City and in materials presented by the applicant. The City adopts the conclusions, analysis and explanations contained in the EIR and staff reports.

21. Pursuant to Health and Safety Code sections 33450 and 33458, the City Council and the Redevelopment Agency, meeting jointly, find that the amendment to the OARB Redevelopment Plan is necessary and desirable. The proposed amendment has been submitted to the Planning Commission pursuant to Health and Safety Code section 33453. The Planning Commission has independently reviewed and considered the proposed amendment and has recommended that the City Council and the Redevelopment Agency amend the OARB Redevelopment Plan. The notice required by section 17.144.060 was duly given prior to the Planning Commission consideration of this action, and the City gave proper public notice prior to City Council and Redevelopment Agency consideration as required by Health and Safety Code section 33452.

22. The Redevelopment Plan Amendment is consistent with the General Plan Amendment included in the Project and consistent with the Redevelopment Plan goals. The OARB Redevelopment Plan is a long-term plan, designed to retain flexibility so the Agency can respond to changes in market and economic conditions, developer interest, and redevelopment opportunities. The proposed Amendment is desirable as it will allow for residential mixed-use development that will help to eliminate physical and economic blighting influences in the Redevelopment Project Area, a central goal of the Redevelopment Plan. Amending the Redevelopment Plan to allow for the development of the Project will help to mitigate the economic and social degradation faced by the City due to the closure of the Oakland Army Base. It will allow for the subdivision of land into parcels suitable for modern integrated development with improved pedestrian and vehicular circulation. It will strengthen the economic base of the community through the construction of infrastructure and site improvements that will in turn stimulate new development, through private investment in an economically depressed area of the City, and through development of a Project likely to implement Redevelopment Plan goals of raising property values and generating tax increment revenue.

23. Pursuant to Redevelopment law and the Redevelopment Plan, the Redevelopment Agency has several options available to it to meet the Redevelopment Plan’s requirement for the provision of affordable housing. Pursuant to Redevelopment law and the Redevelopment Plan, the Redevelopment Agency has several options available to it to meet the Redevelopment Plan’s requirement for the provision of affordable housing. The Plan requires

that 25% of all tax increment revenue generated by redevelopment within the Redevelopment Project Area be set aside for the provision of affordable housing, which could be used to assist in the development of such housing. As explained in the staff reports presented to the City, such tax increment will be more than sufficient to ensure that the affordable housing requirements of the Redevelopment Plan will be met. Conley Consulting Group has estimated that such housing set aside tax increment will be \$96-\$106 million by 2030, and that the Wood Street Project alone will generate \$36.8 million by 2030.

V. VESTING TENTATIVE PARCEL MAPS

24. Pursuant to Title 16 of the Oakland Municipal Code, the City finds that each of the Vesting Tentative Parcel Maps (VTPMs) 8551, 8552, 8553, 8554 and 8555, independently and collectively, are consistent with the goals and policies of the General Plan and the General Plan Amendment related to this site, as noted above. The VTPMs are discussed in the staff reports presented to the City and also in accompanying text. The City adopts the conclusions, analysis and explanations contained in the staff reports and in the VTPMs. The City approves VTPMs 8551-8555 for the Project, subject to the Conditions of Approval (Exhibit C to the staff report). The Planning Commission's approval of each VTPM is also conditioned upon enactment by the Council of the General Plan Amendment and Rezoning included in the Project.

25. VTPMs 8551, 8552, 8553, 8554 and 8555 each contain all information required by State Law and by the Oakland Municipal Code, including all information referenced in section 16.08.010. Each VTPM provides, to the extent feasible given the nature of the site and the challenges faced in designing a viable development project, for future passive or natural heating or cooling opportunities.

26. Final maps may be filed in phases, as set forth in the VTPMs and in the Conditions of Approval (Exhibit C). In addition, a Final Map cannot be recorded unless the City has first approved a Final Development Plan for the area subject to the Final Map.

27. Each VTPM meets all design standards of Chapter 16.16 and all improvement standards of Chapter 16.20 through the requirements of the Wood Street Zoning District Zoning Standards, Guidelines and Regulations for Development and Use of Property with the Wood Street Zoning District, and through the items shown on each VTPM.

28. Pursuant to section 16.20.040, the City has given due consideration of the allocation of suitable areas for open space, schools, parks and playgrounds.

29. The conditions of approval require submittal of a preliminary soils report, in accordance with section 16.20.060. As required by section 16.20.070, all grading work shall be done under the direction of a registered civil engineer, who shall submit the certificate required by section 16.20.070 prior to acceptance of subdivision improvements.

DRAFT

APPROVED AS TO FORM AND LEGALITY

AGENCY COUNSEL

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AMENDING THE GENERAL PLAN LAND USE DESIGNATION OF THE 29.2 ACRE WOOD STREET PROJECT AREA, BOUNDED BY 10TH STREET TO THE SOUTH, WEST GRAND AVENUE TO THE NORTH, WOOD STREET TO THE EAST, AND THE I-880 FRONTAGE ROAD TO THE WEST, FROM BUSINESS MIX TO URBAN RESIDENTIAL

WHEREAS, the Wood Street Project Area is currently designated “Business Mix” on the General Plan Land Use Map in the Land Use and Transportation Element (“LUTE”) of the Oakland General Plan; and

WHEREAS, the intent of this land use category is to create, protect and enhance areas of the City that are appropriate for a wide variety of business and related commercial and industrial establishments; and

WHEREAS, according to the City of Oakland’s Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations” (“Guidelines”) the Business Mix designation does not allow for residential development; and

WHEREAS, the Wood Street Project proposes 1,557 residential units, including 186 live-work units in some converted warehouses, along with 13,000 square feet of neighborhood-serving commercial uses, along with space for civic or community uses; and

WHEREAS, according to the Guidelines, the “Urban Residential” designation would allow the mix of activities, including residential, that are proposed for the Wood Street Project; and

WHEREAS, in accordance with the California Environmental Quality Act (“CEQA”), the City issued a Notice of Preparation (“NOP”), indicating an intent to prepare an Environmental Impact Report (“EIR”) on the Wood Street Project, including a General Plan Amendment, a Zoning Code Amendment and rezoning, a Redevelopment Plan Amendment, and five Vesting Tentative Parcel Maps; and

WHEREAS, a Draft Environmental Impact Report (“DEIR”) on the Wood Street Project, SCH #2004012110, was released by the City and circulated for public review and comment from September 21, 2004 to November 15, 2004; and

WHEREAS, the Landmarks Preservation Advisory Board and the Planning Commission held public hearings on the DEIR on October 18, 2004 and October 20, 2004, respectively; and

WHEREAS, on January 26, 2005, the Planning Commission conducted another public hearing to discuss the major environmental and policy issues pertaining to the Project; and

WHEREAS, the Final Environmental Impact Report (FEIR) was published on February 7, 2005; and

WHEREAS, the Planning Commission conducted a public hearing on March 16, 2005 to provide the public with the opportunity to comment on the Wood Street Project FEIR and the Project approvals, including the proposed General Plan Amendment; and

WHEREAS, on March 16, 2005, the Planning Commission certified the EIR, adopted CEQA Findings and a Statement of Overriding Considerations, adopted a Mitigation Monitoring and Reporting Program, adopted General Findings, recommended adoption of the General Plan Amendment, approved five Vesting Tentative Parcel Maps and adopted accompanying Conditions of Approval; and

WHEREAS, the Planning Commission found that the Wood Street Project is consistent with the General Plan and that the proposed General Plan Amendment will not cause the General Plan to become internally inconsistent; and

WHEREAS, the Committee on Economic Development considered the Wood Street Project on April 12, 2005; and

WHEREAS, the City Council held a public hearing on May 3 which was noticed in accordance with the legal requirements;

RESOLVED, that the City Council affirms and adopts the CEQA Findings attached to this Resolution as Exhibit A; the Mitigation, Monitoring and Reporting Program attached as Exhibit B; the Conditions of Approval attached as Exhibit C; and the General Findings attached as Exhibit D all incorporated by this reference ; and be it

FURTHER RESOLVED, that the City Council amends the General Plan land use designation of the 29.2 acre Wood Street Project, bounded by 10th Street to the south, West Grand Avenue to the north, Wood Street to the east, and the I-800 frontage road to the west, from Business Mix to Urban Residential.

IN AGENCY, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:

AYES-

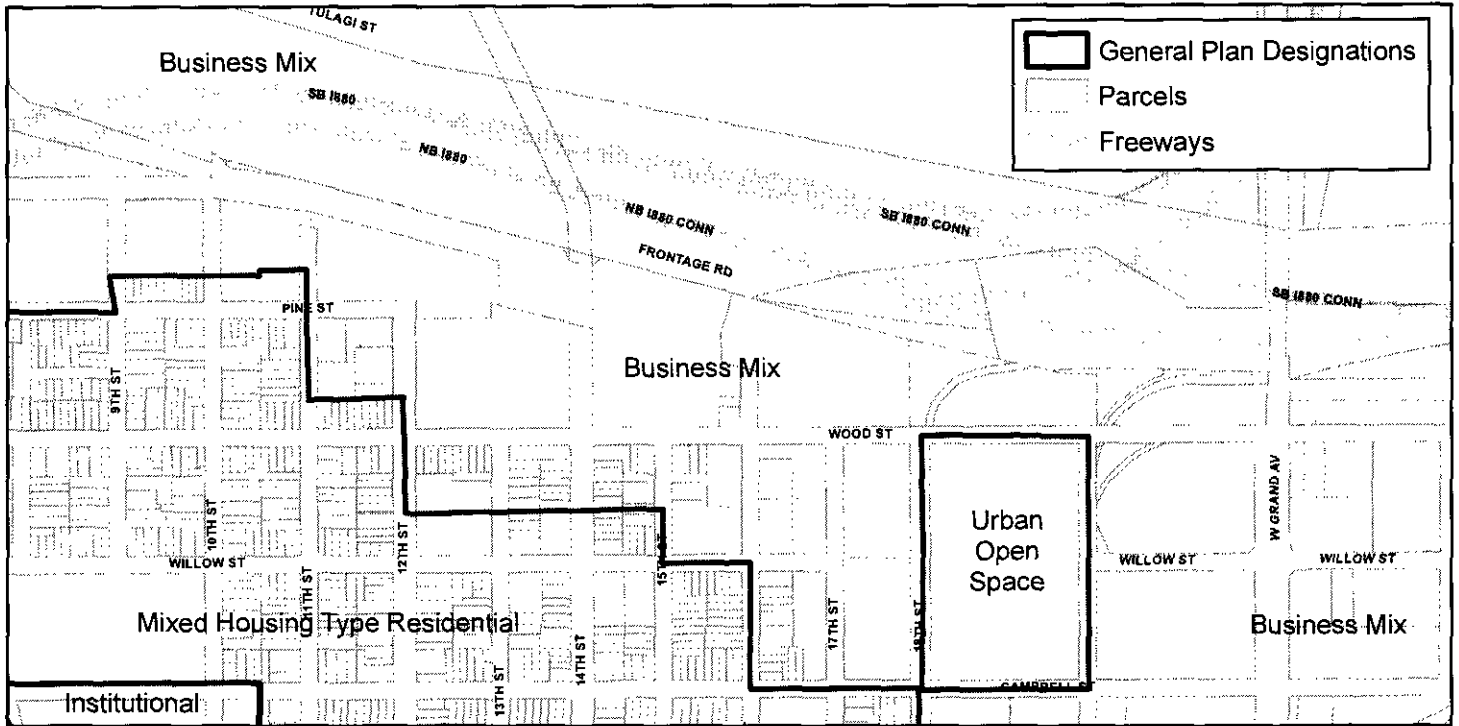
NOES-

ABSENT-

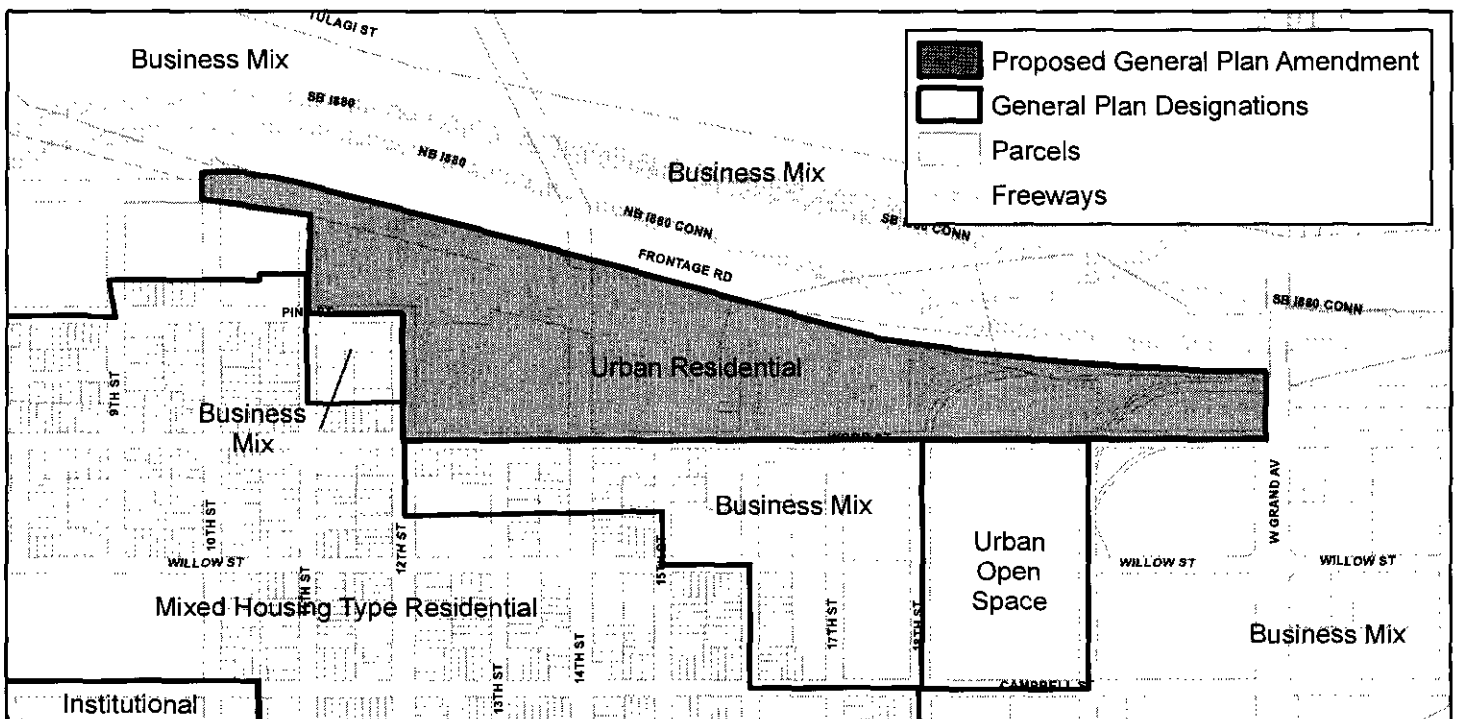
ABSTENTION-

ATTEST: _____
LATONDA SIMMONS
Interim Secretary of the Redevelopment Agency
of the City of Oakland

Wood Street Development Project



Existing General Plan Designations



Proposed General Plan Designations

DRAFT

APPROVED AS TO FORM AND LEGALITY


AGENCY COUNSEL

**REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND**

RESOLUTION NO. _____ C.M.S.

**A RESOLUTION APPROVING AND RECOMMENDING ADOPTION OF THE
SECOND AMENDMENT TO THE OAKLAND ARMY BASE
REDEVELOPMENT PLAN TO REVISE LAND USE DESIGNATIONS FOR
THE 16TH AND WOOD STREET SUBAREA AND TO MAKE VARIOUS TEXT
CHANGES**

WHEREAS, the City Council of the City of Oakland (the "City Council") adopted the Redevelopment Plan for the Oakland Army Base Redevelopment Project (the "Redevelopment Plan") on July 11, 2000, as a redevelopment plan for the Oakland Army Base Project Area (the "Project Area") pursuant to the California Community Redevelopment Law (Health and Safety Code Sections 33000, et seq.); and

WHEREAS, the City Council adopted the First Amendment to the Redevelopment Plan") on December 21, 2004; and

WHEREAS, the Redevelopment Plan includes a Redevelopment Land Use Map attached to the Plan as Attachment No. 3C, which sets forth land use designations for the 16th and Wood Subarea of the Project Area; and

WHEREAS, it is necessary and desirable that this Land Use Map be revised for the reasons set forth in the staff report accompanying this Resolution; and

WHEREAS, the land use designations for the 16th and Wood Subarea in the Oakland General Plan have been or will be revised, and the Agency desires that the Redevelopment Land Use Maps in the Redevelopment Plan be consistent with the Oakland General Plan; and

WHEREAS, the Agency wishes to make textual changes to the Redevelopment Plan to conform the Redevelopment Plan to the City's General Plan and zoning policies and procedures; and

WHEREAS, the Agency has submitted to the Council a proposed Second Amendment to the Oakland Army Base Redevelopment Plan (the "Second Amendment" or the "Amendment"); and

WHEREAS, Health and Safety Code Section 33450, et seq., authorizes a legislative body to amend a redevelopment plan after holding a public hearing; and

WHEREAS, this proposed amendment does not propose any additional property for inclusion in the Project Area, nor does it increase or reduce the Project Area or affect the Redevelopment Agency's authority to claim tax increment revenues; and

WHEREAS, on March 16, 2005, the Planning Commission submitted to the Council its report and recommendations for approval of this proposed amendment; and

WHEREAS, the City has provided the published and mailed notice of the hearing and this amendment as required by Health and Safety Code Section 33452; and

WHEREAS, after consideration of the proposed amendment by the Community and Economic Development Committee of the City Council on April 12, 2005, the Redevelopment Agency and the City Council held a joint public hearing on the proposed amendment, as permitted under Health and Safety Code Section 33458, on May 3, 2005; and

WHEREAS, on February 7, 2005, the Final Environmental Impact Report ("FEIR") on the Wood Street Project was released; and

WHEREAS, on March 16, 2005, the Planning Commission, among other things, certified the EIR, adopted CEQA Findings and a Statement of Overriding Considerations, and adopted a Mitigation Monitoring and Reporting Program; and

WHEREAS, it can be seen with certainty that the other amendments to the Redevelopment Plan will have no environmental effect, pursuant to CEQA Guidelines § 15063(b)(3), since they merely conform the Redevelopment Plan to existing City land use standards and procedures; now, therefore, be it

RESOLVED: That the Agency hereby approves and recommends adoption of the Second Amendment to the Oakland Army Base Redevelopment Plan; and be it further

RESOLVED: That the Agency Secretary is directed to transmit a copy of this Resolution to the City Council for its consideration in adoption of the Second Amendment; and be it further

RESOLVED: That this Resolution is based in part on the findings set forth above, the CEQA Findings and Statement of Overriding Considerations Related to Approval of the Wood Street Project, Mitigation Monitoring and Reporting Program, Conditions of Approval and General Findings Related to Approval of the Wood Street Project attached as Exhibit A-D and incorporated by this reference.

IN AGENCY, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, AND CHAIRPERSON DE LA FUENTE

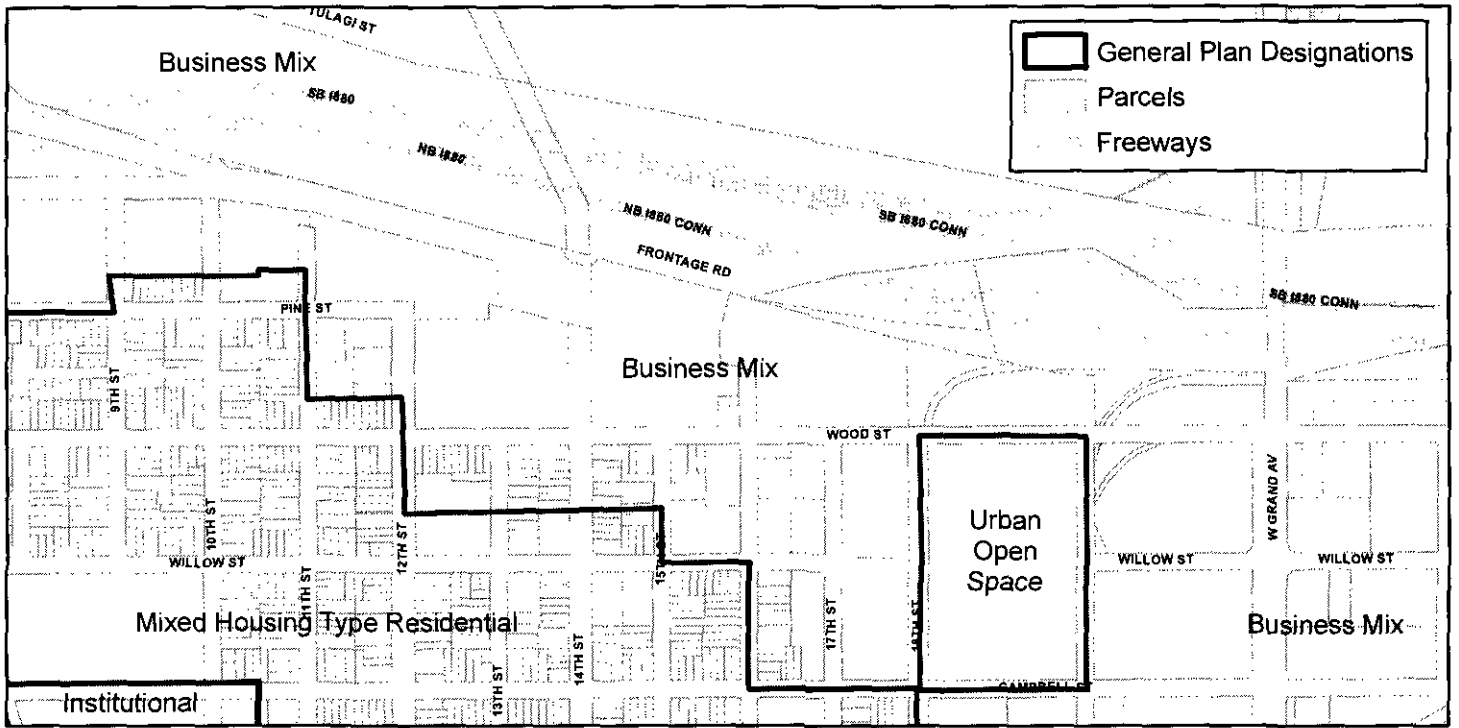
NOES-

ABSENT-

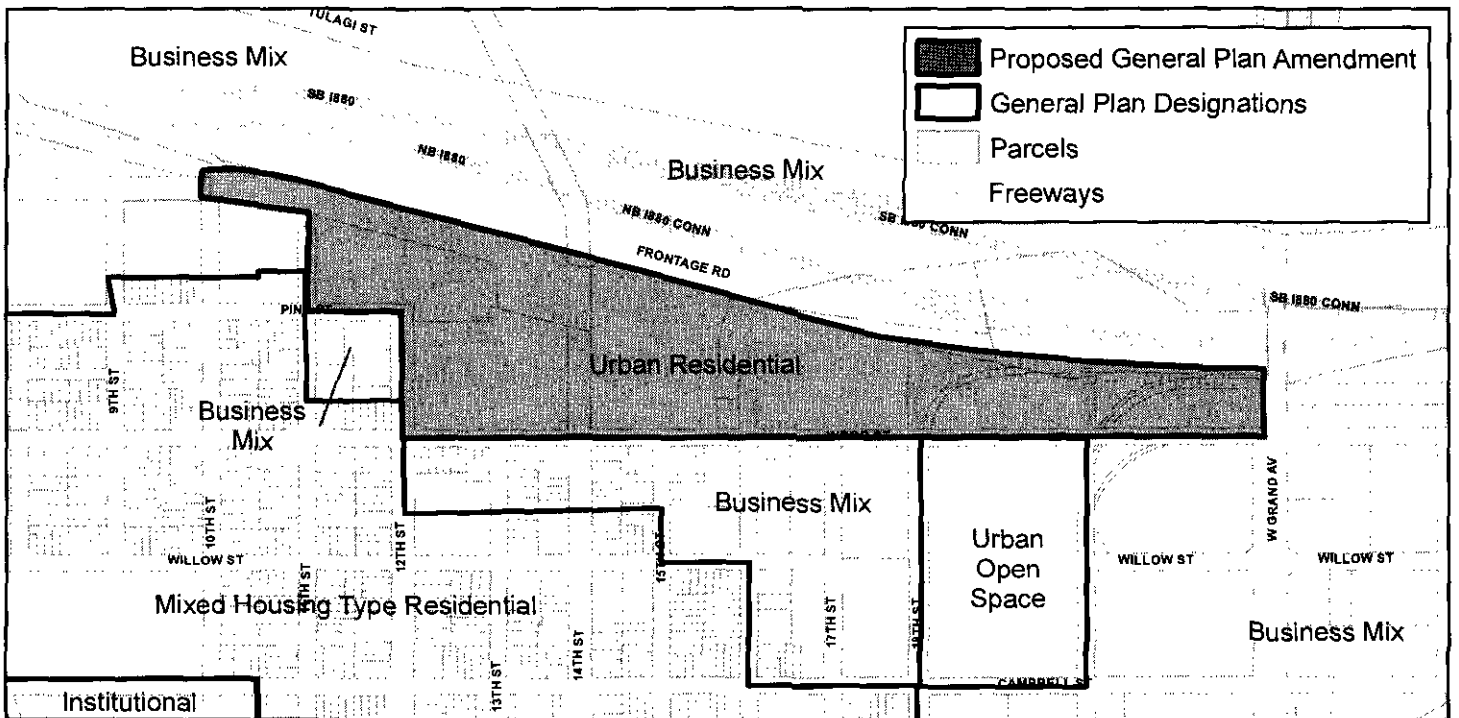
ABSTENTION-

ATTEST: _____
LATONDA SIMMONS
Interim Secretary of the Redevelopment Agency
of the City of Oakland

Wood Street Development Project



Existing General Plan Designations



Proposed General Plan Designations

DRAFT

APPROVED AS TO FORM AND LEGALITY


DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL
ORDINANCE NO. _____ C.M.S.

**AN ORDINANCE ADOPTING THE SECOND AMENDMENT TO
THE OAKLAND ARMY BASE REDEVELOPMENT PLAN TO
REVISE LAND USE DESIGNATIONS FOR THE 16TH AND WOOD
STREET SUBAREA AND TO MAKE VARIOUS TEXT CHANGES**

WHEREAS, the City Council adopted the Redevelopment Plan for the Oakland Army Base Redevelopment Project (the "Redevelopment Plan") on July 11, 2000, as a redevelopment plan for the Oakland Army Base Project Area (the "Project Area") pursuant to the California Community Redevelopment Law (Health and Safety Code Sections 33000, et seq.); and

WHEREAS, the City Council adopted the First Amendment to the Redevelopment Plan") on December 21, 2004; and

WHEREAS, the Redevelopment Plan includes a Redevelopment Land Use Map attached to the Plan as Attachment No. 3C, which sets forth land use designations for the 16th and Wood Subarea of the Project Area; and

WHEREAS, it is necessary and desirable that this Land Use Map be revised for the reasons set forth in the staff report accompanying this Ordinance; and

WHEREAS, the land use designations for the 16th and Wood Subarea in the Oakland General Plan have been or will be revised, and the City desires that the Redevelopment Land Use Maps in the Redevelopment Plan be consistent with the Oakland General Plan; and

WHEREAS, the City wishes to make textual changes to the Redevelopment Plan to conform the Redevelopment Plan to the City's General Plan and zoning policies and procedures; and

WHEREAS, Health and Safety Code Section 33450, et seq., authorizes a legislative body to amend a redevelopment plan after holding a public hearing; and

WHEREAS, this proposed amendment does not propose any additional property for inclusion in the Project Area, nor does it increase or reduce the Project Area or affect the Redevelopment Agency's authority to claim tax increment revenues; and

WHEREAS, on March 16, 2005, the Planning Commission submitted to the Council its report and recommendations for approval of this proposed amendment; and

WHEREAS, the City has provided the published and mailed notice of the hearing and this amendment as required by Health and Safety Code Section 33452; and

WHEREAS, after consideration of the proposed amendment by the Community and Economic Development Committee of the City Council on April 12, 2005, the Redevelopment Agency and the City Council held a joint public hearing on the proposed amendment, as permitted under Health and Safety Code Section 33458, on May 3, 2005; and

WHEREAS, on February 7, 2005, the Final Environmental Impact Report ("FEIR") on the Wood Street Project was released; and

WHEREAS, on March 16, 2005, the Planning Commission, among other things, certified the EIR, adopted CEQA Findings and a Statement of Overriding Considerations, and adopted a Mitigation Monitoring and Reporting Program; and

WHEREAS, it can be seen with certainty that the other amendments to the Redevelopment Plan will have no environmental effect, pursuant to CEQA Guidelines § 15063(b)(3), since they merely conform the Redevelopment Plan to existing City land use standards and procedures; now, therefore,

The Council of the City of Oakland does ordain as follows:

SECTION 1. The Second Amendment to the Redevelopment Plan for the Oakland Army Base Project attached to this Ordinance as Attachment A is hereby approved and adopted as an amendment to the Redevelopment Plan for the Oakland Army Base Project.

SECTION 2. The City Council finds that it is necessary and desirable to amend the Redevelopment Plan for the reasons set forth herein and in the staff report accompanying this Ordinance.

SECTION 3. The City Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Determination for this action.

SECTION 4. This Ordinance is based in part on the findings set forth above, the CEQA Findings and Statement of Overriding Considerations Related to Approval of the Wood Street Project, Mitigation Monitoring and Reporting Program, Conditions of Approval and General Findings Related to Approval of the Wood Street Project attached as Exhibit A-D and incorporated by this reference.

SECTION 5. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and this Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

SECTION 6. This Ordinance shall be in full force and effect immediately upon its passage as provided by Section 216 of the City Charter, if adopted by at least six members of Council, or upon the seventh day after final adoption if adopted by fewer votes.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:

AYES-	BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, AND PRESIDENT DE LA FUENTE
NOES-	_____
ABSENT-	_____
ABSTENTION-	_____

ATTEST: _____
LATONDA SIMMONS
Interim City Clerk and Clerk of the Council
of the City of Oakland, California

**ORDINANCE ADOPTING SECOND AMENDMENT TO
THE OAKLAND ARMY BASE REDEVELOPMENT PLAN**

Attachment A

Second Amendment to the Oakland Army Base Redevelopment Plan

Attached is the amended and restated Redevelopment Plan for the Oakland Army Base Redevelopment Project, as modified by this Second Amendment. Text additions to the Redevelopment Plan are indicated with double underlining, and text deletions to the Plan are indicated by strikeout text. The maps attached to the original Redevelopment Plan are replaced with the maps attached to this amended and restated Plan.

REDEVELOPMENT PLAN
FOR THE
OAKLAND ARMY BASE REDEVELOPMENT PROJECT

Prepared by

**THE REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND**

Adopted on June 11, 2000
Amended on December 21, 2004 (Ordinance No. 12644 C.M.S.)
Amended and restated on _____, 2005 (Ordinance No. _____ C.M.S.)

**REDEVELOPMENT PLAN
FOR THE
OAKLAND ARMY BASE REDEVELOPMENT PROJECT**

I. [§100] INTRODUCTION

This is the Redevelopment Plan (the “Plan”) for the Oakland Army Base Redevelopment Project (the “Project”) in the City of Oakland (the “City”), County of Alameda, State of California. It consists of the text, the Legal Description of the Project Area Boundaries (Attachment No. 1), the Project Area Map (Attachment No. 2), the Redevelopment Land Use Map (Attachment No. 3), and the list of Public Improvements (Attachment No. 4). This Plan was prepared by the Redevelopment Agency of the City of Oakland (the “Agency”) pursuant to the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000, et seq.), Chapter 4.5 of the Community Redevelopment Law (Health and Safety Code Section 33492, et seq.), the California Constitution, and all applicable local laws and ordinances.

In 1998, the Oakland Base Reuse Authority (“OBRA”), a Joint Powers Agency between the City, the Agency, and the County of Alameda, completed and adopted the Draft Final Reuse Plan for the Oakland Army Base, and in 2002, OBRA completed and adopted the Final Reuse Plan for the Oakland Army Base (the “Reuse Plan”). The proposed redevelopment of the area within the boundaries of the Project as described in this Plan that is within the former Oakland Army Base boundary conforms to the Reuse Plan.

This Plan is based upon a Preliminary Redevelopment Plan formulated and adopted by the Planning Commission of the City of Oakland (the “Planning Commission”) on September 22, 1999, and accepted by the Agency on November 16, 1999 (Resolution No. 99-51 C.M.S.).

This Plan provides the Agency with powers, duties, and obligations to implement and further the program generally formulated in the Reuse Plan, the General Plan for the City of Oakland, adopted by the City Council of the City of Oakland on March 24, 1998, as amended (the “General Plan”), and this Plan for the redevelopment, rehabilitation, and revitalization of the area within the boundaries of the Project as described in this Plan (the “Project Area”). If there is any conflict between the General Plan and the Reuse Plan in the implementation of this Redevelopment Plan, the terms of the General Plan shall control. Because of the long-term nature of this Plan and the need to retain in the Agency flexibility to respond to market and economic conditions, property owner and developer interests, and opportunities from time to time presented for redevelopment, this Plan does not present a precise plan or establish specific projects for the redevelopment,

rehabilitation, and revitalization of any area within the Project Area, nor does this Plan present specific proposals in an attempt to solve or alleviate the concerns and problems of the community relating to the Project Area. Instead, this Plan presents a process and a basic framework within which specific plans will be presented, specific projects will be established, and specific solutions will be proposed and by which tools are provided to the Agency to fashion, develop, and proceed with such specific plans, projects, and solutions.

The purposes of the Community Redevelopment Law will be attained through, and the major goals of this Plan are:

- A. The mitigation of the economic and social degradation that is faced by the City of Oakland due to the closure of the Oakland Army Base by the federal Base Closure Commission, in accordance with the legislative intent expressed in Section 33492 of the Health and Safety Code.
- B. Implementation of the adopted Reuse Plan, as such Plan may be amended or modified from time to time.
- C. The elimination of physical and economic blighting influences in the Project Area.
- D. The subdivision of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area.
- E. The replanning, redesign, and development of portions of the Project Area which are improperly utilized.
- F. The strengthening of the economic base of the community by the construction and installation of infrastructure and other needed site *improvements to stimulate new development, employment, and social and economic growth.*
- G. The expansion, improvement, and preservation of the City's supply of housing available to low- and moderate-income persons and families.
- H. Other goals and purposes of redevelopment as set forth in the Community Redevelopment Law.

II. [§200] DESCRIPTION OF PROJECT AREA

The boundaries of the Project Area are described in the "Legal Description of the Project Area Boundaries," attached hereto as Attachment No. 1 and incorporated herein by reference, and are shown on the "Project Area Map," attached hereto as Attachment No. 2 and incorporated herein by reference. Along with the former Oakland Army Base,

the Project Area includes two non-Base areas: (1) the Port of Oakland maritime area west and south of the Oakland Army Base, including the existing marine terminal facilities and related infrastructure along the Outer Harbor and Inner Harbor channels, as well as the former U.S. Fleet Industrial Supply Center Oakland ("FISCO") land located between and adjacent to the Port's Outer Harbor and Middle Harbor terminal facilities; and (2) an area along the Oakland Army Base's eastern boundary roughly between the realigned I-880 freeway and Wood Street, including the former Oakland Amtrak 16th Street Station. Three non-Base areas that were included in the boundaries of the Survey Area and the Project Area proposed in the Preliminary Plan are not included as part of the final Project Area adopted as part of this Plan. These areas are: (1) the former Clawson School site; (2) the Port area northeast of the Oakland Army Base formerly occupied by the Oakland Terminal Railway; and (3) an approximately five block area in the southern portion of the Survey Area's southern portion bordered by Brush Street, the Embarcadero, Third Street, and Adeline Street, which was found to be part of the Oak Center Redevelopment Project Area.

III. [§300] PROPOSED REDEVELOPMENT ACTIONS

A. [§301] General

The Agency proposes to eliminate and prevent the spread of blight and deterioration in the Project Area by:

1. The acquisition and subdivision of real property to provide adequate sites for the mixed use development and construction of commercial, industrial, residential, recreational, and public benefit facilities;
2. The demolition or removal of certain buildings and improvements;
3. The management of any property acquired by and under the ownership and control of the Agency;
4. The installation, construction, or reconstruction of streets, utilities, and other public improvements;
5. The disposition of property for uses in accordance with this Plan;
6. The redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan; and
7. The rehabilitation by future owners, their successors, and the Agency of structures and improvements previously owned by the federal government.

In the accomplishment of these purposes and activities and in the implementation and furtherance of this Plan, the Agency is authorized to use all the powers provided in this Plan and all the powers now or hereafter permitted by law.

B. [§302] Participation Opportunities; Extension of Preferences for Reentry Within Redeveloped Project Area

1. [§303] Opportunities for Owners and Business Tenants

In accordance with this Plan and the rules for participation adopted by the Agency pursuant to this Plan and the Community Redevelopment Law, persons who are or become owners of real property in the Project Area shall be given a reasonable opportunity to participate in the redevelopment of the Project Area consistent with the objectives of this Plan.

The Agency shall extend reasonable preferences to persons who are or become engaged in business in the Project Area to participate in the redevelopment of the Project Area or to reenter into business within the redeveloped Project Area if they otherwise meet the requirements prescribed in this Plan and the rules for participation adopted by the Agency.

2. [§304] Rules for Participation Opportunities, Priorities, and Preferences

In order to provide opportunities to owners to participate in the redevelopment of the Project Area and to extend reasonable preferences to businesses to reenter into business within the redeveloped Project Area, the Agency shall promulgate rules for participation by owners and the extension of preferences to business tenants for reentry within the redeveloped Project Area. If conflicts develop between the desires of participants for particular sites or land uses, the Agency is authorized to establish reasonable priorities and preferences among the owners and business tenants. Some of the factors to be considered in establishing these priorities and preferences may include a participant's length of occupancy in the area; accommodation of as many participants as possible; similarity of land use; the necessity to assemble sites for integrated, modern development; conformity of a participant's proposal with the intent and objectives of this Plan; and service to the community of a participant's proposal.

In addition to opportunities for participation by individual persons and firms, participation shall be available for two or more persons, firms, or institutions to join together in partnerships, corporations, or other joint entities.

Participation opportunities shall necessarily be subject to and limited by such factors as: (1) the elimination and changing of land uses; (2) the construction, widening, or realignment of streets; (3) the ability of participants to finance acquisition and development or rehabilitation in accordance with this Plan and development criteria adopted by the Agency in implementation of this Plan; (4) the reduction in the total

number of individual parcels in the Project Area; and (5) the construction or expansion of public facilities.

3. [§305] Participation Agreements

The Agency may require that, as a condition to participation in redevelopment, each participant shall enter into a binding agreement with the Agency by which the participant agrees to rehabilitate, develop, and use and maintain the property in conformance with this Plan and to be subject to the provisions hereof. In such agreements, participants who retain real property shall be required to join in the recordation of such documents as may be necessary to make the provisions of this Plan applicable to their properties. Whether or not a participant enters into a participation agreement with the Agency, the provisions of this Plan are applicable to all public and private property in the Project Area.

In the event a participant fails or refuses to rehabilitate, develop, and use and maintain its real property pursuant to this Plan and a participation agreement, the real property or any interest therein may be acquired by the Agency and sold or leased for rehabilitation or development in accordance with this Plan.

4. [§306] Conforming Owners

The Agency may, at its sole and absolute discretion, determine that certain real property within the Project Area presently meets the requirements of this Plan, and the owner of such property will be permitted to remain as a conforming owner without a participation agreement with the Agency provided such owner continues to operate, use, and maintain the real property within the requirements of this Plan. However, a conforming owner shall be required by the Agency to enter into a participation agreement with the Agency in the event that such owner desires to: (a) construct any additional improvements or substantially alter or modify existing structures on any of the real property described above as conforming; or (b) acquire additional property within the Project Area.

C. [§307] Cooperation with Public Bodies

Certain public bodies are authorized by state law to aid and cooperate, with or without consideration, in the planning, undertaking, construction, or operation of this Project. The Agency shall seek the aid and cooperation of such public bodies and shall attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the purposes of redevelopment and the highest public good.

The Agency, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency, however, will seek the cooperation of all public bodies which own or intend to acquire property in the Project Area. Any public body which owns or leases property in the Project Area will be afforded all the privileges of owner and tenant participation if such public body is willing

to enter into a participation agreement with the Agency. All plans for development of property in the Project Area by a public body shall be subject to Agency approval.

The Agency may impose on all public bodies the planning and design controls contained in this Plan to insure that present uses and any future development by public bodies will conform to the requirements of this Plan. To the extent now or hereafter permitted by law, the Agency is authorized to financially (and otherwise) assist any public entity in the cost of public land, buildings, facilities, structures, or other improvements (within or without the Project Area), which land, buildings, facilities, structures, or other improvements are or would be of benefit to the Project.

D. §308 Property Acquisition

1. §309 Real Property

Except as specifically exempted herein, the Agency may acquire, but is not required to acquire, any real property located in the Project Area by any means authorized by law, including eminent domain.

It is in the public interest and is necessary in order to eliminate the conditions requiring redevelopment and in order to execute this Plan for the power of eminent domain to be employed by the Agency to acquire real property in the Project Area which cannot be acquired by gift, devise, exchange, purchase, or any other lawful method. Eminent domain proceedings, if used, must be commenced within twelve (12) years from the date the County Auditor certifies pursuant to Section 33492.9 of the Community Redevelopment Law.

The Agency shall not acquire real property to be retained by an owner pursuant to a participation agreement if the owner fully performs under the agreement. The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is authorized to acquire either the entire fee or any other interest in real property less than a fee.

The Agency shall not acquire real property on which an existing building is to be continued on its present site and in its present form and use without the consent of the owner unless: (a) such building requires structural alteration, improvement, modernization, or rehabilitation; (b) the site, or lot on which the building is situated, requires modification in size, shape, or use; or (c) it is necessary to impose upon such property any of the controls, limitations, restrictions, and requirements of this Plan and the owner fails or refuses to execute a participation agreement in accordance with the provisions of this Plan.

The Agency is not authorized to acquire real property owned by public bodies which do not consent to such acquisition. The Agency is authorized, however, to acquire public property transferred to private ownership before redevelopment of the Project Area is completed, unless the Agency and the private owner enter into a

participation agreement and the owner completes his responsibilities under the participation agreement.

2. [§310] Personal Property

Generally, personal property shall not be acquired. However, where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Project Area by any lawful means, including eminent domain.

E. [§311] Property Management

During such time as property, if any, in the Project Area is owned by the Agency, such property shall be under the management and control of the Agency. Such property may be rented or leased by the Agency pending its disposition for redevelopment, and such rental or lease shall be pursuant to such policies as the Agency may adopt.

F. [§312] Payments to Taxing Agencies to Alleviate Financial Burden

Pursuant to Sections 33492.15 and 33607.5 of the Community Redevelopment Law, the Agency is required to and shall make payments to affected taxing entities to alleviate the financial burden and detriment that the affected taxing entities may incur as a result of the adoption of this Plan. The payments made by the Agency shall be calculated and paid in accordance with the requirements of Sections 33492.15 and 33607.5.

G. [§313] Relocation of Persons, Business Concerns, and Others Displaced by the Project

1. [§314] Assistance in Finding Other Locations

The Agency shall assist all persons, business concerns, and others displaced by the Agency in implementation of the Project as are eligible for such assistance under applicable law, in finding other locations and facilities. In order to carry out the Project with a minimum of hardship to persons, business concerns, and others, if any, displaced by the Agency in implementation of the Project and eligible under applicable law for such assistance, the Agency shall assist such persons, business concerns and others in finding new locations that are decent, safe, sanitary, within their respective financial means, in reasonably convenient locations, and otherwise suitable to their respective needs. The Agency may also provide housing inside or outside the Project Area for displaced persons.

2. [§315] Relocation Payments

The Agency shall make relocation payments to such persons, business concerns, and others displaced by the Agency in implementation of the Project as are

eligible for such payments under applicable law, for moving expenses and direct losses of personal property and additional relocation payments as may be required by law. Such relocation payments shall be made pursuant to the California Relocation Assistance Law (Government Code Section 7260 et seq.) and Agency rules and regulations adopted pursuant thereto. The Agency may make such other payments as may be appropriate and for which funds are available.

H. [§316] Demolition, Clearance, and Building and Site Preparation

1. [§317] Demolition and Clearance

The Agency is authorized to demolish and clear buildings, structures, and other improvements from any real property in the Project Area as necessary to carry out the purposes of this Plan.

2. [§318] Preparation of Building Sites

The Agency is authorized to prepare, or cause to be prepared, as building sites any real property in the Project Area owned by the Agency. In connection therewith, the Agency may cause, provide for, or undertake the installation or construction of streets, utilities, parks, playgrounds, and other public improvements necessary to carry out this Plan. The Agency is also authorized to construct foundations, platforms, and other structural forms necessary for the provision or utilization of air rights sites for buildings to be used for residential, commercial, industrial, public, and other uses provided for in this Plan.

Prior consent of the City Council is required for the Agency to develop sites for commercial or industrial use by providing streets, sidewalks, utilities, or other improvements which an owner or operator of the site would otherwise be obliged to provide.

I. [§319] Property Disposition and Development

1. [§320] Real Property Disposition and Development

a. [§321] General

For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property. To the extent permitted by law, the Agency is authorized to dispose of real property by negotiated lease, sale, or transfer without public bidding. Property acquired by the Agency for rehabilitation and resale shall be offered for resale within one (1) year after completion of rehabilitation or an annual report concerning such property shall be published by the Agency as required by law.

Real property acquired by the Agency may be conveyed by the Agency without charge to the City and, where beneficial to the Project Area, without charge to any public body. All real property acquired by the Agency in the Project Area shall be sold or leased to public or private persons or entities for development for the uses permitted in this Plan.

The Agency may obligate purchasers or lessees of property acquired from the Agency to use the property for the purposes designated in this Plan, to begin and complete development of the property within a period of time which the Agency fixes as reasonable, and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

b. [§322] Disposition and Development Documents

To provide adequate safeguards to ensure that the provisions of this Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased, or conveyed by the Agency, as well as all property subject to participation agreements, is subject to the provisions of this Plan.

The Agency shall reserve such powers and controls in the disposition and development documents as may be necessary to prevent transfer, retention, or use of property for speculative purposes and to ensure that development is carried out in a timely manner pursuant to this Plan.

Leases, deeds, contracts, agreements, and declarations of restrictions of the Agency may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes, or any other provisions necessary to carry out this Plan. Where appropriate, as determined by the Agency, such documents, or portions thereof, shall be recorded in the office of the Recorder of Alameda County.

All property in the Project Area is hereby subject to the restriction that there shall be no discrimination or segregation based upon race, color, national origin, ancestry, creed, religion, sex, marital status, sexual preference, AIDS or AIDS-related complex, or disability in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area. All property sold, leased, conveyed, or subject to a participation agreement shall be expressly subject by appropriate documents to the restriction that all deeds, leases, or contracts for the sale, lease, sublease, or other transfer of land in the Project Area shall contain such nondiscrimination and nonsegregation clauses as required by law.

c. [§323] Development by the Agency

To the extent now or hereafter permitted by law, the Agency is authorized to pay for, develop, construct, or rehabilitate any publicly-owned building, facility, structure, or other improvement either within or without the Project Area, for itself or for any public body or entity, which buildings, facilities, structures, or other improvements

are or would be of benefit to the Project Area. Specifically, the Agency may pay for, install, construct, or rehabilitate the buildings, facilities, structures, and other improvements identified in Attachment No. 4, attached hereto and incorporated herein by reference, and may acquire or pay for the property required therefor.

The Agency may enter into contracts, leases, and agreements with the City or other public body or entity pursuant to this Section 323, and the obligation of the Agency under such contract, lease, or agreement shall constitute an indebtedness of the Agency which may be made payable out of the taxes levied in the Project Area and allocated to the Agency under subdivision (b) of Section 33670 of the Community Redevelopment Law and Section 502 of this Plan or out of any other available funds.

d. [\$324] Development Plans

~~[\$324] All development plans (whether public or private) in the Project Area shall be submitted to the Agency for approval and architectural review. All development in the Project Area must conform to the Reuse Plan (as such Plan may be amended from time to time) and City design review standards.~~

2. [\$325] Personal Property Disposition

For the purposes of this Plan, the Agency is authorized to lease, sell, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property which is acquired by the Agency.

J. [\$326] Rehabilitation, Conservation, and Moving of Structures

1. [\$327] Rehabilitation and Conservation

The Agency is authorized to rehabilitate and conserve, or to cause to be rehabilitated and conserved, any building or structure in the Project Area owned by the Agency. The Agency is also authorized and directed to advise, encourage, and assist in the rehabilitation and conservation of property in the Project Area not owned by the Agency. The Agency is also authorized to acquire, restore, rehabilitate, move, and conserve buildings of historic or architectural significance.

2. [\$328] Moving of Structures

As necessary in carrying out this Plan, the Agency is authorized to move, or to cause to be moved, any standard structure or building or any structure or building which can be rehabilitated to a location within or outside the Project Area.

K. [§329] Low- and Moderate-Income Housing

1. [§330] Replacement Housing

In accordance with Section 33334.5 of the Community Redevelopment Law, following conveyance of the property within the Project Area by the federal government to other public or private entities or individuals, whenever dwelling units subsequently housing persons and families of low or moderate income are destroyed or removed from the low and moderate income housing market as part of the Project, the Agency shall, within four (4) years of such destruction or removal, rehabilitate, develop, or construct, or cause to be rehabilitated, developed, or constructed, for rental or sale to persons and families of low or moderate income an equal number of replacement dwelling units at affordable housing costs within the Project Area or within the City of Oakland in accordance with all of the provisions of Sections 33413 and 33413.5 of said Community Redevelopment Law. The Agency shall require that replacement dwelling units rehabilitated, developed, or constructed pursuant to this section remain available at affordable housing cost to person and families of low income, moderate income, and very low income households, respectively, for the longest feasible time as determined by the Agency, but for not less than the term of this Plan, except to the extent a longer period of time is required by law.

2. [§331] Inclusionary Housing

At least 30 percent of all new or rehabilitated dwelling units developed by the Agency in the Project Area shall be available at affordable housing cost to persons and families of low or moderate income, with not less than 50 percent of these units made available at affordable housing cost to very low income households, as required by Section 33413 (in particular, subdivision (b) of that section) of the Community Redevelopment Law. At least 15 percent of all new or rehabilitated dwelling units developed by public or private entities or persons other than the Agency in the Project Area shall be available at affordable housing cost to persons and families of low or moderate income, with not less than 40 percent of these units made available at affordable housing cost to very low income households, as required by Section 33413 (in particular, subdivision (b) of that section) of the Community Redevelopment Law. The requirements of this section shall apply in the aggregate, and not to each individual case of rehabilitation, development, or construction of dwelling units; however, the Agency in its discretion may impose inclusionary housing requirements on particular housing projects developed by public or private entities or persons other than the Agency in the Project Area, as needed in order for the Agency to comply with Section 33413 of the Community Redevelopment Law, this Plan, and the implementation plan adopted for the Project pursuant to Section 33490 of the Community Redevelopment Law.

3. [§332] Low and Moderate Income Housing Set Aside

Pursuant to Section 33334.2 of the Community Redevelopment Law, not less than twenty percent (20%) of all taxes which are allocated to the Agency pursuant to

Section 33670 of the Community Redevelopment Law and Section 502 of this Plan shall be used by the Agency for the purposes of increasing, improving, and preserving the City's supply of housing for persons and families of very low, low, or moderate income. In carrying out this purpose, the Agency may exercise any or all of its powers.

The Agency may use these funds to meet, in whole or in part, the replacement housing provisions in Section 330, above, or the inclusionary housing provisions in Section 331, above. These funds may be used inside or outside the Project Area provided, however, that funds may be used outside the Project Area only if findings of benefit to the Project are made as required by said Section 33334.2 of the Community Redevelopment Law.

The funds for this purpose shall be held in a separate Low and Moderate Income Housing Fund until used; provided the Agency may defer the allocation of such funds for a period of up to five years after the date of adoption of this Plan if certain findings are made by the legislative body pursuant to Section 33492.16 of the Community Redevelopment Law. The amount of any such deferral shall be considered an indebtedness of the Project and shall be repaid to the Low and Moderate Income Housing Fund in accordance with Section 33492.16. Any interest earned by such Low and Moderate Income Housing Fund shall accrue to the Fund.

IV. [§400] USES PERMITTED IN THE PROJECT AREA

A. [§401] Redevelopment Land Use Map

The "Redevelopment Land Use Map," attached hereto as Attachment No. 3 and incorporated herein by reference, illustrates the location of the Project Area boundaries, major streets within the Project Area, and the proposed land uses to be permitted in the Project for all land, public, semi-public and private.

B. [§402] Designated Land Uses

1. [§403] Residential Uses

Subject to Section 407 of this Plan, the areas shown on the Redevelopment Land Use Map (Attachment No. 3) for residential uses shall be used for residential uses consistent with the Reuse Plan and the General Plan, as the Reuse Plan or General Plan may be amended from time to time, and any zoning regulations adopted or amended from time to time by the City implementing the Reuse Plan or the General Plan.

2. [§404] Commercial Uses

Subject to Section 407 of this Plan, the areas shown on the Redevelopment Land Use Map (Attachment No. 3) for commercial uses shall be used for commercial uses consistent with the Reuse Plan and the General Plan, as the Reuse Plan or General

Plan may be amended from time to time, and any zoning regulations adopted or amended by the City from time to time implementing the Reuse Plan or the General Plan.

3. [§405] Recreational Uses

Subject to Section 407 of this Plan, the areas shown on the Redevelopment Land Use Map (Attachment No. 3) for recreational uses shall be used for recreational uses consistent with the Reuse Plan and the General Plan, as the Reuse Plan or General Plan may be amended from time to time, and any zoning regulations adopted or amended from time to time by the City implementing the Reuse Plan or the General Plan.

4. [§406] Other Uses

Subject to Section 407 of this Plan, other uses shall be permitted consistent with the Reuse Plan and the General Plan, as the Reuse Plan or General Plan may be amended from time to time, and any zoning regulations adopted or amended from time to time by the City implementing the Reuse Plan or the General Plan.

5. [§407] Conformance With Applicable Zoning

All uses permitted under this Plan shall be subject to existing and any additional zoning regulations as may be adopted and amended from time to time by the City implementing the Reuse Plan or the General Plan.

C. [§408] Related Land Uses

1. [§409] Public Rights-of-Way

The major public streets within the Project Area are identified on the Redevelopment Land Use Map (Attachment No. 3).

Additional public streets, alleys, and easements may be created in the Project Area as needed for proper development. Existing streets, alleys, and easements may be abandoned, closed, or modified as necessary for proper development of the Project.

Any changes in the existing interior or exterior street layout shall be in accordance with the Reuse Plan and the General Plan, as the Reuse Plan or General Plan may be amended from time to time, the objectives of this Plan, and the City's design standards, shall be effectuated in the manner prescribed by state and local law, and shall be guided by the following criteria:

- a. A balancing of the needs of proposed and potential new developments for adequate pedestrian and vehicular access, vehicular parking, and delivery loading docks with the similar needs of any existing developments permitted to remain. Such balancing shall take into consideration the

rights of existing owners and tenants under the rules for owner and tenant participation adopted by the Agency for the Project and any participation agreements executed thereunder;

- b. The requirements imposed by such factors as topography, traffic safety and aesthetics; and
- c. The potential need to serve not only the Project Area and new or existing developments but to also serve areas outside the Project by providing convenient and efficient vehicular access and movement.

The public rights-of-way may be used for vehicular and/or pedestrian traffic, as well as for public improvements, public and private utilities, and activities typically found in public rights-of-way.

2. [\$410] Other Public, Semi-Public, Institutional, and Nonprofit Uses

Subject to Section 407 of this Plan, in any area shown on the Redevelopment Land Use Map (Attachment No. 3), the Agency is authorized to permit the maintenance, establishment, or enlargement of public, semi-public, institutional, or nonprofit uses, including park and recreational facilities, libraries, educational, fraternal, employee, philanthropic, religious and charitable institutions, utilities, and facilities of other similar associations or organizations. All such uses shall, to the extent possible, conform to the provisions of this Plan applicable to the uses in the specific area involved and as permitted under the Reuse Plan or the General Plan. The Agency may impose such other reasonable requirements and/or restrictions as may be necessary to protect the development and use of the Project Area.

3. [\$411] Interim Uses

Pending the ultimate development of land by developers and participants, the Agency is authorized to use or permit the use of any land in the Project Area for interim uses that are not in conformity with the uses permitted in this Plan, as long as such uses conform to the Reuse Plan, the General Plan, and the City's zoning standards.

4. [\$412] Nonconforming Uses

The Agency may permit an existing use to remain in an existing building in good condition which use does not conform to the provisions of this Plan, provided that such use is generally compatible with existing and proposed developments and uses in the Project Area. The owner of such a property must be willing to enter into a participation agreement and agree to the imposition of such reasonable restrictions as may be necessary to protect the development and use of the Project Area.

The Agency may authorize additions, alterations, repairs, or other improvements in the Project Area for uses which do not conform to the provisions of this Plan where such improvements are within a portion of the Project where, in the determination of the Agency, such improvements would be compatible with surrounding Project uses and development

D. [§413] General Controls and Limitations

All real property in the Project Area is made subject to the controls and requirements of this Plan. No real property shall be developed, rehabilitated, or otherwise changed after the date of the adoption of this Plan, except in conformance with the provisions of this Plan.

1. [§414] Construction

All construction in the Project Area shall comply with all applicable state and local laws and codes in effect from time to time. In addition to applicable codes, ordinances, or other requirements governing development in the Project Area, additional specific performance and development standards may be adopted by the Agency to control and direct redevelopment activities in the Project Area.

2. [§415] Rehabilitation and Retention of Properties

Any existing structure within the Project Area approved by the Agency for retention and rehabilitation shall be repaired, altered, reconstructed, or rehabilitated in such a manner that it will be safe and sound in all physical respects and be attractive in appearance and not detrimental to the surrounding uses.

3. [§416] Limitation on the Number of Buildings

The number of buildings in the Project Area shall not exceed the number of buildings permitted under existing and any additional zoning regulations that may be adopted or amended from time to time by the City implementing the Reuse Plan or the General Plan.

4. [§417] Number of Dwelling Units

The number of dwelling units permitted in the Project Area shall not exceed the number of dwelling units permitted under existing and any additional zoning regulations that may be adopted or amended from time to time by the City implementing the Reuse Plan or the General Plan.

5. [§418] Limitation on Type, Size, and Height of Buildings

Except as set forth in other sections of this Plan, the type, size, and height of buildings shall be as limited by applicable federal, state, and local statutes, ordinances,

and regulations, including existing and any additional zoning regulations that may be adopted or amended from time to time by the City implementing the Reuse Plan or the General Plan.

6. [§419] Open Spaces, Landscaping, Light, Air, and Privacy

The approximate amount of open space to be provided in the Project Area is the total of all areas which will be in the public rights-of-way, the public ground, the space around buildings, and all other outdoor areas not permitted to be covered by buildings. Landscaping shall be developed in the Project Area to ensure optimum use of living plant material.

Sufficient space shall be maintained between buildings in all areas to provide adequate light, air, and privacy.

7. [§420] Signs

All signs shall conform to City sign ordinances and other requirements as they now exist or are hereafter amended. Design of all proposed new signs shall be submitted to ~~the Agency and/or~~ the City prior to installation for review and approval ~~pursuant to the procedures of this Plan~~ if required by the City.

8. [§421] Utilities

The Agency shall require that all utilities be placed underground whenever physically and economically feasible.

9. [§422] Incompatible Uses

No use or structure which by reason of appearance, traffic, smoke, glare, noise, odor, or similar factors, ~~as determined by the Agency~~, would be incompatible with the surrounding areas or structures shall be permitted in any part of the Project Area.

10. [§423] Nondiscrimination and Nonsegregation

There shall be no discrimination or segregation based upon race, color, national origin, ancestry, creed, religion, sex, marital status, sexual preference, AIDS or AIDS-Related Complex, or disability permitted in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area.

11. [§424] Subdivision of Parcels

The Agency may require that no parcel in the Project Area, including any parcel retained by a participant, be subdivided without the approval of the Agency.

12. [§425] Minor Variations

~~Under exceptional circumstances, the Agency is authorized to permit a~~
~~V~~ariations from the limits, restrictions, and controls established by this Plan will be
permitted if and to the extent a variation is allowed or permitted by the City pursuant to
the Reuse Plan, the General Plan or the City's zoning regulations, codes, or other
ordinances. Any application for such variations shall be made to and processed by the
City in accordance with City requirements. In order to permit such variation, the Agency
must determine that:

- ~~a. The application of certain provisions of this Plan would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Plan;~~
- ~~b. There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not apply generally to other properties having the same standards, restrictions, and controls;~~
- ~~c. Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area; and~~
- ~~d. Permitting a variation will not be contrary to the objectives of this Plan or of the General Plan.~~

~~No variation shall be granted which changes a basic land use or which permits other than a minor departure from the provisions of this Plan. In permitting any such variation, the Agency shall impose such conditions as are necessary to protect the public peace, health, safety, or welfare and to assure compliance with the purposes of this Plan. Any variation permitted by the Agency hereunder shall not supersede any other approval required under applicable City codes and ordinances.~~

E. [§426] Design for Development

Within the limits, restrictions, and controls established in this Plan, the Agency is authorized to establish heights of buildings, land coverage, setback requirements, design criteria, traffic circulation, traffic access, and other development and design controls necessary for proper development of both private and public areas within the Project Area.

No new improvement shall be constructed, and no existing improvement shall be substantially modified, altered, repaired, or rehabilitated, except in accordance with this Plan and any such controls and, in the case of property which is the subject of a disposition and development or participation agreement with the Agency and any other property, in the discretion of the Agency, in accordance with architectural, landscape, and site plans submitted to and approved in writing by the Agency. One of the objectives of

this Plan is to create an attractive and pleasant environment in the Project Area. Therefore, such plans shall give consideration to good design, open space, and other amenities to enhance the aesthetic quality of the Project Area. The Agency shall not approve any plans that do not comply with this Plan.

F. [§427] Building Permits

No permit shall be issued for the construction of any new building or for any construction on an existing building in the Project Area from the date of adoption of this Plan until the application for such permit has been ~~approved by the Agency as consistent with this Plan~~ made and processed in a manner consistent with all City requirements. ~~An application shall be deemed consistent with this Plan if it is consistent with the General Plan, applicable zoning ordinances and any adopted design for development.~~

The Agency is authorized to establish permit procedures and approvals in addition to those set forth above where required for the purposes of this Plan. Where such additional procedures and approvals are established, a building permit shall be issued only after the applicant for same has been granted all approvals required by the City and the Agency at the time of application.

V. **[§500] METHODS OF FINANCING THE PROJECT**

A. [§501] General Description of the Proposed Financing Method

The Agency is authorized to finance this Project with financial assistance from the City, the State of California, the federal government, interest income, Agency bonds, donations, loans from private financial institutions, the lease or sale of Agency-owned property, or any other available source, public or private. The Agency is further authorized to finance this Project utilizing tax increment funds provided for under Section 502 of this Plan; ~~provided that the Agency shall not expend any tax increment funds allocated to it from the Project Area for expenses related to carrying out the Project unless and until the City has amended its General Plan, as referenced in Section 100, and the findings set forth in Health and Safety Code Section 33492.20(a)(2) have been adopted.~~

The Agency is also authorized to obtain advances, borrow funds, and create indebtedness in carrying out this Plan. The principal and interest on such advances, funds, and indebtedness may be paid from tax increments or any other funds available to the Agency. Advances and loans for survey and planning and for the operating capital for nominal administration of this Project may be provided by the City until adequate tax increment or other funds are available, or sufficiently assured, to repay the advances and loans and to permit borrowing adequate working capital from sources other than the City. The City, as it is able, may also supply additional assistance through City loans and grants for various public facilities.

The City or any other public agency may expend money to assist the Agency in carrying out this Project. As available, gas tax funds from the state and county may be used for street improvements and public transit facilities.

B. [\$502] Tax Increment Funds

All taxes levied upon taxable property within the Project Area each year, by or for the benefit of the State of California, the County of Alameda, the City, any district, or any other public corporation (hereinafter sometimes called "taxing agencies"), after the effective date of the ordinance approving this Plan shall be divided as follows:

1. That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of said taxing agencies upon the total sum of the assessed value of the taxable property in the Project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to and when collected shall be paid into the funds of the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory of the Project on the effective date of such ordinance but to which such territory is annexed or otherwise included after such effective date, the assessment roll of the County of Alameda, last equalized on the effective date of said ordinance, shall be used in determining the assessed valuation of the taxable property in the Project on said effective date).
2. Except as provided in subdivision 3, below, that portion of said levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the Agency to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the Agency to finance or refinance, in whole or in part, this Project. Unless and until the total assessed valuation of the taxable property in the Project exceeds the total assessed value of the taxable property in the Project as shown by the last equalized assessment roll referred to in subdivision 1 hereof, all of the taxes levied and collected upon the taxable property in the Project shall be paid into the funds of the respective taxing agencies. When said loans, advances, and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in the Project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.
3. That portion of the taxes in excess of the amount identified in subdivision 1, above, which are attributable to a tax rate levied by a taxing agency which was approved by the voters of the taxing agency on or after January 1, 1989, for the purpose of producing revenues in an amount sufficient to

make annual repayments of the principal of, and the interest on, any bonded indebtedness for the acquisition or improvement of real property shall be allocated to, and when collected shall be paid into, the fund of that taxing agency.

The portion of taxes mentioned in subdivision 2, above, are hereby irrevocably pledged for the payment of the principal of and interest on the advance of moneys, or making of loans or the incurring of any indebtedness (whether funded, refunded, assumed, or otherwise) by the Agency to finance or refinance the Project, in whole or in part. The Agency is authorized to make such pledges as to specific advances, loans, and indebtedness as appropriate in carrying out the Project.

The portion of taxes divided and allocated to the Agency pursuant to subdivision 2 of this Section 502 shall not exceed a cumulative total of FIVE HUNDRED SIX MILLION, FOUR HUNDRED THOUSAND DOLLARS (\$506,400,000).

The Agency is authorized to issue bonds from time to time, if it deems appropriate to do so, in order to finance all or any part of the Project. Neither the members of the Agency nor any persons executing the bonds are liable personally on the bonds by reason of their issuance.

The bonds and other obligations of the Agency are not a debt of the City or the state, nor are any of its political subdivisions liable for them, nor in any event shall the bonds or obligations be payable out of any funds or properties other than those of the Agency, and such bonds and other obligations shall so state on their face. The bonds do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

The Agency shall not establish or incur loans, advances, or indebtedness to finance in whole or in part the Project beyond twenty (20) years from the date the County Auditor certifies pursuant to Section 33492.9 of the Community Redevelopment Law (the date of the final day of the first fiscal year in which \$100,000 or more of tax increment funds from the Project Area are paid to the Agency pursuant to subdivision (d) of Section 33675 of the Community Redevelopment Law). Loans, advances, or indebtedness may be repaid over a period of time beyond said time limit. This time limit shall not prevent the Agency from incurring debt to be paid from the Low and Moderate Income Housing Fund or establishing more debt in order to fulfill the Agency's housing obligations under Section 33413 of the Community Redevelopment Law. Further, this time limit shall not prevent the Agency from refinancing, refunding, or restructuring indebtedness after the time limit if the indebtedness is not increased and the time during which the indebtedness is to be repaid is not extended beyond the time limit for repaying indebtedness set forth immediately below in this Section 502.

The Agency shall not receive, and shall not repay loans, advances, or other indebtedness to be paid with the proceeds of property taxes from the Project Area pursuant to Section 33670 of the Community Redevelopment Law and this Section 502

beyond forty-six (46) years from the date the County Auditor certifies pursuant to Section 33492.9 of the Community Redevelopment Law.

C. [§503] Other Loans and Grants

Any other loans, grants, guarantees, or financial assistance from the United States, the State of California, or any other public or private source will be utilized if available.

VI. [§600] ACTIONS BY THE CITY

The City shall aid and cooperate with the Agency in carrying out this Plan and shall take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the area of conditions causing blight. Actions by the City shall include, but not be limited to, the following:

- A. Institution and completion of proceedings for opening, closing, vacating, widening, or changing the grades of streets, alleys, and other public rights-of-way and for other necessary modifications of the streets, the street layout, and other public rights-of-way in the Project Area. Such action by the City shall include the requirement of abandonment, removal, and relocation by the public utility companies of their operations of public rights-of-way as appropriate to carry out this Plan provided that nothing in this Plan shall be construed to require the cost of such abandonment, removal, and relocation to be borne by others than those legally required to bear such cost.
- B. Provision of advances, loans, or grants to the Agency or the expenditure of funds for projects implementing this Plan as deemed appropriate by the City and to the extent funds are available therefor.
- C. Institution and completion of proceedings necessary for changes and improvements in private and publicly owned public utilities within or affecting the Project Area.
- D. Revision of zoning (if necessary) within the Project Area to permit the land uses and development authorized by this Plan.
- E. Imposition wherever necessary (by conditional use permits or other means) of appropriate controls within the limits of this Plan upon parcels in the Project Area to ensure their proper development and use.
- F. Provision for administrative enforcement of this Plan by the City after development. The City and the Agency shall develop and provide for enforcement of a program for continued maintenance by owners of all real

property, both public and private, within the Project Area throughout the duration of this Plan.

- G. Preservation of historical sites.
- H. Performance of the above actions and of all other functions and services relating to public peace, health, safety, and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.
- I. The undertaking and completing of any other proceedings necessary to carry out the Project.

The foregoing actions to be taken by the City do not involve or constitute any commitment for financial outlays by the City unless specifically agreed to and authorized by the City.

VII. [§700] ENFORCEMENT

The administration and enforcement of this Plan, including the preparation and execution of any documents implementing this Plan, shall be performed by the Agency and/or the City.

The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, reentry, injunctions, or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Project Area may be enforced by such owners.

VIII. [§800] DURATION OF THIS PLAN

Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan may be made effective, for thirty-one (31) years from the date certified by the County Auditor pursuant to Section 33492.9 of the Community Redevelopment Law (i.e., the date of the final day of the first fiscal year in which \$100,000 or more of tax increment funds from the Project Area are paid to the Agency pursuant to subdivision (d) of Section 33675 of the Community Redevelopment Law); provided, however, that subject to the limitations set forth in Section 502 of this Plan, the Agency may issue bonds and incur obligations pursuant to this Plan which extend beyond the termination date, and in such event, this Plan shall continue in effect to the extent necessary to permit the full repayment of such bonds or other obligations.

After the termination of this Plan, the Agency shall have no authority to act pursuant to this Plan except to pay previously incurred indebtedness and to enforce existing covenants or contracts unless the Agency has not completed its housing obligations pursuant to Section 33413 of the Community Redevelopment Law, in which case the Agency shall retain its authority to implement requirements under Section 33413 of the Community Redevelopment Law, including its ability to incur and pay indebtedness for this purpose, and shall use this authority to complete such housing obligations as soon as is reasonably possible.

IX. [§900] PROCEDURE FOR AMENDMENT

This Plan may be amended by means of the procedure established in Section 33354.6 and/or 33450 through 33458 of the Community Redevelopment Law or by any other procedure hereafter established by law.

ATTACHMENTS

- | | |
|--------------------------|---|
| Attachment No. 1 | Legal Description of the Project Area Boundaries |
| Attachment No. 2 | Project Area Map |
| Attachment No. 3 | Redevelopment Land Use Maps |
| <u>Attachment No. 3A</u> | <u>OARB Subarea Land Use Map</u> |
| <u>Attachment No. 3B</u> | <u>Port Subarea Land Use Map</u> |
| <u>Attachment No. 3C</u> | <u>Sixteenth and Wood Street Subarea Land Use Map</u> |
| Attachment No. 4 | Public Improvements |

ATTACHMENT NO. 1

LEGAL DESCRIPTION OF THE PROJECT AREA BOUNDARIES

The boundaries of the Oakland Army Base Redevelopment Project are described as set forth in the attached legal description.

OAKLAND ARMY BASE REDEVELOPMENT PLAN

ATTACHMENT NO. 1

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ROBERT BEIN, WILLIAM FROST & ASSOCIATES

1981 N. Broadway, Suite 235

Walnut Creek, California 94596

LEGAL DESCRIPTION

Real property in the City of Oakland, County of Alameda, State of California, more particularly described as follows:

BEGINNING at the intersection of the centerline of 2nd Street with the centerline of Martin Luther King Boulevard thence along the following 210 lines and 24 curves;

- L1) Thence from said **POINT OF BEGINNING**, along said centerline of Martin Luther King Boulevard, South 26°58'59" West 285.33 feet;
- L2) Thence South 27°46'40" West 395.01 feet;
- L3) Thence leaving said centerline, South 83°59'37" East 369.61 feet;
- L4) Thence South 80°29'55" East 175.72 feet;
- L5) Thence South 09°15'35" West 110.21 feet;
- L6) Thence North 81°04'24" West 114.24 feet;
- L7) Thence South 36°21'46" West 46.38 feet to the face of dock of Howard Terminal, said point also being the beginning of various courses along the waterfront, either docks or land;
- L8) Thence South 48°20'16" West 560.01 feet;
- L9) Thence North 85°42'43" West 1640.83 feet;
- L10) Thence South 00°44'06" West 18.25 feet;
- L11) Thence North 88°17'38" West 79.74 feet;
- L12) Thence North 02°36'14" East 15.13 feet;
- L13) Thence South 88°11'26" East 79.52 feet;
- L14) Thence North 11°00'07" East 246.06 feet;
- L15) Thence North 67°21'00" West 153.39 feet;
- L16) Thence South 16°28'34" West 196.26 feet;
- L17) Thence North 74°03'42" West 45.02 feet;
- L18) Thence North 15°53'28" East 258.73 feet;
- L19) Thence North 59°16'34" West 87.95 feet;
- L20) Thence North 86°32'00" West 67.56 feet;
- L21) Thence South 39°26'41" West 521.05 feet;
- L22) Thence South 81°31'58" West 194.20 feet;

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- L23) Thence South 68°11'24" West 175.92 feet;
- L24) Thence North 77°04'47" West 91.42 feet;
- L25) Thence North 17°43'14" West 30.00 feet;
- L26) Thence North 79°13'53" West 18.96 feet;
- L27) Thence South 15°45'15" West 345.36 feet;
- L28) Thence South 76°31'23" West 359.32 feet;
- L29) Thence North 16°57'09" West 12.06 feet;
- L30) Thence South 75°07'51" West 145.08 feet;
- L31) Thence North 10°00'45" West 12.60 feet;
- L32) Thence North 75°20'12" East 144.19 feet;
- L33) Thence North 15°57'09" West 26.57 feet;
- L34) Thence North 74°52'51" East 126.02 feet;
- L35) Thence North 03°04'44" East 43.13 feet;
- L36) Thence North 14°40'54" West 111.67 feet;
- L37) Thence South 74°16'30" West 53.87 feet;
- L38) Thence North 74°56'17" West 58.99 feet;
- L39) Thence North 57°19'53" West 45.98 feet;
- L40) Thence North 04°07'46" East 71.00 feet;
- L41) Thence North 74°32'08" West 84.87 feet;
- L42) Thence South 16°58'06" West 260.26 feet;
- L43) Thence South 71°45'18" West 401.78 feet;
- L44) Thence South 38°06'06" West 40.37 feet;
- L45) Thence North 88°38'32" West 217.41 feet;
- L46) Thence South 05°39'03" West 78.52 feet;
- L47) Thence North 86°16'40" West 2749.60 feet;
- L48) Thence North 69°35'56" West 147.82 feet;
- L49) Thence North 03°48'57" East 24.21 feet;
- L50) Thence North 81°12'48" West 158.13 feet;
- L51) Thence North 78°31'53" West 451.15 feet;
- L52) Thence North 73°37'37" West 5933.21 feet;
- L53) Thence North 65°23'24" West 765.74 feet;
- L54) Thence North 02°46'50" East 168.33 feet;
- L55) Thence North 83°20'55" East 98.65 feet;
- L56) Thence North 09°05'40" East 41.33 feet;
- L57) Thence North 26°34'32" West 40.15 feet;
- L58) Thence North 36°28'55" West 46.69 feet;
- L59) Thence North 57°16'37" West 27.18 feet;

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- L60) Thence North $27^{\circ}07'55''$ East 75.20 feet;
- L61) Thence South $75^{\circ}23'08''$ East 38.82 feet;
- L62) Thence South $86^{\circ}59'19''$ East 124.29 feet;
- L63) Thence South $82^{\circ}52'42''$ East 13.17 feet;
- L64) Thence North $39^{\circ}18'09''$ East 23.20 feet;
- L65) Thence North $39^{\circ}21'13''$ West 128.77 feet;
- L66) Thence North $30^{\circ}04'48''$ East 35.84 feet;
- L67) Thence South $65^{\circ}01'44''$ East 158.53 feet;
- L68) Thence South $85^{\circ}59'39''$ East 257.03 feet;
- L69) Thence South $51^{\circ}21'11''$ East 104.55 feet;
- L70) Thence South $58^{\circ}57'43''$ East 186.79 feet;
- L71) Thence North $84^{\circ}24'12''$ East 83.69 feet;
- L72) Thence North $30^{\circ}39'44''$ East 51.24 feet;
- L73) Thence North $88^{\circ}18'58''$ East 55.55 feet;
- L74) Thence North $36^{\circ}28'55''$ East 46.69 feet;
- L75) Thence North $82^{\circ}52'42''$ East 13.17 feet;
- L76) Thence North $16^{\circ}07'14''$ East 76.46 feet;
- L77) Thence South $73^{\circ}29'42''$ East 1199.84 feet;
- L78) Thence North $15^{\circ}56'49''$ East 294.12 feet;
- L79) Thence North $73^{\circ}37'41''$ West 1197.03 feet;
- L80) Thence North $16^{\circ}22'30''$ East 256.59 feet;
- L81) Thence South $73^{\circ}36'30''$ East 1195.69 feet;
- L82) Thence North $16^{\circ}29'03''$ East 382.41 feet;
- L83) Thence North $73^{\circ}40'16''$ West 1197.14 feet;
- L84) Thence North $16^{\circ}22'30''$ East 256.59 feet;
- L85) Thence South $73^{\circ}53'31''$ East 1197.55 feet;
- L86) Thence North $16^{\circ}10'38''$ East 482.19 feet;
- L87) Thence North $73^{\circ}25'30''$ West 1554.60 feet;
- C1) Thence along a curve to the right whose center bears North $03^{\circ}09'14''$ east, having a radius of 49.82 feet and a central angle of $150^{\circ}06'02''$, with a length of 130.53 feet;
- L88) Thence North $46^{\circ}13'26''$ East 602.04 feet;
- L89) Thence North $70^{\circ}29'40''$ West 23.71 feet;
- L90) Thence North $41^{\circ}30'35''$ West 28.56 feet;
- L91) Thence North $73^{\circ}29'37''$ West 364.84 feet;
- L92) Thence South $72^{\circ}37'31''$ West 99.18 feet;
- L93) Thence North $45^{\circ}00'48''$ West 34.91 feet;

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- L94) Thence North $10^{\circ}18'34''$ East 27.59 feet;
- L95) Thence North $53^{\circ}54'52''$ West 48.89 feet;
- L96) Thence South $48^{\circ}54'04''$ West 60.07 feet;
- L97) Thence North $61^{\circ}05'05''$ West 107.19 feet;
- L98) Thence North $79^{\circ}47'26''$ West 92.83 feet;
- L99) Thence North $69^{\circ}20'04''$ West 46.62 feet;
- L100) Thence South $89^{\circ}07'08''$ West 53.51 feet;
- L101) Thence North $86^{\circ}32'08''$ West 56.46 feet;
- L102) Thence North $82^{\circ}06'43''$ West 83.92 feet;
- L103) Thence South $80^{\circ}55'57''$ West 99.19 feet;
- L104) Thence South $77^{\circ}20'42''$ West 116.41 feet;
- L105) Thence South $83^{\circ}41'40''$ West 164.79 feet;
- L106) Thence South $88^{\circ}12'44''$ West 51.51 feet;
- L107) Thence South $67^{\circ}50'35''$ West 47.99 feet;
- L108) Thence South $75^{\circ}24'30''$ West 329.99 feet;
- L109) Thence South $61^{\circ}35'21''$ West 858.90 feet;
- L110) Thence South $71^{\circ}38'48''$ West 1825.06 feet;
- L111) Thence South $77^{\circ}45'21''$ West 260.60 feet;
- L112) Thence South $77^{\circ}25'28''$ West 70.34 feet;
- L113) Thence South $82^{\circ}49'21''$ West 37.72 feet;
- L114) Thence North $82^{\circ}59'12''$ West 19.30 feet;
- L115) Thence South $64^{\circ}40'45''$ West 89.13 feet;
- L116) Thence North $25^{\circ}19'22''$ West 862.51 feet;
- L117) Thence North $55^{\circ}57'14''$ East 3318.58 feet;
- L118) Thence South $82^{\circ}04'08''$ East 1732.34 feet;
- L119) Thence South $07^{\circ}51'25''$ West 19.41 feet;
- L120) Thence North $81^{\circ}43'37''$ West 146.32 feet;
- L121) Thence South $07^{\circ}07'42''$ West 68.75 feet;
- L122) Thence South $81^{\circ}17'48''$ East 239.51 feet;
- L123) Thence North $06^{\circ}50'45''$ East 107.36 feet;
- L124) Thence South $81^{\circ}37'53''$ East 1087.82 feet;
- C2) Thence along a curve to the left whose center bears North $08^{\circ}22'07''$ East, having a radius of 152.45 feet and a central angle of $57^{\circ}25'46''$, with a length of 152.81 feet;
- L125) Thence North $40^{\circ}56'21''$ East 4246.80 feet;

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- C3) Thence along a curve to the right whose center bears South 49°03'39" East, having a radius of 50.00 feet and a central angle of 57°02'27", with a length of 49.78 feet;
- L126) Thence South 82°01'12" East 1323.30 feet;
- L127) Thence North 07°40'49" East 830.45 feet;
- L128) Thence North 68°46'28" West 1153.30 feet;
- L129) Thence North 84°16'29" West 145.90 feet;
- L130) Thence South 81°39'54" West 752.85 feet;
- C4) Thence along a curve to the left whose center bears South 11°31'08" East, having a radius of 380.51 feet and a central angle of 38°00'23", with a length of 252.41 feet;
- L131) Thence South 41°17'50" West 1320.46 feet;
- L132) Thence North 49°28'26" West 274.08 feet;
- L133) Thence North 42°26'58" East 129.97 feet;
- L134) Thence North 48°49'38" West 233.07 feet;
- L135) Thence South 88°03'04" West 48.69 feet;
- L136) Thence North 48°25'40" West 349.65 feet;
- L137) Thence North 13°37'59" East 79.98 feet;
- L138) Thence North 32°41'48" West 118.45 feet;
- L139) Thence North 80°32'31" West 71.67 feet;
- L140) Thence South 83°11'39" West 238.52 feet;
- L141) Thence North 74°45'06" West 120.91 feet;
- L142) Thence South 81°28'23" West 47.66 feet;
- L143) Thence North 81°18'30" West 101.32 feet;
- L144) Thence North 64°55'36" West 61.14 feet;
- L145) Thence South 89°38'55" West 192.06 feet;
- L146) Thence South 84°41'42" West 77.91 feet;
- L147) Thence South 66°15'37" West 32.18 feet;
- L148) Thence North 82°11'18" West 60.66 feet;
- L149) Thence South 77°16'53" West 149.78 feet;
- L150) Thence South 14°28'36" West 37.71 feet;
- L151) Thence South 69°52'20" West 37.65 feet;
- L152) Thence North 58°43'07" West 70.31 feet;
- L153) Thence North 78°51'01" West 85.27 feet;
- L154) Thence South 88°05'30" West 70.74 feet;
- L155) Thence South 66°37'28" West 47.49 feet;
- L156) Thence North 79°41'59" West 39.52 feet;

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- L157) Thence South 75°23'08" West 56.01 feet;
- L158) Thence South 64°48'33" West 66.41 feet;
- L159) Thence North 90° West 36.53 feet;
- L160) Thence South 78°18'57" West 34.89 feet;
- L161) Thence South 58°34'56" West 49.71 feet;
- L162) Thence North 90° West 34.17 feet;
- L163) Thence South 62°45'20" West 43.74 feet;
- L164) Thence South 79°41'59" West 79.04 feet;
- L165) Thence North 79°32'08" West 110.24 feet;
- L166) Thence North 88°10'44" West 71.50 feet;
- L167) Thence South 80°36'54" West 151.67 feet;
- L168) Thence South 78°45'28" West 211.43 feet;
- L169) Thence North 84°17'31" West 47.37 feet;
- L170) Thence South 79°37'44" West 170.09 feet;
- L171) Thence Leaving said Waterfront Courses, North 14°02'33" West 87.41 feet;
- L172) Thence North 72°57'45" East 552.08 feet;
- L173) Thence North 30°52'43" East 81.31 feet to the centerline of a Frontage Road Adjacent to and Southerly of the San Francisco Bay Bride Approach ;
- L174) Thence continuing along last said centerline, North 79°48'31" East 1589.33 feet;
- C5) Thence along a curve to the right whose center bears South 08°37'10" East, having a radius of 11050.53 feet and a central angle of 3°49'36", with a length of 738.04 feet;
- L175) Thence North 83°19'53" East 226.91 feet;
- L176) Thence North 80°56'46" East 197.20 feet;
- C6) Thence along a curve to the left whose center bears North 09°03'14" West, having a radius of 152.45 feet and a central angle of 14°56'16", with a length of 39.75 feet;
- L177) Thence North 66°00'31" East 114.98 feet;
- C7) Thence along a curve to the right whose center bears South 23°59'29" East, having a radius of 213.43 feet and a central angle of 13°51'27", with a length of 51.62 feet;
- L178) Thence North 79°51'58" East 1089.44 feet;

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- C8) Thence along a curve to the right whose center bears South 13°38'54" East, having a radius of 203.99 feet and a central angle of 16°17'10", with a length of 57.98 feet;
- L179) Thence South 86°30'29" East 155.32 feet;
- L180) Thence Leaving said centerline, South 28°08'25" West 89.43 feet;
- L181) Thence South 07°38'38" East 162.00 feet;
- L182) Thence North 80°59'58" East 362.95 feet;
- L183) Thence North 17°42'14" East 288.76 feet to the centerline of said Frontage Road;
- L184) Thence continuing along said centerline, North 75°43'42" East 811.80 feet;
- C9) Thence along a curve to the right whose center bears South 15°14'21" East, having a radius of 1310.86 feet and a central angle of 09°19'37", with a length of 213.39 feet;
- L185) Thence North 85°30'28" East 148.72 feet;
- C10) Thence along a curve to the left whose center bears North 05°13'01" East, having a radius of 965.24 feet and a central angle of 04°12'11", with a length of 70.81 feet;
- L186) Thence North 79°16'15" East 239.14 feet;
- L187) Thence North 79°20'36" East 1103.79 feet;
- C11) Thence along a curve concave to the East whose center bears South 68°53'21" East, having a radius of 306.52 feet and a central angle of 59°27'29", with a length of 318.09 feet;
- C12) Thence along a curve concave to the South whose center bears South 09°04'08" East, having a radius of 2535.43 feet and a central angle of 16°29'17", with a length of 729.62 feet;
- C13) Thence along a Compound curve to the right whose center bears South 06°22'29" West, having a radius of 2864.44 feet and a central angle of 13°17'09", with a length of 664.21 feet;
- L188) Thence South 70°02'48" East 1357.86 feet;
- C14) Thence along a curve to the left whose center bears North 21°18'08" East, having a radius of 694.54 feet and a central angle of 27°07'10", with a length of 328.74 feet;
- L189) Thence South 56°16'40" East 668.08 feet to the centerline of Wood Street;
- L190) Thence along said centerline, South 33°20'18" West 4236.17 feet to the centerline of 12th Street;

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November 11, 1999

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- L191) Thence along said centerline of 12th Street, North 56°09'46" West 445.52 feet to the centerline of Pine Street;
- L192) Thence along said centerline of Pine Street, South 32°58'50" West 662.33 feet to the centerline of 10th Street;
- L193) Thence along said centerline of 10th Street, North 56°33'56" West 125.94 feet;
- L194) Thence Leaving last said centerline, South 32°42'09" West 322.83 feet to the centerline of 9th Street;
- L195) Thence along said centerline of 9th Street, South 57°07'04" East 120.73 feet to the centerline of Pine Street;
- L196) Thence along last said centerline, South 33°26'35" West 663.47 feet to the centerline of Shorey Street;
- L197) Thence along last said centerline, North 71°20' West 427.86 feet to the centerline of Cedar Street;
- L198) Thence along said centerline of Cedar Street, South 15°46'39" West 550.05 feet to the centerline of 7th Street;
- L199) Thence along last said centerline, North 73°10'05" West 1509.24 feet;
- C15) Thence along a curve to the left whose center bears South 21°39'39" West, having a radius of 547.42 feet and a central angle of 41°14'22", with a length of 394.01 feet;
- L200) Thence South 73°25'54" West 163.84 feet to the centerline of Maritime Street;
- C16) Thence along said centerline of Maritime Street, along a curve concave to the West whose center bears South 84°35'32" West, having a radius of 1065.08 feet and a central angle of 19°08'16", with a length of 355.76 feet;
- L201) Thence South 15°17'24" West 247.64 feet;
- C17) Thence along a curve to the left whose center bears South 70°35'02" East, having a radius of 394.33 feet and a central angle of 77°22'41", with a length of 532.54 feet;
- L202) Thence South 57°51'18" East 612.72 feet;
- C18) Thence along a curve to the right whose center bears South 34°33'10" West, having a radius of 716.85 feet and a central angle of 29°35'27", with a length of 370.22 feet;
- L203) Thence South 26°30'14" East 2538.17 feet;

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- C19) Thence along a curve to the left whose center bears North 62°49'29" East, having a radius of 746.37 feet and a central angle of 23°48'25", with a length of 310.12 feet;
- C20) Thence along a Compound curve to the left whose center bears North 42°01'40" East, having a radius of 474.26 feet and a central angle of 50°52'16", with a length of 421.08 feet;
- L204) Thence North 79°13'09" East 1398.80 feet;
- L205) Thence North 74°35'19" East 1126.12 feet;
- C21) Thence along a curve to the right whose center bears South 16°43'46" East, having a radius of 2006.53 feet and a central angle of 07°06'59", with a length of 249.22 feet;
- L206) Thence North 79°13'08" East 813.79 feet;
- C22) Thence along a curve to the left whose center bears North 06°52'54" West, having a radius of 435.86 feet and a central angle of 29°37'17", with a length of 225.34 feet to the south line of 1st Street;
- L207) Thence along last said south line South 72°55'55" East 1523.12 feet;
- L208) Thence, South 68°53'23" West 396.54 feet to the intersection with the east line of Brush Street;
- L209) Thence along last said east line, North 27°40'48" East 345.24 feet to the centerline of 2nd Street;
- L210) Thence along said centerline of 2nd Street, South 62°18'37" East 709.09 feet to the centerline of Martin Luther King Boulevard and the **POINT OF BEGINNING**.

Containing 1,731 Acres more or less.

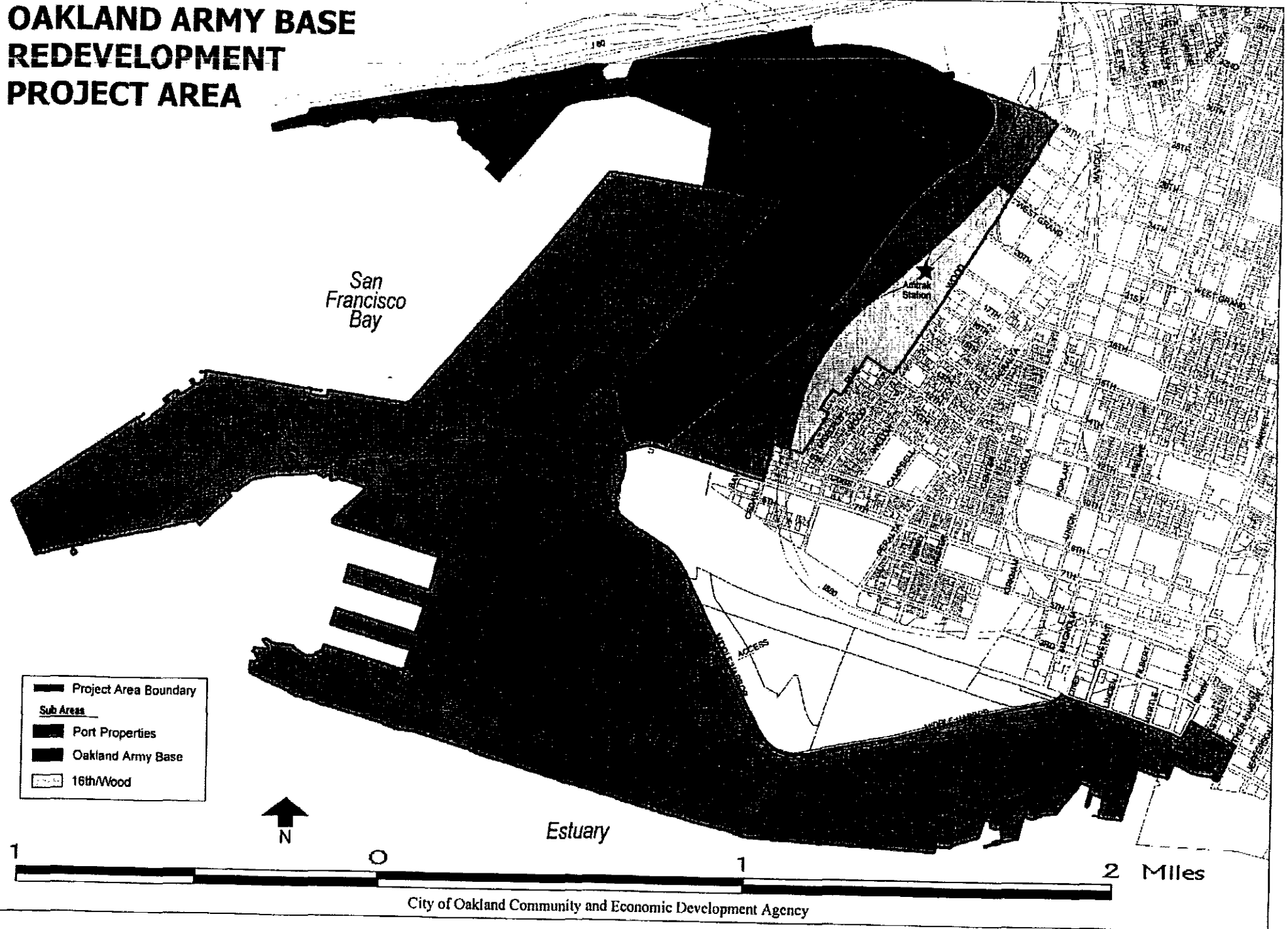
Exhibit Attached and by this reference made a part hereof.

Patrick J. Tami, L.S. 5816

ATTACHMENT NO. 2

PROJECT AREA MAP

OAKLAND ARMY BASE REDEVELOPMENT PROJECT AREA



ATTACHMENT NO. 3

REDEVELOPMENT LAND USE MAPS

LEGEND



Maritime



Industrial Mix



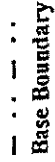
Workforce &
Business
Development



Open Space &
Recreation



Army Reserve Enclave

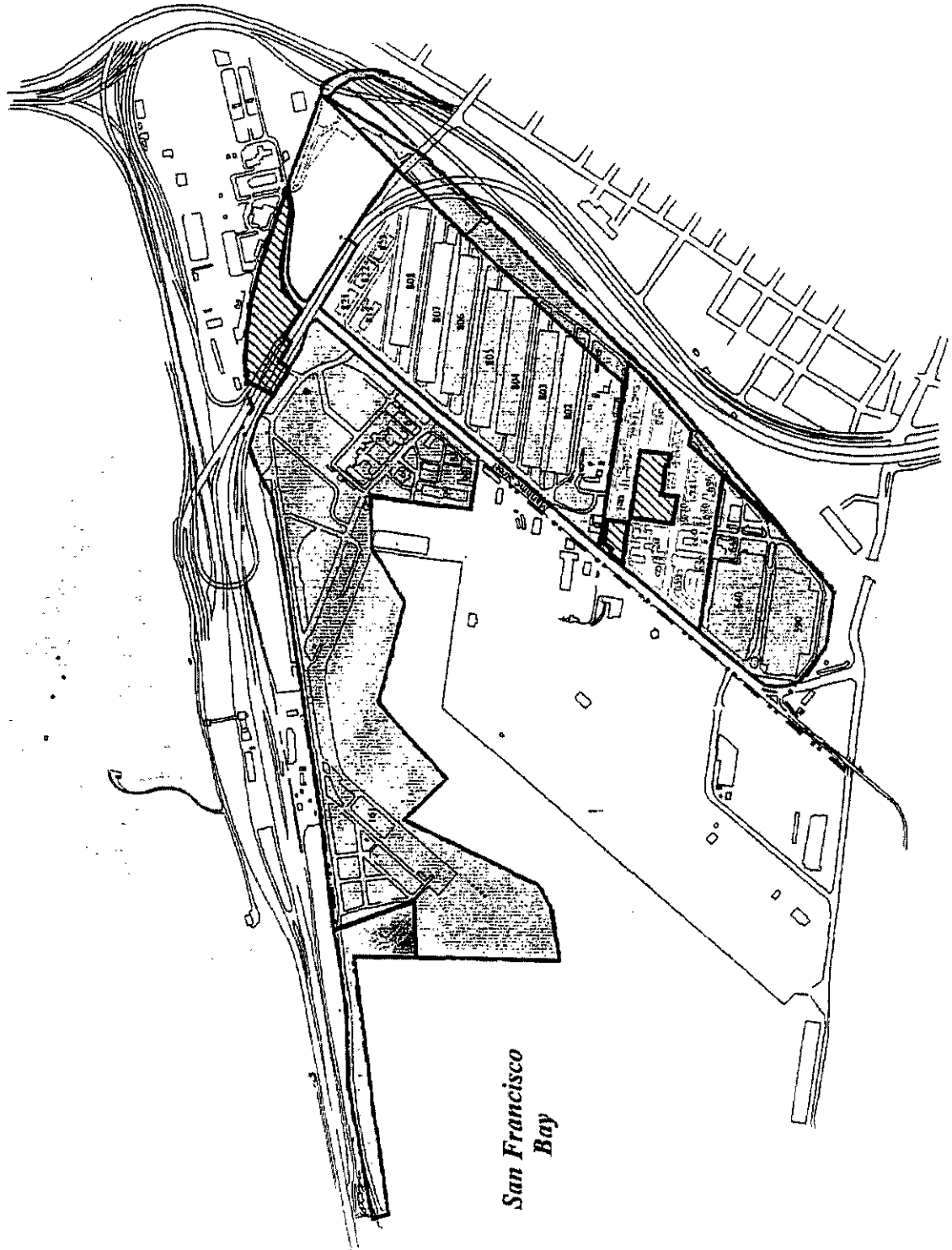


Base Boundary



0 500 1000

Source: ED&AW, Inc.
May 13, 1998



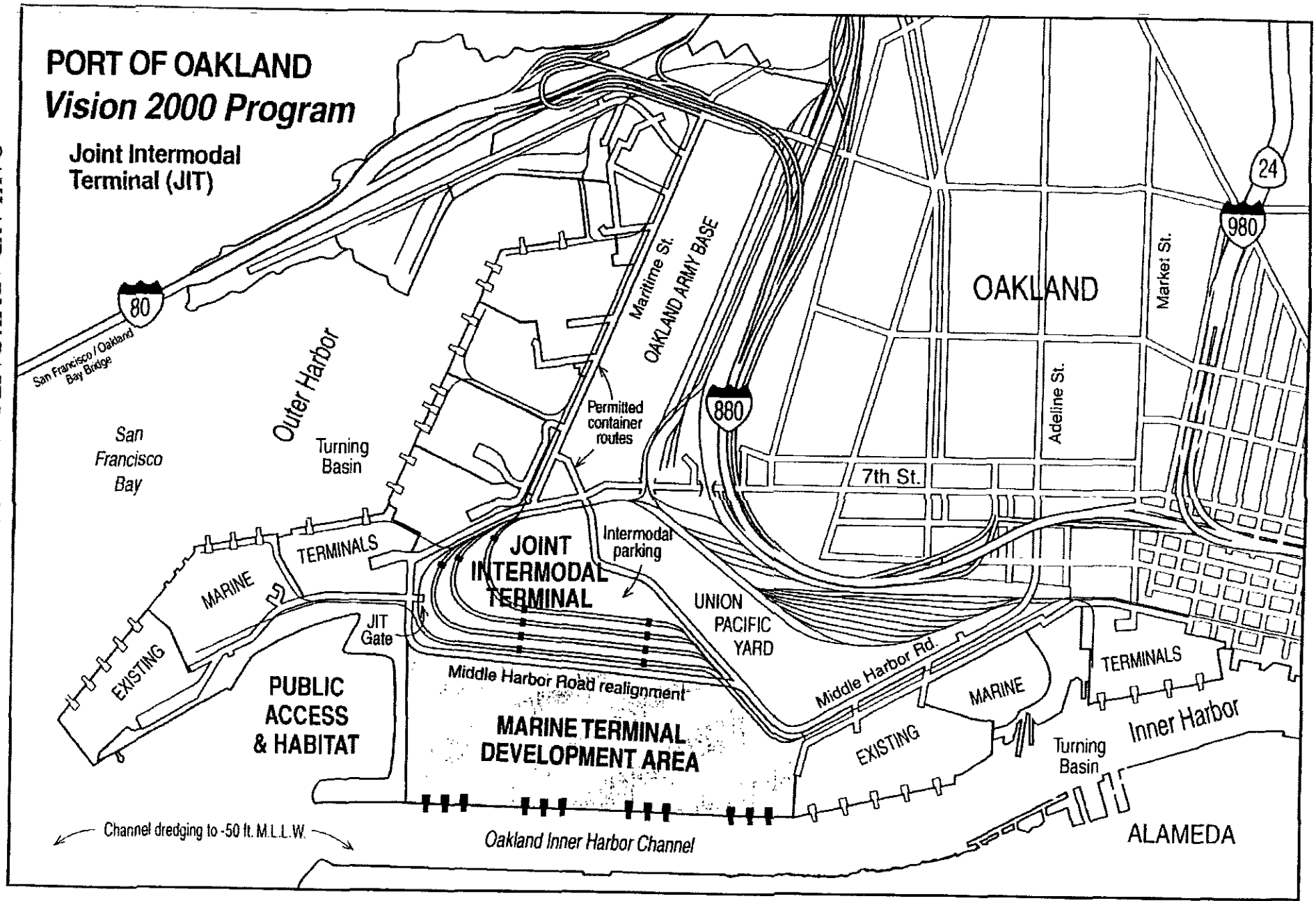
San Francisco Bay

OARB LAND USE PLAN

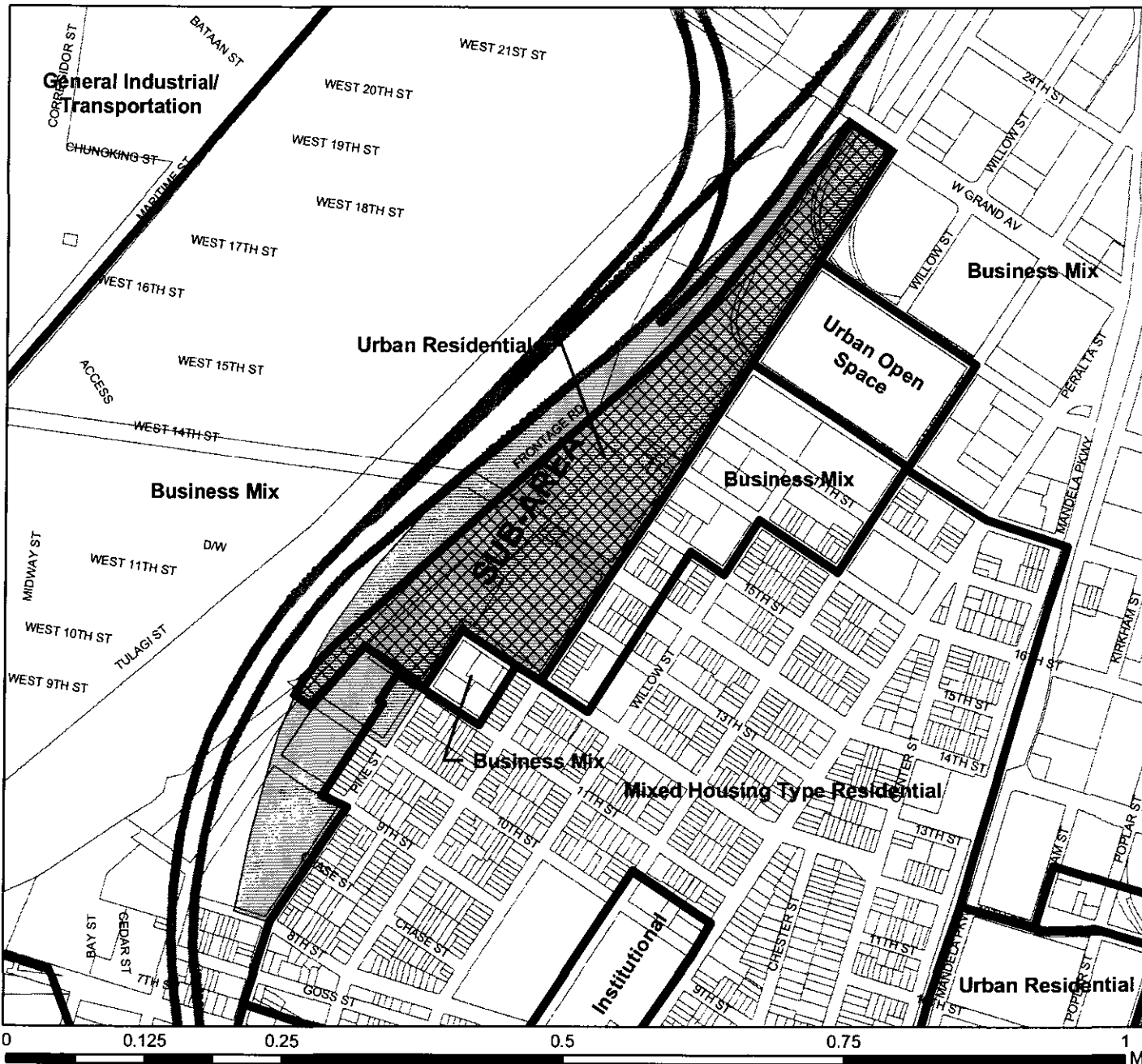
PORT OF OAKLAND Vision 2000 Program

Joint Intermodal Terminal (JIT)

OAKLAND ARMY BASE REDEVELOPMENT PLAN








Oakland Army Base Redevelopment, Sixteenth and Wood Street Sub-Area



Land Use Map

Legend

-  Sixteenth & Wood Sub-Area
-  Wood Street Development Project
-  Freeways
-  Parcels
-  General Plan Landuse



March 2005

ATTACHMENT NO. 4

PUBLIC IMPROVEMENTS

The Agency may acquire property and/or pay for, install, develop, construct, or rehabilitate the publicly-owned buildings, facilities, structures, or other improvements set forth in the attached list in connection with the Project:

- Streets and roadways
 - Roadway widening
 - Intersection improvements
 - Traffic signalization
 - Roadway resurfacing
 - Installation of overpasses and underpasses
 - Street signage

- Streetscape
 - Sidewalks
 - Curbs and gutters
 - Street medians
 - Street lighting
 - Street furniture
 - Landscaping
 - Street beautification

- Public transit and bicycle facilities

- Water, natural gas and electricity distribution systems

- Rail system facilities and improvements

- Maritime facilities and improvements
 - Terminal improvements
 - Berth improvements
 - Dredging

- Sanitary sewer systems
 - Wastewater treatment plant improvements
 - Upgrading and replacing deteriorated sewer pipes

- Storm drainage systems
 - Reconstruction of damaged catch basins and broken storm drain lines
 - Construction of concrete cross drains

- Telecommunications systems, including installation of fiber optic and other cabling
- Undergrounding of overhead utility lines
- Parking facilities and improvements
- Parks, plazas, landscaped areas, pedestrian paths, playgrounds, recreational facilities, and open space
- Police, fire, emergency response, and other public safety facilities
- Public schools, colleges and universities, training centers, libraries, community centers, public health facilities, and human services facilities
- Public housing and shelters

**AN ORDINANCE ADOPTING THE SECOND AMENDMENT TO
THE OAKLAND ARMY BASE REDEVELOPMENT PLAN TO
REVISE LAND USE DESIGNATIONS FOR THE 16TH AND WOOD
STREET SUBAREA AND TO MAKE VARIOUS TEXT CHANGES**

NOTICE AND DIGEST

This ordinance amends the Oakland Army Base Redevelopment Plan to revise the Redevelopment Land Use Map for the 16th and Wood Subarea, and to make various text changes to conform the Plan to the City's General Plan and zoning policies and procedures.

DRAFT

APPROVED AS TO FORM AND LEGALITY

DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

AN ORDINANCE ADOPTING THE WOOD STREET ZONING DISTRICT FOR 29.2 ACRES IN WEST OAKLAND BETWEEN 10TH STREET TO THE SOUTH, WEST GRAND AVENUE TO THE NORTH, WOOD STREET TO THE EAST, AND THE I-880 FRONTAGE ROAD TO THE WEST

WHEREAS, on December 2, 2003, in accordance with the California Environmental Quality Act ("CEQA"), City staff issued a initial Notice of Preparation ("NOP"), with a revised NOP issued on January 21, 2004, indicating an intent to prepare an Environmental Impact Report ("EIR") for the land use entitlements, including the requested General Plan Amendment, the Wood Street Zoning District Regulations, the Oakland Army Base Area Redevelopment Plan Amendment, and five Vesting Tentative Parcel Maps, for the proposed Wood Street Project; and

WHEREAS, as part of the proposed development, the Project applicant requested a rezoning of the Project Area to the proposed Wood Street Zoning District, to allow for a residential mixed-use development on the site; and

WHEREAS, the Wood Street Zoning District Regulations are described in the Draft Environmental Impact Report ("DEIR"), in Master Response 1 of the Final Environmental Impact Report ("FEIR"), in Exhibits A and D attached hereto, and in the staff reports presented to the City; and

WHEREAS, the Wood Street Zoning District Regulations are attached hereto as Exhibit E; and

WHEREAS, on September 21, 2004, the DEIR, SCH #2004012110, was released by the City for a 56-day public review and comment period and on October 18, 2004 and October 20, 2004, respectively, the Landmarks Preservation Advisory Board and the Planning Commission held public hearings to provide the public with additional opportunities to comment on the DEIR; and

WHEREAS, on January 26, 2005, the Planning Commission conducted another public hearing to discuss the major environmental and policy issues pertaining to the Project; and

WHEREAS, on February 7, 2005, the Final Environmental Impact Report (“FEIR”) on the Wood Street Project was released; and

WHEREAS, on March 16, 2005, the Planning Commission conducted another public hearing, took testimony and determined that the EIR (consisting of the DEIR and the FEIR) was adequate for decision-making on the requested land use entitlements for the Project and certification of the EIR; and

WHEREAS, on March 16, 2005, the Planning Commission certified the EIR, adopted CEQA Findings and a Statement of Overriding Considerations, adopted a Mitigation Monitoring and Reporting Program, adopted General Findings, recommended adoption of a General Plan Amendment, approved five Vesting Tentative Parcel Maps and adopted accompanying Conditions of Approval; and

WHEREAS, on March 16, 2005, the Planning Commission recommended that the Council adopt the proposed Wood Street Zoning District Regulations, attached hereto as Exhibit E; and

WHEREAS, the Community and Economic Development Committee considered the Project at a public hearing on April 12, 2005; and

WHEREAS, the City Council held a public hearing on May 3, noticed in accordance with the legal requirements; and

WHEREAS, the City Council adopts the CEQA findings attached as Exhibit A; the Mitigation Monitoring and Reporting Program attached as Exhibit B; the Conditions of Approval attached as Exhibit C; and the General Findings attached hereto as Exhibit D, all incorporated by this reference; and finds that the adoption of the Wood Street Zoning District Regulations will promote the public health, safety and welfare; and

WHEREAS, the notice required by section 17.144.060 has been given; now, therefore,

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. The Wood Street Zoning District is hereby established.

SECTION 2. The Zoning Regulations, Standards, and Guidelines for Development and Use of Property within the Wood Street Zoning District are hereby adopted and attached to this Ordinance as Attachment A as amended by substituting the following for Section 1.30:

Section 1.30 Conditions on Vesting Tentative Maps: Each of the conditions and each of the mitigation measures imposed upon the approval of the vesting tentative maps for the Wood Street Zoning District by Resolutions _____ shall be imposed (1) as conditions of the Preliminary Development Plans for the parcels to which the conditions apply; and also (2) as conditions of the Final Development Plans if compliance with the conditions is required subsequent to the approval of the Final Development Plan.

SECTION 3. The City of Oakland's Zoning Code is hereby amended to include the Wood Street Zoning District established by Section 1 and Zoning Regulations, Standards, and Guidelines for Development and Use of Property within the Wood Street Zoning District.

SECTION 4. Except as specifically set forth herein, this ordinance suspends and supersedes all conflicting resolutions, ordinances, plans, codes, laws and regulations.

SECTION 5. If any provisions of this ordinance or application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application of provisions to the other persons or circumstances shall not be affected thereby.

SECTION 6. This ordinance shall become effective 30 days after passage and within 15 days of passage shall be published once with the names of the City Council Members voting for and against it in the Oakland Tribune, a newspaper which is published in this City and in Alameda County.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:

AYES- _____

NOES- _____

ABSENT- _____

ABSTENTION- _____

ATTEST: _____

LATONDA SIMMONS
Interim City Clerk and Clerk of the Council
of the City of Oakland, California

**AN ORDINANCE ADOPTING THE WOOD STREET
ZONING DISTRICT FOR 29.2 ACRES IN WEST
OAKLAND**

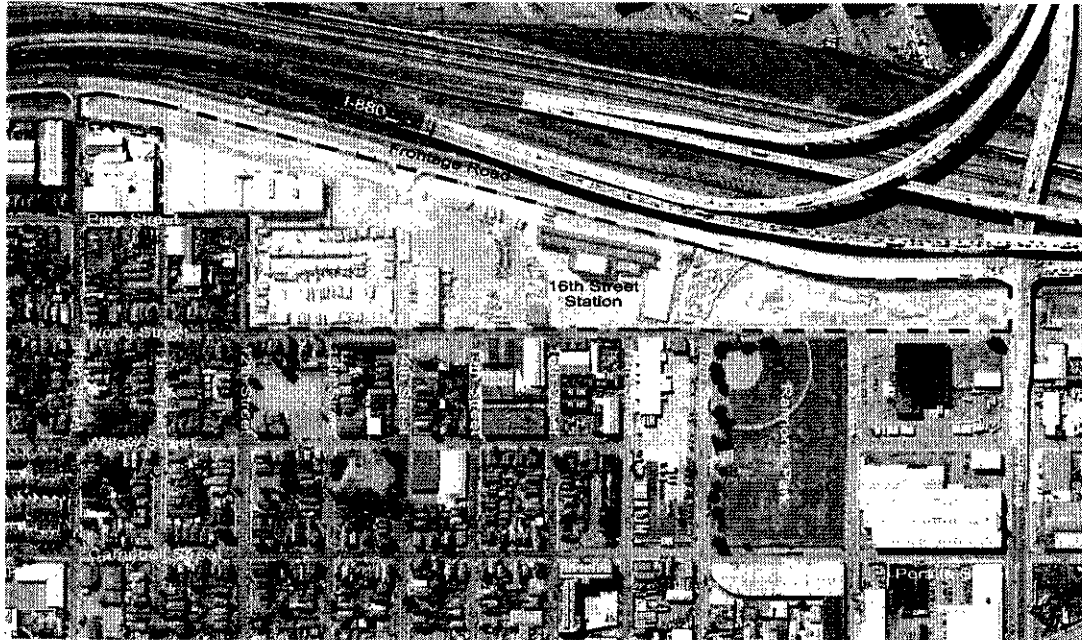
Attachment A

Wood Street Zoning District

Zoning Regulations, Standards, and Guidelines for Development
and Use of Property within the Wood Street Zoning District

DRAFT

Wood Street Zoning District



Zoning Regulations, Standards, and Guidelines for
Development and Use of Property within the Wood
Street Zoning District

3 May, 2005
(Printed 21 April 2005)

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1.00

OVERVIEW

1.10 Overview of Wood Street Zoning District

The Wood Street Project is a proposed mixed-use redevelopment of the under-utilized industrial land around the vacant 16th Street Station in West Oakland. The goal of the Project is to create an active, pedestrian oriented urban community that addresses the demand for high quality residential units in the urban neighborhoods of downtown Oakland. The Project includes in aggregate up to 1,500 residential and live-work units, retail and office space, creation of publicly accessible open space, and rehabilitation and adaptive re-use of the historic 16th Street Train Station and Signal Tower.

The Wood Street Project consists of approximately 29.20 acres in total, and is generally bounded by 10th Street, Wood Street, West Grand Avenue and Frontage Road/I-880, as more particularly described in Figure 1.20-3. The various parcels of land that constitute the Wood Street project are collectively zoned as the Wood Street Zoning District.

The Wood Street Zoning District Regulations include Land Use Regulations, Development Standards and Design Guidelines. The purpose of these regulations is to ensure that the individual developments will be visually and functionally integrated, and that collectively the Project will be compatible with the existing neighborhood. For the purposes of appropriate regulation, the Wood Street Zoning District is divided into nine Development Areas, each subject to specific regulations. It is anticipated that each Development Area will be developed on an individual time line by the respective owner.

1.11 Application of Wood Street Zoning District

The zoning, standards, guidelines, regulations and other requirements for the development and use of property within the Wood Street Zoning District (Wood Street Zoning Regulations) shall be those set forth herein and where herein set forth shall supersede, without limitation, those set forth in Title 17 of the Oakland Municipal Code.

All applications for development and use of property within the Wood Street Zoning District, including, without limitation, Preliminary and Final Development Plans (as further described herein), shall be consistent with the provisions of Wood Street Zoning Regulations.

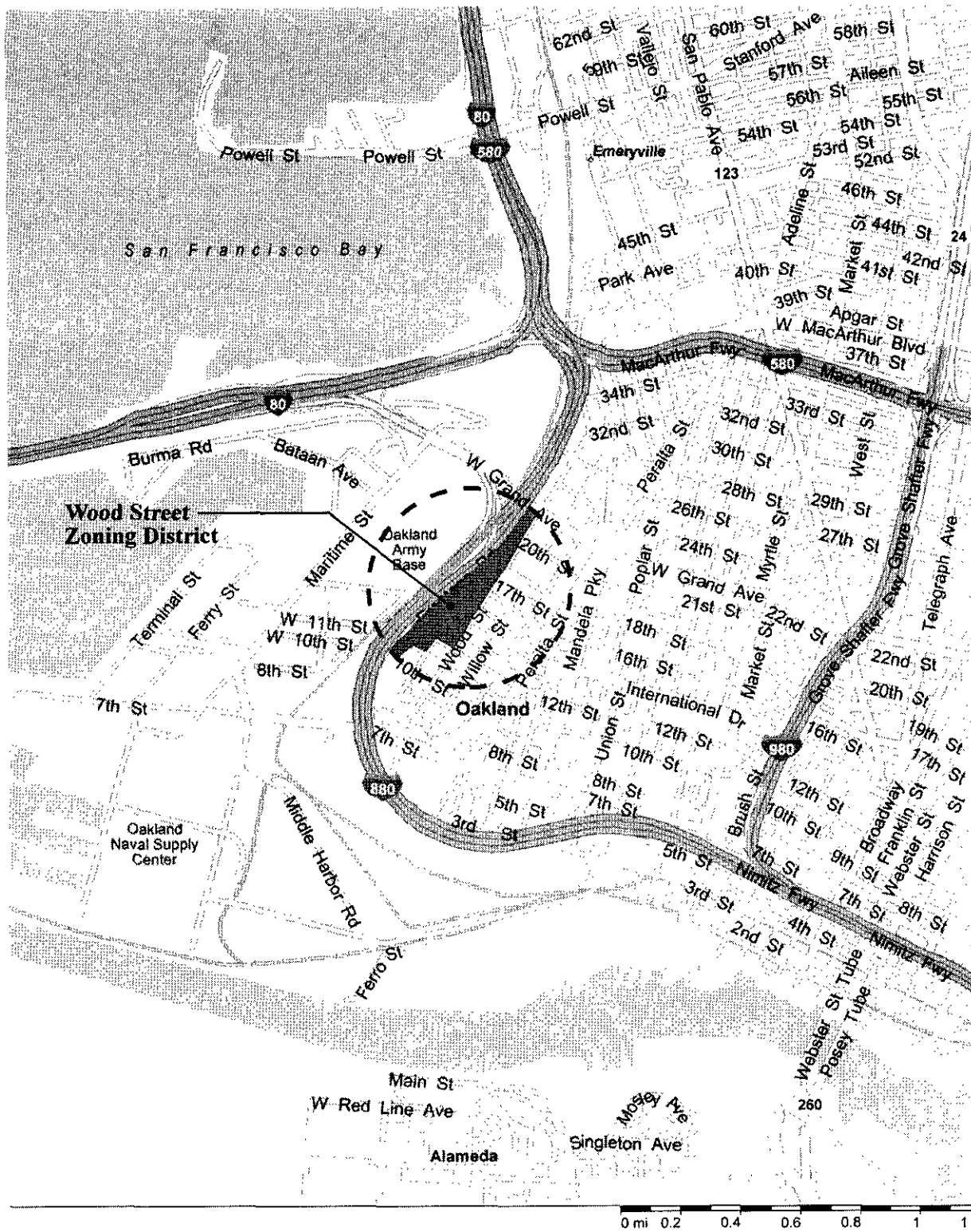
1.20 Components of Zoning Regulations

The primary components of the Wood Street Zoning Regulations are described below.

<i>Section No.</i>	<i>Title</i>
2.0	<i>Area Designations and Definition of Terms</i> Organization and Definitions describe the categorization of each area within the Wood Street Zoning District as either a Development Area, Public Access Area or Public Street and describe the elements of the Wood Street Zoning Regulations that govern each designated area.
3.0	<i>Development Plans and Design Review</i> This section describes the process for approval of applications for development and use of property within the Wood Street Zoning District.
4.0	<i>Land Use Regulations</i> The Land Use Regulations describe the allowable land uses and set forth land use regulations for each of the Development Areas within the Wood Street Zoning District.
5.0	<i>Development Standards</i> The Development Standards set forth mandatory requirements for all development and use of property within the Wood Street Zoning District.
6.0	<i>Design Guidelines</i> The Design Guidelines set forth design parameters for all development and use of property within the Wood Street Zoning District.

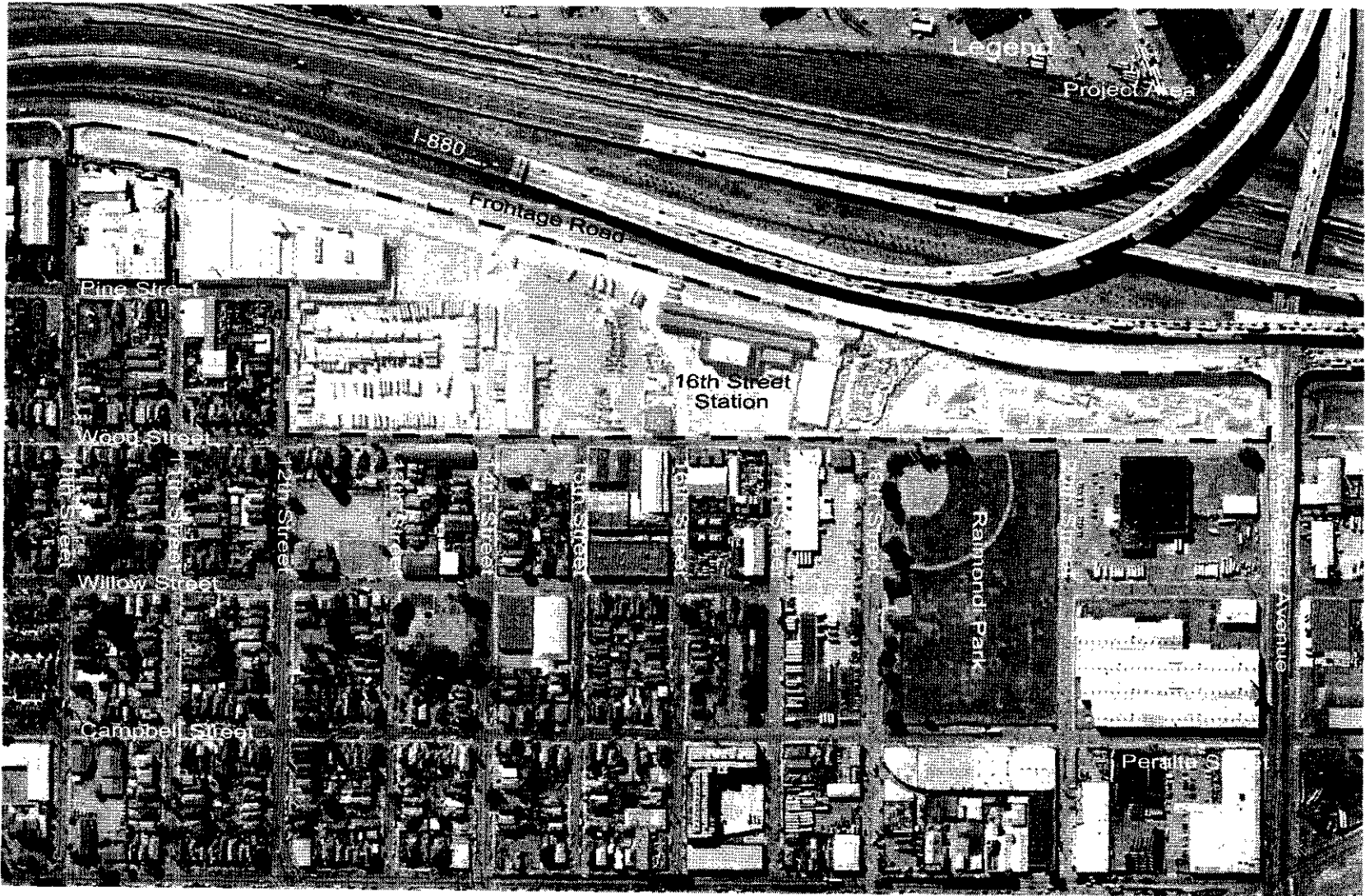
1.30 Conditions on Vesting Tentative Maps

Each of the conditions and each of the mitigation measures imposed upon the approval of the Vesting Tentative Maps for the Wood Street Zoning District by Resolutions XXX shall be imposed (1) as conditions of the Preliminary Development Plans for the parcels to which the conditions apply; and also (2) as conditions of the Final Development Plans if compliance with the conditions is required subsequent to the approval of the Final Development Plan.



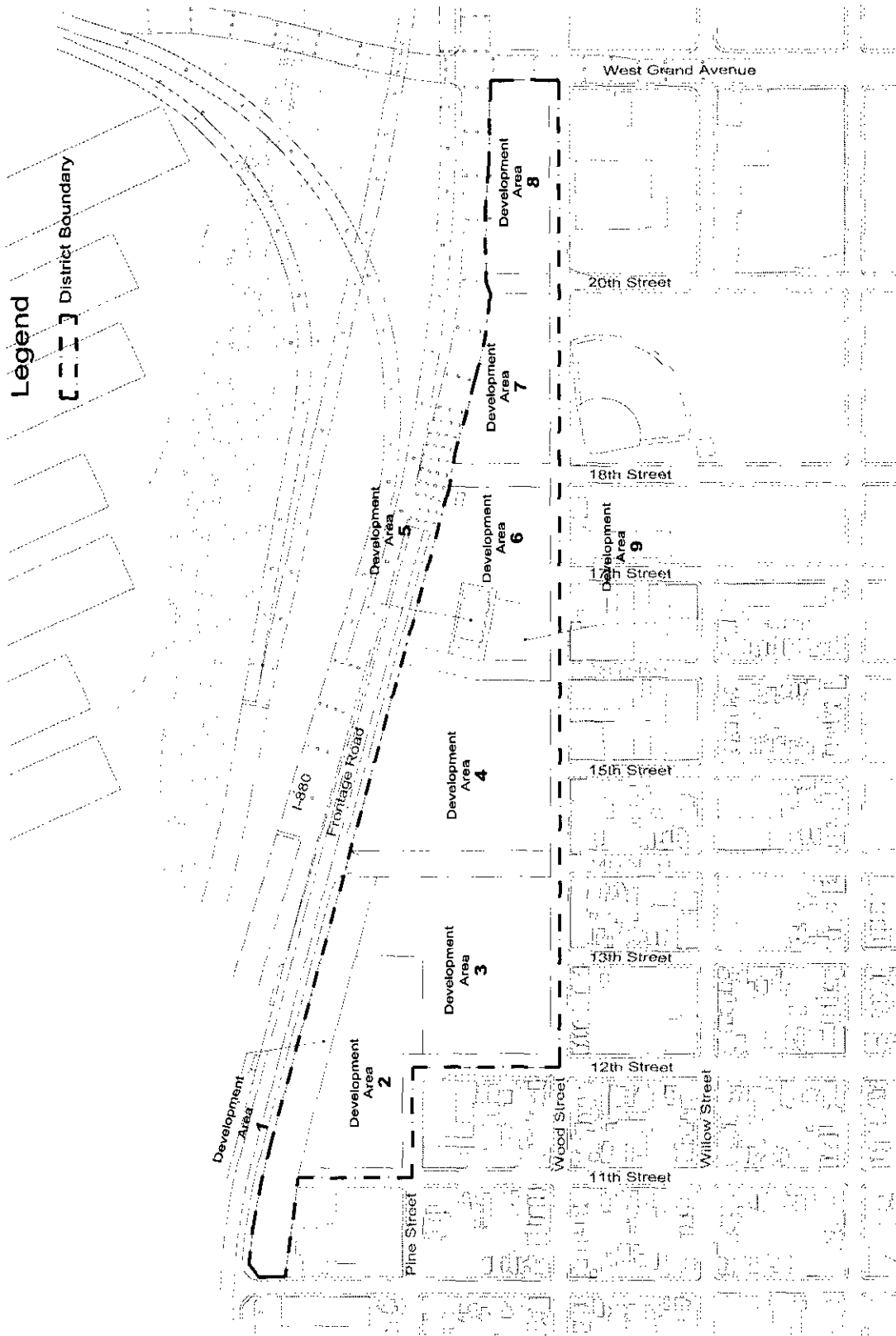
Vicinity Map

Figure 1.20-1



Zoning District - Aerial Photograph

Figure 1.20-2



District Boundary and Development Areas

Figure 1.20-3

2.00

AREA DESIGNATIONS AND
DEFINITION OF TERMS

2.10 Area Designations

All land areas within the Wood Street Zoning District are designated as either Development Areas, Public Access Areas or Public Streets, as described below. *See Figure 2.10-1*

1. **Development Areas** are comprised of one or more privately owned lots that are intended for development. The Wood Street Zoning District includes nine Development Areas designated by the number one (1) through nine (9)
2. **Public Access Areas** are comprised of lots on which no permanent buildings are allowed. Public Access Areas include publicly accessible open space, parking areas, vehicular and pedestrian access areas, loading zones, and landscaped recreational spaces.

Public Access Areas include the extensions of 14th Street, 16th Street, 18th Street, and 20th Street. These areas provide pedestrian, bicycle, and emergency access only between Frontage Road and Wood Street. Vehicular through traffic from Wood Street to the Frontage Road is prohibited.
3. **Public Streets** are comprised of public rights-of-ways developed and maintained as public streets.

Refer to Chapter 17.09.040 for definition of "street".

2.20 Overlay Zones

Three Overlay Zones are established to provide for regulation of Development Areas in response to specific adjoining conditions, see Figure 2.10-1. Regulations applicable to Overlay Zones modify or replace the regulations otherwise applicable to the underlying Development Area as specified herein.

1. **Wood Street Overlay Zone** – The purpose of the Wood Street Overlay Zone is to establish a transition in scale between the Development Areas and the existing neighborhood, and to promote an active and pedestrian-scaled street frontage.

The Wood Street Overlay Zone is 30 feet in depth as measured from the street line at Wood Street, and parallels Wood Street between 12th Street and 20th Street.

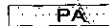





2. **Plaza Overlay Zone** – The purpose of the Plaza Overlay Zone is to ensure that new development bordering the 16th Street Plaza creates a well-defined urban space with active ground floor uses facing the 16th Street Plaza, and to ensure that the scale of new buildings is complimentary to the scale of the 16th Street Train Station.

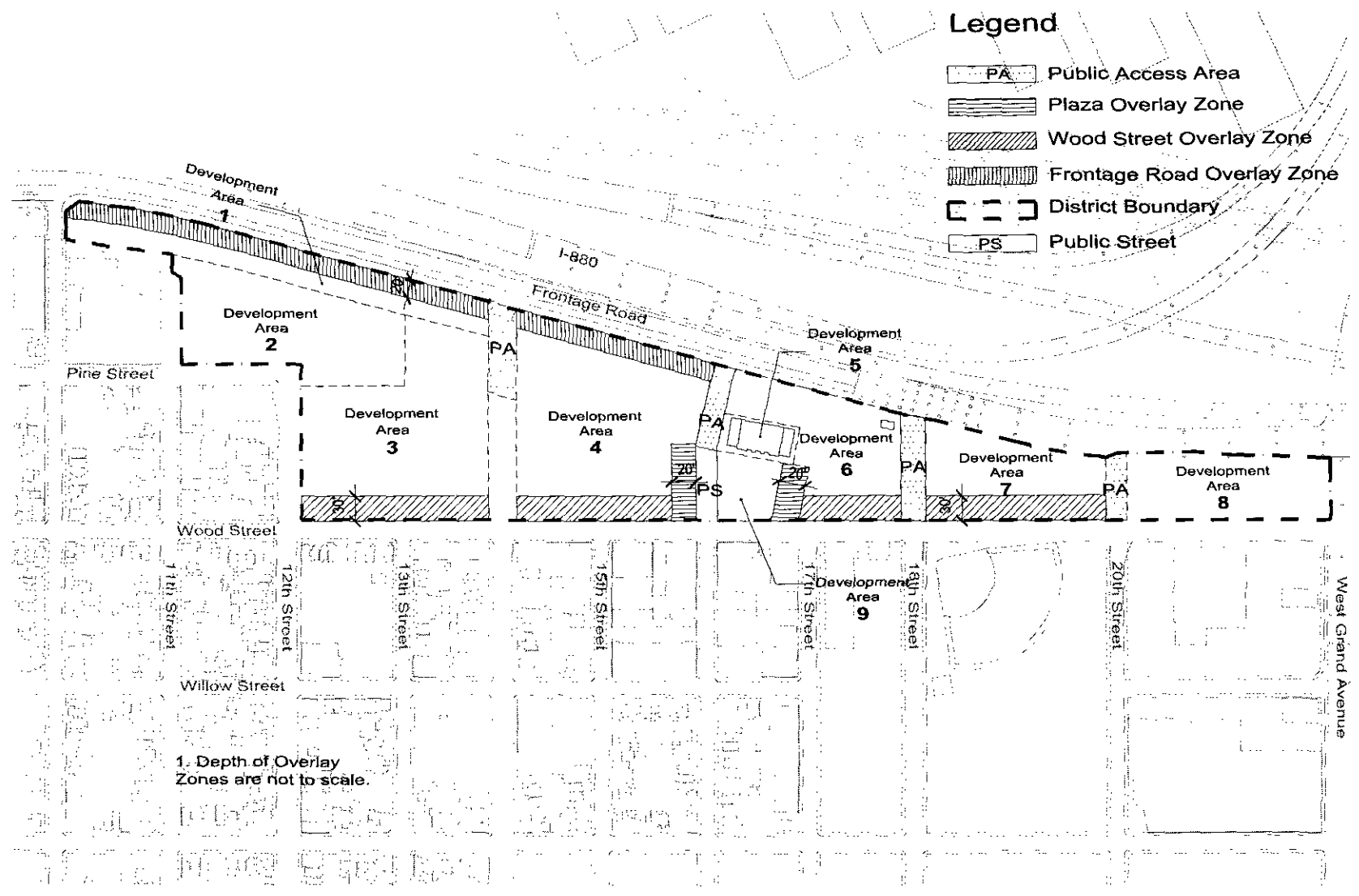
The Plaza Overlay Zone is twenty (20) feet in depth as measured from the Development Area Boundary. At Development Area 4 the Plaza Overlay Zone extends two hundred (200) feet from the street line at Wood Street. At Development Area 6 the Plaza Overlay Zone extends one hundred and fifty (150) feet from the street line at Wood Street, measured along the boundary of the Development Areas.

3. **Frontage Road Overlay Zone** – The purpose of the Frontage Road Overlay Zone is to allow greater flexibility for development fronting a major arterial street.

The Frontage Road Overlay Zone is twenty (20) feet in depth, as measured from the street line at Frontage Road, and extends from 10th Street north to the 16th Street.

Legend

-  PA Public Access Area
-  Plaza Overlay Zone
-  Wood Street Overlay Zone
-  Frontage Road Overlay Zone
-  District Boundary
-  PS Public Street



Area Designations

Figure 2.10-1



2.40 Definition of Terms

For the purpose of the Wood Street Zoning District Regulations the following definitions apply. For terms not defined below, the definition shall be as set forth in Section 17.09 of the Oakland Planning Code.

<i>At-grade</i>	Facilities or activities located on the ground with no structure or occupied space located below.
<i>Above grade</i>	Facilities or activities located over a parking garage or occupied space.
<i>Awning (or Canopy)</i>	A device that projects from the exterior facade of a building and is intended to shelter an opening or window below.
<i>Balcony</i>	A usable outdoor space located above the ground floor and projecting from the face of the building with no enclosed space immediately below.
<i>Bay Window</i>	An occupied space cantilevered from the face of the building and located above the ground floor.
<i>Below Grade Parking Garage</i>	A parking garage located below grade such that the first finished floor or outdoor area above the parking level is not more than five (5) feet above grade.
<i>Building Frontage</i>	Buildings or portions of buildings containing occupied space and located parallel and immediately adjacent to a street line or street setback line.
<i>Development Project</i>	Any facility constructed on a private parcel within a Development Area.
<i>Development Area</i>	See Section 3.10 <u>2.10</u> of this Zoning District.
<i>Elevated Roadway</i>	Any roadway or portions of Frontage Road or West Grand Avenue more than five (5) feet above the average adjacent grade measured at the adjoining lot line.
<i>Equipment</i>	Utility meters, transformers, back flow preventers, check valves, heating, Satellite Dishes, ventilation and cooling equipment, and other devices associated with utility services or building systems. Equipment does not include plumbing and appliance vents, serving individual residential units, louvers, lighting and other minor devices.
<i>Facade</i>	The exterior wall of a building.
<i>Ground Floor</i>	The first story of a building located not more than five (5) feet above and not more than three (3) feet below the average finished grade at the adjoining street line or lot line. A ground floor may be located above a below grade parking garage.
<i>Ground Floor Parking Garage</i>	A parking garage located at the ground floor, as defined above.
<i>Interior Lot Line</i>	A lot line that separates private lots, not including lot lines adjoining Public Access Areas.
<i>Landscape Area</i>	Any portion of a Development Area that is not occupied by a building, parking area, service area or vehicular circulation area.