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APPROVED AS TO FORM AND LEGALITY

DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

ORDINANCE NO. 12921 C.M.S.

ORDINANCE ADOPTING THE SEVENTH AMENDMENT TO THE COLISEUM AREA REDEVELOPMENT PLAN AMENDING THE LAND USE DESIGNATION FOR THE LION CREEK CROSSING PHASE IV PROJECT FROM "MIXED HOUSING TYPE RESIDENTIAL" AND "URBAN RESIDENTIAL" TO "NEIGHBORHOOD CENTER MIXED USE"

WHEREAS, the City Council of the City of Oakland ("City Council") adopted a Redevelopment Plan for the Coliseum Redevelopment Project Area ("Redevelopment Plan") on July 25, 1995, as a redevelopment plan for the Coliseum Redevelopment Project Area ("Project Area") pursuant to the California Community Redevelopment Law (Health and Safety Code Sections 33000, et seq.); and

WHEREAS, the Redevelopment Plan has been amended six times; and

WHEREAS, the Redevelopment Plan includes a land use map ("Redevelopment Land Use Map") attached to the Redevelopment Plan as Attachment No. 3, which sets forth land use designations for the Project Area; and

WHEREAS, the approximately 1.1-acre site of the Lion Creek Crossing Phase V Residential Project ("Project"), located at on Snell Street between 69th and 70th Avenues ("Project Site"), is currently designated "Mixed Housing Type Residential" on the Redevelopment Land Use Map; and

WHEREAS, dense residential uses are not consistent with the "Mixed Housing Type Residential" designation; and

WHEREAS, the Oakland Housing Authority and their developers ("Applicant") filed an application for a general plan amendment, redevelopment plan amendment, rezoning, design review, conditional use permit, and variances ("Applications") to construct a 72-unit residential development at the Project Site on September 4, 2008; and

WHEREAS, the application for the redevelopment plan amendment (“Amendment”) petitioned the City to amend the Redevelopment Plan land use designation for the Project Site from “Mixed Housing Type Residential” to “Neighborhood Center Mixed Use”; and

WHEREAS, the intent of the “Urban Residential” designation is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise or high-rise residential structures in locations with good access to transportation and other services; and

WHEREAS, high-density residential uses are not consistent with the intent of the “Mixed Housing Type Residential” designation; and

WHEREAS, social service uses are not consistent with the intent of the “Urban Residential” designation; and

WHEREAS, the land use designation for the Project Site in the Oakland General Plan has been or will be revised, and the Redevelopment Agency desires that the Redevelopment Land Use Map in the Redevelopment Plan be consistent with the Land Use Diagram of the Oakland General Plan; and

WHEREAS, the Redevelopment Agency of the City of Oakland (“Redevelopment Agency”) has submitted to the City Council this proposed Amendment to the Redevelopment Plan; 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, the Planning Commission conducted a duly noticed public hearing on the Project Applications on February 4, 2009; and

WHEREAS, at the February 4, 2009, public hearing, the Planning Commission adopted, and made appropriate findings for accepting the addended Mitigated Negative Declaration/Finding of No Significant Impact (MND/FONSI), approved the Applications for design review, conditional use permit, and variances (collectively called “Development Permits”), recommended approval of the general plan amendment to the City Council, recommended approval of the redevelopment plan amendment to the City Council and Redevelopment Agency, and recommended approval of the rezoning to the City Council; and

WHEREAS, the Planning Commission found, in part, that the Project is consistent with the “Neighborhood Center Mixed Use” designation and that the proposed general plan amendment will not cause the General Plan to become internally inconsistent; and

WHEREAS, the Planning Commission also found, in part, that the proposed general plan amendment is consistent with the overall goals, objectives, and policies of the General Plan in that the Project is a well-designed development on a an underutilized and blighted infill site located in an urbanized area of the City near public transportation that will provide needed affordable housing and economic revitalization, and that the proposed general plan amendment is necessary to implement the Project; and

WHEREAS, the Community and Economic Development Committee of the City Council conducted a duly noticed meeting on the Project Applications on February 24, 2009, and recommended Project approval; and

WHEREAS, the City Council and Redevelopment Agency of the City of Oakland conducted a duly noticed joint public hearing on the Project Applications on March 3, 2009; and

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

WHEREAS, the public hearing was closed by the City Council and Redevelopment Agency on March 3, 2009; and

WHEREAS, the City Council, acting as the Lead Agency, has independently reviewed, analyzed, and considered the Coliseum Gardens HOPE VI Revitalization MND/FONSI and Addenda prior to acting on the approvals, and based upon such independent review, analysis, and consideration, and exercising its independent judgment, the City Council hereby finds the criteria of CEQA Guidelines Section 15162 requiring additional environmental review have not been met, and specifically, and without limitation, the City Council finds and determines that the Project would not result in any new or more severe significant impacts, there is no new information of substantial importance that would result in any new or more severe significant impacts, there are no substantial changes in circumstances that would result in any new or more severe significant impacts, and there is no feasible mitigation measure or alternative that is considerably different from others previously analyzed that has not been adopted, based upon the accompanying City Council Agenda Report, and elsewhere in the record for this Project;

NOW, THEREFORE, the Council of the City of Oakland does ordain as follows:

SECTION 1. The City Council, having heard, considered and weighed all the evidence in the record presented on behalf of all parties and being fully informed of the Applications and the Planning Commission's decision on the Project, hereby adopts the Seventh Amendment to the Redevelopment Plan for the Coliseum Redevelopment Project Area amending the land use designation of the Project Site from "Mixed Housing Type Residential" and "Urban Residential" to "Neighborhood Center Mixed Use" as shown on the map attached to this Ordinance as **Exhibit A**. This decision is based, in part, on the February 24, 2009, Community and Economic Development Committee Agenda Report (which was forwarded to the City Council and Redevelopment Agency for its March 3, 2009 public hearing), the February 4, 2009, Planning Commission Report, and the Mitigated Negative Declaration which are hereby incorporated by reference as if fully set forth herein.

SECTION 2. In support of the City Council's decision to amend the Redevelopment Plan for the Coliseum Redevelopment Project Area, the City Council affirms and adopts as its findings and determinations (a) the February 24, 2009, Community and Economic Development Committee Agenda Report, and (b) the February 4, 2009, Planning Commission Report, including, without limitation, the discussion, findings, conclusions, and conditions of approval (each of which is hereby separately and independently adopted by this Council in full).

SECTION 3. The City Council finds that it is necessary, desirable, and in the public interest to amend the Redevelopment Plan for the Coliseum Redevelopment Project Area for the reasons set forth herein and in the February 24, 2009, Community and Economic Development Committee Agenda Report and the February 4, 2009, Planning Commission Report.

SECTION 4. The City Council finds and determines that this Ordinance complies with CEQA and the Environmental Review Officer is directed to cause to be filed a Notice of Determination with the appropriate agencies.

SECTION 5. The record before this Council relating to the Project Applications includes, without limitation, the following:

1. the Project Applications, including all accompanying maps and papers;
2. all plans submitted by the Applicant and his representatives;
3. all staff reports, decision letters and other documentation and information produced by or on behalf of the City, including without limitation the Mitigated Negative Declaration and supporting technical studies, all related and/or supporting materials, and all notices relating to the Project Applications and attendant hearings;
4. all oral and written evidence received by the City staff, the Planning Commission, and the City Council before and during the public hearings on the Project Applications; and
5. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations and Oakland Fire Code; (c) Oakland Planning Code; (d) other applicable City policies and regulations; and, (e) all applicable state and federal laws, rules and regulations.

SECTION 6. The custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based are respectively: (a) Community & Economic Development Agency, Planning & Zoning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California; and (b) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st floor, Oakland, California.

SECTION 7. 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 8. 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.

SECTION 9. The recitals contained in this Ordinance are true and correct and are an integral part of the City Council's decision.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 17 2009, 2009

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN,
~~REID~~, AND PRESIDENT BRUNNER - 7

NOES- 0

ABSENT- Reid - 1

ABSTENTION- 0

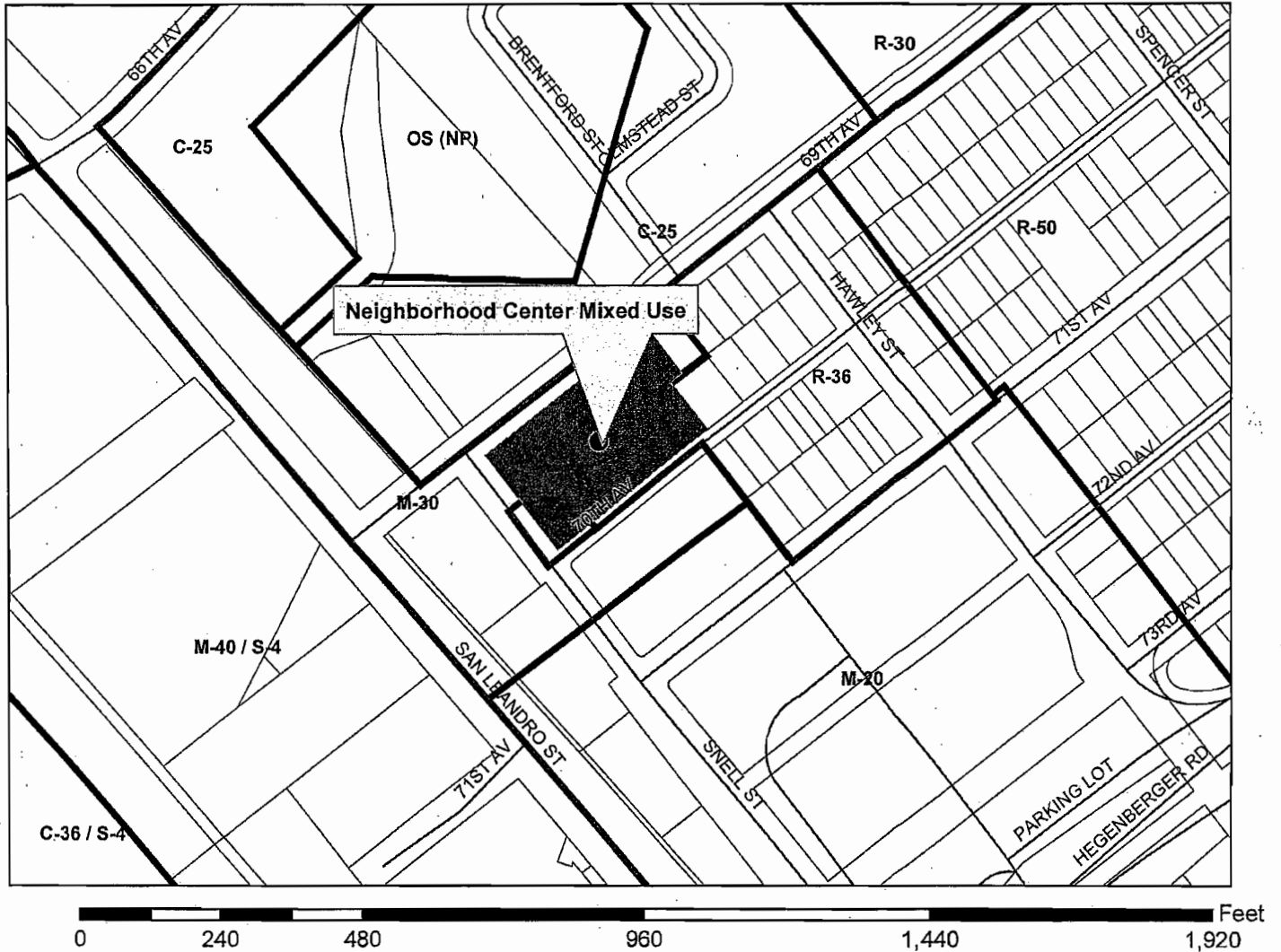
ATTEST.



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

Introduction Date: MAR 3 2009

Exhibit A
Amendment to Redevelopment Plan
Lion Creek Crossings Phase IV
Snell Street Between 69th & 70th Ave.



Case File: Lion Creek Crossings Phase IV
Applicant: Oakland Housing Authority
Address: 69th Ave & Snell St
Zone: C-25

