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AGENCY COUNSEL

## REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

2006-0047 =

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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### AN AGENCY RESOLUTION AUTHORIZING A DEVELOPMENT AGREEMENT WITH THE CITY OF OAKLAND AND OAKLAND HARBOR PARTNERS, LLC

**WHEREAS**, Oakland Harbor Partners, LLC, has proposed to develop the Oak to Ninth Avenue Mixed Use Development Project (the "Oak to Ninth project"), a mixed-use development project for portions of the Central City East Redevelopment Project Area and the Central District Redevelopment Project Area; and

**WHEREAS**, the Redevelopment Agency is considering amendments to the Central City East Redevelopment Plan and the Central District Urban Renewal Plan for the Oak to Ninth project; and

**WHEREAS**, the Agency, Oakland Harbor Partners, LLC, and the City of Oakland have negotiated the terms of a Development Agreement for the Oak to Ninth project; and

**WHEREAS**, the proposed Development Agreement, among other things, addresses the provision of affordable housing the Oak to Ninth project as necessary for the Agency to meet the affordable housing area production requirements imposed by California Health and Safety Code Section 33413; and

**WHEREAS**, on May 28, 2004 in accordance with the California Environmental Quality Act ("CEQA"), City staff issued a Notice of Preparation to prepare an Environmental Impact Report ("EIR") for the Oak to Ninth project; and

**WHEREAS**, on September 1, 2005, a Draft EIR ("DEIR"), State Clearinghouse No. 2004062013, was released by the City for a 54-day public review and comment period and on September 28, 2005, October 12, 2005, and October 17, 2005, respectively, the Planning Commission, the Parks and Recreation Advisory Commission, and the Landmarks Preservation Advisory Board conducted public hearings to provide the public with an additional opportunity to comment on the DEIR; and

**WHEREAS**, on February 1, 2006, the City released a Final EIR for the project and on June 9, 2006 the City published an addendum to the Final EIR; and

**WHEREAS**, on February 1, 2006, the City released a Final EIR for the project and on June 9, 2006 the City published an addendum to the Final EIR; and

**WHEREAS**, on January 25, 2006, the Planning Commission held a public hearing to discuss the major environmental and policy issues pertaining to the project; and

**WHEREAS**, on March 15, 2006, the Planning Commission held a public hearing on the project and the City, among other things, certified the EIR, adopted CEQA Findings and a Statement of Overriding Considerations, adopted a Mitigation Monitoring and Reporting Program, and recommended adoption of amendments to the Central City East Redevelopment Plan and the Central District Urban Renewal Plan; and

**WHEREAS**, an appeal of the Planning Commission actions was filed on March 24, 2006 by Arthur D. Levy on behalf of Oakland Heritage Alliance, Rajiv Bhatia, John Sutter, East Bay Bicycle Coalition, League of Women Voters of Oakland, Waterfront Action, Coalition of Advocates for Lake Merritt, and Sierra Club Northern Alameda County Regional Group; and

**WHEREAS**, on March 28, 2006 the City Council and the Redevelopment Agency held a public Informational Workshop on the project and the project approvals; and

**WHEREAS**, the City Council and Redevelopment Agency held a public hearing on June 20, 2006, on the project, which was noticed in accordance with legal requirements; and

**WHEREAS**, the appellants and all other interested parties were given the opportunity to participate in the public hearing through oral testimony and the submittal of written comments; and

**WHEREAS**, on June 20, 2006, the City Council fully reviewed, considered, and evaluated the Project EIR, all of the staff reports prepared for the project including the attachments to the staff reports, public testimony, and all other documents and evidence in the public record on the project and the appeal; now, therefore, be it

**RESOLVED:** That the Redevelopment Agency hereby authorizes the Agency to enter into the Development Agreement with Oakland Harbor Partners, LLC, and the City of Oakland, substantially in the form attached to the City ordinance approving the Development Agreement, subject to such minor and clarifying changes consistent with the terms thereof as may be approved by Agency Counsel prior to execution thereof; and be it further

**RESOLVED:** That the Agency Administrator or her designee is authorized to negotiate and execute any agreements or other documents necessary to implement the Development Agreement; and be it further

**RESOLVED:** That the Agency Administrator or her designee is authorized to take whatever action is necessary with respect to the Development Agreement and the Oak to Ninth project consistent with this Resolution and its basic purposes.

IN AGENCY, OAKLAND, CALIFORNIA, JUN 20 2006, 2006


**PASSED BY THE FOLLOWING VOTE:**

AYES- ~~BRUNNER, CHANG, KERNIGHAN, NADEL, REID,~~ ~~DE LA FUENTE~~ ~~AND CHAIRPERSON~~  
DE LA FUENTE - 6

NOES- 0

ABSENT- 0

ABSTENTION- 2 Brooks and Quan

ATTEST   
LATONDA SIMMONS  
Secretary of the Redevelopment Agency  
of the City of Oakland