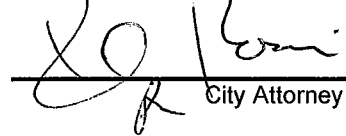


FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

2015 DEC -3 PM 5:48

RESOLUTION NO. 85939 C.M.S.

RESOLUTION APPROVING THE FINANCING PLAN FOR DEVELOPING AFFORDABLE HOUSING AT THE BROOKLYN BASIN PROJECT, AND APPROVING SUBMITTAL OF A PETITION FOR A FINAL AND CONCLUSIVE DETERMINATION BY THE CALIFORNIA DEPARTMENT OF FINANCE (DOF) OF THE ENFORCEABLE OBLIGATION TO FUND SUCH DEVELOPMENT

WHEREAS, the Brooklyn Basin project, formerly the Oak to 9th project, proposed by developer Zarsion Oakland Harbor Partners (“ZOHP”) and approved by the City in 2006 is projected to comprise approximately 3,100 housing units, along with over 200,000 square feet in retail space, 29.9 acres of parks and public open space, two renovated marinas and restoration of an existing wetland area; and

WHEREAS, under affordable housing production requirements in California redevelopment law, development of the project would require the production of 465 affordable housing units within the Central City East Redevelopment Project Area; and

WHEREAS, the Redevelopment Agency in 2006 entered into a Cooperation Agreement with the Oak to Ninth Community Benefits Coalition, a consortium of four community organizations, requiring the Agency to purchase Project Parcels F and G (the "affordable housing parcels") for affordable housing development and to ensure the development of at least 465 affordable housing units; and

WHEREAS, the City of Oakland is the successor to the housing functions and obligations of the dissolved Redevelopment Agency per Health and Safety Code Section 34176, including Agency housing obligations and functions with respect to the Oak to Ninth Development Agreement, while the Oakland Redevelopment Successor Agency (“ORSA”) has assumed the enforceable obligations of the Redevelopment Agency under Health and Safety Code Section 34173, including the obligation to fund the purchase and development of the affordable housing parcels; and

WHEREAS, the Cooperation Agreement required the Redevelopment Agency to use available funds to ensure the development of affordable housing on the affordable housing parcels, including 25 percent of the tax increment revenue generated by the Brooklyn Basin project; and

WHEREAS, in June 2015, ZOHP selected MidPen Housing Corporation to be the affordable housing developer for the project, and the City approved this selection; and

WHEREAS, the City has been working closely with MidPen Housing Corporation and the Community Benefits Coalition to develop and refine the affordable housing development scenarios and financing plan; and

WHEREAS, the affordable housing financing plan developed by MidPen consists of many sources including \$45 million in Real Property Tax Trust Funds (“RPTTF”); and

WHEREAS, the obligation under the Cooperation Agreement to support vertical development of 465 affordable housing units has been recognized as an enforceable obligation by the California Department of Finance (“DOF”) and included on ORSA’s Recognized Payment Obligation Schedules (“ROPS”) since the dissolution of redevelopment in 2012; and

WHEREAS, Section 34177.5 of the California Health and Safety Code permits a successor agency to petition DOF to provide written confirmation that a DOF determination in an approved ROPS that an item is an enforceable obligation is final and conclusive, if the enforceable obligation provides for an irrevocable commitment of property tax revenues and if allocation of such revenues is expected to occur over time; and

WHEREAS, it will be beneficial to the affordable housing development at Brooklyn Basin for the project to receive a final and conclusive determination from DOF, so that MidPen will have a definitive commitment of RPTTF funds in order to leverage additional development funds over the planned phases of the project; and

WHEREAS, Council approval of the affordable housing financing plan will demonstrate the City’s commitment to and support of the development of affordable housing at Brooklyn Basin as required by the Cooperation Agreement, and

WHEREAS, an Environmental Impact Report (EIR) was prepared and approved under the California Environmental Quality Act (CEQA) for the Brooklyn Basin project; and

WHEREAS, under CEQA Guidelines Section 15162, no subsequent environmental review is required unless the project has changed substantially, the circumstances under which the project would occur have changed substantially, or new information demonstrates that any potential environmental impacts would be substantially more severe than previously demonstrated; and

WHEREAS, none of the circumstances necessitating further environmental review under CEQA Guidelines Section 15162 are present, since the affordable housing financing plan does not affect the development envelope previously reviewed in the EIR, is not a change in the project that involves any new significant effects or a substantial increase in the severity of previously identified significant effects of under which the project is undertaken have not occurred that will involve new significant environmental effects of a substantial increase in the severity of previously identified significant effects, and no new information has come to light that would involve new or substantially more severe effects of feasible alternatives or mitigation measures; now, therefore, be it

RESOLVED: That the City Council hereby supports and approves the financing plan for developing affordable housing at the Brooklyn Basin project attached to this Resolution as Exhibit A; and be it

FURTHER RESOLVED: That the City Council hereby supports and approves submittal of a petition for a final and conclusive determination to the California Department of Finance (DOF) requesting written confirmation that DOF's determination in the approved ROPS, namely that the obligation to fund the development of affordable housing at Brooklyn Basin is an enforceable obligation, is final and conclusive; and be it

FURTHER RESOLVED: That the City Council, having independently heard, considered and weighed all the evidence in the record, hereby finds that, in accordance with CEQA Section 15162, none of the circumstances requiring preparation of a subsequent or supplemental EIR are present for this action.

JAN 05 2016

IN COUNCIL, OAKLAND, CALIFORNIA, _____

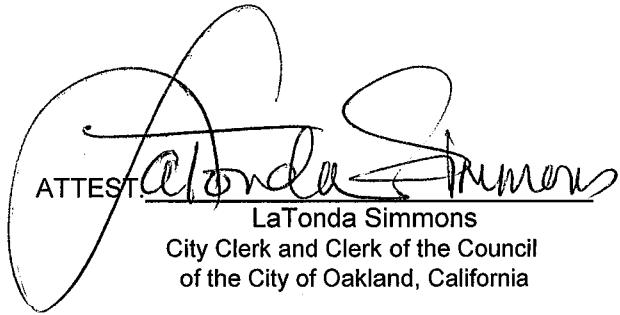
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, AND PRESIDENT GIBSON MCELHANEY - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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