

OFFICE OF THE CITY CLERK
APPROVED AS TO FORM AND LEGALITY
2004 MAR 11 PM 12:37
CITY ATTORNEY

INTRODUCED BY COUNCILMEMBER _____

ORDINANCE NO. _____ C.M.S.

ORDINANCE RESCINDING ORDINANCE 12220 C.M.S. AND AUTHORIZING A DISPOSITION AND DEVELOPMENT AGREEMENT WITH RICHARD N. PUKATCH FOR THE SALE AT FAIR MARKET VALUE AND DEVELOPMENT OF THREE CITY-OWNED PROPERTIES AT 1430 8TH STREET, 816 CENTER STREET, AND 1728 14TH STREET WITH MARKET-RATE HOUSING

WHEREAS, the City of Oakland is the owner of the vacant lots (the "Properties") in the City of Oakland, Alameda County, State of California, commonly known as 1430 8th Street (Assessor's Parcel No. 004-0067-015, Site Map-14), 816 Center Street (Assessor's Parcel No. 004-0067-017, Site Map-14) and 1728 14th Street (Assessor's Parcel No. 007-0551-011, Site Map-12), and shown as cross-hatched parcels on the Site Maps attached hereto and made a part hereof; and

WHEREAS, Ordinance 12220 C.M.S., passed on March 14, 2000, authorized the City Manager to negotiate a Disposition and Development Agreement with the Oakland Housing Authority for the two parcels at 1430 8th Street and 816 Center Street; and

WHEREAS, that Disposition and Development Agreement was not successfully negotiated, and the Oakland Housing Authority has indicated that it will not pursue the negotiations further; and

WHEREAS, Richard N. Pukatch, or an affiliated entity, (the "Developer") proposes to develop on the Properties nine units of market-rate housing; and

WHEREAS, the City is the Lead Agency for this project for purposes of environmental review under the California Environmental Quality Act of 1970 ("CEQA"); and

WHEREAS, the requirements of CEQA, the CEQA Guidelines as prescribed by the Secretary for Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied; and

WHEREAS, the City Council has adopted Ordinance No. 11602 C.M.S., which established procedures for the sale and lease of City-owned property which is surplus; now, therefore

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

SECTION 1. The City Council hereby rescinds Ordinance No. 12220 C.M.S.

SECTION 2. Pursuant to Section 6 of Ordinance No. 11602 C.M.S., it is determined to be in the best interest of the City to sell the Properties by negotiated sale due to the intended use of the

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Properties for the development of housing units, in numbers greater than otherwise possible due to sale to an abutting owner and subsequent combination of lots.

SECTION 3. The City Council has independently reviewed and considered this environmental determination, and the City Council finds and determines that this action complies with CEQA because the sale and development of the Properties is exempt from CEQA pursuant to Sections 15303 (new construction of small structures), 15312 (surplus government property sales) and 15332 (infill housing development) of the CEQA Guidelines.

SECTION 4. The City Manager or his or her designee shall cause to be filed with the County of Alameda a Notice of Exemption for this project.

SECTION 5. The City Manager or his or her designee is hereby authorized to negotiate and execute a Disposition and Development Agreement (“DDA”) with the Developer for the Properties to govern their sale and development with nine units of market-rate housing, and to negotiate a purchase price for the Properties, which shall not be less than their fair market value.

SECTION 6. The City Manager is also authorized to execute grant deeds to convey the Properties to the Developer upon satisfaction of preconveyance conditions in the DDA.

SECTION 7. Upon completion of units on the Properties, all may be sold, rented, or leased at market rate without income restrictions.

SECTION 8. Sales proceeds will be allocated to Community Development Block Grant Funds, Program Income, Fund 2108.

SECTION 9. All documents shall be approved as to form and legality by the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20__

PASSED BY THE FOLLOWING VOTE:

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

NOES- _____

ABSENT- _____

ABSTENTION- _____

ATTEST: _____

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

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NOTICE AND DIGEST

ORDINANCE RESCINDING ORDINANCE 12220 C.M.S. AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF A DISPOSITION AND DEVELOPMENT AGREEMENT WITH RICHARD N. PUKATCH TO PROVIDE FOR THE SALE AT FAIR MARKET VALUE AND DEVELOPMENT OF THREE CITY-OWNED PROPERTIES AT 1430 8TH ST., 816 CENTER ST., AND 1728 14TH ST. WITH MARKET-RATE HOUSING

This ordinance authorizes negotiation of a disposition and development agreement to sell the three lots listed to a developer at market value, for development of new housing.

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COMMUNITY & ECONOMIC
DEVELOPMENT DIVISION

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