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APPROVED AS TO FORM AND LEGALITY


AGENCY COUNSEL

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

2006-0083

RESOLUTION NO. _____ C.M.S.

A RESOLUTION APPROVING AND RECOMMENDING ADOPTION OF THE THIRD AMENDMENT TO THE CENTRAL CITY EAST REDEVELOPMENT PLAN TO (1) MERGE THE CENTRAL CITY EAST REDEVELOPMENT PROJECT AREA WITH THE OAK KNOLL REDEVELOPMENT PROJECT AREA FOR FISCAL PURPOSES, AND (2) MERGE THE AFFORDABLE HOUSING PRODUCTION REQUIREMENTS FOR THE TWO PROJECT AREAS SUBJECT TO LIMITATIONS AND CONDITIONS

WHEREAS, the City Council of the City of Oakland adopted the Redevelopment Plan for the Central City East Redevelopment Project (the "Central City East Redevelopment Plan") on July 29, 2003, pursuant to the California Community Redevelopment Law (California Health and Safety Code Sections 33000, et seq.); and

WHEREAS, the City Council adopted the Redevelopment Plan for the Oak Knoll Redevelopment Project (the "Oak Knoll Redevelopment Plan") on July 14, 1998, pursuant to the California Community Redevelopment Law; and

WHEREAS, both Plans include affordable housing production requirements as required under Section 33413(b) of the California Health and Safety Code; and

WHEREAS, Sections 33485 through 33489 of the California Health and Safety Code authorize a legislative body through plan amendment to merge redevelopment project areas; and

WHEREAS, the Redevelopment Agency has prepared a proposed Third Amendment to the Central City East Redevelopment Plan (the "Third Amendment" or the "Amendment"), attached to this Ordinance as Attachment A, which would (1) merge the Central City East Redevelopment Project Area with the Oak Knoll Redevelopment

Project Area for fiscal purposes, and (2) merge the affordable housing production requirements for the two Project Areas, in that the Agency would be authorized to allocate surplus affordable housing units produced in the Central City East Project Area to meet the Oak Knoll affordable housing production requirements under certain conditions and subject to certain limitations; and

WHEREAS, the City of Oakland, as the Lead Agency for purposes of environmental review under the California Environmental Quality Act of 1970 ("CEQA"), prepared and certified an Environmental Impact Report for the Central City East Redevelopment Project (the "EIR") in connection with the adoption of the Central City East Redevelopment Project, in accordance with the California Environmental Quality Act, Public Resources Code § 21000, et seq.; 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 Agency has submitted to the City Council a Report of the Agency on the proposed merger amendments to the Central City East Redevelopment Plan and Oak Knoll Redevelopment Plan (the "Report to Council") pursuant to Section 33352 of the Community Redevelopment Law; and

WHEREAS, the Planning Commission has submitted to the Council its report and recommendations for approval of the Amendment and its certification that the Amendment conforms to the General Plan of the City of Oakland; and

WHEREAS, the Central City East Project Area Committee ("PAC") has reviewed and made recommendations on the proposed Amendment; and

WHEREAS, the Agency and the Council held a joint public hearing on October 31, 2006, on adoption of the Amendment; and

WHEREAS, a notice of said hearing was duly and regularly published in a newspaper of general circulation in the City of Oakland, once a week for four successive weeks prior to the date of said hearing; and

WHEREAS, copies of the notice of joint public hearing were mailed by first-class mail to property owners, residents, and businesses in the Central City East Redevelopment Project Area; and

WHEREAS, copies of the notice of joint public hearing were mailed by certified mail with return receipt requested to the governing body of each taxing agency which receives taxes from property in the Central City East Redevelopment Project Area; and

WHEREAS, the Agency has notified the California Department of Housing and Community Development of its intention to merge the Central City East Redevelopment

Project Area with the Oak Knoll Redevelopment Project Area at least 30 days prior to the adoption of this Resolution; and

WHEREAS, it is necessary and desirable that the Amendment and the merger be adopted for the reasons set forth in the Report to Council; now, therefore, be it

RESOLVED: That the Agency hereby approves and recommends adoption of the Third Amendment to the Central City East Redevelopment Plan merging the Central City East Redevelopment Project Area with the Oak Knoll Redevelopment Project Area; and be it further

RESOLVED: That the Agency finds that the limited merger of the affordable housing production requirements of the Central City East Project Area with the Oak Knoll Project Area as set forth in the Amendment is necessary and desirable in order to provide needed flexibility to comply with the affordable housing production requirements of the two Project Areas; and be it further

RESOLVED: That the Agency further finds that such limited merger will not cause or exacerbate racial, ethnic, or economic segregation in the Central City East Project Area, since it would have no effect on the level of affordable housing production in Central City East; the limited merger would simply allow surplus affordable housing units that are actually developed in Central City East irrespective of the merger to be allocated to Oak Knoll, and would expressly prohibit the development of additional affordable housing in Central City East to meet Oak Knoll's affordable housing production requirements; 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 Third Amendment; and be it further

RESOLVED: That the Agency has independently reviewed and considered this environmental determination, and the Agency finds and determines, based on the information provided in the report accompanying this Resolution, that this action complies with CEQA because the Amendment is exempt from CEQA pursuant to Section 15061(b)(3) (general rule), Section 15301 (alterations to existing facilities), and Section 15378(b)(4) (government fiscal activities) of the CEQA Guidelines; and be it further.

RESOLVED: That the Agency further finds and determines on the basis of substantial evidence in the record that none of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code Section 21166 and CEQA Guidelines Section 15162, are present in that (1) there are no substantial changes proposed in the Central City East Redevelopment Project or the circumstances under which the Project is undertaken that would require major revisions of the EIR due to the involvement of new environmental effects or a substantial increase in the severity of previously identified significant effects, and (2) there is no "new information of substantial importance" as described in CEQA Guidelines Section 15162(a)(3).

IN AGENCY, OAKLAND, CALIFORNIA, DEC 5 2006, 2006

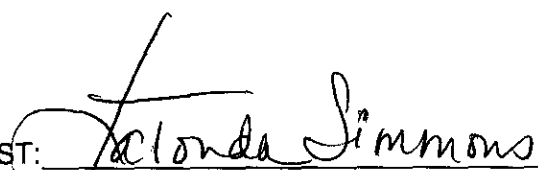
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID,
AND CHAIRPERSON DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

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

Introduction Date: DEC 5 2006