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Deputy City Attorney

OAKLAND CITY COUNCIL

12528

ORDINANCE NO. _____ C.M.S.

AN ORDINANCE APPROVING AND ADOPTING THE REDEVELOPMENT PLAN FOR THE CENTRAL CITY EAST REDEVELOPMENT PROJECT

WHEREAS, on December 4, 2001 (Resolution No. 76866 C.M.S.), the City Council designated an area in East Oakland (the "Central City East survey area") as a survey area pursuant to Section 33310 of the California Community Redevelopment Law ("CRL"), California Health and Safety Code Section 33000, et seq.; and

WHEREAS, on December 5, 2001, pursuant to Sections 33322 through 33325 of the CRL, the Planning Commission of the City of Oakland formulated and submitted to the Redevelopment Agency of the City of Oakland (the "Agency") a Preliminary Redevelopment Plan for the Central City East Redevelopment Project Area and selected a redevelopment project area (the "Project Area") that encompasses the entire Central City East survey area; and

WHEREAS, on February 19, 2002, the Agency accepted the Preliminary Redevelopment Plan for the Central City East Redevelopment Project Area adopted by the Planning Commission; and

WHEREAS, a Project Area Committee for the Central City East Redevelopment Project (the "PAC") was formed and has been meeting pursuant to Health and Safety Code Section 33385, et seq.; and

WHEREAS, the Agency has submitted to the Council a proposed Redevelopment Plan for the Central City East Redevelopment Project (the "Central City East Redevelopment Plan" or "Plan"); and

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

WHEREAS, the PAC has submitted to the Council its report and recommendations for approval of the Central City East Redevelopment Plan; and

WHEREAS, the City Council has received from the Agency a Report to the City Council for the Central City East Redevelopment Project (the "Report to Council") pursuant to Health and Safety Code Section 33352, including: the reasons for the selection of the Project Area; a description of the physical and economic conditions existing in the Project Area, including a blight analysis of the Project Area; a description of the programs proposed by the Agency, including a five-year implementation plan for the Project, and an explanation of how these programs will eliminate blight; an explanation of why private enterprise acting alone or alternative financing cannot eliminate blight and redevelop the Project Area; the proposed method of financing the redevelopment of the Project; rules for the relocation of property owners and tenants who may be displaced from the Project Area; an analysis of the Preliminary Plan; the report and recommendation of the Planning Commission on the Plan; the minutes and records of all PAC meetings and the report and recommendation of the PAC on the Plan; a summary of consultations with and community participation by residents, community organizations and others in the Project Area; the Final Environmental Impact Report on the Central City East Redevelopment Plan (the "Final EIR"); a neighborhood impact report on the Project; and the report of the County Fiscal Officer on the Plan and the Agency's analysis thereof, including a summary of consultations with affected taxing agencies; and

WHEREAS, the Council and the Agency held a joint public hearing on June 17, 2003, on adoption of the Central City East Redevelopment Plan; 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 the last known address of each assessee of each parcel of land in the Project Area as shown on the last equalized assessment roll of the County of Alameda, and to all residents and businesses within the 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 Project Area; and

WHEREAS, the Agency has prepared and submitted a program for the relocation of persons and businesses who may be displaced as a result of carrying out the Project in accordance with the Plan; and

WHEREAS, the Council has general knowledge of the conditions existing in the Project Area and of the availability of suitable housing in the City for the relocation of families and persons who may be displaced by the Project, and, in light of such knowledge of local housing conditions, has carefully considered and reviewed such program for relocation; and

WHEREAS, on or about June 17, 2003, the Agency adopted Owner Participation and Business Preference Rules for the Project; and

WHEREAS, the Council has considered the report and recommendations of the Planning Commission and the PAC, the Report to Council on the Plan, the feasibility of the relocation program, and the Final EIR, has provided an opportunity for all persons to be heard, and has received and considered all evidence and testimony presented for or against any and all aspects of the Plan; and

WHEREAS, the Council has reviewed and considered the Final EIR for the Plan, prepared and submitted by the City pursuant to Public Resources Code Section 21151 and Health and Safety Code Section 33352, which the City has certified by resolution;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. The purpose and intent of the Council with respect to the Central City East Redevelopment Project is to accomplish the following:

- a. Stimulate in-fill development and land assembly opportunities on obsolete, underutilized and vacant properties in the Project Area.
- b. Stimulate opportunities for adaptive re-use and preservation of existing building stock in the Project Area.
- c. Attract new businesses and retain existing businesses in the Project Area, providing job training and employment opportunities for Project Area residents.
- d. Improve transportation, open space, parking, and other public facilities and infrastructure throughout the Project Area.
- e. Stimulate home ownership opportunities in the Project Area.
- f. Improve the quality of the residential environment by assisting in new construction, rehabilitation and conservation of living units in the Project Area, including units affordable to low and moderate income households.
- g. Revitalize neighborhood commercial areas and strengthen retail in the Project Area.

Section 2. The Council hereby finds and determines that:

- a. The Central City East Project Area is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in the California Community Redevelopment Law. This finding is based upon the

following conditions, as set forth and documented in the Report to Council, which characterize the Project Area:

- (1) The existence of buildings in which it is unsafe or unhealthy for persons to live or work. These conditions include serious building code violations, dilapidation and deterioration, defective design or physical construction such as unreinforced masonry buildings, faulty or inadequate utilities, and other similar factors;
- (2) The existence of factors that prevent or substantially hinder the economically viable use or capacity of buildings or lots, including substandard design, inadequate size given present standards and market conditions, toxic contamination, vandalism, lack of parking, inadequate public improvements, and other similar factors;
- (3) Adjacent or nearby uses that are incompatible with each other and which prevent the economic development of those parcels and other portions of the Project Area;
- (4) The existence of subdivided lots of irregular form and shape and inadequate size for proper usefulness and development that is in multiple ownership;
- (5) Depreciated and stagnant property values or impaired investments, including properties containing hazardous wastes that require the use of Agency authority;
- (6) Abnormally high business vacancies, abnormally low lease rates, high turnover rates, abandoned buildings, and excessive vacant lots within areas developed for urban use and served by utilities;
- (7) A lack of necessary commercial facilities that are normally found in neighborhoods, including grocery stores, drug stores, and banks and other lending institutions;
- (8) An excess of businesses that cater exclusively to adults that has led to problems of public safety and welfare; and
- (9) A high crime rate that constitutes a significant threat to the public safety and welfare.

It is further found and determined that such conditions are causing and will increasingly cause a reduction and lack of proper utilization of the area to such an extent that it constitutes a serious physical, social and economic burden on the City, which cannot reasonably be expected to be reversed or alleviated by private enterprise acting alone, requiring redevelopment in the

interest of the health, safety and general welfare of the people of the City and the State. This finding is based on the fact that governmental action available to the City without redevelopment would be insufficient to cause any significant correction of the blighting conditions, and that the nature and costs of the public improvements and facilities required to correct the blighting conditions are beyond the capacity of the City and cannot be undertaken or borne by private enterprise acting alone or in concert with available governmental action, as further set forth and analyzed in the Report to Council.

- b. The Plan will redevelop the Central City East Project Area in conformity with the Community Redevelopment Law and in the interests of the public peace, health, safety and welfare. This finding is based upon the fact that redevelopment of the Project Area will implement the objectives of the Community Redevelopment Law by aiding in the elimination and correction of the conditions of blight, providing for planning, development, redesign, clearance, reconstruction or rehabilitation of properties which need improvement and providing for higher economic utilization of potentially useful land.
- c. The adoption and carrying out of the Central City East Redevelopment Plan is economically sound and feasible. This finding is based on the fact that under the Plan the Agency will be authorized to seek and utilize a variety of potential financing resources, including tax increments; that the nature and timing of public redevelopment assistance will depend on the amount and availability of such financing resources, including tax increments generated by new investment in the Project Area; and that under the Plan no public redevelopment activity will be undertaken unless the Agency can demonstrate that it has adequate revenue to finance the activity.
- d. The Central City East Redevelopment Plan conforms to the General Plan of the City of Oakland, including the Housing Element. This finding is based on the finding of the Planning Commission that the Plan conforms to the General Plan of the City of Oakland.
- e. The carrying out of the Central City East Redevelopment Plan will promote the public peace, health, safety and welfare of the City of Oakland and will effectuate the purposes and policy of the Community Redevelopment Law. This finding is based on the fact that redevelopment will benefit the Project Area by correcting conditions of blight and by coordinating public and private actions to stimulate development of the Project Area.
- f. The condemnation of real property, as provided for in the Central City East Redevelopment Plan, is necessary to the execution of the Plan, and adequate provisions have been made for the payment for property to be acquired as provided by law. This finding is based upon the need to ensure

that the provisions of the Plan will be carried out and to prevent the recurrence of blight.

- g. The Agency has a feasible method and plan for the relocation of families and persons who might be displaced, temporarily or permanently, from housing facilities in the Central City East Redevelopment Project Area. This finding is based on the fact that the Plan provides for relocation assistance according to law.
- h. There are, or are being provided, within the Central City East Redevelopment Project Area or within other areas not generally less desirable with regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons who might be displaced from the Project Area, decent, safe and sanitary dwellings equal in number to the number of and available to such displaced families and persons and reasonably accessible to their places of employment. This finding is based upon the fact that no person or family will be required to move from any dwelling unit until suitable replacement housing is available.
- i. Inclusion of any lands, buildings or improvements in the Central City East Redevelopment Project Area which are not detrimental to the public health, safety or welfare is necessary for the effective redevelopment of the entire area of which they are a part; and any area included is necessary for effective redevelopment and is not included for the purpose of obtaining the allocation of tax increment revenues from such area pursuant to Section 33670 of the Community Redevelopment Law. This finding is based upon the fact that the boundaries of the Project Area were chosen as a unified and consistent whole to include lands that were under-utilized because of blighting influences, or affected by the existence of blighting influences, and land uses significantly contributing to the conditions of blight, whose inclusion is necessary to accomplish the objectives and benefits of the Plan.
- j. The elimination of blight and the redevelopment of the Central City East Redevelopment Project Area could not reasonably be expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency. This finding is based upon the existence of blighting influences, including the lack of adequate public improvements and facilities, and the inability of individual developers to economically remove these blighting influences without substantial public assistance in providing adequate public improvements and facilities, the inability of low- and moderate-income persons to finance needed improvements, and the inadequacy of other governmental programs and financing mechanisms to eliminate blight, including the provision of necessary public improvements and facilities.

- k. The Central City East Redevelopment Project Area is predominantly urbanized, as defined by Health and Safety Code Section 33320.1(b).
- l. The time limitation contained in the Central City East Redevelopment Plan is reasonably related to the proposed projects to be implemented in the Project Area and to the ability of the Agency to eliminate blight in the Project Area.
- m. The Central City East Redevelopment Plan contains adequate safeguards so that the work of redevelopment will be carried out pursuant to the Plan, and it provides for the retention of controls and the establishment of restrictions and covenants running with the land sold or leased for private use for periods of time and under conditions specified in the Plan, which this Council deems necessary to effectuate the purposes of the Community Redevelopment Law.

Section 3. The Council is satisfied that permanent housing facilities will be available within three years from the time occupants of the Project Area are displaced, if any, and that pending the development of the facilities, there will be available to the displaced occupants, if any, adequate temporary housing facilities at rents comparable to those in the City of Oakland at the time of their displacement. No persons or families of low or moderate income shall be displaced from residences unless and until there is a suitable housing unit available and ready for occupancy by such displaced persons or families at rents comparable to those at the time of their displacement. Such housing units shall be suitable to the needs of such displaced persons or families and must be decent, safe, sanitary and otherwise standard dwellings. The Agency shall not displace any such persons or families until such housing units are available and ready for occupancy.

Section 4. The Council is satisfied that all written objections received before or at the noticed public hearing, if any, have been responded to in writing. In addition, written findings have been adopted in response to each written objection of an affected property owner or taxing entity which has been filed with the City Clerk either before or at the noticed public hearing, and all objections are hereby overruled.

Section 5. The mitigation measures as set forth in the Final EIR on the Plan are incorporated into the proposed redevelopment of the Project Area.

Section 6. That certain document entitled "Redevelopment Plan for the Central City East Redevelopment Project," including the maps contained therein and such other reports as are incorporated therein by reference, which has been submitted to this Council, having been duly reviewed and considered, is hereby incorporated into this Ordinance by reference and made a part hereof, and as so incorporated is hereby designated, approved and adopted as the official "Redevelopment Plan for the Central City East Redevelopment Project."

Section 7. In order to implement and facilitate the effectuation of the Plan hereby approved, the Council hereby (a) pledges its cooperation in helping to carry out the Plan, (b) requests the various officials, departments, boards and agencies of the City having administrative responsibilities in the Project Area likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the redevelopment of the Project Area, (c) stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Plan, and (d) declares its intention to undertake and complete any proceeding necessary to be carried out by the City under the provisions of the Plan.

Section 8. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, whereupon the Agency is vested with the responsibility for carrying out the Plan.

Section 9. The City Clerk is hereby directed to record with the County Recorder of Alameda County a description of the land within the Project Area and a statement that proceedings for the redevelopment of the Project Area have been instituted under the Community Redevelopment Law.

Section 10. The City Clerk is hereby directed to transmit a copy of the description and statement recorded by the Clerk pursuant to this Ordinance, a copy of this Ordinance and a map or plat indicating the boundaries of the Project Area to the auditor and assessor of the County of Alameda, to the governing body of each of the taxing agencies which receives taxes from property in the Project Area and to the State Board of Equalization.

Section 11. If any part of this Ordinance or the Plan which it approves is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance or of the Plan, and this Council hereby declares that it would have passed the remainder of this Ordinance or approved the remainder of the Plan if such invalid portion thereof had been deleted.

Section 12. 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.

Introduction Date: JUN 17 2003

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 29 2003, 2003


PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN, and PRESIDENT DE LA FUENTE -8

NOES- ∅

ABSENT- ∅

ABSTENTION- ∅

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