

**CITY OF OAKLAND
AGENDA REPORT**

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2005 APR 21 PM 6:49

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: May 3, 2005

RE: RESOLUTION APPROVING ANNEXATION OF FOUR LOTS ON CAMPUS
DRIVE INTO THE LEONA QUARRY GEOLOGIC HAZARD ABATEMENT
DISTRICT

SUMMARY

A resolution has been prepared requesting the City Council to approve the annexation of four lots into the Leona Quarry Geologic Hazard Abatement District (GHAD) after the Board of Directors of the GHAD has so approved, pursuant to state law.

This is necessary to fulfill the action taken by the GHAD Board on March 15, 2005 when it adopted Resolution 79104 C.M.S. accepting petition for annexation of four lots to GHAD and setting a public hearing of May 3, 2005. The notice of public hearing was given in accordance with Public Resources Code Sections 26562 through 26563.

On May 3, 2005, the GHAD Board conducted a public hearing. At the public hearing, no owner of real property proposed to be annexed to the GHAD presented a written or oral objection to the annexation, in accordance with the provisions of Public Resources Code Section 26564. Also, owners of more than 50 percent of the assessed valuation of the property to be annexed to the GHAD did not object to the annexation. The GHAD Board closed the hearing and ordered the annexation of the four lots to the GHAD.

As discussed in detail at the March 15, 2005 City Council meeting, the annexation of the four lots is necessary in order to allow the four lots to benefit from the GHAD maintenance activities. Once annexed, the four lots will become part of the GHAD.

Staff recommends that the City Council adopt the resolution approving the annexation of the four lots to the Leona Quarry GHAD as ordered by the GHAD Board.

FISCAL IMPACT

This resolution merely fulfills the step that must be taken to have the four lots annexed to GHAD. The GHAD is a self-sustaining entity, and costs for maintenance and all related professional services to operate the GHAD would be recovered through the annual assessments of the property owners within the district boundaries. No direct fiscal impacts on the City are therefore anticipated.

Item: 14.1
City Council
May 3, 2005

BACKGROUND

The Leona Quarry Subdivision project was approved as a Planned Unit Development (PUD) with Conditions of Approval, based on the Mitigation Measures contained in the final EIR and other City conditions and requirements. A Vesting Tentative Map was approved in order to be able to subdivide the property into residential units proposed for the PUD

On December 3, 2002, the City Council of the City of Oakland adopted Resolution 77545 C.M.S. under which the City formed the GHAD for the Leona Quarry Residential Project with its associated Condition of Approval No. 24 and appointed the City Council to serve as the Board of Directors of the GHAD, a separate governmental district. The approved Condition of Approval No. 24 for the Leona Quarry Subdivision Project requires the formation of a GHAD in order to maintain and monitor the slope stabilization, drainage, and other improvements required to mitigate potential geologic hazards. The proposed district boundaries include the lands proposed for the subdivision and surrounding properties known as the Leona Quarry site, a 128-acre area. The Condition of Approval requires that the GHAD be fully operational prior to the recordation of the final map.

On March 15, 2005, the GHAD Board adopted Resolution 79104 C.M.S. accepting the petition for annexation of four lots to GHAD and setting a public hearing of May 3, 2005.

KEY ISSUES AND IMPACTS

The Leona Quarry GHAD is a governmental district formed to address existing or potential geologic hazards at the site of development. The purpose of the Leona Quarry Subdivision GHAD is to prevent, mitigate, control, or abate defined geologic hazards through maintenance, improvements, or other means. GHAD financing is accomplished through an assessment of only the property owners that live within the boundaries of the designated district. This resolution annexes four lots that are contiguous to the current GHAD boundaries, and their inclusion has been deemed a benefit to the GHAD. This action by the Governing Agency (City) is required under the Public Resources Code to complete the GHAD annexation.

SUSTAINABLE OPPORTUNITIES

Economic: The GHAD will assure that required services are provided in a responsible manner for the community where they are needed.

Environmental: The annexation of these four lots does not present environmental opportunities.

Social Equity: Inclusion of these four lots to the GHAD will create a safer environment where the open space and recreational features on the site will be maintained safely and appropriately.

DISABILITY AND SENIOR CITIZEN ACCESS

The formation of the GHAD will not affect the provision of adequate access for the disabled community or senior citizens. However, the Leona Quarry Project Condition of Approval has \$500,000 substitution provision for a 54- unit affordable senior housing project in District 6.

RECOMMENDATION AND RATIONALE

Since the four lots will benefit from GHAD maintenance activities, staff recommends that the City Council adopt the resolution approving the annexation of the four lots into GHAD.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt the resolution approving the annexation of four lots on Campus Drive into the Leona Quarry Geologic Hazard Abatement District.

Respectfully submitted,



RAUL GODINEZ II, P.E.
Director, Public Works Agency

Respectfully submitted,



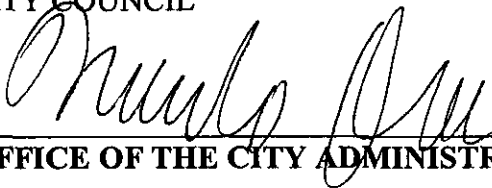
CLAUDIA CAFFIO
Director of Development
Community & Economic Development Agency

Reviewed by:
Michael Neary, P.E.
Assistant Director, Public Works Agency

Prepared by:
Fuad Sweiss, P.E.
Engineering and Design & Right-of-Way Manager

Marcel Uzegbu, P.E.
CIP Coordinator, PWA

APPROVED AND FORWARDED TO THE
CITY COUNCIL



OFFICE OF THE CITY ADMINISTRATOR

OAKLAND CITY COUNCIL

F. Faiz
FILED
OFFICE OF THE CITY CLERK
OAKLAND

2005 APR 21 PM 6:50

RESOLUTION NO. _____ C.M.S.

RESOLUTION APPROVING ANNEXATION OF FOUR LOTS ON CAMPUS DRIVE INTO THE LEONA QUARRY GEOLOGIC HAZARD ABATEMENT DISTRICT

WHEREAS, on December 3, 2002, the Oakland City Council adopted Resolution No. 77545, approving and ordering the formation of the Leona Quarry Geologic Hazard Abatement District (GHAD) and appointing itself to act as the Board of Directors of the GHAD (GHAD Board).

WHEREAS, this resolution is made pursuant to Division 17 (Sections 26500 *et seq.*) of the Public Resources Code.

WHEREAS, on March 15, 2005, the GHAD Board was presented with the Petition for Annexation of Territory to the Leona Quarry Geological Hazard Abatement District (GHAD Petition), including Amendment 1 to the Leona Quarry Plan of Control (Plan of Control).

WHEREAS, on March 15, 2005, the GHAD Board adopted Resolution No. 79104, Accepting Petition and Setting a Public Hearing for Annexation of Four Lots into the Existing Leona Quarry GHAD. The hearing is set for May 3, 2005 at 7:00 p.m. at Council Chambers, 1 Frank Ogawa Plaza, Oakland, California. Notice of the hearing was given in accordance with Public Resources Code sections 26562 through 26563.

WHEREAS, a public hearing before the GHAD Board on the proposed annexation was held on May 3, 2005. At the time set for the hearing, no owner of real property to be annexed to the GHAD had made a written objection to its annexation in accordance with the provisions of Public Resources Code sections 26564. At the hearing, the owners of more than 50 percent of the assessed valuation of the property to be annexed to the GHAD did not object to the annexation.

WHEREAS, the GHAD Board closed the hearing and, by Resolution No. _____, adopted on May 3, 2005, ordered the annexation of the four lots to the GHAD, as described in the GHAD Petition.

WHEREAS, Public Resources Code section 26581 states that a proposed annexation is subject to approval of the legislative body that ordered formation of the GHAD. The Oakland City Council ordered formation of the Leona Quarry GHAD on December 3, 2000.

NOW, THEREFORE, the Oakland City Council hereby resolves and orders that:

14.1-1
ORA/COUNCIL

1. The City Council hereby approves the annexation of the four lots into the Leona Quarry GHAD as ordered by the GHAD Board.

2. This Resolution shall become effectively immediately upon its passage and adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, _____,
20____

PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, BRUNNER, CHANG, DE LA FUENTE, NADEL, QUAN, REID

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council
Of the City of Oakland, California

14.1-1
ORA/COUNCIL
MAY 3 2005