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AGENCY COUNSEL

2006 JUN -8 PM 10: 14

**REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND
2006-0046
RESOLUTION NO. _____ C.M.S.**

**A RESOLUTION APPROVING AND RECOMMENDING ADOPTION
OF AN AMENDMENT TO THE CENTRAL DISTRICT URBAN
RENEWAL PLAN TO REVISE LAND USE DESIGNATIONS FOR
THE OAK TO NINTH PROJECT SITE**

WHEREAS, the City Council adopted the Central District Urban Renewal Plan (the "Central District Redevelopment Plan") on June 12, 1969, pursuant to the California Community Redevelopment Law (California Health and Safety Code Sections 33000, et seq.); and

WHEREAS, the Redevelopment Plan includes a Redevelopment Land Use Map attached to the Plan as Exhibit 1, which sets forth land use designations for the Central District Redevelopment Project Area; and

WHEREAS, a portion of the proposed Oak to Ninth project is located in the Central District Redevelopment Project Area; and

WHEREAS, the land use designations in the Estuary Policy Plan (which is part of the Oakland General Plan) for the site of the proposed Oak to Ninth project have been or will be revised, and the City desires that the Redevelopment Land Use Map in the Redevelopment Plan be consistent with the Oakland General Plan; and

WHEREAS, it is necessary and desirable that this Land Use Map be revised for this reason and the other reasons set forth in the staff report accompanying this Ordinance; and

WHEREAS, Health and Safety Code Section 33450, et seq., authorizes a legislative body to amend a redevelopment plan after holding a public hearing; and

WHEREAS, the Redevelopment Agency has submitted to the Council a proposed Amendment to the Central District Urban Renewal Plan (the "Amendment") revising the Land Use Map; and

WHEREAS, this proposed Amendment does not propose any additional property for inclusion in the Project Area, nor does it modify the Redevelopment Agency's eminent domain authority or affect the Redevelopment Agency's authority to claim tax increment revenues; and

WHEREAS, on March 15, 2006, the Planning Commission submitted to the Council its report and recommendations for approval of this proposed Amendment; and

WHEREAS, the City has provided the published and mailed notice of the hearing and this Amendment as required by Health and Safety Code Section 33452; and

WHEREAS, an appeal of the Planning Commission actions was filed on March 24, 2006 by Arthur D. Levy on behalf of Oakland Heritage Alliance, Rajiv Bhatia, John Sutter, East Bay Bicycle Coalition, League of Women Voters of Oakland, Waterfront Action, Coalition of Advocates for Lake Merritt, and Sierra Club Northern Alameda County Regional Group; and

WHEREAS, on March 28, 2006 the City Council and the Redevelopment Agency held a public Informational Workshop on the Project and the Project approvals; and

WHEREAS, the Redevelopment Agency and the City Council held a joint public hearing on the proposed Amendment, as permitted under Health and Safety Code Section 334458, on June 20, 2006, which was noticed in accordance with legal requirements; and

WHEREAS, the appellants and all other interested parties were given the opportunity to participate in the public hearing through oral testimony and the submittal of written comments; and

WHEREAS, on June 20, 2006, the City Council fully reviewed, considered, and evaluated the Project EIR, all of the staff reports prepared for the Project including the attachments to the staff reports, public testimony, and all other documents and evidence in the public record on the Project and the appeal; and

WHEREAS, on February 1, 2006, the Final Environmental Impact Report ("FEIR") on the Oak to Ninth Project was released on June 9, 2006 the City published an addendum to the Final EIR; and

WHEREAS, on March 15, 2006, the Planning Commission, among other things, certified the EIR, adopted CEQA Findings and a Statement of Overriding Considerations, and adopted a Mitigation Monitoring and Reporting Program; now, therefore, be it

RESOLVED: That the Agency hereby approves and recommends adoption of the Amendment to the Central District Urban Renewal Plan; 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 Amendment; and be it further

RESOLVED: That this Resolution is based in part on CEQA Findings and Statement of Overriding Considerations Related to Approval of the Oak to Ninth Project, Mitigation Monitoring and Reporting Program, Conditions of Approval, and General Findings Related to Approval of the Oak to Ninth Project attached as Exhibits A-D and incorporated by this reference.

IN AGENCY, OAKLAND, CALIFORNIA, JUN 20 2006, 2006


PASSED BY THE FOLLOWING VOTE:

AYES- ~~FRANKS~~, BRUNNER, CHANG, KERNIGHAN, NADEL, ~~QUAN~~, REID, AND CHAIRPERSON DE LA FUENTE

NOES- 0

ABSENT- 0

ABSTENTION- 2 Brooks and Quan

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