

INTRODUCED BY COUNCILMEMBER _____

2004 MAR 25 PM 12:36

D. Lewis
CITY ATTORNEY

ORDINANCE NO. _____ C.M.S.

AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN AGREEMENT WITH OAKLAND COMMUNITY HOUSING, INC. AND COMMUNITY DEVELOPMENT CORPORATION OF OAKLAND TO PROVIDE FOR THE TRANSFER AT NO COST OF THE CITY-OWNED LOT AT 3823 MARTIN LUTHER KING JR. WAY FOR ITS INCLUSION IN THE MLK/BART SENIOR HOMES PROJECT

WHEREAS, the City of Oakland is the owner of the vacant lot (the "Property") in the City of Oakland, Alameda County, State of California, commonly known as 3823 Martin Luther King Jr. Way (Assessor's Parcel No. 12-0964-005), and more particularly described in the attached Exhibit A; and

WHEREAS, the City's Consolidated Plan for Housing and Community Development indicates that there is a need for affordable rental housing, and has identified this activity as a priority; and

WHEREAS, City conveyance of the Property to the Developer at no cost, for affordable housing development, is in the best interest of the City; and

WHEREAS, Oakland Community Housing, Inc. and Community Development Corporation of Oakland, or an affiliated entity, (the "Developer") propose to develop, on the Property and on two neighboring parcels, MLK/BART Senior Homes, a 33-unit project which will include 32 units of senior housing affordable to households earning no more than 80% of the area median income, with at least 40% of all units affordable to households earning no more than 60 % of area median income, and 20% of all units affordable to households earning no more than 50% of area median income; and

WHEREAS, by agreement with the City, the Oakland Redevelopment Agency 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 transfer, sale, and lease of City-owned property which is surplus; now, therefore

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

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SECTION 1. Pursuant to Section 6 of City Ordinance No. 11602 C.M.S., and Government Code section 37364(a), it is determined to be in the best interest of the City to convey the Property by negotiated sale for the development of at least 32 units of affordable housing, addressing a City priority.

SECTION 2. The City Council authorizes the transfer of the Property to the Developer at no cost, in return for the development of affordable housing on at least 80% of the area of the Property.

SECTION 3. The Agency has independently reviewed and considered this environmental determination, and the Agency finds and determines that this action complies with CEQA because the sale and development of the Property is exempt from CEQA pursuant to Sections 15280 (Lower-income Housing), 15312 (surplus government property sales), and 15332 (infill housing development) of the CEQA Guidelines.

SECTION 4. The City Council acknowledges that the Agency Administrator 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 her designee is hereby authorized to negotiate and execute an agreement with the Developer for the Property, to govern its transfer and development of thirty-three units of housing, and to set conditions for its transfer to the Developer at no cost.

SECTION 6. The City Manager or her designee is hereby authorized to execute a grant deed to convey the Property to the Developer upon satisfaction of conditions in the transfer agreement.

SECTION 7. The Property shall be reconveyed to the City if the Developer has not commenced construction within 9 months and completed construction of the project within 30 months following the date of conveyance.

SECTION 8. All documents shall be approved as to form and legality by the City Attorney, and copies placed on file with the City Clerk.

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

EXHIBIT A

Real property in the City of Oakland, County of Alameda, State of California, described as follows:

Parcel One:

Commencing at a point on the westerly line of Martin Luther King Jr. Way (formerly Grove Street), distant thereon 95 feet northerly from the northerly line of MacArthur Blvd. West, formerly 38th Street; and running thence northerly along said line of Martin Luther King Jr. Way 50 feet; thence at right angles westerly 125 feet; thence at right angles southerly 50 feet; and thence at right angles easterly 125 feet to the point of commencement.

Being Lot 12, Block "C", as said lot and block are shown on the Map of the Apgar Tract, Portion of Plot No. 37 of Keillersberger's Subdivision of the V. & D. Peralta Rancho, filed May 10, 1884 in Book 7 of Maps, Page 66, Alameda County Records.

APN 012-0964-05

OFFICE OF THE CITY CLERK
OAKLAND

NOTICE AND DIGEST

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This ordinance authorizes transfer of the lot at 3823 Martin Luther King Jr. Way to the developers named for development of a 33-unit affordable senior housing project.

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