

OAKLAND CITY COUNCIL

78983

RESOLUTION No. _____ C.M.S.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2004 OCT 29 PH 12

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A LETTER AMENDMENT TO THE CONSENT AGREEMENT AMONG THE CITY OF OAKLAND, THE REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND, OAKLAND BASE REUSE AUTHORITY AND THE STATE OF CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY DEPARTMENT OF TOXIC SUBSTANCES CONTROL, TO ADD THE OAKLAND ARMY BASE "SUBARU PARCEL" TO THE FINAL REMEDIAL ACTION PLAN FOR THE OAKLAND ARMY BASE PROJECT

WHEREAS, in August 2003, a portion of the former Oakland Army Base commonly known as the No-Cost Economic Development Conveyance parcel ("EDC Parcel") was transferred to the Oakland Base Reuse Authority ("OBRA") for economic development; and

WHEREAS, before any transfer of federal property to a local agency in California, the California Department of Toxic Substances Control ("DTSC") must first ensure that all appropriate site inquiry and environmental remedial actions will be taken to make the property suitable for its intended use; and

WHEREAS, the environmental conditions of the EDC Parcel were evaluated, and on September 26, 2002, DTSC approved the plan for implementation of all required environmental remedial actions titled the Remedial Action Plan ("RAP"); and

WHEREAS, as a condition of, and prior to the transfer of the EDC Parcel, OBRA, the Redevelopment Agency of the City of Oakland ("Redevelopment Agency") and the United States Department of the Army ("Army") entered into agreements that obligated OBRA to implement and complete the RAP; and

WHEREAS, on May 19, 2003, OBRA, the Redevelopment Agency and DTSC entered into a Consent Agreement to ensure implementation and completion of the RAP; and

WHEREAS, OBRA intends to acquire from the Army an additional 19.032 acre parcel adjacent to the EDC Parcel ("Subaru Lot"), for economic development by the Redevelopment Agency and the Port of Oakland; and

WHEREAS, the environmental conditions of the Subaru Lot were evaluated, and on August 2, 2004, DTSC approved the Final Amendment to the Remedial Action Plan for the Oakland Army Base, adding the Subaru Lot to the RAP; and

WHEREAS, before transfer of the Subaru Lot to OBRA, DTSC has required that OBRA, the City of Oakland and the Redevelopment Agency enter into a Letter Amendment to the Consent Agreement, to ensure implementation and completion of all required environmental remedial actions at the Subaru Lot; and

WHEREAS, on July 31, 2002, the Oakland Army Base Area Redevelopment Plan Environmental Impact Report (EIR) was certified by the City of Oakland, acting as Lead Agency, and approved by OBRA, acting as a Responsible Agency; and

WHEREAS, the requirements of the California Environmental Quality Act of 1970 ("CEQA"), the CEQA implementing Guidelines, and the City of Oakland's Environmental Review Regulations have been satisfied with the previous certification of the Oakland Army Base Area Redevelopment Plan EIR; now, therefore, be it

RESOLVED: That the City of Oakland agrees that the implementation and completion of environmental remedial actions pursuant to the Letter Amendment to the Consent Agreement are necessary and in the best interest of all parties concerned and the economic redevelopment of the Oakland Army Base property; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to enter into a Letter Amendment to the Consent Agreement among the Oakland Base Reuse Authority, the Redevelopment Agency of the City of Oakland, and California Department of Toxic Substances Control implementing the RAP Amendment for the Subaru Lot; and be it

FURTHER RESOLVED: That the City Council finds and determines that this Resolution complies with CEQA, the CEQA Implementing Guidelines and the City of Oakland's Environmental Review Regulations, and the Agency Administrator shall cause to be filed a Notice of Determination.

DEC 21 2004

IN SESSION, OAKLAND, CALIFORNIA, _____, 2004

PASSED BY THE FOLLOWING VOTE:

AYES- Brooks, Brunner, Chang, Nadel, Quan, Reid, Wan
NOES- Chairperson De la Fuente 0 - 8
ABSENT- 0
ABSTENTION- 0

ATTEST: Alonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California