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2010 SEP 30 PM 5:00

**REDEVELOPMENT AGENCY
AND THE CITY OF OAKLAND
AGENDA REPORT**

TO: Office of the City/Agency Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: October 5, 2010

RE: **A Supplemental Report Regarding an Agency Resolution and City Ordinance Amending the West Oakland Redevelopment Plan to Modify the Authority of the Agency to Acquire Property in the Clawson/McClymonds/Bunche Subarea through Eminent Domain**

SUMMARY

This Supplemental Report clarifies the intent of language in the September 14, 2010 staff report to the Community and Economic Development Committee, regarding an Agency resolution and City ordinance amending the West Oakland Redevelopment Plan to modify the authority of the Agency to acquire property in Clawson/McClymonds/Bunche Subarea through eminent domain.

Specifically, this report is meant to make explicit that the intent of the proposed action is that the authority of the Agency to use eminent domain in the Clawson/McClymonds/Bunche Subarea of West Oakland will not be used to acquire residential property

KEY ISSUES AND IMPACTS

The September 14, 2010 staff report says on page five, that, "although the property being considered for eminent domain here is not in residential use, in theory the proposed amendment could arguably expand the Agency's eminent domain authority over any property in the designated portions of the subarea, including residential property." As a point of fact, the West Oakland Redevelopment Plan already limits the use of eminent domain on residential property: eminent domain can not be used on 1) owner occupied residential property (Section 305 a.); and 2) residential rental property with four or fewer living units (Section 305 b. (2)).

Furthermore, the proposed eminent domain authority is being restricted to add only additional commercial parcels adjacent to the current designated areas and bounded by Grand Avenue, Filbert Street, 24th Street and Market Street, as stated on page four of the September 14 staff report. This action would revise the current map in the adopted Redevelopment Plan entitled "Designated Commercial Corridors for Eminent Domain Provisions," which is included as

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Attachment A to the September 14 staff report. The proposed additions do not and cannot include residential property, and no new residential properties have been added.


RECOMMENDATION(S) AND RATIONALE

Amending the West Oakland Redevelopment Plan to modify the authority of the Agency to acquire property in the Clawson/McClymonds/Bunche Subarea through eminent domain will better define eminent domain policy, making it a better and more exact tool for successful planning and redevelopment while still maintaining necessary property protections:

ACTION REQUESTED OF THE CITY COUNCIL/REDEVELOPMENT AGENCY

Staff requests approval of the Agency Resolution and City Ordinance amending the West Oakland Redevelopment Plan to modify the authority of the Agency to acquire property in the Clawson/McClymonds/Bunche Subarea through eminent domain.

Respectfully submitted,

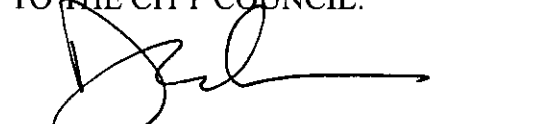


Walter S. Cohen, Director
Community and Economic Development Agency

Reviewed by:
Gregory D. Hunter, Deputy Director
Economic Development and Redevelopment, CEDA

Prepared by: Jeffrey Chew
Redevelopment Division

APPROVED AND FORWARDED
TO THE CITY COUNCIL:


Office of the City/Agency Administrator

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