

OFFICE OF THE CITY CLERK
CITY OF OAKLAND

APPROVED AS TO FORM AND LEGALITY


DEPUTY CITY ATTORNEY

2006 FEB 16 PM 9:04

OAKLAND CITY COUNCIL
ORDINANCE NO. 12734 C.M.S.

**AN ORDINANCE ADOPTING THE THIRD AMENDMENT TO THE
OAKLAND ARMY BASE REDEVELOPMENT PLAN TO CHANGE
THE LAND USE DESIGNATION FOR THE EAST MARITIME AREA
FROM BUSINESS MIX TO GENERAL INDUSTRIAL /
TRANSPORTATION**

WHEREAS, the City Council adopted the Redevelopment Plan for the Oakland Army Base Redevelopment Project (the "Redevelopment Plan") on July 11, 2000, as a redevelopment plan for the Oakland Army Base Project Area (the "Project Area") pursuant to the California Community Redevelopment Law (Health and Safety Code Sections 33000, et seq.); and

WHEREAS, the City Council adopted the First Amendment to the Redevelopment Plan on December 21, 2004; and

WHEREAS, the City Council adopted the Second Amendment to the Redevelopment Plan in July 2005; and

WHEREAS, the Redevelopment Plan includes Redevelopment Land Use Maps attached to the Plan as Attachment No. 3A and Attachment 3B which set forth land use designations for the former Oakland Army Base ("OARB") and Port sub-districts of the Project Area; and

WHEREAS, the Redevelopment Land Use Maps designate most of the land west of Maritime Street as Industrial/Transportation (for future Port development) and most of the land east of Maritime Street as Business Mix (for future City or Agency development), in accordance with the Land Use and Transportation Element of the General Plan, which was adopted in March 1998; and

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

WHEREAS, the Final Reuse Plan for the Oakland Army Base (the "Reuse Plan") provides that most of the land west of Maritime Street and a portion of the land east of Maritime Street will be developed by the Redevelopment Agency with a variety of uses to

stimulate job creation and economic development, while most of the land east of Maritime Street and a portion of the land west of Maritime Street will be developed by the Port of Oakland to expand its maritime terminals and reconfigure and expand the Port's rail facility through its new Intermodal Facility project; and

WHEREAS, the City desires that Redevelopment Land Use Maps in the Redevelopment Plan be consistent with the Reuse Plan; and

WHEREAS, the land use designations for the OARB subarea in the Oakland General Plan have been or will be revised, and the City desires that the Redevelopment Land Use Maps in the Redevelopment Plan also be consistent with the Oakland General Plan; 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 proposed Third Amendment does not propose any additional property for inclusion in the Project Area, nor does it increase or reduce the Project Area or affect the Redevelopment Agency's authority to claim tax increment revenues; and

WHEREAS, on February 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, after consideration of the proposed Amendment by the Community and Economic Development Committee of the City Council on February 28, 2006, the Redevelopment Agency and the City Council held a joint public hearing on the proposed Amendment, as permitted under Health and Safety Code Section 33458, on March 7, 2006; and

WHEREAS, on July 31, 2002, the City Planning Commission, on behalf of the City of Oakland as the Lead Agency, certified the Oakland Army Base Area Redevelopment Plan Environmental Impact Report ("EIR") and subsequently filed a Notice of Determination; and

WHEREAS, the Redevelopment Agency, as a Responsible Agency, approved the EIR on October 29, 2002, and subsequently filed a Notice of Determination; and

WHEREAS, the requirements of the California Environmental Quality Act of 1970 ("CEQA") have been satisfied with the completion and certification of the EIR; now, therefore,

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

SECTION 1. The Third Amendment to the Redevelopment Plan for the Oakland Army Base Project attached to this Ordinance as Attachment A is hereby approved and adopted as an amendment to the Redevelopment Plan for the Oakland Army Base Project.

SECTION 2. The City Council finds that it is necessary and desirable to amend the Redevelopment Plan for the reasons set forth herein and in the staff report accompanying this Ordinance.

SECTION 3. The City Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Determination for this action.

SECTION 4. The City of Oakland, as the Lead Agency, finds and determines, prior to taking action approving this amendment, that (a) this Ordinance complies with CEQA; (b) the City Council relies upon the previously certified EIR for this action; and (c) none of the requirements in CEQA Guidelines sections 15162 requiring further environmental review have occurred and thus no Subsequent or Supplemental EIR is required for this action.

SECTION 5. Staff is directed to cause to be filed a Notice of Determination with the appropriate agencies.

SECTION 6. The record before the City Council relating to this matter includes, without limitation, the following:

1. The Final Reuse Plan and Redevelopment Plan, including all accompanying maps and papers;
2. All final staff reports, final decision letters and other final documentation and information produced by or on behalf of the City, Agency and OBRA, including without limitation the Draft and Final EIR and supporting final technical studies and appendices, and all related/supporting final materials, and all final notices relating to the OARB Redevelopment EIR, Final Reuse Plan, Redevelopment Plan, and Redevelopment Plan amendment and attendant hearings;
3. All oral and written evidence received by the City Council, City Planning Commission and OBRA during the public hearings on the OARB Redevelopment Plan EIR, Final Reuse Plan and Redevelopment Plan (and amendment), and all written evidence received by relevant City and OBRA Staff before and during said public hearings; and
4. All matters of common knowledge and all official enactments and acts of the City and OBRA, such as (a) the General Plan; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations and Oakland Fire Code; (c) Oakland Planning Code; (d) other applicable City and OBRA policies and regulations, and (e) all applicable state and federal laws, rules and regulation, including those of the Bay Conservation and Development Commission.

SECTION 7. The custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City's decision is based are respectively: (a) Community & Economic Development Agency, Planning & Zoning Division, 250 Frank H. Ogawa Plaza, 3rd floor, Oakland California.; (b) Community & Economic Development Agency, Base Reuse Unit, 250 Frank H. Ogawa Plaza, 3rd floor, Oakland California; and (c) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st floor, Oakland, California.

SECTION 8. The recitals contained in this Ordinance are true and correct and are an integral part of the City Council decision.

SECTION 9. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and this Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

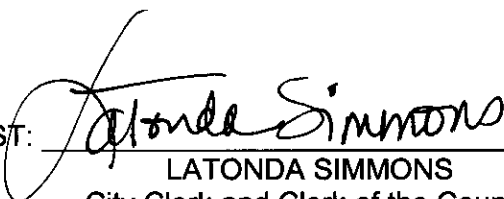
SECTION 10. This Ordinance shall be in full force and effect immediately upon its passage as provided by Section 216 of the City Charter, if adopted by at least six members of Council, or upon the seventh day after final adoption if adopted by fewer votes.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 21 2006, 2006

PASSED BY THE FOLLOWING VOTE:

AYES-	BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT DE LA FUENTE — 8
NOES-	<u>0</u>
ABSENT-	<u>0</u>
ABSTENTION-	<u>0</u>

Introduction Date: **MAR 7 2006**

ATTEST: 
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

**ORDINANCE ADOPTING THIRD AMENDMENT TO
THE OAKLAND ARMY BASE REDEVELOPMENT PLAN**

Attachment A

Third Amendment to the Oakland Army Base Redevelopment Plan

The map attached to the original Redevelopment Plan as Attachment No. 3A and designated as "OARB Land Use Plan" is replaced with the map attached to this Ordinance as Attachment No. 3A, "OARB Sub-district," and the map attached to the original Redevelopment Plan as Attachment No. 3B and designated as "Port of Oakland Vision 2000 Program" is replaced with the map attached to this Ordinance as Attachment 3B, "Maritime Sub-District."

Oakland Army Base Redevelopment, OARB Sub-district



Land Use Map

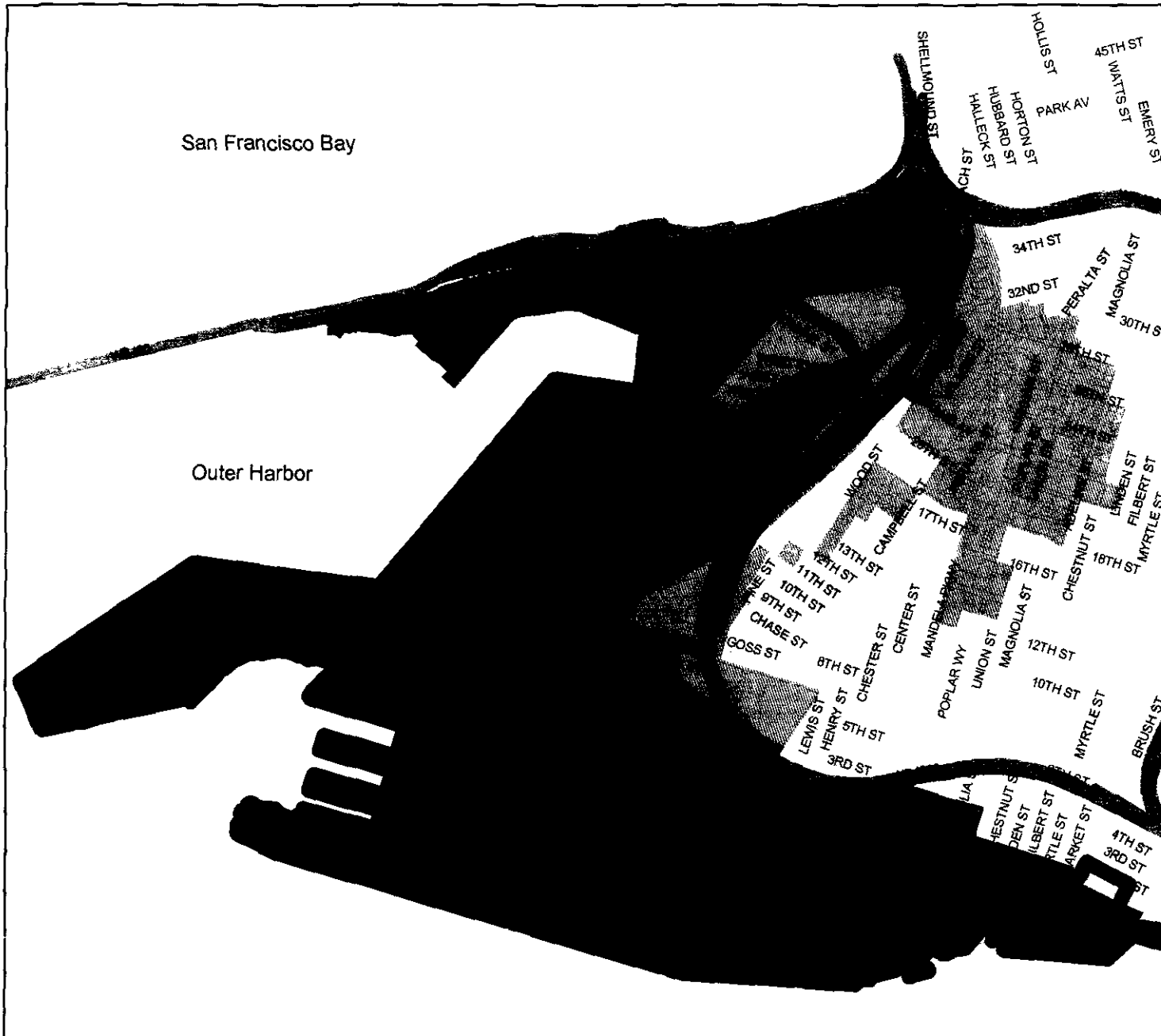
Legend

- OARB Sub-district
- Freeways
- Parcels
- General Plan Landuse
 - Business Mix
 - Gen Industrial/Transportation
 - Resource Conservation Area
 - Urban Open Space
 - Estuary Plan Area



February 2006

Oakland Army Base Redevelopment, Maritime Sub-district



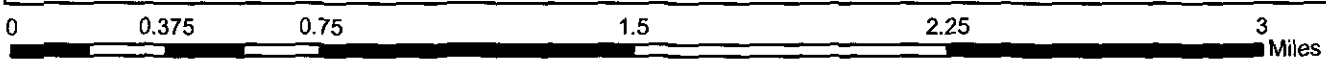
Land Use Map

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NOTICE AND DIGEST

This ordinance amends the Oakland Army Base Redevelopment Plan to revise the Redevelopment Land Use Map for the former Oakland Army Base subarea.