

FILED
OFFICE OF THE CITY CLERK
APPROVED AS TO FORM AND LEGALITY
2002 JUN 25 PM 2:29
CITY CLERK

INTRODUCED BY COUNCILMEMBER _____

ORDINANCE NO. 12531 C.M.S.

AN ORDINANCE RESCINDING ORDINANCE 12217 C.M.S. AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF A DISPOSITION AND DEVELOPMENT AGREEMENT WITH PAUL WANG ENTERPRISES, TO PROVIDE FOR THE SALE AND DEVELOPMENT OF NINE CITY-OWNED PROPERTIES AT 938 46th ST., 62nd ST. AT MARSHALL ST., 1027 62nd ST., 1311 CAMPBELL ST., 820 PERALTA ST., 901 70th AVE., 1088 71st AVE., 3214 COURTLAND AVE., AND 2849 KITCHENER COURT/4291 WILSHIRE BOULEVARD, WITH SIX UNITS OF AFFORDABLE HOUSING AND SIX UNITS OF MARKET-RATE HOUSING

WHEREAS, the City of Oakland is the owner of the vacant lots (the "Properties") in the City of Oakland, Alameda County, State of California, commonly known as:

938 46th Street (Assessor's Parcel No. 13-1170-014)
1027 62nd Street (Assessor's Parcel No. 016-1442-064)
62nd Street at Marshall (Assessor's Parcel No. 16-1459-006)
1311 Campbell Street (Assessor's Parcel No. 006-0011—013-00)
820 Peralta Street (Assessor's Parcel No. 004-0093-022-00)
901 70th Ave. (Assessor's Parcel No. 041-4151-018)
1088 71st Ave. (Assessor's Parcel No. 041-4146-029)
3214 Courtland Ave. (Assessor's Parcel No. 036-2449-034-01)
2849 Kitchener Court/4291 Wilshire Blvd. (Assessor's Parcel Nos. 029-1078-006/007); and

WHEREAS, Ordinance 12217 C.M.S., passed on March 14, 2000, authorized the City Manager to negotiate a Disposition and Development Agreement with East Bay Asian Local Development Corporation for three parcels including 1311 Campbell Street and 820 Peralta Street; and

WHEREAS, that Disposition and Development Agreement was not successfully negotiated, and East Bay Asian Development Corporation has indicated that it will not pursue the negotiations further; and

WHEREAS, Paul Wang Enterprises (the "Developer") proposes to develop on the Properties six homes affordable to households earning no more than 80% of the area median income, and six homes at market rate; and

WHEREAS, the City 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 sale and lease of City-owned property which is surplus; now, therefore

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

SECTION 1. The City Council hereby rescinds Ordinance No. 12217 C.M.S.

SECTION 2. Pursuant to Section 6 of Ordinance No. 11602 C.M.S., it is determined to be in the best interest of the City to sell the Properties by negotiated sale due to the special use of the Properties for the development and sale of affordable housing.

SECTION 3. The City Council authorizes the sale of the Properties to the Developer at no cost, in return for the commitment to develop six affordable homes.

SECTION 4. The City Council has independently reviewed and considered this environmental determination, and the City Council finds and determines that this action complies with CEQA because the project is exempt from CEQA pursuant to Sections 15303 (new construction of small structures), 15312 (surplus government property sales), 15280 (lower-income housing projects), and 15332 (infill housing development) of the CEQA Guidelines.

SECTION 5. The City Manager or his or her designee shall cause to be filed with the County of Alameda a Notice of Exemption for this project.

SECTION 6. The City Manager or his or her designee is hereby authorized to negotiate and execute a Disposition and Development Agreement (“DDA”) with the Developer for the Properties to govern their transfer and development.

SECTION 7. The City Manager is also authorized to execute grant deeds to convey the Properties, upon satisfaction of preconveyance conditions in the DDA.

SECTION 8. Upon completion of homes on the Properties, no fewer than six shall be sold at an affordable price to households whose income does not exceed 80% of the area median income, and six may be sold at market rate without income restrictions.

SECTION 9. Resale restrictions will be recorded against the six parcels with homes having affordability restrictions to ensure that, for a period of forty-five years, the sales price to any new buyer shall be limited so as to be affordable to a household whose income does not exceed 80% of the area median income.

SECTION 10. All documents shall be approved as to form and legality by the City Attorney.

Introduction Date: JUL 29 2003

IN COUNCIL, OAKLAND, CALIFORNIA, ~~SEP 16 2003~~, 20__

PASSED BY THE FOLLOWING VOTE:


AYES- ~~DESOUSA~~, BRUNNER, CHANG, NADEL, QUAN, REID, WAN, ~~WANG~~ - 6

EXCUSED - PRESIDENT DE LA FUENTE - 1

NOES- 0

ABSENT- 0

ABSTENTION- BROOKS - 1

ATTEST: 
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California