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OAKLAND

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APPROVED AS TO FORM AND LEGALITY

  
AGENCY COUNSEL

## REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

2009-0015

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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### RESOLUTION APPROVING AND RECOMMENDING ADOPTION OF THE SEVENTH AMENDMENT TO THE COLISEUM AREA REDEVELOPMENT PLAN AMENDING THE LAND USE DESIGNATION FOR THE LION CREEK CROSSING PHASE IV PROJECT FROM "MIXED HOUSING TYPE RESIDENTIAL" AND "URBAN RESIDENTIAL" TO "NEIGHBORHOOD CENTER MIXED USE"

**WHEREAS**, the City Council of the City of Oakland ("City Council") adopted a Redevelopment Plan for the Coliseum Redevelopment Project Area ("Redevelopment Plan") on July 25, 1995, as a redevelopment plan for the Coliseum Redevelopment Project Area ("Project Area") pursuant to the California Community Redevelopment Law (Health and Safety Code Sections 33000, et seq.); and

**WHEREAS**, the Redevelopment Plan has been amended six times; and

**WHEREAS**, the Redevelopment Plan includes a land use map ("Redevelopment Land Use Map") attached to the Redevelopment Plan as Attachment No. 3, which sets forth land use designations for the Project Area; and

**WHEREAS**, the approximately 1.1-acre site of the Lion Creek Crossing Phase IV Residential Project ("Project"), located on Snell Street between 69<sup>th</sup> and 70<sup>th</sup> Avenues ("Project Site"), is currently designated "Mixed Housing Type Residential" on the Redevelopment Land Use Map; and

**WHEREAS**, dense residential uses are not consistent with the "Mixed Housing Type Residential" designation; and

**WHEREAS**, the Oakland Housing Authority and their developers ("Applicant") filed an application for a general plan amendment, redevelopment plan amendment, rezoning, design

review, conditional use permit, and variances (“Applications”) to construct a 72-unit residential development at the Project Site on September 4, 2008; and

**WHEREAS**, the application for the redevelopment plan amendment (“Amendment”) petitioned the City to amend the Redevelopment Plan land use designation for the Project Site from “Mixed Housing Type Residential” and “Urban Residential” to “Neighborhood Center Mixed Use”; and

**WHEREAS**, the intent of the “Urban Residential” designation is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise or high-rise residential structures in locations with good access to transportation and other services; and

**WHEREAS**, high-density residential uses are not consistent with the intent of the “Mixed Housing Type Residential” designation; and

**WHEREAS**, social service uses are not consistent with the intent of the “Urban Residential” designation; and

**WHEREAS**, the land use designation for the Project Site in the Oakland General Plan has been or will be revised, and the Redevelopment Agency desires that the Redevelopment Land Use Map in the Redevelopment Plan be consistent with the Land Use Diagram of the Oakland General Plan; and

**WHEREAS**, the Redevelopment Agency of the City of Oakland (“Redevelopment Agency”) has submitted to the City Council this proposed Amendment to the Redevelopment 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**, this proposed 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**, the Planning Commission conducted a duly noticed public hearing on the Project Applications on February 4, 2009; and

**WHEREAS**, at the February 4, 2009, public hearing, the Planning Commission adopted, and made appropriate findings for accepting the addended Mitigated Negative Declaration/Finding of No Significant Impact (MND/FONSI), approved the Applications for design review, conditional use permit, and variances (collectively called “Development Permits”), recommended approval of the general plan amendment to the City Council, recommended approval of the redevelopment plan amendment to the City Council and Redevelopment Agency, and recommended approval of the rezoning to the City Council; and

**WHEREAS**, the Planning Commission found, in part, that the Project is consistent with the "Neighborhood Center Mixed Use" designation and that the proposed general plan amendment will not cause the General Plan to become internally inconsistent; and

**WHEREAS**, the Planning Commission also found, in part, that the proposed general plan amendment is consistent with the overall goals, objectives, and policies of the General Plan in that the Project is a well-designed development on a an underutilized and blighted infill site located in an urbanized area of the City near public transportation that will provide needed affordable housing and economic revitalization, and that the proposed general plan amendment is necessary to implement the Project; and

**WHEREAS**, the Community and Economic Development Committee of the City Council conducted a duly noticed meeting on the Project Applications on February 4, 2009, and recommended Project approval; and

**WHEREAS**, the City Council and Redevelopment Agency of the City of Oakland conducted a duly noticed joint public hearing on the Project Applications on March 3, 2009; and

**WHEREAS**, all interested parties were given the opportunity to participate in the public hearing by submittal of oral and written comments; and

**WHEREAS**, the public hearing was closed by the City Council and Redevelopment Agency on March 3, 2009; and

**WHEREAS**, the Agency has independently reviewed, analyzed, and considered the Coliseum Gardens HOPE VI Revitalization MND/FONSI and Addenda prior to acting on the approvals, and, based upon such independent review, analysis, and consideration, and exercising its independent judgment, the Agency hereby finds the criteria of CEQA Guidelines Section 15162 requiring additional environmental review have not been met, and that specifically, and without limitation, the Agency finds and determines that the Project would not result in any new or more severe significant impacts, there is no new information of substantial importance that would result in any new or more severe significant impacts, there are no substantial changes in circumstances that would result in any new or more severe significant impacts, and there is no feasible mitigation measure or alternative that is considerably different from others previously analyzed that has not been adopted, based upon the accompanying Agenda Report, and elsewhere in the record for this Project; now, therefore, be it

**RESOLVED:** That the Redevelopment Agency, having heard, considered and weighed all the evidence in the record presented on behalf of all parties and being fully informed of the Applications and the Planning Commission's decision on the Project, hereby approves and recommends to the City Council the adoption of the Seventh Amendment to the Redevelopment Plan for the Coliseum Redevelopment Project Area amending the land use designation of the Project Site from "Mixed Housing Type Residential" and "Urban Residential" to "Neighborhood Center Mixed Use" as shown on the map attached to this Resolution as **Exhibit A**; and be it

**FURTHER RESOLVED:** That this decision is based, in part, on the February 24, 2009, Community and Economic Development Committee Agenda Report (which was forwarded to

the City Council and Redevelopment Agency for its March 3, 2009, public hearing), the February 4, 2009, Planning Commission Report, and the Initial Study/Mitigated Negative Declaration which are hereby incorporated by reference as if fully set forth herein; and be it

**FURTHER RESOLVED:** That in support of the Redevelopment Agency's decision to approve this Amendment to the Redevelopment Plan for the Coliseum Redevelopment Project Area, the Redevelopment Agency affirms and adopts as its findings and determinations (a) the February 24, 2009, Community and Economic Development Committee Agenda Report, and (b) the February 4, 2009, Planning Commission Report, including, without limitation, the discussion, findings, conclusions, and conditions of approval (each of which is hereby separately and independently adopted by this Council in full); and be it

**FURTHER RESOLVED:** That the Redevelopment Agency finds that it is necessary, desirable, and in the public interest to amend the Redevelopment Plan for the Coliseum Redevelopment Project Area for the reasons set forth herein and in the February 24, 2009, Community and Economic Development Committee Agenda Report and the February 4, 2009, Planning Commission Report; and be it

**FURTHER RESOLVED:** That the Redevelopment Agency finds and determines that this Resolution complies with CEQA and the Environmental Review Officer is directed to cause to be filed a Notice of Determination with the appropriate agencies; and be it

**FURTHER RESOLVED:** That the record before the Agency relating to the Project Applications includes, without limitation, the following:

1. the Project Applications, including all accompanying maps and papers;
2. all plans submitted by the Applicant and his representatives;
3. all staff reports, decision letters and other documentation and information produced by or on behalf of the City, including without limitation the addended MND/FONSI and supporting technical studies, all related and/or supporting materials, and all notices relating to the Project Applications and attendant hearings;
4. all oral and written evidence received by the City staff, the Planning Commission, and the City Council before and during the public hearings on the Project Applications;
5. all matters of common knowledge and all official enactments and acts of the City, 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 policies and regulations; and, (e) all applicable state and federal laws, rules and regulations; and be it

**FURTHER RESOLVED:** That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the Agency's decision is based are respectively: (a) Community & Economic Development Agency, Planning & Zoning

Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California; and (b) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1<sup>st</sup> floor, Oakland, California; and be it

**FURTHER RESOLVED:** The recitals contained in this Resolution are true and correct and are an integral part of the Agency's decision.

IN AGENCY, OAKLAND, CALIFORNIA, MAR 3 2009, 2009

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN,  
~~REID~~, AND CHAIRPERSON BRUNNER - 7


NOES- 0

ABSENT- 0

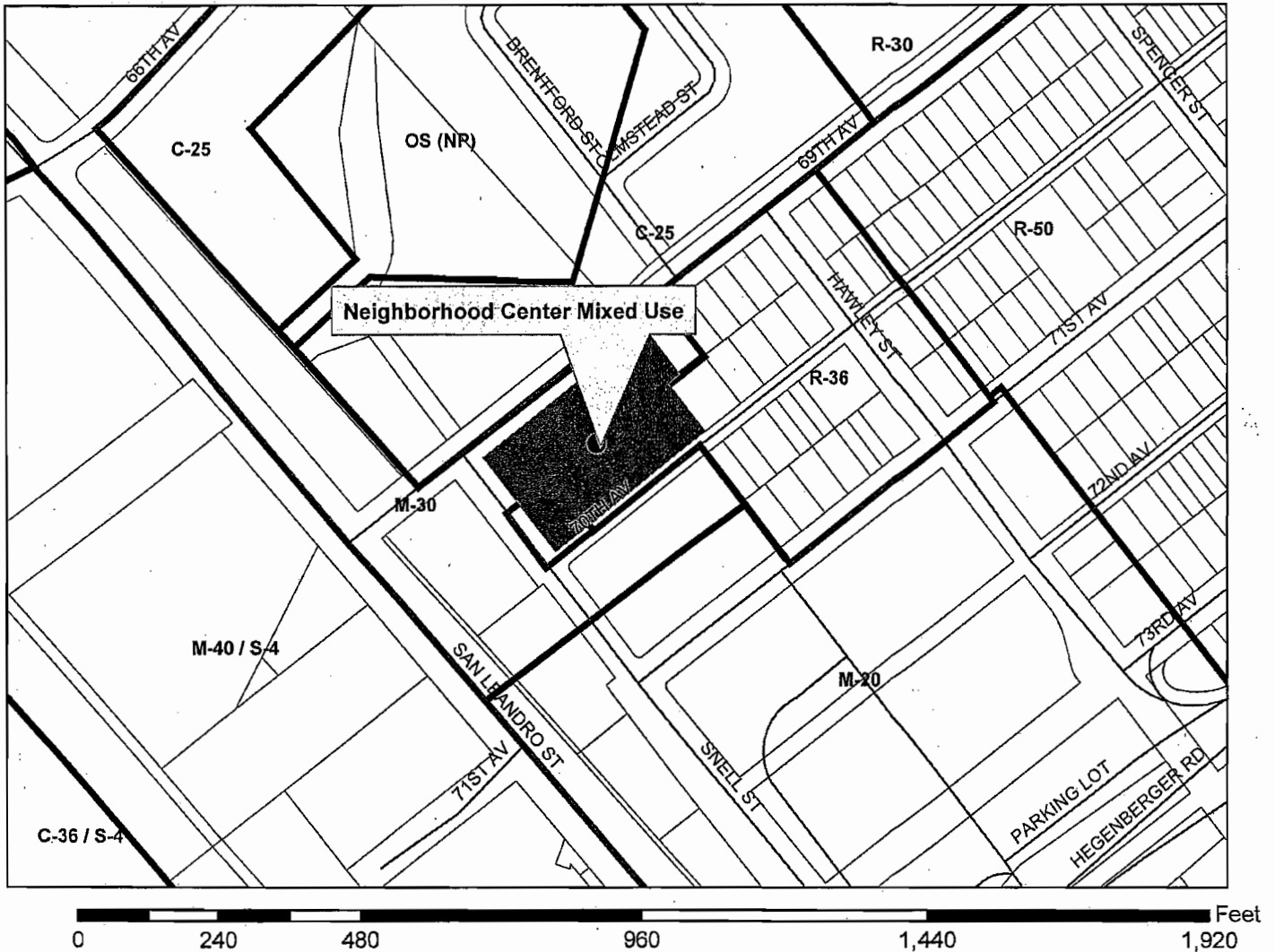
ABSTENTION- 0

Excused- Reid - 1

ATTEST: \_\_\_\_\_

  
LATONDA SIMMONS  
Secretary of the Redevelopment Agency  
of the City of Oakland, California

**Exhibit A**  
**Amendment to Redevelopment Plan**  
**Lion Creek Crossings Phase IV**  
**Snell Street Between 69th & 70th Ave.**



Case File: Lion Creek Crossings Phase IV  
Applicant: Oakland Housing Authority  
Address: 69th Ave & Snell St  
Zone: C-25

