

REDEVELOPMENT AGENCY AND CITY OF OAKLAND
COUNCIL JOINT AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2004 JAN 15 PM 6:36

TO: Office of the City Manager/ Agency Administrator
ATTN: Deborah Edgerly
FROM: Community and Economic Development Agency
DATE: January 27, 2004

RE: 1) **AGENCY RESOLUTION AUTHORIZING THE AGENCY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN OWNER PARTICIPATION AGREEMENT WITH THE HOUSING AUTHORITY OF THE CITY OF OAKLAND FOR THE CONSTRUCTION AND ADMINISTRATION OF SUBDIVISION STREET INFRASTRUCTURE IMPROVEMENTS TO SUPPORT THE DEVELOPMENT OF COLISEUM GARDENS HOPE VI HOUSING PROJECT BY OAKLAND COLISEUM HOUSING PARTNERS, LIMITED PARTNERSHIP; AND APPROVING A GRANT FOR AN AMOUNT NOT TO EXCEED \$4 MILLION DOLLARS TO THE HOUSING AUTHORITY OF THE CITY OF OAKLAND FROM REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND COLISEUM AREA REDEVELOPMENT PROJECT TAX ALLOCATION BOND, SERIES 2003, FUNDS FOR THE STREET INFRASTRUCTURE IMPROVEMENTS**

2) **CITY RESOLUTION APPROVING THE GRANT AND USE OF REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND COLISEUM AREA REDEVELOPMENT PROJECT TAX ALLOCATION BONDS TO CONSTRUCT STREET IMPROVEMENTS WHICH WILL BE GRANTED TO THE CITY OF OAKLAND FOR MAINTENANCE AND OPERATION OF PUBLIC RIGHT OF WAYS THROUGH THE OAKLAND HOUSING AUTHORITY COLISEUM GARDENS HOUSING PROJECT**

SUMMARY

Attached are two resolutions memorializing the Agency's proposed contribution of funding support to the Oakland Housing Authority Coliseum Gardens housing development. The Agency resolution authorizes the Agency Administrator to negotiate and execute an owner participation grant agreement between the Agency and the Oakland Housing Authority (OHA) for a \$4 million grant utilizing proceeds from Agency Coliseum Redevelopment Bonds. The accompanying City resolution provides City Council's authorization for the Redevelopment Agency to utilize Agency bond funds to construct public street right of way and infrastructure improvements within the Oakland Housing Authority Coliseum Gardens Hope VI development. The \$4 million in Agency funding is intended as the Agency's contribution to the OHA Coliseum Gardens housing development infrastructure improvement program. An allocation of no more than \$200,000 (5%) is included in the grant for associated administration and construction monitoring costs.

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The developer for the OHA project is the Oakland Coliseum Housing Partners, Limited Partnership, whose General Partners are the East Bay Asian Local Development Corporation (EBALDC) and The Related Companies. In order to meet the March 2004 submittal deadline for low-income housing tax credits, the project sponsors must receive their entitlements for the project, including the required City Council and Agency approvals in early February.

The proposed residential subdivision street infrastructure improvements will improve the pedestrian environment for the Coliseum Gardens Hope VI project along San Leandro Street between 69th and 66th Avenues. The resulting development will be a modern neighborhood subdivision with mixed income housing along a restored natural creek bed with open space areas and eventually playfields. The proximity to the Coliseum BART station and AC Transit bus service provides a transit link to regional employment opportunities. The improvements will also create a distinct pedestrian link between the areas existing land uses and the growing transportation hub at the Coliseum BART station.

The OHA plans to enter into agreement with the Oakland Coliseum Housing Partners to build the Coliseum Gardens Hope VI Project infrastructure including:

- Sewer and storm drain systems
- Curbs, gutters and sidewalks
- Street lights and underground electrical lines
- Project common area landscaping and street trees.

FISCAL IMPACTS

The total Phase I cost for this project is about 40 million dollars including all required street infrastructure. This forty million dollar Phase 1 construction cost represents approximately one third (32%) of the overall estimated project cost (\$124,000,000) for all three phases. The subdivision infrastructure is estimated to cost about \$8,439,545 of which the Agency proposes to contribute \$4,000,000 for construction of nearly half (47%) of the following infrastructure items:

Engineer & Contractor Infrastructure Estimate	Amount
1. Grading	\$310,250
2. Street Work	1,330,726
3. Roadway Storm Drain	500,000
4. Storm Drain (outside roadway)	971,817
5. Sanitary Sewer	408,075
6. Water Supply	332,700
7. Other Utilities - Joint Trench	900,000
8. Miscellaneous costs	589,200
9. Other Costs: Design and Engineering, Permits, Fees, Overhead and Profit, Bonds	2,375,000
10. Contingency (10%)	721,777
TOTAL	\$8,439,545

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Of the total infrastructure cost, the Agency has approved \$4 million in Coliseum Area Redevelopment Project Tax Allocation Bonds in the fiscal year 2003-2005 budget. The Oakland Housing Authority and developer team funds are proposed as funding sources for the balance of infrastructure cost, \$4.44 million.

Overall project funding for the Phase I and Infrastructure phases are set forth in the table below:

Total Development Cost	\$31,764,765	
Infrastructure Cost	8,439,545	
City ORA Infrastructure Grant		4,000,000
Other OHA Infrastructure Funds		4,439,545
Total Phase I & Infrastructure	\$40,204,310	

Funds are currently in fund 9453, organization 94800 and project number P233410. Specific funding codes to support the OHA project are being established as fund 9453; organization 88659 and the project number T248710 for the Coliseum Gardens Hope VI Infrastructure project.

BACKGROUND

The Coliseum Gardens Hope VI subdivision street infrastructure improvements emerged from the Oakland Housing Authority's successful HUD Hope VI \$35 million housing grant award. The grant application scope of work included the demolition of an obsolete public housing complex of 178 units and the creation of a mixed income rental and for sale housing style transit village.

PROPERTY AND AREA DESCRIPTION

The project site is located in East Oakland within close proximity of the Coliseum BART station, Oakland International Airport, the Oakland Coliseum complex, and Interstate 880 (I-880). The Master Plan area includes the existing Coliseum Gardens site, the existing Coliseum Gardens Park, and additional properties to the east and west. The 16-acre site is bounded by 66th Avenue to the north, Oakland Fire Station 29 and Acts Full Gospel Church to the east, 69th Avenue to the south, and the Union Pacific railroad tracks (and BART overhead tracks) to the west, as shown in the vicinity map of this report. The site includes the existing Coliseum Gardens complex, Coliseum Gardens Park, concrete-lined Lion Creek, and two former recycling facilities.

The area surrounding the site contains a mix of land uses. The area north of 66th Avenue is primarily industrial and commercial. Land to the east and southeast of the Master Plan site consists of a fire station and a large church (Acts Full Gospel and Academy), single-family residential dwellings, and several small businesses. To the south of the site, the majority of the area is occupied by industrial and commercial properties, railroad rights-of-way, and the Coliseum BART station and associated parking lot. To the west of the site are railroad tracks, industrial businesses, Damon Slough, and the Oakland Coliseum Complex.

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PROJECT DESCRIPTION

The Master Plan phases would replace the existing 178 vacant units of barracks-style, 1960s-era public housing located on the site. The Master Plan, including the Phase One site includes a total of about 398 affordable residential units on an expanded site. The new development will also consist of up to 7,500 square feet of ground-floor space to include community education, health care, and/or retail uses; and 299 off-street parking spaces. Most units will be rental units, but 32 units will be offered as for-sale units with possible inclusion of up to 16 secondary units. All of the units will be affordable to low and moderate income households. In addition, the Master Plan includes the reconfiguration and renovation of Coliseum Gardens Park, and the restoration of Lion Creek through most of the site as shown in the attachment to this report. Specifically, development of the Master Plan will involve reconfiguring approximately 16 acres of land to improve site planning in the area, create developable parcels, and reconfigure and renovate the 5.7-acre Coliseum Gardens Park.

Phase 1 site improvements include the construction of 115 units of housing, as well as typical infrastructure improvements of: site design and engineering activities, soil grading, construction of storm drain and sanitary sewers, water supply and other utility infrastructure, and the installation of landscaping and erosion control devices.

Due to the size and complexity of the project it will be constructed in several phases. The Phase One environmental approval was approved in June 2003 addressing about 115 units. Phase Two entails the construction of 129 units, 7,500 square feet of civic and retail space, 136 off-street parking spaces, and interim improvements for Coliseum Gardens Park. Phase Three entails the construction of 106 units and 115 off-street parking spaces. A future For-sale Phase entails the construction of 32 units with the possibility of up to 16 secondary units, for a total of 48 units with 48 off-street parking spaces. The design of Phase Three and the For-sale Phase will come before the Planning Commission for approval of the Final Development Plans for each subsequent phase of the Master Plan.

KEY ISSUES AND IMPACTS

Need for the Coliseum Gardens Residential Subdivision Street Infrastructure Improvements

The Agency is assisting the project with a four million dollar grant (\$4,000,000) to assist in the construction of the new subdivision infrastructure which is required in this large, three-phase project.

Complement to the AC Transit Investment and the Coliseum Transit Hub Project

The proposed Coliseum Gardens Hope VI project will also leverage and complement a significant investment in the area by AC Transit as well as complement the MTC-funded effort by the City of Oakland and BART to improve San Leandro Street between 66th and 73rd Avenues, known as the Coliseum Transit Hub project.

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SUSTAINABLE OPPORTUNITIES

Environment

The Coliseum Gardens Residential Subdivision Infrastructure project replaces an obsolete, barracks-style housing complex of 178 Housing Authority Units with a modern, mixed income village built along the Lion Creek. To improve the environment, the City and the County are proposing to incrementally restore the creek bed throughout a majority of the project area. The existing concrete culvert functionally blights the area which when restored can become an environmental amenity. Permitting the creek to flow its natural course will enhance the project. Upgrades to street infrastructure will improve drainage and provide access to transit alternatives such as BART, AC Transit and eventually the Capitol Corridor Amtrak train platform.

Social Equity

The Agency Owner Participation Agreement requires the OHA contractors to pay the construction workers prevailing wage, to abide by the Living Wage Ordinance, by the Local Employment Program and by the Agency Small Local Business Enterprise Construction Program for construction of the project. In this way project contractors will be required to pay prevailing wage to the workers and to include small local contractors in the project construction subject to any restrictions by federal funding agencies in the project. The effect of the programs is to increase the participation of local workers and firms in the project.

DISABILITY AND SENIOR ACCESS

The street subdivision improvements will meet all applicable State and Federal regulations regarding accessibility.

RECOMMENDATION AND RATIONALE

Staff recommends that the City Council approve the proposed resolution authorizing the Agency Administrator to negotiate and execute an owner participation grant agreement of \$4 million in Agency Coliseum Area Redevelopment Project Tax Allocation Bond funds to fund the Coliseum Gardens Residential Subdivision Street Infrastructure Improvement project. The subdivision infrastructure and street improvements will complement the creation of the intended 398-unit mixed income housing development adjacent to the Coliseum BART Station. The Coliseum Gardens project will assist in furthering the Coliseum Transit Village Concept plan as approved in 2003. The replacement and creation of 398 housing units within several blocks of the Coliseum BART station encourages pedestrian and transit use and furthers smart growth in the Bay Area. Moreover, the project is a major catalyst for the joint efforts to redevelop the Coliseum BART Station Area into a transit-oriented development, with higher-density and mixed land uses.

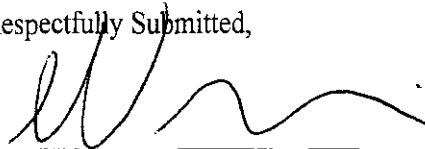
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ACTION REQUESTED

Staff requests that City and Agency resolutions be approved for the following:

- Authorization of the Agency Administrator to negotiate and enter into an owner participation agreement grant of up to \$4 million dollars of Agency Coliseum Area Tax Allocation Bonds for the construction and administration of the Coliseum Gardens Hope VI Subdivision Street Infrastructure Improvement project.
- City Council approve the resolution authorizing the use of City of Oakland Coliseum Area Redevelopment Project Bond funds for construction of the public right of ways and subdivision improvements for the Oakland Housing Authority Coliseum Gardens Hope VI project.

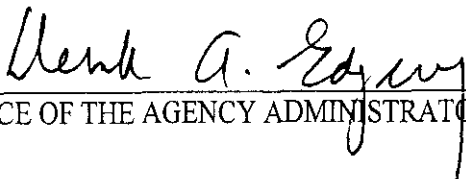
Respectfully Submitted,



Daniel Vanderpriem
Housing, Economic Development and
Redevelopment Director

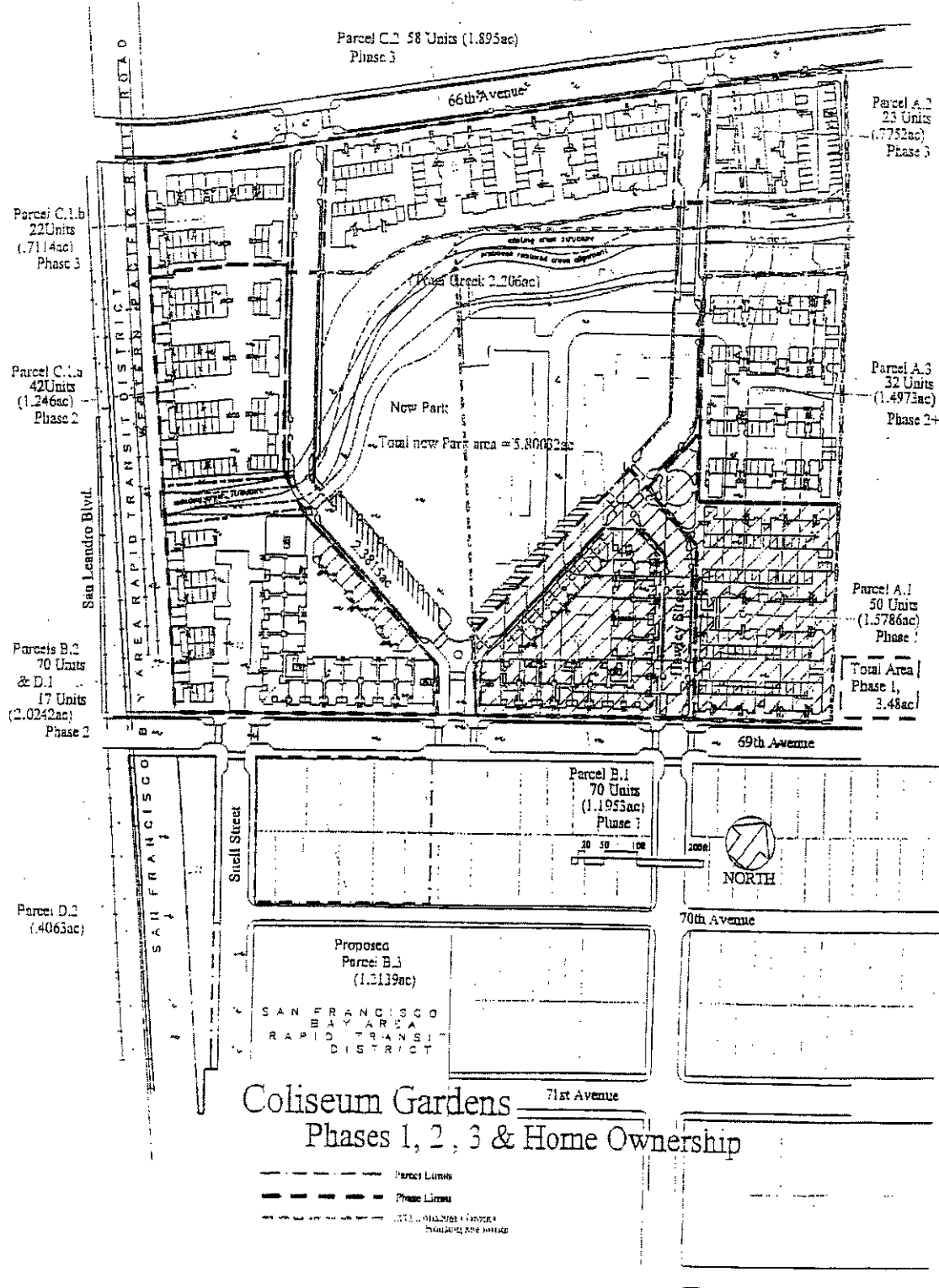
Prepared by:
Gregory Hunter
Jay Musante
CEDA Redevelopment

APPROVED AND FORWARDED TO THE COMMUNITY
AND ECONOMIC DEVELOPMENT COMMITTEE:


OFFICE OF THE AGENCY ADMINISTRATOR/ CITY MANAGER

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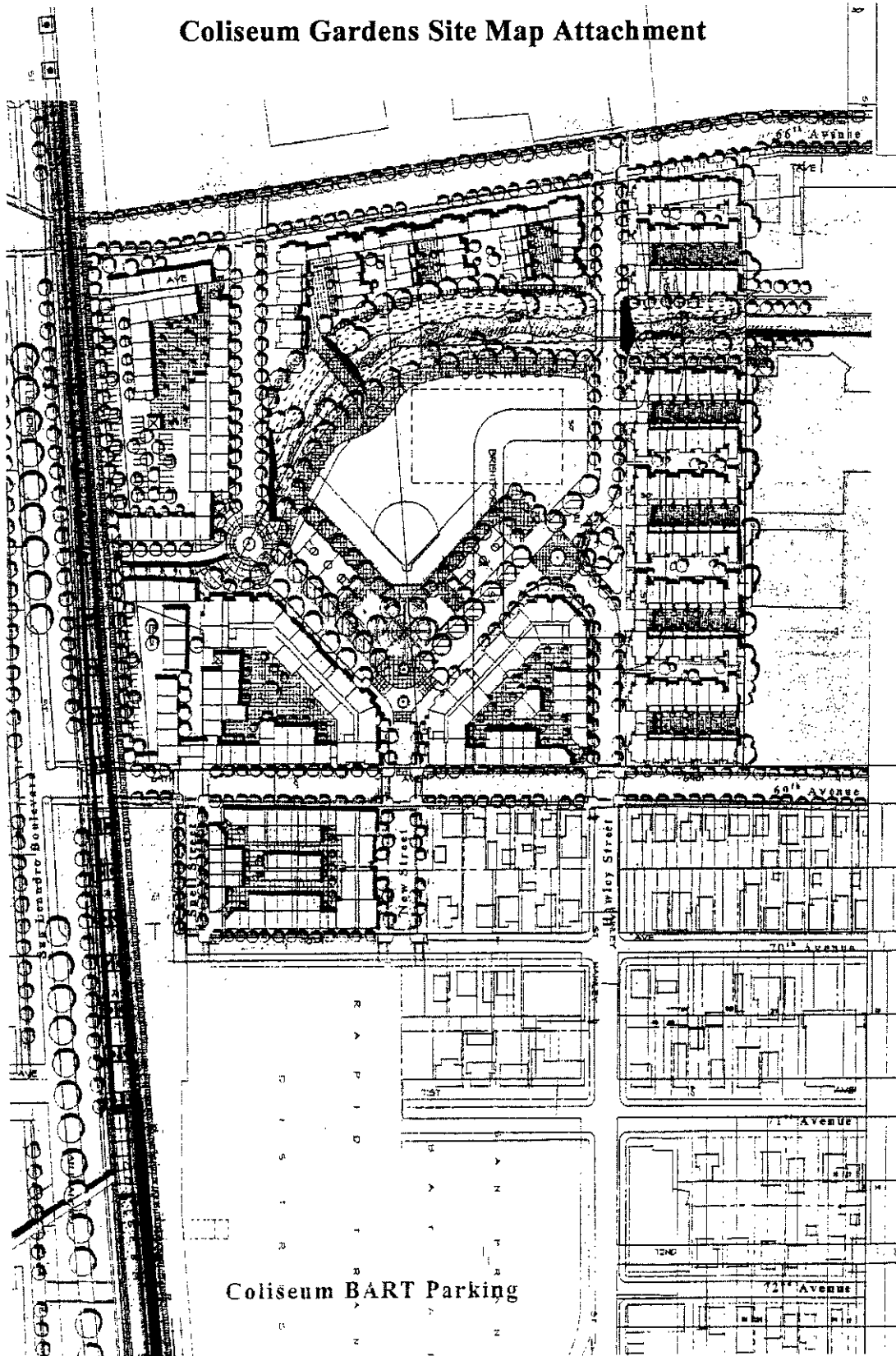
Coliseum Gardens Phase Map Attachment



Coliseum Gardens Phases 1, 2, 3 & Home Ownership

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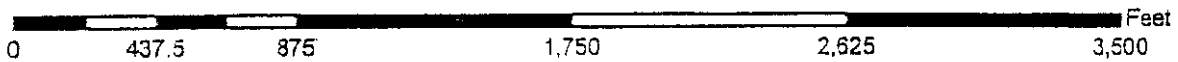
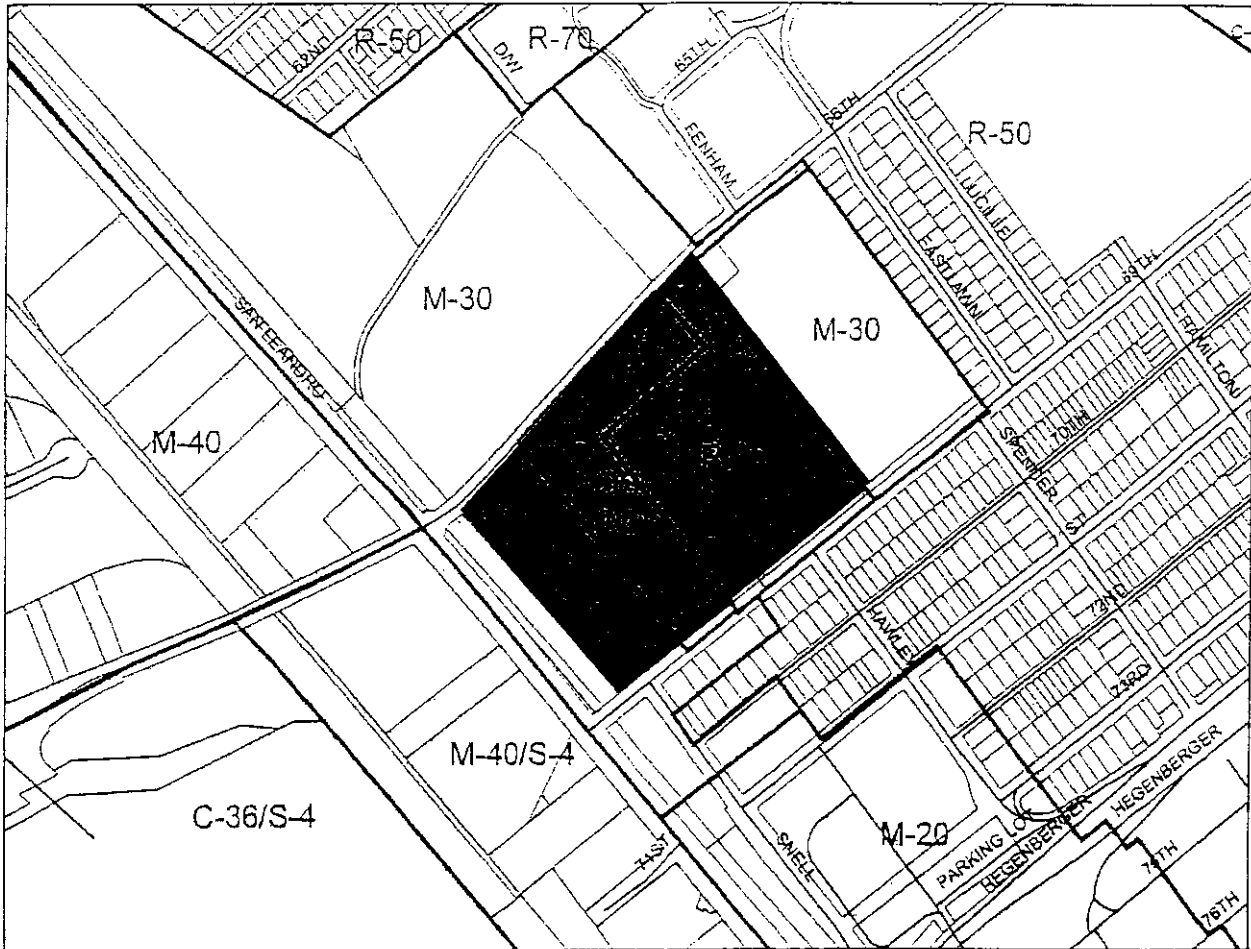
Coliseum Gardens Site Map Attachment



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Vicinity Map

CITY OF OAKLAND PLANNING COMMISSION



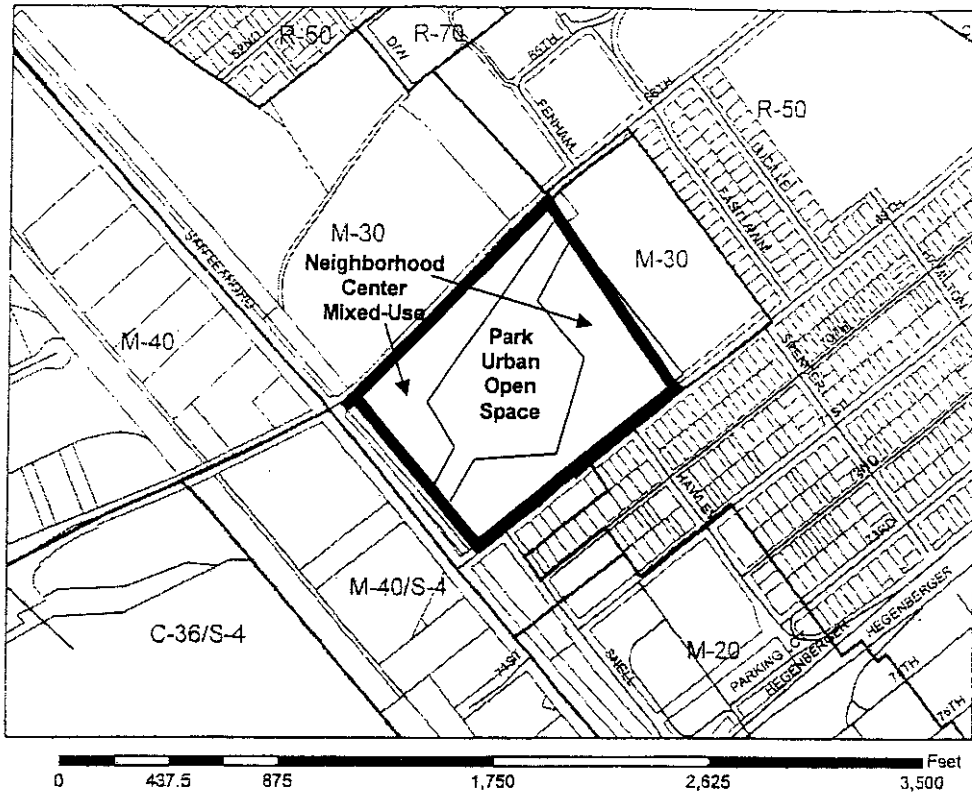
Case Files: GP03-636, RZ03-637, PUD03-638,
PUDF03-639, TTM 7488

Applicants: Oakland Coliseum Housing Partners,
on behalf of the Oakland Housing Authority,
the East Bay Asian Local Development Corporation
(EBALDC) in partnership with
the Related Companies of California

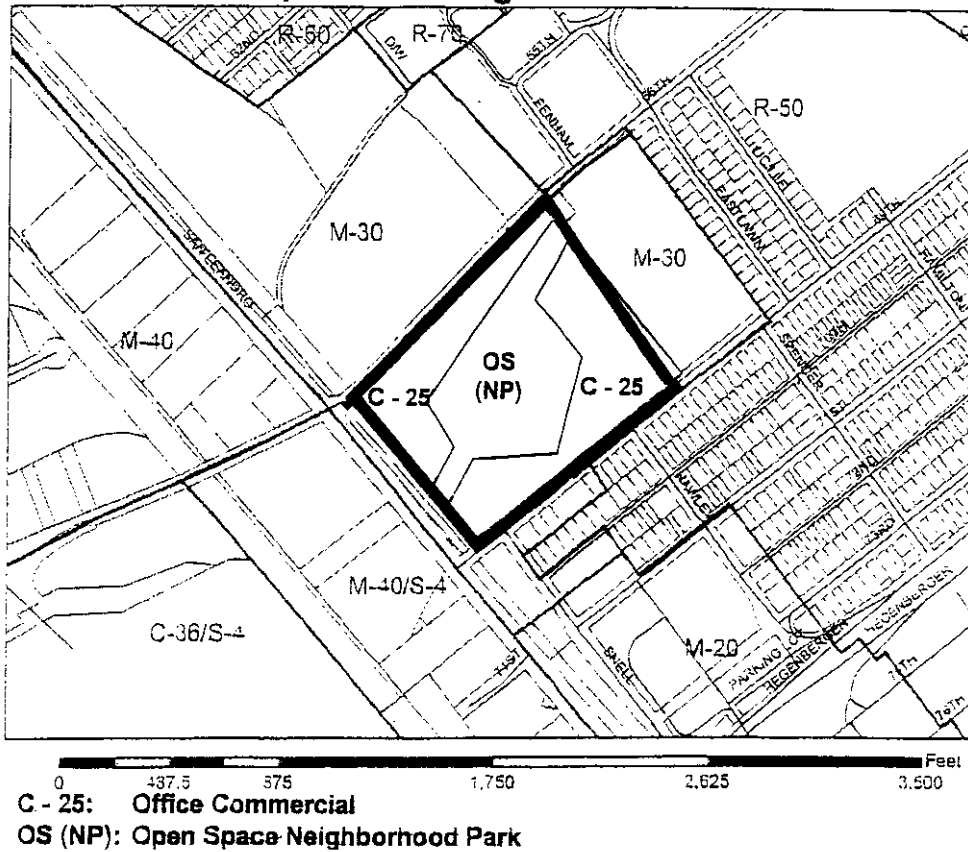
Addresses: 928-998 66th Avenue and
801-931 69th Avenue

Zones: OS (NP); M-30; R-70

Proposed General Plan Designations



Proposed Zoning Classifications



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APPROVED AS TO FORM AND LEGALITY:

2004 JAN 15 PM 6:36
Lewis

Agency Counsel

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

RESOLUTION No. _____ C.M.S.

AGENCY RESOLUTION AUTHORIZING THE AGENCY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN OWNER PARTICIPATION AGREEMENT WITH THE HOUSING AUTHORITY OF THE CITY OF OAKLAND FOR THE CONSTRUCTION AND ADMINISTRATION OF SUBDIVISION STREET INFRASTRUCTURE IMPROVEMENTS TO SUPPORT THE DEVELOPMENT OF COLISEUM GARDENS HOPE VI HOUSING PROJECT BY OAKLAND COLISEUM HOUSING PARTNERS, LIMITED PARTNERSHIP; AND APPROVING A GRANT FOR AN AMOUNT NOT TO EXCEED \$4 MILLION DOLLARS TO THE HOUSING AUTHORITY OF THE CITY OF OAKLAND FROM REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND COLISEUM AREA REDEVELOPMENT PROJECT TAX ALLOCATION BOND, SERIES 2003, FUNDS FOR THE INFRASTRUCTURE IMPROVEMENTS

WHEREAS, on February 25, 2003, the Redevelopment Agency of the City of Oakland, pursuant to Resolution No. 2003-07 C.M.S.; and the City of Oakland, pursuant to Resolution No. 77656 C.M.S., each authorized a loan of \$1.5 million to the East Bay Asian Local Development Corporation ("EBALDC") and The Related Companies of California jointly, for the development of the HOPE VI Coliseum Gardens project; and

WHEREAS, EBALDC and The Related Companies have formed a limited partnership, the Oakland Coliseum Housing Partners ("the Partnership"), to develop the replacement and new affordable housing at Coliseum Gardens, property owned by the Oakland Housing Authority ("OHA"); and

WHEREAS, the OHA has entered agreements with the Partnership to redevelop and construct the Oakland Coliseum Gardens Housing Project (the "Project"), an approximately 398 unit mixed-income transit village under a master plan which includes the development of 7,500 square feet of support office, retail and community meeting space along with the reconfiguration of the Coliseum Gardens Park into a more central recreation and open space along a restored and more natural creek bed for Lion Creek; and

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WHEREAS, the proposed Project is located within the boundaries of the Coliseum Redevelopment Project Area, conforms to the Redevelopment Plan for the Coliseum Area Redevelopment Project adopted on July 25, 1995, and subsequently amended on July 29, 1997, as well as the Five Year Implementation Strategy adopted on July 11, 2000 (the "Coliseum Area Redevelopment Plan"); and its development will help meet the goals and objectives of the Coliseum Area Redevelopment Plan; and

WHEREAS, in 2000, the OHA received a \$34 million dollar grant commitment from the federal Department of Housing and Urban Development (HUD) Hope VI program to implement development under the master plan, but has identified a \$4 million dollar gap in financing for the Coliseum Gardens Hope VI Residential Subdivision Infrastructure project; and

WHEREAS, the subdivision infrastructure is necessary for, and will benefit the project area in general, and the low- and moderate-income housing in the HOPE VI Coliseum Gardens project in particular; and

WHEREAS, after completion and acceptance by the City, the infrastructure will be deeded to the City; and

WHEREAS, no other reasonable means of private or commercial financing at the same level of affordability is available to OHA and the Partnership to fill the financing gap, and, they have requested that the Redevelopment Agency contribute the \$4,000,000 needed to pay for the subdivision infrastructure work on the Coliseum Gardens Hope VI Housing project; and

WHEREAS, the City Council consents to the use of \$4 million dollars of Agency bond proceeds for the OHA Coliseum Gardens Hope VI subdivision infrastructure project, and has made certain findings as required under Section 33445 of the California Health and Safety Code; and

WHEREAS, the Redevelopment Agency allocated \$4 million in its 2003-05 Fiscal Years budget for funding for the construction and administration of the Coliseum Gardens HOPE VI Residential Subdivision Infrastructure project currently located within Fund 9453, Organization 94800, Project P233410; and

WHEREAS, the Redevelopment Agency issued the Coliseum Area Redevelopment Project Tax Allocation Bond, Series 2003, payable with a pledge of tax increment revenues, as authorized in Health and Safety Code Section 33641(c), and proceeds from those bonds are available for construction and administration of the Project infrastructure; 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 the National Environmental Policy Act of 1969 ("NEPA"); and

WHEREAS, at the duly noticed June 4, 2003 Planning Commission meeting, the Commission independently reviewed and considered a Mitigated Negative Declaration/Finding of No Significant Impact (MND/FONSI) for the Coliseum Gardens project, together with comments received on the MND/FONSI and (1) determined that there was no substantial evidence that the project, as mitigated by adopted mitigation measures, would have a significant effect on the environment; (2) adopted the MND/FONSI; and (3) adopted a Mitigation and Monitoring Reporting Program in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines; and

WHEREAS, the Agency and the City have independently reviewed and considered the MND/FONSI, together with comments received on the MND/FONSI, and finds on the basis of substantial evidence in the record as a whole that (1) there is no substantial evidence that the project, together with adopted mitigation measures, will have a significant effect on the environment; and (2) the MND/FONSI reflects the Agency's and the City's independent judgment and analysis; and

WHEREAS, the Agency finds on the basis of substantial evidence in the record that the MND/FONSI fully analyzes the potential environmental effects of the project and incorporates mitigation measures to substantially lessen or avoid any potentially significant impacts in accordance with CEQA. None of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code Section 21166 and CEQA Guidelines Section 15162, are present; now, therefore, be it

RESOLVED: That the Redevelopment Agency hereby authorizes a grant to OHA, subject to the terms of the OPA, for up to \$4,000,000 from Redevelopment Agency of the City of Oakland Coliseum Area Redevelopment Project Tax Allocation Bonds, Series 2003, funds for the Coliseum Gardens HOPE VI Housing Infrastructure project; and be it further

RESOLVED: That the \$4,000,000 grant is contingent on, and may only be drawn down after, sources for the total cost of Project infrastructure improvements have been committed; and be it further

RESOLVED: That the grant is contingent on the availability of sufficient funds in the Redevelopment Agency of the City of Oakland Coliseum Area Redevelopment Project Tax Allocation Bonds, Series 2003 fund to cover the grant currently located within Fund 9453, Organization 94800, Project P233410; and be it further

RESOLVED: That the Redevelopment Agency allocated \$4,000,000 from Coliseum Area Redevelopment Project Tax Allocation Bonds, Series 2003, issued in January 2003, in the approval of the Fiscal Year 2003-2005 Budget for the Redevelopment Agency to grant funding for the construction and administration of the OHA Coliseum Gardens Hope VI Housing Subdivision Infrastructure project, and be it further

RESOLVED: That the Agency Administrator or her designee is hereby authorized to negotiate and execute the Owner Participation Agreement, all amendments thereto, and any other documents necessary to facilitate the infrastructure project, with the OHA, its affiliates or assigns approved by the Agency Administrator, for \$4,000,000 for construction and administration of the Coliseum Gardens Hope VI Residential Subdivision Infrastructure project; and be it further

RESOLVED: That the Agency hereby encourages the use the Agency's Local/Small Local Business Enterprise Program requirements and other local policies to the extent applicable and permitted by federal law, for the work funded by this Resolution; and be it further

RESOLVED: That all documents related to this transaction shall be reviewed and approved as to form and legality by Agency Counsel and copies shall be filed with the Agency Secretary; and be it further

RESOLVED: That the Agency Administrator or her designee is hereby directed to file a Notice of Determination with the Clerk of Alameda County in accordance with CEQA Guidelines Section 15075 and is hereby authorized to take whatever other action is necessary with respect to the Coliseum Gardens Hope VI Housing Subdivision Street Infrastructure Project consistent with this Resolution and its basic purposes.

RESOLVED: That the Agency Administrator or her designee is hereby authorized to take whatever other action is necessary with respect to the Coliseum Gardens Hope VI Housing Subdivision Street Infrastructure Project consistent with this Resolution and its basic purposes.

IN AGENCY, OAKLAND, CALIFORNIA, _____, 2004

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN, AND
CHAIRPERSON DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

CEDA FLOYD
Secretary of the Redevelopment Agency
of the City of Oakland, California

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OAKLAND CITY COUNCIL

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RESOLUTION No. _____ C.M.S.

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INTRODUCED BY COUNCILMEMBER _____

A RESOLUTION CONSENTING TO THE USE OF \$4 MILLION FROM REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND COLISEUM AREA REDEVELOPMENT PROJECT TAX ALLOCATION BOND FUNDS FOR STREET INFRASTRUCTURE IMPROVEMENTS AT THE COLISEUM GARDENS HOPE VI HOUSING PROJECT, TO BE CONSTRUCTED PURSUANT TO AN OWNER PARTICIPATION AGREEMENT WITH THE HOUSING AUTHORITY OF THE CITY OF OAKLAND

WHEREAS, the Redevelopment Agency of the City of Oakland (the "Agency") has authorized the use of up to \$4 million from the Agency's Oakland Coliseum Area Redevelopment Project Tax Allocation Bond Fund to pay for the construction and administration of street infrastructure improvements in support of the Coliseum Gardens HOPE VI housing project, pursuant to an Owner Participation Agreement with the Housing Authority of the City of Oakland ("OHA"); and

WHEREAS, the OHA has entered agreements with the Oakland Coliseum Housing Partners, Limited Partnership, to redevelop and construct the Oakland Coliseum Gardens Housing Project (the "Project"), to include approximately 398 units of mixed-income, affordable housing, the development of 7,500 square feet of support office, retail and community meeting space along with the reconfiguration of the Coliseum Gardens Park into a more central recreation and open space along a restored and more natural creek bed for Lion Creek; and

WHEREAS, the proposed Project is located within the boundaries of the Coliseum Redevelopment Project Area, conforms to the Redevelopment Plan for the Coliseum Area Redevelopment Project adopted on July 25, 1995, and subsequently amended on July 29, 1997, as well as the Five Year Implementation Strategy adopted on July 11, 2000 (the "Coliseum Area Redevelopment Plan"); and its development will help meet the goals and objectives of the Coliseum Area Redevelopment Plan; and

WHEREAS, in 2000, the OHA received a \$34 million dollar grant commitment from the federal Department of Housing and Urban Development (HUD) Hope VI program to implement development under the master plan, but has identified a \$4 million dollar gap in financing for the Coliseum Gardens Hope VI Residential Subdivision Infrastructure project; and

WHEREAS, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency to pay part or all of the cost of installation and construction of

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improvements, inside or outside the project area, that will be publicly owned, if the City Council acting as the legislative body has consented to such funding and has made certain findings; and

WHEREAS, the Project street infrastructure improvements will benefit the project area and its immediate surrounding neighborhood, will assist in elimination of blighting conditions in the project area, and will require Agency funding assistance because no other reasonable means of financing the budget shortfall for necessary infrastructure improvements are available to OHA; 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 the National Environmental Policy Act of 1969 ("NEPA"); and

WHEREAS, at the duly noticed June 4, 2003 Planning Commission meeting, the Commission independently reviewed and considered a Mitigated Negative Declaration/Finding of No Significant Impact (MND/FONSI) for the Coliseum Gardens project, together with comments received on the MND/FONSI and (1) determined that there was no substantial evidence that the project, as mitigated by adopted mitigation measures, would have a significant effect on the environment; (2) adopted the MND/FONSI; and (3) adopted a Mitigation and Monitoring Reporting Program in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines; and

WHEREAS, the City has independently reviewed and considered the MND/FONSI, together with comments received on the MND/FONSI, and finds on the basis of substantial evidence in the record as a whole that (1) there is no substantial evidence that the project, together with adopted mitigation measures, will have a significant effect on the environment; and (2) the MND/FONSI reflects the City's independent judgment and analysis; and

WHEREAS, the City finds on the basis of substantial evidence in the record that the MND/FONSI fully analyzes the potential environmental effects of the project and incorporates mitigation measures to substantially lessen or avoid any potentially significant impacts in accordance with CEQA. None of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code Section 21166 and CEQA Guidelines Section 15162, are present; now, therefore, be it

RESOLVED: That the City Council hereby consents to the use of Agency funds from the Agency's Oakland Coliseum Area Redevelopment Project Tax Allocation Bond Fund to pay for the construction and administration of street infrastructure improvements in support of the Coliseum Gardens HOPE VI housing project in an amount not to exceed \$4 million; and be it

FURTHER RESOLVED: That the City Council hereby finds and determines as follows:

1. That the funding of the street infrastructure improvements will benefit the Coliseum Project Area by generally improving the pedestrian environment for the Coliseum Gardens HOPE VI project and by creating a distinct pedestrian link between existing land uses and the growing transportation hub at the Coliseum BART station; and

2. That no other reasonable means for OHA or the City to finance the funding gap for the street infrastructure improvements are available at the same level of affordability; and
3. That the use of tax allocation bond funds will assist in the elimination of blight by funding the infrastructure improvements required for the replacement of an obsolete housing complex with a new, mixed-use, mixed-income transit village;

and be it

FURTHER RESOLVED: That the City Manager or her designee is hereby authorized to negotiate and enter into any agreement, and take actions necessary, appropriate and consistent with this Resolution and its basic purposes.

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In Council, Oakland, California, _____, 2004

Passed By The Following Vote:

AYES- BRUNNER, CHANG, MAYNE, NADEL, REID, WAN, SPEES, AND
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST:

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

S-23-2
ORA/COUNCIL
FEB 3 2004

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COMMUNITY & ECONOMIC
DEVELOPMENT CMT
JAN 27 2004