

FILED
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OAKLAND


City Attorney's Office

2019 MAY 29 PM 3: 50

OAKLAND CITY COUNCIL

RESOLUTION NO. 87808 C.M.S.

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO NEGOTIATE AND EXECUTE A PROGRAMMATIC AGREEMENT, PURSUANT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT, WITH THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER REGARDING THE AVOIDANCE OF ANY ADVERSE EFFECTS ON BURIED ARCHAEOLOGICAL HISTORIC PROPERTIES AS A RESULT OF THE 34TH AND SAN PABLO AFFORDABLE HOUSING PROJECT LOCATED AT 3419-3431 SAN PABLO AVENUE, OAKLAND, CALIFORNIA, WITHOUT RETURNING TO THE CITY COUNCIL

WHEREAS, the East Bay Asian Local Development Corporation (EBALDC), a California non-profit corporation, proposes to demolish existing commercial and storage structures and construct a mixed-use development with 60 affordable residential units and up to approximately 2,500 square feet of commercial space in a seven-story building at 3419-3431 San Pablo Avenue, also known as the 34th and San Pablo Affordable Housing Project; and

WHEREAS, the provision of affordable housing is an important goal of the City's Housing Action Plan; and

WHEREAS, the Oakland Housing Authority (OHA) has conditionally awarded U.S. Department of Housing and Urban Development (HUD) Section 8 Vouchers to EBALDC; and

WHEREAS, the use of HUD and/or other federal funding for the project will require completion of environmental analysis pursuant to the National Environmental Protection Act (NEPA); and

WHEREAS, the City, designated to fulfill the requirements of Section 106 of National Historic Preservation Act (NHPA), determined that construction of the 34th and San Pablo Affordable Housing Project, would not adversely affect historic properties or potential archeological resources at the site; and

WHEREAS, SHPO agreed with the City's finding of no adverse effect on historic properties, but disagreed with the City's conclusion regarding potential buried archeological resources; and

WHEREAS, SHPO has determined that a Programmatic Agreement is an appropriate method to ensure that the project will not have an adverse archeological impact pursuant to Section 106 of the NHPA; and

WHEREAS, without completion of the Environmental Assessment and NEPA process, EBALDC cannot construct the building as affordable housing; and

WHEREAS, the City has consulted with the Federal Advisory Council on Historic Preservation regarding entering into a Programmatic Agreement with the City of Oakland; and

WHEREAS, the City Council has adopted three previous Resolutions authorizing the City Administrator, or designee, to negotiate and execute a Programmatic Agreement with SHPO; and therefore be it

RESOLVED, that the City Council authorizes the City Administrator, or designee, to negotiate and execute a Programmatic Agreement, pursuant to Section 106 of the NHPA, with the SHPO regarding the construction of the 34th and San Pablo Affordable Housing Project, and to take any and all other actions necessary to effectuate this Resolution, including possibly adding the Advisory Council on Historic Preservation, EBALDC and/or the City of Oakland Housing Authority as signatories/concurring parties, without returning to the City Council.

IN COUNCIL, OAKLAND, CALIFORNIA,

JUL - 9 2019

PASSED BY THE FOLLOWING VOTE:

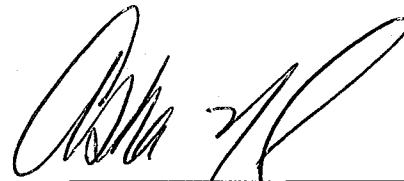
AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



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