

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

AN ORDINANCE ADOPTING THE SECOND AMENDMENT TO THE CENTRAL CITY EAST REDEVELOPMENT PLAN TO REVISE LAND USE DESIGNATIONS FOR THE OAK TO NINTH PROJECT SITE

WHEREAS, the City Council adopted the Redevelopment Plan for the Central City East Redevelopment Project (the "Central City East Redevelopment Plan") on July 29, 2003, pursuant to the California Community Redevelopment Law (California Health and Safety Code Sections 33000, et seq.); and

WHEREAS, the Central City East Redevelopment Plan includes a Redevelopment Land Use Map attached to the Plan as Attachment No. 3, which sets forth land use designations for the Central City East Redevelopment Project Area; and

WHEREAS, a portion of the proposed Oak to Ninth project is located in the Central City East Redevelopment Project Area; and

WHEREAS, the land use designations in the Estuary Policy Plan (which is part of the Oakland General Plan) for the site of the proposed Oak to Ninth project have been or will be revised, and the City desires that the Redevelopment Land Use Map in the Central City East Redevelopment Plan be consistent with the Oakland General Plan; and

WHEREAS, it is necessary and desirable that this Land Use Map be revised for this reason and the other reasons set forth in the staff report accompanying this Ordinance; 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 Redevelopment Agency has submitted to the Council a proposed Second Amendment to the Central City East Redevelopment Plan (the "Second Amendment" or the "Amendment") revising the Land Use Map; and

WHEREAS, this proposed Amendment does not propose any additional property for inclusion in the Project Area, nor does it modify the Redevelopment Agency's eminent domain authority or affect the Redevelopment Agency's authority to claim tax increment revenues; and

WHEREAS, On March 6, 2006, the Central City East Project Area Committee recommended approval of this proposed Amendment; and

WHEREAS, on March 15, 2006, the Planning Commission submitted to the Council its report and recommendations for approval of this proposed Amendment; and

WHEREAS, an appeal of the Planning Commission actions was filed on March 24, 2006 by Arthur D. Levy on behalf of Oakland Heritage Alliance, Rajiv Bhatia, John Sutter, East Bay Bicycle Coalition, League of Women Voters of Oakland, Waterfront Action, Coalition of Advocates for Lake Merritt, and Sierra Club Northern Alameda County Regional Group; and

WHEREAS, on March 28, 2006 the City Council and the Redevelopment Agency held a public Informational Workshop on the Project and the Project approvals; and

WHEREAS, the appellants and all other interested parties were given the opportunity to participate in the public hearing through oral testimony and the submittal of written comments; and

WHEREAS, on June 20, 2006, the City Council fully reviewed, considered, and evaluated the Project EIR, all of the staff reports prepared for the Project including the attachments to the staff reports, public testimony, and all other documents and evidence in the public record on the Project and the appeal; 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, 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 June 20, 2006; and

WHEREAS, on February 1, 2006, the City released the Final Environmental Impact Report ("FEIR") for the Project and on June 9, 2006 the City published an addendum to the Final EIR; and

WHEREAS, on March 15, 2006, the Planning Commission, among other things, certified the EIR, adopted CEQA Findings and a Statement of Overriding Considerations, and adopted a Mitigation Monitoring and Reporting Program; now, therefore,

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

SECTION 1. The Second Amendment to the Redevelopment Plan for the Central City East Redevelopment Project attached to this Ordinance as Attachment A is hereby approved and adopted as an amendment to the Redevelopment Plan for the Central City East Project.

SECTION 2. The City Council finds that it is necessary and desirable to amend the Central City East 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. This Ordinance is based in part on the findings set forth above, the CEQA Findings and Statement of Overriding Considerations Related to Approval of the Oak to Ninth Project, Mitigation Monitoring and Reporting Program, Conditions of Approval, and General Findings Related to Approval of the Oak to Ninth Project attached as Exhibits A-D and incorporated by this reference.

SECTION 5. 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 6. 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, _____, 2006

PASSED BY THE FOLLOWING VOTE:

AYES-	BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT DE LA FUENTE
NOES-	_____
ABSENT-	_____
ABSTENTION-	_____

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

**ORDINANCE ADOPTING SECOND AMENDMENT TO
THE CENTRAL CITY EAST REDEVELOPMENT PLAN**

Attachment A

Second Amendment to the Central City East Redevelopment Plan

The map attached to the Central City East Redevelopment Plan as Attachment C and designated as “Redevelopment Land Use Map, Oakland Central City East Redevelopment Project” is replaced with the map attached to this Ordinance.

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THE CENTRAL CITY EAST REDEVELOPMENT PLAN TO REVISE
LAND USE DESIGNATIONS FOR THE OAK TO NINTH PROJECT
SITE**

NOTICE AND DIGEST

This ordinance amends the Central City East Redevelopment Plan to revise the Redevelopment Land Use Map for the site of the proposed Oak to Ninth project.