

EXHIBIT H

APPROVED AS TO FORM AND LEGALITY

AGENCY COUNSEL

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

RESOLUTION NO. _____ C.M.S.

A RESOLUTION APPROVING AND RECOMMENDING ADOPTION OF THE THIRD AMENDMENT TO THE CENTRAL CITY EAST REDEVELOPMENT PLAN TO REVISE LAND USE DESIGNATIONS FOR THE OAK TO NINTH PROJECT SITE

WHEREAS, the City Council of the City of Oakland 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 Redevelopment Agency 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 Resolution; 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 Agency has submitted to the Council a proposed Third Amendment to the Central City East Redevelopment Plan (the "Third 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, 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 _____, 2006; and

WHEREAS, on February 1, 2006, the Final Environmental Impact Report ("FEIR") on the Oak to Ninth Project was released; 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, be it

RESOLVED: That the Agency hereby approves and recommends adoption of the Third Amendment to the Central City East Redevelopment Plan; and be it further

RESOLVED: That the Agency Secretary is directed to transmit a copy of this Resolution to the City Council for its consideration in adoption of the Third Amendment; and be it further

RESOLVED: That this Resolution is based in part on 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 Exhibit A-D and incorporated by this reference.

IN AGENCY, OAKLAND, CALIFORNIA, _____, 2006

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LATONDA SIMMONS
Secretary of the Redevelopment Agency
of the City of Oakland