

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

AN ORDINANCE ADOPTING THE SECOND AMENDMENT TO THE OAKLAND ARMY BASE REDEVELOPMENT PLAN TO REVISE LAND USE DESIGNATIONS FOR THE 16TH AND WOOD STREET SUBAREA AND TO MAKE VARIOUS TEXT CHANGES

WHEREAS, the City Council adopted the Redevelopment Plan for the Oakland Army Base Redevelopment Project (the "Redevelopment Plan") on July 11, 2000, as a redevelopment plan for the Oakland Army Base Project Area (the "Project Area") pursuant to the California Community Redevelopment Law (Health and Safety Code Sections 33000, et seq.); and

WHEREAS, the City Council adopted the First Amendment to the Redevelopment Plan") on December 21, 2004; and

WHEREAS, the Redevelopment Plan includes a Redevelopment Land Use Map attached to the Plan as Attachment No. 3C, which sets forth land use designations for the 16th and Wood Subarea of the Project Area; and

WHEREAS, it is necessary and desirable that this Land Use Map be revised for the reasons set forth in the staff report accompanying this Ordinance; and

WHEREAS, the land use designations for the 16th and Wood Subarea in the Oakland General Plan have been or will be revised, and the City desires that the Redevelopment Land Use Maps in the Redevelopment Plan be consistent with the Oakland General Plan; and

WHEREAS, the City wishes to make textual changes to the Redevelopment Plan to conform the Redevelopment Plan to the City's General Plan and zoning policies and procedures; 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, on March 16, 2005, 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, after consideration of the proposed amendment by the Community and Economic Development Committee of the City Council on April 12, 2005, 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 May 3, 2005; and

WHEREAS, on February 7, 2005, the Final Environmental Impact Report ("FEIR") on the Wood Street Project was released; and

WHEREAS, on March 16, 2005, 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; and

WHEREAS, it can be seen with certainty that the other amendments to the Redevelopment Plan will have no environmental effect, pursuant to CEQA Guidelines § 15063(b)(3), since they merely conform the Redevelopment Plan to existing City land use standards and procedures; now, therefore,

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

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

SECTION 2. The City Council finds that it is necessary and desirable to amend the 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 Wood Street Project, Mitigation Monitoring and Reporting Program, Conditions of Approval and General Findings Related to Approval of the Wood Street Project attached as Exhibit 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, _____, 2005

PASSED BY THE FOLLOWING VOTE:

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

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

**ORDINANCE ADOPTING SECOND AMENDMENT TO
THE OAKLAND ARMY BASE REDEVELOPMENT PLAN**

Attachment A

Second Amendment to the Oakland Army Base Redevelopment Plan

Attached is the amended and restated Redevelopment Plan for the Oakland Army Base Redevelopment Project, as modified by this Second Amendment. Text additions to the Redevelopment Plan are indicated with double underlining, and text deletions to the Plan are indicated by strikeout text. The maps attached to the original Redevelopment Plan are replaced with the maps attached to this amended and restated Plan.

**AN ORDINANCE ADOPTING THE SECOND AMENDMENT TO
THE OAKLAND ARMY BASE REDEVELOPMENT PLAN TO
REVISE LAND USE DESIGNATIONS FOR THE 16TH AND WOOD
STREET SUBAREA AND TO MAKE VARIOUS TEXT CHANGES**

NOTICE AND DIGEST

This ordinance amends the Oakland Army Base Redevelopment Plan to revise the Redevelopment Land Use Map for the 16th and Wood Subarea, and to make various text changes to conform the Plan to the City's General Plan and zoning policies and procedures.