



CITY ATTORNEY

INTRODUCED BY COUNCILMEMBER _____

ORDINANCE NO. 12065 C.M.S.

AN ORDINANCE APPROVING AND ADOPTING THE REDEVELOPMENT PLAN FOR THE OAK KNOLL REDEVELOPMENT PROJECT

WHEREAS, the City Council (the "Council") has received from the Redevelopment Agency of the City of Oakland (the "Agency") the proposed Redevelopment Plan (the "Redevelopment Plan") for the Oak Knoll Redevelopment Project (the "Project"), as approved by the Agency, a copy of which is on file at the office of the Agency at 250 Frank H. Ogawa Plaza, 5th Floor, Oakland, California, and at the office of the City Clerk, City Hall, Frank H. Ogawa Plaza, Oakland, California, together with the Report of the Agency (prepared in accordance with the requirements of Section 33352 of the Health and Safety Code and hereafter referred to as the "Report to Council"), including: the reasons for the selection of the Project Area; a description of the physical and economic conditions existing in the Project Area; an implementation plan; the proposed method of financing the redevelopment of the Project Area; rules for the relocation of property owners and tenants who may be temporarily or permanently displaced from the Project Area; an analysis of the Preliminary Plan; a summary of consultations with residents and community organizations surrounding the Project Area; and the report of the County Fiscal Officer and the Agency's analysis thereof; and

WHEREAS, the Oak Knoll Redevelopment Project Area is the former Naval Medical Center Oakland, a former military base which was designated for closure by the federal Base Closure Commission and for which the Redevelopment Plan is being adopted pursuant to special provisions of the California Community Redevelopment Law for military base closures (see Sections 33492 through 33492.20 of the Health and Safety Code); and

WHEREAS, the primary purpose of the Redevelopment Plan is to implement the Final Reuse Plan to be adopted by the Oakland Base Reuse Authority, a joint powers authority created by the City of Oakland, the County of Alameda, and the Agency under which the Agency has been the entity designated with the responsibility for implementing the Final Reuse Plan; and

WHEREAS, this Ordinance conforms with the requirements of CEQA, the State CEQA Guidelines and the City of Oakland Environmental Review Regulations, and the Planning Commission of the City of Oakland certified an environmental impact statement/report ("EIS/EIR") for the proposed Final Reuse Plan on June 17, 1998 and recommended the City Council and Agency adopt a Statement of Overriding Considerations, a Mitigation Monitoring Program, and make all other environmental findings for the proposed Final Reuse Plan; and

WHEREAS, the Council and the Agency held a joint public hearing on June 30, 1998, on adoption of the Redevelopment Plan; and

WHEREAS, a notice of said hearing was duly and regularly published in a newspaper of general circulation in the City of Oakland, once a week for four successive weeks prior to the date of said hearing; and

WHEREAS, copies of the notice of joint public hearing were mailed by certified mail with return receipt requested to the last known address of each assessee of each parcel of land in the proposed Project Area as shown on the last equalized assessment roll of the County of Alameda; and

WHEREAS, copies of the notice of joint public hearing were mailed by certified mail with return receipt requested to the governing body of each taxing agency which receives taxes from property in the Project Area; and

WHEREAS, the Council has considered the Report to Council, the Redevelopment Plan and its economic feasibility, has provided an opportunity for all persons to be heard and has received and considered all evidence and testimony presented for or against any and all aspects of the Redevelopment Plan;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The purpose and intent of the Council with respect to the Project Area is to accomplish the following:

- a. The mitigation of the economic and social degradation that is faced by the community due to the closure of the Naval Medical Center Oakland by the federal Base Closure Commission, in accordance with the legislative intent expressed in Section 33492 of the Health and Safety Code;
- b. The implementation of the Reuse Plan to be finally adopted by the Oakland Base Reuse Authority ("Final Reuse Plan");
- c. The elimination of blighting influences and the correction of environmental deficiencies in the Project Area, including, among others, buildings in which it is unsafe or unhealthy for persons to live or work; obsolete, aged, dilapidated and deteriorated building types; substandard, faulty, inadequate or deteriorated infrastructure and utility lines; buildings that are too large or too small for modern use; inadequate parking facilities; incompatible and uneconomic land uses; non compliance of land and buildings that do not meet current building, plumbing, mechanical or electrical code standards;
- d. The subdivision of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area;
- e. The replanning, redesign and development of portions of the Project Area which are improperly utilized;
- f. The establishment of appropriate retail and/or other commercial functions in the Project Area as determined to be feasible;

- g. The strengthening of the economic base of the community through the construction and installation of needed site improvements to stimulate new residential, commercial, and recreational uses;
- h. The provision of adequate land for parking and open spaces;
- i. The establishment and implementation of performance criteria to assure high site design standards, environmental quality, and other design elements which provide unity and integrity between designated land uses within the Project Area;
- j. To provide for the expansion, improvement, and preservation of the community's supply of housing available to low- and moderate-income persons and families within or outside the Project Area.

Section 2. The Council hereby finds and determines that:

- a. The Project Area is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.). This finding is based upon the following conditions (as more particularly described in the Report to Council) which characterize the Project Area:
 - (1) Buildings in which it is unsafe or unhealthy for persons to live or work;
 - (2) Factors that hinder the economically viable reuse or capacity of buildings or areas;
 - (3) Adjacent or nearby uses that are incompatible with each other and prevent economic development;
 - (4) Subdivided land which will not comply with community regulations;
 - (5) Infrastructure that does not meet community standards;
 - (6) Buildings that did not conform to community codes when built; and
 - (7) Facilities that will need to be removed.

It is further found and determined that such conditions are causing and will increasingly cause a reduction and lack of proper utilization of the area to such an extent that it constitutes a serious physical, social and economic burden on the City, which cannot reasonably be expected to be reversed or alleviated by private enterprise acting alone, requiring redevelopment in the interest of the health, safety and general welfare of the people of the City and the State. This finding is based on the fact that governmental action available to the City without redevelopment would be insufficient to cause any significant correction of the blighting conditions, and that the nature and costs of the public improvements and facilities required to correct the blighting conditions are beyond the capacity of the City and cannot be undertaken or borne by private enterprise acting alone or in concert with available governmental action.

- b. The Redevelopment Plan will redevelop the Project Area in conformity with the Community Redevelopment Law and in the interests of the public peace, health, safety and welfare. This finding is based upon the fact that redevelopment of the Project Area will implement the objectives of the Community Redevelopment Law by aiding in the elimination and correction of the conditions of blight, providing for planning, development, redesign, clearance, reconstruction or rehabilitation of properties which need improvement and providing for higher economic utilization of potentially useful land.
- c. The adoption and carrying out of the Redevelopment Plan is economically sound and feasible. This finding is based on the fact that under the Redevelopment Plan the Agency will be authorized to seek and utilize a variety of potential financing resources, including tax increments; that the nature and timing of public redevelopment assistance will depend on the amount and availability of such financing resources, including tax increments generated by new investment in the Project Area; and that under the Redevelopment Plan no public redevelopment activity will be undertaken unless the Agency can demonstrate that it has adequate revenue to finance the activity.
- d. The Redevelopment Plan conforms to the General Plan of the City of Oakland. This finding is based on the City Council's recent amendment of the General Plan of the City of Oakland on March 24, 1998, Resolution No. 74129 which, among other things, incorporated the Reuse Plan as part of the General Plan for the proposed Project Area.
- e. The carrying out of the Redevelopment Plan will promote the public peace, health, safety and welfare of the City of Oakland and will effectuate the purposes and policy of the Community Redevelopment Law. This finding is based on the fact that redevelopment will benefit the Project Area by correcting conditions of blight and by coordinating public and private actions to stimulate development and improve the economic, social and physical conditions of the Project Area.
- f. The condemnation of real property, as provided for in the Plan, is necessary to the execution of the Plan, and adequate provisions have been made for payment for property to be acquired as provided by law. This finding is based upon the need to ensure that the provisions of the Plan will be carried out and to prevent the recurrence of blight.
- g. The Agency has a feasible method and plan for the relocation of families and persons who might be displaced, temporarily or permanently, from housing facilities in the Project Area. This finding is based on the fact that there are no housing facilities in the Project Area that are occupied by families or persons.
- h. There are, or are being provided, within the Project Area or within other areas not generally less desirable with regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons who might be displaced from the Project Area, decent, safe and sanitary dwellings equal in number to the number of and available to such displaced families and persons and reasonably accessible to their places of employment. This finding is based upon the fact that no person or family will be required to move from any

dwelling unit because there are no dwelling units in the Project Area that are occupied by any persons or families.

- i. Inclusion of any lands, buildings or improvements in the Project Area which are not detrimental to the public health, safety or welfare is necessary for the effective redevelopment of the entire area of which they are a part; and any area included is necessary for effective redevelopment and is not included solely for the purpose of obtaining the allocation of tax increment revenues from such area pursuant to Section 33670 of the Community Redevelopment Law without other substantial justification for its inclusion. This finding is based upon the fact that the boundaries of the Project Area were chosen to conform with the boundaries of the former Naval Medical Center Oakland military base, and the former military base includes lands that were under-utilized because of blighting influences, or affected by the existence of blighting influences, and land uses significantly contributing to the conditions of blight, whose inclusion is necessary to accomplish the objectives and benefits of the Redevelopment Plan.
- j. The elimination of blight and the redevelopment of the Project Area could not reasonably be expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency. This finding is based upon the existence of blighting influences, including the lack of adequate public improvements and facilities, and the inability of individual developers to economically remove these blighting influences without substantial public assistance in providing adequate public improvements and facilities, the inability of low- and moderate-income persons to finance needed improvements, and the inadequacy of other governmental programs and financing mechanisms to eliminate blight, including the provision of necessary public improvements and facilities.
- k. The time limitation and the limitation on the number of dollars to be allocated to the Agency contained in the Redevelopment Plan is reasonably related to the proposed projects to be implemented in the Project Area and to the ability of the Agency to eliminate blight in the Project Area.
- l. The Redevelopment Plan contains adequate safeguards so that the work of redevelopment will be carried out pursuant to the Redevelopment Plan, and it provides for the retention of controls and the establishment of restrictions and covenants running with the land sold or leased for private use for periods of time and under conditions specified in the Redevelopment Plan, which this Council deems necessary to effectuate the purposes of the Community Redevelopment Law.

Section 3. The Council is satisfied that permanent housing facilities will be available within three years from the time occupants of the Project Area are displaced, if any, and that pending the development of the facilities, there will be available to the displaced occupants, if any, adequate temporary housing facilities at rents comparable to those in the City of Oakland at the time of their displacement. No persons or families of low or moderate income shall be displaced from residences unless and until there is a suitable housing unit available and ready for occupancy by such displaced persons or families at rents comparable to those at the time of their displacement. Such housing units shall be suitable to the needs of such displaced persons or families and must be decent, safe, sanitary and otherwise standard dwellings. The Agency shall not displace any such persons or families until such housing units are available and ready for occupancy.

Section 4. The Council is satisfied that all written objections received before or at the noticed public hearing have been responded to in writing. In addition, written findings have been adopted in response to each written objection of an affected property owner or taxing entity which has been filed with the City Clerk either before or at the noticed public hearing, and all objections are hereby overruled.

Section 5. The Council, as the lead agency under CEQA, further finds and determines as follows:

- a. That the statements made in the Recitals of this Ordinance above are true and correct and are incorporated hereinbelow as if restated in their entirety; and
- b. The Draft EIS/EIR for the proposed Reuse Plan was circulated for public review and comment, and the Final EIS/EIR was independently reviewed and analyzed by this governing body and reflects the independent judgment of this governing body and that such review, analysis and consideration occurred prior to approval of the Redevelopment Plan; and
- c. That the Final EIS/EIR is certified and the Redevelopment Plan conforms with the requirements of CEQA; and
- d. The June 17, 1998 Planning Commission Report, attached hereto as Exhibit A and incorporated herein by reference as if fully set forth, is adopted, including without limitation the Environmental Findings, the Statement of Overriding Considerations; and
- e. The Mitigation Monitoring Program attached hereto as Exhibit B is incorporated into the proposed redevelopment of the Project Area for implementation and enforcement by the Agency; and
- f. The Environmental Review Officer is directed to file a Notice of Determination with the County Clerk and the Governor's Office of Planning and Research.

Section 6. That certain document entitled "Redevelopment Plan for the Oak Knoll Redevelopment Project," the maps contained therein and such other reports as are incorporated therein by reference, a copy of which is on file in the office of the City Clerk, having been duly reviewed and considered, is hereby incorporated in this Ordinance by reference and made a part hereof, and as so incorporated is hereby designated, approved and adopted as the official "Redevelopment Plan for the Oak Knoll Redevelopment Project."

Section 7. In order to implement and facilitate the effectuation of the Redevelopment Plan hereby approved, the Council hereby (a) pledges its cooperation in helping to carry out the Redevelopment Plan, (b) requests the various officials, departments, boards and agencies of the City having administrative responsibilities in the Project Area likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the redevelopment of the Project Area, (c) stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Redevelopment Plan, and (d) declares its intention to undertake and complete any proceeding necessary to be carried out by the City under the provisions of the Redevelopment Plan.

Section 8. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, whereupon the Agency is vested with the responsibility for carrying out the Redevelopment Plan.

Section 9. The City Clerk is hereby directed to record with the County Recorder of Alameda County a description of the land within the Project Area and a statement that proceedings for the redevelopment of the Project Area have been instituted under the Community Redevelopment Law.

Section 10. The City Clerk is hereby directed to transmit a copy of the description and statement recorded by the Clerk pursuant to Section 9 of this Ordinance, a copy of this Ordinance and a map or plat indicating the boundaries of the Project Area to the auditor and assessor of the County of Alameda, to the governing body of each of the taxing agencies which receives taxes from property in the Project Area and to the State Board of Equalization.

Section 11. Severability. If any part of this Ordinance or the Redevelopment Plan which it approves is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance or of the Redevelopment Plan, and this Council hereby declares that it would have passed the remainder of this Ordinance or approved the remainder of the Redevelopment Plan if such invalid portion thereof had been deleted.

Section 12. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage, subject to Section 216 of the City Charter.

Introduced = 6-30-98

IN COUNCIL, OAKLAND, CALIFORNIA, (DATE), 19(YEAR)

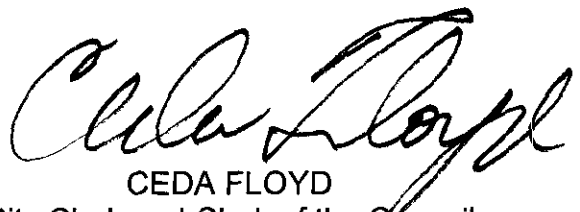
PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, DE LA FUENTE, MILEY, NADEL, REID, RUSSO,
SPEES, AND PRESIDENT HARRIS *-9*

NOES- *None*

ABSENT- *None*

ABSTENTION- *None*

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