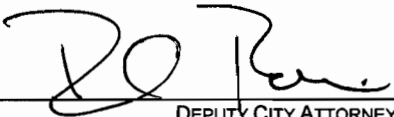


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OAKLAND

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APPROVED AS TO FORM AND LEGALITY:

BY: 
DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

ORDINANCE NO. 13109 C.M.S.

AN ORDINANCE, BY THE CITY OF OAKLAND UNDER ITS OWN AUSPICES, ADOPTING THE SEVENTEENTH AMENDMENT TO THE CENTRAL DISTRICT REDEVELOPMENT PLAN, DESIGNATED AND ADOPTED AS THE "CENTRAL DISTRICT URBAN RENEWAL PLAN" IN 1969, TO (1) EXTEND THE TIME LIMITS ON PLAN EFFECTIVENESS AND THE RECEIPT OF TAX INCREMENT REVENUES BY TEN YEARS, (2) INCREASE THE CAP ON TAX INCREMENT REVENUES, (3) EXTEND THE TIME LIMIT FOR USE OF EMINENT DOMAIN AND RESTRICT EMINENT DOMAIN TO NONRESIDENTIAL PROPERTIES, (4) AMEND AFFORDABLE HOUSING PROVISIONS, AND (5) MAKE OTHER REQUIRED CHANGES

WHEREAS, the City Council adopted the Central District Urban Renewal Plan (the "Redevelopment Plan") on June 12, 1969, Ordinance No. 7987 C.M.S., pursuant to the California Community Redevelopment Law (the "CRL," codified at Section 33000, et seq., of the California Health and Safety Code) as the redevelopment plan for the Central District Redevelopment Project Area (the "Central District" or "Project Area"); and

WHEREAS, the Redevelopment Plan has been amended 16 times since adoption;
and

WHEREAS, on December 21, 2004, the City Council adopted Ordinance No. 12641 C.M.S., which amended the Redevelopment Plan to extend the time limit on the effectiveness of the Redevelopment Plan as to the Project Area (excluding area added to the Project Area by the Twelfth Amendment to the Redevelopment Plan adopted in 2001) to June 12, 2012, and extend the time limit on the Agency's ability to pay indebtedness and receive tax increment revenues as to the Project Area (excluding area added to the Project Area by the Twelfth Amendment to the Redevelopment Plan adopted in 2001), to June 12, 2022; and

WHEREAS, pursuant to Section 33333.4(a)(1) of the CRL, the City Council adopted Ordinance No. 10822 C.M.S. on December 16, 1986, which among other things set the limit on

the number of dollars that may be divided and allocated to the Redevelopment Agency of the City of Oakland pursuant to the Central District Redevelopment Plan at \$1,348,862,000 (the "tax increment cap"); and

WHEREAS, the Redevelopment Plan also sets a limit on the number of dollars that may be divided and allocated to the Redevelopment Agency from areas added to the Central District between 1979 and 2001 at \$75,000,000; and

WHEREAS, pursuant to Section 33333.4(a)(3) of the CRL, the City Council adopted Ordinance No. 12348 C.M.S. on July 24, 2001, which among other things set time limits on the commencement of eminent domain proceedings to acquire property in the Central District at June 12, 2009, for territory in the Central District prior to June 1, 2001, and 12 years after adoption of the plan extension amendment for territory added to the Central District after June 1, 2001; and

WHEREAS, Sections 33333.10 and 33333.11 of the CRL authorize a redevelopment agency to amend a redevelopment plan adopted prior to December 31, 1993, to extend the time limits on the effectiveness of the plan and the agency's ability to pay indebtedness and receive tax increment revenues by ten additional years, if certain findings are made and certain procedures are followed; and

WHEREAS, Sections 33451.5 and 33354.6 of the CRL authorize a redevelopment agency to amend a redevelopment plan to increase the number of dollars that may be divided and allocated to the agency pursuant to a redevelopment plan, if certain findings are made and certain procedures are followed; and

WHEREAS, Section 33333.4(a)(3) of the CRL authorizes a redevelopment agency to amend a redevelopment plan to extend the time limit for the commencement of eminent domain proceedings, if certain findings are made; and

WHEREAS, a proposed Seventeenth Amendment to the Central District Redevelopment Urban Renewal Plan (the "Seventeenth Amendment" or the "Amendment"), has been prepared which would: (1) extend the time limit on the effectiveness of the Redevelopment Plan (excluding the area added to the Central District in 2001) by ten years to June 12, 2022, pursuant to Section 33333.10(a)(1) of the CRL, (2) extend the time limit on the payment of indebtedness and the receipt of tax increment revenues pursuant to the Redevelopment Plan (excluding the area added to the Central District in 2001) by ten years to June 12, 2032, pursuant to Section 33333.10(a)(2) of the CRL, (3) increase the tax increment cap to a maximum of \$3 billion, pursuant to Sections 33451.5 and 33354.6 of the CRL, (4) extend the time limit for the commencement of eminent domain proceedings within the Central District (including the area added to the Central District in 2001) to the extended Plan effectiveness date, pursuant to Section 33333.4(a)(3) of the CRL, as well as restrict eminent domain authority only to the acquisition of nonresidential properties, (5) amend affordable housing provisions as required under Sections 33333.10 and 33333.11 of the CRL, and (6) make other changes as required by the CRL in connection with the above amendments; and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code Section 21000, et seq., hereinafter "CEQA"), the Guidelines for Implementation of the California Environmental Quality Act (14 Cal. Code Regs. Section 15000, et seq., hereinafter the "State CEQA Guidelines") and local procedures adopted by the Agency pursuant thereto, the City has completed an environmental impact report on the proposed Seventeenth Amendment (as well as the proposed Eighteenth Amendment) dated June, 2011, (the "EIR"); and

WHEREAS, the EIR was completed in compliance with CEQA and the City's CEQA implementing regulations, it reflects the City Council's independent judgment, and it has been reviewed and considered before approving the Amendment; and

WHEREAS, the Planning Commission has submitted to the Council its report and recommendations for approval of the Amendment; and

WHEREAS, the California Department of Finance and Department of Housing and Community Development have been sent reports on the proposed Amendment and have been given an opportunity to comment on the proposed Amendment; and

WHEREAS, the California Department of Housing and Community Development has confirmed in writing on June 22, 2011, that the Redevelopment Agency has not accumulated an excess surplus in its Low and Moderate Income Housing Fund; and

WHEREAS, residents and community organizations in the Central District have been given an opportunity to review and comment on reports on the proposed Amendment; and

WHEREAS, the City Council has also received from the Redevelopment Agency a Report of the Agency on the Seventeenth Amendment to the Central District Plan (the "Report to Council") pursuant to Sections 33333.11(h), 33451.5(c), and 33352 of the CRL, including: a map of the Central District that identifies those portions of the Project Area that are no longer blighted and those portions of the Project Area that are blighted or contain necessary and essential parcel for the elimination of the remaining blight; a description of the remaining blight; a description of the projects and programs proposed to eliminate the remaining blight and a description of how these projects and programs will improve the conditions of blight; the reasons why the projects and programs cannot be completed without the time extensions and other amendments, and the relationship between the costs of those programs and project and the amount of the increase in the tax increment cap; the proposed method of financing those programs and projects; an amendment to the Agency's implementation plan for the Central District Redevelopment Project; a neighborhood impact report; a description of each bond sold by the Agency to finance or refinance the Central District Redevelopment Project; the report and recommendations of the Planning Commission on the Amendment; the EIR; a summary of consultations with affected taxing entities and the California Department of Finance and Department of Housing and Community Development, and consultations with and community participation by residents, community organizations and others in the Central District on the Amendment, along with responses to written objections and concerns; and

WHEREAS, the Council and the Redevelopment Agency held a joint public hearing on September 20, 2011, on adoption of the proposed Amendment; 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 first-class mail to property owners, residents, and businesses in the Central District; 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 Central District; and

WHEREAS, although the Redevelopment Agency of the City of Oakland was dissolved on February 1, 2012, per state legislation (ABX 26), the City has elected to be successor agency to the Redevelopment Agency; and

WHEREAS, a successor agency to a redevelopment agency has all authority, rights, powers, duties and obligations previously vested with the former redevelopment agency under the CRL, other than those repealed, restricted or revised by ABX 26; and

WHEREAS, a successor agency is empowered and required to perform on the enforceable obligations of the dissolved redevelopment agency; and

WHEREAS, a successor agency is subject to the provisions of existing redevelopment plans in carrying out their functions, including plan time limits and fiscal limits; and

WHEREAS, there are enforceable obligations of the dissolved Redevelopment Agency related to activities in the Central District that will be the responsibility of the City acting in its capacity as successor agency; and

WHEREAS, the City will need to continue certain activities in the Central District after current Redevelopment Plan time limits expire in order to perform on enforceable obligations and otherwise carry out its functions as successor agency, and therefore these limits need to be extended by this Amendment, notwithstanding Agency dissolution; and

WHEREAS, the Council has considered the report and recommendations of the Planning Commission, the Report to the Council from the Agency on the Amendment, and the EIR, 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 Amendment;

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

Section 1. The Council hereby finds and determines that:

- a.** Significant blight remains in the Central District. This finding is based upon the following conditions remaining in the Central District, as set forth and documented in the Report to Council:
- (1) The existence of buildings in which it is unsafe or unhealthy for persons to live or work. These conditions include, dilapidated and deteriorated commercial, residential and industrial buildings, buildings with serious building code violations, abandoned buildings, lead paint and asbestos hazards, defective design or physical construction such as unreinforced masonry buildings and other seismically vulnerable buildings, faulty and inadequate water and sewer utilities, and other similar factors.
 - (2) The existence of factors that prevent or substantially hinder the economically viable use or capacity of buildings or lots, including obsolete building design and elements, impeded circulation and accessibility, and other similar factors.
 - (3) Depreciated or stagnant property values for industrial and residential properties.
 - (4) Impaired property values due in significant part to contamination with hazardous materials.
 - (5) Abnormally high business vacancies, abnormally low lease rates, and abandoned buildings.
 - (6) An overconcentration of problem businesses such as liquor outlets that has resulted in significant health and safety concerns.
 - (7) A high crime rate that constitutes a significant threat to the public safety and welfare.
 - (8) The existence of inadequate public improvements, including poor street conditions, inadequate streetscapes, deficient sewer utilities, inadequate park and public facilities, inadequate pedestrian access, and inadequate street lighting.
- b.** The remaining blight conditions in the Central District cannot be eliminated without (1) the extension of the effectiveness of the Redevelopment Plan and the receipt of tax increment revenues by ten years, (2) the extension of the authority to use eminent domain to acquire property in the Central District during the effectiveness of the Redevelopment Plan, and (3) the establishment of additional debt and the increase in the limitation on the number of dollars to be allocated to the Agency from the Central

District. These findings are based upon the information, reasoning and analysis contained in the Report to Council.

Section 2. The Council hereby further finds and determines that:

- a.** This Amendment to the Redevelopment Plan is both necessary and desirable, for the reasons set forth above and in the Report to Council and related staff reports.
- b.** The remaining blight conditions are causing and will increasingly cause a reduction and lack of proper utilization of the Central District 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, as set forth and analyzed in the Report to Council.
- c.** The Redevelopment Plan as amended and extended herein will redevelop the Central District 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 Central District 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.
- d.** The carrying out of the Redevelopment Plan as amended and extended herein is economically sound and feasible. This finding is based on the fact that the Agency acting through its successor agency will be authorized to seek and utilize a variety of potential financing resources, including tax increment revenues; that the nature and timing of public redevelopment assistance will depend on the amount and availability of such financing resources, including tax increment revenues generated by new investment in the Central District; 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.
- e.** The Redevelopment Plan as amended and extended herein conforms to the General Plan of the City of Oakland. This finding is based on the fact that the Redevelopment Plan specifically requires and provides for redevelopment in conformance with the General Plan of the City of Oakland.

- f.** The carrying out of the Redevelopment Plan as amended and extended herein 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 Central District by correcting conditions of blight and by coordinating public and private actions to stimulate development of the Central District.
- g.** The condemnation of real property as provided for in the Redevelopment Plan as amended and extended herein is necessary to the execution of the Redevelopment Plan, and adequate provisions have been made for the payment for property to be acquired as provided by law. This finding is based upon the need to ensure that the provisions of the Redevelopment Plan as amended will be carried out and to prevent the recurrence of blight, and the fact that the Redevelopment Plan provides for payments for property acquired through condemnation as required by law.
- h.** The Agency through its successor 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 Central District. This finding is based on the fact that the Redevelopment Plan as well as relocation rules adopted by the Agency require and provide for relocation assistance and benefits for displacees according to law.
- i.** There are, or are being provided, within the Central District 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 Central District, 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 under relocation laws and regulations adopted by the Agency, no person or family will be required to move from any dwelling unit until suitable replacement housing is available.
- j.** Permanent housing facilities will be available within three years from the time occupants of the Central District 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.
- k.** The elimination of blight and the redevelopment of the Central District could not reasonably be expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency acting through its successor 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, as analyzed in the Report to Council.

- l.** The time limitations and the limit on the number of dollars to be allocated to the Agency acting through its successor agency contained in the Redevelopment Plan as amended and extended herein are reasonably related to the proposed projects and programs to be implemented in the Central District and to the ability of the Agency acting through its successor agency to eliminate blight in the Central District. This finding is based on the program and projects for the Redevelopment Plan as extended and the fiscal analysis as set forth and analyzed in the Report to Council.
- m.** The Redevelopment Plan as amended and extended herein 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 all written objections received before or at the noticed public hearing, if any, 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 4. The City Council hereby amends the ordinance adopting the Central District Redevelopment Urban Renewal Plan and adopts the following Seventeenth Amendment to the Central District Redevelopment Urban Renewal Plan:

- a.** Section 402 of the Redevelopment Plan for the Central District Urban Renewal Project is amended to read in its entirety as follows (deletions are indicated with strikeout text, and additions with double underlining):

Section 402. ACQUISITION AND CLEARANCE

The Agency may acquire real properties within the Central District Urban Renewal Area whenever such acquisition is, in the sole discretion of the Agency, determined to be necessary in order:

1. to remove a substandard condition inconsistent with the Redevelopment Plan which cannot otherwise be removed through rehabilitation, or
2. to remove a blighting influence on surrounding properties which prevents achievement of the objectives of the Redevelopment Plan, or
3. to provide land for public improvements or facilities, or

4. to promote historical or architectural preservation, or
5. to assemble a disposition parcel of adequate size, shape and location for redevelopment, and the achievement of other Plan objectives, or
6. to otherwise execute the Redevelopment Plan in conformity with the Community Redevelopment Law of California.

Within the Central District, except as otherwise limited under this section, the Agency may acquire real properties by purchase, gift, exchange, condemnation or any lawful manner, except that the Agency is not authorized to employ the power of eminent domain to acquire property in the Central District on which persons legally reside.

The Agency's authority to acquire property in the Central District by eminent domain shall expire on the date that this Plan is no longer effective as set forth in the first paragraph of Section 700.E. of this Plan June 12, 2009, except as provided below. No eminent domain complaint to acquire property in the Central District may be filed after this date, ~~except as provided below.~~

~~Notwithstanding any provision of this Plan to the contrary, as to any areas added to the Project Area by amendment of this Plan adopted after June 1, 2001, the Agency may acquire, but is not required to acquire, any real property located in said additional areas by any means authorized by law, including eminent domain, except that in those additional areas the Agency is not authorized to employ the power of eminent domain to acquire property on which persons legally reside. Eminent domain proceedings for said additional areas, if used, must be commenced within twelve (12) years from the date the ordinance adopting the amendment to this Plan becomes effective.~~

- b.** Subsection C of Section 600 of the Redevelopment Plan for the Central District Urban Renewal Project is amended to read in its entirety as follows (deletions are indicated with strikeout text, and additions with double underlining):
- C. Local Property Tax Increment: With the consent of the Oakland City Council, taxes, if any, levied upon the taxable property in the Project Area, hereinafter sometimes called the "redevelopment project," each year by or for the benefit of the State of California, the City of Oakland, County of Alameda, any district or other public corporation (hereinafter sometimes called "taxing agencies"), after the effective date of the ordinance approving this Plan shall be divided as provided in Article 6, Chapter 6, Part I (the Community Redevelopment Law) of the Health and Safety Code of the State of California and Section 16 of Article XVI of the Constitution of the State of California, to wit:

1. that portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of said taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency last equalized prior to the effective date of such ordinance shall be allocated to, and when collected, shall be paid into the funds of the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment project on the effective date of such ordinance but to which such territory has been annexed or otherwise included after such effective date, the assessment role of the county last equalized on the effective date of said ordinance shall be used in determining the assessed valuation of the taxable property in the project on said effective date); and
2. that portion of said levied taxes each year in excess of such amount shall be allocated to and, when collected, shall be paid into a special fund of the Agency to pay the principal of and interest on loans, monies advanced to, or indebtedness (whether funded, refunded, assumed or otherwise) incurred by such agency to finance or refinance, in whole or in part, such redevelopment project. Unless and until the total assessed valuation of the taxable property in a redevelopment project exceeds the total assessed value of the taxable property in such project as shown by the last equalized assessment roll referred to in paragraph designated (1) hereof, all of the taxes levied collected upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies. When said loans, advances and indebtedness, if any, and interest thereon, have been paid then all monies thereafter received from taxes upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

In the proceedings for the advance of monies, making of loans or the incurring of any indebtedness (whether funded, refunded, assumed or otherwise) by the Agency to finance or refinance, in whole or in part, the Central District Urban Renewal Project, the portion of taxes set forth in said Law and said Constitution as available to the Agency for such purposes may be irrevocably pledged for the payment of the principal of and interest on such loans, advances or indebtedness.

The number of dollars of the taxes referred to in Health and Safety Code Section 33670 which may be divided and allocated to the Redevelopment Agency of the City of Oakland pursuant to the Plan shall not exceed ~~One Billion, Three Hundred Forty Eight Million, Eight Hundred and Sixty Two Thousand Dollars (\$1,348,862,000.00)~~ Three Billion Dollars (\$3,000,000,000).

The Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 from the Project Area after June 12, 2022 ~~2032~~, except as may otherwise be provided by Section 33333.6 of the Community Redevelopment Law or except as provided below for areas added to the Project Area by Plan amendment.

~~As to tax increment generated within that portion of the Project Area added to the plan boundaries after June 12 1979, but prior to June 1, 2001, no more than \$75 million may be divided and allocated to the Agency without further amendment of this Plan.~~

As to bonds issued by the Agency specifically for activities to be undertaken in that portion of the Project Area added to the Plan boundaries after June 12, 1979, but prior to June 1, 2001, the amount of bonded indebtedness outstanding at any one time shall not exceed \$100,000,000.

Notwithstanding any provision of this Plan to the contrary, as to that territory added to the Project Area by the Twelfth Amendment to this Plan adopted on July 24, 2001 (that territory is referred to in this Plan as the "Central District Twelfth Amendment Area"), the Agency shall not establish or incur loans, advances or indebtedness to finance in whole or in part the Plan within the Central District Twelfth Amendment Area after July 24, 2021, except that the Agency may incur loans, advances or indebtedness after July 24, 2021 to be paid from the Low and Moderate Income Housing Fund as defined by the Community Redevelopment Law or to meet the Agency's replacement housing or inclusionary housing requirements as set forth in Sections 33413 and 33413.5 of the Community Redevelopment Law, as said provisions apply to the Central District Twelfth Amendment Area. This limit shall not prevent the Agency from refinancing, refunding, or restructuring indebtedness after the time limit if the indebtedness is not increased and the time during which the indebtedness is to be repaid is not extended beyond the time limit to repay indebtedness required by Section 33333.2 of the Community Redevelopment Law.

As to the Central District Twelfth Amendment Area, the Agency will comply with the requirements of Section 33607.5 of the Community Redevelopment Law to make certain payments to affected taxing entities from tax increment revenues generated by the Central District Twelfth Amendment Area.

Notwithstanding any provision of this Plan to the contrary, as to the Central District Twelfth Amendment Area, the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 from the Central District Twelfth Amendment Area after July 24, 2047.

The Agency may in any year during which it owns property in the Project Area pay directly to any city, county, district, including, but not limited to, a school

district, or other public corporation for whose benefit a tax would have been levied upon such property had it not been exempt, an amount of money in lieu of taxes, if and to the extent such payments are authorized under the California Community Redevelopment Law.

The Agency may pay to any taxing agency with territory located within the Project Area any amounts of money which in the Agency's determination is appropriate to alleviate any financial burden or detriment caused to the taxing agency by the redevelopment project, if and to the extent such payments are authorized under the California Community Redevelopment Law.

Beginning in fiscal year 2004-2005 until the date the effectiveness of this Plan terminates, the Agency will comply with the requirements of Section 33607.7 of the Community Redevelopment Law, as triggered by the amendment to this Plan adopted on January 6, 2004, to eliminate the time limit on establishing debt, to make certain payments to affected taxing entities from tax increment revenues generated by the Central District Project Area (excluding the Central District Twelfth Amendment Area). These payments shall be calculated against the amount of assessed value by which the current year assessed value exceeds the adjusted base year value for fiscal year 2003-2004 for the Project Area (excluding the Central District Twelfth Amendment Area).

Beginning on June 12, 2022, the Agency shall spend tax increment funds (except for funds deposited into the Low and Moderate Income Housing Fund) only within the portion of the Central District Project Area that has been identified in the Report to Council on the Seventeenth Amendment to this Plan as the area containing blighted parcels and necessary and essential parcels.

- c.** Subsection E of Section 700 of the Central District Urban Renewal Plan is hereby amended to read in its entirety as follows (deletions are indicated with strikethrough text, and additions with double underlining):
- E.** Duration of Plan: The provisions of this Plan shall be filed as restrictive covenants running with land sold or leased by the Agency and shall be made part of each contract with the Agency for new development or for owner participation. The commencement date of the covenants shall be the date of approval of the Plan by the Oakland City Council. The provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan may be made effective, until June 12, ~~2012~~ 2022, except that the nondiscrimination and nonsegregation provisions shall run in perpetuity, and except as provided below for areas added to the Project Area by Plan amendment. After this time limit on the duration and effectiveness of the Plan, the Agency shall have no authority to act pursuant to this Plan for the Project Area except to pay previously incurred indebtedness and to enforce existing covenants or contracts, except as may be otherwise be provided by Section

33333.6 of the Community Redevelopment Law, and except as provided below for areas added to the Project Area by Plan amendment.

As to the Central District Twelfth Amendment Area, the provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan may be made effective, for the Central District Twelfth Amendment Area until July 24, 2032, except that the nondiscrimination and nonsegregation provisions shall run in perpetuity. After this time limit on the duration and effectiveness of the Plan for the Central District Twelfth Amendment Area, the Agency shall have no authority to act pursuant to this Plan for the Central District Twelfth Amendment Area except to pay previously incurred indebtedness and to enforce existing covenants or contracts, and except that, if the Agency has not completed its housing obligations pursuant to Section 33413 of the Community Redevelopment Law, it shall retain its authority to implement its requirements under Section 33413, including its ability to incur and pay indebtedness for this purpose, and shall use this authority to complete these housing obligations as soon as reasonably possible.

- d.** Subsection G of Section 700 of the Central District Urban Renewal Plan is hereby amended to read in its entirety as follows (deletions are indicated with strikethrough text, and additions with double underlining):
- G. Replacement Housing and Inclusionary Affordable Housing Requirements: By law, the Agency, within four years of destruction or removal of dwelling units housing persons and families of low and moderate income as part of the redevelopment project, shall cause to be rehabilitated, developed or constructed a number of dwelling units equal to the number destroyed or removed which units shall be for sale to persons and families of low and moderate income at affordable housing costs.

In addition, ~~as to any areas added to the Project Area by amendment of this Plan adopted after January 1, 1976, prior to the time limit on the effectiveness of this Plan as set forth in Section 700.E.,~~ at least 30 percent of all new or substantially rehabilitated dwelling units developed by the Agency in the additional areas Central District shall be available at affordable housing cost to, and occupied by, persons and families of low or moderate income, with not less than 50 percent of these units made available at affordable housing cost to, and occupied by, very low income households, as required by Section 33413 (in particular, subdivision (b) of that section) of the Community Redevelopment Law. Prior to the time limit on the effectiveness of this Plan as set forth in Section 700.E., at least 15 percent of all new or substantially rehabilitated dwelling units developed by public or private entities or persons other than the Agency in the ~~additional areas Central District~~ shall be available at affordable housing cost to, and occupied by, persons and families of low or moderate income, with not less than 40 percent of these units made available at affordable housing cost to, and occupied by, very low income households,

as required by Section 33413 (in particular, subdivision (b) of that section) of the Community Redevelopment Law. The requirements of this section shall apply in the aggregate, and not to each individual case of rehabilitation, development, or construction of dwelling units; however, the Agency in its discretion may impose inclusionary housing requirements on particular housing projects developed by public or private entities or persons other than the Agency in the additional areas Central District, as needed in order for the Agency to comply with Section 33413 of the Community Redevelopment Law, this Plan, and the implementation plan adopted for the Project pursuant to Section 33490 of the Community Redevelopment Law. This paragraph shall only apply prospectively to new and substantially rehabilitated dwelling units for which the building permits are issued on or after the date of adoption of the Seventeenth Amendment to this Plan. To satisfy this paragraph, in whole or in part, the Agency (1) may cause, by regulation or agreement, to be available, at affordable housing cost to, and occupied by, persons and families of low or moderate income or to very low income households, as applicable, two units outside the Central District for each unit that otherwise would have been required to be available inside the Central District, or (2) may aggregate new or substantially rehabilitated dwelling units in one or more project areas, if the Agency finds, based on substantial evidence, after a public hearing, that the aggregation will not cause or exacerbate racial, ethnic, or economic segregation.

Beginning in fiscal year 2012-2013, and except as otherwise provided in or allowed by the Community Redevelopment Law, not less than 30 percent of all taxes which are allocated to the Agency pursuant to Section 33670 of the Community Redevelopment Law from that portion of the Central District existing within the project area prior to December 31, 1993, shall be used by the Agency for the purposes of increasing, improving and preserving the City's supply of housing at affordable housing cost to persons and families of extremely low, very low, low or moderate income. For those portions of the Central District added to the project area after December 31, 1993, including the Twelfth Amendment Area, the Agency shall continue to allocate not less than 25 percent of tax increment revenues from these areas for these purposes, per CRL requirements and Agency policy. In carrying out this purpose, the Agency may exercise any or all of its powers. The funds for this purpose shall be deposited and held in the Agency's Low and Moderate Income Housing Fund. Beginning in fiscal year 2012-2013 until June 12, 2022, the Agency may use such funds to increase, improve, or preserve housing for persons and families of moderate income, but only subject to the limitations on such assistance as set forth in Section 33333.10(f)(2) of the Community Redevelopment Law. Beginning on June 12, 2022, the Agency may use such funds to increase, improve, or preserve housing for persons and families of moderate income, but only subject to the limitations on such assistance as set forth in Section 33333.10(f)(1) of the Community Redevelopment Law.

Section 5. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency's successor agency, whereupon the Agency's successor agency is vested with the responsibility for carrying out the Plan as amended.

Section 6. The City Administrator or his designee is hereby directed to record with the County Recorder of Alameda County a statement that the Redevelopment Plan has been amended.

Section 7. If any part of this Ordinance or the Amendment 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 Amendment, and this Council hereby declares that it would have passed the remainder of this Ordinance and approved the remainder of the Amendment if such invalid portion thereof had been deleted.

Section 8. 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.

APR 3 2012

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2012

PASSED BY THE FOLLOWING VOTE:

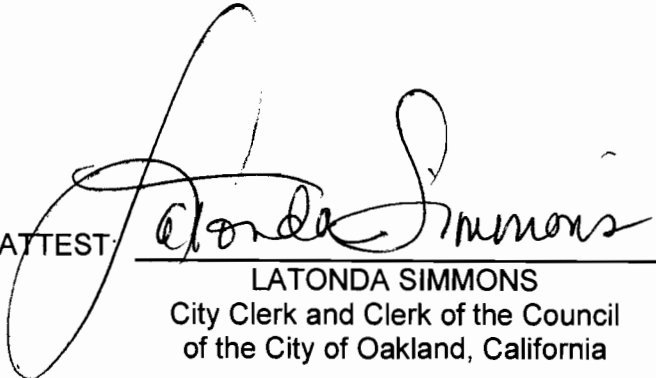
AYES- BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, ~~KERNIGHAN~~, NADEL, SCHAAF, AND PRESIDENT REID - 7

NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused- Kernighan- 1

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

Introduction Date MAR 20 2012

Date of Attestation: April 5, 2012

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FILED
OFFICE OF THE CITY CLERK
OAKLAND

2012 MAR -9 AM 10:31

AN ORDINANCE, BY THE CITY OF OAKLAND UNDER ITS OWN AUSPICES, ADOPTING THE SEVENTEENTH AMENDMENT TO THE CENTRAL DISTRICT REDEVELOPMENT PLAN, DESIGNATED AND ADOPTED AS THE "CENTRAL DISTRICT URBAN RENEWAL PLAN" IN 1969, TO (1) EXTEND THE TIME LIMITS ON PLAN EFFECTIVENESS AND THE RECEIPT OF TAX INCREMENT REVENUES BY TEN YEARS, (2) INCREASE THE CAP ON TAX INCREMENT REVENUES, (3) EXTEND THE TIME LIMIT FOR USE OF EMINENT DOMAIN AND RESTRICT EMINENT DOMAIN TO NONRESIDENTIAL PROPERTIES, (4) AMEND AFFORDABLE HOUSING PROVISIONS, AND (5) MAKE OTHER REQUIRED CHANGES

NOTICE AND DIGEST

This Ordinance amends the Central District Urban Renewal Plan to (1) extend the time limit on the effectiveness of the Plan by ten years to June 12, 2022, (2) extend the time limit on the payment of indebtedness and the receipt of tax increment revenues pursuant to the Redevelopment Plan by ten years to June 12, 2032, (3) increase the cap on the amount of tax increment revenue that the Redevelopment Agency may receive to a maximum of \$3 billion, (4) extend the time limit for the commencement of eminent domain proceedings within the Central District to the extended Plan effectiveness date, as well as restrict eminent domain only to the acquisition of nonresidential properties, (5) amend various affordable housing provisions as required under the California Community Redevelopment Law, and (6) make other changes as required by the California Community Redevelopment Law in connection with the above amendments. This Ordinance also makes certain findings in support of its adoption.