

FILED
OFFICE OF THE CITY CLERK
APPROVED AS TO FORM AND LEGALITY
James R. ...
2005 DEC 28 AM 9:57
DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL
ORDINANCE NO. 12724 C.M.S.

AN ORDINANCE AMENDING THE OAK CENTER URBAN RENEWAL PLAN TO ELIMINATE THE TIME LIMIT ON ESTABLISHING DEBT THAT IS PAID FROM THE LOW AND MODERATE INCOME HOUSING FUND OR DEBT USED TO FULFILL AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, the City Council adopted the Oak Center Urban Renewal Plan (the "Redevelopment Plan") for the Oak Center Redevelopment Project (the "Project") on November 30, 1965; and

WHEREAS, on December 20, 1994, the Council adopted Ordinance No. 11761 C.M.S., which, among other things, established a time limit of January 1, 2004, on the ability of the Redevelopment Agency of the City of Oakland (the "Redevelopment Agency" or "Agency") to establish or incur loans, advances or indebtedness for the Project; and

WHEREAS, this time limit was required under Health and Safety Code Section 33333.6(a) for redevelopment plans adopted on or before December 31, 1993; and

WHEREAS, Health and Safety Code Section 33333.6(e)(4) authorizes a redevelopment agency to amend a redevelopment plan by ordinance to provide that there shall be no time limit on the establishment of loans, advances, and indebtedness paid from the agency's low and moderate income housing fund or the establishment of more debt to fulfill the agency's affordable housing obligations; and

WHEREAS, Health and Safety Code Section 33333.6(e)(4) provides that, in adopting such an ordinance, neither a legislative body nor an agency must comply with provisions of the California Community Redevelopment Law relating to amendment of redevelopment plans; and

WHEREAS, Health and Safety Code Section 33333.6(e)(4) further provides that, in adopting such an ordinance, an agency is not required to make payments to affected taxing entities; and

WHEREAS, the Redevelopment Agency wishes to amend the Redevelopment Plan for the Oak Center Redevelopment Project to eliminate the time limit on the establishment of loans, advances, and indebtedness paid from the Agency's Low and Moderate Income Housing Fund, and to eliminate the time limit on the establishment of debt to fulfill the Agency's affordable housing obligations; and

WHEREAS, this action is not subject to the California Environmental Quality Act of 1970 (“CEQA”) because it can be seen with certainty that there is no possibility that the action may have a significant effect on the environment; now, therefore

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

SECTION 1. The Redevelopment Plan for the Oak Center Redevelopment Project is hereby amended to provide that there shall be no time limit on the establishment of loans, advances, and indebtedness paid from the Redevelopment Agency’s Low and Moderate Income Housing Fund, and no time limit on the establishment of debt to fulfill the Redevelopment Agency’s affordable housing obligations.

SECTION 2. Ordinance No. 11761 C.M.S is hereby amended accordingly.

SECTION 3. The City Administrator or his or her designee shall cause to be filed with the County of Alameda a Notice of Exemption for this action.

SECTION 4. 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 5. 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, FEB 07 2006, 20__

PASSED BY THE FOLLOWING VOTE:

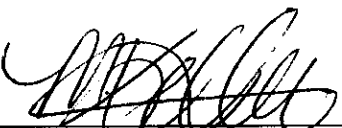
AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND
PRESIDENT DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

Introduction Date: **JAN 17 2006**

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

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NOTICE AND DIGEST

This ordinance amends the Oak Center Urban Renewal Plan to eliminate the time limit on the establishment of loans, advances, and indebtedness paid from the Redevelopment Agency's Low and Moderate Income Housing Fund, and to eliminate the time limit on the establishment of debt to fulfill the Redevelopment Agency's affordable housing obligations, as authorized under Health and Safety Code Section 33333.6(e)(4).