

**REDEVELOPMENT AGENCY OF THE  
CITY OF OAKLAND  
AGENDA REPORT**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2008 SEP 11 PM 3:05

TO: Office of the Agency Administrator  
ATTN: Dan Lindheim  
FROM: Community and Economic Development Agency  
DATE: September 23, 2008

RE: **Report on the Status of all Disposition and Development Agreements,  
Owner Participation Agreements and Development Agreements  
approved by the Redevelopment Agency and City of Oakland during the  
Period beginning on January 1, 1998 and ending June 30, 2008**

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**SUMMARY**

At the request of Councilmember Jane Brunner, Redevelopment Agency (Agency) staff has reviewed all Disposition and Development Agreements (DDA) and Owner Participation Agreements (OPA) approved by the Agency, as well as Development Agreements (DA) approved by the City of Oakland (City) during the period beginning on January 1, 1998 and ending June 30, 2008, to determine whether the agreements' terms and conditions were satisfied by the parties.

The attached matrix (Attachment A: DDA/OPA/DA Matrix) presents an overview of all DDAs, OPAs and DAs that were executed by the Agency and City during the specified period. The matrix identifies individual projects subject to a DDA, OPA or DA by name, and provides additional information about the developer and the project, the date on which the resolution authorizing the agreements was passed by the City Council, the agreement execution date, the Agency's or City's project requirements, an indication as to whether the project received a subsidy, whether the developer complied with the Agency or City's project requirements, the required and actual dates for the start and completion of construction and the current status of the projects.

**FISCAL IMPACT**

There is no fiscal impact related to this report. However, the approval process for each agreement listed in the matrix requires an evaluation of the fiscal impact of the proposed project to the Agency or City.

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## **BACKGROUND**

### *Disposition and Development and Owner Participation Agreements*

California redevelopment law provides redevelopment agencies with broad powers regarding the disposition of real property. DDAs and OPAs relate to the development of property owned by redevelopment agencies or private parties within a redevelopment project area.

A DDA is an agreement between the redevelopment agency and a developer, and generally includes the terms and conditions relating to the sale, financing, development, and use of an Agency-owned property. In instances where a lease instead of a sale is contemplated, the Agency may enter into a Lease Disposition and Development Agreement (LDDA) for the property with a developer, which essentially contains provisions similar to a DDA governing the development and financing of a proposed project.

There are two types of OPAs. The first concerns a property owner within a project area that wishes to redevelop property that he or she owns in conjunction with adjacent property to be acquired or owned by the Agency (sometimes using the Agency's eminent domain powers). This type of OPA governs the terms under which the Agency will acquire, sell or lease that property to the owner to complete site assembly. The second type of OPA only involves the redevelopment of the property of the owner, and usually pertains to financial assistance given by the Agency to the owner to support redevelopment or the provision of public improvements by the Agency. The former type of OPA is essentially identical to a DDA, the latter is similar to a loan agreement or a grant agreement. Agencies have the option to provide financial assistance to a development, if such assistance facilitates the feasibility of a contemplated project and meets legal requirements. Financial assistance may take the form of a reduction in the purchase price of Agency-owned land below fair market value, or direct gap financing assistance.

If the Agency provides financial assistance in the form of a "subsidy" to a project, the developer has to comply with the following City of Oakland employment and contracting programs:

- 20% Local and Small Local For Profit and Not For Profit Business Enterprise Program
- 50% Local Employment Program
- 15% Oakland Apprenticeship Program
- Payment of prevailing wages
- City of Oakland Living Wage Ordinance
- City of Oakland Equal Benefits Ordinance
- Electronic Certified Payroll Submittals

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Under the City's programs, a "subsidy" includes a grant, a below-market loan, a sale of Agency property at less than fair market value, or a tax rebate or credit. If the developer does *not* receive a subsidy, the project does not have to comply with said programs, although in some cases the developer has voluntarily agreed to make a non-binding good-faith effort to comply with some of these programs.

*Development Agreements*

DDAs do not directly involve redevelopment agencies. These agreements between a city or a county and a private property owner grant vested long-term land use rights to a development. DDAs have to include the following elements: the duration of the agreement, permitted uses of property, density or intensity of use, maximum height or size of buildings, provision for reservation or dedication of land. DDAs may also include requirements for subsequent discretionary actions, timing of development or phasing, financing of public facilities and other provisions that can be agreed upon.

Over the past 10 years the Agency:

- Approved and executed 32 DDAs and 8 OPAs, which have stimulated economic activity throughout Oakland's redevelopment project areas.
- Approved 2 DDAs, one of which was executed. The projects that are subject to these agreements consist of affordable, mixed-income and market-rate residential developments, office buildings, cultural and educational facilities, as well as several mixed-use projects, including retail.

Of the 41 projects with agreements:

- Thirty-one (31) are in compliance with the City and or Agency requirements.
- Six (6) of the 10 projects with compliance issues have been resolved.
  - The DDAs for Key System building and 14<sup>th</sup> & Adeline were terminated
  - The OPAs for Negherbon and Connell have been terminated
  - The Agency approved settlements for the Courtyard by Marriott and Zhong DDAs.
- The Oak to 9<sup>th</sup> DDA is being delayed until litigation on the project is settled.

There are three (3) projects with on-going compliance issues:

▪ City Walk	▪ Uptown Phase II	▪ 1728 – 14 <sup>th</sup> Street
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These projects will require DDA amendments to extend the schedules before they can be in compliance.

The projects with compliance issues, as well as projects that had agreements approved by the City or Agency but never executed, are discussed in the Key Issues and Impacts section of the report.

## **KEY ISSUES AND IMPACTS**

While most of the projects that were developed pursuant to DDAs, OPAs and DAs, were completed, the following projects have been delayed or have other compliance issues. In addition, several DDAs and OPAs were approved but never executed.

### **Approved But Un-Executed Agreements**

There are several DDAs and OPAs that were authorized by the City Council but never executed and have therefore not been included in the attached matrix.

#### *Auto Dealerships at Oakland Army Base*

In December 2006, the Agency authorized staff to enter into DDAs with three auto dealerships for the purpose of creating a freeway auto mall in the Oakland Army Base:

- Sojitz Motors, Inc. (BMW)
- Argonaut Holdings, Inc. (General Motors)
- Simi Management Corp. (Chrysler-Jeep-Dodge and Nissan)

These DDAs were never executed, because (a) the ownership of the GM, Nissan, and Chrysler dealerships changed hands, and (b) Sojitz could not obtain site approval from BMW of North America. Staff worked with the new owners of the GM, Nissan and Chrysler dealerships (Legend), and planned to bring a new DDA to the Agency in May 2008. However, due to the current nationwide downturn in auto sales, as well as other factors, Legend has stated that they are temporarily unable to proceed with their auto mall plans. Staff plans to present a separate report to the Agency on the auto mall project.

#### *Jackson Center II and Gatorade*

Two OPAs were approved but not executed - Jackson Center II and Gatorade. The OPA for Jackson Center II, a mixed-use retail/housing project with public parking for nearby office buildings, was approved on November 1, 2005. The Jackson Center II OPA included tax increment rebates to finance public parking, and required hourly and daily parking, as well as all compliance with all City contracting and employment programs. When the housing market began to decline, the developer (Jackson Center Two, LLC) decided not to pursue the project and sold the site and the OPA was never executed. The SVC Manufacturing, Inc., DBA Gatorade OPA (Gatorade OPA) was approved March 1, 2005, and included off-site improvements that the property owner decided not to implement. The Gatorade OPA was never executed.

## Agreements With Compliance Issues

The following seven DDAs, two OPAs and one DA had compliance issues: 1) City Center - T-10 "City Walk"; 2) Courtyard by Marriott; 3) Key System/1100 Broadway; 4) Negherbon Auto Center; 5) Uptown Parcel 4; 6) 1158 14th Street / 14th & Adeline; 7) Connell Auto Center; 8) Zhone Technologies; 9) 1728 14th Street; and 10) Oak to Ninth Project. These projects have had scheduling delays, failed to comply with City contracting/employment programs, or face litigation and other legal issues.

### *City Center - T-10 "City Walk"*

The DDA for the Olson Company's City Center - T-10 "City Walk" project was executed on August 4, 2004. The developer proposed to build a 252-unit condominium project which also included a retail component. The project stopped construction when the general contractor defaulted under the DDA on their contract and filed for bankruptcy. At this time, the project is in default for not being completed by December 31, 2007. The Agency approved an extension to the DDA, but the developer was unwilling to meet the Agency's additional requirements – a labor harmony agreement and compliance with the City's contracting/employment programs. The developer is continuing to work on a settlement with the bond company and various permit issues with the City of Oakland. The developer has not given the Agency a new date to recommence project construction.

### *Courtyard by Marriott*

This 162-room hotel was completed in January of 2003. The project did not comply with City employment/contracting programs. A \$132,205 fine was imposed and placed in escrow when the developer sold the project to the CIM Group, Inc. Per the Agency Resolution and the terms of the purchase and sales agreement, the escrowed funds were released to the developer as part of the Pacific Renaissance settlement. Once the \$132,205 was escrowed, the project received a Certificate of Compliance with the DDA.

### *Key System / 1100 Broadway*

On April 13, 2000, Amin-Broadway LLC entered into a DDA with the Agency for the sale of the vacant Agency-owned property located next to the historic Key System building and the construction of a 214-room Hilton Garden Inn hotel. The property was sold to the developer and construction began but was soon halted on the project. In July 2002, the Agency placed Amin-Broadway in default for failure to complete the project according to schedule. Amin-Broadway was also sued by its building contractor. Pursuant to the terms of a settlement agreement, approved by the Agency on July 6, 2004, a new developer, East End LLC, formed by Swinerton & Walberg, the general building contractor for the project, acquired the property, and the Agency removed the Amin-Broadway DDA from the property and replaced it with a new OPA. East End subsequently sold the property to SKS Investment, the current developer of a planned office building on the site. Compliance with the terms of the OPA is still pending.

*Negherbon Auto Center OPA*

On January 21, 2000, the Agency entered into an OPA with Negherbon Lincoln-Mercury, Inc. (Negherbon) to rehabilitate the existing facilities, expand by adding at least one new auto retail facility of 10,000 square feet and attract two new luxury car franchises. In exchange the Agency was to rebate up to \$3,000,000 or \$300,000 per year in increased sales tax, over the base year revenue of \$459,000. The Negherbon OPA also required City Programs, including Prevailing Wage, Small Local Business Enterprises, Local Employment, Living Wage and First Source. Negherbon received two years of sales tax rebates totaling \$357,193 but never completed the required rehabilitation and expansion. The Agency eventually terminated the OPA and filed a lawsuit against Negherbon. The Agency was refunded the tax rebate with interest as part of the settlement of that lawsuit.

*Uptown Parcel 4*

On February 28, 2007, the Agency entered into a DDA with FC Uptown Parcel 4 LLC for the fair market value sale and development of an Agency-owned property bounded by William Street in the north, Telegraph Avenue in the east, 19th Street in the south and a new public park in the west in the Uptown area of downtown Oakland. Pursuant to the terms of the DDA, FC Oakland Parcel 4, LLC, is required to build a market rate rental and/or condominium residential project with at least 120 units and approximately 20,000 square feet of retail space. FC Uptown Parcel 4 LLC was scheduled to start construction by August 30, 2008.

At this time, the developer has requested a three-year extension to the original construction commencement date. FC Uptown Parcel 4 LLC has cited several reasons for the proposed delay in the development of the project. Most importantly, the continuing correction in California's housing markets as well as the tightening of U.S. financial credit markets have made it virtually impossible for the developer to secure debt and equity financing for the proposed project. To a lesser degree, the slower-than-anticipated lease-up of Forest City's first phase of the Uptown Project and significant concerns expressed by various community groups over the design of the Parcel 4 project have also contributed to stalling the developer's progress in meeting the DDA's schedule of performance. Staff is negotiating the terms of an extension to the DDA, and will present a recommendation to the City Council in December of this year.

*1158 14th Street / 14th & Adeline*

A DDA for this four-unit residential project in Oak Center was executed on the 20th of September, 1995, replacing a previous grant deed which included Agency restrictions similar to a DDA. Construction did not proceed. The property was subsequently sold several times without the knowledge or consent of the Agency. In 2007 the project was brought to the Council's attention when the current developer requested an amendment to the DDA to increase the number of units. It has since been determined by the City

Attorney's Office that the DDA was wiped out when the parcel was sold at a property tax lien sale. An informational report on this property will be presented to Council shortly.

*Connell Auto Center OPA*

On June 14, 2002, the Agency entered into a OPA with Simi Management Corp., dba Connell Auto Center (Connell) to rehabilitate the existing facilities, expand by at least one new auto retail facility of 47,700 square feet, attract one new car franchise and use best effort to attract two new luxury car franchises. In exchange the Agency was to rebate up to \$2,000,000 or \$200,000 per year in increased sales tax, over the base year revenue of \$599,812. The Connell OPA also required City Programs, including Prevailing Wage, Small Local Business Enterprises, Local Employment, Living Wage and First Source. Connell received one year's sales tax rebate totaling \$33,254, attracted one new car franchise and completed the rehabilitation project, but was unable to complete the expansion project or attract two new luxury car franchises. The Agency eventually terminated the OPA but Connell was able to keep the one year's sales tax rebate.

*Zhone Technologies*

The Agency entered into a Purchase and Sale Agreement (PSA) with terms and conditions similar to those included in a DDA, and an OPA with Zhone Technologies. The PSA required development of 300,000 square feet of research and development and industrial space on four Agency-owned parcels. Construction on the first three parcels was completed. The first two buildings were occupied, but the third building was not. As a result, Zhone never constructed the fourth building. Once the project was in default for not meeting the project delivery schedule, the Agency exercised its reversionary rights to take back the undeveloped portion of land. As part of the settlement of a lawsuit brought by Zhone challenging the Agency's right to take back the fourth parcel, the property eventually reverted back to the Agency and is now being considered for other development projects.

*1728 14th Street*

On July 16, 2004, the Agency entered into a DDA with Richard N. Pukatch for the development of three or more units of market-rate, for sale housing on a property located in the West Oakland Project Area. The developer missed the start of construction date required by the DDA because the sudden downturn in the housing market jeopardized the feasibility of the proposed project. Staff is working with Mr. Pukatch to create a new project delivery schedule.

*Oak to Ninth Project*

The DA for Oak to Ninth was approved on July 18, 2006 but has never been implemented due to litigation on the project. The schedule will need to be modified to

reflect the litigation delays, and implementation, including compliance review, will begin after all litigation is settled. At this time, the litigation is still in process.

### **SUSTAINABLE OPPORTUNITIES**

Since this is an informational report only, no sustainable opportunities were included.

### **DISABILITY AND SENIOR CITIZEN ACCESS**

Since this is an informational report only, no benefits and impacts for the disability and senior citizen communities were included.


### **RECOMMENDATION(S) AND RATIONALE**

This is an informational report only, staff recommendations were not included.

### **ACTIONS REQUESTED OF CITY COUNCIL**

It is recommended that Council accept this report.

Respectfully submitted:

  
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Gregory D. Hunter  
Director of Economic Development  
and Redevelopment

Prepared by:  
Patrick Lane  
Redevelopment Manager

APPROVED AND FORWARDED TO  
THE COMMUNITY AND ECONOMIC  
DEVELOPMENT COMMITTEE:

  
\_\_\_\_\_  
Office of the Agency Administrator

ATTACHMENT A: DDA/OPA/DA Matrix

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Oakland Redevelopment Agency DDAs/OPAs/DAs 1998-2008								
	Project Name	Developer	Resolution Date	Agreement Execution Date	Project Description	Project Status	Project Manager	Subsidy (Y/N)
<b>Acorn</b>								
1	Jack London Gateway Shopping Center	JLG Associates	21-Oct-03	8-Jul-04	Renovation of Jack London Gateway Shopping Center	Completed	Wendy Simon	Y
<b>Central District</b>								
2	17th Street Parking Garage	Rotunda Garage, LP	6-Jul-04	26-Aug-04	320 space parking garage	Completed	John Quintal	Y
3	1728 San Pablo	Silver Sound Electronics	18-Jan-05	4-Mar-05	18,400 sf office/retail	Completed	Hamid Ghaemmaghami	N
4	20th and Telegraph	Sears Development Company	21-Jun-05	14-Oct-05	Mixed-use project	Predevelopment	Jens Hillmer	N
5	Center 21	Brandywine Realty Trust	24-Jul-01	7-Aug-01	218,000 office/14,500 sf retail	Completed	Jens Hillmer	N
6	City Center - T5/6	Shorenstein Realty Investors Three, L.P.	6-Mar-07	11-Apr-07	250,000 - 600,000 rentable square feet office with ground floor retail	No activity	Jens Hillmer	N
7	City Center - T-9	Oakland City Center LLC	16-May-00	17-May-00	457,000 sf office space, 15,000 sf retail	Completed	Alex Greenwood	N
8	City Center - T-12	Oakland T-12 LLC	6-Mar-07	11-Apr-07	597,000 sf office space, 10,700 sf retail	Received planning approvals	Jens Hillmer	N
9	City Center - T-10 "City Walk"	Olson Company	6-Jul-04	6-Aug-04	252 condominium units with retail	Under construction	Patrick Lane	N
10	Courtyard by Marriott	Oakland Garden Hotel LLC	13-Jul-99	23-Jul-99	162 room hotel with retail	Completed	Alex Greenwood	Y
11	Fox Theater	Fox Oakland Theater, Inc.	18-Jul-05	15-Dec-06	2,500 seat theater & 60,000 sf OSA/retail	Under construction	Jeff Chew	Y
12	Fox Courts	Resources for Community Development	15-Nov-05	8-Dec-05	80 rental units, Childcare facility & MOCHA	Under construction	Esther Tam	Y
13	Franklin 88 / Arioso	SNK Development, Inc.	12-Sep-00	15-Nov-00	88 condominium units with retail and public parking	Completed	Jens Hillmer	N
14	Keysystem / 1100 Broadway (DDA/OPA)	SKS Investments	5-Dec-06	6-Sep-07	320,000 office/10,000 sf retail	Planning Approvals	John Quintal	N
15	Landmark Place	Preservation Park LLC/Signature Properties	6-Feb-01	8-Mar-01	92 condominium units with retail	Completed	Patrick Lane	N
16	Market Square I	AF Evans Development, Inc.	5-Jun-01	25-Jun-01	116 condominium units with retail	Completed	Patrick Lane	N
17	Market Square II	AF Evans Development, Inc.	5-Jun-01	25-Jun-01	86 condominium units with retail	Completed	Patrick Lane	N
18	Rotunda Building	Rotunda Partners II, LLC	23-Jun-98	29-Jun-98	352,000 sf office/retail	Completed	Jens Hillmer	Y
19	Negherbon Auto Center Rehabilitation & Expansion (OPA)	Negherbon Lincoln-Mercury, Inc.	27-Jul-99	21-Jan-00	Sales tax rebate to assist in rehabilitation and expansion of automotive retailing facility.	Developer did not meet Agency requirements; OPA was terminated; Agency recovered sales tax rebates	Kathy Kleinbaum	Y
20	Uptown Phase I (LDDA)	Uptown Housing Partners, LLC	20-Jul-04	24-Oct-05	665 rental units with 9,000 sf retail	Under construction	Jens Hillmer	Y
21	Uptown Phase II	Forest City Residential West	16-May-06	28-Feb-07	370 condominiums with 20,000 sf retail	In Planning	Jens Hillmer	N

	Project Name	Developer	Resolution Date	Agreement -- Execution Date	Project Description	Project Status	Project Manager	Subsidy (Y/N)
<b>Oak Center</b>								
22	1158 14th Street / 14th & Adeline	Fourteenth Street Project, Inc.	25-Jul-95	20-Sep-95	4 single family homes	Planning approvals received, but not started construction.	Christine Lebron	N
<b>Broadway/MacArthur/San Pablo</b>								
23	3860 Martin Luther King Jr. Way	Cotter & Coyle, LLC	31-Oct-06	19-Dec-06	34 residential condominiums and 1,200 sf of retail.	Under Construction	Kathy Kleinbaum	N
24	Connell Auto Center Rehabilitation & Expansion (OPA)	Simi Management Corporation	29-Jan-02	14-Jun-02	Sales tax rebate to assist in rehabilitation and expansion of automotive retailing facility.	Partial performance. OPA was terminated on April 3, 2008.	Kathy Kleinbaum	Y
<b>Coliseum</b>								
25	Eastside Arts Alliance and Housing (OPA)	East Side Arts Alliance	19-Dec-06	18-Sep-07	\$249,000 residual receipts loan for Cultural center, 2 live/work spaces, 16 units of affordable housing.	Completed	Tanya Boyce	Y
26	Fruitvale Transit Village (DDA)	Fruitvale Development Corporation	14-Jul-94	20-Aug-99	265,000 sf mixed-use transit village; Agency transferred vacated street.	Completed	Jay Musante	Y
27	Fruitvale Transit Village (OPA)	Fruitvale Development Corporation	27-Jul-99	19-Mar-02	OPA to provide gap financing grant for transit village.	Completed	Jay Musante	Y
28	Fruitvale Cultural and Performing Arts Center (OPA)	Fruitvale Development Corporation	16-Jan-07	4-Apr-07	\$200,000 residual receipts loan for Restoration of 10,000 sf Cultural and Performing Arts Center located inside the Masonic Temple.	In process	Tanya Boyce	Y
29	Fruitvale/San Antonio Area New Elementary School Project	Oakland Unified School District		14-Jan-00	70,000 sf - 3 Schools & Head Start	Completed	Jay Musante	Y
30	Infiniti Automobile Dealership	Hendrick Automotive Group	30-Sep-03	23-Feb-04	Auto dealership	Completed	Jay Musante	N
31	Lexus Automobile Dealership	Benjamin Edward Fitzpatrick	11-Dec-01	11-Apr-02	Auto dealership	Completed	Jay Musante	Y
32	OHA Coliseum Gardens Residential (OPA)	Oakland Housing Authority	29-Jun-04	1-Dec-04	466-unit affordable housing project	Completed	Jay Musante	Y
33	Zhone Technologies (PSA with DDA requirements)	Zhone Technologies	30-Nov-99	20-Jan-00	Land sale to develop 300,000 sf of research & development/Industrial	Developer completed 70 percent of R&D project; remaining land reverted back to Agency.	Jay Musante	N
34	Zhone Technologies (OPA)	Zhone Technologies	30-Nov-99	20-Jan-00	Financing assistance to develop certain off-site improvements to serve a 300,000 sf of research & development/Industrial	Developer completed off-site improvements	Jay Musante	N
<b>Housing &amp; Community Development</b>								
35	1728 14th Street	Richard N. Pukatch	20-Apr-04	16-Jul-04	3+ units of market-rate for-sale housing	Construction has not started.	Jeff Angell	N
36	8207- 8395 Golf Links Road/2824 82nd Ave	Paul Wang Enterprises	29-Jul-03	21-Dec-07	10-12 single family homes	3 homes have been completed.	Jeff Angell	Y
37	9451 MacArthur Boulevard	MacArthur Corridor, L.L.C.	30-Jul-02	7-Aug-02	19 townhomes	Completed	Jeff Angell	N
38	Fruitvale Avenue Homes	East Bay Habitat for Humanity	14-Mar-00	11-Feb-02	4 single family homes	Completed	Jeff Angell	Y
39	MLK Jr. Plaza Homes	Resources for Community Development	23-Mar-99	18-Sep-00	11 units of single-family, for-sale housing	Completed	Jeff Angell	Y
<b>Planning - Development Agreements</b>								
40	Jack London Square	Jack London Square Partners, LLC	6-Jul-04	5-Jul-04 Effective Date	1.2 million S.F. of mixed-use, retail, movie theater, hotel, commercial, and office	2 parcels completed, 2 parcel under construction, and additional parcels planned.	Catherine Payne	N
41	Oak to Ninth Project	Oakland Harbor Partners, LLC	18-Jul-06		3,100 residential units (including 465 affordable units); 200,000 s.f. commercial; 32 acres public open space; 2 renovated marinas with 170 boat slips	On hold due to litigation	Marge Stanzione	N

Oakland Redevelopment Agency					
DDAs/OPAs/DAs					
1998-2008					
			Construction Schedule		
	Project Name	Agency Requirements	DDA/OPA (Start/Finish)	Actual (Start/Finish)	Compliance
<b>Acorn</b>					
1	Jack London Gateway Shopping Center	Renovate existing Shopping Center, City Employment/Contracting Programs	NA/NA	NA/NA	Construction of renovations completed prior to transfer and completion was certified. Phase II is an affordable project that is administered through an Agency loan. Agency continues to review the project for compliance with Living Wage and land use requirements.
<b>Central District</b>					
2	17th Street Parking Garage	Public Parking, City Employment/ Contracting Programs	February-05/ February-06	December-05/ February-06	Developer complied with City Employment/Contracting Programs.
3	1728 San Pablo	Fair market value sale; No City Employment/Contracting Programs; Develop Project in conformance with Project description	June-05/ October-05	June-05/ November-06	Project completed per DDA requirements.
4	20th and Telegraph	Fair market value sale; No City Employment/Contracting Programs; Develop Project in conformance with Project description	June-09/ October-10	TBD	Project has not started construction.
5	Center 21	Fair market value sale; No City Employment/Contracting Programs; Develop Project in conformance with Project description	NA/ December-04	February-06/ August-08	Project completed per DDA requirements.
6	City Center - T5/6	Fair market value sale; No City Employment/Contracting Programs; Develop Project in conformance with Project description	December-13/ June-17	TBD	Project has not started construction.
7	City Center - T-9	Fair market value sale; No City Employment/Contracting Programs; Develop Project in conformance with Project description	December 2000/ June-03	May 2000/ April-02	Project completed per DDA requirements.
8	City Center - T-12	Fair market value sale; No City Employment/Contracting Programs; Develop Project in conformance with Project description	October-08/ March-11	TBD	Project is meeting October start of construction requirement.
9	City Center - T-10 "City Walk"	Fair market value sale; No City Employment/Contracting Programs; Develop Project in conformance with Project description	May-05/ December-07	Mar-05/ NA	Project is in default for not being completed by 12/31/07. The Agency negotiated an extension but the developer was unwilling to meet the additional requirements - Labor Harmony Agreement and Local Contracting.
10	Courtyard by Marriott	City Employment/Contracting Programs, Agency approval of Hotel Franchise, Environmental sustainability project	May-00/ December-03	April-00/ January-02	Project did not comply with City Employment/Contracting Programs. \$132,204.70 fine was imposed and placed in escrow, then released as part of the Pacific Renaissance settlement.
11	Fox Theater	City Employment/Contracting Programs: Goal - 50% LBE/20% SLBE	September-06/ September-08	September-06/ TBD	Project has not been completed.
12	Fox Courts	79 units affordable at 60% AMI or less; 50% of units have 3 or 4 bedrooms; LEED Compliance, Public Art, City Employment/Contracting Programs; Childcare facility	October-07/ March-09	August-07/ TBD	Initial affordability requirements have been satisfied; compliance with other Agency requirements will be determined at Project completion; Affordability requires long-term monitoring.
13	Franklin 88 / Arioso	Fair market value sale; No City Employment/Contracting Programs; Develop Project in conformance with Project description	November-02/ July-04	November-02/ October-04	Project completed per DDA requirements. Public parking was constructed (135 spaces).
14	Keysystem / 1100 Broadway (DDA/OPA)	Fair market value sale; No City Employment/Contracting Programs; Develop Project in conformance with Project description	October-09/ June-11	TBD	DDA was terminated in a legal settlement and an OPA was established for a new project. Project has not been completed.
15	Landmark Place	Fair market value sale, Pardee Mansion Improvements	May-02/ August-03	March-01/ January-04	Project completed per DDA requirements.
16	Market Square I	Fair market value sale; No City Employment/Contracting Programs; Develop Project in conformance with Project description	July-03/ April-06	June-03/ June-06	Project completed per DDA requirements.
17	Market Square II	Fair market value sale; No City Employment/Contracting Programs; Develop Project in conformance with Project description	May-06/ December-07	April-06/ December-07	Project completed per DDA requirements.
18	Rotunda Building	75,000 sf pre-lease requirement, City Employment/Contracting Programs	October-99/ August-01	November-99/ August-01	Developer complied with City Employment/Contracting Programs.
19	Negherbon Auto Center Rehabilitation & Expansion (OPA)	City Employment/Contracting Programs, developer must operate automotive retail facility for at least 15 years at Auto Row.	January-00/ March 2002	NA/NA	Project was not completed; OPA was terminated for non-performance. Agency subsidy was repaid with interest.
20	Uptown Phase I (LODA)	25% affordable housing, public park, City Employment/Contracting Programs, LEED Certification	November-05/ March-11	October-05/ November-08	LEED Silver certification for completed buildings; Compliance will be determined at completion of construction; 25% affordability requires long-term monitoring.
21	Uptown Phase II	Fair market value sale; No City Employment/Contracting Programs; Develop Project in conformance with Project description	June-08/ January-11	TBD	Project has been delayed. Request for DDA extension is pending.

	Project Name	Agency Requirements	DDA/OPA (Start/Finish)	Actual (Start/Finish)	Compliance
<b>Oak Center</b>					
22	1158 14th Street / 14th & Adeline	First-time homebuyers/No rental	April-96/ October-97	TBD	The DDA was wiped out when property was sold at a property tax lien sale.
<b>Broadway/MacArthur/San Pablo</b>					
23	3860 Martin Luther King Jr. Way	Fair market value sale; No City Employment/Contracting Programs; Develop Project in conformance with Project description	November-07/ January-09	June-07/ TBD	Project has not been completed.
24	Connell Auto Center Rehabilitation & Expansion (OPA)	must operate automotive retail facility for at least 15 years at Auto Row.	March-02/ December-03	NA/NA	Project was partially completed; OPA was terminated by mutual agreement.
<b>Coliseum</b>					
25	Eastside Arts Alliance and Housing (OPA)	Complete Project per OPA	Completed prior to OPA	Completed prior to OPA	Project completed.
26	Fruitvale Transit Village (DDA)	Complete Project per DDA; City Employment/Contracting Programs	August-99/ January-00	NA/ August-01	Project completed per DDA requirements.
27	Fruitvale Transit Village (OPA)	Complete Project; City Employment/Contracting Programs	January-02/ February-05	January-02/ July-04	Project completed per DDA requirements.
28	Fruitvale Cultural and Performing Arts Center (OPA)	Complete Project per OPA	NA/NA	NA/NA	Construction has not started.
29	Fruitvale/San Antonio Area New Elementary School Project	Public school; Recreation and community facilities	July-00/ August-02	July-00/ December-03	Project completed per DDA requirements.
30	Infiniti Automobile Dealership	Fair market value sale	March-03/ January-04	February-04/ April-05	Project completed per DDA requirements.
31	Lexus Automobile Dealership	Business Incentives/Tax Revenue	April-02/ November-02	April-02/ December-02	Project completed per DDA requirements.
32	OHA Coliseum Gardens Residential (OPA)	Develop mixed-income affordable housing project, City Employment/Contracting Programs	December-04/ December-05	December-04/ August-08	Project completed per DDA requirements.
33	Zhone Technologies (PSA with DDA requirements)	Developer had to complete R&D and office facilities per PSA.	Jul-2000/ unspecified	February-2000/ July-2002 (phase 4 not constructed)	Developer completed 70 percent of project; remaining land reverted back to Agency
34	Zhone Technologies (OPA)	Developer had to install off-site improvements.	Jul-2000/ unspecified	February-2000/ July-2002	Project completed per OPA requirements.
<b>Housing &amp; Community Development</b>					
35	1728 14th Street	Fair market value sale; No City Employment/Contracting Programs; Develop Project in conformance with Project description	February-05/ February-06	TBD	The project has not started construction because of the decline of the housing market.
36	8207- 8395 Goff Links Road/2824 82nd Ave	Affordable Housing, City Employment/Contracting Programs;	December-07/ March-09	March-08/ TBD	Project has not been completed.
37	9451 MacArthur Boulevard	Market Rate Housing	March-04/ November-05	NA/ December-06	Project completed per DDA requirements.
38	Fruitvale Avenue Homes	Affordable Housing, City Employment/Contracting Programs;	November-02/ March-09	NA/ July-04	Project completed per DDA requirements.
39	MLK Jr. Plaza Homes	Affordable Housing, City Employment/Contracting Programs;	July-01/ April-02	July-01/ April-02	Project completed per DDA requirements.
<b>Planning - Development Agreements</b>					
40	Jack London Square	public access/waterfront improvements); Port's Prevailing Wage, Living Wage & Public Art requirements; City's Local Employment Program	Minimum Project 5-Jul-08/ 5-Jul-10	for 4 parcels, ahead of schedule, completion in 2009	Commission. Minimum project now under construction. 2 additional parcels in future. Port reviews compliance for Port programs. City reviews other requirements when issuing CO.
41	Oak to Ninth Project	Transfer of improved open space with ongoing maintenance obligations (CSD); Port's Prevailing Wage, Living Wage & Public Art requirements and City's Equal Benefits requirements; Local Hiring and Construction Job Training (\$1,325,000); \$2,000,000 for affordable housing; commercially practicable environmental sustainability.	July-08 to July-22 (14 years after initial building permit)	NA	NA - Project delayed due to litigation.