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Approved as to Form and Legality

  
Oakland City Attorney's Office

## OAKLAND CITY COUNCIL

Resolution No. 82249 C.M.S.

Introduced by Councilmember \_\_\_\_\_

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### A RESOLUTION APPROVING THE EXPANSION OF THE BOUNDARIES OF THE OAKLAND ENTERPRISE ZONE INTO PORTIONS OF EMERYVILLE AND WEST BERKELEY

**WHEREAS**, California Government Code Sections 7073 and 7074 allow for each California designated enterprise zone area to be expanded contiguous to the current enterprise zone by an aggregate amount not to exceed fifteen (15) percent of the geographic area within the boundaries of the enterprise zone as originally designated by the California Department of Housing and Community Development; and

**WHEREAS**, the Oakland Enterprise Zone, as originally designated by the California Department of Housing and Community Development encompassed an area of 23,438.9 acres; and

**WHEREAS**, the Oakland Enterprise Zone could be expanded by an amount not to exceed 3,515.84 acres; and

**WHEREAS**, the Cities of Oakland, Emeryville and Berkeley would like to expand the Oakland Enterprise Zone into approximately 500 acres of Emeryville and 850 acres of Berkeley along San Pablo Avenue; and

**WHEREAS**, the City of Oakland agrees to submit a written request to the California Department of Housing & Community Development to have its current enterprise zone boundaries expanded; and

**WHEREAS**, land included in the proposed expansion is zoned for industrial or commercial use; and

**WHEREAS**, any non-industrial or non-commercial land can only be included if that land is a right-of-way and is needed to meet the requirement for a contiguous expansion between an existing enterprise zone and the proposed expansion area; and

**WHEREAS**, basic infrastructure, including, but not limited to, gas, water, electrical services, and sewer systems, is available to the proposed expansion area; and

**WHEREAS**, the cities of Emeryville and Berkeley will provide the same or equivalent local incentives as provided by Oakland's Enterprise Zone, now therefore, be it

**RESOLVED:** That the best interests of the City of Oakland would be served by extending the incentives associated with the Oakland Enterprise Zone to the subject 1,350 acres into the Cities of Emeryville and West Berkeley; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to negotiate and enter into an Administrative Management Agreement with Emeryville and West Berkeley to administer the proposed expanded Oakland Enterprise Zone; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to submit to the California Department of Housing and Community Development an application seeking approval by the Department and expansion of the boundaries of the Oakland Enterprise Zone to include the subject 1,350 acres.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 28 2009

**PASSED BY THE FOLLOWING VOTE:**


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

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:

  
\_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council of  
the City of Oakland, California