

**CITY OF OAKLAND**  
*AGENDA REPORT*

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2004 OCT 23 PM 5:53

TO: Office of the City Administrator/Agency Administrator  
ATTN: Deborah Edgerly  
FROM: Community and Economic Development Agency  
DATE: November 9, 2004

**RE: REPORT RECOMMENDING ADOPTION OF ORDINANCES AMENDING THE ACORN, CENTRAL DISTRICT, COLISEUM, OAKLAND ARMY BASE, OAK CENTER, OAK KNOLL, AND STANFORD/ADELINE REDEVELOPMENT PLANS TO EXTEND THE TIME LIMITS ON PLAN EFFECTIVENESS AND RECEIPT OF TAX INCREMENT REVENUE BY UP TO TWO YEARS**

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**SUMMARY:**

In 2003 and 2004, as part of the adoption of the State Budget, the California Legislature allowed redevelopment agencies to extend both the time limits on the duration of a redevelopment plan and the time limits on the ability of a redevelopment agency to collect tax increment from the project area. These time periods may be extended by one year for each year in which the agency is required to make payments to the Educational Revenue Augmentation Fund (ERAF) during FY 2003-04, 2004-05, and 2005-06, if certain conditions are met. These extensions may be made by an ordinance amending the time limits contained in each redevelopment plan. In FY 2003-2004, 2004-2005 and 2005-2006, the Redevelopment Agency has made or will make ERAF payments. Therefore, the ten existing project areas in Oakland are eligible either for one year or two year extensions. The attached eight ordinances extend the time limits for the Acorn, Central District, Coliseum, Oakland Army Base, Oak Center, Oak Knoll, and Stanford/Adeline Redevelopment Projects to the statutory maximum. (Previous Council action extended the time limits for Acorn, Oak Center, Stanford/Adeline and Central District by one year for the FY 03-04 ERAF payment; the attached ordinances extend the limits for these projects by two more years. The Coliseum Project is only eligible for a two-year extension, while the Oak Knoll and Oakland Army Base Projects are only eligible for one-year extensions.) One-year time extensions for the Broadway/MacArthur/San Pablo, Central City East, and West Oakland Redevelopment Projects still need review and recommendations from their respective Project Area Committees, and are not being brought to Council at this time. These reviews are expected in the next few months.

**FISCAL IMPACT**

Adopting the ordinances will extend by two years the Agency's ability to receive tax increment from five of the redevelopment project areas. In the case of the Oak Knoll and the Oakland Army Base Redevelopment Areas, the extension will be for one year because of the long life remaining on these relatively new plans. Based on annual growth rates that vary from 2% to 2.5% per year depending on project area, staff estimates that the Agency would receive up to \$3,120,881 gross tax increment in FY 2021-2022 (the extension year) from the Acorn Urban Renewal Plan;

Item: \_\_\_\_\_  
CED Committee  
November 9, 2004

\$100,913,790 gross tax increment in FY 2021-2022 from the Central District Urban Renewal Plan; \$55,497,753 gross tax increment in FY 2040-41 from the Coliseum Area Redevelopment Plan; \$31,873,677 in gross tax increment in FY 2046 from the Oakland Army Base Redevelopment Plan; \$2,567,465 in gross tax increment in FY 2021-2022 from the Oak Center Redevelopment Plan; \$3,118,631 in gross tax increment in FY 2043 from the Oak Knoll Redevelopment Plan; and \$288,479 in gross tax increment in FY 2024-2025 from the Stanford/Adeline Redevelopment Plan. The total additional gross tax increment revenue to the Agency from these plan extensions is estimated to be \$197,380,675. The lost revenue to the City is estimated to be approximately \$54,069,171.

## **BACKGROUND**

In 2003 and 2004, the California Legislature amended the Community Redevelopment Law (CRL) to permit a city council, as the legislative body of a redevelopment agency, to extend both the duration of a redevelopment plan and the time period for the redevelopment agency to collect tax increment from the project area. (Redevelopment plans adopted after 1993 have a 30-year time limit on plan activities and a 45-year time limit on the receipt of tax increment revenues. Pre-1993 plans also have both time limits, which are calculated from the plan's adoption date.) These time periods may be extended by one year for each year in which the agency is required to make payments to the ERAF during FY 2003-04, 2004-05, and 2005-06, if certain conditions are met. This was intended to mitigate the effects of ERAF transfers imposed on redevelopment agencies as part of the solution to the State's budget crisis. The extensions for the FY 2004-05 and 2005-06 ERAF payments are only allowed for project areas with less than 20 years left until the plan termination date. The extension for the FY 2003-04 ERAF payment is not subject to this condition.

The amendments can be adopted by ordinances of City Council. The process is therefore exempt from the findings, procedures, and legal requirements associated with most redevelopment plan amendments. The extension ordinances for the FY 2004-05 and 2005-06 ERAF payments require a noticed public hearing, and the adoption of a finding that the funds paid to the ERAF would otherwise have been used to pay the costs of projects and activities necessary to carry out the goals and objectives of the plan.

## **POLICY DESCRIPTION**

The Acorn Urban Renewal Plan was adopted on November 30, 1961. On July 20, 2004 the Council adopted Ordinance No. 12616 C.M.S., which extended the time limit on the effectiveness of the Acorn Plan by one year to January 1, 2010, and the time limit on the Agency's ability to pay indebtedness and receive tax increment from the Acorn Project Area by one year to January 1, 2020, per the Agency's payments to the ERAF for FY 2003-04. Since the Agency will make payments to the ERAF during FY 2004-05 and 2005-06, the attached ordinance will again amend the Acorn Plan, as allowed, to extend the duration and effectiveness of the Plan by two additional years to January 1, 2012, and the tax increment limit date to January 1, 2022.

The Oak Center Urban Renewal Plan was adopted on November 30, 1965. On July 20, 2004, the Council adopted Ordinance No. 12618 C.M.S., which extended the time limit on the effectiveness of the Oak Center Plan by one year to January 1, 2010, and the time limit on the Agency's ability to pay indebtedness and receive tax increment from the Oak Center Project Area by one year to January 1, 2020, per the Agency's ERAF payment for FY 2003-04. The attached ordinance will again amend the Oak Center Plan, as allowed, to extend the duration and effectiveness of the Plan by two additional years to January 1, 2012, and the tax increment limit to January 1, 2022.

The Central District Urban Renewal Plan was adopted on June 12, 1969. On July 20, 2004, the Council adopted Ordinance No. 12617 C.M.S., which extended the time limit on the effectiveness of the Central District Plan by one year to June 12, 2010, and the time limit on the Agency's ability to pay indebtedness and receive tax increment from the Central District Project Area by one year to June 12, 2020, per the Agency's ERAF payment for FY 2003-04. The attached ordinance will again amend the Central District Plan, as allowed, to extend the duration and effectiveness of the Plan by two additional years to June 12, 2012, and the tax increment limit to June 12, 2022. In addition, the attached ordinance will extend the time limits applicable to territory added to the Central District in 2001 by one year, to July 24, 2032, for plan effectiveness, and July 24, 2047, for the receipt of tax increment. (The time limits for areas added to a project area by plan amendment are calculated from the date the amendment is adopted, not the date the original plan is adopted.)

The Stanford/Adeline Redevelopment Plan was adopted on April 10, 1973. On July 20, 2004, the Council adopted Ordinance No. 12619 C.M.S., which extended the time limit on the effectiveness of the Stanford/Adeline Plan by one year to April 10, 2014, and the time limit on the Agency's ability to pay indebtedness and receive tax increment from the Stanford/Adeline Project Area by one year to April 10, 2024, per the Agency's ERAF payment in FY 2003-04. The attached ordinance will again amend the Stanford/Adeline Plan, as allowed, to extend the duration and effectiveness of the Plan by two additional years to April 10, 2016, and the tax increment limit to April 10, 2026.

The Coliseum Area Redevelopment Plan was adopted on July 25, 1995. The Plan currently expires on July 25, 2025, and the time limit on the Agency's ability to pay indebtedness and receive tax increment from the Coliseum Project Area is July 25, 2040. One attached ordinance will adopt a Second Amendment to the Coliseum Plan, per the FY 2005-06 ERAF payment, to extend the Plan limits by one year. (The CRL does not allow an extension of the Coliseum time limits for the FY 2004-05 ERAF payment, since the Coliseum Plan termination date is more than 20 years from the end of FY 2004-05.) Another attached ordinance will adopt a Third Amendment to the Coliseum Plan, per the FY 2003-04 ERAF payment, to extend the Plan limits by another year. With the adoption of these two ordinances, the Coliseum Plan effectiveness time limit will be July 25, 2027, and the time limit on receipt of tax increment will be July 25, 2042. In addition, the attached ordinance adopting the Third Amendment will extend the time limits applicable to territory added to the Coliseum Project Area in 1997 by one year, to July 29, 2028, for plan effectiveness, and July 29, 2043, for the receipt of tax increment. Note that the ordinance adopting the Third Amendment (i.e., the FY 2003-04 extension) should be adopted after the ordinance adopting the Second Amendment ( i.e., the FY 2005-06 extension);

otherwise, the Coliseum Plan termination date with the FY 2003-04 extension would be July 25, 2026, which is more than 20 years from the end of FY 2005-06, thus precluding the FY 2005-06 extension. The extensions are being approved in two separate ordinances to make it clear that the adoption of the Third Amendment is subsequent to, and dependent on, adoption of the Second Amendment; this ensures that the Agency stays within the time frames set forth in the CRL and can claim the maximum time period allowed by law for the Coliseum Plan.

The Oakland Army Base Redevelopment Plan was adopted on July 11, 2000. Under special time limits for redevelopment areas that include former military bases, the Oakland Army Base Redevelopment Plan currently expires 30 years from the date that the Agency has received at least \$100,000 in tax increment revenue from the Project Area, and the Agency will stop receiving tax increment to repay indebtedness 45 years from this date. The attached ordinance, per the FY 2003-04 ERAF payment, will amend the Oakland Army Base Plan to extend the duration and effectiveness of the Plan by one year to 31 years after the \$100,000 threshold date, and the tax increment limit by one year to 46 years after this date.

The Oak Knoll Redevelopment Plan was adopted on July 14, 1998. Like the Oakland Army Base, the Oak Knoll Redevelopment Plan currently expires thirty years from the \$100,000 threshold date, and the Agency will stop receiving tax increment to repay indebtedness 45 years after this date. The attached ordinance, per the FY 2003-04 ERAF payment, will amend the Oak Knoll Plan to extend the duration and effectiveness of the Plan by one year to 31 years after the \$100,000 threshold date, and the tax increment limit one year to 46 years after this date.

The Broadway/MacArthur/San Pablo, Central City East, and West Oakland Redevelopment Projects are also eligible for one-year time extensions per the FY 2003-04 ERAF payment. However, these time extension amendments still need to be reviewed by those Projects' respective Project Area Committees (PACs), and are not being brought to Council at this time. PAC reviews and recommendations are expected in the next few months.

The proposed amendments are exempt from the California Environmental Quality Act because they are a fiscal activity that does not involve the commitment to a specific project that potentially could impact the environment.

**KEY ISSUES:**

Amending the redevelopment plans to extend the time limits on plan activity and receipt of tax increment will mitigate the effects of ERAF transfers imposed on the Agency as part of the solution to the State budget crisis. The extensions will allow the Agency to bond against future years of revenue and pursue projects that might otherwise be financially impossible to fund on a pay-as-you-go basis.

**SUSTAINABILITY:**

Economic: These amendments will have long-term impacts for the elimination of physical blight in the four redevelopment areas. It will provide the Agency with a financial tool to participate in

redevelopment projects that would not be available if the existing redevelopment plans are not amended.

**Social Equity:** The amendments will provide additional funds to insure the construction of new redevelopment projects, which will employ and train people for immediate and long-term jobs.

**Environmental:** The amendments will allow the Agency the ability to fund the clean-up of toxic sites, the removal of hazardous materials from buildings, and other environmental activities associated with future redevelopment projects in the various redevelopment areas.

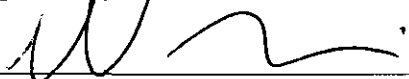
**DISABILITY AND SENIOR CITIZEN ACCESS:**

The amendments will have no direct effect on disability and senior citizen access; however, it will allow the Agency the ability to pursue more projects that will comply with State and Federal accessibility laws and regulations.

**RECOMMENDATION AND RATIONAL:**

Staff recommends that the Agency adopt the eight attached ordinances amending the Acorn, Central District, Coliseum, Oakland Army Base, Oak Center, Oak Knoll, and Stanford-Adeline Redevelopment Plans to extend the time limits on plans effectiveness and the receipt of tax increment revenue by one to two years.

Respectively submitted,



Daniel Vanderprien  
Director of Redevelopment, Economic  
Development and Housing and Community  
Development

Prepared by:  
Jeffrey Chew, Project Manager

**APPROVED AND FORWARDED TO THE COMMUNITY AND ECONOMIC  
DEVELOPMENT COMMITTEE**

  
**OFFICE OF THE CITY ADMINISTRATOR**

**OAKLAND REDEVELOPMENT PROJECT AREAS – POSSIBLE EXTENSIONS OF PLAN AND TAX INCREMENT TIME LIMITS**

PROJECT AREA	DATE OF ADOPTION	CURRENT PLAN TERMINATION DATE	CURRENT TAX INCREMENT LIMIT DATE	EXTENSION FOR 03-04 ERAF? <sup>1</sup>	EXTENSION FOR 04-05 ERAF? <sup>2</sup>	EXTENSION FOR 05-06 ERAF? <sup>2</sup>	TOTAL YEARS OF EXTENSION	PUBLIC HEARING REQUIRED? <sup>3</sup>	FINDINGS REQUIRED? <sup>4</sup>
Acorn	11/3/1961	1/1/2010	1/1/2020	Done <sup>5</sup>	Yes	Yes	2	Yes	Yes
Oak Center	11/30/1965	1/1/2010	1/1/2020	Done <sup>5</sup>	Yes	Yes	2	Yes	Yes
Stanford/Adeline	4/10/1973	4/10/2014	4/10/2024	Done <sup>5</sup>	Yes	Yes	2	Yes	Yes
Central District (w/o Amendment Area)	6/12/1969	6/12/2010	6/12/2020	Done <sup>5</sup>	Yes	Yes	2	Yes	Yes
Coliseum (w/o Amendment Area)	7/25/1995	7/25/2025	7/25/2040	Yes <sup>5</sup>	No <sup>7</sup>	Yes <sup>5</sup>	1+1 <sup>5</sup>	Yes for 05-06	Yes for 05-06 <sup>8</sup>
Coliseum Amendment Area	7/29/1997	7/29/2027	7/29/2042	Yes	No	No	1	No	No
Oak Knoll	7/14/1998	30 years from \$100K TI threshold	45 years from \$100K TI threshold	Yes	No	No	1	No	No
Oakland Army Base	7/11/2000	30 years from \$100K TI threshold	45 years from \$100K TI threshold	Yes	No	No	1	No	No
Broadway/Mac/San Pablo	7/25/2000	7/25/2030	7/25/2045	Yes	No	No	1	No	No
Central District Amendment Area	7/24/2001	7/24/2031	7/24/2046	Yes	No	No	1	No	No
Central City East	7/29/2003	7/29/2033	7/29/2048	Yes	No	No	1	No	No
West Oakland	11/18/2003	11/18/2033	11/18/2048	Yes	No	No	1	No	No

<sup>1</sup> For 1993 and older plans/amendments, see section 33333.6(e)(2)(C). For post-1993 plans/amendments, see section 33333.2(c).

<sup>2</sup> For 1993 and older plans/amendments, see section 33333.6(e)(2)(D). For post-1993 plans/amendments, see section 33333.2(d). The 04-05 and 05-06 extensions are allowed for plans/amendments if there is less than 10 years from the end of the FY in which the ERAF is paid and the plan termination date. The 04-05 and 05-06 extensions are also allowed for plans/amendments if there is 10-20 years from the end of the FY in which the ERAF is paid and the plan termination date, if certain findings are made.

<sup>3</sup> Mailed notice of public hearing must be given to taxing entities at least 30 days prior to hearing. Notice must be published at least 10 days prior to hearing.

<sup>4</sup> The ordinance must contain finding that ERAF funds would otherwise have been used to pay the costs of project and activities necessary to carry out the goals and objectives of the plan. This is the only finding needed for Acorn, Oak Center, Stanford/Adeline, and Central District, since there is less than 10 years left on these plans.

<sup>5</sup> Ordinances for the 03-04 extension were approved for Acorn, Oak Center, Stanford/Adeline, and Central District (w/o amendment area) in June 2004. An 03-04 extension for any of the post-1993 plans/amendments has not yet been approved.

<sup>6</sup> The ordinance for the 03-04 extension should be adopted after the ordinance for the 05-06 extension. Otherwise, the Coliseum plan termination date with the 03-04 extension would be 7/25/2026, which is more than 20 years from the end of FY 05-06, precluding the 05-06 extension.

<sup>7</sup> Extension of the Coliseum plan is not allowed for the 04-05 ERAF, since the plan termination date is 20 years + 25 days from the end of FY 04-05.

<sup>8</sup> Requires additional findings, since the Coliseum plan life is 10-20 years from the end of FY 05-06. See section 33333.2(d)(2)(B).



OFFICE OF THE CLERK  
OAKLAND  
FILED  
2004-06-15 5:54  
APPROVED AS TO FORM AND LEGALITY  
DEPUTY CITY ATTORNEY

**OAKLAND CITY COUNCIL**  
**ORDINANCE NO. \_\_\_\_\_ C.M.S.**

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**AN ORDINANCE ADOPTING THE SECOND AMENDMENT TO  
THE COLISEUM AREA REDEVELOPMENT PLAN TO EXTEND  
THE TIME LIMITS ON PLAN EFFECTIVENESS AND RECEIPT OF  
TAX INCREMENT REVENUE BY ONE YEAR**

**WHEREAS**, the City Council adopted the Redevelopment Plan for the Coliseum Area Redevelopment Project (the "Redevelopment Plan") on July 25, 1995; and

**WHEREAS**, the City Council adopted the First Amendment to the Redevelopment Plan for the Coliseum Area Redevelopment Project (the "First Amendment") on July 29, 1997, (Ordinance No. 12001 C.M.S.) which added certain territory to the Coliseum Project Area (the "Coliseum First Amendment Area"); and

**WHEREAS**, under the Redevelopment Plan, the time limit on the effectiveness of the Redevelopment Plan as to the Coliseum Project Area, excluding the Coliseum First Amendment Area, was set at 30 years from the date of adoption of the Redevelopment Plan, i.e., July 25, 2025, and the time limit on the Agency's ability to pay indebtedness and receive tax increment revenues as to the Coliseum Project Area, excluding the Coliseum First Amendment Area, was set at 45 years from the date of adoption of the Redevelopment Plan, i.e., July 25, 2040; and

**WHEREAS**, under the First Amendment, the time limit on the effectiveness of the Redevelopment Plan as to the Coliseum First Amendment Area was 30 years from the date of adoption of the First Amendment, i.e., July 29, 2027, and the time limit on the Agency's ability to pay indebtedness and receive tax increment revenues as to the Coliseum First Amendment Area was 45 years from the date of adoption of the First Amendment, i.e., July 29, 2042; and

**WHEREAS**, Health and Safety Code Section 33333.2(d) authorizes the legislative body by ordinance to amend a redevelopment plan adopted after January 1, 1994, if the time limit on plan effectiveness is between 10 years and 20 years, to extend the time limits on plan effectiveness and the agency's ability to pay indebtedness and receive tax increment revenues by one year for each year the agency is required to make a payment to the Educational Revenue Augmentation Fund ("ERAF") under Health and Safety Code Section 33681.12 during fiscal years 2004-05 and 2005-06, if certain findings are made; and



**WHEREAS**, Health and Safety Code Section 33333.2(d)(4) provides that such an ordinance may be adopted following a noticed public hearing if the legislative body finds that funds used to make a payment to the ERAF pursuant to Section 33681.12 would otherwise have been used to pay the costs of projects and activities necessary to carry out the goals and objectives of the redevelopment plan; and

**WHEREAS**, the Agency is required to make payments to the ERAF during fiscal year 2004-05 and fiscal year 2005-06; and

**WHEREAS**, the time limit on the effectiveness of the Redevelopment Plan, as to the fiscal year 2005-06 ERAF payment, is between 10 and 20 years for the Coliseum Project Area, excluding the Coliseum First Amendment Area; and

**WHEREAS**, the Agency wishes to amend the Redevelopment Plan to extend the time limits applicable to the Coliseum Project Area, excluding the Coliseum First Amendment Area, by one year for the fiscal year 2005-06 ERAF payment; and

**WHEREAS**, the Council held a public hearing on the proposed amendment, notice of which was mailed to the governing body of each affected taxing entity at least 30 days prior to the public hearing and published in a newspaper of general circulation in the community at least once, not less than 10 days prior to the date of the public hearing; 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 Council hereby finds and determines that funds that will be used to make payments to the ERAF pursuant to Health and Safety Code Section 33681.12 during fiscal year 2005-06 would otherwise be used to pay the costs of projects and activities necessary to carry out the goals and objectives of the Redevelopment Plan for the Coliseum Area Redevelopment Project.

**SECTION 2.** The Council hereby finds and determines the following: (a) the Redevelopment Agency is in compliance with the requirements of Health and Safety Code Section 33334.2 with respect to the Low and Moderate Income Housing Fund; (b) the Redevelopment Agency has adopted an implementation plan for the Coliseum Area Redevelopment Project in accordance with the requirements of Health and Safety Code Section 33490; (c) the Redevelopment Agency is in compliance with subdivisions (a) and (b) of Health and Safety Code Section 33413, to the extent applicable; and (d) the Redevelopment Agency is not subject to sanctions pursuant to subdivision (e) of Health and Safety Code Section 33334.12 for failure to expend, encumber, or disburse an excess surplus in the Low and Moderate Income Housing Fund.

**SECTION 3.** Section 502 of the Redevelopment Plan for the Coliseum Area Redevelopment Project is hereby amended to read in its entirety as follows (deletions are indicated with strikeout text, and additions with double underlining):

B. ~~[\$502]~~ Tax Increment Funds

All taxes levied upon taxable property within the Project Area each year, by or for the benefit of the State of California, the County of Alameda, the City of Oakland, any district or any other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving this Plan (or, with respect to the territory added to the Project Area by the First Amendment to this Plan, after the effective date of the ordinance approving said First Amendment), shall be divided as follows:

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 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 of the Project on the effective date of such ordinance but to which such territory is annexed or otherwise included after such effective date, the assessment roll of the County of Alameda 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).
2. Except as provided in subdivision (e) of Section 33670 or in Section 33492.15 of the Community Redevelopment Law, 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 the Agency to finance or refinance, in whole or in part, this Project. Unless and until the total assessed valuation of the taxable property in the Project exceeds the total assessed value of the taxable property in the Project as shown by the last equalized assessment roll referred to in subdivision 1 hereof, all of the taxes levied and collected upon the taxable property in the 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, all monies thereafter received from taxes upon the taxable property in the Project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

The portion of taxes mentioned in subdivision 2 above are hereby irrevocably pledged for the payment of the principal of and interest on the advance of monies, or making of loans or the incurring of any indebtedness (whether funded, refunded, assumed or otherwise) by the Agency to finance or refinance the Project, in whole or in part. The Agency is authorized to make such pledges as to specific advances, loans and indebtedness as appropriate in carrying out the Project.

The Agency is authorized to issue bonds from time to time, if it deems appropriate to do so, in order to finance all or any part of the Project. Neither the members of the Agency nor any persons executing the bonds are liable personally on the bonds by reason of their issuance.

The bonds and other obligations of the Agency are not a debt of the City or the state, nor are any of its political subdivisions liable for them, nor in any event shall the bonds or obligations be payable out of any funds or properties other than those of the Agency, and such bonds and other obligations shall so state on their face. The bonds do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

The Agency shall not establish or incur loans, advances or indebtedness to finance in whole or in part the Project ~~after July 25, 2015 beyond twenty (20) years from the effective date of the ordinance adopting this Plan~~, except that the Agency may incur loans, advances or indebtedness after July 25, 2015 beyond twenty (20) years from the effective date of the ordinance adopting this Plan 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, or as provided below for territory added to the Project Area by Plan amendment. 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.

The Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 from the Project Area after ~~July 25, 2041 forty five (45) years from the effective date of the ordinance adopting this Plan~~, except as provided below for territory added to the Project Area by Plan amendment.

Notwithstanding any provision of this Plan to the contrary, as to that territory added to the Project Area by the First Amendment to this Plan adopted on July 29, 1997 (that territory is referred to in this Plan as the "Coliseum First Amendment Area"), the Agency shall not establish or incur loans, advances or indebtedness to finance in whole or in part the Plan within the Coliseum First Amendment Area after July 29, 2017, except that the Agency may incur loans, advances or indebtedness after July 29, 2017, 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 Coliseum First 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.

Notwithstanding any provision of this Plan to the contrary, as to the Coliseum First Amendment Area, the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 from the Coliseum First Amendment Area after July 29, 2042.

**SECTION 4.** Section 800 of the Redevelopment Plan for the Coliseum Area Redevelopment Project is hereby amended to read in its entirety as follows (deletions are indicated with strikeout text, and additions with double underlining):

VIII. §800 DURATION AND EFFECTIVENESS OF THIS PLAN

The provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan may be made effective, until July 25, 2026, or, as to the Coliseum First Amendment Area, until July 29, 2027~~for thirty (30) years from the date of adoption of this Plan by the City Council~~, except that the nondiscrimination and nonsegregation provisions shall run in perpetuity. After ~~this~~ these time limits on the duration and effectiveness of the ~~p~~Plan, the Agency shall have no authority to act pursuant to this Plan 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.

**SECTION 5.** The City Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Exemption for this action.

**SECTION 6.** 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 7.** 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, \_\_\_\_\_, 2004

**PASSED BY THE FOLLOWING VOTE:**

AYES-	BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN, AND PRESIDENT DE LA FUENTE
NOES-	_____
ABSENT-	_____
ABSTENTION-	_____

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

**AN ORDINANCE ADOPTING THE SECOND AMENDMENT TO  
THE COLISEUM AREA REDEVELOPMENT PLAN TO EXTEND  
THE TIME LIMITS ON PLAN EFFECTIVENESS AND RECEIPT OF  
TAX INCREMENT REVENUE BY ONE YEAR**

**NOTICE AND DIGEST**

This ordinance amends the Coliseum Area Redevelopment Plan to extend the time limits in the Plan for Plan effectiveness and the ability of the Redevelopment Agency to pay indebtedness and receive tax increment revenues, as authorized under Health and Safety Code Section 33333.2(d), by one year for the original Project Area.

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2004 OCT 28 PM 3:54  
APPROVED AS TO FORM AND LEGALITY  
DEPUTY CITY ATTORNEY

**OAKLAND CITY COUNCIL**  
**ORDINANCE NO. \_\_\_\_\_ C.M.S.**

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**AN ORDINANCE ADOPTING THE THIRD AMENDMENT TO THE COLISEUM AREA REDEVELOPMENT PLAN TO EXTEND THE TIME LIMITS ON PLAN EFFECTIVENESS AND RECEIPT OF TAX INCREMENT REVENUE BY ONE YEAR**

**WHEREAS**, the City Council adopted the Redevelopment Plan for the Coliseum Area Redevelopment Project (the "Redevelopment Plan") on July 25, 1995; and

**WHEREAS**, the City Council adopted the First Amendment to the Redevelopment Plan for the Coliseum Area Redevelopment Project (the "First Amendment") on July 29, 1997, (Ordinance No. 12001 C.M.S.) which added certain territory to the Coliseum Project Area (the "Coliseum First Amendment Area"); and

**WHEREAS**, the City Council is considering a Second Amendment to the Redevelopment Plan for the Coliseum Area Redevelopment Project (the "Second Amendment"), which would extend the time limit on the effectiveness of the Redevelopment Plan as to the Coliseum Project Area, excluding the Coliseum First Amendment Area, by one year to July 25, 2026, and the time limit on the Agency's ability to pay indebtedness and receive tax increment revenues as to the Coliseum Project Area, excluding the Coliseum First Amendment Area, to July 25, 2041; and

**WHEREAS**, under the First Amendment, the time limit on the effectiveness of the Redevelopment Plan as to the Coliseum First Amendment Area was 30 years from the date of adoption of the First Amendment, i.e., July 29, 2027, and the time limit on the Agency's ability to pay indebtedness and receive tax increment revenues as to the Coliseum First Amendment Area was 45 years from the date of adoption of the First Amendment, i.e., July 29, 2042; and

**WHEREAS**, Health and Safety Code Section 33333.2(c) authorizes the legislative body by ordinance to amend a redevelopment plan adopted after January 1, 1994, to extend the time limits on plan effectiveness and the agency's ability to pay indebtedness and receive tax increment revenues by one year if the agency was required to make a payment to the Educational Revenue Augmentation Fund ("ERAF") under Health and Safety Code Section 33681.9 during fiscal year 2003-04; and

**WHEREAS**, the Agency was required to make a payment to the ERAF during fiscal year 2003-04; and

**WHEREAS**, the Agency wishes to amend the Redevelopment Plan to extend the time limits applicable to the Coliseum Project Area, including the Coliseum First Amendment Area, by one year for the fiscal year 2003-04 ERAF payment; 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.** Section 502 of the Redevelopment Plan for the Coliseum Area Redevelopment Project, as previously amended by the First and Second Amendments to the Coliseum Plan, is hereby amended to read in its entirety as follows (deletions are indicated with *strikeout text*, and additions with *double underlining*):

B. [~~§502~~] Tax Increment Funds

All taxes levied upon taxable property within the Project Area each year, by or for the benefit of the State of California, the County of Alameda, the City of Oakland, any district or any other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving this Plan (or, with respect to the territory added to the Project Area by the First Amendment to this Plan, after the effective date of the ordinance approving said First Amendment), shall be divided as follows:

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 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 of the Project on the effective date of such ordinance but to which such territory is annexed or otherwise included after such effective date, the assessment roll of the County of Alameda 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).
2. Except as provided in subdivision (e) of Section 33670 or in Section 33492.15 of the Community Redevelopment Law, 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 the Agency to finance



or refinance, in whole or in part, this Project. Unless and until the total assessed valuation of the taxable property in the Project exceeds the total assessed value of the taxable property in the Project as shown by the last equalized assessment roll referred to in subdivision 1 hereof, all of the taxes levied and collected upon the taxable property in the 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, all monies thereafter received from taxes upon the taxable property in the Project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

The portion of taxes mentioned in subdivision 2 above are hereby irrevocably pledged for the payment of the principal of and interest on the advance of monies, or making of loans or the incurring of any indebtedness (whether funded, refunded, assumed or otherwise) by the Agency to finance or refinance the Project, in whole or in part. The Agency is authorized to make such pledges as to specific advances, loans and indebtedness as appropriate in carrying out the Project.

The Agency is authorized to issue bonds from time to time, if it deems appropriate to do so, in order to finance all or any part of the Project. Neither the members of the Agency nor any persons executing the bonds are liable personally on the bonds by reason of their issuance.

The bonds and other obligations of the Agency are not a debt of the City or the state, nor are any of its political subdivisions liable for them, nor in any event shall the bonds or obligations be payable out of any funds or properties other than those of the Agency, and such bonds and other obligations shall so state on their face. The bonds do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

The Agency shall not establish or incur loans, advances or indebtedness to finance in whole or in part the Project after July 25, 2015, except that the Agency may incur loans, advances or indebtedness after July 25, 2015, 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, or as provided below for territory added to the Project Area by Plan amendment. 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.

The Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 from the Project Area after July 25, ~~2041~~2042, except as provided below for territory added to the Project Area by Plan amendment.

Notwithstanding any provision of this Plan to the contrary, as to that territory added to the Project Area by the First Amendment to this Plan adopted on July 29, 1997 (that territory is referred to in this Plan as the "Coliseum First Amendment Area"), the Agency shall not establish or incur loans, advances or indebtedness to finance in whole or in part the Plan within the Coliseum First Amendment Area after July 29, 2017, except that the Agency may incur loans, advances or indebtedness after July 29, 2017, 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 Coliseum First 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.

Notwithstanding any provision of this Plan to the contrary, as to the Coliseum First Amendment Area, the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 from the Coliseum First Amendment Area after July 29, ~~2042~~2043.

**SECTION 2.** Section 800 of the Redevelopment Plan for the Coliseum Area Redevelopment Project, as previously amended by the First and Second Amendments to the Coliseum Plan, is hereby amended to read in its entirety as follows (deletions are indicated with strikeout text, and additions with double underlining):

#### VIII. [§800] DURATION AND EFFECTIVENESS OF THIS PLAN

The provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan may be made effective, until July 25, ~~2026~~2027, or, as to the Coliseum First Amendment Area, until July 29, ~~2027~~2028, except that the nondiscrimination and nonsegregation provisions shall run in perpetuity. After these time limits on the duration and effectiveness of the Plan, the Agency shall have no authority to act pursuant to this Plan 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.

**SECTION 3.** The City Administrator 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.

**SECTION 6.** Notwithstanding the above, this Third Amendment shall be effective only if and when an ordinance adopting the Second Amendment has been enacted and in force and effect.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2004

**PASSED BY THE FOLLOWING VOTE:**

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

NOES- \_\_\_\_\_

ABSENT- \_\_\_\_\_

ABSTENTION- \_\_\_\_\_

ATTEST: \_\_\_\_\_

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

**AN ORDINANCE ADOPTING THE THIRD AMENDMENT TO THE COLISEUM AREA REDEVELOPMENT PLAN TO EXTEND THE TIME LIMITS ON PLAN EFFECTIVENESS AND RECEIPT OF TAX INCREMENT REVENUE BY ONE YEAR**

**NOTICE AND DIGEST**

This ordinance amends the Coliseum Area Redevelopment Plan to extend the time limits in the Plan for Plan effectiveness and the ability of the Redevelopment Agency to pay indebtedness and receive tax increment revenues, as authorized under Health and Safety Code Section 33333.2(c), by one year.

OFFICE OF THE CLERK  
FILED  
APPROVED AS TO FORM AND LEGALITY  
OCT 28 2004  
DEPUTY CITY ATTORNEY  
5:54

# OAKLAND CITY COUNCIL

ORDINANCE NO. \_\_\_\_\_ C.M.S.

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## AN ORDINANCE AMENDING THE ACORN URBAN RENEWAL PLAN TO EXTEND THE TIME LIMITS ON PLAN EFFECTIVENESS AND RECEIPT OF TAX INCREMENT REVENUE BY TWO YEARS

**WHEREAS**, the City Council adopted the Acorn Urban Renewal Plan (the "Redevelopment Plan") on November 30, 1961; and

**WHEREAS**, on July 20, 2004, the Council adopted Ordinance No. 12616 C.M.S., which extended the time limit on the effectiveness of the Redevelopment Plan to January 1, 2010, and the time limit on the Agency's ability to pay indebtedness and receive tax increment revenues to January 1, 2020; and

**WHEREAS**, Health and Safety Code Section 33333.6(e)(2)(D)(i) authorizes the legislative body by ordinance to amend a redevelopment plan adopted prior to January 1, 1994, if the time limit on plan effectiveness is 10 years or less, to extend the time limits on plan effectiveness and the agency's ability to pay indebtedness and receive tax increment revenues by one year for each year the agency is required to make a payment to the Educational Revenue Augmentation Fund ("ERAF") under Health and Safety Code Section 33681.12 during fiscal years 2004-05 and 2005-06; and

**WHEREAS**, Health and Safety Code Section 33333.6(e)(3)(A) provides that such an ordinance may be adopted following a noticed public hearing if the legislative body finds that funds used to make a payment to the ERAF pursuant to Section 33681.12 would otherwise have been used to pay the costs of projects and activities necessary to carry out the goals and objectives of the redevelopment plan; and

**WHEREAS**, the Agency is required to make payments to the ERAF during fiscal year 2004-05 and fiscal year 2005-06; and

**WHEREAS**, the Agency wishes to amend the Acorn Urban Renewal Plan to extend the time limits by two years; and

**WHEREAS**, the Council held a public hearing on the proposed amendment, notice of which was mailed to the governing body of each affected taxing entity at least 30 days prior to the public hearing and published in a newspaper of general circulation in the community at least once, not less than 10 days prior to the date of the public hearing; 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 Council hereby finds and determines that funds that will be used to make payments to the ERAF pursuant to Section 33681.12 during fiscal year 2004-05 and fiscal year 2005-06 would otherwise be used to pay the costs of projects and activities necessary to carry out the goals and objectives of the Acorn Urban Renewal Plan.

**SECTION 2.** The Acorn Urban Renewal Plan is hereby amended to provide that the provisions of the Plan shall be effective, and the provisions of other documents formulated pursuant to the Plan may be made effective, until January 1, 2012, except that the nondiscrimination and nonsegregation provisions shall run in perpetuity. After this time limit on the duration and effectiveness of the Redevelopment Plan, the Agency shall have no authority to act pursuant to the Redevelopment Plan 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.

**SECTION 3.** The Acorn Urban Renewal Plan is hereby further amended to provide that the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 from the Project Area after January 1, 2022, except as may otherwise be provided by Section 33333.6 of the Community Redevelopment Law.

**SECTION 4.** 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 5.** 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 6.** 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, \_\_\_\_\_, 2004

**PASSED BY THE FOLLOWING VOTE:**

AYES-	BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN, AND PRESIDENT DE LA FUENTE
NOES-	_____
ABSENT-	_____
ABSTENTION-	_____

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



**AN ORDINANCE AMENDING THE ACORN URBAN RENEWAL  
PLAN TO EXTEND THE TIME LIMITS ON PLAN EFFECTIVENESS  
AND RECEIPT OF TAX INCREMENT REVENUE BY TWO YEARS**

**NOTICE AND DIGEST**

This ordinance amends the Acorn Urban Renewal Plan to extend the time limits in the Plan *for Plan effectiveness and the ability of the Redevelopment Agency to pay indebtedness* and receive tax increment revenues by two years, as authorized under Health and Safety Code Section 33333.6(e)(2)(D)(i).



FILED  
OFFICE OF THE CLERK  
APPROVED AS TO FORM AND LEGALITY  
2004 OCT 20 PM 5:54  
CLERK  
DEPUTY CITY ATTORNEY

# OAKLAND CITY COUNCIL

ORDINANCE NO. \_\_\_\_\_ C.M.S.

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## AN ORDINANCE AMENDING THE CENTRAL DISTRICT URBAN RENEWAL PLAN TO EXTEND THE TIME LIMITS ON PLAN EFFECTIVENESS AND RECEIPT OF TAX INCREMENT REVENUE BY UP TO TWO YEARS

**WHEREAS**, the City Council adopted the Central District Urban Renewal Plan (the "Redevelopment Plan") on June 12, 1969; and

**WHEREAS**, the City Council adopted the Twelfth Amendment to the Central District Urban Renewal Plan on July 24, 2001, (Ordinance No. 12348 C.M.S.) which among other things added certain territory to the Central District Project Area (the "Central District Twelfth Amendment Area"); and

**WHEREAS**, under the Twelfth Amendment to the Redevelopment Plan, the time limit on the effectiveness of the Redevelopment Plan as to the Central District Twelfth Amendment Area was set at 30 years from the date of adoption of the Twelfth Amendment, i.e., July 24, 2031, and the time limit on the Agency's ability to pay indebtedness and receive tax increment revenues as to the Central District Twelfth Amendment Area was set at 45 years from the date of adoption of the Twelfth Amendment, i.e., July 24, 2046; and

**WHEREAS**, on July 20, 2004, the Council adopted Ordinance No. 12617 C.M.S., which extended the time limit on the effectiveness of the Redevelopment Plan as to the Central District Project Area, excluding the Central District Twelfth Amendment Area, to June 12, 2010, and the time limit on the Agency's ability to pay indebtedness and receive tax increment revenues as to the Central District Project Area, excluding the Central District Twelfth Amendment Area, to June 12, 2020; and

**WHEREAS**, Health and Safety Code Section 33333.6(e)(2)(D)(i) authorizes the legislative body by ordinance to amend a redevelopment plan adopted prior to January 1, 1994, if the time limit on plan effectiveness is 10 years or less, to extend the time limits on plan effectiveness and the agency's ability to pay indebtedness and receive tax increment revenues by one year for each year the agency is required to make a payment to the Educational Revenue Augmentation Fund ("ERAF") under Health and Safety Code Section 33681.12 during fiscal years 2004-05 and 2005-06; and

**WHEREAS**, Health and Safety Code Section 33333.6(e)(3)(A) provides that such an ordinance may be adopted following a noticed public hearing if the legislative body finds that funds used to make a payment to the ERAF pursuant to Section 33681.12 would otherwise have been used to pay the costs of projects and activities necessary to carry out the goals and objectives of the redevelopment plan; and

**WHEREAS**, the Agency is required to make payments to the ERAF during fiscal year 2004-05 and fiscal year 2005-06; and

**WHEREAS**, the Agency wishes to amend the Central District Urban Renewal Plan to extend the time limits applicable to the Central District Project Area, excluding the Central District Twelfth Amendment Area, by two years; and

**WHEREAS**, the Council held a public hearing on the proposed amendment, notice of which was mailed to the governing body of each affected taxing entity at least 30 days prior to the public hearing and published in a newspaper of general circulation in the community at least once, not less than 10 days prior to the date of the public hearing; and

**WHEREAS**, Health and Safety Code Section 33333.2(c) authorizes the legislative body by ordinance to extend the time limits applicable to territory added to a redevelopment plan by an amendment adopted on or after January 1, 1994, to extend the time limits on plan effectiveness and the agency's ability to pay indebtedness and receive tax increment revenues as to the additional territory by one year, if the agency was required to make a payment to the ERAF under Health and Safety Code Section 33681.9 during fiscal year 2003-04; and

**WHEREAS**, the Agency was required to make a payment to the ERAF during fiscal year 2003-04; and

**WHEREAS**, the Agency wishes to amend the Central District Urban Renewal Plan to extend the time limits applicable to the Central District Twelfth Amendment Area by one year; and

**WHEREAS**, these actions are 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 actions may have a significant effect on the environment; now, therefore

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

**SECTION 1.** The Council hereby finds and determines that funds that will be used to make payments to the ERAF pursuant to Health and Safety Code Section 33681.12 during fiscal year 2004-05 and fiscal year 2005-06 would otherwise be used to pay the costs of projects and activities necessary to carry out the goals and objectives of the Central District Urban Renewal Plan.

**SECTION 2.** Subsection C of Section 600 of the Redevelopment Plan for the Central District Urban Renewal Project is hereby 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).

The Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 from the Project Area after June 12, 2020-2022, 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 any areas that territory added to the Project Area by the Twelfth Amendment to amendment of this Plan adopted after June 1, 2001 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 such areas beyond twenty (20) years from the effective date of the ordinance adopting the amendment, except that the Agency may incur loans, advances or indebtedness after July 24, 2021 beyond twenty (20) years from the effective date of the ordinance adopting the amendment 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 added areas. 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~~any areas added to the Project Area by amendment of this Plan adopted after June 1, 2004~~, 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~~these areas~~.

Notwithstanding any provision of this Plan to the contrary, as to the Central District Twelfth Amendment Area~~any areas added to the Project Area by amendment of this Plan adopted after June 1, 2004~~, the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 from the Central District Twelfth Amendment Area~~said additional areas after July 24, 2047~~ forty-five (45) years from the effective date of the ordinance adopting the amendment.

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.

**SECTION 3.** 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 strikeout 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, 2040~~2012~~, 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 ~~any areas added to the Project Area by amendment of this Plan adopted after June 1, 2001~~, 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 ~~said additional areas until July 24, 2032~~ for thirty (30) years from the date of adoption of the amendment by the City Council, except that the nondiscrimination and nonsegregation provisions shall run in perpetuity. After this time limit on the duration and effectiveness of the Plan for ~~such additional areas~~ the Central District Twelfth Amendment Area, the Agency shall have no authority to act pursuant to this Plan for ~~such additional areas~~ 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.

**SECTION 4.** 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 5.** 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 6.** 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, \_\_\_\_\_, 2004

**PASSED BY THE FOLLOWING VOTE:**

AYES-	BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN, AND PRESIDENT DE LA FUENTE
NOES-	_____
ABSENT-	_____
ABSTENTION-	_____

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

**AN ORDINANCE AMENDING THE CENTRAL DISTRICT URBAN  
RENEWAL PLAN TO EXTEND THE TIME LIMITS ON PLAN  
EFFECTIVENESS AND RECEIPT OF TAX INCREMENT REVENUE  
BY UP TO TWO YEARS**

**NOTICE AND DIGEST**

This ordinance amends the Central District Urban Renewal Plan to extend the time limits in the Plan for Plan effectiveness and the ability of the Redevelopment Agency to pay indebtedness and receive tax increment revenues, as authorized under Health and Safety Code Sections 33333.6(e)(2)(D)(i) and 33333.2(c), by two years for the original Project Area, and by one year for territory added by Plan amendment.

FILED  
OFFICE OF THE CITY CLERK  
APPROVED AS TO FORM AND REGALITY  
2004 OCT 28 PM 5:54  
CITY ATTORNEY

**OAKLAND CITY COUNCIL**  
**ORDINANCE NO. \_\_\_\_\_ C.M.S.**

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**AN ORDINANCE AMENDING THE OAK CENTER URBAN RENEWAL PLAN TO EXTEND THE TIME LIMITS ON PLAN EFFECTIVENESS AND RECEIPT OF TAX INCREMENT REVENUE BY TWO YEARS**

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

**WHEREAS**, on July 20, 2004, the Council adopted Ordinance No. 12618 C.M.S., which extended the time limit on the effectiveness of the Redevelopment Plan to January 1, 2010, and the time limit on the Agency's ability to pay indebtedness and receive tax increment revenues to January 1, 2020; and

**WHEREAS**, Health and Safety Code Section 33333.6(e)(2)(D)(i) authorizes the legislative body by ordinance to amend a redevelopment plan adopted prior to January 1, 1994, if the time limit on plan effectiveness is 10 years or less, to extend the time limits on plan effectiveness and the agency's ability to pay indebtedness and receive tax increment revenues by one year for each year the agency is required to make a payment to the Educational Revenue Augmentation Fund ("ERAF") under Health and Safety Code Section 33681.12 during fiscal years 2004-05 and 2005-06; and

**WHEREAS**, Health and Safety Code Section 33333.6(e)(3)(A) provides that such an ordinance may be adopted following a noticed public hearing if the legislative body finds that funds used to make a payment to the ERAF pursuant to Section 33681.12 would otherwise have been used to pay the costs of projects and activities necessary to carry out the goals and objectives of the redevelopment plan; and

**WHEREAS**, the Agency is required to make payments to the ERAF during fiscal year 2004-05 and fiscal year 2005-06; and

**WHEREAS**, the Agency wishes to amend the Oak Center Urban Renewal Plan to extend the time limits by two years; and

**WHEREAS**, the Council held a public hearing on the proposed amendment, notice of which was mailed to the governing body of each affected taxing entity at least 30 days prior to



the public hearing and published in a newspaper of general circulation in the community at least once, not less than 10 days prior to the date of the public hearing; 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 Council hereby finds and determines that funds that will be used to make payments to the ERAF pursuant to Section 33681.12 during fiscal year 2004-05 and fiscal year 2005-06 would otherwise be used to pay the costs of projects and activities necessary to carry out the goals and objectives of the Oak Center Urban Renewal Plan.

**SECTION 2.** The Oak Center Urban Renewal Plan is hereby amended to provide that the provisions of the Plan shall be effective, and the provisions of other documents formulated pursuant to the Plan may be made effective, until January 1, 2012, except that the nondiscrimination and nonsegregation provisions shall run in perpetuity. After this time limit on the duration and effectiveness of the Redevelopment Plan, the Agency shall have no authority to act pursuant to the Redevelopment Plan 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.

**SECTION 3.** The Oak Center Urban Renewal Plan is hereby further amended to provide that the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 from the Project Area after January 1, 2022, except as may otherwise be provided by Section 33333.6 of the Community Redevelopment Law.

**SECTION 4.** The City Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Exemption for this action.

**SECTION 5.** 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 6.** 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, \_\_\_\_\_, 2004

**PASSED BY THE FOLLOWING VOTE:**

AYES-	BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN, AND PRESIDENT DE LA FUENTE
NOES-	_____
ABSENT-	_____
ABSTENTION-	_____

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

**AN ORDINANCE AMENDING THE OAK CENTER URBAN  
RENEWAL PLAN TO EXTEND THE TIME LIMITS ON PLAN  
EFFECTIVENESS AND RECEIPT OF TAX INCREMENT REVENUE  
BY TWO YEARS**

**NOTICE AND DIGEST**

This ordinance amends the Oak Center Urban Renewal Plan to extend the time limits in the Plan for Plan effectiveness and the ability of the Redevelopment Agency to pay indebtedness and receive tax increment revenues by two years, as authorized under Health and Safety Code Section 33333.6(e)(2)(D)(i).

OFFICE OF THE CITY ATTORNEY  
FILED  
APPROVED AS TO FORM AND LEGALITY  
2003 OCT 28 PM 5:54  
DEPUTY CITY ATTORNEY

**OAKLAND CITY COUNCIL**  
**ORDINANCE NO. \_\_\_\_\_ C.M.S.**

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**AN ORDINANCE ADOPTING THE FIRST AMENDMENT TO THE  
OAK KNOLL REDEVELOPMENT PLAN TO EXTEND THE TIME  
LIMITS ON PLAN EFFECTIVENESS AND RECEIPT OF TAX  
INCREMENT REVENUE BY ONE YEAR**

**WHEREAS**, the City Council adopted the Redevelopment Plan for the Oak Knoll Redevelopment Project (the "Redevelopment Plan") on July 14, 1998; and

**WHEREAS**, the Redevelopment Plan set the time limit on the effectiveness of the Redevelopment Plan at 30 years from the date of the final day of the first fiscal year in which \$100,000 or more of tax increment funds from the Project Area are paid to the Agency, as certified by the County Auditor pursuant to Health and Safety Code Section 33492.9, and the time limit on the Agency's ability to pay indebtedness and receive tax increment revenues from the Project Area at 45 years from said date certified by the County Auditor; and

**WHEREAS**, Health and Safety Code Section 33333.2(c) authorizes the legislative body by ordinance to amend a redevelopment plan adopted after January 1, 1994, to extend the time limits on plan effectiveness and the agency's ability to pay indebtedness and receive tax increment revenues by one year if the agency was required to make a payment to the Educational Revenue Augmentation Fund ("ERAF") under Health and Safety Code Section 33681.9 during fiscal year 2003-04; and

**WHEREAS**, the Agency was required to make a payment to the ERAF during fiscal year 2003-04; and

**WHEREAS**, the Agency wishes to amend the Redevelopment Plan to extend the time limits by one year for the fiscal year 2003-04 ERAF payment; 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 last paragraph of Section 502 of the Redevelopment Plan for the Oak Knoll Redevelopment Project is hereby amended to read as follows (deletions are indicated with ~~strikeout~~ text, and additions with double underlining):

The Agency shall not receive, and shall not repay loans, advances, or other indebtedness to be paid with the proceeds of property taxes from the Project Area pursuant to Section 33670 of the Community Redevelopment Law and this Section 502 beyond ~~forty-five (45)~~ forty-six (46) years from the date the County Auditor certifies pursuant to Section 33492.9 of the Community Redevelopment Law.

**SECTION 2.** Section 800 of the Redevelopment Plan for the Oak Knoll Redevelopment Project is hereby amended to read in its entirety as follows (deletions are indicated with ~~strikeout~~ text, and additions with double underlining):

**VIII. [§800] DURATION OF THIS PLAN**

Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan may be made effective, for ~~thirty (30)~~ thirty-one (31) years from the date certified by the County Auditor ~~certifies~~ pursuant to Section 33492.9 of the Community Redevelopment Law (i.e. the date of the final day of the first fiscal year in which \$100,000 or more of tax increment funds from the Project Area are paid to the Agency pursuant to subdivision (d) of Section 33675 of the Community Redevelopment Law); provided, however, that subject to the limitations set forth in Section 502 of this Plan, the Agency may issue bonds and incur obligations pursuant to this Plan which extend beyond the termination date, and in such event, this Plan shall *continue in effect to the extent necessary to permit the full repayment of such bonds or other obligations.* After the termination of this Plan, the Agency shall have no authority to act pursuant to this Plan except to pay previously incurred indebtedness and to enforce existing covenants or contracts unless the Agency has not completed its housing obligations pursuant to Section 33413 of the Community Redevelopment Law, in which case the Agency shall retain its authority to implement requirements under Section 33413 of the Community Redevelopment Law, including its ability to incur and pay indebtedness for this purpose, and shall use this authority to complete such housing obligations as soon as is reasonably possible.

**SECTION 3.** The City Administrator 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, \_\_\_\_\_, 2004

**PASSED BY THE FOLLOWING VOTE:**

AYES-	BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN, AND PRESIDENT DE LA FUENTE
NOES-	_____
ABSENT-	_____
ABSTENTION-	_____

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



**AN ORDINANCE ADOPTING THE FIRST AMENDMENT TO THE  
OAK KNOLL REDEVELOPMENT PLAN TO EXTEND THE TIME  
LIMITS ON PLAN EFFECTIVENESS AND RECEIPT OF TAX  
INCREMENT REVENUE BY ONE YEAR**

**NOTICE AND DIGEST**

This ordinance amends the Oak Knoll Redevelopment Plan to extend the time limits in the Plan for Plan effectiveness and the ability of the Redevelopment Agency to pay indebtedness and receive tax increment revenues, as authorized under Health and Safety Code Section 33333.2(c), by one year.

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
APPROVED AS TO FORM AND LEGAL D  
2000/07/11  
DEPUTY CITY CLERK  
5:54

**OAKLAND CITY COUNCIL**  
**ORDINANCE NO. \_\_\_\_\_ C.M.S.**

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**AN ORDINANCE ADOPTING THE FIRST AMENDMENT TO THE OAKLAND ARMY BASE REDEVELOPMENT PLAN TO EXTEND THE TIME LIMITS ON PLAN EFFECTIVENESS AND RECEIPT OF TAX INCREMENT REVENUE BY ONE YEAR**

**WHEREAS**, the City Council adopted the Redevelopment Plan for the Oakland Army Base Redevelopment Project (the "Redevelopment Plan") on July 11, 2000; and

**WHEREAS**, the Redevelopment Plan set the time limit on the effectiveness of the Redevelopment Plan at 30 years from the date of the final day of the first fiscal year in which \$100,000 or more of tax increment funds from the Project Area are paid to the Agency, as certified by the County Auditor pursuant to Health and Safety Code Section 33492.9, and the time limit on the Agency's ability to pay indebtedness and receive tax increment revenues from the Project Area at 45 years from said date certified by the County Auditor; and

**WHEREAS**, Health and Safety Code Section 33333.2(c) authorizes the legislative body by ordinance to amend a redevelopment plan adopted after January 1, 1994, to extend the time limits on plan effectiveness and the agency's ability to pay indebtedness and receive tax increment revenues by one year if the agency was required to make a payment to the Educational Revenue Augmentation Fund ("ERAF") under Health and Safety Code Section 33681.9 during fiscal year 2003-04; and

**WHEREAS**, the Agency was required to make a payment to the ERAF during fiscal year 2003-04; and

**WHEREAS**, the Agency wishes to amend the Redevelopment Plan to extend the time limits by one year for the fiscal year 2003-04 ERAF payment; 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 last paragraph of Section 502 of the Redevelopment Plan for the Oakland Army Base Redevelopment Project is hereby amended to read as follows (deletions are indicated with strikeout text, and additions with double underlining):*

The Agency shall not receive, and shall not repay loans, advances, or other indebtedness to be paid with the proceeds of property taxes from the Project Area pursuant to Section 33670 of the Community Redevelopment Law and this Section 502 beyond ~~forty-five (45)~~ forty-six (46) years from the date the County Auditor certifies pursuant to Section 33492.9 of the Community Redevelopment Law.

**SECTION 2.** Section 800 of the Redevelopment Plan for the Oakland Army Base Redevelopment Project is hereby amended to read in its entirety as follows (deletions are indicated with strikeout text, and additions with double underlining):

**VIII. [§800] DURATION OF THIS PLAN**

Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective, and the provisions of other ~~documents formulated pursuant to this Plan may be made effective, for thirty (30)~~ thirty-one (31) years from the date ~~certified by~~ certified by the County Auditor ~~certifies~~ pursuant to Section 33492.9 of the Community Redevelopment Law (i.e., the date of the final day of the first fiscal year in which \$100,000 or more of tax increment funds from the Project Area are paid to the Agency pursuant to subdivision (d) of Section 33675 of the Community Redevelopment Law); provided, however, that subject to the limitations set forth in Section 502 of this Plan, the Agency may issue bonds and incur obligations pursuant to this Plan which extend beyond the termination date, and in such event, this Plan shall continue in effect to the extent necessary to permit the full repayment of such bonds or other obligations. After the termination of this Plan, the Agency shall have no authority to act pursuant to this Plan except to pay previously incurred indebtedness and to enforce existing covenants or contracts unless the Agency has not completed its housing obligations pursuant to Section 33413 of the Community Redevelopment Law, ~~in which case the Agency shall retain its authority to implement requirements under~~ Section 33413 of the Community Redevelopment Law, including its ability to incur and pay indebtedness for this purpose, and shall use this authority to complete such housing obligations as soon as is reasonably possible.

**SECTION 3.** The City Administrator 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, \_\_\_\_\_, 2004

**PASSED BY THE FOLLOWING VOTE:**

AYES-	BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN, AND PRESIDENT DE LA FUENTE
NOES-	_____
ABSENT-	_____
ABSTENTION-	_____

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

**AN ORDINANCE ADOPTING THE FIRST AMENDMENT TO THE  
OAKLAND ARMY BASE REDEVELOPMENT PLAN TO EXTEND  
THE TIME LIMITS ON PLAN EFFECTIVENESS AND RECEIPT OF  
TAX INCREMENT REVENUE BY ONE YEAR**

**NOTICE AND DIGEST**

This ordinance amends the Oakland Army Base Redevelopment Plan to extend the time limits in the Plan for Plan effectiveness and the ability of the Redevelopment Agency to pay indebtedness and receive tax increment revenues, as authorized under Health and Safety Code Section 33333.2(c), by one year.

OFFICE OF FILED  
APPROVED AS TO FORM AND LEGALITY  
CLERK  
2004-07-28 PM 5:54  
DEPUTY CITY ATTORNEY

**OAKLAND CITY COUNCIL**  
**ORDINANCE NO. \_\_\_\_\_ C.M.S.**

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**AN ORDINANCE AMENDING THE STANFORD/ADELINE REDEVELOPMENT PLAN TO EXTEND THE TIME LIMITS ON PLAN EFFECTIVENESS AND RECEIPT OF TAX INCREMENT REVENUE BY TWO YEARS**

**WHEREAS**, the City Council adopted the Stanford/Adeline Redevelopment Plan (the "Redevelopment Plan") on April 10, 1973; and

**WHEREAS**, on July 20, 2004, the Council adopted Ordinance No. 12619 C.M.S., which extended the time limit on the effectiveness of the Redevelopment Plan to April 10, 2014, and the time limit on the Agency's ability to pay indebtedness and receive tax increment revenues to April 10, 2024; and

**WHEREAS**, Health and Safety Code Section 33333.6(e)(2)(D)(i) authorizes the legislative body by ordinance to amend a redevelopment plan adopted prior to January 1, 1994, if the time limit on plan effectiveness is 10 years or less, to extend the time limits on plan effectiveness and the agency's ability to pay indebtedness and receive tax increment revenues by one year for each year the agency is required to make a payment to the Educational Revenue Augmentation Fund ("ERAF") under Health and Safety Code Section 33681.12 during fiscal years 2004-05 and 2005-06; and

**WHEREAS**, Health and Safety Code Section 33333.6(e)(3)(A) provides that such an ordinance may be adopted following a noticed public hearing if the legislative body finds that funds used to make a payment to the ERAF pursuant to Section 33681.12 would otherwise have been used to pay the costs of projects and activities necessary to carry out the goals and objectives of the redevelopment plan; and

**WHEREAS**, the Agency is required to make payments to the ERAF during fiscal year 2004-05 and fiscal year 2005-06; and

**WHEREAS**, the Agency wishes to amend the Stanford/Adeline Redevelopment Plan to extend the time limits by two years; and

**WHEREAS**, the Council held a public hearing on the proposed amendment, notice of which was mailed to the governing body of each affected taxing entity at least 30 days prior to

the public hearing and published in a newspaper of general circulation in the community at least once, not less than 10 days prior to the date of the public hearing; 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 Council hereby finds and determines that funds that will be used to make payments to the ERAF pursuant to Section 33681.12 during fiscal year 2004-05 and fiscal year 2005-06 would otherwise be used to pay the costs of projects and activities necessary to carry out the goals and objectives of the Stanford/Adeline Redevelopment Plan.

**SECTION 2.** The Stanford/Adeline Redevelopment Plan is hereby amended to provide that the provisions of the Plan shall be effective, and the provisions of other documents formulated pursuant to the Plan may be made effective, until April 10, 2016, except that the nondiscrimination and nonsegregation provisions shall run in perpetuity. After this time limit on the duration and effectiveness of the Redevelopment Plan, the Agency shall have no authority to act pursuant to the Redevelopment Plan 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.

**SECTION 3.** The Stanford/Adeline Redevelopment Plan is hereby further amended to provide that the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 from the Project Area after April 10, 2026, except as may otherwise be provided by Section 33333.6 of the Community Redevelopment Law.

**SECTION 4.** The City Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Exemption for this action.

**SECTION 5.** 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 6.** 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, \_\_\_\_\_, 2004

**PASSED BY THE FOLLOWING VOTE:**

AYES-	BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN, AND PRESIDENT DE LA FUENTE
NOES-	_____
ABSENT-	_____
ABSTENTION-	_____

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

**AN ORDINANCE AMENDING THE STANFORD/ADELINE  
REDEVELOPMENT PLAN TO EXTEND THE TIME LIMITS ON  
PLAN EFFECTIVENESS AND RECEIPT OF TAX INCREMENT  
REVENUE BY TWO YEARS**

**NOTICE AND DIGEST**

This ordinance amends the Stanford/Adeline Redevelopment Plan to extend the time limits in the Plan for Plan effectiveness and the ability of the Redevelopment Agency to pay indebtedness and receive tax increment revenues by two years, as authorized under Health and Safety Code Section 33333.6(e)(2)(D)(i).