# ACORN URBAN RENEWAL PLAN

(Calif. R-42)

# February 7, 2006

This is the Acorn Urban Renewal Plan originally adopted by the Oakland City Council on November 30, 1961, and subsequently amended or supplemented on January 15, 1964; December 16, 1986; December 20, 1994; July 20, 2004; December 21, 2004; and February 7, 2006.

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EXHIBIT I – Land Use Plan Map

## I. GENERAL STATEMENTS

## A. Title

This Urban Renewal Plan as amended through February 7, 2006, is herein after referred to as the "Plan".

# B. The Acorn Project

The Plan is to be carried out by the Redevelopment Agency of the City of Oakland, hereinafter referred to as the "Agency", under the provisions of the California Community Redevelopment Law. The Project Area is situated in the City of Oakland, County of Alameda, and is more particularly described as follows:

Beginning at the point of intersection of the northerly right-of-way line of 11<sup>th</sup> Street with the easterly right-of-way line of Brush Street, thence southerly along said easterly rightof-way line of Brush Street to its point of intersection with the southerly right-of-way line of 1<sup>st</sup> Street, thence westerly along said southerly right-of-way line of 1<sup>st</sup> Street to its point of intersection with the westerly right-of-way line of Union Street, thence northerly along said westerly right-of-way line of Union Street to its point of intersection with the southerly right-of-way line of the Nimitz Freeway, thence northwesterly along the southwesterly right-of-way line of the Nimitz Freeway to its point of intersection with the northerly right-of-way line of 8<sup>th</sup> Street, thence easterly along said northerly right-of-way line of 8<sup>th</sup> Street to its point of intersection with the westerly right-of-way line of Union Street, thence northerly along said westerly right-of-way line of Union Street to its point of intersection with the northerly right-of-way line of 10<sup>th</sup> Street, thence easterly along said northerly right-of-way line of 10<sup>th</sup> Street to its point of intersection with the westerly right-of-way line of Market Street, thence northerly along said westerly right-of-way line of Market Street to its intersection with the northerly right-of-way line of 11<sup>th</sup> Street, thence easterly along said northerly right-of-way line of 11<sup>th</sup> Street to its intersection with the easterly right-of-way line of Brush Street, the point of beginning.

# C. <u>Project Objectives</u>

The Acorn Urban Renewal Project is designed to eliminate blight and blighting influences and to create new residential and industrial areas meeting these objectives:

- 1. <u>Housing</u>: To create a new residential area designed to provide a substantial amount of housing for low and moderate income families at urban densities.
- 2. <u>Institutional Services</u>: To provide space in sound environments for institutional uses, including medical offices, convalescent homes, and health care facilities serving the neighborhood and the community at large.
- 3. <u>Commercial Facilities</u>: To promote the development of new retail facilities and provide space for commercial service uses compatible with the surrounding residential and retail commercial uses.

4. <u>Industrial Development</u>: To rehabilitate existing industrial uses which are in sound condition and appropriate to the area, and to create space for new industrial development through the clearance of blighted residential and industrial uses.

# D. Types of Proposed Redevelopment Activities

In order to remedy the blighting influences in the Project Area, the Agency – in accordance with applicable Federal, State and Local laws – will undertake the following activities:

1. Acquire by purchase, gift, exchange, condemnation or any lawful manner all real properties within the Project Area except those which are considered compatible with Project objectives.

No eminent domain proceedings to acquire property within the Acorn Redevelopment Project Area shall be commenced beyond December 16, 1998. [See Ordinance No. 10823 C.M.S., 12.16.1986; CRL section 33333.4]

- 2. Relocate the occupants presently living in structures that are to be demolished.
- 3. Demolish and clear all structures which are blighted and beyond economic feasibility of rehabilitating to the standards and objectives of the Plan or whose uses are inconsistent with the Plan.
- 4. Sell or lease all property acquired with the stipulation that this property be used in accordance with the objectives, provisions and intent of this Plan; except that property may be dedicated to the City of Oakland.
- 5. Owners of certain property may participate in the redevelopment of their property if it is done in conformity with this Plan.
- 6. Install or cause to be installed all necessary public improvements, and dedicate property for public use.
- 7. Subject to the availability of funds, underground or cause to be undergrounded all electric power, telephone street lighting and other utility lines in areas to be developed for residential or alternate residential use.

## E. Applicability of Municipal Codes and Ordinances

The Municipal Code and ordinances of the City of Oakland now in force or hereafter enacted shall apply within the Project Area except to the extent that the same are, or may hereafter be, less restrictive than the express provisions of this Plan; in such case, the provisions of this Plan shall govern.

#### II. LAND USE PLAN

## A. <u>Land Uses</u>

The general land uses proposed for the Project Area and the tentative street and easement vacations and dedications are indicated on the Land Use Plan Map, Exhibit A.

To ensure adequate open space within the residential area northwest of Market and 8<sup>th</sup> Streets, approximately 2.5 acres of park or open area shall be provided by the Developers. All other residential areas also shall have adequate usable open space provided by the Developers.

The following definitions apply to the Land Use Provisions established by the Plan:

- 1. <u>Institutional Use Definitions</u>. In addition to the conventional terms for classifying institutional land uses, the Plan utilizes the following special definitions:
  - a. Civic Administrative Uses include the management and clerical activities typically performed by public and parochial administrative offices.
  - b. Limited Child Care Uses include the provision of day-care service for three or fewer children.
  - c. Nursing Homes include the services to six or fewer patients typically performed by rest homes, homes for aged, nursing homes, and convalescent hospitals.
  - d. Health Care Uses include the activities typically performed by nursing homes, convalescent hospitals, rest homes, and homes for the aged when any of the foregoing serves seven or more patients; and health clinics and hospitals; services such as pharmacies which have customer access only from the interior of these uses are included.
  - e. Community Assembly Uses include the activities typically performed by churches and other facilities of religious assembly; by public, parochial, and private non-profit clubs, lodges, meeting halls, and recreation centers; by public and parochial playgrounds and playing fields; and temporary non-profit festivals.
  - f. Community Education Uses include the activities typically performed by orphanages; by foster homes and family care homes for more than six persons placed by an authorized agency; and by public, parochial, and private day-care center for four or more children, nursery schools and kindergartens, elementary, junior and senior high schools; colleges.
  - g. Non-assembly Cultural Uses include the activities typically performed by public, parochial, and private non-profit museums, art galleries, libraries, and observatories.
- 2. Commercial and Industrial Use Definitions. In addition to the conventional terms for classifying commercial and industrial land uses, the Plan utilizes the following special definitions:

- a. Restaurants include the retail sale of prepared food or beverages for onpremises consumption.
- b. Food Sales and Service Uses include the retail sale from the premises of food or beverages for home consumption, as well as the retail sale of prepared food or beverages for on-premises consumption.
- c. Convenience Sales and Service Uses include the retail sales of drugs and other frequently needed small personal convenience items such as toiletries, tobacco, and magazines, as well as the provision of personal convenience services which are typically needed frequently or recurrently such as barber and beauty care, self-service laundromats, and laundry and dry cleaning pickup stations.
- d. Medical Service Uses include the provision of therapeutic, preventive, or corrective personal treatment services by physicians, dentists, and other practitioners, as well as the provision of medical testing and analysis services.
- e. General Retail Sales Uses include the retail sale or rental from the premises of goods consisting primarily of items other than food and convenience sales and services. General Retail Sales Uses typically serve personal or household needs of the surrounding neighborhood. Department Stores, major discount General Retail Sales, or other similar regional serving activities shall not be permitted. Sales Uses exclude the sale or rental of motor vehicles other than parts and accessories.
- f. General Personal Service Uses include the provision to individuals of informational, instructional, amusement, and services of a non-professional nature which are not typically needed frequently.
- g. Consultative and Financial Service Uses include the provision of financial, insurance and real estate brokerage services, as well as the provision of advice, designs, information, or consultation of a professional nature other than medical services which are separately classified.
- h. Consumer Laundry and Repair Service Uses include the cleaning and repair of personal apparel and household appliances, furniture, and similar items.
- i. Commercial Administrative Uses include the executive, management, administrative and clerical activities of the headquarters office of private, profit-oriented firms.
- k. Retail Business Supply uses include the retail sale or rental from the premises, primarily to firms rather than to households, of office equipment and supplies and similar goods, together with the provision of incidental maintenance service.

- Research Service Uses include research of an industrial or scientific nature which is offered as a service or which is conducted by and for a private profitoriented firm.
- m. Automotive Sales, Rental, and Delivery Uses include the retail or wholesale sale or rental from the premises of motor vehicles, with incidental maintenance, as well as the retail or wholesale sale or rental from the premises of any type of goods where orders are placed predominantly by telephone or mail order with delivery being provided by motor vehicle.
- n. Automotive Service Station includes the sale from the premises of goods and the provision of services which are generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs, including sale of petroleum products together with sale and servicing of tires, batteries automotive accessories, and replacement items, lubricating services, and performance of minor repairs or of repair diagnostic services.
- o. Automotive Cleaning Uses include the washing and polishing of motor vehicles.
- p. Wholesale and Distribution Service Uses include the storage and sale from the premises of goods to other firms for resale, and the storage of goods on the premises and their transfer to retail outlets.
- 3. Sign Definitions. The Plan uses the following sign definitions:
  - a. Special Signs are signs which serve a temporary or other special function of an emergency, patriotic, religious or community nature, including official notices and warning signs; the flag of any governmental unit; memorial plaques and other commemorative symbols; temporary displays of a patriotic or religious nature; temporary posters for civic and political campaigns; and non-illuminated, non-verbal religious symbols.
  - b. Realty-Development Signs are signs pertaining to the sale, lease, rental or display of lots, buildings or other facilities existing or to be established, and signs identifying persons or firms engaged in the promotion or construction thereof.
  - c. Residential Signs are signs which give notice of the name or address of residential facilities on the lot, or the name or occupation of a resident thereof, or the conditions of use of a parking area or other private facility serving a residential facility.
  - d. Civic Signs are signs giving notice of the name, services or functions of institutional uses on the same lot, or the conditions of use of a parking lot serving an institutional use.

e. Business Signs include signs giving notice of the commercial or industrial activity occurring on the same lot; or giving notice of the conditions of use of a parking lot serving such activity; business signs do not include billboards.

# B. <u>Land Use Provisions and Building Requirements</u>

## 1. Residential Area

## a. Objectives:

A controlled development area, containing a variety of residential building types, public uses and incidental non-residential uses so oriented as to form a well designed neighborhood. Based on proposed density, the residential area will contain approximately 980 dwelling units.

## b. Permitted Uses:

- (1) The following residential uses are permitted:
  - (a) One-Family Dwelling
  - (b) Two Family Dwelling
  - (c) Multi-Family Dwelling
  - (d) Housing for the Elderly
- (2) Institutional Uses, including but not limited to the following, are permitted:
  - (a) Limited Child-Care Uses
  - (b) Community Assembly Uses
  - (c) Non-Assembly Cultural Uses
  - (d) Civic Administrative Uses
  - (e) Health Care Uses and Nursing Homes
  - (f) Community Education Uses
  - (g) Medical Service Uses

## c. Coverage:

The amount of residential land which may be covered by buildings shall be no greater than 30 percent of the redevelopment site for 2 and 3 story structures

and no greater than 25 percent of the redevelopment site for structures over 3 stories.

## d. Off-Street Parking:

- (1) One usable, accessible off-street parking space shall be provided for each dwelling unit other than units in housing for the elderly.
- (2) Parking spaces serving housing for the elderly shall be provided in an amount determined by the Agency on the basis of individual analysis of the proposed development, giving consideration to the type of proposed development, planned mode of operation, presence of commercial parking facilities and other pertinent considerations.
- (3) Off-street parking for facilities of religious assembly shall be provided in the ratio of 1 space for each 10 seats.
- (4) All other uses shall provide the amounts of parking required for like uses in the Retail Commercial or Light Industrial Areas or, if not therein stipulated, the amount of parking determined by the Agency.

# e. Usable Open Space:

Required usable open space shall be devoted to outdoor recreational space, play area or other suitable kinds of open space; such space shall not include, and shall be screened from, parking and utility-service areas.

The total amount of usable open space required shall be the summation of 300 sq. ft. for each 2 or more bedroom unit, plus 200 sq. ft. for each 1 bedroom unit, plus 150 sq. ft. for each efficiency unit.

The total amount of usable open space required on the lot may be provided in any combination of ground-level or balcony space, provided that any such balcony shall not be less than 40 sq. ft. in area, shall serve 1 dwelling unit only, and shall have a depth of not less than 5 feet.

## f. Yard Requirements:

Buildings shall be spaced and oriented on the site to provide for adequate light and air to all habitable rooms; to provide adequate privacy for all units; and to protect units from excessive noise sources such as street traffic and play areas.

## g. Landscaping:

Landscaping shall be provided and maintained in accordance with a Landscaping Plan that has been approved by the Agency. All open areas including pedestrian ways, open parking areas, service areas, required yards and setbacks and parking strips shall be fully landscaped. Usable open space shall be screened from abutting off-street parking or service areas. Where residential uses abut industrial or commercial uses, adequate visual screening of the industrial or commercial use shall be provided on the residential lot.

# h. Signs:

The following signs shall be permitted: Special Signs, Realty-Development Signs, Residential Signs, and Civic Signs. The design of all signs shall be subject to Agency approval as regards appearance, safety, size and visual impact on adjacent properties.

# 2. Light Industrial Area

# a. Objectives:

Establish a controlled-design industrial area of high quality, mutually compatible uses, which are not objectionable to neighboring residential uses.

#### b. Permitted Uses:

- (1) Any industrial use meeting the requirements listed below and including, but not limited to, warehousing, light manufacturing, general wholesaling and distribution-type uses, including off-street parking.
- (2) The following auxiliary commercial uses are permitted:
  - (a) Restaurants.
  - (b) Convenience Sales and Service Uses.
  - (c) Business and Communication Service Uses.
  - (d) Research Service Uses.
  - (e) Retail Business Supply Uses.
  - (f) Automotive Service Stations.
  - (g) Automotive Sales, Rental, and Delivery Uses.
  - (h) Automotive Cleaning Uses.

#### c. External Effects:

Smoke, noise and odor producing uses shall be controlled sufficiently to be unobjectionable beyond the site boundaries.

### d. Setbacks:

Buildings or structures erected subsequent to the date of this Plan shall be set back a minimum of 10 feet from any property line abutting Market, 3<sup>rd</sup>, 5<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> Streets, and Adeline Street.

# e. Off-Street Parking:

- (1) In the case of industrial uses, off-street parking spaces shall be provided in the ratio of one space for each one and one-half employees on the maximum shift; provided, however, that not less than five spaces shall in any case be provided.
- (2) In the case of auxiliary commercial uses, off-street parking shall be provided in the amounts required for like uses in the Retail Commercial Area; Business and Communication Service, Research Service, and Retail Business Supply Uses shall provide one space for each 600 square feet of floor area; and Automotive Sales, Rental, and Delivery Uses shall provide one space for each 1000 square feet of floor area, or for each three employees, whichever requires fewer spaces.

# f. Off-Street Loading:

Off-street loading berths shall be provided in accordance with the following schedule:

Total Floor Area of Facilities Occupied Number of Berths Required
-------------------------------------------------------------------

 Less than 10,000 sq. ft.
 No berths required

 10,000-24,999 sq. ft.
 One berth

 25,000-39,999 sq. ft.
 Two berths

 40,000-59,999 sq. ft.
 Three berths

 60,000-99,999 sq. ft.
 Four berths

 Each additional 80,000 sq. feet or fraction of
 One Additional Berth

one-half or more thereof.

# g. Development Standards for Open Areas:

- (1) Parking spaces shall not be located closer than five feet to any public right-of-way and shall be sited so as to prevent the necessity for backing cars onto public streets.
- (2) Off-street parking and loading areas shall be surfaced with asphaltic or Portland cement concrete, or with such other durable, dustless, all-weather surfacing as the Agency may approve.

- (3) Incidental service or storage areas shall be enclosed by a minimum 6-foot opaque fence or wall; material so stored shall not be visible from public rights-of-way.
- (4) Loading space and maneuvering aisles shall be provided on site and in such a way as to minimize interference with pedestrian or automobile movement in public rights-of-way and to prevent the necessity for backing onto a public right-of-way.

## h. Landscaping and Surfacing:

Landscaping shall be provided and maintained in accordance with a Landscaping Plan that has been approved by the Agency.

Landscaping shall be provided and maintained in all non-traveled portions of the public right-of-way adjacent to the property and in all required setback areas. Off-street parking areas shall be suitably surfaced and landscaped, and shall be screened from view from public rights-of-way.

All other open areas on the lot shall be landscaped or surfaced except such areas as are completely enclosed by an opaque fence or wall not less than six feet in height.

# i. Permitted Signs:

The following signs shall be permitted: Special Signs, Realty-Development Signs, Civic Signs, and Business Signs.

## j. Sign Controls:

- (1) The design of all signs shall be subject to the approval of the Agency as regards appearance, size, safety, and visual impact on adjacent developments.
- (2) All signs shall be non-flashing and non-moving, and no signs shall include any pennants, streamers, or propellers.
- (3) Within 300 feet of the right-of-way lines of the Nimitz Freeway no sign, free-standing or attached, shall extend higher than the roof or parapet wall of the tallest main building on the lot.
- (4) Beyond 300 feet southward of the right-of-way lines of the Nimitz Freeway, no attached sign shall extend above the roof or parapet wall of the structure to which it is attached and no free-standing sign shall extend to a height greater than 40 feet above finished grade.
- (5) Beyond 300 feet northward of the right-of-way lines of the Nimitz Freeway, free-standing signs shall be subject to special review, and

any attached sign shall not have a height in excess of the height of the roof or parapet wall of the structure to which it is attached.

(6) In the case of Automotive Service Stations the following additional controls shall apply:

Only one principal double-face service station sign shall be permitted; said sign shall not exceed 65 square feet in area on either face; the extreme height of the sign shall not be greater than 26 feet above finished grade; the extreme bottom of the sign shall not be either below the finished roofline of the principal structure or lower than 16 feet above finished grade.

No more than two accessory; double-face service station signs shall be permitted; neither sign shall exceed 25 square feet in area on either face; the extreme height of each such sign shall not be greater than 26 feet above finished grade.

(7) For properties facing or adjacent to residential areas, signs shall be non-flashing, non-moving, and shall be placed flat on the building wall covering not in excess of 5 percent of the surface of the wall nor extending out more than 18 inches from the surface of said wall.

## 3. Retail Commercial Area

a. Objectives:

To establish a retail commercial area which insulates the residential area from freeways and industrial uses, and which allows for the development of a neighborhood shopping area and provides locations for appropriate institutional uses that are compatible with the shopping area and nearby residences.

- b. Permitted Retail Commercial Uses:
  - (1) Food Sales and Service Uses and Restaurants.
  - (2) Convenience Sales and Service Uses.
  - (3) Medical Service Uses/
  - (4) General Personal Service Uses.
  - (5) General Retail Sales Uses
  - (6) Consultative and Financial Service Uses.
  - (7) Consumer Laundry and Repair Service Uses.

- (8) Automotive Service Stations.
- (9) Automotive Cleaning Uses.

# c. Conditionally Permitted Institutional Uses:

The following Institutional Uses are permitted on the block bounded by 7<sup>th</sup>, 8<sup>th</sup>, Market and Brush Streets upon Agency approval of their compatibility with retail commercial development and nearby residences:

- (1) Limited Child-Care Uses.
- (2) Community Assembly Uses.
- (3) Community Education Uses.
- (4) Non-Assembly Cultural Uses.
- (5) Health Care Uses, Including Nursing Homes.
- (6) Civic Administrative Uses.

## d. Yard Requirements:

- (1) The required minimum depth of front yard, and width of side yard on the street side of a corner lot, shall be 10 feet.
- (2) A minimum side yard width, and a minimum rear yard depth, of 20 feet shall be provided along those portions of a property line abutting a lot containing residential uses.

## e. Off-Street Parking – Space Requirements:

- (1) One parking space shall be provided for each 400 square feet of floor area in the case of Convenience Sales, Medical Service, General Retail Sales, General Personal Service, and Consumer Laundry and Repair Service Uses.
- (2) Restaurants and Food Sales and Service Uses: One space for each 200 square feet.
- (3) One parking space shall be provided for each 600 square feet of floor area for Consultative and Financial Service, Non-Assembly Cultural, and Civic Administrative Uses.
- (4) Nursing Home for 6 or fewer patients: Two spaces.
- (5) Facilities of religious assembly: One space for every 10 seats.

- (6) Health Care Uses: Hospitals shall provide one space for each four beds, plus one space for each four employees other than doctors, plus one space for each staff or regular visiting doctor. Clinics shall provide three spaces for each staff or regular visiting doctor plus one space for each two other employees. All other Health Care Uses shall provide one space for each six beds, plus one space for each four employees other than doctors, plus one space for each staff or regular visiting doctor.
- (7) Automotive Cleaning Uses shall provide one space for each 1000 square feet of floor area.

## f. Development Standards for Open Areas:

- (1) Off-street loading areas shall be enclosed by a minimum 6 foot opaque fence or wall or adequate landscape screen. Materials stored in such areas shall not be visible from outside the area.
- (2) Landscaping shall be provided and maintained in accordance with a Landscaping Plan that has been approved by the Agency. Said plan shall include landscaping (a) in non-traveled portions of public rightsof-way adjacent to the property; (b) in required yards and (c) as screening, by means of a planting strip of a minimum 5 foot depth, for parking areas and incidental storage areas. Uses adjacent to or across from residential uses shall have a sufficient landscape screen to eliminate nuisance factors.
- (3) Incidental service or storage areas shall be enclosed by a minimum 6 foot opaque fence or wall; materials so stored shall not be visible from outside such areas.

# g. Permitted Signs:

The following signs shall be permitted: Special Signs, Realty-Development Signs, Civic Signs, and Business Signs.

# h. Sign Controls:

In order to establish suitable quality standards for signs within the Retail Commercial Area, to provide protection for nearby residential areas, and to allow for flexibility in the regulations of signing, the following provision shall apply:

No installation alteration or other modification of a sign shall be permitted unless approval therefore has been granted by the Agency with respect to the sign's design, overall appearance, safety size, shape, height, placement on the lot or structure, illumination, color, materials, and all other features relevant to the sign's impact on adjacent developments and the surrounding area.

## C. Variances

Where unnecessary hardships, practical difficulties, or consequences inconsistent with the general purposes of this Plan result from the literal interpretation and enforcement of the restrictions and limitations imposed by this Plan, the Redevelopment Agency, upon receipt of an application from the owner of the property affected, or his agent stating fully the grounds of the application and facts relied upon, and upon the Agency's further investigation, may grant adjustments or variances under such conditions and safeguards as it may determine, consistent with the general purpose and intent of this Plan; provided that in no instance shall any adjustments or variances be granted that would change or alter the range of land uses permitted or other basic requirements of the Urban Renewal Plan.

Attention is directed to Section I-E of this Plan, wherein City codes and ordinances now in force or hereafter enacted are stipulated to apply within the Project Area. In particular, whenever the Zoning Regulations of the City of Oakland require that a Conditional Use Permit or a Variance be granted before a Building Permit for a proposed development may be issued, no approval or variance by the Agency shall be interpreted as waiving the requirement that permission under the Zoning Regulations also must be obtained.

## D. Duration of the Land Use Plan

The provisions of the Land Use Plan shall be filed as restrictive covenants running with Project land and shall be made part of each contract for development or owner participation agreement.

The commencement date of the covenants shall be the date of approval of the Plan by the Oakland City Council, and they shall remain in full force and effect for 50 years following said commencement date, that is, until July 23, 2018. Thereafter, they shall continue in effect until changed or released by more than 50 percent of the property owners of land within the Project; provided that nothing in this paragraph shall be interpreted to exclude or release property in the Project at any time from the operation of building codes, housing codes, zoning ordinances or other controls – to the extent to which they are more restrictive – that are presently in force or may be enacted by the City Council.

## III. PROJECT PROPOSALS

## A. <u>Properties to be Acquired</u>

1. All property indicated on the Land Use Plan Map, Exhibit A shall be acquired by the Agency for redevelopment purposes except those properties whose owners agree to participate in the redevelopment of their properties in conformity with the Plan.

All property acquired by the Agency shall be used for public or private purposes in conformity with the Land Use Plan as stated in Section II of this Plan provided, however, that where such redevelopment includes the continuance of an existing structure, the Agency may make minor modifications in the site requirements and building requirements as set forth in the Urban Renewal Plan.

2. Properties may be exempted from acquisition provided (1) the owner of such property agrees to redevelop his property in accordance with the Land Use Plan and enters into an Owner Participation Agreement as outlined below and (2) the Agency makes a finding that such participation can be consistent with the standards and objectives of the Plan, or (3) the Agency makes a finding that acquisition of such property is not in the best interest of the Urban Renewal Plan.

# B. Owner Participation

- 1. Owners of property within the Project Area may participate in the redevelopment of their property provided (a) the Agency makes a finding that such participation is consistent with the standards and objectives of the Plan and (b) the owners agree to participate in accordance with all provisions of the Plan. Properties of owners who fail to participate may, at the discretion of the Agency, be subject to acquisition including, if necessary, eminent domain proceedings by the Agency.
- 2. Certain properties which are of good quality and unusual location may remain without full compliance with the off-street loading and parking requirements set forth in this Plan; provided that in no event shall such requirements be reduced below 50 percent of the otherwise applicable requirement.
- 3. Certain vacant land parcels to be used by existing owners for plan expansion of a present, adjacent use may be exempt from the open land restriction of the Plan except that such vacant land shall be fenced or surfaced.

## C. Low and Moderate Cost Housing

It is anticipated that all land to be disposed for residential purposes, with the possible exception of one or more small parcels south of 8<sup>th</sup> Street, will be developed with housing units of low and/or moderate cost.

# D. Redevelopers' Obligation

- 1. Developers of land within the Project Area shall be obligated to devote such land to the uses specified by this Plan. In particular every developer of residential land in the Acorn Project shall be required to provide that substantially all housing is made available at a sales price or rental that low and moderate income families and individuals can afford.
- 2. The Agency shall have the right to withhold transfer of title to the acquirer, user or developer of land and no building, sign or structure shall be constructed upon any part of such land unless architectural plans and specifications therefore, showing the nature of such construction, parking, loading, landscaping, the location and orientation of structure(s) on the building site and, when requested, the grading plans for the building site to be built upon, shall have been submitted to, reviewed and approved in writing by the Agency. The Agency shall have the right to refuse to approve any such plans or specifications when in the opinion of the Agency such

plans or specifications do not conform with the conditions and objectives of the Plan.

- 3. Acquirers, users or developers of land within the Project Area must commence the erection of any building, prosecute diligently the work thereon and complete it within such reasonable period of time as is agreed to with the Agency. No building shall be occupied during construction or until made to comply with all requirements as set forth herein.
- 4. No acquirer, user, owner participant or developer shall resell, lease, sublease or otherwise dispose of land in the Project Area until the construction, as approved by the Agency, has been completed, except with the prior written consent of the Agency.
- 5. Each parcel located within the section northwest of 8<sup>th</sup> and Market Streets designated for residential use shall be developed in conjunction with all other residential parcels. In the event that land is purchased by more than one developer, the developers shall either submit a joint proposal of an integral plan for the development of the area or submit their separate plans for review and coordination by the Agency. The site planning, building design and landscaping within each parcel shall be under the supervision of a registered architect. If more than one architect is involved in the development of the residential area, they shall collaborate on the designs for the development of their parcels. Site and building relationships between parcels shall be maintained regardless of the time lapse in their developments. Design proposals shall include land which may be dedicated for public use such as parks, pedestrian paths and street rights-of-way.

## E. Additional Covenants

1. Maintenance and Architectural Control.

The Agency, with the advice of residents and property owners, shall have ongoing maintenance and architectural design control over all Project Area real property as follows:

- a. The real property in the Project Area shall be landscaped and maintained in such a manner as to conform to the quality of landscaping and maintenance which exist immediately after completion of the redevelopment of the Project Area.
- b. No rebuilding, remodeling or improvement (including alteration, construction, rehabilitation, or installation of signs, landscaping or exterior lighting) of any real property in the Project Area shall be made without written approval of the architectural design plans therefore being first obtained from the Agency. The Agency will approve only such architectural design plans as conform to the architectural qualities which exist immediately after completion of the redevelopment of the Project Area.

c. The Agency, or its administrative and enforcement successor as designated by the Agency for the duration of the Land Use Plan as provided in paragraph II D hereof, shall have the right to enforce the provisions of this Plan, including this paragraph E; provided, however, that the owners of the real property in the Project Area shall have the right to organize a Maintenance and Architectural Control Committee which shall serve in an advisory capacity to the Agency or its successor upon all matters relating to maintenance and architectural control of the real property in the Project Area.

## 2. Parks and Walkways.

All parks and walkways in the residential area whether provided or maintained publicly or privately shall be available for use of all residents of the Project Area.

#### 3. Prevention of Discrimination.

There shall be no discrimination because of race, color, religion, national origin or ancestry in the undertaking of this Project.

a. The redeveloper shall comply with all state and local laws, in effect from time to time, prohibiting discrimination or segregation by reason of race, religion, color or national origin in the sale, lease or occupancy of the property.

Pursuant to California Health and Safety Code Sections 33337 & 33435-33436 contracts entered into by the Agency relating to the sale, transfer or leasing of land or any interest therein acquired by the Agency within any redevelopment or urban renewal area or project the provisions of said section in substantially the form set forth therein shall be included in such contracts and such contracts shall further provide that the provisions of said section shall be binding upon and shall obligate the contracting party or parties and any subcontracting party or parties and all other transferees under the instrument.

b. All deeds, leases or contracts for the sale, lease, sublease or other transfer of any land in the Project Area shall contain the following nondiscrimination clauses as prescribed by California Health and Safety Code, Section 33436:

In deeds the following language shall appear:

"The grantee herein covenants by and for himself, his heirs, executors, administrators and assigns, and all persons claiming under or through him, that there shall be no discrimination against, or segregation of, any person or group of persons on account of race, color, creed, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the premises herein conveyed, nor shall the grantee himself or any person claiming under or through him, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees,

or vendees in the premises herein conveyed. The foregoing covenants shall run with the land."

In leases the following language shall appear:

"The lessee herein covenants by and for himself, his heirs, executors, administrators, and assigns, and all persons claiming under or through him, and this lease is made and accepted upon and subject to the following conditions:"

"That there shall be no discrimination against or segregation of any person or group of persons, on account of race, color, creed, national origin, or ancestry, in the leasing, subleasing, transferring, use, occupancy, tenure, or enjoyment of the premises herein leased, nor shall the lessee himself, or any person claiming under or through him, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy, of tenants, sublessees, subtenants, or vendees in the premises herein leased."

4. The covenants with respect to Maintenance and Architectural Controls and Parks and Walkways shall remain in effect to and including July 23, 2018; the covenants with respect to Prevention of Discrimination shall remain in effect in perpetuity.

# IV. PROVISIONS NECESSARY TO MEET STATE AND LOCAL REQUIREMENTS

## A. Method of Financing

- 1. The Acorn Urban Renewal Project is to be financed under provisions of Title I of the Housing Act of 1959, as amended. Since the Acorn Project is located in a municipality situated in a labor market area designated as a redevelopment area under Section 5 (a) of the Area Redevelopment Act, the financial plan reflects a three-fourths basis for computing the Federal grant.
- 2. After property acquisition, clearance of structures, installation of site improvements, construction of public facilities and resale of Project land, the cost of the Project is estimated to be \$17,000,000. This net cost will be shared partly by the Federal Government operating under the Housing Act of 1949, as amended, and partly by the City of Oakland.
  - a. The Government's share shall be in the form of a grant to the Agency for the purpose of defraying the project costs. The Federal share is estimated to be \$12,750,000.
  - b. The City of Oakland's share may be contributed by any local public body or private person, or may be a loan to be repaid from the increased assessment on Project land resulting from the redevelopment process. The local share is estimated to be \$4,250,000.

3. In order to carry out the Project, it is estimated that \$17,000,000 in loan funds will be required. This amount will be guaranteed as a project temporary loan by the Federal Government; however, the Agency may seek any other legal means available for borrowing such funds if it results in a saving to the Project including but not limited to the issuance of Agency bonds. Such loan obligations as the Agency may incur shall not be a debt of the City of Oakland or the State of California or any of its political subdivisions. Such obligations shall be payable out of funds or properties of the Agency and may include money from the sale of land, Federal Capital Grant Funds or funds received from the pledge of taxes as provided in Part B of this Section.

# B. <u>Pledge of Taxes to Pay Loans or Obligations of Agency Incurred as</u> Project Costs.

All taxes levied upon taxable property within the Project each year by or for the benefit of the State of California, County of Alameda, City of Oakland, and any district or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving the original Plan on Nov. 30, 1961, 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 Area 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 the Project Area on the effective date of such ordinance but to which such territory has been annexed or otherwise included after such effective date, the assessment roll 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 Area 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, moneys advanced to or indebtedness (whether funded, refunded, assumed or otherwise) incurred by the Agency to finance or refinance, in whole or in part, the redevelopment of the Project Area. Unless and until the total assessed valuation of the taxable property in the Project Area as shown by the last equalized assessment roll referred to in paragraph numbered 1 of this subsection B, all of the taxes levied and collected upon the taxable property in the Project Area 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 moneys thereafter received from taxes upon the taxable property in the Project Area 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 this paragraph 2 is

hereby, and in any proceedings of the Agency for the advance of moneys or making loans or issuance of bonds shall be irrevocably pledged for the payment of the principal of and interest on said advances, loans or bonds.

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 Acorn Redevelopment Plan shall not exceed Thirty Million Dollars (\$30,000,000.00). [See Ordinance No. 10823 C.M.S., 12.16.1986; CRL section 33333.4]

The Agency shall not establish or incur loans, advances or indebtedness to finance in whole or in part the Project beyond January 1, 2004. [See Ordinance No. 11760 C.M.S., 12.20.1994; CRL section 33333.6] There shall be no time limit on the establishment of loans, advances, and indebtedness paid from the Redevelopment Agency's Low and Moderate Income Housing Fund, and no time limit on the establishment of debt to fulfill the Redevelopment Agency's affordable housing obligations. [See Ordinance No. 12723 C.M.S., 02.07.2006; CRL section 33333.6(e)(4)]

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. [See Ordinance No. 12640 C.M.S., 12.21.2004; CRL section 33333.6]

## C. Duration and Effectiveness of this Plan

The provisions of this Redevelopment Plan shall be effective, and the provisions of other documents formulated pursuant to this Redevelopment 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 this Redevelopment Plan except to pay previously incurred indebtedness and to enforce existing covenants or contracts, except as may otherwise be provided by Section 33333.6 of the Community Redevelopment Law. [See Ordinance No. 12640 C.M.S., 12.21.2004; CRL section 33333.6]

## D. Payment for Properties Acquired by Condemnation.

Condemnation of all properties to be acquired is considered necessary should owners fail to participate in accord with standards and objectives of the Plan or sell to the Agency. Should it be necessary for the Agency to acquire property by condemnation, owners of such properties shall be paid the fair market value of said properties as required by law.

E. <u>Vacation and Dedication of Public Rights-of-Way Shall be</u>
<u>Accomplished by Procedures Consistent With State and Local Law.</u>

Street dedications are covered by Sections 11500-11640 of the Business and Profession Code. Street vacations are covered by Sections 8300-8331 of the Streets and Highway Code. Both vacations and dedications of public rights-of-way shall be consistent with City Ordinances.

## F. Acorn Tax Allocation Bonds.

Nothing in this amendment to the Acorn Urban Renewal Plan shall authorize material impairment of the security of the Acorn Project Tax Allocation Income Bonds nor the rights of the holders of said bonds.

## V. CHANGES IN APPROVED PLAN

The Plan may be amended in accordance with Section 33450-33456 of the California Health Safety Code:

If at any time after the adoption of a redevelopment plan for a project area by the legislative body it becomes necessary or desirable to amend or modify such plan, the legislative body may amend such plan upon the recommendation of the Agency.

Before recommending amendment of the Plan the Agency shall hold a public hearing on the proposed amendment. Notice of such hearing shall be published pursuant to Section 6063 of the Government Code prior to the date of hearing in a newspaper of general circulation, printed and published in the community, or, if there is none, in a newspaper selected by the Agency. The notice of hearing shall include a legal description of the boundaries of the area designated in the Plan to be amended and a general statement of the purpose of the amendment. Copies of the notices shall be mailed to the last known assessee of each parcel of land within such boundaries at this last known address as shown by the records of the assessor for the community and to persons, firms or corporations which have acquired property within such boundaries from the Agency at his last known address as shown by the records of the Agency. The notice shall be mailed both by first class mail and by certified mail with return receipt requested. If after the public hearings the Agency recommends substantial changes in the Plan which affect the master or community plan adopted by the planning commission or the legislative body, such changes shall be submitted to the planning commission for its report and recommendation to the legislative body within 30 days after such submission.

After receiving the recommendation of the Agency concerning such changes in the Plan, and not sooner than 30 days after the submission of changes to the planning commission, the legislative body shall hold a public hearing on the proposed amendment, notice of which hearing shall be published in a newspaper in the manner and at the times designated above for notice of hearing by the Agency. If after such hearing the legislative body determines that the amendments in the Plan, proposed by the Agency, are necessary or desirable, the ordinance adopting the Plan thus amended.

In addition, after sale or disposition and prior to development of all Project land no amendment shall be enacted or adopted which in any manner will adversely affect such sold or disposed of land.

