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Approved as to Form and Legality


Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. 87468 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO ENTER INTO AN EXCLUSIVE NEGOTIATING AGREEMENT WITH THE RESOURCES FOR COMMUNITY DEVELOPMENT, OR ITS AFFILIATE, FOR THE NEGOTIATION OF A LEASE DISPOSITION AND DEVELOPMENT AGREEMENT (“LDDA”) AND RELATED DOCUMENTS FOR DEVELOPMENT OF LOW INCOME MULTIFAMILY AFFORDABLE RENTAL HOUSING AT 3823-3829 MARTIN LUTHER KING JR. WAY AND 3801-3807 MARTIN LUTHER KING JR. WAY IN OAKLAND, TO BE KNOWN AS LONGFELLOW CORNER, SUBJECT TO THE COMPLETION OF A CEQA AND NEPA DETERMINATION, IF APPLICABLE.

WHEREAS, the City of Oakland (“City”) owns approximately 9,375 square feet of property located at 3823-3829 Martin Luther King Jr. Way (the “Property”); and

WHEREAS, on May 11, 2018, the City issued a Request for Proposals (“RFP”) Notice of Development Opportunity seeking qualified respondents to plan, design, construct, market, sell, and/or operate an affordable housing project at 3823-3829 Martin Luther King Jr. Way, with RFP responses due June 28, 2018; and

WHEREAS, City staff reviewed three sets of RFP responses and determined that the proposal from the Resources for Community Development (“RCD”) was the most responsive to the RFP guidelines and programmatically feasible; and

WHEREAS, the RCD owns approximately 11,875 square feet of contiguous land at 3801-3807 Martin Luther King Jr. Way (the “Property”) and proposes to combine the real property owned by the RCD with the real property owned by the City of Oakland to build the most units 100% affordable while eliminating the most blight illustrating an efficient use of all four parcels; and

WHEREAS, the City and the RCD desire to commence negotiations over the potential development of a proposed multifamily affordable rental housing development (“Project”) with up to 68 units of housing for large families and households with special needs ranging from 20% to 60% AMI on the combined Property; and

WHEREAS, the RCD is a California 501c3 non-profit public benefit corporation formed to

undertake this and other similar developments in the future; and

WHEREAS, the RCD desires to dedicate time for the preliminary study and exclusive negotiations of the proposed Project and Project documents, including an LDDA, Ground Lease and related documents, with the understanding that such study and negotiations do not constitute a binding commitment on the part of the City to the proposed Project, the RCD, or any other development of the Property, and that staff will return to City Council to seek authorization to execute an LDDA, Ground Lease and related documents; now, therefore be it

RESOLVED: That the City Administrator or her designee is authorized to negotiate and enter into an Exclusive Negotiating Agreement (“ENA”) with the RCD for purposes of studying and evaluating the feasibility of the Project, negotiating terms and conditions for the potential development of the Project, including negotiating an LDDA, Ground Lease and related documents, and conducting California Environmental Quality Act (“CEQA”) review and approval; and be it

FURTHER RESOLVED: That the exclusive negotiating period shall be for eighteen months from the date of Council approval of this Resolution, with the option to extend said period an additional six months at the discretion of the City Administrator or her designee; and be it

FURTHER RESOLVED: That this Resolution does not commit the City to the expenditure of any funds, and total Project cost will depend on the end Project and financing sources; and be it

FURTHER RESOLVED: That the RCD shall bear sole responsibility for all costs associated with developing the Project for approval, including consultant fees, permitting fees, legal fees, financing expenses, etc.; and be it

FURTHER RESOLVED: That the City finds and determines, after independent review and consideration, that the authorization to enter into the ENA with the RCD is exempt from CEQA pursuant to Section 15262 (feasibility and planning studies), Section 15306 (information collection) and Section 15061(b)(3) (general rule) of the CEQA Guidelines; and be it

FURTHER RESOLVED: That the City Administrator or his/her designee shall cause to be filed with the County of Alameda a Notice of Exemption from CEQA requirements; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator or his/her designee to negotiate and enter into other agreements and take all other actions necessary

with respect to the ENA and the Project consistent with this Resolution and its basic purpose.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 11 2018

PASSED BY THE FOLLOWING VOTE:

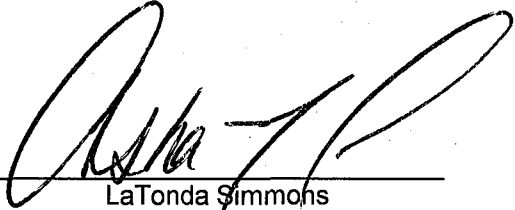
AYES - ~~BROOKS~~, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN,
AND PRESIDENT REID -7

NOES - 0

ABSENT - 0

ABSTENTION - 0

EXCUSED - 1 BROOKS

ATTEST: 
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California