

2014 MAR 27 PM 12:46

Celena Chen
Office of the City Attorney

OAKLAND CITY COUNCIL
RESOLUTION NO. 84923 C.M.S.

**A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR
DESIGNEE TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH
THE CITY OF EMERYVILLE FOR THE DEVELOPMENT OF A
PROPERTY AT 3706 SAN PABLO AVENUE LOCATED WITHIN BOTH
JURISDICTIONS**

WHEREAS, the property located at 3706 San Pablo Avenue/1025 West MacArthur Boulevard (the "Property") consists of one development parcel comprised of five separate parcels (APN Nos. 012-0951-011, 049-0951-004-02, 049-0951-005-01, 049-0951-006-01, and 049-0951-007), that straddles the Emeryville/Oakland border; and

WHEREAS, approximately 31,001 square feet (0.71 acres) or 63 percent of the Property is located in Emeryville, and approximately 18,160 square feet (0.42 acres) or 37 percent is located in Oakland; and

WHEREAS, the Property is owned by the City of Emeryville, which issued a Request for Qualifications and Proposals for design and development of an affordable rental housing project (the "Project") on September 27, 2012, and subsequently selected EAH Housing, Inc., as the developer of the Project on October 15, 2013; and

WHEREAS, approximately 80 percent of the proposed building footprint of the Project would be located in Emeryville; and

WHEREAS, jurisdiction over the Property is shared between the cities of Emeryville and Oakland; and

WHEREAS, both Emeryville and Oakland desire to see the Property developed in a manner that is compatible with the surrounding properties and consistent with the cities' plans; and

WHEREAS, the land uses and density of the proposed Project are consistent with the Oakland General Plan and Zoning Regulations; and

WHEREAS, in order to efficiently consider the Project, the cities desire to enter into a Memorandum of Agreement to codify the designation of Emeryville as the lead agency for the

purposes of both land use approvals and building inspection of the Project, including but not limited to issuance of building and occupancy permits, and the provision of 911 and other municipal services to the Project; and

WHEREAS, the Memorandum of Agreement will designate the City of Emeryville as the lead agency under the California Environmental Quality Act ("CEQA") to ensure the Project complies with CEQA; now, therefore be it

RESOLVED: The City Administrator or designee is authorized to negotiate and execute a Memorandum of Agreement for the development of the Project that is consistent with the City Council Agenda Report and to negotiate and execute all documents, amendments, agreements, and instruments reasonably necessary or required to implement this Resolution; and be it

FURTHER RESOLVED: That the Memorandum of Agreement and all such other documents, amendments, agreements and instruments, shall be reviewed and approved by the City Attorney's Office as to form and legality prior to execution.

APR 22 2014

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____


PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON McELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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