

2005 SEP 29 PM 6:18

APPROVED AS TO FORM AND LEGALITY:



Agency Counsel

**REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND**

2005-0061

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE AGENCY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN EXCLUSIVE NEGOTIATING AGREEMENT, FOR A TERM OF 90 DAYS FROM COUNCIL ACTION, BETWEEN THE OAKLAND REDEVELOPMENT AGENCY AND FOREST CITY RESIDENTIAL WEST, INC. OR A RELATED ENTITY, TO DEVELOP A MARKET RATE, MIXED-USE PROJECT CONSISTING OF HOUSING AND RETAIL ON A PARCEL BOUNDED BY WILLIAM STREET IN THE NORTH, TELEGRAPH AVENUE ON THE EAST, 19TH STREET ON THE SOUTH AND A NEW PUBLIC PARK ON THE WEST

WHEREAS, the City of Oakland ("City"), the Redevelopment Agency of the City of Oakland ("Agency") and FC Oakland, Inc., an affiliate of Forest City Residential West, Inc., or other affiliate(s) of Forest City Residential West, Inc., ("FC") are parties to a Lease Disposition and Development Agreement ("LDDA") which contemplates that FC will develop approximately one and a half blocks of land bounded by Thomas L. Berkley Way (formerly 20th) on the north, Telegraph Avenue on the east, 19th St. on the south, and San Pablo Avenue on the west (the "Uptown Project Area") in the Uptown Activity Area of the Central District Urban Renewal Area commonly referred to as the Project Area; and

WHEREAS, the LDDA sets forth the terms and conditions whereby FC may lease and develop the various parcels within the Uptown Project, including a form of a ground lease that will be entered into by the parties (the "Ground Lease"); and

WHEREAS, pursuant to the terms of the LDDA, FC intends to redevelop the Project Area corresponding to Parcels 1, 2, 3 and the Public Park Parcel into a mixed-income housing project and related uses and a public park, as required by the LDDA (the "Project"); and

WHEREAS, pursuant to Resolution No. 2004-38, the Agency's governing body authorized the Agency, if necessary, to enter into a second LDDA for a parcel bounded by William Street in the north, Telegraph Avenue on the east, 19th Street on the south and a new public park in the west (the "Parcel"), as shown on Exhibit A.

WHEREAS, Forest City has proposed to acquire the Parcel at fair market value from the Agency for the purpose of developing a market-rate, mixed-use project consisting of housing and retail; and

WHEREAS, the Agency and Forest City, as the prospective developer, wish to enter into a period of preliminary study and negotiations over the project proposal, understanding that this does not constitute a binding commitment on the part of the Agency to any project or developer for the property; now therefore be it

RESOLVED: That the Agency Administrator or her designee is authorized to negotiate and enter into an Exclusive Negotiating Agreement with Forest City for purposes of studying and evaluating the feasibility of, and negotiating terms and conditions for the development of a mixed-use project including retail and housing in the Uptown Area; and be it further

RESOLVED: That the exclusive negotiating period will be for 90 days, commencing on the date that the Agency's governing body approves the proposed Exclusive Negotiating Agreement ("ENA"); and be it further

RESOLVED: That the ENA shall be reviewed and approved as to form and legality by Agency Counsel prior to execution; and be it further

RESOLVED: That the Agency has independently reviewed and considered this environmental determination, and the Agency finds and determines that this action complies with CEQA because this action on the part of the Agency 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 Agency Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Exemption for this action; and be it further

RESOLVED: That the Agency Administrator or her designee is further authorized to take whatever action is necessary with respect to the Exclusive Negotiating Agreement and the project consistent with this Resolution and its basic purposes:

IN AGENCY, OAKLAND, CALIFORNIA, OCT 18 2005, 2005

PASSED BY THE FOLLOWING VOTE:

AYES- [REDACTED], BRUNNER, [REDACTED], KERNIGHAN, NADEL, QUAN, REID, AND CHAIRPERSON DE LA FUENTE, -6

NOES-

ABSENT-

ABSTENTION- Brooks - 1

Excused- Chang - 1


ATTEST 
LATONDA SIMMONS
Secretary of the Redevelopment Agency
of the City of Oakland

EXHIBIT A

SITE PLAN

