


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A SECOND AMENDMENT TO THE EXCLUSIVE NEGOTIATION AGREEMENT WITH THE BLACK CULTURAL ZONE COMMUNITY DEVELOPMENT CORPORATION IN PARTNERSHIP WITH COMMUNITY ART STABILIZATION TRUST, EDEN HOUSING, INC. AND/OR THEIR AFFILIATED ENTITIES, FOR DEVELOPMENT OF A MIXED-USE PROJECT ON CITY-OWNED PROPERTY LOCATED ON THE NORTHWEST CORNER OF 73RD AVENUE AND FOOTHILL BOULEVARD (ASSESSOR PARCEL NUMBER 039-3291-020), TO EXTEND THE TERM AND RELATED PERFORMANCE DEADLINES BY SIX MONTHS, WITH AN ADDITIONAL SIX-MONTH ADMINISTRATIVE EXTENSION

WHEREAS, the City of Oakland (“City”) owns a 1.22-acre parcel of land (Assessor’s Parcel Number 039-3291-020) located on the northwest corner of 73rd Avenue and Foothill Boulevard as more specifically described in the legal description attached hereto as **Exhibit A** (“Property”); and

WHEREAS, on October 19, 2021, the City Council adopted Resolution No. 88873 C.M.S. which authorized the City Administrator to enter into an Exclusive Negotiation Agreement (“ENA”) with the Black Cultural Zone Community Development Corporation (“BCZ”), the Community Art Stabilization Trust (“CAST”), and Curtis Development (“Curtis”), together “Original Developer”) in connection with the proposed development of a mixed-use affordable housing and commercial development (the “Project”), to be constructed on the Property; and

WHEREAS, On February 10, 2022, the City Administrator executed the ENA with the Original Developer, effective as of October 19, 2021; and

WHEREAS, on March 21, 2023, the City Administrator approved the one-time six-month extension to the ENA extending the expiration date to October 19, 2023; and

WHEREAS, on July 11, 2023, the City Administrator executed a First Administrative Amendment to the ENA to remove Curtis from the developer team and add Eden Housing, Inc. to partner with BCZ for the affordable housing component of the Project pursuant to Section 11 of the ENA (together, BCZ, CAST and Eden Housing, Inc. are referred to as “Developer”); and

WHEREAS, the Project consists of a three-story market hall and cultural center of approximately 31,800 square feet with an adjacent courtyard and outdoor skating rink (“Market Hall”), and a six-story residential building that includes a total of 119 units, 118 of which would be made available to households with incomes ranging from 30 percent to 60 percent of Area Median Income (“Affordable Housing”); and

WHEREAS, On January 27, 2023, the City Planning Bureau has approved the entitlements for the Project (PLN 22196), including a tentative parcel map to divide the Property into two parcels, with the Market Hall portion of the Project on Parcel 1 and the Affordable Housing portion of the Project on Parcel 2; and

WHEREAS, the Developer needs additional time to complete negotiations for associated Lease Disposition and Development Agreements (“LDDA(s)”) and ground leases; and

WHEREAS, the Developer’s success in securing State funding for the Project could be hindered if their exclusive negotiating rights under the ENA lapse due to the October 19, 2023 expiration date; and

WHEREAS, the City and the Developer wish to have more time for exclusive negotiations over the proposed disposition of the Property, with the understanding that this does not constitute a binding commitment on part of the City to any project or developer for the Property; and

WHEREAS, the actions authorized by this Resolution are not subject to review under the California Environmental Quality Act pursuant to Government Code section 65913.4(j)(1); and now be it

RESOLVED: That the City Council hereby authorizes the City Administrator to negotiate and enter into a second amendment to the ENA (“Second Amendment”) with the Developer to extend performance deadlines; and be it

FURTHER RESOLVED: That in the event that the Second Amendment is executed, the extended ENA period will be for six (6) months from the date of this Resolution or the termination of the ENA, whichever is sooner, with the option for the City Administrator to extend said period by an additional six (6) months in their sole discretion; and be it

FURTHER RESOLVED: That the City Administrator is further authorized to negotiate and enter into agreements and take whatever action is necessary with respect to the ENA and the Property consistent with this Resolution and its basic purposes; and be it

FURTHER RESOLVED: That the Second Amendment shall be reviewed and approved by the Office of the City Attorney for form and legality.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk of the Council and City of
Oakland, California