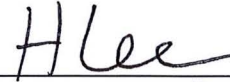


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APPROVED AS TO FORM AND LEGALITY:



Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 86004 C.M.S.

RESOLUTION CONSENTING TO A NON-AFFILIATE TRANSFER AND ASSIGNMENT OF THE DEVELOPMENT AGREEMENT (DA) BETWEEN THE CITY OF OAKLAND, JACK LONDON SQUARE PARTNERS LLC, AND CEP-JLS I LLC, DATED JULY 6, 2004 (DA) TO CIM GROUP ACQUISITIONS, LLC PURSUANT TO THE DA AND PLANNING CODE SECTION 17.138.080 (DEVELOPMENT AGREEMENT PROCEDURE); ACTION TAKEN IN RELIANCE ON PREVIOUSLY CERTIFIED 2004 ENVIRONMENTAL IMPACT REPORT (CEQA GUIDELINES 15162, 15183)

WHEREAS, the City of Oakland Planning Commission certified the Jack London Square Redevelopment Environmental Impact Report (EIR) on March 17, 2004; and

WHEREAS, the City of Oakland Planning Commission, on March 17, 2004, recommended approval of the Jack London District Preliminary Development Plan; Final Development Plans for Sites C, D, Pavilion 2, 66 Franklin, F1, F2, F3 and G; Major Variance for Fast Food Restaurant Commercial Activities; Major Conditional Use Permit for the hotel use on Site F-3, the two pedestrian bridges and a reduction in parking due to the shared parking provisions; Development Agreement; and Re-zoning for the Project on Site G (M-20 to C-45) and Sites F-2 and F-3 (R-80 to C-45); and

WHEREAS, the Oakland City Council, on June 15, 2004, approved the Jack London District: Preliminary Development Plan; Final Development Plans for Sites C, D, Pavilion 2, 66 Franklin, F1, F2, F3 and G; Major Variance for Fast Food Restaurant Commercial Activities; and Major Conditional Use Permit for the hotel use on Site F-3, the two pedestrian bridges and a reduction in parking due to the shared parking provisions; and

WHEREAS, the Oakland City Council, on July 6, 2004, adopted the "Development Agreement Between the City of Oakland, Jack London Square Partners LLC, and CEP-JLS I LLC (the developer)" (DA) (Ordinance No. 12613 CMS) and Re-zoned the Project on Site G (M-20 to C-45) and Sites F-2 and F-3 (R-80 to C-45) (Ordinance No. 12612 CMS); and

WHEREAS, the Oakland City Council, on September 23, 2014, approved the Jack London Square Redevelopment Project Revision #1, including: A) Adopting Addendum #1 to the Jack London Square Redevelopment Project Environmental Impact Report; B) Approving changes to the general plan designations of Sites D and F2 of the Jack London Square Project; C) Adopting revisions to the Jack London Redevelopment Project planned Unit Development and Design Review subject to conditions of approval; D) Approving a Minor Variance from loading requirements; and E) Accepting Assignor's offer to contribute additional community benefits; and

WHEREAS, the DA and Oakland Planning Code require City Council consent to Non-Affiliate transfers of interest, as defined in the DA; and

WHEREAS, Jack London Square Ventures, LLC, JLSV Land LLC and JLSV F-3 LLC (the Assignor) submitted a request on December 10, 2015, to transfer interest in Jack London Square to CIM Group Acquisitions, LLC; and

WHEREAS, CIM Group Acquisitions, LLC is an experienced real estate investment, development and management firm that is fully capable of delivering and managing the planned development of remaining Jack London Square sites; and

WHEREAS, the requirements of the California Environmental Quality Act (CEQA) the CEQA guidelines as prescribed by the Secretary of Resources and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied in that none of the circumstances requiring preparation of a subsequent or supplemental EIR are present because there is no evidence of new or substantially more severe significant impacts resulting from (1) substantial changes to the project, (2) the circumstances surrounding the project or (3) new information not known and which could not reasonably have been known at the time of the prior EIR; now therefore be it

RESOLVED: That the City consents to the Non-Affiliate transfer and assignment of all Assignor interests pertaining to the DA to CIM Group Acquisitions, LLC; and be it

RESOLVED: That the City Administrator is hereby authorized to consent to the Non-Affiliate transfer and assignment of all interests relating to the DA to CIM Group Acquisitions, LLC or a related entity consistent with this Resolution and its basic purposes; and be it further

RESOLVED: That the City finds and determines, after independent review and consideration, that this action complies with CEQA because none of the circumstances that require a supplemental or subsequent EIR pursuant to CEQA Guidelines Section 15162 have occurred; and be it

RESOLVED: That the City finds and determines, as a separate and independent basis, and after independent review and consideration, that this action complies with CEQA because the proposal is consistent with the development density established by existing general plan policies for which an EIR was previously certified, pursuant to CEQA Guidelines Section 15183; and be it

RESOLVED: That the City Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Determination/Exemption for this action; and be it

RESOLVED: That the City Administrator is further authorized to take whatever action is necessary with respect to complete the transfer of rights and obligations under the DA consistent with this Resolution and its basic purposes; and be it

RESOLVED: That all documents necessary to complete the consent to the assignment and transfer of the Development Agreement rights and obligations pursuant to this Resolution shall be subject to review and approval by the City Attorney, and copies shall be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, ~~_____~~ **FEB 16 2016** _____, 2016


PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID AND
CHAIRPERSON GIBSON McELHANEY **-8**

NOES- **Ø**

ABSENT- **Ø**

ABSTENTION- **Ø**

ATTEST: 
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California