

CITY OF OAKLAND

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OFFICE OF THE CITY CLERK
OAKLAND

2016 FEB 10 PM 3:46

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Mark Sawicki
Director, EWD

SUBJECT: 1911 Telegraph Avenue
Exclusive Negotiation Agreement
With Oliver McMillan - SUDA

DATE: February 1, 2016

City Administrator Approval

Date:

2/10/16

RECOMMENDATION

Staff has been directed by the City Council to prepare the following legislation:

A Resolution Authorizing The City Administrator or Designee to Negotiate and Execute An Exclusive Negotiating Agreement With OliverMcMillan-SUDA Uptown Oakland, LLC, or a Related Entity For Development of a Mixed-Use Project on City-Owned Property located at 1911 Telegraph Avenue; and Authorizing an Exclusive Negotiating Period of One Year and One Optional Six-Month Administrative Extension Relying on an Exemption from California Environmental Quality Act ("CEQA") Review Pursuant to Section 15262, Section 15306 and Section 15061(b)(3) of the CEQA Guidelines

EXECUTIVE SUMMARY

In October 2014, staff distributed a Request for Proposals ("RFP") for the development of the 1911 Telegraph Avenue, Oakland California (the "Property"). A selection committee (the "Committee") reviewed eight proposals and conducted interviews with six teams for the purpose of selecting a development team to recommend to City Council to enter into an Exclusive Negotiation Agreement ("ENA") with the City for development of the Property into a mixed-use hotel, residential and retail project. Based on the Committee's ranking of the proposals, staff recommended that the team of Lowe Enterprises/Eden Housing be considered for an ENA. However, at the request of the City Council, both the recommended team and two potential alternates, Bridge Housing/Robert Green Company and OliverMcMillan-SUDA Uptown Oakland, LLC, ("OM-SUDA") were given the opportunity to present their development proposals to the Community and Economic Development ("CED") Committee and the public on December 1, 2015. After the presentations and further review of each proposal, the City Council directed staff to enter into an ENA with OM-SUDA.

OM-SUDA is proposing to build a 27-story residential tower with 330 units (including affordable housing), a seven-floor boutique hotel with 168 rooms, 56,450 square feet of retail and 283 parking spaces.

Item: _____
CED Committee
February 23, 2016

BACKGROUND/LEGISLATIVE HISTORY

The Property and the Uptown Area

The Property, a 1.06-acre vacant parcel, is located across the street from the Fox Theater and the Uptown Apartments in the Uptown area bounded by Telegraph Avenue, 19th Street, Henry J. Kaiser Memorial Park and William Street. During the last five years, the Uptown area has become one of the most vibrant destinations in Oakland. The success of the area is largely the result of a major redevelopment effort that began over 15 years ago. Today, the Uptown area features one of the most popular entertainment venues in the Bay Area with many bars and restaurants operating in rehabilitated historic buildings, several new affordable and market-rate residential developments, and new projects underway and proposed, such as the adaptive reuse of the former Sears department store, and planned City-sponsored projects at 1800 San Pablo Avenue and 2100 Telegraph Avenue. The dynamic location of this Property creates significant economic potential and presents a unique opportunity to develop a distinctive project, including a much-needed hotel.

The Request for Proposals

On October 8, 2014, City staff released an RFP for the development of a mixed-use project on the Property, also known as "Parcel 4". Generally, staff was seeking proposals from qualified and experienced development teams to design and develop a project that would:

- combine ground-floor retail, high-density housing, and an optional hotel component;
- consist of high-quality building architecture and urban design;
- deliver maximum fiscal and economic benefits to the City; and
- provide community benefits, such as affordable housing, local business and employment participation, and labor peace agreements, to the extent feasible.

On December 8, 2014, staff received eight submittals in response to the RFP. Three proposals combined housing and retail uses, while the other five added a hotel component to this project mix. A brief summary of each proposal is attached to this report as **Attachment A**.

Revised Proposal Requirements

In May 2015, staff sought and received City Council's further guidance on the preferred project type and threshold community benefits to be provided by the selected developer. Specifically, the responding development teams were asked to revise their proposals as necessary to include a hotel component and the following community benefits:

- Affordable Housing – At least ten percent (10%) of all new housing units in the project must be affordable to a range of households, with a third available to households earning at or below 80 percent of the area's median income (AMI), another third for those earning no more than 100 percent of AMI and the last third for those earning at or below 120 percent of AMI.

- Neutrality Agreement - The selected developer and/or the hotel operator must be party to a Neutrality Agreement with each labor union that has informed the developer/hotel operator that it will seek to represent operations employees at the hotel.
- Project Labor Agreement (PLA) – The developer must enter into a PLA for the construction of the Project with one or more labor organizations.
- City Employment and Local Business Participation - The selected developer must comply with the City of Oakland's Employment and Local Business Participation Requirements.

In addition, all respondents were asked to provide an alternative business proposal based on a ground lease versus sale of the property.

Development Team Selection Process

In response to the revised proposal requests, two of the eight original developers declined to proceed because they were unwilling to include a hotel component in their proposed projects.

The other development teams either affirmed their commitment to develop a hotel or added a hotel to their proposal (Mill Creek Residential). The remaining six teams included (in alphabetical order):

1. BRIDGE Housing Corporation/Robert Green Company
2. City Core Development/Palmer City Core Hotel
3. Encore Housing/Curtis Development/Piazza Hospitality Group/Metrovation
4. Lowe Enterprises/Eden Housing
5. Mill Creek Residential
6. Oliver McMillan/Strategic Urban Development Alliance/Lane Partner/Commune Hotel and Resorts

Regarding the requested community benefits, all of the developers incorporated the affordable housing component into their proposed project and agreed to comply with the City's local business participation and employment programs. Although some expressed concern about the effects of Project Labor and Neutrality Agreements on project economics, they were willing to negotiate with the appropriate labor unions.

With the exception of Bridge Housing, none of the developers made an affirmative commitment to a long-term lease of the Property because they considered a ground lease to be difficult to finance. However, in accordance with City Council Resolution No. 85324 C.M.S., if OM-SUDA desires to proceed with a purchase of the Property, the City Council must first make certain findings that a sale rather than a lease is in the best interest of the City as a condition to approving the sale.

The Committee reviewed and ranked the proposals and interviewed the top six development teams. Lowe Enterprises/Eden Housing's ("Lowe") proposal was ranked as the overall first choice of the Committee, and staff recommended that Council authorize the City Administrator to enter into an ENA with Lowe. However, at the request of the City Council, both the recommended team and two high ranking alternates, BRIDGE Housing Corporation/Robert Green Company and OM-SUDA, were asked to present their proposals for the Property to the CED Committee on December 1, 2015, in order to generate additional input from the public and CED Committee members before a final selection was made.

After the presentations and further review of the proposals, the City Council directed staff to enter into an ENA with OM-SUDA. The City Council favored OM-SUDA over staff's recommended team because of its higher proposed Project density, the substantial retail component, the integrated affordable housing and the estimated fiscal benefits of the current Project proposal, including the fact that the developer did not request any financial assistance for the Project from the City in the form of a reduced land price or transient occupancy tax ("TOT") rebates.

ANALYSIS AND POLICY ALTERNATIVES

The Project

The contemplated transaction between the City and OM-SUDA would involve the sale or lease of the Property from the City to OM-SUDA for the development of a mixed-use project (the "Project") including:

- Up to 330 residential units (including 15 percent of low and moderate income affordable units) in a 27-story residential tower
- Up to 56,450 square feet of retail space
- A hotel with up to 168 rooms in a seven-story building
- A garage with approximately 283 parking spaces

The development program may change as the Project goes through the community review and planning approval process.

Oliver McMillan/Strategic Urban Development Alliance/Commune

The development entity currently includes the following companies: Oliver McMillan ("OM") and Strategic Urban Development Alliance ("SUDA"). According to Oliver McMillan, the hotel development partner, Commune Hotels + Resorts ("Commune"), will be admitted to the entity during the ENA period. Lane Partners, current developer of the former Sears department store, which Oliver McMillan had identified as being a member of a cooperative alliance for the development of the Project, is no longer a member of the development team, but a strategic partner, and OM-SUDA stated that they will continue to work with them to plan and achieve a cohesive retail district in Uptown Oakland.

OM was founded in 1978 and is based in San Diego. The firm specializes in mixed-use development, and has developed and managed over eight million square feet of projects. A list of OM's recent past and current projects is attached to the report as **Attachment B**.

SUDA was formed in 2001 as a fully integrated general engineering, construction, real estate, and finance firm. As a developer, SUDA is involved in land acquisition, construction and sale of residential, industrial, and commercial projects throughout the United States. SUDA's projects in Oakland include *Thomas L. Berkley Square* ("TLBS"), a 242,000 square-foot mixed-use development spreading over 1.56 acres of land in downtown Oakland. Phase I of TLBS consists of a four-story, 110,000 square-foot multi-use office building, including a parking garage, that was completed in 2006. In 2008, SUDA completed TLBS-Phase II, which consists of 89 market-rate residential units and parking facilities for 123 vehicles. TLBS-Phase II also includes 4,000 square feet of retail space. More recently, in March 2015, SUDA entered into an ENA with the City to develop City-owned property located at 2100 Telegraph Avenue.

Formed in 2011, Commune is an international multi-brand lifestyle hotel group comprising Thompson Hotels, Joie de Vivre, and Tommie in the United States. Commune provides hotel development and management services. The San Francisco-based company manages more than 40 hotels and resorts across the US, Canada, and Europe.

The ENA

ENA Activities

During the ENA period, OM-SUDA must perform certain activities, including:

- Complete a market feasibility study and marketing strategy.
- Hold at least two public meetings to discuss the potential development plans for the Project.
- Submit conceptual and refined project development schedules and proformas.
- Refine and complete schematic design plans, including plans for public art and open space.
- Complete Project environmental review process pursuant to the California Environmental Quality Act ("CEQA").
- Obtain all necessary planning approvals.
- Obtain letters of intent or conditional commitment for financing from lenders and equity partners.
- Negotiate the terms and conditions of a Lease Disposition and Development ("LDDA") or Disposition and Development Agreement ("DDA") with the City.

Upon successful completion of all ENA activities and agreement on terms and conditions of a LDDA or DDA, staff will return to the City Council with a recommendation to execute a LDDA or DDA between the City and OM-SUDA.

The ENA Term

The proposed 12-month ENA term should be sufficient to complete all required activities, and to schedule a public hearing by the City Council to consider whether to approve a LDDA or DDA between the City and OM-SUDA. In the event that the initial ENA term does not provide enough time for these activities, especially in the event that a full Environmental Impact Report ("EIR") is required for the Project, the City Administrator has the option to grant an ENA extension of up to six months.

Policy Alignment

The proposed Project supports the following goal as identified in the current Central District Project Area Redevelopment Plan:

- Revitalization and strengthening of the Oakland Central Business District's historical role as the major regional retail center for the Metropolitan Oakland Area.

The completed project will generate property, sales, utility, transient occupancy and business taxes for the City and other taxing entities.

PUBLIC OUTREACH/INTEREST

The planning approval and ENA process for OM-SUDA's project will include opportunities for full public review with at least two community meetings and a public hearing before the Planning Commission. If the Project is required to prepare an EIR to comply with CEQA, there will be additional public outreach and review. All of these activities will be requirements in the ENA and are part of the Schedule of Performance. If the City and OM-SUDA successfully complete negotiations and satisfy all other ENA requirements, staff will recommend approval of a DDA or LDDA between the City and OM-SUDA to the City Council at a public hearing.

COORDINATION

The report and legislation have been reviewed by the Office of the City Attorney and the Controller's Bureau. In addition, the City Administrator's Office and the Planning and Building Department were consulted during the preparation of this report:

- City Administrator's Office
- Planning and Building Department

FISCAL IMPACT

The proposed legislation does not commit the City to expenditure of any funds. OM-SUDA will bear sole responsibility for all costs associated with developing the Project for approval, including consultant fees, permitting fees, legal fees, financing expenses, etc. The ENA requires OM-SUDA to make a \$25,000 Project Expense Payment (“PEP”) to the City, which is a nonrefundable good faith deposit, to reimburse the City for third-party expenses such as appraisal costs and other costs. The \$25,000 PEP from OM-SUDA will be appropriated to Miscellaneous Capital Project Fund (5999), Central District Redevelopment (85245), in a new Project to be established.

SUSTAINABLE OPPORTUNITIES

Economic: The proposed Project will transform underutilized land into a mixed-use development that will provide further stimulus to the local economy. The proposed mix of residential units, ground floor retail, and location near the 19th Street BART station will promote visits, shopping and future attraction to the neighborhood by businesses and residents alike. The Project is in the pre-development phase, and projections on the number of jobs and tax benefits generated as a result of this Project will be assessed during the ENA phase.

Environmental: The proposed high-density development next to a regional transportation hub will likely encourage residents and retail customers to use BART and AC Transit and reduce automobile reliance, which will decrease the use of fossil fuels and resulting greenhouse gas (GHG) emissions. OM-SUDA will have to comply with City Ordinance No. 13040 C.M.S., which provides comprehensive green building requirements for private development projects.

Social Equity: OM-SUDA has committed to comply with all of the City’s contracting programs, including the Small/Local Business Construction Program, the Small/Local Business Professional Services Program (L/SLBE) and the Local Employment Program for the entire Project. All of the workers performing construction work for the City-funded Project component must be paid prevailing wages. The residential component of the proposed Project will include 15 percent of residential units affordable to low and moderate income households.

CEQA EVALUATION

In accordance with CEQA, the City reviewed and analyzed the proposed ENA with OM-SUDA, and the City has determined, after independent review and consideration, that the proposed authorization of an ENA with OM-SUDA is exempt from CEQA review pursuant to Section 15262 (feasibility and planning studies), Section 15306 (information collection) and Section 15061(b)(3) (general rule) of the CEQA Guidelines.

ACTION REQUESTED OF THE CITY COUNCIL

Staff has been directed by the City Council to Prepare A Resolution Authorizing The City Administrator or Designee to Negotiate and Execute An Exclusive Negotiating Agreement With OliverMcMillan-SUDA Uptown Oakland, LLC, or a Related Entity For Development of a Mixed-Use Project on City-Owned Property located at 1911 Telegraph Avenue; and Authorizing an Exclusive Negotiating Period of One Year and One Optional Six-Month Administrative Extension Relying on an Exemption from California Environmental Quality Act (“CEQA”) Review Pursuant to Section 15262, Section 15306 and Section 15061(b)(3) of the CEQA Guidelines.

For questions regarding this report, please contact Jens Hillmer, Urban Economic Coordinator, at 238-3317.

Respectfully submitted,



MARK SAWICKI, Director
Economic & Workforce Development Department

Reviewed by:
Patrick Lane, Redevelopment Manager

Prepared by:
Jens Hillmer, Urban Economic Coordinator
Project Implementation Division

Attachments (2):

- A: Proposal Summaries*
- B: List of OM Projects*

ATTACHMENT A

Revised Proposal Information in Bold					Parcel 4 RFP Proposals					
Developer	Bridge Housing/ Robert Green	City Core Development	Encore / Curtis Development / Metrovation	Lowe Enterprises/Eden Housing	Mill Creek	Oliver McMillan, SUDA,Commune Hotels and Resorts	ROEM Development			Sares/Regis
Project Information - ORIGINAL							Option 1: Market Rate	Option 2: 80% Market / 20% Affordable	Option 3: 40% Market / 60% Affordable	
Number of Stories	8 Residential/ 15 Hotel	23 stories	23-story residential / 11-story hotel	23 stories	7 stories	27-story residential / 19-story hotel	6 stories	6 stories	6 stories	7 stories
Parking Details	257 stalls	307 stalls	195 stalls	313 stalls	62 stalls	337 stalls	188 stalls	188 stalls	188 stalls	167 spaces
Retail	2,364 sf	9,365 sf	18,337 sf	16,250 sf	12,000 sf + 2,000 sf Community Art Space	17,280 sf	9,000 sf	9,000 sf	9,000 sf	9,000 sf
Hotel Details	246 rooms	168 rooms	136 rooms	115 rooms	No Hotel	168 rooms	No Hotel	No Hotel	No Hotel	No Hotel
Residential Details	148 units, incl. 40% affordable units (60 units: 15 @ 50% AMI, 45 @ 60% AMI)	259 market-rate units	248 market-rate units	255 market-rate units	200 market-rate units	281 market-rate units	188 market-rate units	150 market-rate units/ 38 @ 60% AMI	75 market-rate units/ 113 @ 60% AMI	167 market-rate units
Project Information - REVISED	Revised	Revised	Revised	Revised	Revised	Revised	No Revisions Submitted			No Revisions Submitted
Number of Stories	8 Residential/ 15 Hotel	23 stories	23-story residential / 11-story hotel	23 stories	7-8 stories	27-story residential / 19-story hotel	6 stories	6 stories	6 stories	7 stories
Parking Details	257 stalls	307 stalls	195 spaces total	272 stalls	NP	283 stalls	188 stalls	188 stalls	188 stalls	167 spaces
Retail & Community Space	4,764 sf	9,365 sf	18,337 sf	17,250 sf	Performing Arts Center 1,835 sf	56,450 sf	9,000 sf	9,000 sf	9,000 sf	9,000 sf
Hotel Details	246 rooms	168 rooms	136 rooms	115 rooms	120 - 141 rooms	168 rooms	N/A	N/A	N/A	N/A
Residential Details	148 units, incl. 40% affordable units (60 units: 30 @ 50% AMI, 15 @ 60% AMI, 5 each at 80%, 100% and 120% AMI)	312 units; incl. 10% affordable (31 units at 80%, 100% and 120% AMI)	248 units; incl. 10% affordable (25 units at 80%, 100% and 120% AMI)	251 market units, plus separate bldg w/ 38 affordable units (13% @ 60% AMI)	137 market-rate units, incl. 10% affordable (14 units at 80%, 100% and 120% AMI)	281 units, incl. 15% affordable (42 units at 80%, 100% and 120% AMI)	188 market-rate units	188 units, incl. 38 units @ 60% AMI	188 units, incl. 111 @ 60% AMI	167 market-rate units
Land Purchase Offer Original / Revised	\$11,000,000	\$4,500,000	Participation in net proceeds after sale or refinancing after developer return.	\$9,000,000 / \$5,000,000	\$16,000,000 / \$3,425,000	\$6,800,000	\$13,000,000	\$8,000,000	\$3,500,000	\$12,000,000 (w/ Prevailing Wages) \$18,000,000 (w/o Prevailing Wages)
Transient Occupancy Tax/Year	\$1,670,000	\$1,220,000	\$1,390,000	\$1,160,000	\$880,000	\$1,450,000	N/A			N/A
Transient Occupancy Tax Reimbursement	20 years on sliding scale in 5-year increments. (\$18,700,000)	None	None	10 years (\$9,700,000)	None	None	N/A			N/A
Net Transient Occupancy Tax/Year	\$170,000	\$1,220,000	\$1,390,000	\$0	\$880,000	\$1,450,000	N/A			N/A
Community Benefits										
Project Labor Agreement	Yes	Willing to negotiate in good faith.	No direct response	Yes	Yes	Yes	N/A			Yes
Labor Harmony Agreement	Yes, executed	Only if selected for ENA	Yes, if hotel remains feasible.	Yes, executed	No response	Yes, executed.	N/A			No
City/ Local Business and Employment Programs	Yes	Yes	No commitment, except statement that local labor participation adds 5 percent to the project budget.	Yes	No response	Yes	N/A			Yes

Attachment B

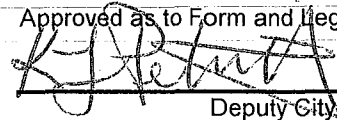
Oliver McMillan - Projects

OM started working in San Diego's Gaslamp district, which is downtown San Diego's entertainment district in the mid-1990s. OM's portfolio in downtown San Diego consists of a full-block Ralph's grocery store, a TGI Fridays restaurant, a nightclub, Horton 4th Apartments, The Lofts @ 777 6th Avenue, The Lofts @ 677 7th Avenue, Aloft of Cortez Hill, The Lofts @ 655 6th Avenue, and The Lofts @ 707 Tenth Avenue. Other OM Projects include the following:

Project Name	Location	Residential	Retail	Hotel	Office	Status
EV	San Diego, California	208 units	5,320 sf	-	-	Completed in 2015
SALT	Tempe, Arizona	265 units	-	-	-	Under Construction
Buckhead Atlanta	Atlanta, Georgia	370 units	300,000 sf	-	100,000 sf	Completed in 2015
River Oaks District	Houston, Texas	279 units	252,000 sf	-	100,000 sf	Completed in 2015
Blue Sky	Irving, Texas	2,000 units	575,000 sf	450 rooms	450,000 sf	Under Construction
Nashville	Nashville, Tennessee	363 units	230,000 sf	-	425,000 sf	In Planning
Symphony	Honolulu, Hawaii	388 units	80,000	-	-	Under Construction

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Approved as to Form and Legality:


Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

A Resolution Authorizing The City Administrator or Designee to Negotiate and Execute An Exclusive Negotiating Agreement With OliverMcMillan-SUDA Uptown Oakland, LLC, or a Related Entity, For Development of a Mixed-Use Project on City-Owned Property located at 1911 Telegraph Avenue; and Authorizing an Exclusive Negotiating Period of One Year and One Optional Six-Month Administrative Extension Relying on an Exemption from California Environmental Quality Act ("CEQA") Review Pursuant to Section 15262, Section 15306 and Section 15061(b)(3) of the CEQA Guidelines

WHEREAS, the City of Oakland (the "City") owns approximately 1.06 acres of vacant property located at 1911 Telegraph Avenue (the "Property"); and

WHEREAS, in October 2014, the City issued a Request for Proposals (the "RFP") for development of the Property, including a residential, retail and hotel component; and

WHEREAS, the City received eight (8) proposals and a selection committee reviewed the proposals and conducted interviews with six (6) teams for the purpose of selecting a development team to recommend to the City Council to enter into an Exclusive Negotiating Agreement ("ENA") with the City for development of the Property; and

WHEREAS, a team comprised of Oliver McMillan, Commune Hotels + Resorts, and Strategic Urban Development Alliance ("SUDA") submitted a proposal to develop a mixed-use project on the Property consisting of a 27-story residential tower with 330 units (with 15 percent of the units to be affordable to low and moderate income households), a seven-floor boutique hotel with 168 rooms, 56,450 square feet of retail and 283 parking spaces on the Property (the "Project"); and

WHEREAS, Oliver McMillan and SUDA have formed OliverMcMillan-SUDA Uptown Oakland, LLC (OM-SUDA), a Delaware limited liability company established by Oliver McMillan and SUDA for the purpose of developing the Property, and to which Commune Hotels + Resorts (collectively with OM-SUDA, the "Developer") will be admitted at a later time; and

WHEREAS, OM-SUDA anticipate that Commune Hotels + Resorts, a hotel developer partner, will be admitted to OM-SUDA or a related entity, during the ENA term; and

WHEREAS, OM-SUDA proposes to acquire, by sale or long term lease, the Property from the City for development of the Project; and

WHEREAS, the City Council selected the Developer as the prospective developer for the Property and OM-SUDA desires to dedicate time for the preliminary study and exclusive negotiations of the proposed Project, with the understanding that such study and negotiations do not constitute a binding commitment on the part of the City to OM-SUDA or the proposed Project for the Property; now, therefore, be it.

RESOLVED: That the City Administrator (the "City Administrator") or her designee is authorized to negotiate and enter into an Exclusive Negotiating Agreement ("ENA") with OM-SUDA, or a related or affiliated entity, for the purposes of studying and evaluating the feasibility of the development of the proposed Project, for retail, residential, hotel and other uses, and conducting California Environmental Quality Act ("CEQA") review; and be it

FURTHER RESOLVED: That the exclusive negotiating period shall be for twelve (12) months from the date of the approval by Council of the execution of the ENA, with the option by the City Administrator or designee in her sole discretion to extend said period by an additional six (6) months; and be it

FURTHER RESOLVED: That the City shall require a \$25,000 nonrefundable Project Expense Payment from OM-SUDA to reimburse the City for third party expenses; and be it

FURTHER RESOLVED: That the \$25,000 nonrefundable Project Expense Payment from OM-SUDA will be appropriated to Miscellaneous Capital Project Fund (5999), Central District Redevelopment (85245), in a new Project to be established; and be it

FURTHER RESOLVED: That the ENA shall be reviewed and approved as to form and legality by the City Attorney's Office prior to execution; 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 OM-SUDA 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 her designee shall cause a Notice of Exemption from CEQA requirements to be filed with the County of Alameda; and be it

FURTHER RESOLVED: That the City Administrator or her designee is further authorized to negotiate and enter into other agreements and take whatever action is necessary with respect to the ENA and the Project, consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA, _____ 2016

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and
PRESIDENT GIBSON McELHANEY

NOES -

ABSENT -

ABSTENTION -

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