

**CITY OF OAKLAND**  
**AGENDA REPORT**

05 SEP -7 PM 5:30

TO: Agency Administrator  
ATTN: Deborah Edgerly  
FROM: Community and Economic Development Agency  
DATE: September 20, 2005

RE: **RESOLUTION AMENDING THE EXCLUSIVE NEGOTIATING AGREEMENT WITH OPUS WEST DEVELOPER GROUP, FOR THE DEVELOPMENT OF APPROXIMATELY 50 ACRES WITHIN THE FORMER OAKLAND ARMY BASE, IN ORDER TO: (1) CHANGE THE DEVELOPER NAME TO OAKLAND WEST WIND, LLC; AND (2) EXTEND THE TERM OF THE AGREEMENT FROM 6 MONTHS TO 12 MONTHS**

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### SUMMARY

On June 21, 2005, the Agency Board approved an Exclusive Negotiating Agreement (ENA) with Opus West Developer Group, for the development of approximately 50 acres, to be located in the Central and East Gateways areas of the former Oakland Army Base.

Staff is now bringing forward a resolution to clarify and correct the ENA on two issues:

- At the time the ENA was approved, the Developer's name was identified as "Opus West Developer Group." Since then, the Developer team has chosen to organize its efforts under a limited liability company with the name "Oakland West Wind, LLC." The members and organization of the Developer team remain unchanged, but the ENA needs to refer to the Developer by its correct name.
- When the ENA came before the Agency Board on June 21, Board Members approved a six-month ENA and directed staff to return after the Council recess to extend the term to 12 months.

The proposed resolution would address these two issues by changing the Developer's name to "Oakland West Wind LLC" and extending the term of the ENA to 12 months.

### FISCAL IMPACT

No fiscal impact is anticipated as a result of this proposed amendment to the ENA. The Oakland Base Reuse Authority (OBRA) will continue to lease and manage the subject land areas. Any third party project costs incurred during the ENA period will be paid by Developer.

## **KEY ISSUES AND IMPACTS**

By extending the ENA term to 12 months, there would be greater opportunities to address three key issues: (1) land use, (2) coordination with the Fulton ENA, and (3) community involvement.

### Land Use Planning

Currently, the Oakland Army Base is being debated as the potential site for many different land uses. The ENA with Opus West Developer Group was envisioned as a format by which various proposed uses – from industrial to auto retail – could be considered and analyzed. After looking at various proposals and engaging the community, the Opus team would develop a cohesive plan for land use on the 50-acre area, which would then be presented to the Agency Board.

### Coordination with Fulton ENA

At the same time that the Opus ENA came forward, the Agency also approved an ENA with the Fulton Project Development Group. The Fulton ENA envisions a major film production center, to be built on a 70-acre portion of the Oakland Army Base, directly adjacent to the area allocated for Opus. The Fulton ENA allows for 12 months of discussion. The Opus and Fulton ENAs require close coordination, because: (1) they deal with adjacent areas within the Army Base; (2) Fulton is required to identify 15 acres that it will not use and that will become part of the Opus area; and (3) they will both face similar issues relating to land use, site planning, and infrastructure. Therefore, staff is recommending that the two ENAs proceed on the same time schedule, i.e., 12 months.

### Community Involvement

Several West Oakland community groups and business organizations are interested in how the ultimate development of the Oakland Army Base will impact their neighborhood. The existing ENA requires the Developer to hold at least two public meetings, and to consider the community's input while developing their proposed project. By extending the ENA term to 12 months, the Developer would have more opportunities to work with the community, coordinate with Fulton, and design the land use proposal.

## **SUSTAINABLE OPPORTUNITIES**

The proposed amendment to the ENA would not create any direct opportunities for economic, environmental, or socially sustainable features to be included in the proposed project. As part of the existing ENA, staff will work with the Developer to incorporate sustainable features into the proposed project. These features would be identified in a Disposition and Development Agreement (DDA) that would be presented to the Agency Board, pending the successful completion of discussions during the ENA period.

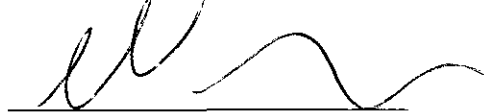
## **DISABILITY AND SENIOR CITIZEN ACCESS**

The proposed amendment to the ENA does not involve the approval of any specific projects or programs. Disability and senior access issues would be addressed when specific development plans are submitted to the City by the Developer for review and approval.

**ACTION REQUESTED OF THE CITY COUNCIL/REDEVELOPMENT AGENCY**

Staff recommends that the City Council and Redevelopment Agency approve a resolution authorizing the Agency Administrator to execute an amendment to the Exclusive Negotiating Agreement with Opus West Developer Group, for the development of approximately 50 acres within the former Oakland Army Base, in order to: (1) change the developer name to "Oakland West Wind, LLC; and (2) extend the term of the agreement from six months to 12 months.

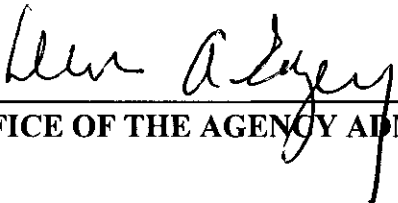
Respectfully submitted,



**Daniel Vanderprie**  
Director of CEDA Redevelopment, Economic  
Development, Housing & Community Development

Prepared by:  
Alex Greenwood  
Urban Economic Coordinator, CEDA,  
Redevelopment Division

APPROVED AND FORWARDED TO  
THE OAKLAND REDEVELOPMENT AGENCY:

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**OFFICE OF THE AGENCY ADMINISTRATOR**

OFFICE OF THE CITY CLERK  
CITY OF OAKLAND

05 SEP -7 PM 5:31

APPROVED AS TO FORM AND LEGALITY:

BY:   
AGENCY COUNSEL

## REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

RESOLUTION No. 2005-\_\_ C.M.S.

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**RESOLUTION AMENDING THE EXCLUSIVE NEGOTIATING AGREEMENT WITH OPUS WEST DEVELOPER GROUP FOR THE DEVELOPMENT OF APPROXIMATELY 50 ACRES WITHIN THE FORMER OAKLAND ARMY BASE, IN ORDER TO: (1) CHANGE THE DEVELOPER NAME TO OAKLAND WEST WIND, LLC; AND (2) EXTEND THE TERM OF THE AGREEMENT FROM 6 MONTHS TO 12 MONTHS**

**WHEREAS**, the Redevelopment Agency adopted the Redevelopment Plan for the Oakland Army Base Redevelopment Project ("Oakland Army Base Redevelopment Plan") on July 1, 2000; and

**WHEREAS**, one of the goals of the Oakland Army Base Redevelopment Plan is to subdivide the Army Base site into parcels suitable for modern, integrated development; and

**WHEREAS**, one of the proposed actions included in the Oakland Army Base Redevelopment Plan was redevelopment of land by private enterprise; and

**WHEREAS**, the Oakland Base Reuse Authority ("OBRA") has acquired 365 acres of the former Oakland Army Base and has approximately 170 acres available for private development after transfers of land to the Port of Oakland, California Department of Transportation, and East Bay Regional Parks District; and

**WHEREAS**, OBRA plans to convey all of its interests in the Oakland Army Base land to the Redevelopment Agency in August 2006; and

**WHEREAS**, on June 21, 2005, the Oakland Redevelopment Agency approved Resolution Number 2005-0035, authorizing an Exclusive Negotiating Agreement (ENA) with Opus West Developer Group for a term of 180 days to develop a proposal for development of approximately 50 acres of land within the Oakland Army Base; and

**WHEREAS**, after June 21, 2005, the development partners of Opus West Developer Group have chosen to organize their efforts under a limited liability company with the name of "Oakland West Wind LLC"; and

**WHEREAS**, Oakland West Wind LLC ("OWW") consists of the following parties: Opus West Corporation, Legacy Partners Commercial, Levine Fricke EcoParks, LLC, United Indian Nations Community Development Corporation, Michael Ziegler, and Curtis Smothers; and

**WHEREAS**, the Agency wishes to extend the term of the existing ENA from 180 days to 365 days, in order to allow better coordination with projects being contemplated on adjacent portions of the Oakland Army Base; now therefore be it

**RESOLVED:** That the Redevelopment Agency hereby authorizes the Agency Administrator to execute an amendment to the Exclusive Negotiating Agreement with Opus West Developer Group in order to:

1. Change the Developer name referenced in the ENA from "Opus West Developer Group" to "Oakland West Wind LLC"; and
2. Extend the term of the ENA from 180 days to 365 days;

and be it further

**RESOLVED:** That the Agency hereby authorizes the Agency Administrator, or her designee, to take all actions necessary to carry out this resolution and its basic purposes; and be it further

**RESOLVED:** That all documents, as necessary, shall be reviewed and approved by the Office of the City Attorney as to form and legality prior to execution, and copies will be placed on file with the City Clerk.

IN SESSION, OAKLAND, CALIFORNIA, SEPTEMBER 20, 2005

**PASSED BY THE FOLLOWING VOTE:**

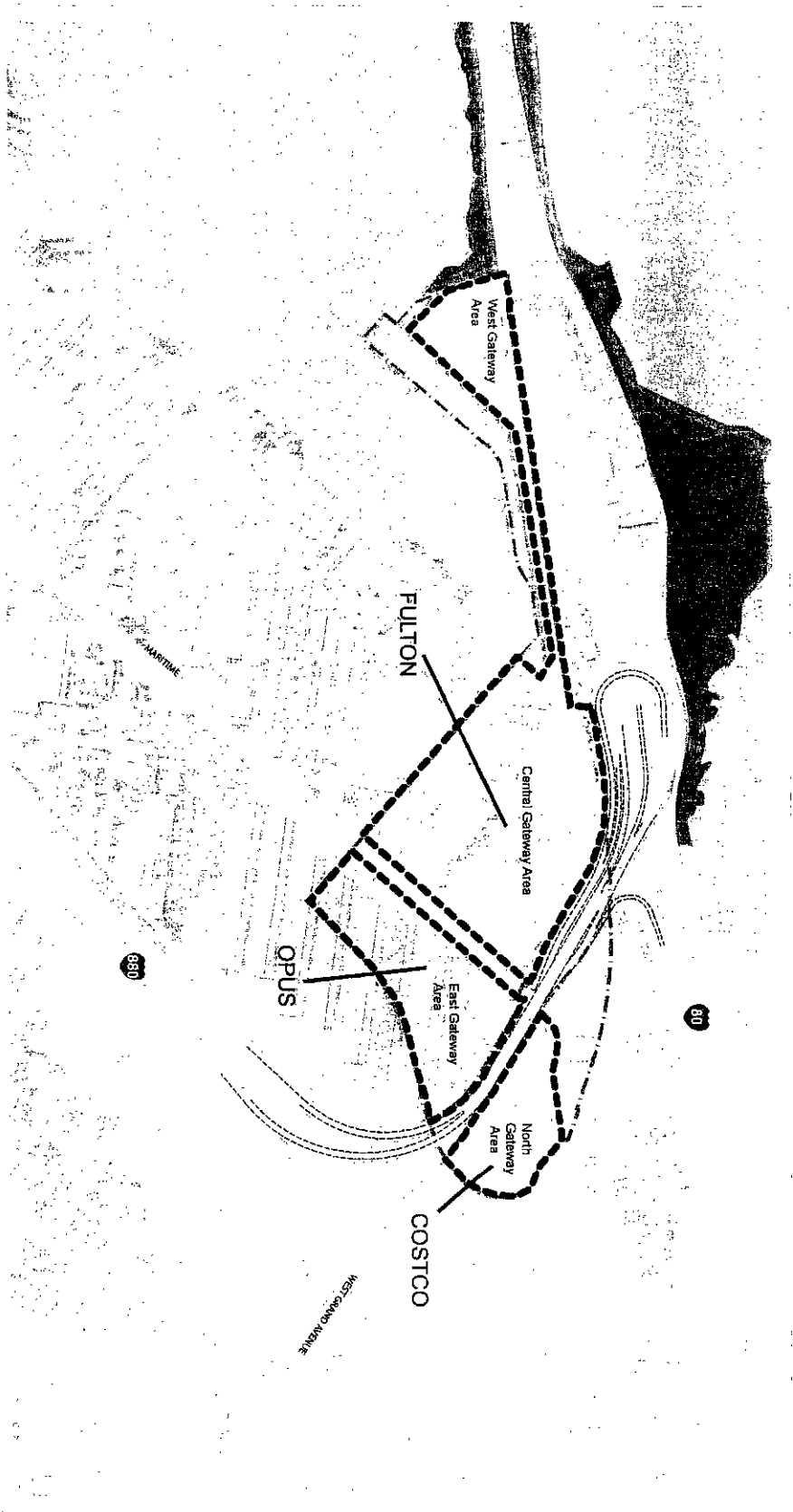
AYES-

NOES-

ABSENT-

ABSTENTION-

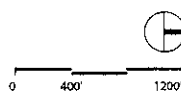
ATTEST: \_\_\_\_\_  
LATONDA SIMMONS  
Secretary, Redevelopment Agency  
of the City of Oakland



**DRAFT**

OBRA  
Program Alternatives

3 June 2005



Planning Team  
Lester

Client  
OBRA

