

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Hee

City Attorney

2017 JAN 26 PM 5:25 RESOLUTION No. 86589 C.M.S.

Introduced by Councilmember _____

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO NEGOTIATE AND EXECUTE A PROGRAMMATIC AGREEMENT, PURSUANT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT, WITH THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER REGARDING THE REHABILITATION OF THE HOTEL MENLO/ EMPYREAN TOWERS LOCATED AT 340-344 13TH STREET, OAKLAND, CALIFORNIA, WITHOUT RETURNING TO THE CITY COUNCIL

WHEREAS, the Hotel Menlo/Empyrean Towers located at 340-344 13th Street, Oakland, California has recently been the subject of blight, criminal activity and code compliance investigations and the owners recently filed for bankruptcy; and

WHEREAS, Resources for Community Development (RCD) a California non-profit corporation, has a purchase option for the property and proposes to acquire, rehabilitate, manage and operate the Hotel Menlo/Empyrean Towers as affordable housing for 66 units with three ground floor commercial spaces, ground floor lobby, property management offices, and community room; and

WHEREAS, the provision of affordable housing, especially Downtown and near transit, is an important goal of the City's Housing Action Plan; and

WHEREAS, the Oakland Housing Authority (OHA) has awarded U.S. Department of Housing and Urban Development (HUD) Section 8 Project Based Voucher rental assistance to RCD; and

WHEREAS, the use of HUD and/or other funding to acquire and rehabilitate the Hotel Menlo/Empyrean Towers will require completion of environmental analysis pursuant to the National Environmental Protection Act (NEPA); and

WHEREAS, the City, designated to fulfill the requirements of Section 106 of National Historic Preservation Act (NHPA), has determined that the acquisition and rehabilitation of the Hotel Menlo/Empyrean Towers, will have an effect on a property determined eligible for listing on the National Register of Historic Places pursuant to NEPA; and

WHEREAS, without completion of the NEPA process, RCD cannot acquire the property for rehabilitation as affordable housing; and

WHEREAS, the City has consulted with the California State Historic Preservation Officer (SHPO) regarding entering into a Programmatic Agreement with the City of Oakland

WHEREAS, because specific plans for the rehabilitation have not been submitted, a Programmatic Agreement is an appropriate method to ensure that the project will not have an adverse historic impact pursuant to Section 106 of the NHPA; now, therefore, be it

RESOLVED, that the City Council authorizes the City Administrator, or designee, to negotiate and execute a Programmatic Agreement, pursuant to Section 106 of the NHPA, with the SHPO regarding the rehabilitation of the Hotel Menlo/ Empyrean Towers, and to take any and all other actions necessary to effectuate this Resolution, including possibly adding the Advisory Council on Historic Preservation as a signatory/concurring party, without Returning To The City Council.

FEB 07 2017

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

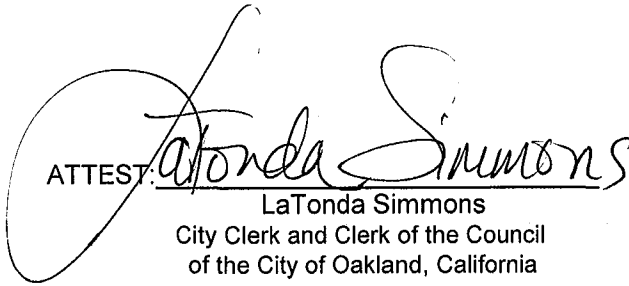
AYES - BROOKS, ~~CAMPBELL~~ WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, AND PRESIDENT REID - 7

Excused - Campbell Washington - 1

NOES - 0

ABSENT - 0

ABSTENTION - 0

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