


ORIGINAL

APPROVED AS TO FORM AND LEGALITY:

  
City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 79313 C.M.S.

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**RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF AMENDMENTS TO A LEASE DISPOSITION AND DEVELOPMENT AGREEMENT, GROUND LEASE, AND RELATED DOCUMENTS BETWEEN THE REDEVELOPMENT AGENCY, THE CITY OF OAKLAND, AND FC OAKLAND, INC. (SUCCESSOR TO UPTOWN PARTNERS, LLC), FOR THE DEVELOPMENT OF A MIXED-USE RESIDENTIAL RENTAL AND RETAIL DEVELOPMENT PROJECT IN THE UPTOWN ACTIVITY AREA OF THE CENTRAL DISTRICT REDEVELOPMENT PROJECT AREA INCREASING THE PROPERTY ACQUISITION CEILING FROM \$14,195,000 TO \$16,995,000, AND INCREASING THE AGENCY CONTRIBUTION TOWARDS HAZARDOUS MATERIALS ABATEMENT FROM \$2,585,600 TO \$4,085,600**

**WHEREAS**, the City of Oakland ("City"), the Redevelopment Agency of the City of Oakland ("Agency") and FC Oakland, Inc. ("FC Oakland"), successor to Uptown Partners, LLC, are parties to a Lease Disposition and Development Agreement ("LDDA") whereby FC Oakland is the developer of the approximately two blocks of land bounded by Thomas L. Berkley Way (formerly 20<sup>th</sup>) on the north, Telegraph Avenue on the east, 19<sup>th</sup> St. on the south, and San Pablo Avenue on the west in the Uptown Activity Area of the Central District Urban Renewal Area commonly referred to as the Uptown Project; and

**WHEREAS**, the LDDA sets forth the terms and conditions whereby FC Oakland may lease and develop the various parcels within the Uptown Project; and

**WHEREAS**, the parties to the LDDA desire to amend certain terms of the LDDA to:(1) increase the Agency's site assembly cost acquisition ceiling from \$14,195,000 to \$16,995,000 to allow for the Agency's acquisition of the Sears auto center and parking garage; and (2) increase the Agency's potential contribution to the hazardous materials cleanup costs of the Uptown Project site from \$2,585,600 to \$4,085,600; and

**WHEREAS**, the additional funds for site acquisition in the amount \$2,800,000 will be appropriated from the Central District Tax Allocation Bond Series 2005 (Fund 9533, Project P103460), and the additional \$1,500,000 for hazardous materials remediation will also be appropriated out of the Central District Tax Allocation Bond Series 2005 (Fund 9533, Project P103450), which funds will be available on July 1, 2005; and

**WHEREAS**, the City of Oakland, as the Lead Agency for this Project for purposes of environmental review under the California Environmental Quality Act of 1970 ("CEQA"), has prepared a focused Environmental Impact Report analyzing the significant environmental effects and mitigation measures in accordance with the California Environmental Quality Act, Public Resources Code § 21000, et seq.; and

**WHEREAS**, on February 18, 2004, the City Council in accordance with CEQA Guidelines § 15090 certified that the Final Environmental Impact Report ("EIR") on the Project has been completed in compliance with CEQA, the Guidelines for Implementation of the California Environmental Quality Act (14 CCR sections 15000, et seq.); and

**WHEREAS**, the Agency, as a "Responsible Agency" under the California Environmental Quality Act of 1970 ("CEQA"), has independently reviewed the EIR and other information in the record; and

**WHEREAS**, notice of the public hearing regarding the LDDA amendment was given by publication at least once a week for not less than two weeks prior to the public hearing in a newspaper of general circulation in Alameda County; and

**WHEREAS**, as required by Section 33433 of the California Community Redevelopment Law, the Agency has made available to the public for inspection, no later than the first date of publication of the notice for the hearing, a supplemental report that contained a copy of the draft LDDA amendment and a summary of the cost of the amendment to the Agency; and

**WHEREAS**, the Agency and the City have approved the execution of the LDDA amendment by resolution after the public hearing; now, therefore, be it

**RESOLVED:** That the City hereby finds and determines on the basis of substantial evidence in the record that the EIR fully analyzes the potential environmental effects of the project and incorporates mitigation measures to substantially lessen or avoid any potentially significant impacts in accordance with CEQA. None of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code Section 21166 and CEQA Guidelines Section 15162, are present in that (1) there are no substantial changes proposed in the project or the circumstances under which the project is undertaken that would require major revisions of the EIR due to the involvement of new environmental effects or a substantial increase in the severity of previously identified significant effects; and (2) there is no "new information of substantial importance" as described in CEQA Guidelines Section 15162(a)(3); and be it further

**RESOLVED:** That the City Administrator, or her designee, is hereby authorized to execute an amendment to the LDDA as set forth hereinabove; and be it further

**RESOLVED:** That any and all documents necessary to effectuate the intent of this Resolution shall be reviewed and approved as to form by the City Attorney's Office prior to execution by the City Administrator or her designee; and be it further

**RESOLVED:** That the City finds and determines that this Resolution complies with CEQA and that staff is directed to cause to be filed a Notice of Determination with the appropriate agencies; and be it further

**RESOLVED:** That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City's decision is based are respectively: (a) the Community & Economic Development Agency, Projects Division, 250 Frank H. Ogawa Plaza, 5th Floor, Oakland CA; (b) the Community & Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, 3rd Floor, Oakland CA; and (c) the Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st Floor, Oakland, CA.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 21 2005, 2005

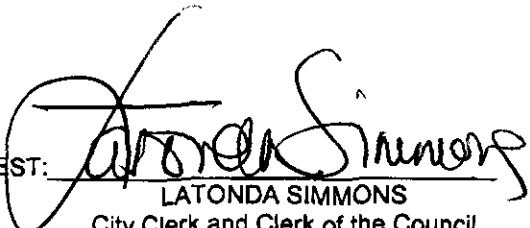
**PASSED BY THE FOLLOWING VOTE:**

AYES- ~~BROOKS~~, BRUNNER, CHANG, KERNIGHAN, NADEL,  
REID, QUAN, AND PRESIDENT DE LA FUENTE - 7

NOES-  $\phi$

ABSENT-  $\phi$

ABSTENTION- Brooks - 1

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