

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2012 MAR -1 PM 1:39

REVISED AT CED COMMITTEE ON FEBRUARY 28, 2012

APPROVED AS TO FORM AND LEGALITY:

BY:   
DEPUTY CITY ATTORNEY

## OAKLAND CITY COUNCIL

RESOLUTION No. 83741 C.M.S.

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**A City Resolution Authorizing an Exclusive Negotiating Agreement With Sunfield Development, LLC or a Related Entity to Develop a Mixed-Use Project on a City-owned Property Located at 1800 San Pablo Avenue (APN: 008-0642-018)**

**WHEREAS**, on July 20, 2010, pursuant to Resolution No. 2010-92 C.M.S., the Redevelopment Agency of the City of Oakland ("Agency") entered into an Exclusive Negotiation Agreement (ENA) with Sunfield Development, LLC (Sunfield) for an initial term of 12 months for purposes of studying and evaluating the feasibility of, and negotiating terms and conditions for the development of a mixed-use project including retail and public parking (the "Project") on the property located at 1800 San Pablo Avenue on the west side of the block bounded by San Pablo Avenue, Telegraph Avenue, 18<sup>th</sup> and 19<sup>th</sup> Street (the "Property"); and

**WHEREAS**, on August 1, 2011, per the terms of the ENA, the original 12-month negotiation period was extended administratively by three months until October 20, 2011; and

**WHEREAS**, during the 15-month negotiating period, the Agency and Sunfield have made significant progress with regard to evaluating the feasibility of the proposed Project; securing letters of intent from potential Project tenants, and initiating required Project review pursuant to the California Environmental Quality Act (CEQA) of 1970; and

**WHEREAS**, On January 31, 2012, the City of Oakland ("City") acquired the Property from the Agency; and

**WHEREAS**, the City desires to commence negotiations with Sunfield and provide the developer with sufficient time to complete and certify a Supplemental EIR required pursuant to CEQA and to complete negotiations of the terms and conditions for the development of the Project; now, therefore, be it

**RESOLVED:** That the City Administrator is hereby authorized to negotiate and enter into an ENA with Sunfield for purposes of completing and certifying the EIR and completing negotiations of the terms and conditions for the development of the Project; and be it further

**RESOLVED:** That the exclusive negotiating period will be for 9 months from the date of this Resolution, with the option to extend said negotiation period by an additional three months with the approval of the City Administrator in her sole and absolute discretion; and be it further

**RESOLVED:** That a \$20,000 good faith deposit, refundable under certain conditions, from Sunfield will be appropriated to a fund and project to be determined for expenditures related to the Project; and be it further

**RESOLVED:** That if services are rendered and paid through the as-needed economic consulting contract (as approved by Agency Resolution No. 2010-0085 C.M.S.), then certain funds from the good faith deposit can be transferred into a fund to be determined to reimburse the account from which invoices for such services are paid, and be it further

**RESOLVED:** That the City finds and determines, after independent review and consideration, that this action complies with the California Environmental Quality Act ("CEQA") because this action on the part of the City 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 ENA shall be reviewed and approved as to form and legality by City Attorney prior to execution; and be it further

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

**FURTHER RESOLVED:** That the City Administrator or her designee is further authorized to 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, MAR 6 2012, 2012

**PASSED BY THE FOLLOWING VOTE:**

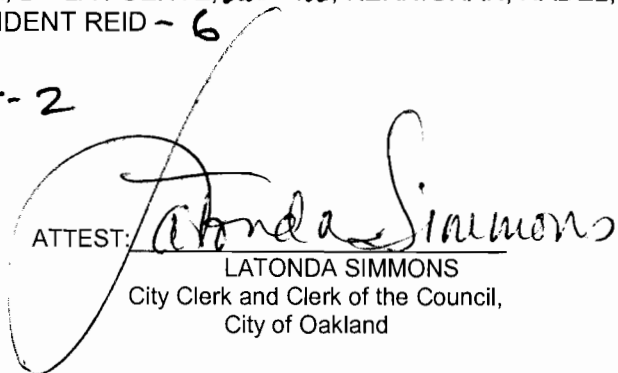
AYES- BROOKS, ~~BRUNNER~~, DE LA FUENTE, ~~KAPLAN~~, KERNIGHAN, NADEL,  
SCHAAF AND PRESIDENT REID - 6

NOES- 0

ABSENT- Kaplan, Brunner- 2

ABSTENTION- 0

ATTEST:



LATONDA SIMMONS  
City Clerk and Clerk of the Council,  
City of Oakland