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Agency Counsel

**REDEVELOPMENT AGENCY  
OF THE CITY OF OAKLAND**

RESOLUTION No. 2005-0032 C.M.S.

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**A RESOLUTION AUTHORIZING THE AGENCY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN EXCLUSIVE NEGOTIATING AGREEMENT WITH THE OAKLAND ECONOMIC DEVELOPMENT CORPORATION, A CALIFORNIA NOT FOR PROFIT DEVELOPMENT CORPORATION, TO PURSUE THE DEVELOPMENT OF A TRANSIT VILLAGE AT THE COLISEUM BART STATION AND TO CONTRIBUTE UP TO \$25,000 TO FUND OAKLAND ECONOMIC DEVELOPMENT CORPORATION'S EXCLUSIVE NEGOTIATING FEE WITH THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

**WHEREAS**, the City of Oakland is working to redevelop the Coliseum BART Station parking lot property into a transit village; and

**WHEREAS**, on March 2000, the San Francisco Bay Area Rapid Transit District (BART) and the City of Oakland (City) entered into an Memorandum of Understanding (MOU) to develop and fund a concept plan that would promote a transit oriented development at the Coliseum BART Station; and

**WHEREAS**, in 2001, the Coliseum/Oakland Airport BART Station Area Concept Plan (Concept Plan) was completed which is a long-term land use vision for development of the area surrounding the Coliseum BART Station; and

**WHEREAS**, in October 2002, the Redevelopment Agency (Agency) was awarded a grant from the California Pollution Control Financing Authority ("CPCFA") Sustainable Communities Grant and Loan Program of up to \$303,000 to conduct predevelopment studies of the Coliseum Transit Village; and

**WHEREAS**, in June 2003, as a way of formalizing the planning process and to continue moving the project forward, City Council approved Resolution No. 77875 C.M.S. to accept the Coliseum BART Station Area Concept Plan and directed staff to support the implementation of the Concept Plan; and

**WHEREAS**, in February 2004, BART and the City signed an MOU to pursue predevelopment studies by exploring the development potential of a transit oriented development at the Oakland Coliseum BART Station; and

**WHEREAS**, in May 2004, using state grant funds from the CPCFA, BART and the City signed a Work Directive for Phase I which authorized a consultant team to begin predevelopment studies to explore a range of development programs that can be pursued and conduct preliminary feasibility and market analysis; and

**WHEREAS**, in July 2004, the BART Board of Directors authorized a proposal to pursue an Exclusive Negotiating Agreement between BART and the Oakland Economic Development Council (OEDC); and

**WHEREAS**, the OEDC has recently executed an MOU with MacFarlane Partners, a leading minority-owned real estate investment management and development firm, with \$1.3 billion in investor equity and \$6 billion in real estate assets. MacFarlane Partners is headquartered in San Francisco, with regional offices in Southern California and the greater New York metropolitan area; and

**WHEREAS**, the Agency and the OEDC want to enter into a period of preliminary study and negotiations over the project proposal, and agree that this does not constitute a binding commitment on the part of the Agency to any developer or to participate in any project; now therefore be it

**WHEREAS**, the San Francisco Bay Area Rapid Transit District is requiring OEDC to pay an exclusive negotiating fee in order to execute their Exclusive Negotiating Agreement for the Coliseum BART Station; now therefore be it

**RESOLVED:** That the Agency Administrator is authorized to negotiate and enter into an Exclusive Negotiating Agreement with the OEDC for purposes of studying and evaluating the feasibility of, and negotiating terms and conditions for the potential development of a transit village at the Coliseum BART Station including, but not limited to, the following provisions:

- OEDC will submit a project description suitable for environmental review purposes that includes site plans, elevations, proposed project scaling and circulation, and interim replacement parking strategies for the existing BART surface parking;
- OEDC will develop a project pro forma to evaluate the financial feasibility of the project that will include an analysis of the need for financial assistance from the Redevelopment Agency and grant funds from other funding sources;
- The Agency will contribute up to \$25,000 from Coliseum Tax Allocation Bond Series, Entity 5, Fund 9453, Org 94800 to OEDC in order to fund their exclusive negotiating fee with BART to develop the Coliseum BART transit village;

and be it further

**RESOLVED:** That the exclusive negotiating period will be for 18 months, with the option to extend said period, with the approval of the Agency Administrator or her

designee, until the Environmental Impact Report/Environmental Impact Statement for the project is certified; and be it further

**RESOLVED:** That the Agency has independently reviewed and considered this environmental determination, and the Agency finds and determines that this action complies with CEQA because this action on the part of the Agency 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 Exclusive Negotiating Agreement shall be reviewed and approved as to form and legality by Agency Counsel prior to execution; and be it further

**RESOLVED:** That the Agency 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 Agency hereby authorizes the Agency Administrator or her designee, to take all other actions necessary with respect to the Exclusive Negotiating Agreement and the project consistent with this Resolution and its basic purpose.

**JUN 21 2005**

IN AGENCY, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2005

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND  
CHAIRPERSON DE LA FUENTE - 8

NOES- 0  
ABSENT- 0  
ABSTENTION- 0

ATTEST: *Latonda Simmons*  
LATONDA SIMMONS  
Secretary of the Redevelopment Agency  
of the City of Oakland, California