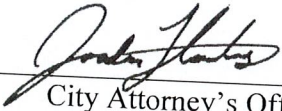


2023 OCT 23 PM 2: 26

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

Approved as to Form and Legality

  
City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. 89947 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A SECOND AMENDMENT TO THE EXCLUSIVE NEGOTIATION AGREEMENT WITH THE BLACK CULTURAL ZONE COMMUNITY DEVELOPMENT CORPORATION IN PARTNERSHIP WITH COMMUNITY ART STABILIZATION TRUST, EDEN HOUSING, INC. AND/OR THEIR AFFILIATED ENTITIES, FOR DEVELOPMENT OF A MIXED-USE PROJECT ON CITY-OWNED PROPERTY LOCATED ON THE NORTHWEST CORNER OF 73RD AVENUE AND FOOTHILL BOULEVARD (ASSESSOR PARCEL NUMBER 039-3291-020), TO EXTEND THE TERM AND RELATED PERFORMANCE DEADLINES BY SIX MONTHS, WITH AN ADDITIONAL SIX-MONTH ADMINISTRATIVE EXTENSION

**WHEREAS**, the City of Oakland ("City") owns a 1.22-acre parcel of land (Assessor's Parcel Number 039-3291-020) located on the northwest corner of 73<sup>rd</sup> Avenue and Foothill Boulevard as more specifically described in the legal description attached hereto as **Exhibit A** ("Property"); and

**WHEREAS**, on October 19, 2021, the City Council adopted Resolution No. 88873 C.M.S. which authorized the City Administrator to enter into an Exclusive Negotiation Agreement ("ENA") with the Black Cultural Zone Community Development Corporation ("BCZ"), the Community Art Stabilization Trust ("CAST"), and Curtis Development ("Curtis"), together "Original Developer") in connection with the proposed development of a mixed-use affordable housing and commercial development (the "Project"), to be constructed on the Property; and

**WHEREAS**, On February 10, 2022, the City Administrator executed the ENA with the Original Developer, effective as of October 19, 2021; and

**WHEREAS**, on March 21, 2023, the City Administrator approved the one-time six-month extension to the ENA extending the expiration date to October 19, 2023; and

**WHEREAS**, on July 11, 2023, the City Administrator executed a First Administrative Amendment to the ENA to remove Curtis from the developer team and add Eden Housing, Inc. to partner with BCZ for the affordable housing component of the Project pursuant to Section 11 of the ENA (together, BCZ, CAST and Eden Housing, Inc. are referred to as “Developer”); and

**WHEREAS**, the Project consists of a three-story market hall and cultural center of approximately 31,800 square feet with an adjacent courtyard and outdoor skating rink (“Market Hall”), and a six-story residential building that includes a total of 119 units, 118 of which would be made available to households with incomes ranging from 30 percent to 60 percent of Area Median Income (“Affordable Housing”); and

**WHEREAS**, On January 27, 2023, the City Planning Bureau has approved the entitlements for the Project (PLN 22196), including a tentative parcel map to divide the Property into two parcels, with the Market Hall portion of the Project on Parcel 1 and the Affordable Housing portion of the Project on Parcel 2; and

**WHEREAS**, the Developer needs additional time to complete negotiations for associated Lease Disposition and Development Agreements (“LDDA(s)”) and ground leases; and

**WHEREAS**, the Developer’s success in securing State funding for the Project could be hindered if their exclusive negotiating rights under the ENA lapse due to the October 19, 2023 expiration date; and

**WHEREAS**, the City and the Developer wish to have more time for exclusive negotiations over the proposed disposition of the Property, with the understanding that this does not constitute a binding commitment on part of the City to any project or developer for the Property; and

**WHEREAS**, the actions authorized by this Resolution are not subject to review under the California Environmental Quality Act pursuant to Government Code section 65913.4(j)(1); and now be it

**RESOLVED:** That the City Council hereby authorizes the City Administrator to negotiate and enter into a second amendment to the ENA (“Second Amendment”) with the Developer to extend performance deadlines; and be it

**FURTHER RESOLVED:** That in the event that the Second Amendment is executed, the extended ENA period will be for six (6) months from the date of this Resolution or the termination of the ENA, whichever is sooner, with the option for the City Administrator to extend said period by an additional six (6) months in their sole discretion; and be it

**FURTHER RESOLVED:** That the City Administrator is further authorized to negotiate and enter into agreements and take whatever action is necessary with respect to the ENA and the Property consistent with this Resolution and its basic purposes; and be it

**FURTHER RESOLVED:** That the Second Amendment shall be reviewed and approved by the Office of the City Attorney for form and legality.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

OCT 17 2023

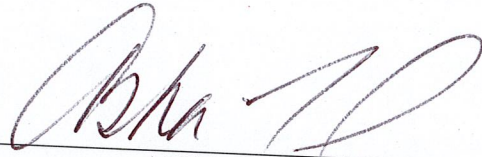
AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND  
PRESIDENT FORTUNATO BAS - 8

~~NOES~~

~~ABSENT~~

~~ABSTENTION~~

ATTEST:



ASHA REED

City Clerk of the Council and City of  
Oakland, California