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OAKLAND

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Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO ENTER INTO AN EXCLUSIVE NEGOTIATION AGREEMENT WITH MIDPEN HOUSING CORPORATION AND HABITAT FOR HUMANITY EAST BAY/SILICON VALLEY, OR THEIR AFFILIATED ENTITIES, FOR THE NEGOTIATION OF ONE OR MORE LEASE DISPOSITION AND DEVELOPMENT AGREEMENTS ("LDDAS") AND/OR DISPOSITION AND DEVELOPMENT AGREEMENTS ("DDAS") AND RELATED DOCUMENTS FOR DEVELOPMENT OF AFFORDABLE RENTAL AND HOMEOWNERSHIP HOUSING AT 1707 WOOD STREET (BETWEEN 18TH AND 20TH STREETS) IN OAKLAND, SUBJECT TO THE COMPLETION OF A CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") AND NATIONAL ENVIRONMENTAL POLICY ACT ("NEPA") DETERMINATION, IF APPLICABLE

WHEREAS, the City of Oakland ("City") owns approximately 3.12 acres of property located at 1707 Wood street between 18th and 20th Streets (the "Property"); and

WHEREAS, on May 15, 2018, the City issued a Request for Proposals ("RFP") seeking development proposals for affordable housing development for the Property, with RFP responses due on July 23, 2018; and

WHEREAS, an evaluation panel of City staff and community residents reviewed the two sets of RFP responses, and determined that the proposal from MidPen Housing Corporation ("MidPen") and Habitat for Humanity East Bay/Silicon Valley, Inc. ("Habitat") was the most responsive to the RFP guidelines, and programmatically feasible; and

WHEREAS, the City and MidPen and Habitat desire to commence negotiations over the possible development of a proposed affordable housing development ("Project") on the Property, including approximately eighty-five (85) affordable homeownership units and eight-five (85) affordable rental homes, including one unrestricted manager's unit, serving projected incomes from 20 percent to 120 percent of Area Median Income; and

WHEREAS, MidPen and Habitat are both California non-profit public benefit corporations formed to undertake this and other similar developments in the future; and

WHEREAS, on December 11, 2018, the City adopted Resolution No. 87467 C.M.S. authorizing the City Administrator or her designee to negotiate and enter into an Exclusive Negotiating Agreement ("ENA") with MidPen and Habitat for purposes of studying and evaluating the feasibility of the Project, negotiating terms and conditions for the potential development of the Project, including negotiating an LDDA, Ground Lease and related documents, and conducting California Environmental Quality Act ("CEQA") review and approval; and

WHEREAS, in the course of negotiations regarding the terms of the ENA, City staff has found that the authorizing resolution constrained their ability to explore entering into more than one disposition agreement for the site, and to explore entering into a DDA for the homeownership portion of the project; and

WHEREAS, the City, MidPen and Habitat desire to dedicate time for the preliminary study and exclusive negotiations of the proposed Project and Project documents, including one or more LDDAs, DDAs, Ground Leases and related documents, with the understanding that such study and negotiations do not constitute a binding commitment on the part of the City to the proposed Project, MidPen, Habitat, or any other development of the Property, and that staff will return to City Council to seek authorization to execute any and all LDDAs, DDAs, Ground Leases and related documents; now, therefore, be it

RESOLVED: That the City Administrator or her designee is authorized to negotiate and enter into an Exclusive Negotiation Agreement ("ENA") with MidPen and Habitat for purposes of studying and evaluating the feasibility of the Project, negotiating terms and conditions for the potential development of the Project, including negotiating one or more LDDAs, DDAs, Ground Leases and related documents, and conducting California Environmental Quality Act ("CEQA") review and approval; and be it

FURTHER RESOLVED: That the exclusive negotiation period shall be for eighteen months from the date of original Council approval of Resolution No. 87467 C.M.S., with the option to extend said period an additional six months at the discretion of the City Administrator or her designee; and be it

FURTHER RESOLVED: That this Resolution does not commit the City to the expenditure of any funds, and total Project cost will depend on the end Project and financing sources; and be it

FURTHER RESOLVED: That MidPen and Habitat shall bear sole responsibility for all costs associated with developing the Project for approval, including consultant fees, permitting fees, legal fees, financing expenses, etc.; and be it

FURTHER RESOLVED: That the City finds and determines, after independent review and consideration, that the authorization to enter into the ENA with MidPen and Habitat 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 City Administrator or his/her designee shall cause to be filed with the County of Alameda a Notice of Exemption from CEQA requirements; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator or his/her designee to negotiate and enter into other agreements and take all other actions necessary with respect to the ENA and the Project consistent with this Resolution and its basic purpose.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – KALB, FORTUNATO BAS, GIBSON MCELHANEY, THAO, GALLO, TAYLOR, REID, AND
PRESIDENT KAPLAN

NOES –

ABSENT –

ABSTENTION –

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