

2018 NOV 20 PM 12: 33

Approved as to Form and Legality

  
Deputy City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION NO. 87467 C.M.S.

---

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO ENTER INTO AN EXCLUSIVE NEGOTIATING AGREEMENT WITH MIDPEN HOUSING CORPORATION AND HABITAT FOR HUMANITY EAST BAY/SILICON VALLEY, OR THEIR AFFILIATED ENTITIES, FOR THE NEGOTIATION OF A LEASE DISPOSITION AND DEVELOPMENT AGREEMENT (“LDDA”) AND RELATED DOCUMENTS FOR DEVELOPMENT OF AFFORDABLE RENTAL AND HOMEOWNERSHIP HOUSING AT 1707 WOOD STREET (BETWEEN 18<sup>TH</sup> AND 20<sup>TH</sup> STREETS) IN OAKLAND, SUBJECT TO THE COMPLETION OF A CEQA AND NEPA DETERMINATION, IF APPLICABLE**

**WHEREAS**, the City of Oakland (“City”) owns approximately 3.12 acres of property located at 1707 Wood street between 18<sup>th</sup> and 20<sup>th</sup> 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 between 20% to 120% of Area Median Income; and

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

**WHEREAS**, the City and MidPen and Habitat desire to dedicate time for the preliminary study and exclusive negotiations of the proposed Project and Project documents, including an LDDA, Ground Lease 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 an LDDA, Ground Lease and related documents; now, therefore be it

**RESOLVED:** That the City Administrator or her designee is authorized 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 be it

**FURTHER RESOLVED:** That the exclusive negotiating period shall be for eighteen months from the date of Council approval of this Resolution, 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, DEC 11 2018

**PASSED BY THE FOLLOWING VOTE:**

AYES - ~~UNOAK~~ CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN,  
AND PRESIDENT REID ~ 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused 1 Books

ATTEST:



LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California