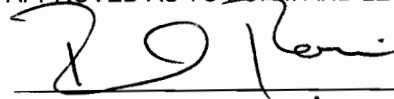


APPROVED AS TO FORM AND LEGALITY:



Agency Counsel

**REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND**

2011 - 0060

RESOLUTION No. _____ C.M.S.

**A RESOLUTION AUTHORIZING AN EXCLUSIVE NEGOTIATING
AGREEMENT WITH THE SPANISH SPEAKING UNITY COUNCIL FOR
PHASE II OF THE FRUITVALE TRANSIT VILLAGE AT THE
FRUITVALE BART STATION PARKING LOT**

WHEREAS, the Redevelopment Agency has acquired the Fruitvale BART Station parking lot property and is working to redevelop the property into Phase II of the Fruitvale Transit Village; and

WHEREAS, the Spanish Speaking Unity Council of Alameda County (the "Unity Council") has submitted a proposal to develop the property into a transit oriented development with 275 units of housing; and

WHEREAS, the Agency and the Unity Council wish 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;

WHEREAS, an Environmental Impact Report ("EIR") was previously prepared for the project; and

WHEREAS, said EIR was independently reviewed and considered by the City Planning Commission in evaluating the project in compliance with CEQA, the Guidelines for Implementation of the California Environmental Quality Act (14 CCR Sections 15000, et seq., the "State EIR Guidelines"), and the City's Environmental Review Regulations; and

WHEREAS, the Planning Commission certified the EIR on May 19, 2010 as being prepared in compliance with CEQA and made all the required CEQA findings, including without limitation: (1) determining that the EIR examined a reasonable range of alternatives, and that each alternative was rejected as infeasible for various reasons; (2) determining there were four significant and unavoidable impacts that could not be mitigated to less than significant levels; and (3) finding and determining that the benefits of the project outweigh any unavoidable adverse impact of the project; and

WHEREAS, the City Planning Commission approved the project on May 19, 2010 and a Notice of Determination was subsequently filed with Alameda County; now therefore be it

RESOLVED: That the Agency Administrator is hereby authorized to negotiate and enter into an Exclusive Negotiating Agreement with the Unity Council for purposes of studying and evaluating the feasibility of, and negotiating terms and conditions for the potential development of Phase II of the Fruitvale Transit Village at the Fruitvale BART Station parking lot; and be it

FURTHER RESOLVED: That the exclusive negotiating period will be for 12 months from the date of this Resolution, with the option to extend said period for an additional period not to exceed six months with the approval of the Agency Administrator; and be it

FURTHER RESOLVED: That the Redevelopment Agency hereby finds and determines that it has been presented and has independently reviewed and considered the information contained in the previously certified EIR, and the EIR complies with CEQA and the CEQA Guidelines' requirements for analysis of the project's environmental effects and mitigation measures, and that none of the changes to the project, or circumstances under which it will be undertaken, or new information of substantial importance require preparation of a subsequent or supplemental EIR; 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 hereby authorizes the Agency Administrator or his 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.


JUL 19 2011

IN AGENCY, OAKLAND, CALIFORNIA, _____, 2011

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL,
SCHAAF, AND CHAIRPERSON REID – 8

NOES- 0
ABSENT- 0
ABSTENTION- 0

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