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OFFICE OF THE CITY CLERK
OAKLAND

2014 JUL 10 PM 12:38

AGENDA REPORT

TO: HENRY L. GARDNER
INTERIM CITY ADMINISTRATOR

FROM: Rachel Flynn

SUBJECT: ENA with Harrison TDP Partners
LLC for 2315 Valdez Street and
2330 Webster Street

DATE: June 26, 2014

City Administrator
Approval

Date

7/8/14

COUNCIL DISTRICT: 3

RECOMMENDATION

Staff recommends that the City Council approve:

A Resolution Authorizing An Exclusive Negotiating Agreement For A Period Of One Year With The Option To Extend Administratively For 90 Days With Harrison TDP Partners LLC To Develop A Mixed-Use Project On City-Owned Properties At 2315 Valdez Street And 2330 Webster Street

OUTCOME

This authorization will allow the City Administrator to negotiate and enter into a one-year Exclusive Negotiating Agreement ("ENA"), with an optional administrative three-month term extension, between the City of Oakland ("City") and Harrison TDP Partners LLC or related entity ("Harrison TDP" or "Developer"). Harrison TDP proposes to develop a mixed-use development project, including 235 housing units (at least 15% of the units will be affordable), 15,000 square feet of retail and public parking (the "Project"), on City-owned properties located at 2315 Valdez Street and 2330 Webster Street ("Property"), which are located on the block bounded by Webster Street to the west, 23rd Street to the south, Valdez Street to the east, and 24th Street to the north.

During the ENA period, Harrison TDP will evaluate the feasibility of the Project, refine the Project program and design with input from the community and City staff, and complete California Environmental Quality Act ("CEQA") review. The City will have an appraisal and reuse appraisal completed for the Property and negotiate with Harrison TDP the terms and conditions of a Disposition and Development Agreement ("DDA") for a long-term ground lease

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or sale of the Property, and a Purchase and Sales Agreement ("PSA") for the City's purchase of a 242-space parking garage at the Project.

Entering into this ENA does not constitute a binding commitment on the part of the City to any project or developer for the Property.

BACKGROUND/LEGISLATIVE HISTORY

On March 16, 2010, the City Council, pursuant to Resolution No. 2010-0025 C.M.S., authorized the former Oakland Redevelopment Agency (the "Agency") to purchase properties located at 2315 Valdez Street and 2330 Webster Street from Oakland PPD Return, LLC, a subsidiary of Midwest Bank, for \$4,050,000. The purchase of the Property secured a strategically important site for the implementation of the Central District Area's Redevelopment Plan and the Broadway Valdez District Specific Plan.

Prior to this purchase in December 2005, the Property was entitled for a high-rise development with 281 residential units, 10,440 square feet of retail and a combination of 242 public parking spaces and 293 residential parking spaces. These entitlements also applied to two adjacent privately-owned parcels that were not part of the Agency's acquisition. The entitled project never went forward because of the Great Recession. The Property is encumbered with two parking agreements for a total of 242 spaces at prevailing market rates.

The Agency intended to sell the Property through a competitive developer selection process. However, in January of 2012, prior to the dissolution of Redevelopment statewide, the Agency transferred the property to the City. The City now has approval from the State Department of Finance to sell the site for future development, as proposed in the Long Range Property Management Plan ("LRPMP"), which was also approved by the Oakland Redevelopment Successor Agency and the Oversight Board. Pursuant to the LRPMP, the Property is subject to a compensation agreement whereby net unrestricted proceeds from a sale must be sent to the County Auditor-Controller for distribution to the other taxing entities including the City. Until such time the compensation agreement is fully executed by all taxing entities, title to the Properties cannot transfer to a developer.

In May 2014, the City received an unsolicited proposal from Harrison TDP to develop the Property into a mixed-use development. This proposed partnership will allow the City to develop a public parking garage of 242 parking spaces, which would serve current and future patrons and of the Broadway Valdez neighborhood, and provide 235 new residential units, at least 15% of which would be below-market rate units, to be affordable to very low and moderate income households who earn up to 50% and 80% of the area's median income (AMI). The Project will also include up to 15,000 square feet of retail.

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Harrison TDP is a partnership between three entities: multi-family residential developer Thompson Dorfman Partners, who has experience with developing urban in-fill and mixed-use properties, retail developer Madison Marquette, who will plan, market, and lease the retail portion of the Project, and the Masri family, who is an investor partner.

The Property is currently a surface parking lot for 200 cars that is managed by Douglas Parking pursuant to a month-to-month parking management agreement. This temporary use provides a revenue stream to the City until a new project is approved and developed at this location.

The size of the Property is approximately 1.42 acres or 62,066 square feet (see *Attachment A*, "Site Map"). The Property is zoned D-BV-2 Broadway Valdez District Retail Commercial Zone 2, which encourages ground-level retail, restaurants, entertainment, and art activities with pedestrian oriented, active storefronts uses and office and residential activities on upper-story spaces. The Property is located near the Lake Merritt area of downtown Oakland in the Broadway/Valdez District, approximately five blocks from the 19th Street Oakland BART Station, within two blocks of the entertainment and restaurant-filled Uptown District, and just over half of a mile from Oakland's Downtown City Center. The Property is not one of the Retail Priority Sites identified in the Broadway Valdez District Specific Plan. The Specific Plan only requires ground-floor retail for the Property.

ANALYSIS

Project Description

Harrison TDP's proposed project is consistent with the approved Broadway Valdez District Specific Plan, adopted by the City Council in July 2014 ("Specific Plan"). The Property is located next to retail priority sites and within the Valdez Triangle Subarea, which is identified in the Specific Plan as an area that promotes pedestrian-oriented retail within a mixed use setting that includes a complementary mix of retail, office, entertainment, and residential uses.

Currently, Harrison TDP has proposed two project scenarios, which offer different residential development programs based on further project feasibility analyses, including the result of the fair market value appraisal of the Property (see *Attachment B*, "Project Design"). Project scenario A would have approximately 235 residential rental units, including 47 below-market rate units affordable to very low income households (20% of the total units), associated common areas, approximately 350 parking spaces, and 15,000 square feet of leasable ground floor retail. Project scenario B would have approximately 235 residential rental units, including 21 below-market rate units affordable to moderate income households and 14 units affordable to very low income households (15% of the total units), associated common areas, approximately 350

parking spaces, and 15,000 square feet of leasable ground floor retail. 242 parking spaces will be separated into a public parking garage that would be owned by the City.

The contemplated transaction between the City and Harrison TDP would involve the sale of the Property from the City to Harrison TDP, and the purchase by the City of a public parking garage at development cost from Harrison TDP as a condominium ownership interest in the Project. The City would use a combination of bond funds and land sale proceeds to pay for the garage. The exact amount from each of these two funding sources can only be determined after the sales price for the garage has been agreed upon by the parties and the Property has been appraised to determine its fair market value and the sale price set, all of which would be part of the DDA.

Parking

The Property is encumbered with two parking agreements for a total of 242 spaces at prevailing monthly market rates. The parking spaces are reserved for tenants at the Ordway Building at 2150 Webster Street (200 spaces) and the office building located at 155 Grand Avenue (42 spaces) to the extent that each property owner has given prior notice to the parking operator about the number of spaces that must be set aside.

This parking lease will have an impact on the value and future development of the Property because any proposed Project will be required to provide the parking spaces pursuant to the terms of the parking leases. Staff will explore options with the Planning Department and CIM Group, the owner of the Ordway Building, to determine if the parking obligation can be reduced, but staff assumes at this time that the 242 parking spaces must be provided at the Property. By purchasing the parking and transferring the lease to the parking condominium, the City can maximize the land value and manage the parking to support retail development in the area. The parking can also be managed to provide parking for office tenants during office hours to satisfy the lease; while providing parking for residents and retail businesses in the evenings and weekends. It is important to note that the Broadway Valdez District Specific Plan encourages the construction of parking primarily serving retail uses in the early phases of development in the Specific Plan area. The proposed public parking component will continue to satisfy the terms of the parking agreements and provide parking to retail patrons when the parking spaces are not being used by tenants of the office building at 2150 Webster Street and 155 Grand Avenue.

Project Schedule

Harrison TDP currently proposes the following milestone schedule for the Project:

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PROPOSED MILESTONE SCHEDULE

Task	Date
ENA executed	July-14
Schematic design complete	October-14
Planning – discretionary approvals complete	February-15
DDA approval	March-15
Commence construction documents (CDs)	March-15
50% CDs	June-15
100% CDs	September-15
Apply for building and other permits. Bid project.	September-15
Obtain building permit- award contracts	February-16
Transfer of property	March-16
Commence construction	March-16
Complete construction	February-18

The above milestones represent a schedule that Harrison TDP intends to strive towards under a best-case scenario. These dates are subject to change. However, during the ENA period, Harrison TDP will submit certain deliverables to the City by specific dates. The Schedule of Performance is shown in *Attachment C*. In summary, during the ENA period, Harrison TDP will:

- Complete a market feasibility study and marketing strategy.
- Hold at least two public meetings to discuss the potential development plans for the Project.
- Submit conceptual and refined project development schedules and proformas.
- Complete design plans, including plans for public art and open space.
- Complete Project environmental review process pursuant to the California Environmental Quality Act (“CEQA”), including the preparation of the EIR and other CEQA documents as appropriate.
- Obtain all necessary planning approvals. The approval process will include public hearings with the Planning Commission, Design Review Committee, and any other necessary Boards or Committees as recommended by the Planning Commission or staff.
- Obtain letters of intent or commitment for financing from lenders and equity partners.
- Negotiate the terms and conditions of a DDA with the City, based on City’s appraisal of the Property.

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Upon completion of ENA activities and agreement on terms of a DDA and PSA, staff will return to the City with a recommendation to execute a DDA and PSA between the City and Harrison TDP.

The ENA

The proposed twelve-months ENA term should be sufficient to complete environmental review required under CEQA, to negotiate the terms of a DDA and PSA between the parties, including the purchase price of a public garage that will be part of the development, and to schedule a public hearing by the City Council to consider whether to approve a DDA and a PSA between the City and Harrison TDP for the development of the Project. In the event that the initial ENA term does not provide enough time for these activities, the City Administrator may grant an ENA extension of up to three months, if he is satisfied with Harrison TDP's progress in satisfying the requirements of the twelve-month schedule of performance of the ENA.

During the ENA period, Harrison TDP and the City will determine the fair market value of the Property and further refine Project assumptions. The results of the land appraisal and further project analysis will determine the final number of affordable housing units and their level of affordability. The purchase of the public parking, including the price, will also be negotiated during this period.

The City seeks to ensure that the Project will deliver certain benefits to the City and has established specific development criteria, such as affordable housing and 15,000 square feet of retail that the Developer must meet. In the event that the developer departs from the agreed upon Project description, the City reserves the right to terminate the ENA with the Developer.

PUBLIC OUTREACH/INTEREST

Harrison TDP will be required to complete a final Planned Unit Development permit which includes design review. This will require a full community review process with at least two community meetings and a public hearing before the Planning Commission. If the Project is required to prepare a supplemental EIR, there will be additional public outreach. All of these activities are required by the ENA and are part of the Schedule of Performance. When the Project is ready to move forward with a Disposition and Development Agreement, it will be presented to the Community Economic Development Committee and to City Council through a public hearing process.

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COORDINATION

The Project Implementation Division coordinated this report with the City Attorney's Office, the Budget Office, and Harrison TDP. During the ENA period, there will be coordination for the environmental review with the City's Department of Planning & Building and possibly the Public Works Agency. The execution of the ENA and negotiations for the DDA and PSA will involve extensive cooperation with the City Attorney's Office.

COST SUMMARY/IMPLICATIONS

The proposed legislation does not commit the City to expenditure of any funds. Harrison TDP will bear sole responsibility for all costs associated with developing the project for approval, including consultant fees (e.g. for market study and designs and CEQA consultant), permitting fees, legal fees, financing expenses, etc. The ENA shall require a \$25,000 Project Expense Payment ("PEP") by Harrison TDP, which is a nonrefundable good faith deposit, for purposes of reimbursing City for its staff costs and third party expenses such as appraisal costs.

POLICY ALIGNMENT

Harrison TDP's proposed use of the Property is consistent with the goals of the City's Broadway Valdez District Specific Plan, General Plan, and Redevelopment Plan, all of which have included extensive community engagement process. It is also in alignment with the City's priority of fostering sustainable economic growth and development for the benefit of Oakland residents and businesses by:

- Developing housing for all incomes
- Reducing blight
- Continuing to develop retail space and other attractions that will draw visitors to the City of Oakland.

SUSTAINABLE OPPORTUNITIES

Economic: The sale of land to Harrison TDP would generate land sale proceeds and provide a public parking garage that will support existing and new commercial and retail activities in the Broadway Valdez District. The Project would transform vacant underutilized land into productive use. This development would also serve as a catalyst to bring more retail to downtown Oakland

The Project is in the pre-development phase, and projections on the number of jobs and tax benefits generated as a result of this Project will be assessed during the ENA phase.

Environmental: By developing in established areas, this Project reduces the pressure to construct on agricultural and other undeveloped land, and thereby contributes to the prevention of urban sprawl. The location of the Project in proximity to major public transportation nodes will likely encourage project residents and retail customers to use BART and AC Transit. Staff will negotiate with the developer to incorporate as many "environmental sustainability" features into the design and construction of the project as are practical and financially feasible. The DDA and PSA will include specific requirements for these features.

Social Equity: If the Property is not sold at its fair market value or if the City opts to acquire a public parking component in the new garage, Harrison TDP must comply with the City's contracting programs, including the Small/Local Business Construction Program, the Small/Local Business Professional Services Program (L/SLBE) and the Local Employment Program for either the entire Project or only the public parking component of the Project. All of the workers performing construction work for the City funded Project component must be paid prevailing wages. The Developer will also be subject to the Living Wage Ordinance in the event of a subsidy for the affordable housing.

Staff will ensure that Harrison TDP will host at least two community design meetings during the proposed ENA period to discuss potential development plans. This community participation process will inform and engage a variety of stakeholders so that the best design possible can be created. Harrison TDP will be required to include a public art plan within the Project.

CEQA

The City has determined, after independent review and consideration, that the proposed authorization of an ENA with Harrison TDP complies with CEQA because it 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.

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Henry L. Gardner, Interim City Administrator

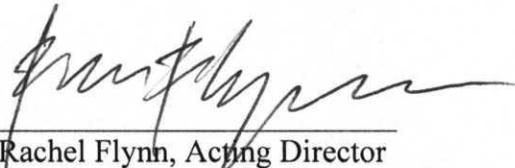
Subject: ENA with Harrison TDP Partners LLC for 2315 Valdez & 2330 Webster

Date: June 26, 2014

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For questions regarding this report, please contact Esther Chan, Urban Economic Analyst, at 510-238-6169.

Respectfully submitted,



Rachel Flynn, Acting Director
Economic & Workforce Development Department

Reviewed by:

Gregory Hunter, Project Implementation Division
Patrick Lane, Redevelopment Manager

Prepared by:

Esther Chan, Urban Economic Analyst II
Jens Hillmer, Urban Economic Coordinator

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2315 Valdez and 2330 Webster Project
Exclusive Negotiating Agreement
Attachment A: Site Map



ATTACHMENT B

Project Design

(2300 Webster – 2315 Valdez
Exclusive Negotiating Agreement)

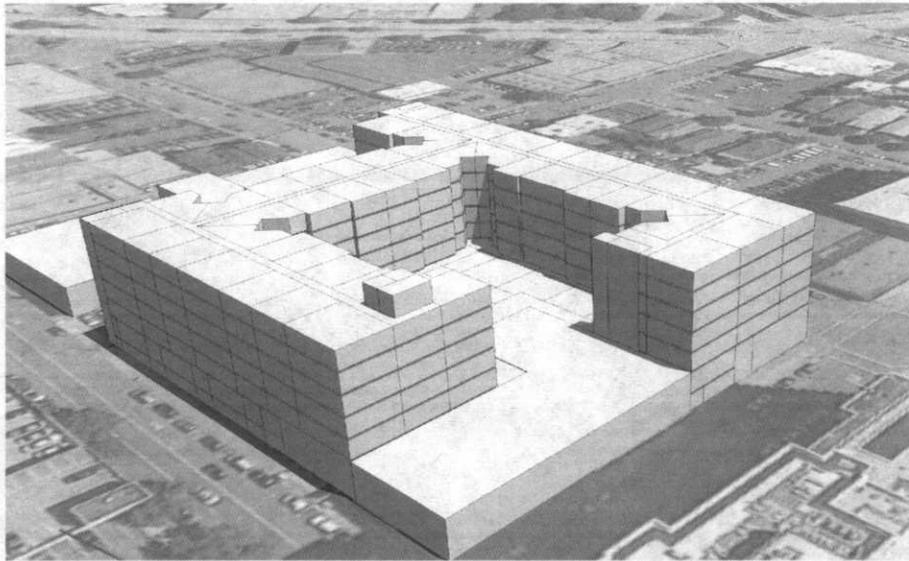
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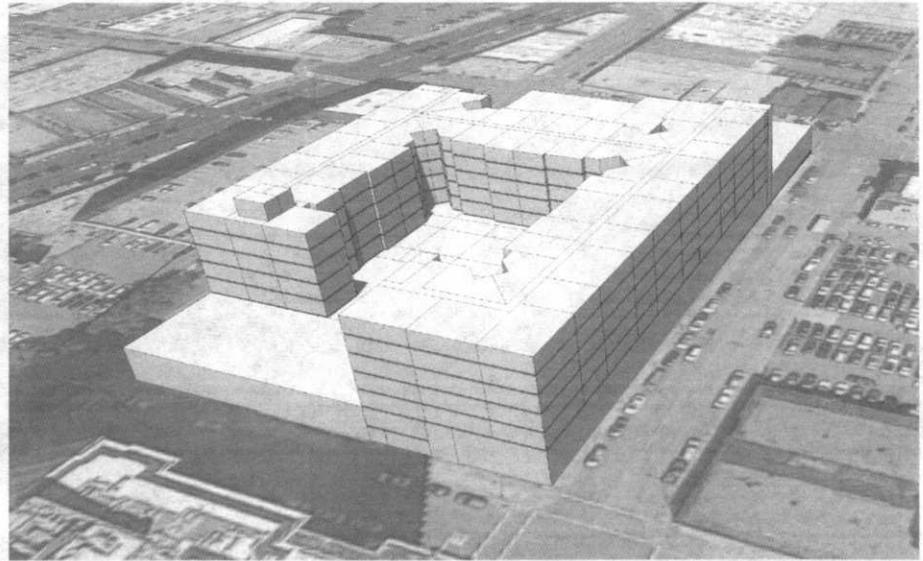
North-West Aerial View



North-East Aerial View



South-West Aerial View



South-East Aerial View

25 JUNE 2014
PROJECT NO: 48577
2470 MARINE SQUARE LOOP
OAKLAND, CA 94612
T: 510.882.8531 F: 510.882.8544
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THE WEBSTER SCHEME³
OAKLAND, CALIFORNIA
MBH arch



MBH arch THE WEBSTER SCHEME 3
OAKLAND, CALIFORNIA

25 JUNE 2014
PROJECT NO: 48577
2470 MARINER SQUARE LOOP
ALAMEDA, CA 94601
T 510.845.8463 F 510.852.1811
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**EXCLUSIVE NEGOTIATING AGREEMENT
ATTACHMENT C: SCHEDULE OF PERFORMANCE**

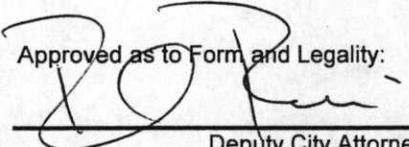
Property: 2330 Webster Street & 2315 Valdez Street
Developer: Harrison TDP Partners LLC
Approximate CED approval: July 22, 2014
Approximate City Council Approval: July 29, 2014
Negotiation Period: 12 months with 90 day extension option
Approximate Execution of ENA: July 29, 2014
Project Expense Payment: \$25,000

Item #	ENA SCHEDULE OF PERFORMANCE	Within Number of Calendar days of the Commencement of the Negotiation Period	Approx due date assuming July 29, 2014 execution
1	CEQA & PERMITS City provides all existing environmental, geological, engineering and other reports about Property's condition.	30	28-Aug-14
2	DDA City provides list of approved appraisers to Developer.	45	12-Sep-14
3	DDA City provides draft DDA and PSA prior to start of negotiations with Developer	60	27-Sep-14
4	DESIGN Developer retains design team to prepare concept plans.	60	27-Sep-14
5	MARKET STUDY & STRATEGY Developer retains economic feasibility consultant (if Developer deems necessary)	60	27-Sep-14
6	CEQA & PERMITS Developer retains environmental consultants to prepare documents for CEQA review of Project. Developer's CEQA consultant shall compare proposed development project with the development program assumed under the Broadway Valdez District Specific Plan.	75	12-Oct-14
7	PROJECT TEAM Balance sheets and income/loss statements for last 2 years (2012, 2013) for Development Team; including Developer's expanded team	90	27-Oct-14
8	PROJECT TEAM Description of financial and legal structure of the Development Team, including partnership agreements, joint venture agreements, etc.	90	27-Oct-14
9	PROJECT TEAM Developer's corporate, LLC, or partnership status	90	27-Oct-14
10	PROJECT TEAM Development team's experience including: candidate for-fee developer, architect, general contractors, marketing	90	27-Oct-14
11	PROJECT TEAM Development team's litigation status (if required, upon request)	90	27-Oct-14
12	CEQA & PERMITS Developer's CEQA consultant shall review the Broadway/Valdez Retail District Specific Plan Environmental Impact Report to determine if it is adequate for CEQA clearance of the proposed development project, any additional work that may be required, and if there is anything unique about the project and/or its location. Developer's CEQA consultant shall meet with the City to discuss the proposed CEQA approach.	105	11-Nov-14
13	CEQA & PERMITS Submit Project Description for environmental review purposes to City.	105	11-Nov-14
14	DDA City submits final appraisal report.	105	11-Nov-14
15	PROJECT FINANCING & SCHEDULE Project development schedule, including construction and absorption projections and retail space schedule.	120	26-Nov-14
16	CEQA & PERMITS Based on the specific CEQA approach for the project, Developer's CEQA consultant shall prepare a draft scope of work, based upon the City's "Guidelines for Environmental Consultant Contracts Concerning Private Development Projects" (dated 1/5/12), for City review and approval, that analyzes the specific environmental topics and type of CEQA document that is required to complete CEQA clearance – Initial Study, Addendum and/or Supplemental EIR.	135	11-Dec-14
17	PROJECT FINANCING & SCHEDULE Proformas: dev't budget, sources & uses of funds, 10-yr cash flow, operating budget. (Including Public Garage Component). Developer submits request for gap financing with proforma.	135	11-Dec-14
18	DESIGN First public meeting on proposed development plan.	150	26-Dec-14
19	CEQA & PERMITS Submit applicable zoning and other land use permit pre-applications.	165	10-Jan-15
20	MARKET STUDY & STRATEGY Complete market feasibility study for components City deems necessary according to proposed project (ie. Retail, housing, etc.).	180	25-Jan-15
21	CEQA & PERMITS If supplemental/subsequent EIR is required, Developer's CEQA consultant shall cause the issuance of a Notice of Preparation (NOP) subject to City review and approval.	195	9-Feb-15
22	DDA City preliminarily responds to Developer's request for gap financing within 60 days receipt of Project Proformas. Final amount of gap financing is subject to further review upon receipt of refined proforma and contingent upon final Council approval.	195	9-Feb-15
23	CEQA & PERMITS Submit applicable zoning and other land use permit applications.	210	24-Feb-15
24	DESIGN Submit Schematic Design Plans.	210	24-Feb-15
25	PARKING GARAGE PLAN Conceptual plan covering operational & management structure for pkg garage as it relates to retail tenants, residential and general public	210	24-Feb-15

Item #	ENA SCHEDULE OF PERFORMANCE	Within Number of Calendar days of the Commencement of the Negotiation Period	Approx due date assuming July 29, 2014 execution
26	MARKET STUDY & STRATEGY Detailed Letters of Intent from key tenants	230	16-Mar-15
27	DESIGN Second public meeting on proposed development plan	240	26-Mar-15
28	DESIGN Submit List of all public improvements.	240	26-Mar-15
29	DESIGN Submit Public art plan.	240	26-Mar-15
30	PROJECT FINANCING & SCHEDULE List of lenders and investors approached.	240	26-Mar-15
31	MARKET STUDY & STRATEGY Complete marketing strategy	270	25-Apr-15
32	PROJECT FINANCING & SCHEDULE UPDATED & REFINED: Proformas: dev't budget, sources & uses of funds, 10-yr cash flow, operating budget. (Including Public Garage Component)	270	25-Apr-15
33	PROJECT FINANCING & SCHEDULE UPDATED & REFINED: Project development schedule	270	25-Apr-15
34	CEQA & PERMITS If Addendum and/or other CEQA document is required, submit an administrative draft of the CEQA document.	285	10-May-15
35	CEQA & PERMITS Submit schedule of approvals for zoning, design review, environmental review and code requirements for the Project.	285	10-May-15
36	PARKING GARAGE PLAN Final Plan for parking garage	300	25-May-15
37	PROJECT FINANCING & SCHEDULE Letters of intent (LOIs) from lenders and equity partners to finance project.	300	25-May-15
38	CEQA & PERMITS Complete CEQA review. Developer: Complete environmental assessment, identify site mitigations. City: complete environmental review, file Notice of Determination and/or Notice of Exemption.	330	24-Jun-15
39	DDA Complete DDA Negotiations.	330	24-Jun-15
40	DDA Submit final appraisal and reuse appraisal report. City and Developer shall agree upon appraiser. Developer pays for this appraisal.	330	24-Jun-15
41	CEQA & PERMITS Obtain all necessary planning approvals. The approval process will include public hearings with the Planning Commission, Design Review Committee, and the Parks and Recreation Advisory Committee (PRAC).	360	24-Jul-15

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2014 JUL 10 PM 12:38

Approved as to Form and Legality:

Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

A RESOLUTION AUTHORIZING AN EXCLUSIVE NEGOTIATING AGREEMENT FOR A PERIOD OF ONE YEAR WITH THE OPTION TO EXTEND ADMINISTRATIVELY FOR 90 DAYS WITH HARRISON TDP PARTNERS, LLC, TO DEVELOP A MIXED-USE PROJECT ON CITY-OWNED PROPERTIES AT 2315 VALDEZ STREET AND 2330 WEBSTER STREET

WHEREAS, the City owns approximately 1.42 acres of property located on the block bounded by Webster Street to the west, 23rd Street to the south, Valdez Street to the east, and 24th Street to the north (the "Property"); and

WHEREAS, Harrison TDP Partners, LLC ("Harrison TDP"), a limited liability company that consists of Thompson Dorfman, Madison Harrison Bay LLC and Masri Family Limited Partnership A, LP, submitted a proposal to purchase the Property and develop a mixed-use project on the Property with a total of approximately 250 residential units with at least fifty below-market rate units for very low income households, at least 15,000 square feet of retail, and approximately 350 parking spaces, a portion of which will be public parking (the "Project"); and

WHEREAS, Harrison TDP proposes to acquire the Property and provide the City with an option to repurchase for development cost a certain number of new parking spaces in the garage to be built at the Property; and

WHEREAS, the City and Harrison TDP, as the prospective developer, wish to enter into a period of preliminary study and exclusive negotiations over the proposed Project, understanding that this does not constitute a binding commitment on the part of the City to any project or developer for the Property; now, therefore, be it

RESOLVED: That the City hereby authorizes the City Administrator or his/her designee to negotiate and enter into an Exclusive Negotiating Agreement ("ENA") with Harrison TDP for the purposes of studying and evaluating the feasibility of, and negotiating terms and conditions for, the transfer of the Property, its development for retail, residential, public parking and other uses, and the City option to repurchase a certain number of public parking spaces developed as part of the Project, and conducting California Environmental Quality Act ("CEQA") review and approval; and be it

FURTHER RESOLVED: That the exclusive negotiating period will be for twelve months from the date of this Resolution, with the option by the City to extend said period by an additional 90 days with the approval of the City Administrator or his/her designee in his/her sole discretion; and be it

FURTHER RESOLVED: That the City shall require payment of a \$25,000 Project Expense Payment by Harrison TDP for purposes of reimbursing City for its staff costs and third party expenses; and be it

FURTHER RESOLVED: That the \$25,000 nonrefundable Project Expense Payment from Harrison TDP will be appropriated to Miscellaneous Capital Projects Fund (Fund 5999) and a project to be created; and be it

FURTHER RESOLVED: That the ENA shall be reviewed and approved as to form and legality by the City Attorney's Office prior to execution; and be it

FURTHER RESOLVED: That the City finds and determines, after independent review and consideration, that this action complies with CEQA because it 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 for this action; and be it

FURTHER RESOLVED: That the City Administrator or his/her designee is further authorized to negotiate and enter into agreements and take whatever action is necessary with respect to the ENA and the Project, consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON McELHANEY, KALB, KAPLAN, REID, SCHAAF, and
PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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