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REVISED

REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND

REVISED

RESOLUTION ~~80~~ 04-26 - - C. M. S.

**RESOLUTION AUTHORIZING THE AGENCY ADMINISTRATOR TO
NEGOTIATE AND EXECUTE A THREE-PARTY EXCLUSIVE
NEGOTIATING AGREEMENT WITH MACARTHUR TRANSIT
COMMUNITY PARTNERS, LLC. AND THE SAN FRANCISCO BAY
AREA RAPID TRANSIT DISTRICT TO PURSUE THE DEVELOPMENT
OF A TRANSIT VILLAGE AT THE MACARTHUR BART STATION**

WHEREAS, the City of Oakland is working to redevelop the MacArthur BART Station and the surrounding properties into a transit village; and

WHEREAS, the Redevelopment Agency formed the Broadway/MacArthur/San Pablo Redevelopment Project Area in July 2000, which includes the proposed transit village site; and

WHEREAS, the Agency entered into an Exclusive Negotiating Agreement with Creative Housing Associates, LLC to evaluate the feasibility of a mixed-use development project for the MacArthur Transit Village in July 2002; and

WHEREAS, the Agency and the Bay Area Rapid Transit District ("BART") entered into a Memorandum of Understanding in October 2002 to cooperatively pursue private development at the MacArthur BART Station; and

WHEREAS, Creative Housing Associates was not able to develop a project proposal that reflected the goals of the Agency, BART, and the community, and the ENA administratively expired in March 2003; and

WHEREAS, the Agency and BART issued a joint Request for Proposals for a new development team for the MacArthur Transit Village in September 2003; and

WHEREAS, the Agency and BART received five submissions from development teams in response to the Request for Proposals in November 2003; and

WHEREAS, the Agency and BART established a selection panel to evaluate the

proposals that consisted of community representatives, Councilmember Brunner, BART Board Director Lynette Sweet, and staff from the Agency, the City, and BART; and

WHEREAS, the selection panel unanimously selected a development team that consists of a partnership of Aegis Equity Partners, Shea Properties, and BUILD (BRIDGE Urban Infill Land Development, LLC), organized as MacArthur Transit Community Partners, LLC ("MTCP"); and

WHEREAS, the Agency, BART, and MTCP wish to enter into a period of preliminary study and negotiations over the project proposal, agreeing that this does not constitute a binding commitment on the part of the Agency to any developer or to participate in any project; and

WHEREAS, in consideration for the exclusive right to negotiate for this project with the Agency and BART, MTCP will submit a non-refundable deposit of \$50,000; and

WHEREAS, the Agency has independently reviewed and considered this environmental determination, and the Agency finds and determines that this action complies with CEQA because this action on the part of the Agency 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; now therefore be it

RESOLVED: That the Agency Administrator is authorized to negotiate and enter into a three-party Exclusive Negotiating Agreement with MTCP and BART for purposes of studying and evaluating the feasibility of, and negotiating terms and conditions for the potential development of a transit village at the MacArthur BART Station including, but not limited to, the following provisions:

- MTCP will submit a non-refundable Good Faith Deposit of \$50,000. The funds from this deposit will be used by the Agency and BART to help cover costs incurred during the negotiating period.
- MTCP will submit a project description suitable for environmental review purposes that includes site plans, elevations, proposed project circulation, and interim replacement parking strategies for the existing BART surface parking;
- MTCP will develop a project pro forma to evaluate the financial feasibility of the project that will include an analysis of the need for financial assistance from the Redevelopment Agency and grant funds from transportation funding sources;
- The Agency will authorize work to begin on a consultant contract to complete an EIR/EIS for the project;
- MTCP will negotiate a Project Labor Agreement with Union Labor to govern the construction of the project;

and be it further

RESOLVED: That the exclusive negotiating period will be for 12 months, with the option to extend said period, with the approval of the Agency Administrator in her sole discretion, until the Environmental Impact Report/Environmental Impact Statement for the project is certified; and be it further

RESOLVED: That the Agency hereby appropriates and authorizes expenditure of up to \$50,000 of the Good Faith Deposit from MTCP, to be deposited into Broadway/MacArthur/San Pablo Capital Fund MacArthur Transit Village Project (Fund 9530, Project P187440); 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 Administrator or 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 Agency hereby authorizes the Agency Administrator or her designee to take all other actions necessary with respect to the Exclusive Negotiating Agreement and the project consistent with this Resolution and its basic purposes.

IN AGENCY, OAKLAND, CALIFORNIA, JUN 1 2004, 2004

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN, AND
CHAIRPERSON DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:


CEDA FLOYD
Secretary of the Redevelopment
Agency of the City of Oakland