

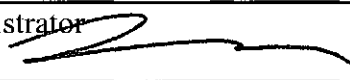


AGENDA REPORT

TO: FRED BLACKWELL
CITY ADMINISTRATOR

FROM: Rachel Flynn

SUBJECT: Memorandum of Agreement with City of Emeryville for 3706 San Pablo Avenue **DATE:** March 17, 2014

City Administrator Approval 

Date 3/26/14

COUNCIL DISTRICT: 1

RECOMMENDATION

Staff recommends that the City Council adopt:

A Resolution Authorizing the City Administrator or Designee to Enter into a Memorandum of Agreement with the City of Emeryville for the Development of a Property at 3706 San Pablo Avenue Located Within Both Jurisdictions

EXECUTIVE SUMMARY

The City of Emeryville seeks to enter into a Memorandum of Agreement (“MOA”) with the City of Oakland whereby the City of Emeryville would assume the approval authority for all planning and building permits/approvals for a development project located at 3706 San Pablo Avenue/1025 West MacArthur Boulevard that would be located in both cities. Staff recommends approval of the MOA because, among other reasons, the project site is primarily in Emeryville and allowing Emeryville to process the development permits/approvals would allow for a more efficient review of the proposed development by eliminating unnecessary redundant permit/approval processing by both cities.

OUTCOME

The proposed resolution would authorize the City Administrator to enter into a MOA whereby the City of Emeryville would assume the approval authority for all planning and building permits/approvals for a development project located at 3706 San Pablo Avenue/1025 West MacArthur Boulevard.

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BACKGROUND/LEGISLATIVE HISTORY

In 2012 the City of Emeryville issued a Request for Proposals (“RFP”) to develop the City-owned site located at 3706 San Pablo Avenue/1025 West MacArthur Boulevard at the intersection of San Pablo Avenue and West MacArthur Boulevard. EAH Housing, a nonprofit affordable housing developer, responded to the RFP with a proposal to construct 86 units of affordable housing. The City is currently in negotiations with the developer on the rights to develop the project and estimates that the planning review process would occur this fall.

The project site is located in both the City of Emeryville and the City of Oakland. The western portion of the site along San Pablo Avenue (approximately 63 percent of the site) is located in Emeryville and the eastern portion of the site towards Linden Street (approximately 37 percent of the site) is located in Oakland. Approximately 80 percent of the proposed new building would be located within Emeryville.

ANALYSIS

The City of Emeryville seeks to enter into a MOA with the City of Oakland to assume the approval authority for all planning and building permits/approvals for the project. The draft MOA is attached to this report (see *Attachment A*). Preliminary drawings for the project are also attached (see *Attachment B*). The draft MOA contains the following key elements:

1. The City of Emeryville will have approval authority for all planning and building permits/approvals for the project.
2. The City of Emeryville will act as the lead agency for complying with the California Environmental Quality Act (“CEQA”).
3. The City of Oakland will have an opportunity to review and comment on the proposed project.
4. The City of Emeryville will provide public notices on the project to properties within 300 feet of the site, including properties located in Oakland.
5. The City of Emeryville will provide police and fire services to the development.
6. Each city will have the permitting/approval authority for project improvements located within its public right-of-way.

Staff recommends approval of the MOA for the following reasons:

- A. The property is owned by the City of Emeryville.

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- B. The majority of the site and proposed building are located within the City of Emeryville.
- C. The primary frontage of the proposed building, where the building will be most visible, is located on San Pablo Avenue in the City of Emeryville.
- D. The City of Emeryville will provide police and fire services to the new development, including to portions of the development located in the City of Oakland.
- E. Allowing one jurisdiction to assume the permitting and approval authority creates a more efficient project review process by eliminating unnecessary redundant processing by both jurisdictions.
- F. The land uses and density of the proposed development are consistent with the Oakland General Plan and Zoning Regulations.
- G. The MOA is consistent with past practice concerning the processing of development permits/approvals for projects located in Oakland and Emeryville, including the Ambassador (36th Street and Adeline Street), City Limits (67th Street and San Pablo Avenue), Greer City Lofts (41st Street and Adeline Street), Vue 46 (46th Street and Adeline Street), Bakery Lofts (53rd Street and Adeline Street), and Artisan Walk (66th Street and San Pablo Avenue).

POLICY ALTERNATIVES

The City Council could choose to not enter into the MOA thereby retaining planning and building permitting/approval authority over the portion of the project in the City of Oakland, or it could choose to modify the MOA so that the City retains authority over just the planning permits/approvals or just the building permits/approvals. The advantage of these alternative actions is that the City would retain its ability to control land use and development within its city boundaries. The disadvantage of these alternatives is that the project would be subject to two redundant review processes. Staff does not recommend these alternatives because it would create a less efficient review process for the project and be inconsistent with past practice concerning developments located in both Emeryville and Oakland where both cities have benefitted from a more efficient development review process.

COORDINATION

Staff from the Department of Planning and Building has worked closely with the City Attorney's Office on the preparation of the draft MOA. Both the City Attorney's Office and the Budget Office have reviewed this report and resolution.

COST SUMMARY/IMPLICATIONS

There are no direct costs to the City of Oakland associated with the proposal. The City would not receive application fees for planning and building permits/approvals but would not incur staff costs since the review would be conducted by the City of Emeryville. The proposed development would increase property tax revenue to the City while the majority of public services (e.g., police and fire service) would be provided by the City of Emeryville.

SUSTAINABLE OPPORTUNITIES

Economic: The proposed development would increase property tax revenue for the City and increase the number of potential customers to support local commercial districts in Emeryville and Oakland.

Environmental: The proposed development would comply with CEQA (see below) and green building regulations and locate housing on an urban corridor with available public transit thereby reducing greenhouse gas and other emissions associated with automobile use.

Social Equity: The proposed development would contain affordable housing units thereby increasing the supply of affordable housing.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Under the MOA the City of Emeryville would act as the lead agency. Emeryville would be responsible for ensuring environmental compliance under CEQA. During the course of the planning review of the proposed project, Emeryville would determine the appropriate level of environmental review and conduct any necessary environmental studies, such as a transportation impact study and visual analysis.

Fred Blackwell, City Administrator

Subject: Memorandum of Agreement for 3706 San Pablo Avenue

Date: March 17, 2014

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For questions regarding this report, please contact Darin Ranelletti, Deputy Director of Planning and Zoning, at (510) 238-3663 or dranelletti@oaklandnet.com.

Respectfully submitted,



RACHEL FLYNN, Director
Department of Planning and Building

Prepared by:
Darin Ranelletti, Deputy Director
Planning and Zoning Division

Attachments:

- A. Draft Memorandum of Agreement*
- B. Preliminary Project Drawings*

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April 8, 2014

Attachment A

Draft Memorandum of Agreement

MEMORANDUM OF AGREEMENT

Between City of Emeryville and City of Oakland
for the 3706 San Pablo Avenue/1025 West MacArthur Boulevard Project

This MEMORANDUM OF AGREEMENT ("MOA"), dated as of this _____ day of _____, 2014 ("Effective Date"), is entered into by and between the City of Emeryville, a municipal corporation ("Emeryville") and the City of Oakland, a municipal corporation ("Oakland"), with reference to the following facts and circumstances:

RECITALS

- A. The property located at 3706 San Pablo Avenue/1025 West MacArthur Boulevard (the "Property") consists of one development parcel comprised of five separate parcels (APN Nos. 012-0951-011, 049-0951-004-02, 049-0951-005-01, 049-0951-006-01, and 049-0951-007), that straddles the Emeryville/Oakland border. The Property is depicted in Exhibits A and B attached hereto and incorporated herein. The Property is generally bounded by San Pablo Avenue on the west, West MacArthur Boulevard on the north, Linden Street and residential properties fronting on Linden Street on the east, and 37th Street and residential properties fronting on 37th Street on the south. The Property consists of 49,161 square feet, (approximately 1.13 acres) as determined from Alameda County Assessor's data, approximately 31,001 square feet (0.71 acres) or 63% of which is located in Emeryville, and approximately 18,160 square feet (0.42 acres) or 37% of which is located in Oakland. The Property is currently vacant, the former commercial buildings having been demolished, and is essentially level.
- B. The Property is owned by the City of Emeryville, which issued a Request for Qualifications and Proposals for design and development of an affordable rental housing project (the "Project") on September 27, 2012. The Emeryville City Council selected EAH Housing, Inc. as the developer of the site on October 15, 2013. The City is currently developing an Exclusive Right to Negotiate (ERN) with EAH Housing, Inc. Following execution of the ERN, EAH Housing, Inc. will seek entitlements for the Project from the Emeryville Planning Commission. A preliminary conceptual plan of the Project is depicted in Exhibit C, attached hereto and incorporated herein, indicating that approximately 80% of the proposed building footprint would be located in Emeryville.
- C. Currently, jurisdiction over the Property is shared between the cities of Emeryville and Oakland. The City of Oakland is responsible for ongoing permitting and approvals for improvements wholly within the City of Oakland. The City of Emeryville is responsible for ongoing permitting and approvals for improvements wholly within the City of Emeryville.

- D. Both Emeryville and Oakland desire to see the Property developed in a manner that is compatible with the surrounding properties and consistent with the cities' plans.
- E. In order to efficiently consider the Project, the cities desire to enter into this Memorandum of Agreement to codify the designation of Emeryville as the lead agency for the purposes of both land use approvals and building inspection of the Project, including but not limited to issuance of building and occupancy permits, and the provision of 911 and other municipal services to the Project, consistent with the terms and conditions contained in this Memorandum of Agreement.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

I. Lead Agency under CEQA

Emeryville shall serve as Lead Agency for purposes of review of the Project under the California Environmental Quality Act (CEQA).

II. Planning Approval Process

The City of Emeryville will be the approval authority for all land use approvals regarding the Project, including but not limited to zoning approvals, variances, and issuance of conditional use permits or the like, to the extent any such approvals may be necessary. Emeryville shall apply its land use regulations to the entire Project, except as may be otherwise stated in this MOA.

- A. Applications. In the event the Project applicant submits a planning application to the City of Emeryville Planning Commission, a copy of the planning application will be sent to the City of Oakland. The City of Oakland shall have no less than 14 calendar days to review and comment on the planning application prior to notices regarding the project being sent to neighbors as required by the City of Emeryville Municipal Code. The notice regarding the Project will be sent to the City of Oakland at the same time as the notices are sent to neighbors as required by the City of Emeryville Municipal Code. Any staff reports will be sent to the City of Oakland prior to a Planning Commission hearing at the same time the report is made available to the public.
- B. Noticing. In undertaking noticing for actions by the City of Emeryville, all property owners within a 300-foot radius of the Property will be notified to ensure that neighbors from both jurisdictions are notified of the Project.

- C. Conditions of Approval. The City of Emeryville will provide the City of Oakland with a copy of the Conditions of Approval for the Project if and when the Project is approved.
- D. Ongoing Jurisdiction. Both Emeryville and Oakland understand that, by virtue of the proposed location of this Project, if approved, a portion of the Project will be constructed within the City of Emeryville, and a portion of the Project will be constructed within the City of Oakland. As a consequence, except as otherwise provided in this MOA, the residents of the Project will be subject to the laws of both cities. Oakland acknowledges the continuing jurisdiction of the City of Emeryville and its Municipal Code within those portions of the Project located within the City of Emeryville, and will not undertake any action or approval that will result in any violation of any of those laws. Emeryville acknowledges the continuing jurisdiction of the City of Oakland, its Charter and Municipal Code within those portions of the Project located within the City of Oakland and will not undertake any action or approval that will result in any violation of those laws, except as may regard planning or building approvals for buildings partially located in the City of Emeryville.

Following issuance of a certificate of occupancy for the Project by Emeryville, building permits and inspections for any future modifications, renovations, or improvements to the building will be administered by the City in which such modifications, renovations, or improvements are wholly or mostly physically located.

The City of Oakland and the City of Emeryville both reserve the right to take such actions as necessary to enforce the laws, conditions or requirements within each city. Both cities agree to cooperate with the other city in any action undertaken to enforce any condition or requirement imposed on the Project.

III. Building and Permit Issues

- A. Building Permit and Plan Check. Emeryville will be responsible for building permit issuance, plan check, issuance of certificates of occupancy, building inspections and similar activities for the entire Project consistent with the appropriate procedures, fees, and standards of Emeryville. Except as set forth elsewhere in this MOA, inspections of the Project will be conducted by the City of Emeryville. Prior to the issuance of a building permit, the Alameda County Fire Department, on behalf of the City of Emeryville, shall review and approve the fire and life safety systems including, but not limited to, fire hydrants, fire sprinkler systems, fire alarm systems, fire department access, and water distribution systems. In addition, prior to the issuance of a building permit, the

Emeryville Planning Division shall review the building permit plans to ensure compliance with the approved Conditions of Approval.

- B. Building Address. The Project shall have an Emeryville address on San Pablo Avenue, West MacArthur Boulevard, and/or 37th Street.
- C. "As Built" Plans. Following issuance of a certificate of occupancy, Emeryville will forward "as built" building plans to the City of Oakland for Oakland's records.

IV. Emergency Service

- A. Emergency Response. The Emeryville Police Department and the Alameda County Fire Department, on behalf of the City of Emeryville, shall be responsible for the provision of emergency and public safety services to the Project, including those portions located in the City of Oakland. Each City shall provide reciprocal response assistance as needed.
- B. Annual Inspections. Annual fire inspections of the Project shall be conducted by the Alameda County Fire Department, on behalf of the City of Emeryville.

V. Public Improvements

The permitting, inspection, and approval of any public improvements within the public right-of-way in Oakland (e.g. West MacArthur Boulevard, 37th Street, Linden Street) will be administered by the City of Oakland. The permitting, inspection, and approval of any public improvements within the public right-of-way in Emeryville (e.g. West MacArthur Boulevard, San Pablo Avenue, 37th Street) will be administered by the City of Emeryville. The two cities will coordinate and cooperate with each other concerning these public improvements. Emeryville will take the lead in any such coordination and in any necessary coordination and permitting from Caltrans. Emeryville will provide the City of Oakland with any traffic studies and schematic public improvement plans developed as part of the planning entitlement process, and will include a condition of approval in the planning permits requiring Oakland's approval of any public improvements in Oakland's right-of-way.

VI. Fees

- A. Emeryville Fees. The Project will be subject to all applicable City of Emeryville fees in effect at the time of application for a building permit for the entire Project, including, but not limited to, Planning Cost Recovery Fees, Building Permit Fees, Plan Review Fees, Energy Review Fees, Electrical Permit Fees, Plumbing Permit Fees, Mechanical Permit Fees, Microfiche Fees, Fire Department Fees, Fire Suppression Fees, Sewer Connection Fees, Traffic Impact Fees, Art In Public Places Fees,

Technology Fees, General Plan Maintenance Fees and any such fees that may be established by the City of Emeryville in accordance with applicable law.

- B. State Fees. Emeryville will collect S.M.I.P. Fees and Building Standards Commission Fees on behalf of the State.
- C. School Fees. School fees for units wholly or mostly in Emeryville will be collected by the City of Emeryville on behalf of the Emery Unified School District; school fees for units wholly or mostly in Oakland will be collected by the City of Oakland on behalf of the Oakland Unified School District.
- D. Not Comprehensive. The listing of specified fees in this Section is not intended to serve as a comprehensive list of applicable fees from either jurisdiction.

VII. Indemnification

- A. No Liability To Third Parties. Nothing in this MOA shall be deemed to create rights or obligations in the Project applicant or third parties not signatories to this MOA.

- B. Indemnification.

Oakland. Oakland shall defend, indemnify and hold harmless Emeryville from and against any and all liability, loss, expense (including reasonable attorneys' fees) or claims for injury or damage arising out of the performance of this MOA or arising from or connected to the approval process or relating to the Project, but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or the result of the negligent or intentional acts or omissions of Oakland, its officers, agents or employees.

Emeryville. Emeryville shall defend, indemnify and hold harmless Oakland from and against any and all liability, loss, expense (including reasonable attorneys' fees) or claims for injury or damage arising out of the performance of this MOA or arising from or connected to the approval process or relating to the Project, but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or the result of the negligent or intentional acts or omissions of Emeryville, its officers, agents or employees.

VIII. Miscellaneous Provisions

- a. Notice. For any action related to this MOA, each City shall be sent notices at the following addresses:

To Emeryville: City of Emeryville
1333 Park Avenue
Emeryville, CA 94608
Attention: Charles S. Bryant,
Director of Planning and Building
Phone: 510-596-4361
FAX: 510-658-8095
Email: cbryant@emeryville.org

With a copy to: City of Emeryville
1333 Park Avenue
Emeryville, CA 94608
Attention: Michael G. Biddle, City Attorney
Phone: 510-596-4381
FAX: 510-596-3724
Email: mbiddle@emeryville.org

To Oakland: City of Oakland
Dept. of Planning and Building
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612
Attention: Darin Ranelletti, Deputy Director of
Planning and Building
Phone: (510) 238-3663
FAX: (510) 238-6538
Email: dranelletti@oaklandnet.com

With a copy to: Office of the City Attorney
1 Frank H. Ogawa Plaza, 6th Floor
Oakland, CA 94612
Attention: Celena H. Chen, Deputy City Attorney
Phone: (510) 238-7040
FAX: (510) 238-6500
Email: cchen@oaklandcityattorney.org

- b. Headings. The headings in this MOA are for reference and convenience of the parties and do not represent substantive provisions of this MOA.
- c. Governing Law. This MOA shall be governed by the laws of the State of California.

- d. Modifications. Any modification of or amendment to this MOA will be effective only if it is signed in writing by all parties.
- e. Counterparts. This MOA may be executed in any number of counterparts (including by fax, PDF, or other electronic means), each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

IN WITNESS WHEREOF, Emeryville and Oakland have each caused this Memorandum of Agreement to be duly executed on its behalf as of the Effective Date.

City of Emeryville

City of Oakland

Authorized by Resolution No. _____
adopted _____

By: _____
Name: Sabrina Landreth
Title: City Manager

By: _____
Name: Fred Blackwell
Title: City Administrator

Approved as to form and legality:

Approved as to form and legality:

By: _____
Name: Michael G. Biddle
Title: City Attorney

By: _____
Name: Celena H. Chen
Title: Deputy City Attorney

ASSESSOR'S MAP 12.

Code Area No. IT-048

951

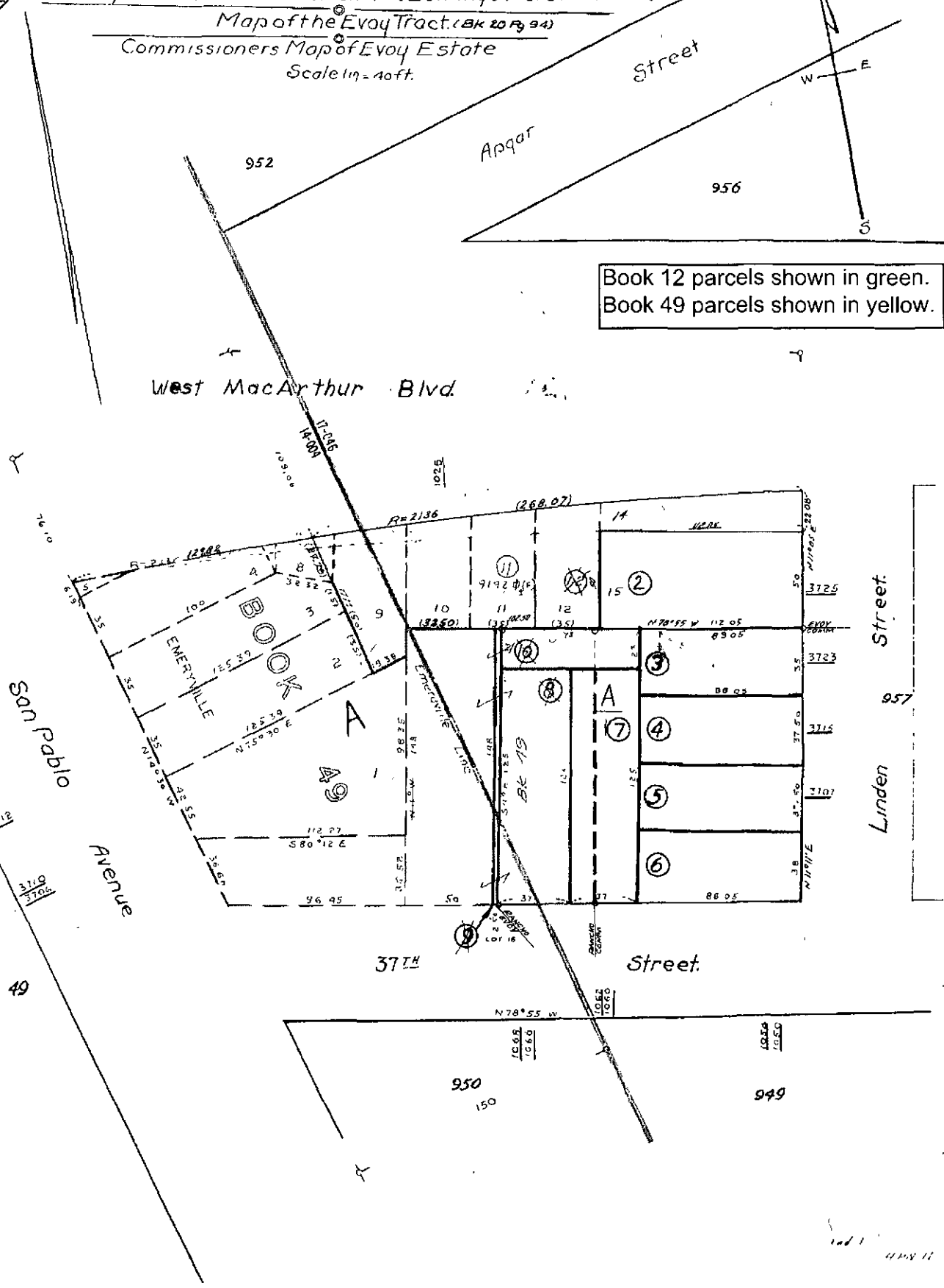
Map of the Ranchos of Vicente y Domingo Peralta (BK 17 Pg 12)

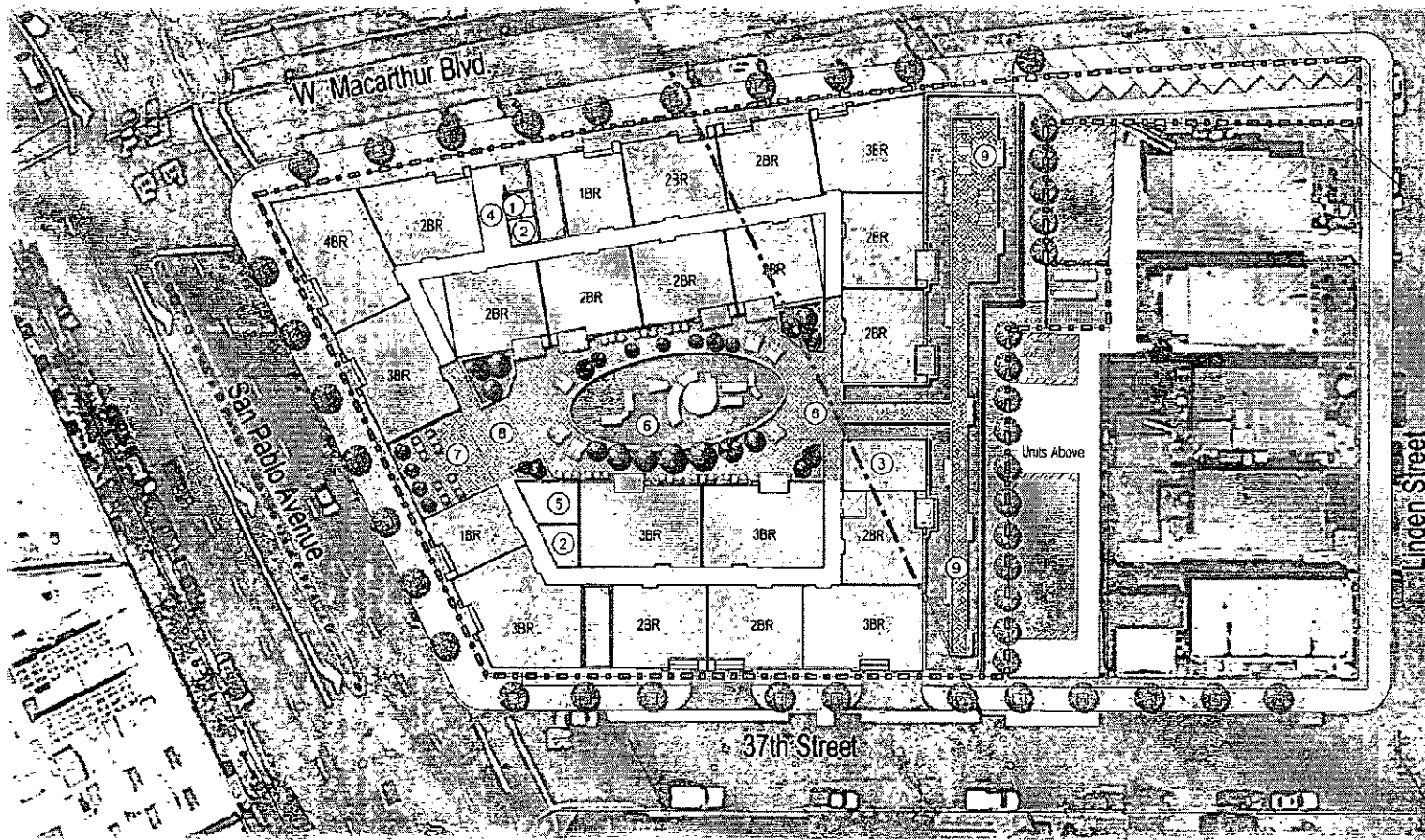
Map of the Evoy Tract (BK 20 Pg 94)

Commissioners Map of Evoy Estate
Scale 1" = 40ft.

REV. 3-22-172M
9-18-0465

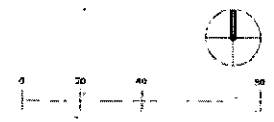
Book 12 parcels shown in green.
Book 49 parcels shown in yellow.





- Program Key**
- 1. Trash
 - 2. Mechanical
 - 3. Residential Bike Storage
 - 4. Residential Lobby
 - 5. Laundry
 - 6. Family Court / Child Playground
 - 7. Adult Court with San Pablo Overlook
 - 8. Look-out Alcove Above
 - 9. Young Adult Zen Garden

Emeryville / Oakland



3706 SAN PABLO AVENUE

CONCEPTUAL PODIUM PLAN

EAH
 EAH
 2169 E. Francisco Blvd Suite B
 San Rafael, CA 94501
 415 258 1800

EMERYVILLE, CA
 947 477 2177
 91 11 21 3

KTGY Group, Inc.
 Architecture+Planning
 580 Second St., Suite 200
 Oakland CA, 94607
 510 272.2910
 ktgy.com



Exhibit C

Attachment B

Preliminary Project Drawings



3706 SAN PABLO AVENUE



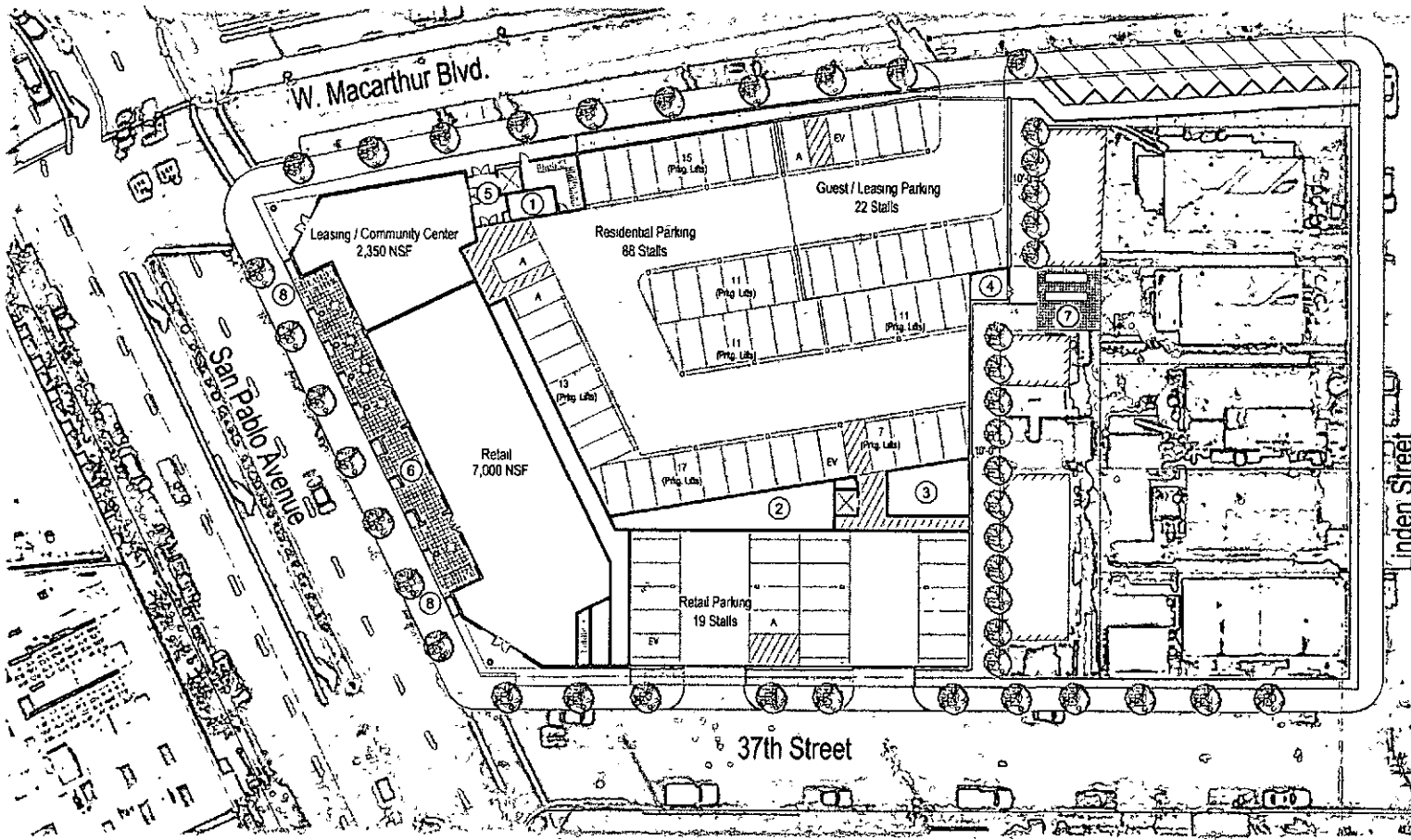
EAH
 2169 E. Francisco Blvd Suite B
 San Rafael, CA 94901
 415 258 1800

CONCEPTUAL PERSPECTIVE

EMERYVILLE, CA
 415 438 8111
 415 423 2115

KTGY Group, Inc.
 Architecture+Planning
 580 Second St., Suite 200
 Oakland, CA 94607
 510 272 2910
 ktgy.com





UNIT MIX TABULATION

UNIT TYPE	AREA	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	TOTAL	%
1 BDRM	680 sf	1	2	2	2	7	8.1%
2 BDRM	950 sf	12	13	13	13	51	59.3%
3+ BDRM	1200 sf	8	8	8	8	24	27.8%
4 BDRM	1400 sf	1	1	1	1	4	4.8%
TOTAL		20	22	22	22	86	100.0%

PARKING SUMMARY

RESIDENTIAL	88 GARAGE CARS FOR TENANTS 13 GUEST GARAGE CARS 9 GUEST SURFACE CARS 110 ONSITE RESIDENTIAL SPACES
RETAIL PARKING	19 GARAGE SPACES
TOTAL ONSITE	129 RESIDENTIAL, PLUS RETAIL SPACES

Program Key

- 1 Trash
- 2 Storage / Maintenance
- 3 Mechanical
- 4 Tool Shed
- 5 Residential Lobby
- 6 Retail Paseo
- 7 Community Garden
- 8 Bike Parking

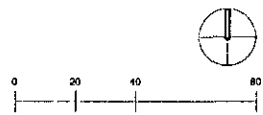
3706 SAN PABLO AVENUE

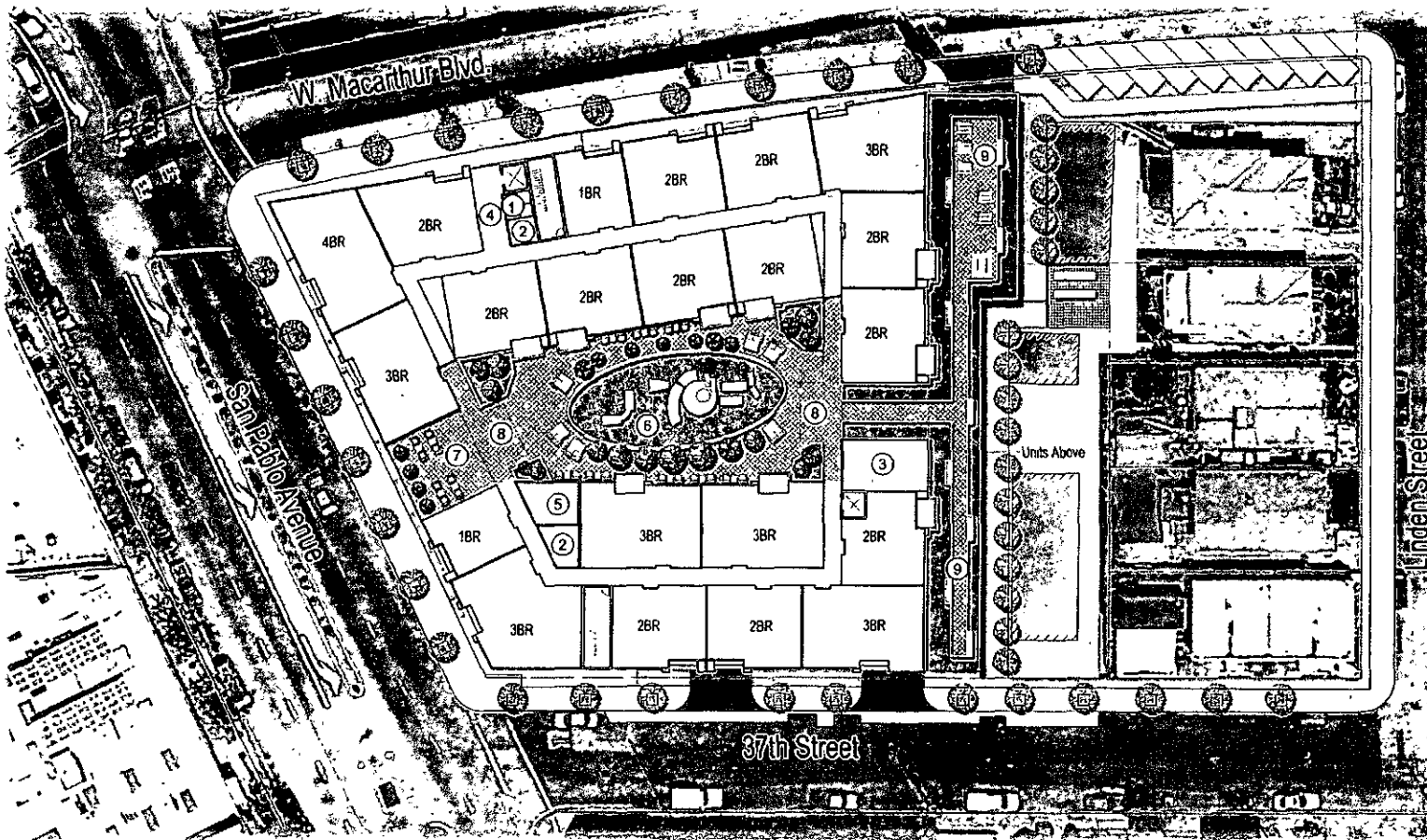
CONCEPTUAL SITE PLAN

EAH
 EAH
 2169 E Francisco Blvd Suite B
 San Rafael, CA 94901
 415 258 1800

EMERYVILLE, CA
 EOP # 20124111
 01/14/2011

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 Architecture+Planning
 580 Second St., Suite 200
 Oakland, CA 94607
 510 272 2910
 ktgy.com





Program Key

- 1 Trash
- 2 Mechanical
- 3 Residential Bike Storage
- 4 Residential Lobby
- 5 Laundry
- 6 Family Court / Child Playground
- 7 Adult Court with San Pablo Overlook
- 8 Look-out Alcove Above
- 9 Young Adult Zen Garden

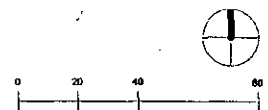
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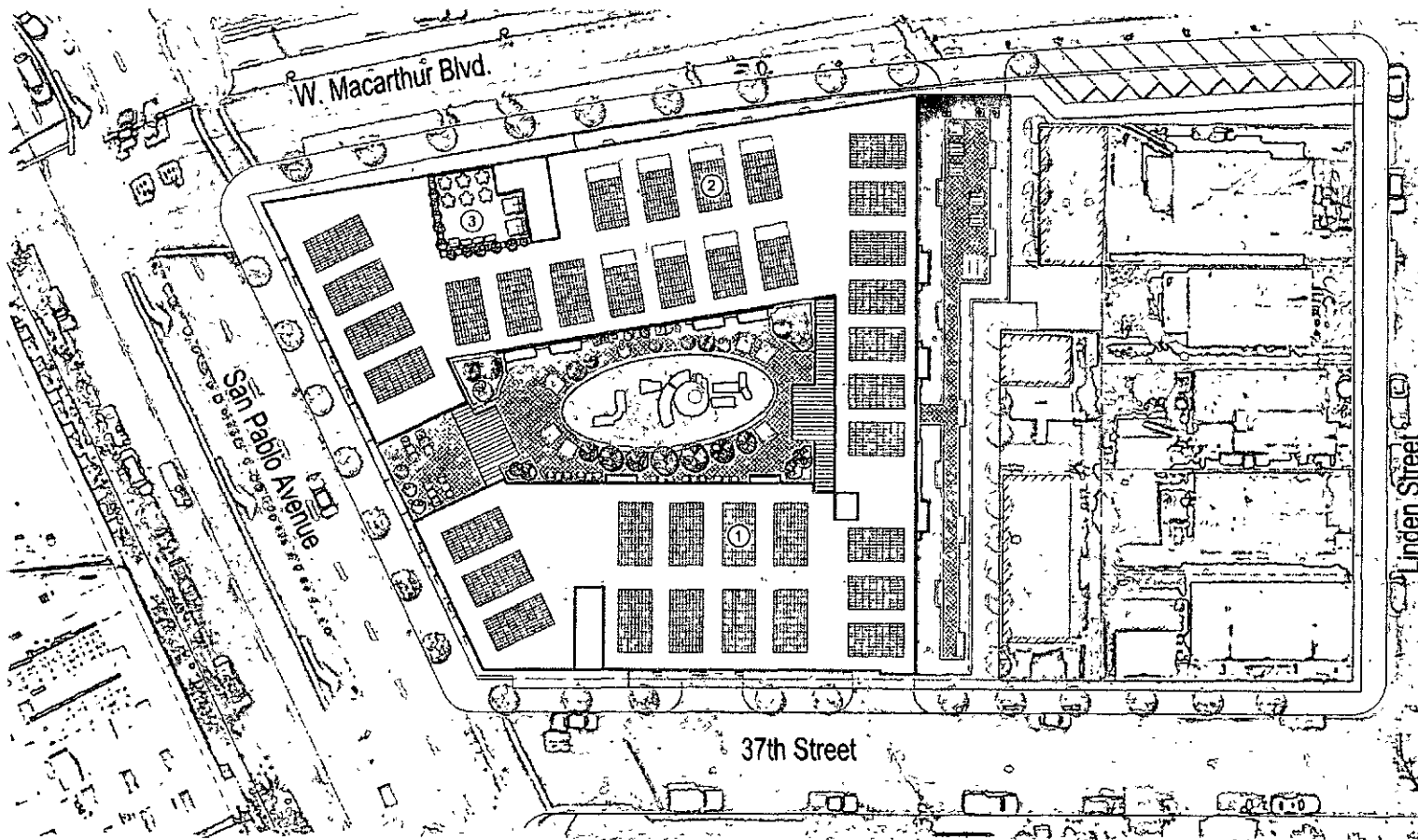
EAH EAH
 2169 E. Francisco Blvd Suite B
 San Rafael, CA 94901
 415 258 1800

CONCEPTUAL PODIUM PLAN

EMERYVILLE, CA
 KEY # 2012.021
 01/14/2011

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Architecture+Planning
 580 Second St., Suite 200
 Oakland, CA 94607
 510 272 2910
 ktgy.com





Program Key

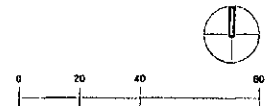
- 1 Solar Panels
- 2 Solar Panel Water Heaters
- 3 Sky Deck

3706 SAN PABLO AVENUE

EAH EAH
 2169 E. Francisco Blvd. Suite B
 San Rafael, CA 94901
 415 258 1800

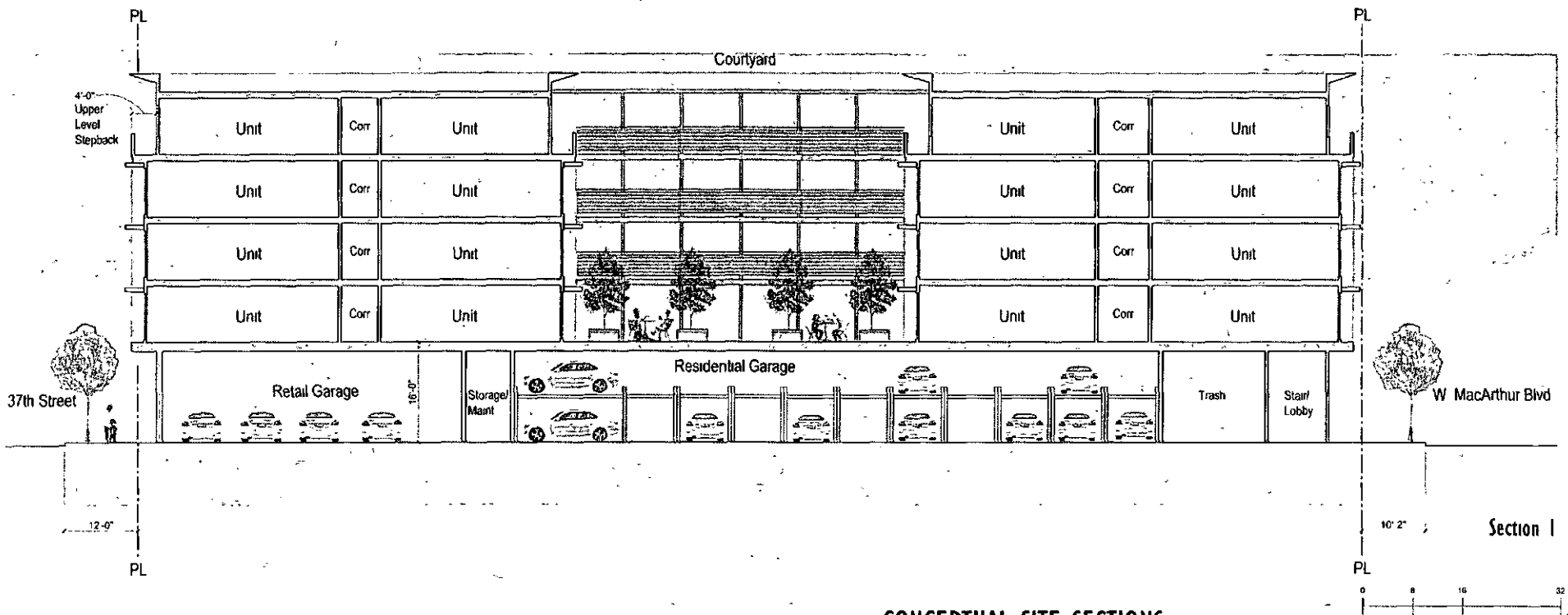
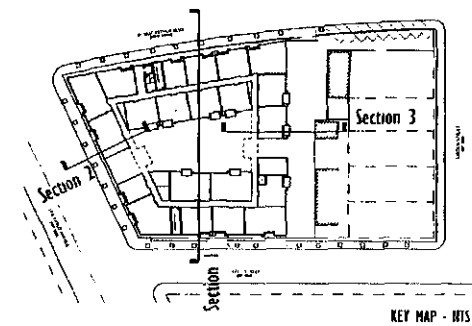
CONCEPTUAL ROOF PLAN

EMERYVILLE, CA
 01/14/2013



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Architecture+Planning
 580 Second St., Suite 200
 Oakland, CA 94607
 510 272 2910
 ktgy.com





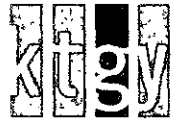
3706 SAN PABLO AVENUE

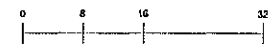
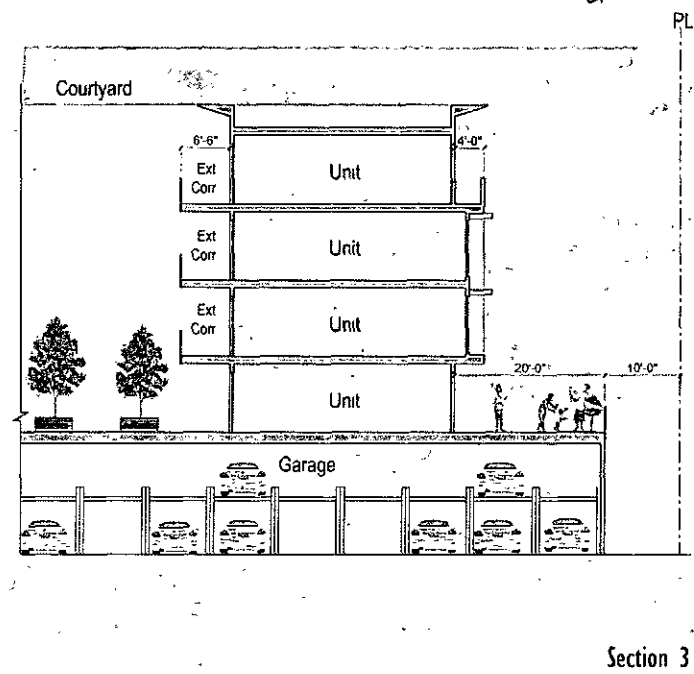
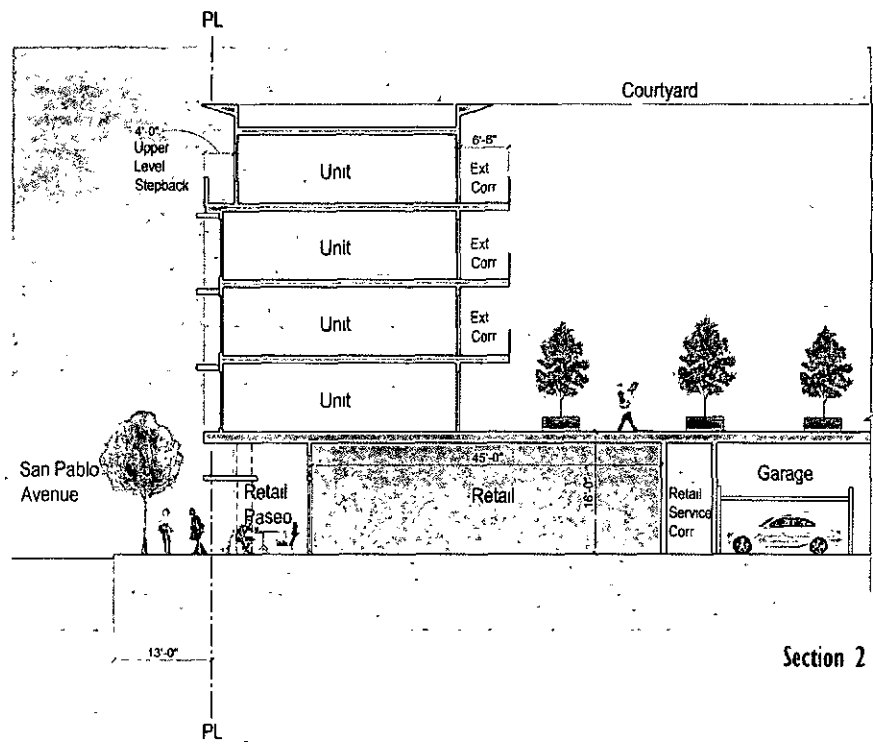
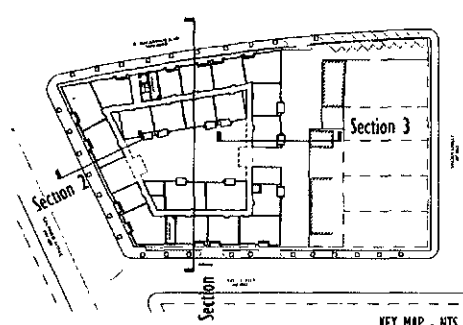
EAH
 EAH
 2169 E. Francisco Blvd Suite B
 San Rafael, CA 94901
 415 258 1800

CONCEPTUAL SITE SECTIONS

EMERYVILLE, CA
 PROJECT # 2012-0715
 11/13/12

KTGY Group, Inc.
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 Oakland, CA 94607
 510 272 2910
 ktgy.com





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EAH
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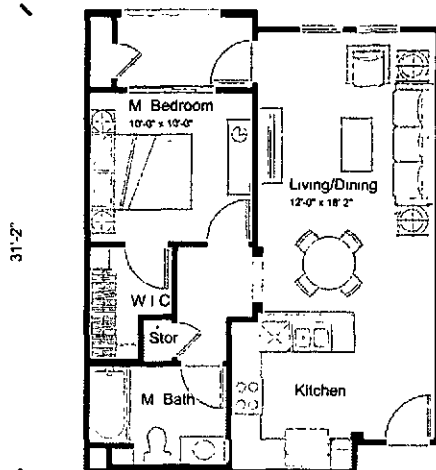
CONCEPTUAL SITE SECTIONS

EMERYVILLE, CA
 02/19/2014 HTS
 01/14/2011

KTGY Group, Inc.
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 580 Second St., Suite 200
 Oakland, CA 94607
 510 272 2910
 ktgy.com

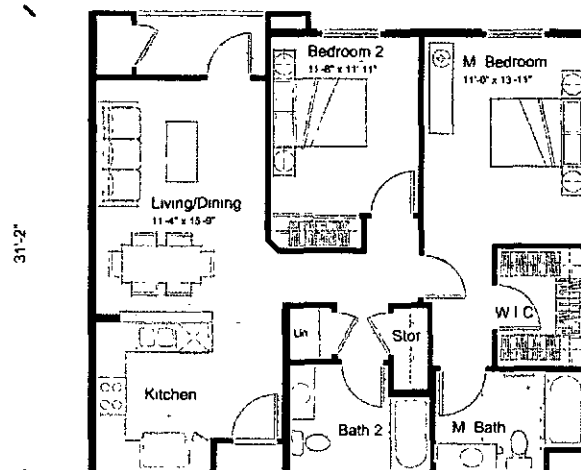


24'-0"



Unit Plan
1 Bedroom / 1 Bathroom

34'-0"



Unit Plan
2 Bedroom / 2 Bathroom

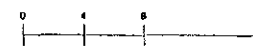
3706 SAN PABLO AVENUE



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2169 E. Francisco Blvd Suite B
San Rafael, CA 94901
415 258 1800

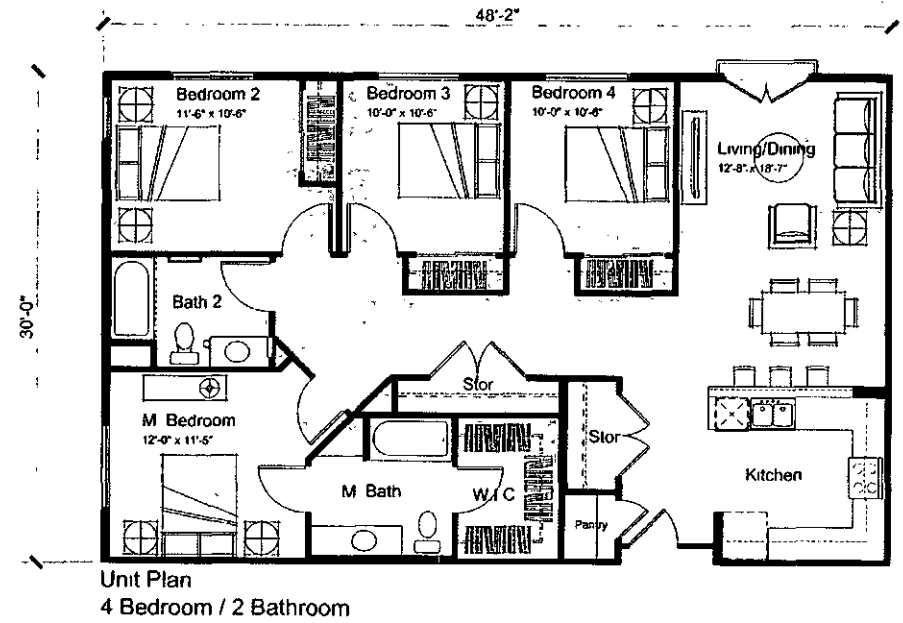
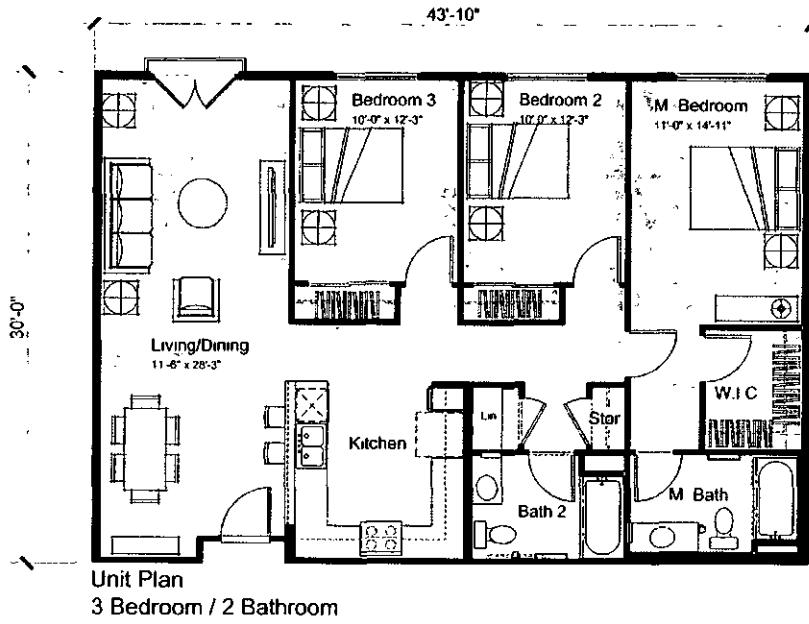
CONCEPTUAL UNIT PLANS

EMERYVILLE, CA
ENC. # 2014-0725
11/12/13



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Architecture+Planning
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Oakland, CA 94607
510 272 2910
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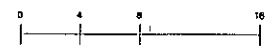
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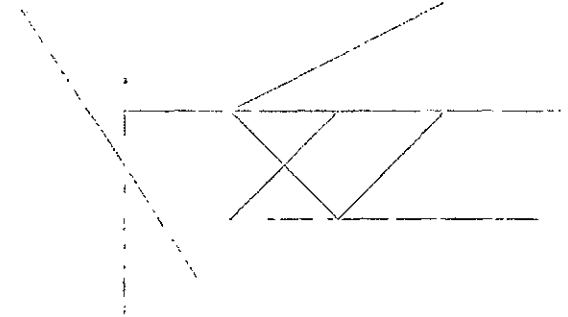
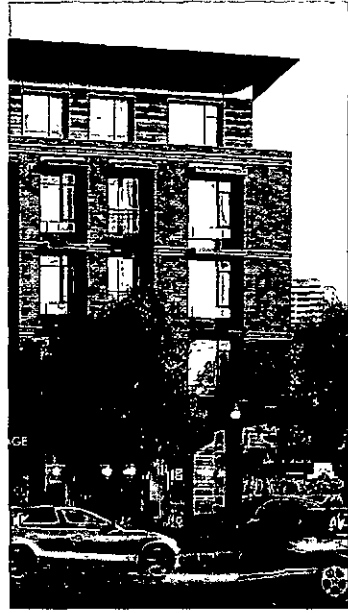
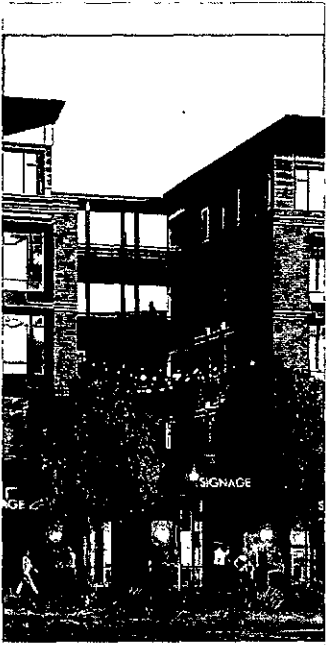
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 EAH
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 San Rafael, CA 94901
 415 258 1800

CONCEPTUAL UNIT PLANS

EMERYVILLE, CA
 2012.0715
 08.04.2013

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1. View of Residential Bridge & Courtyard

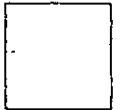


3. View of Retail Paseo

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 San Rafael, CA 94901
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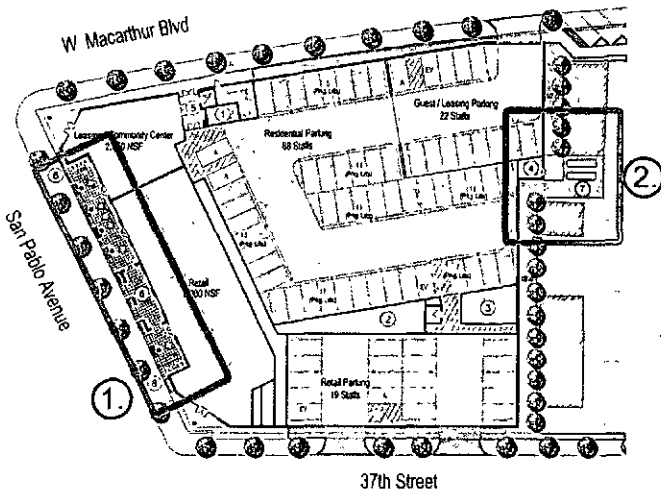
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I. Retail Paseo



2. Community Garden



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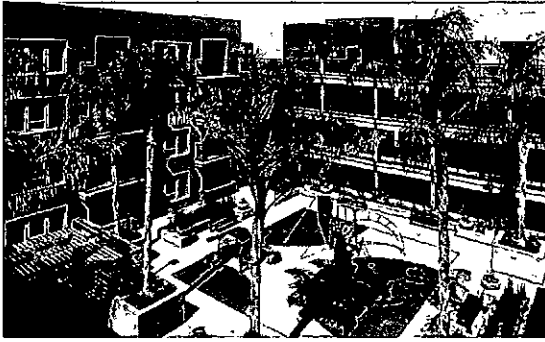
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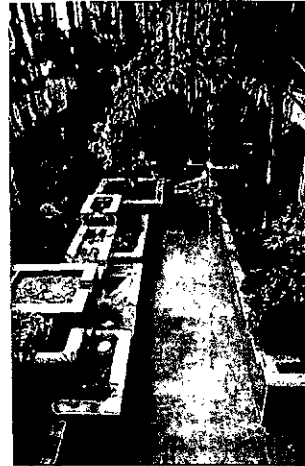
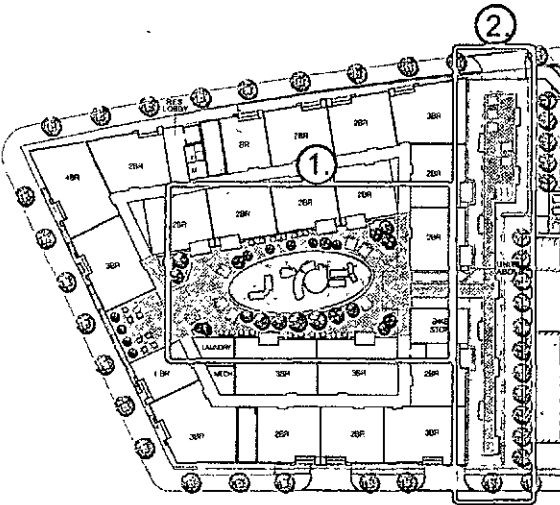
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 01/14/2011

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1. Family Courtyard / Child Playground



2. Young Adult / Zen Garden

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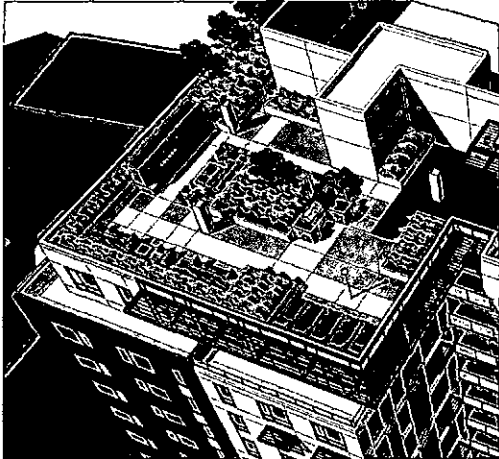
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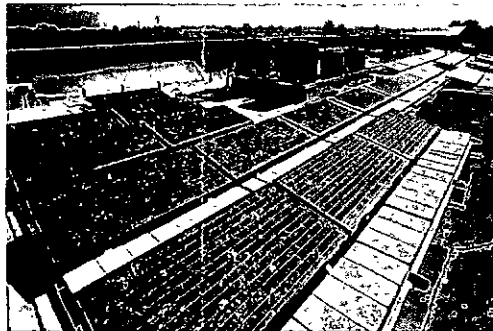
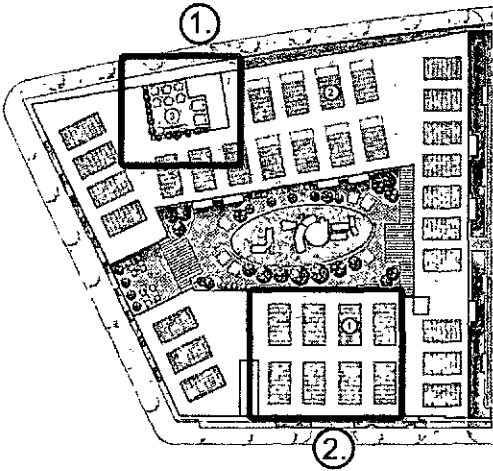
EMERYVILLE, CA
 925 8 201-0711
 911.1231

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1. Sky Deck / Roof Top Amenity



2. Solar Panels

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 01/12/2013

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2014 MAR 27 PM 12:46

Celena Chen
Office of the City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE CITY OF EMERYVILLE FOR THE DEVELOPMENT OF A PROPERTY AT 3706 SAN PABLO AVENUE LOCATED WITHIN BOTH JURISDICTIONS

WHEREAS, the property located at 3706 San Pablo Avenue/1025 West MacArthur Boulevard (the "Property") consists of one development parcel comprised of five separate parcels (APN Nos. 012-0951-011, 049-0951-004-02, 049-0951-005-01, 049-0951-006-01, and 049-0951-007), that straddles the Emeryville/Oakland border; and

WHEREAS, approximately 31,001 square feet (0.71 acres) or 63 percent of the Property is located in Emeryville, and approximately 18,160 square feet (0.42 acres) or 37 percent is located in Oakland; and

WHEREAS, the Property is owned by the City of Emeryville, which issued a Request for Qualifications and Proposals for design and development of an affordable rental housing project (the "Project") on September 27, 2012, and subsequently selected EAH Housing, Inc., as the developer of the Project on October 15, 2013; and

WHEREAS, approximately 80 percent of the proposed building footprint of the Project would be located in Emeryville; and

WHEREAS, jurisdiction over the Property is shared between the cities of Emeryville and Oakland; and

WHEREAS, both Emeryville and Oakland desire to see the Property developed in a manner that is compatible with the surrounding properties and consistent with the cities' plans; and

WHEREAS, the land uses and density of the proposed Project are consistent with the Oakland General Plan and Zoning Regulations; and

WHEREAS, in order to efficiently consider the Project, the cities desire to enter into a Memorandum of Agreement to codify the designation of Emeryville as the lead agency for the

purposes of both land use approvals and building inspection of the Project, including but not limited to issuance of building and occupancy permits, and the provision of 911 and other municipal services to the Project; and

WHEREAS, the Memorandum of Agreement will designate the City of Emeryville as the lead agency under the California Environmental Quality Act ("CEQA") to ensure the Project complies with CEQA; now, therefore be it

RESOLVED: The City Administrator or designee is authorized to negotiate and execute a Memorandum of Agreement for the development of the Project that is consistent with the City Council Agenda Report and to negotiate and execute all documents, amendments, agreements, and instruments reasonably necessary or required to implement this Resolution; and be it

FURTHER RESOLVED: That the Memorandum of Agreement and all such other documents, amendments, agreements and instruments, shall be reviewed and approved by the City Attorney's Office as to form and legality prior to execution.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

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