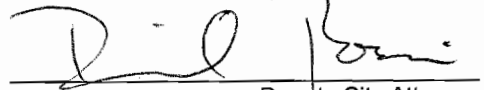


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2008 MAY 15 PM 6:44

APPROVED AS TO FORM AND LEGALITY:

  
Deputy City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. 81392 C.M.S.

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**A RESOLUTION AUTHORIZING AN EXCLUSIVE  
NEGOTIATING AGREEMENT WITH AVANT HOUSING, LLC,  
AND THE HAHN FAMILY TO REDEVELOP PORTIONS OF  
THE BLOCK BOUNDED BY TELEGRAPH AVENUE,  
BROADWAY, 22ND STREET, AND 21ST STREET**

**WHEREAS**, the City has received a proposal from Avant Housing, LLC ("Avant") and the Hahn Family (the "Hahns") for a mixed-use redevelopment project, including residential, retail, a hotel and a 670-space parking garage (the "Project"), on the City-owned Telegraph Parking Plaza site ("Telegraph Plaza"), a 3,064 square-foot triangular right-of-way portion of 22nd Street, and the Hahns' 21,000 square-foot "Giant Burger" property located at 2150 Telegraph Avenue (the "Project Site"); and

**WHEREAS**, the proposal involves the sale of two City-owned parcels, Telegraph Plaza and the 3,065 square-foot triangular portion of a right-of-way on 22nd Street to Avant, and the repurchase of a new 670-space public parking garage by the City or Agency at its development costs at Project completion; and

**WHEREAS**, the City and the Redevelopment Agency have determined that the City, as the owner of a portion of the Project Site, and the Agency, as sponsor and coordinator of the development of new public parking on the Project Site, should be parties to an Exclusive Negotiating Agreement ("ENA") with Avant and the Hahns; now, therefore, be it

**RESOLVED:** That the City Administrator is authorized to negotiate and enter into an ENA with Avant and the Hahns for purposes of studying and evaluating the feasibility of, and negotiating terms and conditions for, the transfer of the City parcels, their development for public parking and other uses, and the repurchase of the public parking developed as part of the project; and be it

**FURTHER RESOLVED:** That the exclusive negotiating period will be for seven months from the date of this Resolution, with the option to extend said period by an additional nine months with the approval of the City Administrator in her sole discretion; and be it

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

**FURTHER RESOLVED:** That the City finds and determines, after independent review and consideration, that this action complies with the California Environmental Quality Act ("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 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 is further authorized to 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, JUN 17 2008, 2008


**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, ~~BRUNNER~~, CHANG, KERNIGHAN, NADEL, QUAN, ~~REID~~ AND PRESIDENT DE LA FLUENTE - 06

NOES-  $\phi$

ABSENT- *Brunner and Reid - 02*

ABSTENTION-  $\phi$

ATTEST:   
LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California