



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AMENDING RESOLUTION NO. 87795 C.M.S. TO AUTHORIZE AN AMENDMENT TO THE EXCLUSIVE NEGOTIATION AGREEMENT (ENA) WITH MIDPEN HOUSING CORPORATION AND HABITAT FOR HUMANITY EAST BAY/SILICON VALLEY, INC., FOR THE DEVELOPMENT OF AFFORDABLE HOUSING AT THE CITY-OWNED REAL PROPERTY LOCATED AT 1707 WOOD STREET, TO EXTEND THE TERM BY EIGHTEEN MONTHS, WITH TWO ADMINISTRATIVE OPTIONS TO EXTEND THE TERM AN ADDITIONAL SIX MONTHS AND UP TO EIGHTEEN MONTHS

WHEREAS, the City of Oakland (“City”) owns approximately 3.12 acres of property located at 1707 Wood Street between 18th and 20th Streets (the “Property”); and

WHEREAS, on May 15, 2018, the City issued a Request for Proposals (RFP) seeking development proposals for affordable housing development for the Property, with RFP responses due on July 23, 2018; and

WHEREAS, MidPen Housing Corporation (“MidPen”) and Habitat for Humanity East Bay/Silicon Valley, Inc. (“Habitat”) submitted a joint proposal for a one hundred seventy (170) unit affordable housing development (“Project”) on the Property, to include eighty-five (85) affordable homeownership units and eight-five (85) affordable rental homes, including one unrestricted manager’s unit, serving a range of households with incomes from at or below 20% to at or below 120% of Area Median Income; and

WHEREAS, an evaluation panel of City staff and community residents reviewed the RFP responses, and determined that MidPen and Habitat’s joint proposal was the most responsive to the RFP guidelines, and most programmatically feasible; and

WHEREAS, on July 9, 2019, the City Council adopted Resolution No. 87795 C.M.S. authorizing the City Administrator to negotiate and enter into an Exclusive Negotiation Agreement (ENA) with MidPen and Habitat for purposes of studying and evaluating the feasibility of the Project, negotiating terms and conditions for the potential development of the Project, including negotiating one or more Lease Disposition and Development Agreements (LDDAs) and/or Disposition Development Agreements (DDAs), Ground Leases and related documents, and conducting California Environmental Quality Act (CEQA) review and approval; and

WHEREAS, the ENA was executed on January 10, 2020, with an initial term of eighteen (18) months;

WHEREAS, the City Administrator authorized the first three-month extension on June 16, 2021, and the second three-month extension on September 14, 2021, which will expire on January 10, 2022; and

WHEREAS, the City has not yet secured and fenced the site and provided right of entry to MidPen and Habitat for the purposes of carrying out basic due diligence tasks such as soils and environmental analysis; and

WHEREAS, for this reason MidPen and Habitat have been unable to meet performance benchmarks contained in the ENA; and

WHEREAS, the date upon which the site will be secured and made available to MidPen and Habitat for due diligence is presently unknown, and may cause additional delays to the negotiation and execution of DDAs/LDDAs; now, therefore, be it

RESOLVED: That Resolution No. 87795 C.M.S. is hereby amended to authorize the City Administrator to negotiate and execute an amendment to the ENA providing one eighteen-month extension, with the option on the part of the City Administrator to grant one additional six-month extension administratively without returning to Council; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator to further extend the ENA administratively without returning to Council as necessary due to delays on the City's part in securing and providing a safe right of entry to the Property, with the length of such additional extension commensurate with the length of the delay, but not to exceed eighteen months; and be it

FURTHER RESOLVED: That the amendment shall be reviewed and approved by the Office of the City Attorney for form and legality; and be it

FURTHER RESOLVED: That the City Administrator is authorized to enter into agreements and take other action with respect to the extension of the ENA consistent with this Resolution and its basic purpose.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California