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OAKLAND

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APPROVED AS TO FORM AND LEGALITY:

BY: 
ORSA COUNSEL

OAKLAND REDEVELOPMENT SUCCESSOR AGENCY

RESOLUTION No. 2012,013

A SUCCESSOR AGENCY RESOLUTION AUTHORIZING AN AMENDMENT TO AN OWNER PARTICIPATION AGREEMENT WITH SKS BROADWAY LLC TO EXTEND DEVELOPMENT DEADLINES FOR A MIXED-USE PROJECT AT 1100 BROADWAY

WHEREAS, on September 6, 2007, the dissolved Redevelopment Agency of the City of Oakland (the "Redevelopment Agency") entered into an amended and restated owner participation agreement ("OPA") with SKS Broadway, LLC ("SKS"), pursuant to Redevelopment Agency Resolution No. 2006-0088 C.M.S., with regard to the development of a mixed-use office project ("Project") located at 1100 Broadway ("Property") in the Central District Redevelopment Project Area; and

WHEREAS, the OPA, as amended, establishes various parameters for the Project, provides the Redevelopment Agency certain approval rights regarding the 1100 Broadway Project, and requires SKS to accomplish a number of specific development milestones by specific deadline dates; and

WHEREAS, on June 1, 2010, pursuant to Resolution No. 2010-54 C.M.S., the OPA was amended to extend performance deadlines to their current dates; and

WHEREAS, SKS has made good faith efforts to reach those specific development milestones by the specified dates, but has been unable to do so because of the continuation of adverse economic conditions in Oakland's downtown office market that hinder SKS's efforts to obtain the required anchor tenant(s) and debt financing for the Project; and

WHEREAS, SKS has requested to extend the deadlines for Project construction commencement and completion as defined in the OPA, and

WHEREAS, the Redevelopment Agency dissolved on February 1, 2012; and

WHEREAS, the Oakland Redevelopment Successor Agency (“ORSA”) was established as the successor agency to the Redevelopment Agency pursuant to Health and Safety Code Sections 34171(j) and 34173; and

WHEREAS, ORSA has succeeded to the Redevelopment Agency’s interests and obligations under the OPA; and

WHEREAS, ORSA desires to amend the OPA per SKS’s request in recognition of the developer’s diligent, but unsuccessful efforts to market the Project and secure debt financing; and

WHEREAS, ORSA is a Responsible Agency for the 1100 Broadway Project for purposes of environmental review under the California Environmental Quality Act of 1970 (“CEQA”); and

WHEREAS, an Environmental Impact Report (“EIR”) was certified in 1998 for the 1100 Broadway Project and two addenda were subsequently completed (in 2006 and 2008) in compliance with the California Environmental Quality Act (“CEQA”); now therefore be it

RESOLVED: That ORSA hereby finds and determines: (1) that it has independently reviewed and considered the information contained in the previously certified 1998 EIR and later addenda, and the 1998 EIR and later addenda comply with CEQA and the CEQA Guidelines’ requirements for analysis of the 1100 Broadway Project’s environmental effects and mitigation measures; (2) that none of the changes to the 1100 Broadway Project, or circumstances under which it will be undertaken, or new information require preparation of a subsequent or supplemental EIR; and (3) that the Mitigation Monitoring and Reporting Program for the Project is hereby (re) adopted; and be it further

RESOLVED: That the Successor Agency Administrator, or her designee, is hereby authorized to negotiate and execute an amendment to the OPA to (1) extend the date on which SKS must start Project construction by two years, from June 25, 2013, to June 25, 2015, and the date by which it must complete Project construction by two years, from April 27, 2015, to April 27, 2017, (2) give SKS an option to extend the new construction commencement and completion dates by an additional 24 months at no cost to SKS, and (3) extend the deadlines for submission of final construction plans, the construction contract, and the financing plan to ORSA until such dates as deemed appropriate and reasonable by the Successor Agency Administrator or her designee such that SKS is able to meet the commencement and completion deadlines above; and be it further

RESOLVED: That the Successor Agency Administrator or her designee is authorized to take whatever action is necessary with respect to the amendment of the OPA consistent with this Resolution and its basic purposes; and be it further

RESOLVED: That the amendment to the OPA authorized hereunder shall be approved as to form and legality by Successor Agency Counsel and filed with the Successor Agency Secretary; and be it further

RESOLVED: That this action shall be forwarded to the Oakland Oversight Board for its consideration, and ORSA execution of the OPA amendment is subject to Oakland Oversight Board approval pursuant to state law.

IN SUCCESSOR AGENCY, OAKLAND, CALIFORNIA, DEC 18 2012, 2012

PASSED BY THE FOLLOWING VOTE:

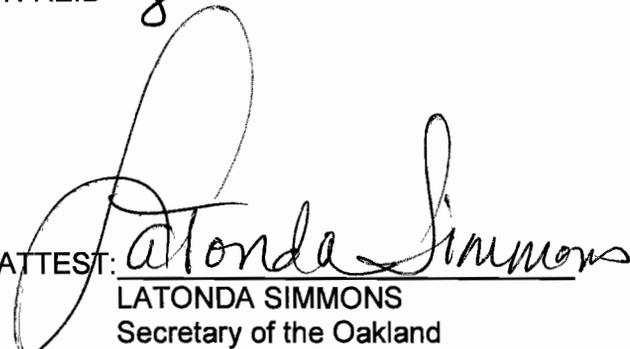
AYES- BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL,
SCHAAF AND CHAIRPERSON REID -8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:


LATONDA SIMMONS
Secretary of the Oakland
Redevelopment Successor Agency