

# AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Claudia Cappio  
Asst. City Administrator

**SUBJECT:** Fruitvale Transit Village Phase 2A-  
Removal of Development Partner

**DATE:** July 6, 2016

City Administrator Approval

Date:

7/7/16

## RECOMMENDATION

Staff Recommends That The City Council Adopt The Following Legislation

An Emergency Ordinance Pursuant To Charter Section 213 Amending Ordinance No. 13346 C.M.S. And Approving (1) The Removal Of L & M Development Partners, Inc. From The Development Team Of The Fruitvale Transit Village Phase IIA, A Mixed Income Housing Project ("Project"), And As A Party To All Related Documents And (2) Retaining The Spanish Speaking Unity Council Of Alameda County, Inc. And The East Bay Asian Local Development Corporation, Or Any Related Entity, As The Development Team Of The Project And As Parties To All Related Documents And Authorizing The City Administrator Or Designee To Negotiate, Amend And Execute All Necessary Documents, And Adopting CEQA Exemptions

## EXECUTIVE SUMMARY

The purpose of this ordinance is to remove L & M Development Partners, Inc. ("L & M") from the development team of a 94 unit mixed-income project (Phase IIA) and retain the Unity Council and the East Bay Asian Local Development Corporation (EBALDC) and any affiliates. This action is urgent in order to meet and be competitive with State Low Income Housing Tax Credits and an impending July 30, 2016 deadline. Tax credits are a crucial part of the financing for the project. The ordinance would further authorize the City Administrator to negotiate, amend and execute all necessary documents to reflect the current development team.

## BACKGROUND / LEGISLATIVE HISTORY

### Project Description

The Phase II project site is located immediately adjacent to the FTV Phase I project. The FTV Phase I was completed in 2003 with a gross building area of 257,000 sq. ft. of retail, office, and residential uses. The site for the FTV Phase II project will be on the City owned 3.4 acre Fruitvale

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Bay Area Rapid Transit (BART) parking lot property located on E. 12th Street between 35th and 37th Avenues (**Attachment B** map of area) and has been further divided into Phase IIA and IIB.

### **Previous Approvals**

In July 2010, the Board of the former City of Oakland Redevelopment Agency (the "Agency") approved Resolution No. 2010-0100 C.M.S. (the "Agency Resolution") and authorized the Agency Administrator to purchase the parking lot from Fruitvale BART to develop the site for FTV Phase II project. Phase II was originally entitled by the Unity Council in 2010. In January 2012, the property was transferred to the City. The project was redesigned by a new architect, Pyatok Architects, and was newly approved by the Planning Commission on May 6, 2015.

On October 15, 2013, the City Council approved Resolution No. 84660 C.M.S. that authorized the City Administrator to apply for, accept, and appropriate funds in a total amount not to exceed \$8 million from the California Department of Housing and Community Development (HCD) under the TOD program for the FTV Phase II Housing Project. In February 2014, the City received the maximum \$4,000,000 grant and the Unity Council separately received the maximum \$4,000,000 loan amount for Phase II of the FTV project.

In May 2014, the Unity Council issued a Request for Qualifications to housing developers for Phase II of the project. The Unity Council selected L & M, a New York based for-profit development firm with experience and expertise in developing large mixed-use, affordable, and market rate housing developments. In September 2014, a Memorandum of Understanding (MOU) was signed between the Unity Council and L & M to develop FTV Phase II.

On November 18, 2014 the City Council approved Resolution No. 85271 C.M.S. authorizing an Exclusive Negotiating Agreement (ENA) with the Unity Council for the development of the FTV Phase II. The Unity Council has now substantially completed the requirements of the ENA for Phase IIA. The Planning Commission approved the project permits and plans on May 6, 2015.

On June 22, 2015, the City Council approved Ordinance No. 13313 authorizing the City Administrator to negotiate and execute a Lease Disposition and Development Agreement ("LDDA"), a 66 year ground lease with the Unity Council and L & M Development Partners, Inc. for the FTV Phase IIA mixed-income development. On July 1, 2015, the City, the Unity Council, and L & M Development Partners, Inc. signed and executed the LDDA.

On December 8, 2015, the City Council approved Ordinance 13346 to add EBALDC as an additional party to the Phase IIA LDDA and related documents.

### **Project Developers**

#### ***The Unity Council***

The Unity Council was founded in 1964, incorporated in 1967, and received 501(c) (3) tax-exempt status in 1968. The Unity Council is a non-profit community development corporation committed to enriching the quality of life of families primarily in the Fruitvale District of Oakland.

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Its mission is to help families and individuals build wealth and assets through comprehensive programs of sustainable economic, social, and neighborhood development.

***East Bay Asian Local Development Corporation (EBALDC)***

EBALDC is a nonprofit community development organization with over 40 years of experience building healthy, vibrant, and safe neighborhoods in Oakland and the greater East Bay. EBALDC develops and manages high quality affordable apartments and homes, retail spaces for local small businesses and community centers, while fostering increased economic opportunities for low-income families and individuals. These comprehensive programs help families and individuals begin a path toward financial security and access the resources they need to lead healthy, stable, and fulfilling lives.

**The Property**

The 3.4-acre project site currently consists of two parcels. Phase IIA or the mixed-income component is approximately 1.23 acres (APN 033-2177-021) and Phase IIB, the market rate component (APN 033-2197-019), is approximately 2.18 acres. The site currently serves as a surface parking lot for BART commuters and the general public. The surface parking lot will be phased out during the construction of the proposed project. The City has entered into an LDDA for Phase IIA for the mixed-income housing and, upon the satisfaction of conditions precedent under the LDDA, the City will enter into a ground lease with the Developer for this parcel.

The project site was purchased from BART with Coliseum Redevelopment Project Area Taxable Bond funds. BART required a number of conditions, covenants, and restrictions on the property that allow only TOD uses to be permitted.

**The Proposed Project In Context With Fruitvale Transit Village (FTV) Phase I**

Phase I of the FTV is a successful national model for livable communities created by the Unity Council and completed in 2003. Located in the heart of the vibrant Fruitvale neighborhood, Fruitvale Village is a mixed-use development that includes retail spaces, offices, and apartments. The ground floor of the FTV Phase I is home to locally-owned retail spaces. The second floor offers office spaces for important community resources and organizations. Finally, on the third floor, there are 47 mixed-income one and two-bedroom apartments. Fruitvale Village is adjacent to the Fruitvale BART station with a major AC Transit hub, making the property an internationally renowned transit oriented development property, or TOD. Wide pedestrian plazas running through the village are host to weekly farmer's markets, and event spaces. Fruitvale Village is also adjacent to the bustling Fruitvale commercial district that has experienced a dramatic transformation over the past 10 years.

FTV Phase II is the continuation of the City's revitalization vision for the Fruitvale. This plan will bring new residents and rental units to the village and foster 24-hour, 7-day vibrancy and a sense of community that will further strengthen the commercial and retail components located at the village retail plaza. The guiding principles for the Phase II development are to provide mixed-income residences, to incorporate state of the art green building and energy savings

systems, and an award winning architectural finished product. The project site is governed by the S-15 TOD Zone capitalizing on both the BART transit resource as well as the prospective Alameda County Bus Rapid Transit (BRT) line along the International Boulevard line to be developed two blocks north of the project.

## **ANALYSIS AND POLICY ALTERNATIVES**

### ***Amendment to LDDA***

Staff recommends adoption of the proposed emergency ordinance which will remove L & M Development Partners, Inc. ("L&M") from the development team, retain Unity Council and EBALDC, and any respective related affiliates as the Developers of Phase IIA and authorize the City Administrator or designee to execute any and all necessary documents relating to the development of the Phase IIA project. The necessary documents, including without limitation, a Lease Disposition and Development Agreement (LDDA), ground lease, and will allow the Unity Council and EBALDC (collectively, the "Developer") to build Phase IIA.

The Unity Council originally formed a partnership with L & M for the development of the entire Phase II project. In December 2015, EBALDC was: (1) added to the Phase IIA development team; (2) took over as lead in the development of Phase IIA; and (3) identified additional funding possibilities for Phase IIA. The City negotiated diligently with the Unity Council and L & M on the Phase II development. However, the parties could not agree to terms. For this reason, staff is requesting formal authorization to remove L & M Development Partners, Inc. from the development team and the related development documents. An emergency ordinance is requested since L & M must be removed before July 30, 2016 in order to meet the requirements of the State Low Income Housing Tax Credit financing program. If L & M Development Partners, Inc. is not removed before July 30, 2016, the FTV Phase IIA project will not be eligible to receive the tax credit equity in 2016 for the project, construction of the project will be delayed for another year (***Attachment A***). The loss of these potential tax credits will also jeopardize other funding for the project.

EBALDC's 40 years of experience in developing, constructing, and managing housing in the City brings a strong addition to the development of the Phase IIA. EBALDC has invested more than \$200 million in assets that have had substantial physical and social impact in the City of Oakland, including a total of 2,046 homes and more than 300,000 square feet of commercial space that bring street-level vitality and critical services throughout Oakland's neighborhoods. The Unity Council is partnering with EBALDC to increase its capacity to seek financing, construct, and manage the Phase IIA project.

If the Emergency Ordinance is not approved, the Unity Council and EBALDC will not be able to apply for State and Federal grants since the LDDA must reflect the existing partners for the Phase IIA project. The State is requiring that the LDDA show the removal of L & M as the third party within 30 days from the submittal date (June 28, 2016) to the grant application for Tax Credits.

The FTV Phase IIA project will provide additional affordable housing units in the following manner:

Affordability	Units	% of Total
30% Area Median Income (AMI)	19	20%
40% AMI	11	12%
50% AMI	30	32%
60% AMI	20	22%
80% AMI	0	0%
Market Rate	13	14%
Total	93	100%

One unit is for the manager for a total of 94 mixed-income units.

### **FISCAL IMPACT**

The proposed amendment to remove L & M from the development team and the development documents including the LDDA and ground lease will have no fiscal impact to the City. The City-owned property for the FTV Phase IIA project was purchased with restricted bond funds. The development of the property must be used for redevelopment purposes in the redevelopment area that issued the bonds. The development of affordable housing meets this requirement.

### **Alternative**

If the amendment is not approved, the City of Oakland, the Unity Council, and EBALDC could lose funds that will build 94 units of mixed income housing which are greatly needed in the City of Oakland.

### **PUBLIC OUTREACH / INTEREST**

The property is located in the former Coliseum Redevelopment Project Area. Local neighborhood crime prevention council (NCPC) meetings have been held on a regular basis regarding the status of the project and community members are overwhelmingly supportive of the project. However, some concerns are raised regarding the overall parking shortage in the area but attendees are aware that the project meets the parking requirements. The overall parking shortfall results from the need of additional parking to support BART patrons and nearby businesses and services. Staff is working with FTV business tenants on alternative off street parking options to address this concern. The proposed development was presented and approved for entitlements by the Planning Commission on May 6, 2015.

## **COORDINATION**

Staff from Economic and Workforce Development and the Planning and Building Department worked with the Developer on the proposed new Fruitvale Transit Village Phase II. The Unity Council has coordinated the environmental testing on the site. Finally, Real Estate Services and former redevelopment staff were directly responsible for the acquisition of the BART parking lot parcels.

## **SUSTAINABLE OPPORTUNITIES**

**Economic:** The proposed transit oriented development will complement and increase both affordable and market rate housing stock in Oakland as well as the Fruitvale district. This project will improve neighborhood conditions and make the neighborhood area more attractive to current and prospective residents, tenants, and businesses that can provide employment within Oakland.

**Environmental:** The proposed transit oriented development is expected to contribute to smart growth by stimulating neighborhood use of the existing Fruitvale district and the expansion of the Fruitvale Transit Village.

**Social Equity:** The project will provide much needed residential affordable housing units and a positive stimulus to the neighborhood where the development of land is both welcomed and important to continued neighborhood growth and stability.

## **CEQA**

An Environmental Impact Report (EIR) was certified in May 2010. Pursuant to Sections 15162-15164 of the California Environmental Quality Act (CEQA) Guidelines, no additional environmental review is necessary. The Planning Commission approved the project on May 6, 2015 and made required CEQA findings accordingly.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt The Following Legislation

An Emergency Ordinance Pursuant To Charter Section 213 Amending Ordinance No. 13346 C.M.S. And Approving (1) The Removal Of L & M Development Partners, Inc. From The Development Team Of The Fruitvale Transit Village Phase IIA, A Mixed Income Housing Project ("Project"), And As A Party To All Related Documents And (2) Retaining The Spanish Speaking Unity Council Of Alameda County, Inc. And The East Bay Asian Local Development Corporation, Or Any Related Entity, As The Development Team Of The Project And As Parties To All Related Documents And Authorizing The City Administrator Or Designee To Negotiate, Amend And Execute All Necessary Documents, And Adopting CEQA Exemptions

For questions regarding this report, please contact Theresa Lopez, Urban Economic Coordinator at (510) 238-6250.

Respectfully submitted,



\_\_\_\_\_  
Claudia Cappio,  
Assistant City Administrator

Reviewed by:  
Larry Gallegos, East Oakland Area Manager

Prepared by:  
Theresa Lopez, Urban Economic Coordinator  
Project Implementation

Attachments:      Attachment A - Letter from EBALDC  
                         Attachment B - Map of the Fruitvale Transit Village Phase IIA and IIB

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July 19, 2016



EAST BAY ASIAN LOCAL  
DEVELOPMENT CORPORATION

BUILDING HEALTHY, VIBRANT AND SAFE NEIGHBORHOODS



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Joanne Tornatore-Pili  
Dianne Rush Woods

July 5, 2016

Mr. Larry Gallegos  
Area Manager, East Oakland  
Economic and Workforce Development Department, Project Implementation  
250 Frank Owaga Plaza, 5th Floor  
Oakland, CA 94612

**Re:** Explanation of Urgency for LDDA Amendment and Reassignment by July 28, 2016, for the Fruitvale Transit Village Phase II-A Project

Dear Mr. Gallegos:

The purpose of this letter is to explain the urgency for the requested amendment to the Lease Disposition and Development Agreement (LDDA) for the Fruitvale Transit Village Phase II-A (FTV II-A) project. This amendment needs to be executed by or before July 28, 2016 to meet financing requirements.

If the LDDA is not amended by this deadline, the project team's 9% Tax Credit Application will be designated incomplete, and the project will not be eligible to compete for an approximately **\$26.3 million allocation** in tax credit equity. This will delay the project's start of construction at least one more year, which will also jeopardize the **\$8 million allocation** already committed through the State of California Department of Housing and Community Development's Transit Oriented Development Housing (HCD TOD) Program. The HCD TOD funds must be used by the end of 2018.

Eligibility Conditions for Tax Credit Application

On June 29, 2016, the FTV II-A project team submitted a 9% Tax Credit Application to the California Tax Credit Allocation Committee (CTCAC), the agency that administers the federal and state Low-Income Housing Tax Credit Programs. CTCAC provisionally accepted the project application on two conditions: (1) both the City and the for-profit developer would provide letters with the application stating that they agree to remove the for-profit from the LDDA; and 2) the amendment of the LDDA would be effective within 30 days of their application deadline (i.e. June 29, 2016). The first condition was met upon submittal of the application.

***If the project team does not meet the second condition to amend the LDDA by July 28, 2016, then the project's 9% Tax Credit Application will not meet all the application requirements and will be rejected.*** The rationale is that our CTCAC application does not meet the criterion for full site control. L&M Development Partners Inc. (L&M) is a party on the LDDA but is not part of the applicant team: Fruitvale Transit Village II-A, L.P. (Limited Partnership), East Bay Asian Local Development Corporation (EBALDC), and Spanish Speaking Unity Council of Alameda County, Inc. (Unity Council). Site control must be in the name of the applicant. Given that Unity Council was a CTCAC applicant and named on the LDDA with a public agency, CTCAC allowed the project team to submit on a provisional basis for up to 30 days after the application deadline to comply with the site control requirement.

Project Implications

If the project does not receive tax credit equity in 2016, then the project team will not be in a position to respond to the Mayor's priority of increasing the development pipeline of newly constructed



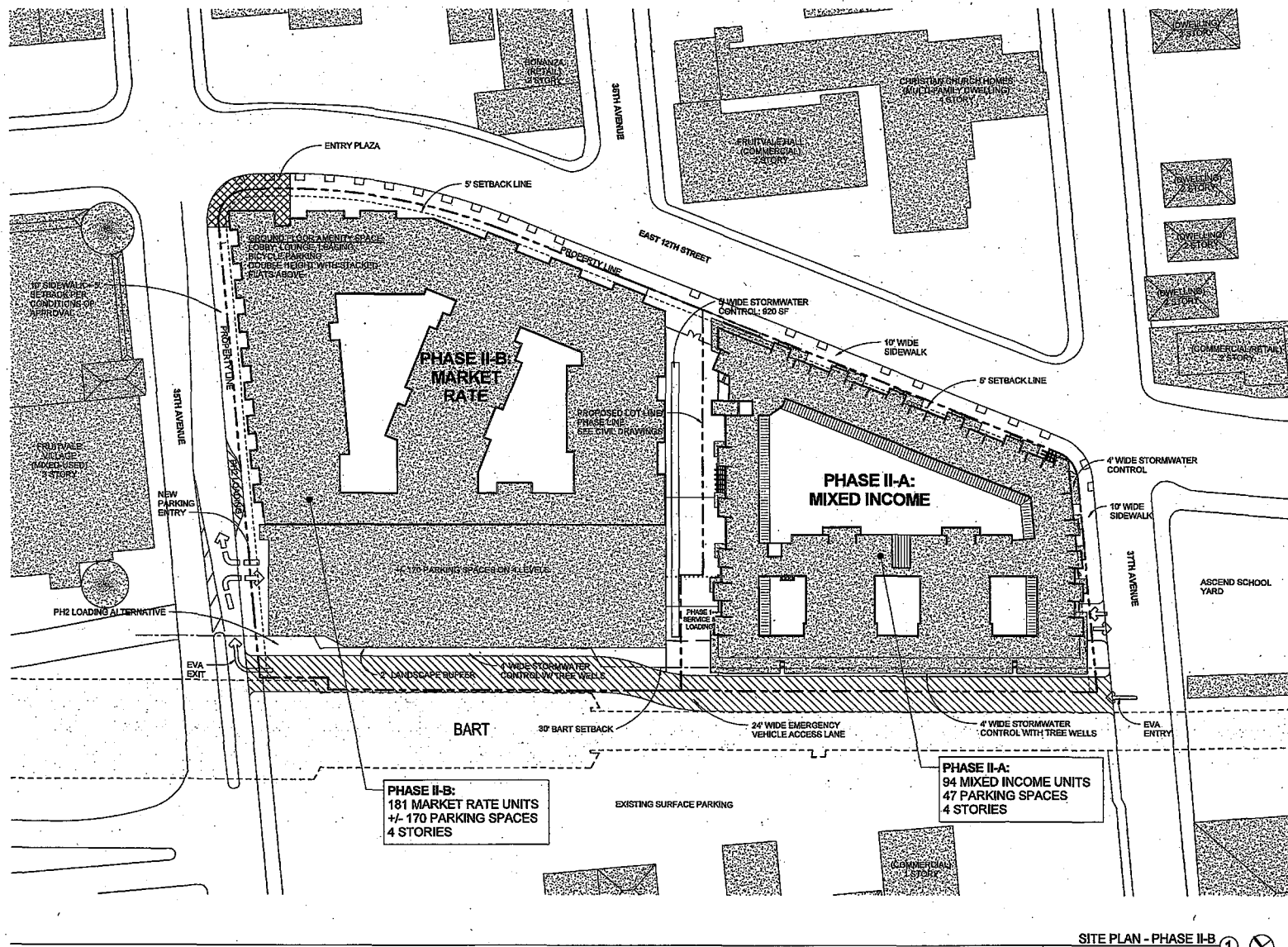
## Liz Probst

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**From:** Everett Cleveland  
**Sent:** Tuesday, July 05, 2016 2:10 PM  
**To:** Liz Probst  
**Subject:** (MARK STIVERS EMAIL)

**From:** Stivers, Mark [mailto:[Mark.Stivers@treasurer.ca.gov](mailto:Mark.Stivers@treasurer.ca.gov)]  
**Sent:** Friday, June 10, 2016 3:47 PM  
**To:** Elissa Dennis; ZETO, Anthony  
**Subject:** RE: R2 applicant question

Elissa, Because the applicant cannot currently act independently of the for-profit, we do not consider the applicant to have full site control at this time. However, given that the applicant is a party to an existing LDDA with a public agency for the property, we are willing to allow the project to apply provided that 1) both the city and the for-profit provide letters with the application that they agree to the removal of the for-profit from the LDDA; and 2) the amendment or assignment of the LDDA is effective within 30 days of our application deadline. It is my understanding that the LDDA cannot be amended or assigned without the agreement of the for-profit. -- Mark



SITE PLAN - PHASE II-B  
1/32" = 1'-0" ① ⊗

THE UNITY COUNCIL  
L+M DEVELOPMENT  
PARTNERS

# FRUITVALE TRANSIT VILLAGE PHASE II-A

REVISION SCHEDULE	
NO.	DATE
1	02/13/15

JOB NUMBER: 1419  
DRAWN BY: BH  
CHECKED BY: PM  
DATE: 02/13/15  
SCALE: 1/32" = 1'-0"  
TITLE: SITE PLAN - PHASE II-B

SHEET:

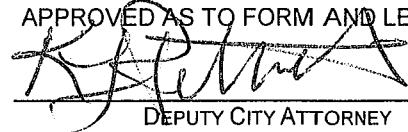
## A1.03

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2016 JUL -7 PM 5:09

6 AFFIRMATIVE VOTES REQUIRED FOR PASSAGE

APPROVED AS TO FORM AND LEGALITY

  
DEPUTY CITY ATTORNEY

## OAKLAND CITY COUNCIL

ORDINANCE NO. \_\_\_\_\_ C.M.S.

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**AN EMERGENCY ORDINANCE PURSUANT TO CHARTER SECTION 213 AMENDING ORDINANCE NO. 13346 C.M.S. AND APPROVING (1) THE REMOVAL OF L & M DEVELOPMENT PARTNERS, INC. FROM THE DEVELOPMENT TEAM OF THE FRUITVALE TRANSIT VILLAGE PHASE IIA, A MIXED INCOME HOUSING PROJECT ("PROJECT"), AND AS A PARTY TO ALL RELATED DOCUMENTS AND (2) RETAINING THE SPANISH SPEAKING UNITY COUNCIL OF ALAMEDA COUNTY, INC. AND THE EAST BAY ASIAN LOCAL DEVELOPMENT CORPORATION, OR ANY RELATED ENTITY, AS THE DEVELOPMENT TEAM OF THE PROJECT AND AS PARTIES TO ALL RELATED DOCUMENTS AND AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO NEGOTIATE, AMEND AND EXECUTE ALL NECESSARY DOCUMENTS, AND ADOPTING CEQA EXEMPTIONS**

**WHEREAS**, the City of Oakland ("City") owns a 3.4 acre surface parking lot consisting of two parcels located on property ("Property") adjacent to the Fruitvale San Francisco Bay Area Rapid Transit District ("BART") station; and

**WHEREAS**, the City and developers desire to improve the Property as a Transit Oriented Development ("TOD") known as the "Fruitvale Transit Village"; and

**WHEREAS**, the TOD is expected to be improved as Phase IIA which is planned to consist of 94 mixed-income rental housing units ("Phase IIA Project" or "Project") and Phase IIB which is planned to consist of 181 market rate rental housing units ("Phase IIB Project"); and

**WHEREAS**, the City, the Spanish Speaking Unity Council of Alameda County, Inc. ("Unity Council") and L & M Development Partners, Inc. ("L&M") entered into an Exclusive Negotiating Agreement ("ENA") on November 18, 2014 for the purpose of studying the feasibility of the development of the Phase IIA Project on parcel number 033-2177-021 and the Phase IIB Project on parcel number 033-2197-019; and

**WHEREAS**, on June 22, 2015, the City Council authorized the City Administrator to negotiate and execute a Lease and Disposition Agreement ("LDDA") and related development documents with the Unity Council and L & M for the development of the Phase IIA Project. The LDDA sets forth the terms and conditions of the development of the Phase IIA Project; and

**WHEREAS**, on December 8, 2015, the City Council approved Ordinance 13346 to add the East Bay Asian Local Development Corporation ("EBALDC") as an additional party to the LDDA and related development documents; and

**WHEREAS**, staff negotiated with the Unity Council, EBALDC, and L & M regarding the development of the Phase IIA Project and L&M did not agree with the City's terms and L & M now desires to remove itself from the development team and to remove itself as a party to the LDDA and related documents; and

**WHEREAS**, the City Council, desires to take such removal action and to retain Unity Council and EBALDC or any related entity as the developers of the Property and as parties to the LDDA and related documents; and

**WHEREAS**, pursuant to City Charter Section 213 the City Council may introduce and adopt an emergency ordinance at the same City Council meeting by an affirmative six votes of the Council; and

**WHEREAS**, pursuant to City Charter Section 213 the City Council must state the reasons constituting the necessity of an emergency ordinance in order to preserve the public peace, health or safety of the City in an emergency; and

**WHEREAS**, the approval of this Emergency Ordinance will allow the developer to maintain eligibility for tax equity credits and eligibility for housing funds that will be used to pay a portion of the costs and expenses of the construction of much needed affordable and mixed-income housing in the City; and

**WHEREAS**, the project's goal is to further the public health, safety and welfare and to meet the Mayor's development pipeline of new housing in Oakland to address the housing affordability crisis that threatens the public health and welfare of Oakland's citizenry; and

**WHEREAS**, a public hearing of the City Council was held to hear public comments on the lease of the Phase IIA Property to the Developer for the project; and

**WHEREAS**, notice of the time and place of the public hearing was given by publication in a newspaper of general circulation in Alameda County at least once a week for at least two successive weeks prior to the public hearing; and

**WHEREAS**, as required by State Law, the City made a report available to the public for inspection, no later than the first date of publication of the notice for the hearing, that contains: (i) a copy of the proposed lease of the Phase IIA Property and (ii) a summary of (a) the cost of the agreement to the City, (b) the estimated highest and best use value permitted under the City general plan or zoning, (c) the estimated value determined at the use required by the lease, with an explanation of the reasons for the difference between the two values, and (d) an explanation, with supporting facts and materials, of why the lease of the Phase IIA Property and development of the Phase IIA Project will assist in the creation of economic opportunity; and

**WHEREAS**, the City Council previously certified in May 2010 the Environmental Impact Report (EIR) for the Project and the Oakland City Planning Commission approved the Project for entitlements on May 6, 2015; now, therefore

The Council of the City of Oakland does ordain as follows:

**SECTION 1.** The City Council hereby authorizes an Emergency Ordinance to remove L & M Development Partners, Inc. from the development team and as a party from the related development documents for the Fruitvale Transit Village Phase IIA development project to meet eligibility requirements for housing tax equity funds.

**SECTION 2.** The City Council hereby authorizes the City Administrator or designee to negotiate with the Unity Council and EBALDC or any related entity approved by the City Administrator, for the lease and development of the Property consistent with the terms of Ordinance No. 13346 C.M.S as amended by this Ordinance and execute an amendment to the LDDA and related documents.

**SECTION 3.** The City Council hereby finds and determines that the lease of the Phase IIA Property for the Phase IIA Project will assist in the creation of economic opportunity in the City by:

- creating and expanding new jobs, including approximately 261 construction jobs and 3 permanent jobs, which is at least one full-time equivalent permanent job for every \$35,000 in City investment; and
- increasing property tax revenue to all taxing entities by at least 15% of total property tax when compared to the year prior to the City's acquisition of the Property.

**SECTION 4.** All agreements associated with the conveyance of the Phase IIA Property for the Phase IIA Project shall be reviewed and approved as to form and legality by the Office of the City Attorney prior to execution by the City, and shall be placed on file with the City Clerk.

**SECTION 5.** The City Council hereby finds and determines that none of the circumstances necessitating preparation of additional environmental review, as specified in CEQA and the CEQA Guidelines, including, without limitation, Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 or 15163 are present in that (1) there are no substantial changes proposed in the Phase IIA Project or the circumstances under which the Phase IIA Project is undertaken that would involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (2) there is no "new information of substantial importance," as defined in CEQA Guidelines Section 15162(a)(3).

**SECTION 6.** The recitals contained in this Ordinance are true and correct and are an integral part of the Council's decision.

**SECTION 7.** The City Council hereby authorizes the City Administrator or designees to (1) remove L & M Development Partners, Inc. from the development team of the Fruitvale Transit Village Phase IIA, a mixed income housing project and as a party to all related documents and (2) retain the Spanish Speaking Unity Council of Alameda County, Inc. and the East Bay Asian Local Development Corporation, or any related entity, as the development team of the project and

as parties to all related documents and authorizing the City Administrator or designee to negotiate, amend and execute all necessary documents, and adopting CEQA exemptions.

**SECTION 8.** This Ordinance shall be in full force and effect immediately upon final adoption, as provided by Section 213 of the City Charter, if adopted by at least six members of Council.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2016

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID,  
and PRESIDENT GIBSON MCELHANEY

NOES-

ABSENT-

ABSTENTION-

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

**AN EMERGENCY ORDINANCE PURSUANT TO CHARTER SECTION 213 AMENDING ORDINANCE NO. 13346 C.M.S. AND APPROVING (1) THE REMOVAL OF L & M DEVELOPMENT PARTNERS, INC. FROM THE DEVELOPMENT TEAM OF THE FRUITVALE TRANSIT VILLAGE PHASE IIA, A MIXED INCOME HOUSING PROJECT ("PROJECT"), AND AS A PARTY TO ALL RELATED DOCUMENTS AND (2) RETAINING THE SPANISH SPEAKING UNITY COUNCIL OF ALAMEDA COUNTY, INC. AND THE EAST BAY ASIAN LOCAL DEVELOPMENT CORPORATION, OR ANY RELATED ENTITY, AS THE DEVELOPMENT TEAM OF THE PROJECT AND AS PARTIES TO ALL RELATED DOCUMENTS AND AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO NEGOTIATE, AMEND AND EXECUTE ALL NECESSARY DOCUMENTS, AND ADOPTING CEQA EXEMPTIONS**

### **NOTICE AND DIGEST**

This Ordinance authorizes the City Administrator to Amend the Lease Disposition and Development Agreement (LDDA) with the Spanish Speaking Unity Council of Alameda County and the East Bay Asian Local Development Corporation and to remove L & M Development Partners, Inc. from the development team for the development of the Fruitvale Transit Village Phase II, and remove L&M as a party from any and all documents related to the development. , and makes associated findings with respect to the California Environmental Quality Act and other matters.