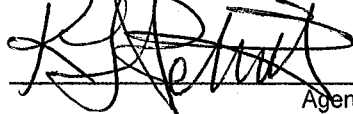


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2016 JUN 17 AM 9:16

APPROVED AS TO FORM AND LEGALITY:

  
Agency Counsel

## OAKLAND REDEVELOPMENT SUCCESSOR AGENCY

Resolution No. 2016-005

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RESOLUTION AUTHORIZING THE AGENCY ADMINISTRATOR OR DESIGNEE TO EXECUTE A CONSENT TO THE CONVEYANCE BY MACARTHUR TRANSIT COMMUNITY PARTNERS, LLC TO A JOINT VENTURE BETWEEN BOSTON PROPERTIES LP, OR RELATED ENTITY, AND MCGRATH PROPERTIES, INC., OR RELATED ENTITY, OF PARCELS B-1 AND B-2 OF THE MACARTHUR BART TRANSIT VILLAGE FOR DEVELOPMENT OF A RESIDENTIAL MIXED-USE PROJECT, PURSUANT TO THE TERMS OF AN OWNER PARTICIPATION AGREEMENT CURRENTLY BETWEEN THE OAKLAND REDEVELOPMENT SUCCESSOR AGENCY AND MACARTHUR TRANSIT COMMUNITY PARTNERS, LLC, AS SUCH CONVEYANCE IS NOT A PROJECT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA"), AND SEPARATELY AND INDEPENDENTLY RELYING ON THE PREVIOUSLY CERTIFIED 2008 ENVIRONMENTAL IMPACT REPORT PER CEQA GUIDELINES SECTIONS 15162-15164, 15183, 15183.3, AND 15168 AND 15180

**WHEREAS**, Pursuant to Redevelopment Agency of the City of Oakland ("Agency") Resolution No. 2009-0073 C.M.S. adopted on February 24, 2010, the Agency entered into an Owner Participation Agreement ("OPA") with MacArthur Transit Community Partners, LLC ("MTCP"), for the development of the MacArthur Transit Village ("Project"); and

**WHEREAS**, on July 29, 2010, MTCP and San Francisco Bay Area Rapid Transit District ("BART") entered into a Purchase and Lease Option Agreement for the sale or lease of BART-owned Property, including Parcels B-1 and B-2 (hereinafter collectively referred to as "Parcel B" since the two parcels will be combined to create one parcel for development) located on Frontage Road, for the development of the Project; and

**WHEREAS**, on February 1, 2012, the Agency dissolved and was succeeded by the Oakland Redevelopment Successor Agency ("ORSA") established pursuant to California Health and Safety Code Sections 34171(j) and 34173; and

**WHEREAS**, the OPA requires ORSA's consent to the transfer of any property interest to non-affiliates of MTCP, subject to certain criteria defined in the OPA, which include, among other things, development experience and adequate financial capacity; and

**WHEREAS**, MTCP submitted a request to convey its option to purchase Parcel B of the MacArthur Transit Village from BART and convey it to a different developer; and

**WHEREAS**, MTCP identified a joint venture between Boston Properties LP, or related entity, and McGrath Properties, Inc., or related entity, as the new developer; and

**WHEREAS**, staff has determined that the joint venture between Boston Properties, LP and McGrath Properties, Inc., has the requisite development experience and adequate financial capacity for delivery of the planned development of MacArthur BART Transit Village Parcel B; and

**WHEREAS**, the requirements of the California Environmental Quality Act (CEQA), the CEQA guidelines as prescribed by the California Secretary of Resources and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied; now therefore be it

**RESOLVED:** That, pursuant to the OPA, ORSA consents to the partial assignment to and assumption of the OPA and the conveyance of MTCP's option to purchase Parcel B to a joint venture between Boston Properties LP, or related entity, and McGrath Properties, Inc., or related entity; and be it further

**RESOLVED:** That the Agency Administrator or designee is hereby authorized to execute a written consent to the partial assignment to and assumption of the OPA and the conveyance of MTCP's option to purchase Parcel B from BART to a joint venture between Boston Properties LP, or related entity, and McGrath Properties, Inc., or related entity; and be it further

**RESOLVED:** That ORSA finds and determines, after independent review and consideration, that this action complies with CEQA because it is not a project under CEQA, and separately and independently ORSA is relying on the previously Certified 2008 EIR per CEQA Guidelines Sections 15162-15164, 15183, 15183.3 and 15168 and that none of the circumstances that require a supplemental or subsequent EIR have occurred; and be it further

**RESOLVED:** That the Agency Administrator or designee shall cause to be filed with the County of Alameda a Notice of Determination and/or Exemption for this action; and be it further

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**RESOLVED:** That the Agency Administrator or designee is further authorized to take whatever action is necessary with respect to the consent to the partial assignment to and assumption of the OPA and the consent to the conveyance of MTCP's option to purchase Parcel B to a joint venture between Boston Properties LP, or related entity, and McGrath Properties, Inc., or related entity, consistent with this Resolution and its basic purposes; and be it

**RESOLVED:** That all documents necessary to effect the partial assignment to and assumption of the OPA and the consent to the conveyance of MTCP's option to purchase Parcel B pursuant to this Resolution shall be reviewed and approved by the City Attorney, and copies shall be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, July 5, 2016

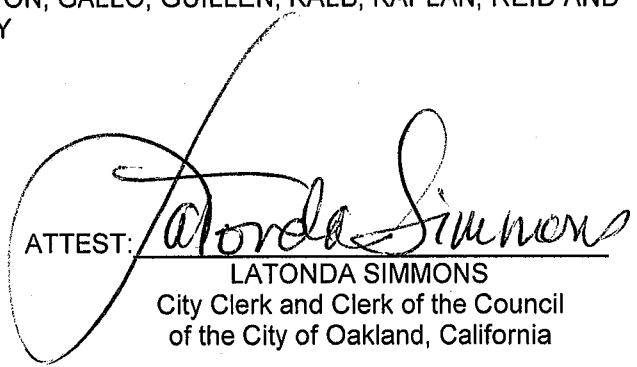
**PASSED BY THE FOLLOWING VOTE:**

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