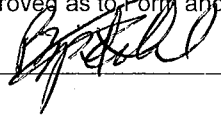


FILED
OFFICE OF THE CITY CLERK
OAKLAND
2017 NOV 21 PM 3:47

Approved as to Form and Legality:
 11/21/17

OAKLAND CITY COUNCIL
= **86 992**
RESOLUTION No. _____ C.M.S.

A Resolution Amending Resolution No. 85271 C.M.S. To Amend And Restate the Exclusive Negotiating Agreement ("Amended And Restated ENA") With The Spanish Speaking Unity Council ("Unity Council") For Development Of The Fruitvale Transit Village Phase II ("FTV Phase II") as Follows: 1) Formalize The Subdivision of FTV Phase II Into Two Projects, Phase IIA And Phase IIB; 2) Extend The Term Of The Amended And Restated ENA Phase IIB Project By One Year Through December 30, 2018, With One Six Month Administrative Extension; and 3) Add BRIDGE Housing Corporation And Or Affiliated Entities As A Party To The Amended And Restated ENA For The Development Of The Fruitvale Transit Village Phase IIB Project ("Phase IIB Project")

WHEREAS, on November 18, 2014 an Exclusive Negotiating Agreement (ENA) was authorized with Resolution No.85271 C.M.S. between the City of Oakland and the Spanish Speaking Unity Council for the development of a City of Oakland 3.4 acre property located between 35th and 37th Avenues and East 12th Street (APN 033-2177-021 and APN 033-2197-019); and

WHEREAS, the FTV Phase II is now in two phases, the Phase IIA component is approximately 1.23 acres (APN 033-2177-021) and Phase IIB component (APN 033-2197-019) is approximately 2.18 acres; and

WHEREAS, the Unity Council has successfully moved forward with the requirements of the ENA and has signed a Lease Disposition and Development Agreement (LDDA) for Phase IIA for 94 units of housing and is now in the final stages of closing on the FTV Phase IIA site; and

WHEREAS, the Unity Council has a Memorandum of Understanding (MOU) with BRIDGE Housing Corporation for the development of Phase IIB; and

WHEREAS, the Unity Council and BRIDGE Housing Corporation as "Developer" desire to commence the development of Phase IIB of the Fruitvale Transit Village as a proposed mixed-use transit oriented development with approximately 181 residential units, up to 120 parking spaces, and a 7,200-square foot non-profit clinic, La Clinica de la Raza, on the ground floor; and

WHEREAS, the Unity Council and BRIDGE Housing Corporation desire to amend and restate the original ENA in order to provide additional time for the preliminary study and exclusive negotiations of the proposed project, with the understanding that such study and

negotiations do not constitute a binding commitment on the part of the City to the proposed Project, Unity Council or any developer; and now therefore be it

RESOLVED: That the City Administrator (the "City Administrator") or his/her designee is authorized to amend the existing Exclusive Negotiating Agreement ("ENA") with the Unity Council for purposes of studying and evaluating the feasibility of, and negotiating terms and conditions for the potential development of Phase IIB of the Fruitvale Transit Village at the Fruitvale BART Station parking lot, including, but not limited to approximately 181 residential units, up to 120 parking spaces and a 7,200 square foot clinic; and be it

FURTHER RESOLVED: That the exclusive negotiating period shall be extended until December 2018 with the option to extend said period an additional six months at the discretion of the City Administrator or his/her designee; and be it

FURTHER RESOLVED: That the City finds and determines, after independent review and consideration, that the authorization to enter into the ENA with Unity Council 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 his/her designee shall cause to be filed with the County of Alameda a Notice of Exemption from CEQA requirements; and be it

FURTHER RESOLVED: That all documents shall be reviewed and approved as to form and legality by the City Attorney's Office prior to execution; and be it

FURTHER RESOLVED: That the City hereby authorizes the City Administrator or his/her designee, to negotiate and enter into other agreements and take all other actions necessary with respect to the ENA and the Project consistent with this Resolution and its basic purpose.

DEC 18 2017

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

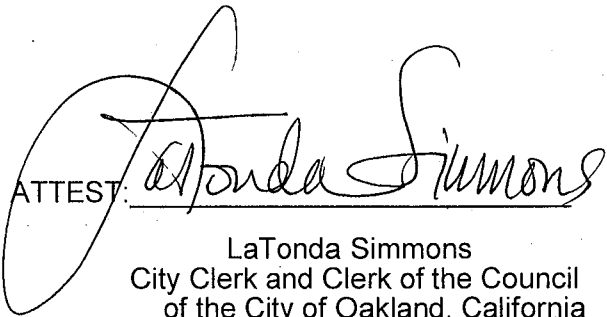
AYES - ~~WASHINGTON~~, CAMPBELL WASHINGTON, GALLO, GIBSON McELHANEY, GUILLEN, KALB, KAPLAN, and PRESIDENT REID -7

NOES - 0

ABSENT - 0

ABSTENTION 0

Waived - Brooks - 1

ATTEST: 
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California