



AGENDA REPORT

TO: Jestin D. Johnson
City Administrator

FROM: Ashleigh Kanat, Director
Economic and Workforce
Development Department

SUBJECT: Fire Alarm Building/Museum of Jazz &
Art New Exclusive Negotiation
Agreement

DATE: April 10, 2026

City Administrator Approval 
Jestin Johnson (Apr 13, 2026 13:46:57 PDT)

Date: Apr 13, 2026

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution:

(1) Authorizing The City Administrator To Negotiate And Execute A New Exclusive Negotiation Agreement With The Museum Of Jazz & Art For Development Of A Museum And Art Facility On City Property Located At 1310 Oak Street For An 18 Month Term, Conditioned On Payment Of A \$10,500 Exclusive Negotiation Payment, With One Additional Six-Month Administrative Extension Conditioned On Payment Of An Additional \$3,500; And

(2) Adopting California Environmental Quality Act Findings

EXECUTIVE SUMMARY

The City of Oakland (City) owns real property located at 1310 Oak Street, commonly known as the Fire Alarm Building site (Property). On December 31, 2020, the City entered into an Exclusive Negotiation Agreement (Original ENA) with the Museum of Jazz & Art, a California nonprofit public benefit corporation (MoJA or Developer), to analyze the feasibility of developing a Museum of Jazz & Art (Project) on the Property, and to negotiate the terms for a potential Lease Disposition and Development Agreement (LDDA) and long-term lease (Lease) of the Property. The Original ENA was subsequently amended four times between February 2022 and June 2024 to extend performance milestone deadlines and the term of the Original ENA. The Original ENA expired on December 31, 2024. During the prior Original ENA period, as amended, the City Council adopted the Downtown Oakland Specific Plan (DOSPP), which became effective on August 29, 2024, and impacted the Project's zoning and design requirements, necessitating revisions to MoJA's project design and planning application.

Staff is seeking authorization to enter into a new Exclusive Negotiation Agreement (ENA) with MoJA for an eighteen (18) month term, with an optional six-month administrative extension condition on payment of an additional \$3,500 Extension Payment, to provide MoJA the time

necessary to complete its planning entitlements and California Environmental Quality Act (CEQA) review, negotiate the terms of an LDDA and Lease of the Property, and fulfill required community engagement obligations. MoJA submitted its planning application and paid the applicable fees on January 16, 2026. This represents meaningful predevelopment progress by MoJA and satisfies a threshold condition established by staff for recommending that the City Council authorize a new ENA. Upon MoJA's successful completion of all ENA requirements, staff would return to City Council with a recommendation to authorize an LDDA and long-term lease (Lease) with MoJA.

BACKGROUND / LEGISLATIVE HISTORY

Fire Alarm Building and Site

The Property is located at 1310 Oak Street, directly across the street from Lake Merritt. The Property is approximately 0.75 acres and contains a single-story unreinforced masonry structure, commonly known as the Fire Alarm Building, which was constructed from 1911 to 1912 as a Beaux Arts derivative and substantially remodeled from 1953 to 1954. The building's gross building area is approximately 4,500 square feet. The City obtained fee simple title to the Property in 1910.

In 1995, the Oakland Cultural Heritage Survey rated the building B-, a1+ (major importance, landmark quality; potential A, highest importance, if restored). The building has been determined eligible for the National Register of Historic Places and is a contributor to Oakland's historic Lake Merritt District.

The Property currently serves as office space for Oakland Public Works Department's Facilities Services Division, as well as storage space for the Oakland Public Library and the Information Technology Department. The Property includes a surface parking lot with 45 spaces, 10 of which are leased to the Lake Chalet Restaurant for overflow parking during evenings and weekends, 20 spaces reserved for the Oakland Public Library, 14 for Oakland Public Works, and one reserved for the Alameda County District Attorney.

Prior Development Efforts

In July 1999, the City issued a Request for Proposals (RFP) to develop the Property for residential use. In November 1999, pursuant to Resolution No. 75355 C.M.S., the City Council authorized an Exclusive Negotiation Agreement (ENA) with a joint venture between Lalanne/Volckman and E.M. Johnson Alliance for development of a high-rise residential tower, which would have required demolition of the Fire Alarm Building. That ENA was never executed due to significant public opposition from a broad coalition of historic preservationists, open space advocates, and neighborhood groups known as the Coalition of Advocates for Lake Merritt. On January 25, 2000, the Alameda County Board of Supervisors also adopted a resolution opposing the proposed development.

Fiber Optic Network

The Fire Alarm Building serves as a key junction point for fiber-optic communication cables within a regional network that includes both City and County of Alameda infrastructure. According to the City of Oakland's Fiber Optic Network Master Plan, the building functions as a "City hub" within a broader network that also encompasses "regional hubs" such as the Alameda County Administration Building, Caltrans, and the Port of Oakland offices. The full

extent of integration between these hubs has not been fully determined and remains subject to ongoing assessment as MoJA advances its Project.

In 2023, the City conducted a survey establishing a legal description and plat map for the fiber optic public utility easement at the Property. Any redevelopment must account for this infrastructure, which would either remain in place with appropriate access provisions or be relocated at an undetermined cost. Resolution of the fiber optic network issue would be a prerequisite to finalizing a LDDA for the Property.

Museum of Jazz & Art (MoJA)

MoJA is a California nonprofit public benefit corporation established in 2013 for the purpose of developing a museum dedicated to jazz music and its history in Oakland. In February 2018, MoJA submitted an unsolicited development proposal to the City requesting to purchase or lease the Property to develop a jazz and art museum.

On January 21, 2020, the City Council adopted [Resolution No. 87999 C.M.S.](#), authorizing staff to issue noticing consistent with the State Surplus Land Act (SLA) and, if no proposals were received, to commence negotiations with MoJA based on its unsolicited proposal. On January 24, 2020, staff issued a notice of surplus land availability to eligible entities, formally establishing the statutory 60-day SLA noticing period. The SLA noticing period concluded on March 24, 2020 without any proposals received.

Original ENA (December 2020)

Therefore, on July 28, 2020, the City Council adopted [Resolution No. 88260 C.M.S.](#), authorizing the City Administrator to enter into an Exclusive Negotiation Agreement with MoJA. On December 31, 2020, the City and MoJA entered into the original Exclusive Negotiation Agreement (Original ENA) to analyze the feasibility of developing a jazz and art museum on the Property and to negotiate the terms for a potential LDDA and Lease of the Property.

First ENA Amendment (February 2022)

On February 23, 2022, pursuant to Section 2(c) of the Original ENA, the City Administrator extended the Term for one additional period of up to six calendar months, memorialized in the First Amendment to the Original ENA. On June 30, 2021, MoJA had submitted a pre-application to the Planning & Building Department (PBD) seeking preliminary input on its development proposals prior to submitting a formal planning application. On February 25, 2022, PBD provided MoJA with a pre-application response letter identifying significant compliance issues with the City's development standards and historic preservation regulations applicable to the Project including the proposed height of the Project building and its effective demolition of a majority of the existing historic façade.

Second ENA Amendment (June 2023)

On June 6, 2023, the City Council adopted [Resolution No. 89770 C.M.S.](#), approving the Second Amendment to the Original ENA, as amended. The Second Amendment retroactively extended the Term by eighteen (18) months from December 31, 2022 to June 30, 2024, with an option for one additional six-month administrative extension, conditioned on MoJA's payment of a nonrefundable Exclusive Negotiation Payment of \$10,500. The Second Amendment also established an updated Schedule of Performance requiring MoJA to submit its complete Basic Application for Development Review and Environmental Review applications (Planning

Applications) to PBD, addressing all issues raised in PBD's February 25, 2022 pre-application response letter. The Second Amendment also reflected the need for additional time to complete the fiber optic network assessment described above, and to ensure project consistency with any new development standards upon adoption of the DOSP.

Third ENA Amendment (October 2023)

On October 13, 2023, the City Administrator executed the Third Amendment to the Original ENA, as amended pursuant to the administrative extension authority under Section 5(b) of the Original ENA. The Third Amendment replaced the Schedule of Performance in its entirety with updated milestone due dates.

Fourth ENA Amendment (June 2024)

On June 28, 2024, the City Administrator executed the Fourth Amendment to the Original ENA, as amended, providing an additional administrative extension and extending the Term to December 31, 2024. The combined extensions under the Third Amendment and the Fourth Amendment provided nine additional months. As of the Fourth Amendment, MoJA remained out of compliance with several Schedule of Performance milestones, including the deadlines for submission of its Planning Applications to PBD.

The Fourth Amendment was granted, in significant part, to allow MoJA time to incorporate the requirements of the newly adopted DOSP into its Project design and planning application. The DOSP was approved by the City Council on July 16, 2024 and the DOSP and its implementing zoning amendments became effective on August 29, 2024. In anticipation of the City Council's approval of the DOSP, staff sent a letter to MoJA on July 15, 2024 establishing that MoJA must submit its Planning Applications to PBD as a condition for staff to recommend a new ENA to City Council; MoJA's submission of its Planning Applications would represent significant progress by MoJA.

Updates Since the Fourth Amendment

Following City Council's July 2024 adoption of the DOSP, MoJA continued work on its Planning Applications in conformance with the new zoning framework. On March 4, 2025, staff sent MoJA a letter reconfirming the conditions for recommending a new ENA, contingent on submission of MoJA's revised Planning Applications. Subsequently, on January 16, 2026, MoJA submitted its Planning Application for the Project to PBD and paid its applicable planning application fees. On January 21, 2026, the Planning Division confirmed receipt of the application and assigned a case planner to the Project.

The successful intake of MoJA's planning application and payment of application fees represents a meaningful milestone in the Project's predevelopment progress and satisfies the threshold condition staff established for recommending City Council authorize a new ENA. Accordingly, staff is returning to City Council to seek authorization to negotiate and execute the ENA terms and establish updated performance milestones necessary to bring the Project to an LDDA and Lease for City Council consideration.

ANALYSIS AND POLICY ALTERNATIVES

Staff recognizes that the prior ENA required multiple extensions and ultimately expired without completion of all milestones. However, the key gating condition established by staff for considering any new agreement was the submission of a complete planning application responsive to current zoning. That milestone has now been met, following adoption of the Downtown Oakland Specific Plan, which materially changed the development framework for the site and required redesign. The proposed ENA is therefore not a continuation of prior timelines, but a reset tied to a clearly defined and more advanced stage of project readiness, with updated performance expectations to determine whether the Project can proceed to final agreements.

DOSP Compliance and Updated Planning Application

The most significant factor warranting a new ENA is MoJA's need to redesign and resubmit its Planning Applications in conformance with the adopted DOSP. The DOSP introduced new zoning regulations and development standards that directly affect the Property, requiring MoJA to revise the planning, design, and programming scope of its Project accordingly. MoJA submitted its Planning Application and paid the applicable fees on January 16, 2026. The application, assigned case number PLN25052 with associated environmental review case PLN25052-ER01, was formally assigned to a case planner by the Planning Division on January 21, 2026 and is now under review.

Negotiation of Lease Disposition and Development Terms

A new ENA will also provide the time necessary for the City and MoJA to negotiate and finalize the terms of an LDDA and Lease of the Property. The LDDA and the Lease will govern the terms and conditions of the City's disposition by Lease of the Property to MoJA and the development and operation of the Project. Negotiation of such terms can happen concurrently with PBD's review of MoJA's Planning Applications but cannot be meaningfully completed until MoJA has obtained its entitlements and the Project's design, budget, and financing structure are sufficiently advanced. The new ENA will establish a new Schedule of Performance including a timeframe for completing negotiations and, if successful, returning to City Council for authorization of an LDDA and Lease upon MoJA's completion of its planning approvals and CEQA review.

Public Review and Community Engagement

The new ENA will also provide additional opportunities for the public to review and comment on MoJA's most recent Project plans. The Property is located within Oakland's historic Lake Merritt District and the BAMBD, and the proposed development involves a significant expansion of an existing historic structure that has been the subject of community interest and scrutiny over many years. As a condition of the new ENA, MoJA will be required to conduct community meetings to present its updated Project design and solicit input from stakeholders, including members of the Oakland Heritage Alliance, whose expertise in historic preservation is particularly relevant given the site's historic significance.

Summary of Proposed ENA Terms

The following table summarizes the key terms of the proposed new ENA:

Table 1: Summary of Proposed ENA Terms

TERM	DESCRIPTION
Parties	City of Oakland and Museum of Jazz & Art, a California nonprofit public benefit corporation
Property	1310 Oak Street (Fire Alarm Building), Oakland, CA (APN: 002-0091-001-00)
ENA Term Length	18 months from the Effective Date
ENA Payment	\$10,500; payable by MoJA on the Effective Date
Administrative Extension	One six-month extension at the City Administrator's discretion, conditional on additional payment of a \$3,500
Performance Milestones	As set forth in the Schedule of Performance attached to the ENA, including planning entitlements, LDDA and Lease negotiation, community engagement, and project financing
Community Engagement	MoJA shall conduct at least two community meetings to present updated Project plans and solicit feedback from stakeholders, including the Oakland Heritage Alliance
City Council Authorization	The LDDA and Lease shall require separate City Council authorization prior to execution, upon MoJA's completion of CEQA.

Finally, approval of this item does not authorize the disposition of the Property or commit the City to any financial obligations in connection with the development of the Project. Any disposition of the Property and associated financial terms will require separate, future City Council authorization of an LDDA and Lease.

RELATED PLANNING EFFORTS

In addition to the Project's consistency with the DOSP, the Project supports the City's recently completed Economic Development Action Plan (EDAP). The proposed ENA with MoJA for the Project advances several EDAP goals, as described below:

- **Economic Growth** – The Project would attract investment in Oakland's creative and cultural industries, diversifying the City's economic base and generating visitor activity, while also boosting business license tax revenue.

- **Business Support** – A functioning cultural venue at the Fire Alarm Building would increase foot traffic and support surrounding retail, food service, and hospitality businesses in the Lake Merritt and downtown corridors.
- **Jobs and Workforce Development** – The Project would create short-term construction employment and longer-term positions in arts administration and facility operations, with opportunities for workforce development partnerships connecting Oakland residents to the cultural sector.
- **Place and Community Investment** – The EDAP prioritizes catalytic development on public property. Adaptive reuse of the City-owned Fire Alarm building would activate a prominent civic site, support the goals of the Downtown Oakland Specific Plan, and strengthen the surrounding neighborhood.
- **Arts and Culture Support** – The Project seeks to showcase Oakland's music and artist scenes and would serve as a cultural anchor in the BAMBD, consistent with the EDAP's goal of investing in cultural, arts, and the creative economy.

FISCAL IMPACT

The direct fiscal impact of the proposed action is the receipt of a nonrefundable Exclusive Negotiation Payment in the amount of \$10,500 from MoJA to the City to be paid on the effective date of the new ENA. In addition, an additional nonrefundable Exclusive Negotiation Payment in the amount of \$3,500 would be received if the term of the ENA is extended by six months by the City Administrator. All payments (collectively, the "ENA Payments") received under the new ENA will be accepted and appropriated to the Central District Projects Fund (5610), Central District Redevelopment Organization (85245), Fire Alarm Building PEP Project (1005773). The ENA Payments represent one-time revenues to the City during the ENA period.

During the ENA period, MoJA will bear sole responsibility for all costs associated with advancing the Project toward entitlement and disposition, including consultant fees, planning and permitting fees, legal fees, environmental review costs, and financing expenses. The City will incur ongoing staff costs during the ENA period associated with reviewing MoJA's submittals, conducting LDDA and Lease negotiations, and coordinating with the Planning and Building Department and other City departments. These costs are recurring for the duration of the ENA term and will be absorbed within existing departmental budgets.

PUBLIC OUTREACH / INTEREST

As a condition of the new ENA, MoJA will be required to conduct at least two community meetings to present its updated Project plans and solicit feedback from the public prior to final entitlement decisions. The Property is located within Oakland's historic Lake Merritt District, and the proposed development involves significant changes to an existing historic structure that has been the subject of community interest over many years.

In addition to the community meetings required under the new ENA, the Project will be subject to all applicable public noticing and hearing requirements before the Planning Commission as part of the formal entitlement process.

COORDINATION

The Economic and Workforce Development Department (EWDD) has coordinated closely with PBD throughout the predevelopment process. EWDD and Planning staff have maintained ongoing communication regarding the Project's entitlement requirements, Schedule of Performance milestones, and the implications of the DOSP on the Project's design and planning application. In addition, the Budget Bureau, the City Attorney's Office, and the City Administrator's Office have all reviewed the contents of this staff report and the corresponding proposed resolution prior to its submittal for City Council consideration.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

Since execution of the Original ENA in December 2020, MoJA has made incremental progress toward advancing the Project through predevelopment. During the initial ENA period, MoJA completed several early predevelopment tasks, including submission of a pre-application to the Planning and Building Department in July 2021 and retention of consultants to advance Project design and environmental review. However, MoJA was unable to complete all required performance milestones within the Original ENA term, necessitating four successive extensions between February 2022 and June 2024.

The primary factors contributing to the need for extensions included the complexity of designing a project that meets the City's historic preservation and development standards for the Fire Alarm Building, the pending adoption of the DOSP and its direct impact on the Project's zoning and design requirements, and the time required to coordinate with City departments on the fiber optic network issue. Despite these challenges, MoJA has maintained consistent engagement with City staff throughout the predevelopment process and has not abandoned or materially altered its commitment to the Project.

MoJA's submittal of its Planning Applications and payment of applicable fees on January 16, 2026, followed by the submittal of schematic design plans to EWDD in February 2026, represents the most meaningful progress achieved to date. These submittals reflect MoJA's incorporation of the DOSP's new zoning framework into a revised Project design and demonstrate sufficient forward momentum to justify authorization of a new ENA.

As a condition of the new ENA, staff will conduct periodic evaluations of MoJA's progress against the new Schedule of Performance milestones. If MoJA successfully completes its obligations under the new ENA and the terms of an LDDA and Lease are agreed upon, staff will return to City Council with a recommendation on the LDDA and Lease.

RACE AND EQUITY

There are no direct equity impacts connected to this request to authorize a new ENA with MoJA for development of the Project at the Fire Alarm Building. However, the Project carries significant racial and cultural equity implications that informed the City Council's decision in 2020 to pursue this Project and continue supporting its advancement.

The Project is dedicated to preserving and celebrating jazz, a distinctly Black American art form with deep roots in Oakland and the broader Bay Area. The proposed museum would be within

Oakland's BAMBD, a hub of cultural institutions and small businesses that reflect the City's diverse cultural history. The site is also near the Oakland Museum of California and the Calvin Simmons Performing Arts Theater. The addition of a jazz and art museum in the BAMBD would further strengthen Oakland's identity as a center of Black cultural heritage and artistic legacy.

Beyond its cultural significance, the Project is designed to deliver direct community benefits to Oakland residents, particularly those from historically underserved communities. MoJA's proposed programming includes grants and low-interest loans to support working musicians, a learning center dedicated to teaching science, technology, engineering, and math (STEM) curriculum through music and art, and jazz programs specifically designed for Oakland youth. These programs represent a meaningful investment in economic opportunity and educational access for communities that have historically been underrepresented in both the arts and STEM fields.

The Project would also advance the City's broader equity goals by activating a long-underutilized piece of City-owned property in a manner that generates cultural, educational, and economic benefits for the surrounding community rather than displacement or exclusion.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Nothing in this action to authorize the City Administrator to enter into a new ENA should be interpreted as an approval or a pre-commitment to approve, now or in the future, the disposition of the City's interest in the Property, to any particular party, on any particular terms, or for any particular purpose. Any proposed disposition of the Property and any development Project on the Property will require further discretionary actions of the City Planning Commission and City Council, and the City retains full discretion, following conclusion of the negotiation period set forth in the new ENA, to proceed with disposition of its interest in the Property in compliance with CEQA. As such, this action will not result in a direct, or indirect, physical change in the environment and does not in-and-of-itself constitute a "project" pursuant to CEQA Guidelines Section 15378.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution:

(1) Authorizing The City Administrator To Negotiate And Execute A New Exclusive Negotiation Agreement With The Museum Of Jazz & Art For Development Of A Museum And Art Facility On City Property Located At 1310 Oak Street For An 18 Month Term, Conditioned On Payment Of A \$10,500 Exclusive Negotiation Payment, With One Additional Six-Month Administrative Extension Conditioned On Payment Of An Additional \$3,500 Extension Payment; And

(2) Adopting California Environmental Quality Act Findings.

For questions regarding this report, please contact Brandon Wolinsky, Urban Economic Coordinator, at 510-238-3250.

Respectfully submitted,



Ashleigh Kanat (Apr 10, 2026 17:27:28 PDT)

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