



CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**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**

**WHEREAS**, the City of Oakland (“City”) owns a 0.75 acre parcel of land located at 1310 Oak Street (the “Property”), which is improved with a single-story building constructed in 1911 as a Beaux Arts derivative which is approximately 4,500 square feet in gross building area (the “Fire Alarm Building”); and

**WHEREAS**, on December 31, 2020, pursuant to Resolution No. 88260 C.M.S., the City and Museum of Jazz & Art, a California nonprofit corporation (“MoJA”), entered into that certain Exclusive Negotiation Agreement (1310 Oak Street – Fire Alarm Building), as amended on February 23, 2022 (the “Original ENA”) for the adaptive reuse and development of the Fire Alarm Building as a jazz museum and art facility (the “Project”); and

**WHEREAS**, the Original ENA had performance deadlines for MoJA to meet; and

**WHEREAS**, MoJA had been working to satisfy the deadlines but needed additional time; and

**WHEREAS**, on December June 6, 2023, pursuant to Resolution No. 89770 C.M.S., the City and MoJA entered into a Second Amendment of the Original ENA, which was subsequently

amended by a Third Amendment dated October 13, 2023, and a Fourth Amendment dated June 28, 2024; and

**WHEREAS**, during the Original ENA period, as amended, the City adopted the Downtown Oakland Specific Plan (“DOSP”), which became effective on August 29, 2024 and directly impacted the Project’s zoning and design requirements necessitating revisions to MoJA’s Project design and planning application; and

**WHEREAS**, the Original ENA, as amended, expired on December 31, 2024; and

**WHEREAS**, MoJA submitted its revised planning application and paid the applicable fees on January 16, 2025 and following letters and new submittals, on January 21, 2026, the Planning Division confirmed receipt and MoJA is continuing work to complete its submittal; and

**WHEREAS**, the City and MoJA desire to enter a new Exclusive Negotiation Agreement (“ENA”) to provide more time for MoJA to obtain the entitlements for the Project and negotiation of the terms of a Lease Disposition and Agreement (“LDDA”) and long-term lease (“Lease”) for the disposition and development of the Property; now, therefore, be it

**RESOLVED:** That the City Council hereby authorizes the City Administrator to negotiate and execute a new ENA for a term and related performance deadlines for an eighteen (18) month period for purposes of MoJA’s obtaining entitlements and negotiation of the terms of an LDDA and Lease for development and disposition of the Property, with an option to administratively extend such period for an additional six-month period at the discretion of the City Administrator; and be it

**FURTHER RESOLVED:** That the City Council shall require an Exclusive Negotiation Payment in the amount of nonrefundable \$10,500 for negotiating the new ENA, and an additional Exclusive Negotiation Payment in the amount of nonrefundable \$3,500 if the City Administrator elects to extend the new ENA period by the six months; and be it

**FURTHER RESOLVED:** That the City Council authorizes the City Administrator to accept and appropriate the nonrefundable Exclusive Negotiation Payments of \$10,500 and \$3,500, respectively, to the Central District Projects Fund (5610), Central District Redevelopment Organization (85245), Fire Alarm Building PEP Project (1005773); and be it

**FURTHER RESOLVED:** That the City Administrator shall return to City Council for approval of any LDDA or Lease of the Property; and be it

**FURTHER RESOLVED:** That the City Council finds and determines any proposed disposition of the Property will require further discretionary actions of the City Council, and the City retains full discretion, following conclusion of the negotiation period set forth in ENA, as amended, to proceed with disposition of its interest in the Property in compliance with the California Environmental Quality Act (“CEQA”); and be it

**FURTHER RESOLVED:** That the City Council finds and determines, after independent review and consideration, that this action will not result in direct or indirect physical change in the

environment and does not in-and-of-itself constitute a “project” pursuant to CEQA Guidelines Section 15378; and be it

**FURTHER RESOLVED:** That the City Administrator is further authorized to negotiate and execute documents and take all other action necessary with respect to the new ENA and the Project, consistent with this Resolution and its basic purposes, as shall be approved for form and legality by the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND  
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California