

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

RESOLUTION No. _____ C.M.S.

A RESOLUTION AUTHORIZING A THIRD AMENDMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT WITH ROTUNDA PARTNERS II, LLC FOR THE CONSTRUCTION OF IMPROVEMENTS ON THE CITY OF OAKLAND RIGHT OF WAY COMMONLY KNOWN AS “KAHN’S ALLEY” AND PROVIDING FOR AGENCY REIMBURSEMENT FOR SUCH IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED \$375,000

WHEREAS, on June 29, 1998, the Redevelopment Agency of the City of Oakland (the “Agency”) and Rotunda Partners II, LLC (“RPII”), pursuant to Resolution No. 98-32 C.M.S., entered into a Disposition and Development Agreement (“DDA”) for the Rotunda building located at 300 Frank H. Ogawa Plaza (the “Property”); and

WHEREAS, on October 20, 1999, the Agency transferred the Property to RPII, and RPII started the rehabilitation of the Property on November 1, 1999; and

WHEREAS, RPII has used a fenced-off portion of the City of Oakland’s (the “City”) public right-of-way, commonly known as Kahn’s Alley (the “Alley”) as a construction staging area for the rehabilitation of the Property pursuant to an encroachment permit from the City; and

WHEREAS, the City is responsible for the completion of the unfinished portion of the Alley (the “Project”) as part of the City Administration Building reconstruction, which included restoration and repaving of Frank Ogawa Plaza; and

WHEREAS, RPII has requested that the DDA be amended to 1) allow RPII to complete the Project (Kahn’s Alley) simultaneously with the canopy and doors for the Property’s new main entrance and any other remaining work on the building, and 2) to provide for full reimbursement from the Agency for the Project in an amount not to exceed \$375,000; and

WHEREAS, the Agency has determined that RPII’s request to complete the Project is in the best interest of the Agency; and

WHEREAS, pursuant to Section 33445 of the California Health and Safety Code, the City passed a resolution consenting to the use of funds in an amount not to exceed \$375,000 from the Agency for the construction of the Project; and

WHEREAS, the City of Oakland has found and determined that the requirements of CEQA, the State CEQA Guidelines as prescribed by the Secretary for Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied pursuant to Section 15301 of

the State CEQA Guidelines, and based on that, the DDA for the Rotunda Building and any amendments thereto are exempt from CEQA; and

WHEREAS, the Project was more fully described as Alternative 1A in the Final EIR for the City Administration Building that was certified by the Oakland City Planning Commission on February 22, 1995 and the Oakland City Council on March 14, 1995, as may have been modified by the Oakland City Planning Commission and/or the Oakland City Council; and

WHEREAS, the requirements of the California Environmental Quality Act (“CEQA”), the CEQA Guidelines, and local CEQA procedures have been satisfied and that an EIR for the City Administration Building Project was prepared and certified by the City Planning Commission and the City Council prior to approving the Project;

NOW, THEREFORE, BE IT

RESOLVED: That the City considered the environmental impacts of the Project prior to approving the Project and finds that the City Administration Building EIR identified all potential significant impacts and identified feasible Mitigation Measures that would reduce these impacts to a less than significant level, and that five significant impacts were identified that could not be mitigated to a less than significant level; and

FURTHER RESOLVED: That the City adopted the Mitigation Measures contained in the EIR as Conditions of Approval for the Project, incorporated herein by reference as if fully set forth herein; and

FURTHER RESOLVED: That the Agency hereby authorize the Agency Administrator to negotiate and execute a third Amendment to the DDA between the Agency and RPI to allow for the construction of the Project and to provide for Agency reimbursement for the Project in an amount not to exceed \$375,000; and be it

FURTHER RESOLVED: That the Agency hereby appropriates an amount not to exceed \$375,000 from Fund 9513, Project P131330 to reimburse RPII for the Project; and be it

FURTHER RESOLVED: That the Agency Administrator, or his designee, is authorized to execute all documents and take any other actions with respect to this Amendment consistent with this Resolution; and be it

FURTHER RESOLVED: That the Agency Counsel shall approve any such documents and that they shall be filed with the Agency Secretary

IN AGENCY, OAKLAND, CALIFORNIA, _____, 2001

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, MILEY, NADEL, REID, WAN, SPEES, AND CHAIR DE LA
FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

CEDA FLOYD
Agency Secretary
of the City of Oakland, California