

5/14/15

Item: 6.6

JS/lhr

BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION AFFIRMING CONSENT TO PLANNED UNIT DEVELOPMENT AMENDMENT APPROVED BY THE CITY OF OAKLAND FOR VARIOUS PROPERTIES IN JACK LONDON SQUARE.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Item 6.6 dated May 14, 2015 ("Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, that in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report, and in related agenda materials and in testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

RESOLVED, that the Board hereby affirms its consent to the Planned Unit Development Amendment previously approved by the City of Oakland for various properties in Jack London Square, as further detailed in the Agenda Report, authorizing the allocation of up to 216 units of residential density from Site G to Site D and Site F-2, subject to a one-time payment of \$275,000 to the Port and subject to Final Development Plan/Design Review approvals from the City of Oakland within the timeframes established by the City Development Agreement; and be it

FURTHER RESOLVED, that the Board hereby authorizes the Executive Director, or his designee, to negotiate, approve, and execute such other agreements and additional documents as may be necessary to consummate this transaction, subject to approval by the Port Attorney as to form and legality, and subject to the condition that this authorization shall be valid for no longer than one (1) year from the date of this Resolution, and that if the amount of \$275,000 is not paid to the Port by that date then such authorization shall be null and void unless further extended at the sole and absolute discretion of the Executive Director or his designee; and be it

FURTHER RESOLVED, that this Resolution is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Board. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed as approved as to form and legality by the Port Attorney,

and is delivered to other contracting party, there shall be no valid or effective agreement; and be it

FURTHER RESOLVED, that this Resolution shall be effective immediately upon adoption by the Board.

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