

**Henry J. Kaiser RFP Questions  
October 28, 2014**

1. Is the property free from any state redevelopment “claw back” issues?  
**Yes.**
  
2. What was the agreement between the state of California and the city of Oakland regarding the disposition of the Henry J. Kaiser center?  
**There is no agreement between the State and the City Oakland regarding the disposition of the building. The City is free to dispose of the property.**
  
3. Are non-RFP listed (alternative) potential uses for the Henry J. Kaiser center an option for the site?  
**Yes. The uses listed on page 14 of the RFP are not intended to be exhaustive and the City is open to new ideas and creative uses.**
  
4. Are there any covenants and/or restrictions on the property? If so, please provide a copy.  
**A recent title report describes existing covenants. The report is attached.**
  
5. What percentage, if any, of the property is subject to the Tide Lands Trust?  
**A cursory review by the City suggests that no part of the Henry J. Kaiser building or parcel is subject to the State Tideland Trust. However, it is the responsibility of the development team to confirm this finding.**
  
6. Will the city subordinate its interest to new debt financing?  
**The City does not have any financing on building; therefore there is currently no interest to subordinate. In addition, the City will not use its property as additional security for a developer loan. In the event that the City does provide financial assistance to the project in the form of a loan that is secured by a deed of trust, any subordination of the City’s loan to a private first deed of trust is subject to negotiation and approval by the City Council.**
  
7. Is sale of the asset prohibited, or is it the City’s preference to not sell?  
**The sale of the asset is not legally prohibited. However, the City has chosen to retain this culturally and historically significant asset and offer a long-term lease for the property.**

8. When will information on the permitted/conditionally permitted uses under the new “flex districting” zoning be made available?

Information about the anticipated permitted and conditionally permitted uses in the building is available now, as part of the Lake Merritt Station Area Plan materials. The proposed new zoning district is D-LM-4.

The Lake Merritt Station Area Plan – and the proposed zoning - was approved by the Planning Commission on October 8, 2014 and forwarded to the City Council for consideration. The City Council will hear the item at Committee on Tuesday, October 28 and it will be considered by the full Council for approval in November.

The proposed new D-LM-4 zoning, including permitted and conditionally permitted uses, can be found in Attachment E3 of the Planning Commission staff report found here:

<http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak049537.pdf>

All meeting information, the project schedule and other background information about the Station Area Plan can be found on the project website at:

<http://www2.oaklandnet.com/Government/o/PBN/OurServices/Plans/DOWD008198>

9. What is the composition of the RFP review panel?

The proposals deemed complete and responsive to the RFP by staff will be reviewed by a panel comprised of city staff, one or more community stakeholders and a professional with expertise in a relevant topic such as real estate economics, land use planning architectural/urban design.

10. Is there a preferred format for the submittal of digital copies of the response (CD, flash drive, email)?

The City would like to receive digital copies of the proposals on CD or Flash Drive. Email copies are not permitted.

11. What is the maximum duration allowed for the lease?

Oakland’s City Charter allows long-term leases up to 66 years.

12. The RFP references a potential subsidy for the rehabilitation of the Calvin Simmons Theater. What is the anticipated amount of this subsidy?

The City may have access to upwards of several million dollars to contribute as a subsidy, depending on project feasibility and subject to negotiation.

13. Is the building a national landmark? Is it eligible for Federal Historic Tax Credits?

The building is a locally designated Oakland city landmark, and is considered eligible for listing on the National Register of Historic Places, although it is not currently on the National Register. There are two federal preservation tax credit programs, a 20% credit for certified rehabilitation of National Register properties and a 10% credit for other pre-1936 properties (see <http://www.nps.gov/tps/tax-incentives.htm>). For properties that are not already on the National Register, listing is part of the 20% tax credit application process.

14. What are considered “significant interiors?”

Public, original, and architecturally detailed spaces like the Calvin Simmons Theater, the ballroom, and certain lobbies and hallways are important in conveying the historic character of the Oakland Auditorium. The treatment of other period interiors may be determined in dialog and collaboration with City staff, Landmarks Board, and/or SHPO as part of the design review and entitlement process, based on proposed use, public visibility, benefit of the proposed changes and other considerations.

15. Could the exterior along 10th Street be modified to include more windows or openings to activate the street?

The exterior of the building along 10th Street could possibly be modified, depending on the effect on the building’s historic appearance and the benefit provided by the alteration. This discussion would need to occur in dialog with City staff, SHPO, and the Landmarks Board as part of the larger consideration of the rehabilitation and adaptive reuse of the building.

16. Is the project eligible for New Market Tax Credits?

The project could be eligible for New Market Tax Credits. If the project meets program requirements for use of the space, jobs created and other community benefits, it may be able to obtain a tax credit allocation.

17. When the City Council approves the selection of a developer, is an ENA approved at the same time?

City Council approval of a developer typically also includes authorizing the City Administrator to enter into an ENA with the selected developer. The ENA is typically largely drafted – and key terms have been established - at this point in the process, and execution of an ENA can occur relatively soon after selection of a developer has been approved City Council. The key terms typically include a schedule of deliverables that are required before the project can move on to a Lease Disposition and Development Agreement.

18. Are certain community benefits more important than others?

No. Proposals will be evaluated on their overall “basket” of community benefits offered by the project, and could include the benefits listed on page 16 of the RFP. This is not an exhaustive list, however. Proposals should clearly describe the community benefits offered.

19. Explain what is meant by Community-based Financing Tools. What are other examples? Is this a requirement or a suggestion?

The City is interested in exploring the viability of new community-based financing models that allow community members to participate in financing the project. A number of tools exist, including community development IPOs, direct public offerings or crowd-funding tools. The community-based financing tools can be used for the permanent project and/or to fund the required interim uses that the selected developer will be responsible for. The City strongly encourages uses of these tools in some form.

20. Does the building require earthquake retrofitting?

In 1985 a renovation was completed to seismically strengthen the arena side of the structure and upgrade cosmetic finishes. Seismic upgrades were intentionally limited to contain costs. They did not bring the building fully into compliance with the codes in effect at that time. The developer will need to analyze the building based on the proposed use to determine what, if any, additional earthquake retrofitting may be required.

As a City Landmark the building is eligible to use the California State Historical Building Code, which allows alternative historically-appropriate means of achieving life safety, energy conservation, and access. See

[http://www.dgs.ca.gov/dsa/AboutUs/shbsb/shbsb\\_board.aspx](http://www.dgs.ca.gov/dsa/AboutUs/shbsb/shbsb_board.aspx)

21. Are the plans that Group 4 used for the *Feasibility Study of the Adaptive Reuse of the Kaiser Arena as a New Main Library* (Attachment # 6) available?

Group 4 did not prepare any CAD drawings or other new dimensioned/to scale information for their report. They worked from the 1914 and 1983 buildings plans provided by the City. The subset of plans they used has been uploaded to a DropBox folder here:  
<https://www.dropbox.com/sh/wfv4u4u6v1ap4t9/AADFw4hr69YaMY4RoBjQGjhp?dl=0>

Attachment A: Preliminary Title Report