

CALIFORNIA CULTURAL AND HISTORICAL ENDOWMENT BOARD RESOLUTION No. 2012.02a

California Cultural and Historical Endowment Board Meeting
05/31/2012, Agenda Item No. 8.0

RESOLUTION DENYING MATERIAL CHANGE TO

The City of Oakland, formerly the Oakland Redevelopment Agency, for the
Oakland Fox Theater

WHEREAS, the Board approved funding for this project on 6/22/2010 for finishing historical touches of the interior and exterior of the theater's historic wraparound building; and

WHEREAS, the CCHE and the Redevelopment Agency of Oakland, now the City of Oakland, entered into a Grant Agreement on March 31, 2011; and

WHEREAS, the City of Oakland expressed a desire to revise the scope of work for the project since work outlined in the original grant application had been completed prior to the grant agreement start date of March 31, 2011; and

WHEREAS, the term of the Grant Agreement expired on August 31, 2011; and

WHEREAS, considerable time passed without responsive communication from the grantee regarding the work plan revision and time extension despite multiple attempts by e-mail and phone on the part of the CCHE Project Manager; and

WHEREAS, subsequent to the grant expiration, the grantee has requested a material change to include tenant-commissioned renovations that have already been completed without CCHE Board approval for two leased spaces of the wraparound building, Rudy's Can't Fail Cafe and the Theater VIP space; and

WHEREAS, the grantee material change request alters the focus of the original project purpose of the CCHE grant and creates a change in circumstance affecting the grantee's ability to implement the project; and

WHEREAS, the material change request affects the project thread, significantly deviating from the original intent of the grant application which included finishing historic touches to the exterior and interior of the wraparound building; and

WHEREAS, the material change request affects the access by including renovations to an exclusive and private VIP Space that limits public access; and

WHEREAS, the material change request affects the capacity of the grantee by shifting the responsibility for carrying out the project from the grantee to sub-leased tenants; and

NOW, THEREFORE BE IT RESOLVED that the CCHE Board denies the grantee's material change request to allow tenant-commissioned renovations for two leased spaces (Rudy's Can't Fail Café and The Theater VIP space) of the Fox Theater's wraparound building; and

BE IT FURTHER RESOLVED that CCHE adopts the information contained in the CCHE Staff Report.

Certification

The undersigned Chair of the CCHE Board of Directors does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at the meeting of the CCHE Board of Directors held 5/31/2012.

Dated:

Signature:

**Stacey Aldrich,
Chair, CCHE Board of Directors**