

CITY OF ALAMEDA PLANNING BOARD

DRAFT RESOLUTION

RECOMMENDING APPROVAL OF DEVELOPMENT AGREEMENT DA-____ BY AND BETWEEN THE CITY OF ALAMEDA AND MIDPEN HOUSING CORPORATION, ALAMEDA POINT COLLABORATIVE, BUILDING FUTURES WITH WOMEN AND CHILDREN, AND OPERATION DIGNITY (“COLLABORATING PARTNERS”) REGARDING 9.7 ACRES AT ALAMEDA POINT REFERED TO AS REBUILDING THE EXISTING SUPPORTING HOUSING AT ALAMEDA POINT (RESHAP)

WHEREAS, in order to strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic costs and risk of development, the Legislature of the State of California enacted Section 65864 et.seq. of the Government Code (the “Development Agreement Legislation”) which authorizes a City and a developer having a legal or equitable interest in real property to enter into a binding, long-term development agreement, establishing certain development rights in the property; and

WHEREAS, pursuant to Government Code Section 65864, the City has adopted rules and regulations establishing procedures and requirements for consideration of development agreements, which procedures and requirements are contain in Alameda Municipal Code Chapter XXX, article vii, Code Sections 30-91 thru 30-95 (the “City Development Agreement Regulation”); and

WHEREAS, the City and MidPen Housing Corporation, a California nonprofit public benefit corporation (“MidPen”), Alameda Point Collaborative, a California nonprofit public benefit corporation (“APC”), Building Futures With Women and Children, a California nonprofit public benefit corporation (“Building Futures”), and Operation Dignity, a California nonprofit public benefit corporation (“Operation Dignity”). Each of APC, Building Futures and Operation Dignity is referred to herein as a “Collaborating Partner”, and collectively, “Collaborating Partners” have entered into a Disposition and Development Agreement dated _____, 2018 approved by the City Council by Ordinance No.____ (“DDA”), whereby the City intends to convey to Collaborating Partners a 9.7 acre portion of the former naval Air Station Alameda (“NAS Alameda”) (“the Property”); and

WHEREAS, in accordance with the Development Agreement Legislation and the City Development Agreement Regulations, the Developer filed an application requesting the approval of a development agreement was prepared and submitted as DA-____, attached hereto; and

WHEREAS, the City is desirous of advancing the socioeconomic interests of City and its residents by promoting the productive use of the former NAS Alameda consistent with the NAS Alameda Community Reuse Plan (the “Reuse Plan”) adopted by the Alameda Reuse and Redevelopment Authority in 1996 and subsequently amended in

1997, and by encouraging quality development and economic growth, thereby enhancing employment opportunities for residents and expanding City's property tax base; and

WHEREAS, the Project, as more fully described in the Development Plan, which was approved by the Planning Board on September 25, 2017, and subject to the Development Agreement, including the following components:

- a. Two-Hundred (200) replacement residential units in newly constructed buildings replacing the 200 units currently located in the Existing Structures (the "Replacement Units");
- b. Sixty-Seven (67) new residential units in newly constructed buildings ("New Residential Units and with the Replacement Units, collectively, the "Residential Units");
- c. Approximately 40,000 square feet of permitted and conditionally permitted community serving commercial spaces;

WHEREAS, the development of the Project would be required to comply with the Transportation Demand Management Plan for Alameda Point ("TDM Plan"), the Reuse Plan, General Plan amendments, Zoning Ordinance amendments, including the creation of the Alameda Point District (Alameda Municipal Code 30-4.24), and a Master Infrastructure Plan ("MIP"), Main Street Plan, (collectively, the "Planning Documents"); and

WHEREAS, after hearing all qualified and interested persons and receiving and considering all relevant evidence, the Planning Board finds and determines as follows:

- a. The notice of the public hearing was given for the time and in the manner as prescribed by law.
- b. As proposed, the DA will not be detrimental to the health, safety and general welfare and is consistent with the objectives, policies, general land uses, and programs specified in the Reuse Plan, the General Plan, the Main Street Plan and the Alameda Point Zoning Ordinance and will promote the redevelopment and revitalization of the Property.
- c. The DA is consistent with the General Plan and the other land use regulations because it ensures that the Development Plan for RESHAP is implemented and completed in appropriate phases over time.

WHEREAS, the terms and conditions of this Development Agreement have undergone extensive review by the City, the Developer and their respective legal counsel. The Planning Board at publicly noticed meetings found the Development Agreement to be in conformance with the General Plan, the Development Agreement Legislation, and the City Development Agreement Regulations; and

WHEREAS, the Planning Board finds that the economic interests of the City's residents and the public health, safety and welfare will be best served by entering into this Development Agreement; and

WHEREAS, by Resolution No. 14891 the City Council previously certified the Final Alameda Point Environmental Impact Report (FEIR) (State Clearinghouse No. 201312043) under the California Environmental Quality Act ("CEQA"), California Public Resources Code Section 2100 et seq. and adopted written findings and a Mitigation Monitoring and Reporting Program ("MMRP") on February 4, 2014 for the Alameda Point Project, which contains the project site; and

WHEREAS, the City and Developer for reasons cited herein have determined that the Project is a transit-oriented destination development for which this Development Agreement is appropriate. This Development Agreement will eliminate uncertainty regarding Project Approvals for the 10-year term thereby encouraging planning for, investment in and commitment to use and development of the Property; and

WHEREAS, continued use and development of the Property in accordance with this Development Agreement is anticipated to, in turn, provide substantial benefits and contribute to the provision of needed infrastructure for area grown, thereby achieving the goals and purposes for which the Development Agreement Statute was enacted; and

WHEREAS, on March 26, 2018, the Alameda Planning Board conducted a public hearing on this Development Agreement in accordance with Government Code section 65867 and the City Development Agreement Regulations; and

NOW, THEREFORE, BE IT RESOLVED, the Planning Board finds that:

The proposed development agreement will not be detrimental to the health, safety and general welfare and is consistent with the objectives, policies, general land uses, and programs specified in the Reuse Plan, the General Plan, the Main Street Plan and the Alameda Point Zoning Ordinance and will promote the redevelopment and revitalization of the Property.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Board finds that:

The proposed conveyance of the from the City of Alameda to the Collaborative Partners for the intended uses described in the Development Plan and Development Agreement are consistent with, and implements, the Alameda Point General Plan Element, the Main Street Specific Plan for Alameda Point and the Alameda Point zoning regulations.