



MEMORANDUM

To: Honorable Members of the Open Government Commission

From: Len Aslanian, Assistant City Attorney

Hearing Date: August 7, 2023

Subject: City's Position Statement Re: July 11, 2023 Sunshine Ordinance complaint filed by Shelby Sheehan

INTRODUCTION

Complainant Shelby Sheehan alleges that City staff violated the Sunshine Ordinance by not making RESHAP/West Midway project documents publicly available prior to the July 18, 2023 City Council meeting on those projects. Ms. Sheehan also alleges that staff violated other unspecified public information and noticing requirements.

However, all project documents were available to the public as of the July 18 meeting in compliance with the Sunshine Ordinance. Staff also complied with all other applicable public information and noticing requirements of the Sunshine Ordinance. Ms. Sheehan's complaint therefore lacks merit, and the Commission should reject it with a finding that the complaint is unfounded.

ANALYSIS

Public availability of documents prior to July 18, 2023 City Council meeting

Ms. Sheehan's complaint alleges that the public "cannot readily access needed information and/or adequately and meaningfully participate" in the July 18, 2023 City Council review of the RESHAP/West Midway development projects because certain project documents "are not publicly available."

The Sunshine Ordinance requires that "[a]ll documents material to a matter anticipated for discussion or consideration or the proposed action of an agenda item [for a City policy body] must accompany the agenda." (Alameda Municipal Code [AMC], § 2-91.5(e).)

Additionally, large documents of general application, like California Environmental Quality Act (CEQA) documents, that may be referenced in staff reports for specific projects must be posted on the City's website. (AMC, § 2-92.4(a) & (c).)

On July 18, 2023, the City Council convened a regular meeting pursuant to Brown Act procedures, including a publicly posted meeting agenda. (Exh. A.) Item 7-D on the Council agenda was for consideration of the proposed RESHAP development project and 11 documents were attached, including the RESHAP Development Plan, Development Agreement, DDA, and CEQA checklist. Item 7-E on the Council agenda was for consideration of the related West Midway project and attached 13 documents, including the West Midway Development Plan, Development Agreement, DDA, and CEQA checklist. All of these documents were and are available for public review on the City's Legistar website. (Exhs. B & C.)

Additionally, CEQA documents referenced in the RESHAP and West Midway staff reports were and are available for public review on City webpages, including the Draft and Final Environmental Impact Reports (EIR) for Alameda Point (Exhs. D & E), and the Draft and Final EIRs for the Alameda General Plan (Exh. F).

Accordingly, City staff ensured that all documents relevant to the RESHAP and West Midway project documents were publicly available prior to the July 18, 2023 Council meeting. Staff therefore fully complied with the documentation requirements of the Sunshine Ordinance.

Other public information and noticing requirements

Ms. Sheehan also claims that City staff violated various unspecified public information requirements of the Sunshine Ordinance because, generally, “[s]taff summaries/presentations do not inform the issues, decisions, timelines, and changes to projects... .”

AMC section 2-91.5(a) and (b) set forth requirements for the agenda descriptions of items before the City Council, noting that “A description is meaningful if it is sufficiently clear and specific to alert a person of average intelligence and education whose interests are affected by the item that he or she may have reason to attend the meeting or seek more information on the item.” The July 18, 2023 Council agenda descriptions for the RESHAP and West Midway projects fully comply with these requirements. (Exh. A.)

Finally, Ms. Sheehan complains that the City failed to provide adequate public notice for various projects “since at least December 2021.” Ms. Sheehan’s Sunshine Ordinance complaint is time-barred with respect to any violation that allegedly arose before June 26, 2023, which is 15 days prior to the July 11, 2023 filing of her complaint. The only relevant noticing that occurred on or after June 26 was for the July 18, 2023 City Council meeting. Per AMC section 2-91.5(a), City staff published that Council meeting agenda on July 6, 2023 and therefore fully complied with all applicable noticing requirements of the Sunshine Ordinance. (Exh. G.)

CONCLUSION

Ms. Sheehan’s complaint fails to identify any violation of the Sunshine Ordinance by City staff regarding the July 18, 2023 City Council hearing on the RESHAP/West Midway project. The Commission should thus reject it with a finding that the complaint is unfounded.

Exhibit A

July 18, 2023 City Council meeting agenda



City of Alameda

Meeting Agenda

City Council

Tuesday, July 18, 2023

7:00 PM

City Hall, 2263 Santa Clara Avenue, Council
Chambers, 3rd Floor, Alameda CA 94501

MEETING TIMES: Closed Session - 5:00 p.m.
Regular Meeting - 7:00 p.m.

*The City allows members of the public to participate in person or remotely via Zoom
For information to assist with Zoom participation, please click:
<https://www.alamedaca.gov/zoom>*

*For Zoom registration, please click:
https://alamedaca-gov.zoom.us/webinar/register/WN_erP-XPEYSxyCexIUe21bnw*

*For Telephone Participants:
Zoom Phone Number: 669-900-9128
Zoom Meeting ID: 875 3960 0763*

*Any requests for reasonable accommodations should be made by contacting the City
Clerk's office: clerk@alamedaca.gov or 510-747-4800*

The Council may take action on any item listed in the agenda

SPECIAL CITY COUNCIL MEETING - 5:00 P.M.

- 1 Roll Call - City Council
- 2 Consent Calendar - Items are routine and will be approved by one motion; members of the public may speak once for up to 2 minutes on the entire Consent Calendar; following public comment, the Council can remove items and speak for up to 5 minutes on each item; recording a non-affirmative vote should be done without removal
- 2-A [2023-3244](#) Recommendation to Approve Jennifer Ott, City Manager, Andrew Thomas, Interim Base Reuse and Economic Development Director, Len Aslanian, Assistant City Attorney, and John McManus, Broker, as Real Property Negotiators for Building 39, Located at 950 West Tower Avenue, Alameda, CA [Pyka, Inc.]. (Base Reuse and Economic Development 29061822)
- 2-B [2023-3203](#) Recommendation to Approve Jennifer Ott, City Manager, Jessica

Romeo, Human Resources Director, Edward Kreisberg, Outside Counsel, and Doug McManaway, Deputy City Attorney, as Labor Negotiators for the City of Alameda. (Human Resources 10025060)

3 Public Comment on Closed Session Items Only - 6 members of the public may speak for up to 3 minutes; 7 or more may speak for up to 2 minutes

4 Adjournment to Closed Session to consider:

- 4-A** [2023-3247](#) CONFERENCE WITH LEGAL COUNSEL - WORKERS' COMPENSATION CLAIM (Pursuant to Government Code § 54956.95)
Claimant: Employee - Fire Department, City of Alameda
Claims: 2095500007; 2295500154; 1695500080; 1695500022
Agency Claimed Against: City of Alameda
- 4-B** [2023-3246](#) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code Sec. 54956.9(a)
Case Name: Kaneshiro v. City of Alameda
Court: Superior Court of the County of Alameda
Case No. 22CV012572
- 4-C** [2023-3245](#) CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Pursuant to Government Code Section 54956.8)
PROPERTY: Building 39, Located at 950 West Tower Avenue, Alameda Point, Alameda, CA
CITY NEGOTIATORS: City Manager Jennifer Ott, Interim Base Reuse and Economic Development Director Andrew Thomas, Assistant City Attorney Len Aslanian, and Broker John McManus
NEGOTIATING PARTIES: City of Alameda and Pyka, Inc.
UNDER NEGOTIATION: Price and Terms of Lease
- 4-D** [2023-3249](#) CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION
Potential Initiation of Litigation Pursuant to Government Code Section 54956.9, Subsection (d)(4)
Number of Cases: One (As Plaintiff - City Initiating Legal Action)
Potential Defendant(s): Wrightspeed, Inc. dba REVO Powertrains
- 4-E** [2023-3202](#) CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)
CITY NEGOTIATORS: Jennifer Ott, City Manager, Jessica Romeo, Human Resources Director, Edward Kreisberg, Outside Counsel, and Doug McManaway, Deputy City Attorney
EMPLOYEE ORGANIZATIONS: International Association of Firefighters (IAFF)
UNDER NEGOTIATION: Salaries, Employee Benefits and Terms of Employment

5 Announcement of Action Taken in Closed Session, if any

[2023-3286](#) July 18, 2023 Closed Session Announcement

Attachments: [Announcement](#)

6 Adjournment - City Council**REGULAR CITY COUNCIL MEETING - 7:00 P.M.****Pledge of Allegiance****1 Roll Call - City Council****2 Agenda Changes****3 Proclamations, Special Orders of the Day and Announcements - Limited to 15 minutes****4 Oral Communications, Non-Agenda (Public Comment) - Limited to 15 minutes; members of the public may speak for up to 2 minutes regarding any matter not on the agenda; any remaining speakers may comment under Section 9****5 Consent Calendar - Items are routine and will be approved by one motion; members of the public may speak once for up to 2 minutes on the entire Consent Calendar; following public comment, the Council can remove items and speak for up to 5 minutes on each item; recording a non-affirmative vote should be done without removal**

5-A [2023-3269](#) Minutes of the Special City Council Meeting, the Special Joint City Council and Successor Agency to the Community Improvement Commission Meeting and Regular City Council Meeting Held on June 20, 2023. (City Clerk)

5-B [2023-3270](#) Bills for Ratification. (Finance)

Attachments: [Bills for Ratification](#)

5-C [2023-3201](#) Recommendation to Authorize the City Manager to Execute an Agreement with Griffin Structures, Inc. in the Amount Not-to-Exceed \$1,077,000, Including a 5% Contingency, for Project Management of the City Aquatic Center, Estimated to Cost \$30 Million and Located on the West Side of Sweeney Park. (Recreation 10051400)

Attachments: [Exhibit 1 - Agreement](#)
[Exhibit 1 - REVISED Agreement](#)

- 5-D** [2023-3220](#) Recommendation to Authorize Updates to the Existing Alameda Police Department Policy Manual to Conform to Best Practices and to Ratify Policies that Have Been Updated Pursuant to Legal Updates, Significant Liability Issues, and Imminent Safety. (Police 10031100)
Attachments: [Exhibit 1 - Policy Updates](#)
- 5-E** [2023-3210](#) Recommendation to Authorize the City Manager to Negotiate and Execute a Two-Year Agreement with Wittman Enterprises, LLC, Substantially in the Same Form as Attached, for Ambulance and Alarm Billing in an Amount Not-to-Exceed \$400,000 with the Option of Three One-Year Extensions for a Total Not-to-Exceed Amount of \$1,000,000 for a Total of Five Years. (Fire 10032260)
Attachments: [Exhibit 1 - Agreement](#)
- 5-F** [2023-3207](#) Recommendation to Authorize the City Manager to Execute a Five-Year Agreement with National Plant Services, Inc. for Storm Drain Cleaning, Assessment, and Trenchless Repairs in an Amount Not-to-Exceed \$1,650,000.
In accordance with the California Environmental Quality Act (CEQA), this action is categorically exempt from further environmental review pursuant to CEQA Guidelines Sections 15301 (Existing Facilities) and 15302 (Replacement or Reconstruction). (Public Works 31041520)
Attachments: [Exhibit 1 - Agreement](#)
- 5-G** [2023-3221](#) Recommendation to Authorize the City Manager to Execute a Five-Year Agreement with SCS Engineers to Continue Implementation of a Zero Waste Strategy for a Targeted Technical Assistance Program for Commercial Businesses and Multi-Family Properties to Reduce the Amount of Garbage Sent to Landfills in an Amount Not-to-Exceed \$1,623,263.
In accordance with California Environmental Quality Act (CEQA), this project is categorically exempt pursuant to CEQA Guidelines Section 15308 (Actions by Regulatory Agencies for Protection of the Environment). The strategies in the Zero Waste Implementation Plan Update are intended to guide the City in its reduction in greenhouse gas emissions, and thus the City is taking this action to assure the protection of the environment pursuant to a regulatory process that involves procedures for protection of the environment. (Public Works 26141630/26241631)
Attachments: [Exhibit 1 - Agreement](#)
- 5-H** [2023-3222](#) Recommendation to Authorize the City Manager to Execute a Five-Year Agreement with Blue Flame Crew West, LLC for the Operation and Maintenance of Alameda Doolittle Landfill in an Amount

Not-to-Exceed \$765,110.

In accordance with the California Environmental Quality Act (CEQA), this action is categorically exempt from further environmental review pursuant to CEQA Guidelines Section 15301 (Existing Facilities). (Public Works 26041632)

Attachments: [Exhibit 1 - Agreement](#)

- 5-I [2023-3229](#) Recommendation to Authorize the City Manager to Execute a Five-Year Agreement with Imperial Maintenance Services for Janitorial Services for Forty-Two City Building Facilities in a Total Agreement Amount Not-to-Exceed \$3,412,818. In accordance with the California Environmental Quality Act (CEQA), this action is categorically exempt from further environmental review pursuant to CEQA Guidelines Section 15301 (Existing Facilities). (Public Works 60341590)
- Attachments:** [Exhibit 1- Agreement](#)
- 5-J [2023-3224](#) Recommendation to Authorize the City Manager to Execute a Second Amendment to the Agreement with Innovative Interfaces, Inc. to Provide the Software System and Database Used by the Alameda Free Library for Services Including, but Not Limited to, Materials Acquisition, Online Public Access Catalog, Patron Circulation and Accounts, Materials Cataloging and Processing, System Administration, Reporting, and Interlibrary Loans for Five Additional Years in the Amount of \$358,350.17 for a Total Agreement Compensation Not-to-Exceed \$880,968.17. (Library 21052300)
- Attachments:** [Exhibit 1 - Second Amendment](#)
[Exhibit 2 - First Amendment](#)
[Exhibit 3 - Original Agreement](#)
- 5-K [2023-3208](#) Recommendation to Authorize the City Manager to Execute Documents, Agreements and Modifications with The Village of Love Foundation to Operate the Day Center and Safe Sheltering Program for Two Years from September 1, 2023 to August 31, 2025 for Up to \$2,176,096 with Funding from Homeless Housing Assistance and Prevention (HHAP) Program and General Fund. (City Manager 10021833)
- Attachments:** [Exhibit 1 - HHAP Agreement](#)
[Exhibit 2 - General Fund Agreement](#)
- 5-L [2023-3227](#) Recommendation to Authorize the City Manager to Execute a One-Year Agreement from October 1, 2023 to September 30, 2024 with The Village of Love Foundation to Provide Homeless Outreach Team Services for Alameda's Homeless Population in an Amount

Not-to-Exceed \$296,415; and
Adoption of Resolution Amending the Fiscal Year 2023-24 General Fund Budget to Appropriate an Additional \$131,415 from General Fund Residual Fund Balance to the Homelessness Program. (City Manager 10021833)

Attachments: [Exhibit 1 - Agreement Resolution](#)

- 5-M** [2023-3200](#) Recommendation to Authorize the City Manager to Execute an Agreement with W. Bradley Electric, LLC. for the Ralph Appezzato Memorial Parkway Intersection Modifications Project, No. P.W. 03-23-06, in an Amount Not-to-Exceed \$905,987, Including Contingency; and
Adoption of Resolution Amending the Fiscal Year 2023-24 Capital Budget by Reducing Revenue and Expenditure Appropriations in Capital Improvement Project C61000 (Street Safety) by \$375,000, and Increasing Revenue and Expenditure Appropriations for Capital Improvement Project C13000 (Traffic Signals and Systems) by \$375,000.
In accordance with the California Environmental Quality Act (CEQA), this action is categorically exempt from further environmental review pursuant to CEQA Guidelines Section 15301 (Existing Facilities). (Public Works 31041520)

Attachments: [Exhibit 1 - Agreement Resolution](#)

- 5-N** [2023-3271](#) Final Passage of Ordinance Amending the Zoning Map for the Approximately 6.73-Acre Property at 250 Singleton Avenue (APN 74-905-9-7) to Remove the G Overlay, Special Government Combining District Designation, as Recommended by the Planning Board. The Alameda General Plan 2040 Final Environmental Impact Report, State Clearinghouse #2021030563, was certified by City Council on November 30, 2021. None of the circumstances requiring further CEQA review are present. (Planning, Building & Transportation 20962710)

6 **Continued Agenda Items - Public comment and speaking times are determined based upon the prior meeting**

7 **Regular Agenda Items - 6 members of the public may speak for up to 3 minutes; 7 or more may speak for up to 2 minutes**

- 7-A** [2023-3254](#) Adoption of Resolutions Appointing Andrew Dewey and Lynn Jones as Members of the Golf Commission, Appointing Kathryn Beehler and Kathleen Bonsmith as Members of the Commission on Persons with

Disabilities, Reappointing Peter Platzgummer and Liz Rush as Members of the Public Art Commission, Appointing Kareem Burney, Wesley Radez, and Drew Swartz as Members of the Recreation and Parks Commission, and Appointing Drew Dara-Abrams and Scott Weitze as Members of the Transportation Commission.

- 7-B** [2023-3228](#) Recommendation to Authorize the City Manager to Execute an Amendment to the Agreement with the Friends of the Alameda Animal Shelter for Animal Shelter Operations to Clarify Payment Schedule for a Total 10-Year Compensation Not-to-Exceed \$11,574,639. (City Manager 10021030)

Attachments: [Exhibit 1 - Amendment](#)
 [Exhibit 2 - Original Agreement](#)
 [Presentation](#)
 [Withdrawn by Staff](#)

- 7-C** [2023-3206](#) Summary Title: Approval of an Updated Design for the Grand Street Safety Improvement Project (Project) from Shore Line Drive to Clement Avenue; and Allocation of Funds for Design and Construction of the Project from Shore Line Drive to Encinal Avenue

Recommendation to Approve an Updated Design for the Grand Street Safety Improvement Project for a Continuous Two-Way Bikeway from Shore Line Drive to Clement Avenue and to Invalidate and Set Aside All Prior Decisions Regarding the Grand Street Safety Improvement Project Concept and Plan Previously Addressed at City Council Meetings on October 4, 2022, October 18, 2022 and November 1, 2022; and

Adoption of Resolution Amending the Fiscal Year 2023-24 Operating and Capital Budget (Various Funds) for a Total Increase Not-to-Exceed \$4,675,000, Including Appropriating \$2,000,000 from General Fund (Fund 100) Residual Fund Balance, for a Total Allocation of \$7,110,000 in Funds for Design and Construction of the Project from Shore Line Drive to Encinal Avenue.

In accordance with the California Environmental Quality Act (CEQA), the recommendations for the Grand Street Safety Improvement Project are categorically exempt from further environmental review pursuant to CEQA Guidelines section 15301 (Existing Facilities - specifically, minor alterations to existing facilities including bicycle facilities) and 15304 (Minor Alterations to Land - specifically, creation of bicycle lanes on existing public rights of way). (Public Works 31041520)

Attachments: [Exhibit 1 - Concept Overview](#)
[Exhibit 2 - High Injury Corridor: Methodology and Data](#)
[Exhibit 3 - Parking Analysis: Otis to Clement](#)
[Exhibit 4 - 5/31/23 Community Workshop Presentation](#)
[Exhibit 5 - 2023 Community Engagement
Resolution
Presentation
Correspondence - Updated 7/18](#)

7-D **2023-3181** Summary Title: Approval of Development Agreements with MidPen Housing and the Collaborating Partners for the RESHAP Project Consisting of 309 Permanent Supportive Housing Units on a New 8-Acre Campus at Alameda Point, Including Declaring the Property Exempt Surplus Land

Public Hearing to Consider Adoption of Resolution Declaring the Rebuilding Existing Supportive Housing at Alameda Point (RESHAP) Property and the Adjacent West Midway Property Located at the Corner of West Midway Avenue and Pan Am Way at Alameda Point to Be Exempt Surplus Land under the Surplus Land Act;
Introduction of Ordinance Authorizing the City Manager to Execute a Disposition and Development Agreement (DDA) between the City of Alameda and the Collaborating Partners and MidPen Housing Corporation for the Development of the RESHAP Property in Substantial Conformance with Exhibit 2; and
Introduction of Ordinance Authorizing the City Manager to Execute a Development Agreement (DA) between the City of Alameda and the Collaborating Partners and MidPen Housing Corporation for the Development of the RESHAP Property in Substantial Conformance with Exhibit 3. Pursuant to Public Resources Sections 21166 and 21083.3 and Sections 15162 and 15183 of the CEQA Guidelines, no further environmental review is required. (Base Reuse 29061810)

Attachments: Exhibit 1 - Development Plan
Exhibit 2 - Development and Disposition Agreement
Exhibit 3 - Development Agreement
Exhibit 4 - CEQA Checklist and Mitigation Monitoring and Reporting Program
Resolution RESHAP Surplus Lands
Resolution RESHAP Surplus Lands - REVISED
Ordinance RESHAP DDA
Ordinance RESHAP DA
Staff Correspondence
Presentation - RESHAP and West Midway
Presentation - RESHAP
Correspondence - Updated 7/19

- 7-E** **2023-3182** Summary Title: Approval of Development Agreements with BC West Midway LLC for the West Midway Project Consisting of Development of 478 Housing Units on Approximately 26 Acres of Land Located between West Tower Avenue, West Midway Avenue, Main Street and Pan Am Way at Alameda Point
- Public Hearing to Consider Introduction of Ordinance Authorizing the City Manager to Execute a Disposition and Development Agreement in Substantial Conformance with Exhibit 2 between the City of Alameda and BC West Midway LLC;
- Introduction of Ordinance Authorizing the City Manager to Execute a Development Agreement in Substantial Conformance with Exhibit 3 Between the City of Alameda and BC West Midway LLC;
- Adoption of Resolution Amending the Fiscal Year 2023-2025 Budget to Appropriate and Allocate \$9.5 Million from Fund 290 (Alameda Point Fund) for a Loan to Construct Infrastructure and Site Preparation for the RESHAP Project to Be Repaid at a Later Date with the Construction of the Adjacent Market Rate Housing Projects; and Recommendation to Authorize the City Manager to Execute to a Sixth Amendment to the Exclusive Negotiating Agreement between the City of Alameda and Brookfield Bay Area Development Holdings LLC and Catellus Development Corporation for the West Midway Project until such Date that the Disposition and Development Agreement becomes Effective on October 6, 2023.
- Pursuant to Public Resources Sections 21166 and 21083.3 and Sections 15162 and 15183 of the California Environmental Quality Act (CEQA) Guidelines, no further environmental review is required. (Base Reuse 29061810)

- Attachments:**
- Exhibit 1 - Development Plan
 - Exhibit 2 - Development Agreement
 - Exhibit 3 - Disposition and Development Agreement
 - Exhibit 3 Part 2 - Disposition and Development Agreement Exhibits
 - Exhibit 4 - CEQA Checklist and Mitigation Monitoring and Reporting Program
 - Exhibit 5 - Sixth Amendment to Exclusive Negotiating Agreement
 - Ordinance - DDA
 - Ordinance - DA
 - Resolution - Budget Amendment
 - Staff Correspondence
 - Presentation - RESHAP and West Midway
 - Presentation - West Midway
 - Correspondence - Updated 7/19

- 8 **City Manager Communications - Communications from City Manager**
- 9 **Oral Communications, Non-Agenda (Public Comment) - Members of the public may speak for up to 2 minutes regarding any matter not on the agenda**
- 10 **Council Referrals - Matters placed on the agenda by Councilmembers may be scheduled as future agenda items or dispositive action may be taken on sufficiently noticed time sensitive legislative matters; presentations are limited to 5 minutes; Councilmembers can speak for up to 3 minutes; 6 members of the public may speak for up to 3 minutes; 7 or more may speak for up to 2 minutes**
- 11 **Council Communications - Councilmembers can speak for 9 minutes to address any matter not on the agenda, including reporting on conferences or meetings**
- 11-A [2023-3272](#) Mayor's Nomination for Appointment Civil Service Board and Public Utilities Board.
- 12 **Adjournment - City Council**

- Meeting Rules of Order are available at:
<https://www.alamedaca.gov/Departments/City-Clerk/Key-Documents#section-4>
- Accessible seating for persons with disabilities, including those using wheelchairs, is available
- Equipment for the hearing impaired is available for public use
- Translators and sign language interpreters available if requested prior to the meeting
- To request a translator, interpreter or any reasonable accommodation that may be necessary to participate in and enjoy the benefits of the meeting, please contact the City Clerk at 510-747-4800 or clerk@alamedaca.gov at least 48 hours prior to the meeting
- View documents related to this agenda or sign up to receive agendas on the City's website:
<https://alameda.legistar.com/Calendar.aspx>
- Documents related to this agenda are also available for public inspection and copying at the Office of the City Clerk (City Hall, 2263 Santa Clara Avenue, Room 380) during normal business hours
- **KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE:** Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City of Alameda exist to conduct the citizen of Alameda's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.
- **FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE OPEN GOVERNMENT COMMISSION:** the address is 2263 Santa Clara Avenue, Room 380, Alameda, CA, 94501; phone number is 510-747-4800; fax number is 510-865-4048, e-mail address is lweisiger@alamedaca.gov and contact is Lara Weisiger, City Clerk.
- In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

Exhibit B

Screenshot of Legistar page for Item 7-D (RESHAP Project)
on July 18, 2023 City Council meeting agenda

Search Calendar Boards/Commissions Live Streaming



Details

File #: 2023-3181
Type: Regular Agenda Item

Body: [City Council](#)

On agenda: 7/18/2023

Title: Summary Title: Approval of Development Agreements with MidPen Housing and the Collaborating Partners for the RESHAP Project Consisting of 309 Permanent Supportive Housing Units on a New 8-Acre Campus at Alameda Point, Including Declaring the Property Exempt Surplus Land Public Hearing to Consider Adoption of Resolution Declaring the Rebuilding Existing Supportive Housing at Alameda Point (RESHAP) Property and the Adjacent West Midway Property Located at the Corner of West Midway Avenue and Pan Am Way at Alameda Point to Be Exempt Surplus Land under the Surplus Land Act; Introduction of Ordinance Authorizing the City Manager to Execute a Disposition and Development Agreement (DDA) between the City of Alameda and the Collaborating Partners and MidPen Housing Corporation for the Development of the RESHAP Property in Substantial Conformance with Exhibit 2; and Introduction of Ordinance Authorizing the City Manager to Execute a Development Agreement (DA) between the City of Alameda and ...

Attachments: [1. Exhibit 1 - Development Plan](#), [2. Exhibit 2 - Development and Disposition Agreement](#), [3. Exhibit 3 - Development Agreement](#), [4. Exhibit 4 - CEQA Checklist and Mitigation Monitoring and Reporting Program](#), [5. Resolution RESHAP Surplus Lands](#), [6. Resolution RESHAP Surplus Lands - REVISED](#), [7. Ordinance RESHAP DDA](#), [8. Ordinance RESHAP DA](#), [9. Staff Correspondence](#), [10. Presentation - RESHAP and West Midway](#), [11. Presentation - RESHAP](#), [12. Correspondence - Updated 7/19](#)

Text

Title

Summary Title: Approval of Development Agreements with MidPen Housing and the Collaborating Partners for the RESHAP Project Consisting of 309 Permanent Supportive Housing Units on a New 8-Acre Campus at Alameda Point, Including Declaring the Property Exempt Surplus Land

Public Hearing to Consider Adoption of Resolution Declaring the Rebuilding Existing Supportive Housing at Alameda Point (RESHAP) Property and the Adjacent West Midway Property Located at the Corner of West Midway Avenue and Pan Am Way at Alameda Point to Be Exempt Surplus Land under the Surplus Land Act;

Introduction of Ordinance Authorizing the City Manager to Execute a Disposition and Development Agreement (DDA) between the City of Alameda and the Collaborating Partners and MidPen Housing Corporation for the Development of the RESHAP Property in Substantial Conformance with Exhibit 2; and

Introduction of Ordinance Authorizing the City Manager to Execute a Development Agreement (DA) between the City of Alameda and the Collaborating Partners and MidPen Housing Corporation for the Development of the RESHAP Property in Substantial Conformance with Exhibit 3. Pursuant to Public Resources Sections 21166 and 21083.3 and Sections 15162 and 15183 of the CEQA Guidelines, no further environmental review is required. (Base Reuse 29061810)

Body

To: Honorable Mayor and Members of the City Council

From: Jennifer Ott, City Manager

EXECUTIVE SUMMARY

The Rebuilding Existing Supportive Housing at Alameda Point project (RESHAP) is a plan to construct and manage permanent supportive housing on a new 8-acre campus at the corner of West Midway Avenue and Pan Am Way by MidPen Housing Corporation, the Alameda Point Collaborative, Operation Dignity, and Building Futures With Women and Children (the "Collaborating Partners") for extremely low, very low, and low income households.

The RESHAP project exemplifies the City of Alameda's (City) continuing commitment to addressing the regional affordable housing crisis and to providing for the housing needs of Alameda's most vulnerable residents. The RESHAP project is critical to the successful implementation of the City's Housing Element 2023-2031 and General Plan policy objectives for the redevelopment and reuse of the former Naval Air Station lands at Alameda Point.

The recommended resolutions and ordinances make it possible for the City, the Collaborating Partners and their development partner, MidPen Housing (MidPen), to construct a campus comprised of supportive housing for Alameda's most vulnerable households and on-site service managers, on-site services, commercial and community space, and public outdoor gathering spaces, including a farm/garden and a large barn that will function as a community facility and offer services for residents and the community.

The RESHAP Development Plan and Development Agreement (DA) were unanimously approved by the Planning Board on May 8, 2023. Staff is now recommending that City Council hold a public hearing and take the necessary actions to facilitate the construction of the RESHAP project. The recommended actions, include:

- Approving a resolution declaring the 8-acre RESHAP property at Alameda Point to be "exempt surplus land" under the Surplus Lands Act;
- Approving a first reading of an ordinance authorizing the City Manager to execute the Disposition and Development Agreement (DDA) for the project; and
- Approving a first reading of an ordinance authorizing the City Manager to execute the DA for the project.

BACKGROUND

The Collaborating Partners provide a unique and critical service for individuals, families, and veterans struggling with homelessness, poverty, mental health, and domestic violence in 70-year-old, leased, former Navy buildings. Alameda Point Collaborative (APC) provides housing and services for formerly homeless families. APC's services include job training and job opportunities through environmentally sustainable social enterprise businesses and instructional programs about health, nutrition, and horticulture through Ploughshares Nursery and the APC farm. APC also operates after school academic and life skills programs for children and youth. Building Futures with Women and Children (BFWC) provides housing and services for women and children escaping family violence and homelessness. Operation Dignity provides homeless veterans and their families emergency, transitional, and permanent housing and comprehensive support services, nutritious meals and training needed to live a self-sufficient and stable life.

In 2015, the Collaborating Partners and their selected development partner, MidPen, a Bay Area-based nonprofit affordable housing developer, held a series of intensive community outreach meetings, focus groups and design input meetings with residents on their preferred housing types and ideas for the neighborhood design.

In 2017, City Council approved the Main Street Neighborhood Specific Plan which establishes the City's specific development policies and standards for development of the area bounded by West Tower Avenue, Pan Am Way, and Main Street (the "Main Street Neighborhood"). The RESHAP project is identified as one of the two primary objectives of the Specific Plan.

In 2018, City Council approved the Development Plan and DA and DDA for the RESHAP Project for a 9-acre site at the corner of West Midway and Main Street. The development proposed in the 2018 DDA contemplated that the infrastructure for the RESHAP Project would be constructed by the market rate developer of the adjacent properties and that the City would issue an RFP for that developer.

In 2020, the City issued a "West Midway Project" Request for Proposals (RFP) and selected the development team of Catellus Development and Brookfield Homes for the development of 26 acres of residentially zoned land immediately adjacent to the RESHAP project within the Main Street Neighborhood Specific Plan area. The West Midway Project RFP and the subsequent Exclusive Negotiating Agreement (ENA) requires that the West Midway residential development fund the necessary infrastructure improvements and site preparation costs for the adjacent RESHAP property.

In 2021, after joint site planning and consideration, City staff, MidPen, the Collaborating Partners, Catellus, and Brookfield made the determination that relocating the RESHAP campus from Main Street at the periphery of Alameda Point to Pan Am Way near the center of Alameda Point resulted in a better, more integrated site plan for Alameda Point and for RESHAP.

In 2022, the Planning Board held public workshops to review the initial site plans for the West Midway project and the new location of the RESHAP campus, and City Council unanimously approved staff's recommendation to approve the proposed draft Term Sheet and new location for the RESHAP project with Brookfield/Catellus team.

In 2022, City Council approved a new General Plan Housing Element for the period 2023-2031. Housing Element Program #1 commits the City of Alameda to take all necessary actions to facilitate and expedite the construction of the RESHAP and West Midway projects.

On May 8, 2023, the Planning Board unanimously approved the new RESHAP Development Plan and recommended that City Council approve the new RESHAP DA.

On May 22, 2023, the Planning Board unanimously approved the West Midway Development Plan and recommended that City Council approve the West Midway DA.

DISCUSSION

The RESHAP Development Plan approved by the Planning Board in May is consistent with the Alameda General Plan, Main Street Neighborhood Specific Plan, and the Alameda Point Zoning Ordinance policies, standards, and development densities for the 8-acre project site. The approved plan includes 309 housing units and shelter for extremely low, very low, and low income households, associated services and community spaces, and up to eight units for on-site managers and staff.

The 2023 Development Plan differs from the Development Plan approved in 2018 in that it is located on a different site at Alameda Point and the number of housing units has been increased. Similar to the 2018 Development Plan, the 2023 Development Plan includes approximately 40,000 square feet of community space for services programming and administrative offices for the Collaborating Partners, on-site property management and resident services.

The 2023 Development Plan provides an accessible, pedestrian-oriented community campus with safe common spaces for residents who may have suffered from past traumas, while also providing residents opportunities to connect to the larger Main Street Neighborhood through strategic park and open space placement and street design. An active farm and new "barn" structure will serve as a gathering space for residents, including a commercial kitchen within close proximity to APC's existing Ploughshares Nursery and farm, supporting the site's "urban agriculture" image and identity along Main Street. A well landscaped community plaza connects the barn and ground floor community spaces where residents receive supportive services and socialize, and a variety of smaller open spaces at different scales, including courtyards, children's play areas, indoor community spaces and private open spaces are designed to support this unique community.

Four main residential and mixed-use buildings provide for the apartment units. The buildings are three- and four-story elevator-served buildings. The RESHAP Development Plan exceeds the City's Universal Design Ordinance requirements. Two buildings will include APC residents, one building will serve Operation Dignity residents, and the fourth building will serve Building Futures. Commercial spaces will be located on the ground floor of residential buildings facing Pan Am Way, and non-residential commercial uses, including administrative offices, will be included in one of the APC buildings and in the Building Futures building.

The Collaborating Partners are current members of the Alameda Transportation Management Association (ATMA), which provides Alameda Point residents and tenants with transit passes, electric bicycle rebates, and other transportation services. As Alameda Point continues to grow, the services provided by the ATMA to its members will also increase. The project site is served by AC Transit Line 96 and is within walking distance of two ferry terminals with direct access to Oakland and San Francisco.

Parking is provided in a combination of surface parking lots and a garage in the Phase 1 APC building. (Currently, less than one-third of the APC residents at Alameda Point own a car.) The automobile parking plan is consistent with the parking requirements of the Main Street Neighborhood Specific Plan and the Alameda Municipal Code (AMC) Parking Regulations. Long- and short-term bicycle parking facilities will also be provided consistent with the AMC requirements.

No action is required by City Council on the RESHAP Development Plan; however, for the RESHAP project to commence, City Council action is required on the following resolutions and ordinances:

I. Surplus Land Resolution

Prior to taking any action to dispose of (i.e., sell or convey) land owned by the City, the Surplus Land Act [Government Code Section 54221(b)(1)] requires the City to declare the land "surplus land" or "exempt surplus land" as supported by written findings. The resolution declares the 8-acre RESHAP property and the adjacent West Midway property to be "exempt surplus land" under the Surplus Land Act. This declaration and finding allows City Council to convey the City-owned land to the Collaborating Partners and to the West Midway developers consistent with the terms of the recommended DDAs for each project.

The resolution declares that the 8-acre RESHAP Property and the adjacent 26-acre West Midway Property are "exempt surplus land" under the Surplus Land Act and may be conveyed to the RESHAP and West Midway developers based upon the following summarized sets of findings, which are set forth in greater detail in the attached Surplus Land Act Resolution:

Findings pursuant to Government Code Section 54221(f)(1)(J)

- The property is located on a former military base, which has an aggregate area greater than five acres, includes a mix of residential and nonresidential uses, and is expected to include no fewer than 1,400 residential units upon completion of development or redevelopment on the base.
- The affordability requirements for residential units on the base are governed by a settlement agreement entered into on March 20, 2001 (the Renewed Hope Settlement Agreement) and at least 25 percent of the residential units developed on the base are restricted to lower income households. Inclusive of the RESHAP, West Midway, and Site A projects, the City will have granted approvals for developments and has agreements with the developers of those developments that contemplate the development of 2,071 residential units on Alameda NAS, 622 of which are proposed to be occupied by very low and low income households at affordable rents, as defined in Health and Safety Code Sections 50052.5 and 50053 for a minimum of 55 years.
- Prior to disposition of the surplus land, the City will have adopted written findings that the land is exempt surplus land as set forth in the attached Surplus Land Act Resolution.
- The DDAs require RESHAP and West Midway to negotiate a project labor agreement consistent with the City's Project Stabilization Agreement resolution, as adopted on February 2, 2021.
- The City does and shall continue to include, in its annual report on the Status of the General Plan and Housing Element implementation required by paragraph (2) of subdivision (a) of Section 65400 of the Government Code, the status of development of residential units on the Alameda NAS.

Findings pursuant to Government Code Section 54221(f)(1)(A)

- At least 80% of the area of the 34.5 acres to be developed by RESHAP and West Midway will be used for the development of housing, and that at least 40% of the total housing units are restricted to low and very low incomes as specified under Government Code section 37364.

II. Disposition and Development Agreement Ordinance

The DDA establishes a contractual relationship between the City of Alameda, MidPen, and each of the Collaborating Partners (Exhibit 2). The DDA contemplates that with respect to each of the buildings within the RESHAP project, one of the Collaborating Partners and MidPen will form a limited partnership that will take title to the land and be responsible for the development of the affordable housing. The limited partnerships are referred to in the DDA as "Developer Affiliates". Pursuant to the terms of the draft DDA:

- *Term.* The Developer and the Collaborating Partners have ten (10) years with up to five (5) one-year extensions to construct and complete the project. During the term of the agreement, each party has certain milestone commitments to ensure the timely delivery of land and construction of buildings.
- *Phases.* The City will convey ownership of the RESHAP property to the Developer Affiliates in four phases (one phase for each building). Prior to conveyance of each phase, the Developer Affiliate will verify that it has financial resources secured to construct the building, and the City will verify that the land to be conveyed has been prepared for construction, including construction of new infrastructure serving the property, demolition of existing buildings, and any necessary surcharging of the land has been completed.
- *Affordable Housing.* A Regulatory Agreement restricting each phase to Very Low and Low-income will also be recorded against each phase of the RESHAP project at the time of conveyance to ensure that the land is permanently restricted for use for supportive and affordable housing.
- *Ownership.* The Developer Affiliates are responsible for the construction, operation and maintenance of the new 309-unit campus.
- *Existing Leases.* Upon relocation of existing residents into each new building, the Collaborating Partners will terminate their existing leases on the recently vacated City owned land.
- *Additional Affordable Units.* The Developer Affiliates will work in good faith with the City of Alameda to increase the number of supportive housing units to be developed on the 8.5-acre site. The need for housing for Alameda's most vulnerable residents is acute and the Planning Board approved plan for 309 units represents a relatively low density (less than 40 units per acre). Given these conditions, the Collaborating Partners will work with the City to increase the total number of very low and low income units on the site by at least an additional 20 units for a total of at least 329.

City Financial Commitments. The DDA represents a significant financial commitment by the City of Alameda to the preservation and expansion of much needed supportive housing at Alameda Point. This financial commitment is comprised of three (3) major commitments:

- *Land.* The City is committing to provide eight acres of City owned land to the Development Affiliate at no cost. The land was received by the City from the U.S. Navy at no cost. In return for the donation of the land to the project, the Collaborating Partners will terminate their existing leases on 32 acres of land when the RESHAP residents are relocated to the new campus. Once the leases are terminated for lands north of West Midway Avenue, the City will have opportunities to redevelop and reuse those lands for future users. The vacated leased lands south of West Midway Avenue are either part of the RESHAP 8-acre property or they are lands that will be conveyed to Brookfield/Catellus for the adjacent West Midway project.
- *Construction Funding.* The City is committing \$9.5 million in Alameda Point fund balance (Fund 290) for the construction of the necessary infrastructure and site preparation for the first two phases of the four phases of the RESHAP project. Under the terms of the West Midway DDA (see West Midway Staff Report), the City will loan Catellus/Brookfield an amount not-to-exceed \$9.5 million to construct infrastructure and prepare approximately 4 acres of the 8-acre RESHAP property for construction. The work will be completed for the first RESHAP building (APC first building) in 2024 and the second building (Operation Dignity first building) in 2025. Catellus/Brookfield is responsible to repay the \$9.5 million loan after they begin construction of the adjacent market rate West Midway project in accordance with the terms of the West Midway DDA (File 2023-3182). This loan of Alameda Point residual funds allows work to begin on the RESHAP property immediately. Without the loan, Catellus/Brookfield would not be able to begin work on the RESHAP property until such time that they decide the market conditions are right to begin work on the market rate West Midway Project. Under the terms of the West Midway DDA, market conditions could delay the start of work on the West Midway project unit 2027. With the loan, work on RESHAP is guaranteed to begin in 2023.
- *Building 92 Early Termination.* The future success and continued redevelopment of Alameda Point depends upon the City of Alameda's financial capacity to continue to build new infrastructure for the Naval Air Station Alameda Historic District and adaptive reuse area of Alameda Point. The future of all the existing businesses west of Pan Am Way are dependent on the City's ability to replace all of the existing infrastructure and utilities west of Pan Am Way. The City's primary source of revenue for this work is the sale of existing buildings in the adaptive reuse area. As part of the RESHAP DDA, APC has agreed to an early termination of their existing lease for Building 92 in the adaptive reuse area, which will allow the City to sell Building 92 and use those funds to continue the construction of infrastructure at Alameda Point. In return for forgoing the remaining 35 years on the existing lease, APC will receive \$500,000 from the City upon sale of Building 92. (The City's most recent appraisal of Building 92 sets the market value of Building 92 far in excess of \$10 million.) APC anticipates using the \$500,000 received to complete improvements to the APC Farm on Main Street.

III. Development Agreement Ordinance

The proposed 2023 RESHAP DA (Exhibit 3) differs from the 2018 approved RESHAP DA in that it is an agreement for a development on a different site at Alameda Point and the number of supportive housing units has been increased. Similar to the 2018 Development Plan, the 2023 Development Agreement provides vested rights to develop the project for 10 years. In all other respects, the draft 2023 DA is similar to the DA adopted by City Council in 2018 for the previous site. The parties intend to terminate the 2018 DA concurrently with approval of the proposed 2023 DA.

The 2023 DA ensures that:

- The City Planning Board's approval of the 2023 Development Plan will be vested for more than two years. The DA extends the life of the RESHAP project approvals for the 10-year term of the DDA.
- The construction of the RESHAP campus will comply with the project approvals.
- The City will process subsequent approvals required for the project (such as design review and subdivisions maps) in accordance with the project approvals.
- Future changes in City codes, regulations, standards or fees that conflict with the project approvals will not apply to the development of the project, absent a health or safety impact or conflict with federal or state law. All existing 2023 codes, regulations, standards, and fees must be followed by City and Developer, but new codes, regulations or standards that conflict or prevent development of the project that are approved after approval of the 2023 DA will not be applied to the project.

ALTERNATIVES

After opening the public hearing and considering all of the documents, City Council could consider a number of alternative courses of action, including, but not limited to:

- Approve the above-described resolutions and ordinances for the RESHAP project as recommended by staff.
- Approve the Surplus Land Act Resolution but not the other resolution and ordinances with direction to staff to renegotiate certain specified terms based on specific City Council concerns and direction. In this scenario, staff would recommend that City Council delay action on the West Midway project, if the specified concerns and direction relate to the budget amendment, the phasing of the RESHAP project, or any aspect of the RESHAP project that is also dependent on close coordination with the West Midway Project.
- If City Council is not comfortable approving the Surplus Land Act Resolution, City Council should indicate whether City Council wishes staff to delay all further work on the RESHAP project until such time that the City has issued an RFP soliciting interest from other affordable housing developers for development of the 8-acre property for affordable housing pursuant to the Surplus Land Act. Staff does not recommend this alternative, since it would certainly cause the need for a delay for the West Midway project approvals, which are subject to an ENA that is predicated on the assumption that City Council is supportive of a direct transfer of the 8-acre property to RESHAP.

FINANCIAL IMPACT

The recommended resolutions and ordinances are specifically designed to have no negative fiscal impact on the City's General Fund and to ensure that the development of the subject properties at Alameda Point are fiscally neutral to the General Fund consistent with City Council adopted policy (File no. 2023-2841).

As discussed above, the proposed RESHAP DDA includes conveyance of 8-acres of City owned land to the Development Affiliate at no cost. In return, the Collaborating Partners will terminate their existing leases on 32 acres of land when the RESHAP residents are relocated to the new campus. As the 32 acres are currently leased at no cost, the opportunity to redevelop and reuse the 32 acres of City owned land will result in a net increase in the income potential of the City owned lands. In addition, the proposed RESHAP DDA also includes payment of \$500,000 from the City to APC for early termination of their lease of Building 92, upon the sale of Building 92. APC will be paid from the proceeds of the sale, which are expected to far exceed the early termination payment.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

The recommended ordinances and resolutions are consistent with the City's General Plan policies related to the redevelopment and reuse of Alameda Point, the Main Street Neighborhood Specific Plan, the Alameda Municipal Code regulations and development standards for the 8-acre property.

ENVIRONMENTAL REVIEW

Pursuant to the streamlining provision of Public Resources Sections 21166 and 21083.3 and Sections 15162 and 15183 of the CEQA Guidelines, no further environmental review is required because the RESHAP project is consistent with the development density in an adopted Specific Plan for the area; the environmental impacts of the development of the area consistent with the Specific Plan were considered in the Alameda Point Project Final Environmental Impact Report (APP FEIR) adopted by City Council on February 4, 2014, in compliance with CEQA; the RESHAP project is consistent with the development density of, is specifically listed in, and implements the City's Housing Element adopted on November 15, 2022; the environmental impacts of the Housing Element and the development of the sites included in the Housing sites inventory were considered in the General Plan Update EIR adopted by City Council on November 30, 2021; and as documented in the project CEQA Checklist and Mitigation Monitoring and Reporting Program (MMRP) (Exhibit 4), the RESHAP project would not result in new or substantially more severe significant impacts than identified in the APP FEIR or the General Plan Update FEIR due to changes in the project, changed circumstances, or new information and there are no new or considerably different feasible mitigation measures or alternatives from those identified in the APP FEIR or the General Plan Update FEIR that would substantially reduce one or more significant effects that the project proponent declines to adopt; and the RESHAP project would not result in significant impacts that: (1) are peculiar to the project or project site; (2) were not already identified as significant effects, cumulative effects, or off-site effects in the APP FEIR and the General Plan Update FEIR; or (3) were previously identified as significant effects; but are determined to be substantially more severe than discussed in the APP FEIR and the General Plan Update FEIR.

CLIMATE IMPACT

The proposed project is consistent with and helps implement the Bay Area's Sustainable Communities Strategy, Plan Bay Area and the City's Climate Action Plan by supporting and facilitating the development of a designated regional Priority Development Area with low income and supportive housing within a transit-oriented development well served by transportation services.

RECOMMENDATION

Hold a public hearing to: 1) adopt a resolution declaring the Rebuilding Existing Supportive Housing at Alameda Point (RESHAP) property and the adjacent West Midway Property located at the corner of West Midway Avenue and Pan Am Way at Alameda Point to be exempt surplus land under the

Surplus Land Act; 2) introduce an ordinance authorizing the City Manager to execute a DDA between the City and the Collaborating Partners and MidPen for the development of the RESHAP property; and 3) introduce an ordinance authorizing the City Manager to execute a DA between the City and the Collaborating Partners and MidPen.

Respectfully submitted,
Andrew Thomas, Interim Base Reuse and Economic Development Director

Financial Impact section reviewed,
Margaret O'Brien, Finance Director

Exhibits:

1. RESHAP Development Plan
2. Development and Disposition Agreement
3. Development Agreement
4. CEQA Checklist and Mitigation Monitoring and Reporting Program

Exhibit C

Screenshot of Legistar page for Item 7-E (West Midway Project)
on July 18, 2023 City Council meeting agenda

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Details

File #: 2023-3182

Type: Regular Agenda Item

Body: [City Council](#)

On agenda: 7/18/2023

Title: Summary Title: Approval of Development Agreements with BC West Midway LLC for the West Midway Project Consisting of Development of 478 Housing Units on Approximately 26 Acres of Land Located between West Tower Avenue, West Midway Avenue, Main Street and Pan Am Way at Alameda Point Public Hearing to Consider Introduction of Ordinance Authorizing the City Manager to Execute a Disposition and Development Agreement in Substantial Conformance with Exhibit 2 between the City of Alameda and BC West Midway LLC; Introduction of Ordinance Authorizing the City Manager to Execute a Development Agreement in Substantial Conformance with Exhibit 3 Between the City of Alameda and BC West Midway LLC; Adoption of Resolution Amending the Fiscal Year 2023-2025 Budget to Appropriate and Allocate \$9.5 Million from Fund 290 (Alameda Point Fund) for a Loan to Construct Infrastructure and Site Preparation for the RESHAP Project to Be Repaid at a Later Date with the Construction of the Adjacent Market Rate...

Attachments: [1. Exhibit 1 - Development Plan](#), [2. Exhibit 2 - Development Agreement](#), [3. Exhibit 3 - Disposition and Development Agreement](#), [4. Exhibit 3 Part 2 - Disposition and Development Agreement Exhibits](#), [5. Exhibit 4 - CEQA Checklist and Mitigation Monitoring and Reporting Program](#), [6. Exhibit 5 - Sixth Amendment to Exclusive Negotiating Agreement](#), [7. Ordinance - DDA](#), [8. Ordinance - DA](#), [9. Resolution - Budget Amendment](#), [10. Staff Correspondence](#), [11. Presentation - RESHAP and West Midway](#), [12. Presentation - West Midway](#), [13. Correspondence - Updated 7/19](#)

Text

Summary Title: Approval of Development Agreements with BC West Midway LLC for the West Midway Project Consisting of Development of 478 Housing Units on Approximately 26 Acres of Land Located between West Tower Avenue, West Midway Avenue, Main Street and Pan Am Way at Alameda Point

Public Hearing to Consider Introduction of Ordinance Authorizing the City Manager to Execute a Disposition and Development Agreement in Substantial Conformance with Exhibit 2 between the City of Alameda and BC West Midway LLC;
Introduction of Ordinance Authorizing the City Manager to Execute a Development Agreement in Substantial Conformance with Exhibit 3 Between the City of Alameda and BC West Midway LLC;
Adoption of Resolution Amending the Fiscal Year 2023-2025 Budget to Appropriate and Allocate \$9.5 Million from Fund 290 (Alameda Point Fund) for a Loan to Construct Infrastructure and Site Preparation for the RESHAP Project to Be Repaid at a Later Date with the Construction of the Adjacent Market Rate Housing Projects; and
Recommendation to Authorize the City Manager to Execute to a Sixth Amendment to the Exclusive Negotiating Agreement between the City of Alameda and Brookfield Bay Area Development Holdings LLC and Catellus Development Corporation for the West Midway Project until such Date that the Disposition and Development Agreement becomes Effective on October 6, 2023.
Pursuant to Public Resources Sections 21166 and 21083.3 and Sections 15162 and 15183 of the California Environmental Quality Act (CEQA) Guidelines, no further environmental review is required. (Base Reuse 29061810)

To: Honorable Mayor and Members of the City Council

From: Jennifer Ott, City Manager

EXECUTIVE SUMMARY

The West Midway Project is critical to the successful implementation of the RESHAP project (see RESHAP project staff report), the successful implementation of the City of Alameda Housing Element 2023-2031, and the successful implementation for General Plan policy objectives for the redevelopment and reuse of the former Naval Air Station lands at Alameda Point. The West Midway Project is one of three critical projects to the City's commitment in its Housing Element to construct 1,482 housing units over eight years on City-owned land at Alameda Point. In addition to the 478 units provided by the West Midway project, the West Midway project provides critical infrastructure and site preparation improvements for the adjacent RESHAP Property, which includes 309 supportive housing units reserved for very low-income, low-income, and transitional households. Without the West Midway Project, the RESHAP project will not be able to proceed as planned.

The West Midway Project consists of 478 new housing units, up to 10,000 square feet of non-residential uses and associated streets, infrastructure, utilities, and open space on approximately 26 acres of land immediately adjacent to the 8-acre RESHAP project site in the Main Street Neighborhood Specific Plan area of Alameda Point.

The West Midway Development Plan and Development Agreement (DA) were unanimously supported by the Planning Board on May 22, 2023. Staff is now recommending that the City Council hold a public hearing and take the actions necessary to facilitate the construction of the West Midway Project, including:

- Approving a resolution declaring the 26-acre West Midway property at Alameda Point to be "exempt surplus land" under the Surplus Lands Act, as part of companion RESHAP project staff report and action items (see RESHAP staff report and agenda item);
- Approving a first reading of an ordinance authorizing the City Manager to execute the Disposition and Development Agreement (DDA) for the project (Exhibit 2);
- Approving a first reading of an ordinance authorizing the City Manager to execute the DA for the project (Exhibit 3);
- Approving a resolution amending the Fiscal Year 2023-2025 Budget to appropriate and allocate \$9.5 million from Fund 290 (Alameda Point Fund) for a loan to construct infrastructure and site preparation for the RESHAP project to be repaid at a later date with the construction of the adjacent market rate housing projects; and
- Authorizing the City Manager to execute an extension to the Exclusive Negotiating Agreement (ENA) between the parties until the DDA becomes effective on October 6, 2023.

BACKGROUND

On March 21, 2017, the City Council approved the Main Street Neighborhood Specific Plan which establishes the City's specific development policies and standards for development of the area bounded by West Tower Avenue, Pan Am Way, and Main Street (the Main Street Neighborhood). The Specific Plan designates the West Midway Property for residential development and identifies the adjacent RESHAP project as one of the two primary objectives for the development of the Specific Plan area.

In 2018, the City Council approved a Development Plan, DA, and DDA for the RESHAP Project for a 8-acre site at the corner of West Midway and Main Street. The development proposed in the 2018 DDA contemplated that the infrastructure and site preparation for the RESHAP project would be constructed by the market rate developer of the adjacent properties and that the City would issue an RFP for that developer.

In 2020, the City of Alameda issued a Request for Proposals (RFP) and selected the development team of Catellus Development Corporation and Brookfield Properties for the development of approximately 26 acres of residentially zoned land (the West Midway project area) immediately adjacent to the RESHAP project within the Main Street Neighborhood Specific Plan area. The RFP and the subsequent ENA requires that the Catellus/Brookfield West Midway Pfund the necessary infrastructure improvements and site preparation costs for the adjacent RESHAP Property, which will produce sufficient additional very low- and low-income units to meet the very low- and low-income portion of West Midway inclusionary unit requirement.

In 2021, City staff, RESHAP, Catellus, and Brookfield made the determination that relocating the RESHAP campus from Main Street at the eastern edge of Alameda Point to Pan Am Way near the center of Alameda Point resulted in a better, more integrated site plan for West Midway and for RESHAP.

In 2022, the Planning Board held public workshops to review the initial site plans for the West Midway Project and the new location of the RESHAP campus, the Commission on People with Disabilities reviewed the Universal Design Ordinance waivers being requested by the West Midway Project, and the City Council unanimously approved the Term Sheet for the West Midway Project with the Brookfield/Catellus team.

In 2022, the City Council approved a new General Plan Housing Element for the period 2023-2031. Housing Element Program #1 commits the City of Alameda to take all necessary actions to facilitate and expedite the construction of the RESHAP and West Midway projects.

On May 8, 2023, the Planning Board unanimously approved the updated RESHAP Development Plan and recommended that the City Council approve the updated RESHAP DA.

On May 22, 2023, the Planning Board unanimously approved the West Midway Development Plan and recommended that the City Council approve the West Midway DA.

DISCUSSION

Development Partner: The Brookfield and Catellus development companies created a joint venture entity, BC West Midway LLC, to be the City's development partner for the West Midway Project. For the purposes of this report, BC West Midway LLC is referred to as "the Developer." The Catellus Development Corporation has over 20 years of experience working with the City on the successful redevelopment of the former Naval Air Station Alameda lands, which are now known as the Bayport neighborhood, the Tripoint neighborhood, the Alameda Landing Shopping Center, and the Alameda Landing Bay 37 waterfront neighborhood currently under construction. Catellus also constructed the recently opened Bohol Circle Immigrant waterfront park on City owned land for the City. Brookfield is a global real estate company that provides industry-leading portfolio management and development capabilities across a broad range of real estate. Brookfield has extensive experience building residential neighborhoods in the Bay Area. Both companies will be equal partners, but Catellus will take the lead for the construction of the infrastructure and site preparation, and Brookfield will take the lead for the construction and sale of the homes.

Development Plan: On May 22, 2023, the Planning Board approved the West Midway Development Plan prepared by BC West Midway, LLC. The Development Plan (Exhibit 1) provides a plan for the construction of 478 housing units, up to 10,000 square feet of non-residential space, and a grid of internal streets, bikeways and alleys on 26 acres of City-owned land immediately adjacent to the RESHAP project. The Development Plan is consistent with the Alameda General Plan, Main Street Neighborhood Specific Plan, and the applicable Alameda Point Zoning Ordinance policies, standards, and development densities.

The West Midway Project is designed as five neighborhoods of three- and four-story condominium and townhome type buildings. The buildings range in size from buildings with just two units (the Duets) to buildings with up to 11 units. Per the AMC Section 30-37 Design Review Regulations, the Developer is required to submit architectural plans for each building to the City for Design Review approval, prior to issuance of building permits.

The West Midway Project will be constructing all new sewer, storm water, power, and communications facilities and new curb, gutter and sidewalks in support of the 8-acre RESHAP project and the 26-acre West Midway Project. The infrastructure plan provides a grid of streets, bikeways, and pedestrian paseos that intersect the site, connect the West Midway Project to the RESHAP project, and connect the two projects to the adjacent Naval Air Station Alameda Historic District to the west, to the Bayport neighborhood and greater Alameda to the east, and the Site A development to the South. The Development Plan extends north-south streets Orion Street, Ardent Way, and Skylark Street from Site A through the project site, and the plan includes a new east-west street that would bisect the site and provide access from Main Street on the eastern edge of the site to Pan Am Way on the western edge of the site. The new east-west street is off set at Orion Street to discourage speeding through the neighborhood.

To encourage active modes of transportation, the project includes a shared bicycle and pedestrian trail through the middle of the site from Main Street to Pan Am Way, a Class 1 Bike Trail on the Main Street frontage, a raised two-way bike trail on the West Midway Avenue frontage, and continuation of the raised one-way bike ways on Orion Street. The bicycle and pedestrian network connect four small internal publicly accessible parks on the site to the larger regional parks at the Seaplane Lagoon and a larger community park planned for the next phase of Alameda Point just north of West Midway Avenue.

The West Midway site is served by AC Transit Line 96 and is within walking distance of two ferry terminals with direct access to Oakland and San Francisco. Pursuant to the Alameda Point Transportation Demand Management Plan, the West Midway Project property owners will pay annual assessments to fund supplemental transportation services for the residents of the project. As members of the Alameda Transportation Management Association (ATMA), the residents will receive transit passes, electric bicycle rebates, and other transportation services. As Alameda Point continues to grow, the services provided by the ATMA to the residents of Alameda Point will increase.

Affordable Housing. The Alameda Point Settlement Agreement with Renewed Hope requires that the City ensure that 25% of all *new* housing at Alameda Point be deed restricted for very low-, low- and moderate-income households. The West Midway Project includes 478 new units and the RESHAP project includes 108 new units (201 of the units in RESHAP are replacement units). Therefore the 25% requirement for the two projects together is 147 deed restricted affordable units. Of the 108 new affordable units provided by RESHAP, five will be managers units, thus 103 will be deed restricted units eligible to be counted towards the requirement for 147 deed restricted units. The 103 deed restricted units exceed the requirement for very low- and low-income housing under the Settlement Agreement, therefore, the remaining obligation for 44 moderate income housing units will be fulfilled by the West Midway Project.

Workforce Housing. The West Midway project includes 43 “affordable by design” units designed for “workforce” households with incomes between 120% and 180% of the Area Median Income. The 43 units represents 10% of the market rate units. The initial sale of these units will be limited to households within the target income range, but these units would not be deed restricted. Therefore, buyers will be able to sell the homes at a future date without limitations on the sales prices or the income of the subsequent buyers. The West Midway workforce housing program is required by, and consistent with, the Main Street Neighborhood Specific Plan.

Commercial Corner. The project provides for a 7,500 to 10,000 square foot commercial development at the corner of Pan Am Way and West Tower Avenue, which is directly across the street from the Almanac Beer Company. The plan proposes a two-step process for the development of the corner. The first step would be the creation of a temporary “container village” commercial establishment. The second step would be construction of a permanent 7,500 to 10,000-square-foot commercial structure.

No action is required by the City Council on the West Midway Development Plan; however, for the West Midway project to commence, City Council action is required on the following resolutions and ordinances:

I. Surplus Land Resolution

Prior to taking any action to dispose of (i.e., sell or convey) land owned by the City, the Surplus Land Act [Government Code Section 54221(b)(1)] requires the City to declare the land “surplus land” or “exempt surplus land” as supported by written findings. As part of the RESHAP project, staff recommended that the City Council adopt the necessary resolution declaring that the West Midway property and the adjacent 8-acre RESHAP property to be “exempt surplus land” under the Surplus Land Act. (For additional information on that resolution, see RESHAP Staff Report.)

II. Disposition and Development Agreement Ordinance

The DDA establishes a contractual relationship between the City of Alameda and BC West Midway LLC for the development of the 26 acres and the infrastructure and site preparation for the adjacent RESHAP project. The DDA establishes the schedule for the development of the West Midway Property and the conveyance of the Property in phases to BC West Midway, LLC for eventual sale to future homeowners and property owners in the West Midway neighborhood. The major terms established by the DDA include:

- **Term.** The Developer Affiliate will have ten (10) years with up to 36 months of possible extensions to construct the project. During the term of the agreement, each party has certain milestone commitments to ensure the timely delivery of land and construction of buildings. Per the DDA Milestone Schedule, the development will be constructed over an eight-year period. In the event of an economic downturn over the next eight years, the DDA allows the Developer to purchase up to 36 months of extensions. A maximum of 24 months of delay may be purchased at a rate of \$20,833 per month if the Developer wishes to delay commencement of construction of the first phase of the market rate development. The final 12 of the 36 months may only be purchased if work has been completed on the first phase of the project (the first 155 housing units).
- **RESHAP Backbone Infrastructure and Development Pad Preparation:** Developer must provide the backbone infrastructure and graded buildings pads for the four buildings in the RESHAP project. Since the Collaborating Partners have existing residents on some of this land, the work will occur in two phases. The vacant RESHAP lands will be prepared first. Once the Collaborating Partners complete the first two buildings, they will be able to move the existing residents into the new buildings, and the Developer will be able to demolish the old buildings and prepare the remaining pads for the final two buildings for RESHAP. Pursuant to the DDA terms, the Developer must deliver the first two building pads by July 2024 and the second pad by May 2025. The DDA does not allow for any extensions on these two milestones to ensure that the RESHAP project may commence as soon as possible.
- **\$9.5 Million Loan.** To expedite the RESHAP project, the DDA provides for an advance of funds from the City’s Alameda Point Fund fund balance (Fund 290) in the amount of \$9.5 million for construction of the RESHAP Phase 1 infrastructure and pads by the Developer. The advance allows RESHAP to proceed on an expedited timeline in advance of the market rate project. The Developer must then repay the funds with interest at a rate of prime plus 1% (equals 9.25% as of 5/24/23). The obligation to repay the funds is triggered by the commencement of West Midway Phase 1 or completion of the Site A Infrastructure, whichever event occurs last.
- **Site A Infrastructure:** The West Midway project relies on the completion of new infrastructure in West Tower Avenue and Orion Way by the Site A developer. The Site A developer is currently delayed as a result of market conditions. To ensure that Site A delays do not delay West Midway construction, the West Midway DDA requires the West Midway Developer to construct the necessary infrastructure in West Tower and Orion Way necessary to support West Midway development, if necessary, due to delays by Site A. If the West Midway Project needs to construct the Site A infrastructure because Site A is delayed, the expense of constructing that infrastructure will be deducted from the Developer’s obligation to repay the City the \$9.5 million at completion of the Site A infrastructure. Per the Site A DDA, if West Midway constructs the Site A infrastructure, the Site A developer is obligated to pay the City the costs of that infrastructure work. The following example illustrates these interconnecting DDA obligations: 1) City advances \$9.5 million for RESHAP Phase 1; 2) Developer constructs RESHAP Phase 1; 3) Developer then needs to construct Site A infrastructure due to Site A delays at a cost of \$7 million; 4) Developer is credited the \$7 million spent on Site A Infrastructure and repays City \$2.5 million owed for the RESHAP advance plus interest; and 5) Site A pays City \$7 million for infrastructure constructed by Developer, when Site A commences construction on Site A Phase 2.
- **Affordable Housing:** As described above, the West Midway and RESHAP projects will meet the requirements for the Renewed Hope Settlement with a combination of very low-, low- and moderate-income units. In return for RESHAP providing the required new very low- and low-income units for West Midway, West Midway is providing approximately \$20 million in infrastructure and pad preparation for RESHAP, which allows RESHAP to construct 309 total units (201 replacement units, 103 very low- and low-income new units and 5 additional on site manager units).
- **Land Conveyance.** The City will continue to hold ownership of all the land at West Midway until such time that BC West Midway LLC has completed all of the site infrastructure and site preparation work necessary to construct homes. Once that work has been completed by Developer on the City owned land, the land for that phase will be transferred from the City to BC West Midway, LLC or its assignee, most likely an affiliated entity, which will be responsible for the construction of the homes. At that point the Developer will begin paying taxes on the West Midway Property. Once the vertical developer has completed the home, the home may be sold by the Developer to an individual home buyer.
- **Open Space.** The Developer will contribute \$2.5 million to the construction of the Main Street Neighborhood public park planned for the area just north of West Midway Avenue. The funds will be paid in three installments with each of the three development phases.
- **Commercial Development.** The Developer will construct a temporary commercial “container village” at the corner of Pan AM and West Tower by 2027. The temporary commercial facility will be replaced by a permanent commercial development at the corner by 2030. The City will retain ownership of the commercial property during the temporary commercial use and will only convey the property to the Developer when permits for the construction of the permanent commercial building are issued. If the permits are not issued for the permanent commercial buildings by 2030, the City will retain ownership of the property.

III. Development Agreement Ordinance

The West Midway Project is designed to be constructed over an eight-year period. Per the AMC, development plans and use permits must be vested with a building permit within two years. For these reasons, most land use entitlements for large projects that will be constructed over many years are accompanied by a DA which provides certainty that the project can be constructed over an extended time without changes to the underlying laws, conditions and requirements governing the project. The West Midway DA ensures that:

- The City's approval of the Development Plan will be vested for more than two years. The DA extends the life of the West Midway project approvals for the 10-year term of the DDA.
- The Developer's construction of the West Midway Project will comply with the project approvals.
- The City will process subsequent approvals required for the West Midway Project (such as design review and subdivisions maps) in accordance with the project approvals.
- Future changes in City codes, regulations, standards or fees that conflict with the project approvals will not apply to the development of the project, absent a health or safety impact or conflict with federal or state law. All existing 2023 codes, regulations, standards, and fees must be followed by City and Developer, but new codes, regulations or standards that conflict or prevent development of the project that are approved after approval of the DA will not be applied to the project.

IV. Budget Amendment Resolution

The budget amendment resolution amends the Fiscal Year 2023-24 Budget to appropriate and allocate \$9.5 million in available Fund 290 residual fund balance (Alameda Point Fund) for the construction of the infrastructure and site preparation for RESHAP Phase 1 (first two of four building sites) as described above under "\$9.5 Million Loan."

The Alameda Point Fund includes proceeds from a sale, lease, or equivalent use of property at Alameda Point. These funds may only be used within Alameda Point pursuant to a Memorandum of Agreement with the U.S. Navy.

As described above, the proposed appropriation of \$9.5 million from the Alameda Point Fund (Funds 290) would be used for a loan to be repaid by Catellus/Brookfield according to the proposed West Midway DDA. The loan allows RESHAP to proceed on an expedited timeline in advance of the market rate project. The Developer must repay the funds with interest at a rate of prime plus 1% (equals 9.25% as of 5/24/23). The obligation to repay the funds is triggered by the commencement of West Midway Phase 1 or completion of the Site A Infrastructure, whichever event occurs last.

V. Exclusive Negotiating Agreement Extension

On October 6, 2020, the City and the Developer entered into an ENA, which granted the Developer exclusive negotiating rights for the proposed transfer of the 26-acre West Midway Project at Alameda Point. The ENA is designed to preserve this relationship until such time that either: the City Council approves the proposed project agreements and those agreements become effective, or the City Council denies the proposed agreements and does not wish to continue negotiations.

As described above, staff is recommending that the City Council approve the project agreements, and therefore, staff is recommending that the City Council authorize the City Manager to execute a 6th amendment in substantial conformance with Exhibit 5 to the ENA to ensure that the ENA remains in effect until such time that the agreements, if approved, become effective. If the Council does not wish to approve the agreements, but does wish to continue negotiations with the Developer, then the Council should consider extending the ENA even if it does not support the recommended agreements in their current form.

ALTERNATIVES

After opening the public hearing and considering all of the documents, the City Council could consider a number of alternative courses of action, including but not limited to:

- Approve the above-described resolutions and ordinances for the project as recommended by staff.
- Approve the resolutions and ordinances with specific modifications identified by the City Council at the public hearing.
- Delay action on the resolutions and ordinances to a future date until such time that staff is able to return with specific information identified by the City Council at the public hearing necessary for the City Council to take action. In this alternative, the Council should consider extending the ENA as recommended above.

FINANCIAL IMPACT

The recommended resolution and ordinances are specifically designed to have no financial impact on the City of Alameda General Fund and to ensure that the development of the subject properties at Alameda Point are fiscally neutral to the General Fund consistent with City Council adopted policy.

The proposed appropriation of \$9.5 million from the Alameda Point Fund (Fund 290) fund balance would be used for a loan to be repaid by the Developer according to the proposed West Midway DDA. The Alameda Point Fund includes proceeds from a sale, lease, or equivalent use of property at Alameda Point. These funds may only be used within Alameda Point pursuant to a Memorandum of Agreement with the U.S. Navy. The obligation to repay the funds is triggered by the commencement of West Midway Phase 1 in May of 2025 or completion of the Site A Infrastructure, whichever event occurs last.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

The recommended ordinances and resolutions are consistent with the City of Alameda General Plan policies related to the redevelopment and reuse of Alameda Point, the Main Street Neighborhood Specific Plan, the Alameda Municipal Code regulations and development standards for the 26-acre West Midway Property.

ENVIRONMENTAL REVIEW

Pursuant to the streamlining provision of Public Resources Sections 21166 and 21083.3 and Sections 15162 and 15183 of CEQA Guidelines, no further environmental review is required because the West Midway Project is consistent with the development density in an adopted Specific Plan for the area; the environmental impacts of the development of the area consistent with the Specific Plan were considered in the Alameda Point Project Final Environmental Impact Report (APP FEIR) adopted by the City Council on February 4, 2014, in compliance with CEQA; the West Midway Project is consistent with the development density of, is specifically listed in, and implements the City of Alameda's Housing Element adopted on November 15, 2022; the environmental impacts of the Housing Element and the development of the sites included in the Housing sites inventory were considered in the

General Plan Update EIR adopted by the City Council on November 30, 2021; and as documented in the project CEQA Checklist (Exhibit 4), the West Midway Project would not result in new or substantially more severe significant impacts than identified in the APP FEIR or the General Plan Update EIR due to changes in the project, changed circumstances, or new information and there are no new or considerably different feasible mitigation measures or alternatives from those identified in the APP FEIR and the General Plan Update EIR that would substantially reduce one or more significant effects that the project proponent declines to adopt; and the West Midway project would not result in significant impacts that: (1) are peculiar to the project or project site; (2) were not already identified as significant effects, cumulative effects, or off-site effects in the APP FEIR and the General Plan Update FEIR; or (3) were previously identified as significant effects, but are determined to be substantially more severe than discussed in the APP FEIR and the General Plan Update FEIR.

RECOMMENDATION

Hold a public hearing and approve: 1) Introduction of Ordinance authorizing the City Manager to execute the DDA between the City of Alameda and BC West Midway LLC; 2) Introduction of Ordinance authorizing the City Manager to execute the DA between the City of Alameda and BC West Midway LLC; 3) the Resolution amending the Fiscal Year 2023-2025 Budget to appropriate and allocate \$9.5 million from Fund 290 (Alameda Point Fund) for a loan to construct infrastructure and site preparation for the RESHAP project to be repaid at a later date with the construction of the adjacent market rate housing projects; and 4) authorizing the City Manager to execute a 6th Amendment to the ENA.

Respectfully submitted,
Andrew Thomas, Interim Base Reuse and Economic Development Director

Financial Impact section reviewed,
Margaret O'Brien, Finance Director

Exhibits:

1. West Midway Development Plan
2. West Midway Development Agreement
3. West Midway Disposition and Development Agreement
4. CEQA Checklist and West Midway Project Mitigation Monitoring and Reporting Program
5. Sixth Amendment to the Exclusive Negotiating Agreement

Exhibit D


Screenshot of Base Reuse webpage (“Environmental Information” tab)

ENVIRONMENTAL INFORMATION:

 [Draft EIR for Alameda Point](#) (PDF, 25MB)

 (PDF, 25MB)  [Final EIR for Alameda Point](#) (PDF, 29MB)

 [Resolution to Certify the Final EIR](#) (PDF, 1MB)

 [Notice of Preparation \(NOP\) of an Environmental Impact Report for the Alameda Point Project](#) (PDF, 1MB)

 [Alameda Point Site Management Plan](#) (PDF, 13MB)

 (PDF, 13MB)

Previous Environmental Impact Reports:

 [Community Reuse Plan](#) (PDF, 20MB)


 [Community Reuse Plan EIR](#) (PDF, 26MB)


 [General Plan Amendment EIR](#) (PDF, 9MB)

 [General Plan Amendment FEIR Text Revisions](#) (PDF, 1MB)

 [Transportation Element FEIR](#) (PDF, 4MB)

Biological Restrictions (BO):

 [Summary of Map of Biological Planning Restrictions Pursuant to BO](#)
(PDF, 1MB)

 [Biological Opinion on the Proposed Naval Air Station Alameda Disposal on Reuse Project \(BO\)](#) (PDF, 4MB)

Environmental Cleanup Process:


 [Installation Restoration \(IR\) Sites at Alameda Point](#) (PDF, 201KB) - map of the 34 sites grouped into ten (10) operable units (OU), which are in different stages of investigation and cleanup

Exhibit E

Screenshot of Major Planning Projects webpage

[HOME](#)[RESIDENTS](#)[BUSINESS](#)[YOUR GOVERNMENT](#)

[HOME](#) / [Planning](#) • [Building](#) • [Transportation](#) / [Planning Division](#) / **Major P**

Major Planning Projects

West Midway Project - Alameda Point

 [West Midway Development Plan May 4 2023](#) (PDF, 70MB)

Rebuilding the Existing Supportive Housing at Alameda Point (RESHAP) - Development Plan

 [RESHAP Development Plan May 8 2023](#) (PDF, 7MB)

Alameda Point

 [Alameda Point Draft EIR 2013](#) (PDF, 25MB)

 [Alameda Point Final EIR 2013](#) (PDF, 29MB)

Exhibit F

Screenshot of Alameda General Plan 2040 website (“Documents” tab)

Read the General Plan + Supporting Documents

NOVEMBER 30th APPROVED: Alameda General Plan 2040

The Alameda General Plan is organized by chapters or "elements". Each chapter or element addresses a different subject matter and identifies the community's goals while setting forth a series of policies, and in some cases, actions to achieve those goals.

2040 GENERAL PLAN

FINAL AND DRAFT EIRs: Environmental Impact Reports

The City of Alameda accepted comments on the DEIR from May 6, 2021 until June 25, 2021. The Alameda Planning Board held a public hearing to receive comments on the DEIR at the regularly scheduled meeting of the Planning Board on June 14, 2021 @ 7:00pm (via Zoom). The City Council certified the Final EIR on November 30, 2021.

DEIR VOL I

DEIR VOL II

FINAL EIR

LATEST: Adopted 2023-2031 Housing Element

On Nov. 15, 2022, the City Council adopted the Housing Element update. In doing so, Alameda becomes the first city in the Bay Area to adopt their Housing Element for the 2023-2031 cycle.

2023 ADOPTED HOUSING ELEMENT

Ways to Comment

Exhibit G

July 6, 2023 notice of agenda publication for July 18, 2023 City Council meeting

Len Aslanian

From: City of Alameda <alameda@public.govdelivery.com>
Sent: Thursday, July 6, 2023 6:00 PM
To: Len Aslanian
Subject: Agenda for City Council - on Tuesday, July 18, 2023 at 7:00 PM PDT has been posted

LATEST MEETING AGENDA AVAILABLE

City Council -

Tuesday, July 18, 2023 at 7:00 PM PDT

City Hall, 2263 Santa Clara Avenue, Council Chambers, 3rd
Floor, Alameda CA 94501

[VIEW AGENDA](#)

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