

CITY OF ALAMEDA ORDINANCE NO. _____
New Series

AUTHORIZING THE CITY MANAGER TO EXECUTE A DISPOSITION
AND DEVELOPMENT AGREEMENT IN SUBSTANTIAL
CONFORMANCE WITH EXHIBIT A BETWEEN THE CITY OF
ALAMEDA AND “BC WEST MIDWAY LLC”

WHEREAS, the City of Alameda owns an approximately 26 acres of former Naval Air Station land at Alameda Point (“West Midway Property”) immediately adjacent to the RESHAP project; and

Whereas, BC West Midway, LLC (“Developer”) wishes to construct housing for households of all incomes, and the associated infrastructure and utilities that are necessary to construct much needed housing on both the RESHAP and West Midway city-owned properties; and

WHEREAS, consistent with California law and the California Surplus Land Act, the City wishes to convey the property to the Developer for the development of housing and the provision of infrastructure and utilities for the RESHAP and West Midway projects; and

WHEREAS, a disposition and development agreement between the parties, attached hereto as Exhibit A (“Disposition and Development Agreement”) is necessary to ensure the orderly conveyance of the West Midway Property to BC West Midway, LLC in a phased manner to protect the interests of the public; and

WHEREAS, on July 18, 2023, the City Council conducted a public hearing to consider the Disposition and Development Agreement; and

WHEREAS, pursuant to the streamlining provision of 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 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 (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, 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 FEIR (together, the “Previous CEQA Documents”) 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 Previous CEQA Documents 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.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Alameda that:

Section 1. The City Council, based on its independent review, consideration, and exercise of its independent judgment, hereby finds and determines, on the basis of substantial evidence in the entire record before the City, that none of the circumstances necessitating further CEQA review are present. The proposed project would not require major revisions to the Previous CEQA Documents due to new significant impacts or due to a substantial increase in the severity of the significant environmental effects. There have been no substantial changes with respect to the circumstances under which the project would be undertaken that would require major revisions of the Previous CEQA Documents due to new or substantially increased significant environmental effects, and there has been no discovery of new information of substantial importance that would trigger or require major revisions to the Previous CEQA Documents due to new or substantially increased significant environmental effects. There are no significant environmental effects (i) peculiar to the West Midway Project that were not analyzed in the Previous CEQA Documents, or any such impact can be substantially mitigated by imposition of uniformly applied development policies or standards previously adopted by the City; (ii) that were not analyzed as significant effects in the Previous CEQA Documents; and that are off-site impacts or cumulative impacts to which the West Midway Project makes a considerable contribution that were not analyzed in the Previous CEQA Documents. Thus, the City can rely on the Previous CEQA Documents and no further environmental review is required for the proposed project.

The City Council adopts the Mitigation Monitoring and Reporting Program for the West Midway Project and readopts and incorporates as though fully set forth herein the Statements of Overriding Considerations for the Previous CEQA Documents.

Section 2. The City Council hereby approves the Disposition and Development Agreement between the City of Alameda and BC West Midway, LLC, the form of which shall be substantially as attached hereto as **Exhibit A**, and authorizes the City Manager of the City of Alameda or designee to execute, for and on behalf of the City of Alameda, the Disposition and Development Agreement on or after the effective date of this Ordinance.

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance if, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council of the City of Alameda hereby declares that it would have passed this Ordinance, and each section, subsections, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases are declared to be invalid and unconstitutional.

Section 4. This Ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

Presiding Officer of the City Council

Attest:

Lara Weisiger, City Clerk

EXHIBIT A: Disposition and Development Agreement (DDA)

Attached to Staff Report 2023-3181

* * * * *

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the ____ day of _____ 2023, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this ____ day of _____ 2023.

Lara Weisiger, City Clerk
City of Alameda

Approved as to form:

Yibin Shen, City Attorney
City of Alameda