

CITY OF ALAMEDA ORDINANCE NO. _____

New Series

APPROVING A FIRST AMENDMENT TO THE REBUILDING THE EXISTING SUPPORTIVE HOUSING AT ALAMEDA POINT (RESHAP) DEVELOPMENT AGREEMENT TO ENSURE CONSISTENCY BETWEEN THE RESHAP DISPOSITION AND DEVELOPMENT AGREEMENT, AMENDED DEVELOPMENT PLAN, AND DEVELOPMENT AGREEMENT.

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

WHEREAS, pursuant to Government Code Section 65864, the City of Alameda ("City") has adopted rules and regulations establishing procedures and requirements for consideration of development agreements, which procedures and requirements are contained in Alameda Municipal Code Chapter XXX, Article VII, Code Sections 30-91 through 30-95 (the "City Development Agreement Regulations") and this Development Agreement has been processed in accordance with the City Development Agreement Regulations; and

WHEREAS, on July 18, 2023, the Alameda City Council approved a Development Agreement between the City of Alameda and the MidPen Housing Corporation, a California nonprofit public benefit corporation ("MidPen"), Alameda Point Collaborative, a California nonprofit public benefit corporation ("APC"), Building Futures With Women and Children, a California nonprofit public benefit corporation ("Building Futures"), and Operation Dignity, a California nonprofit public benefit corporation ("Operation Dignity") (collectively referred to as the "Collaborating Partners or "the Developer") for 8 acres of City-owned real property located at the corner of West Midway Avenue and Pan Am Way at Alameda Point that is appropriate for supportive housing and associated services ("RESHAP Parcel"); and

WHEREAS, the City and MidPen, APC, Building Futures, and Operation Dignity are desirous of increasing the number of very low- and low-income units planned for the property; and

WHEREAS, the City Planning Board on December 11, 2023 approved an amendment to the RESHAP Development Plan to increase the number of units on the property to 332 units; and

WHEREAS, City and MidPen, APC, Building Futures, and Operation Dignity wish to ensure that the terms of the Development Agreement is consistent with both the amended Development Plan and the Disposition and Development Agreement; and

WHEREAS, the City has determined that by amending the Development Agreement: (1) the City will ensure the productive use of underdeveloped property and foster orderly growth and quality development in the City; (2) development will proceed in accordance with the goals and policies set forth in the City of Alameda General Plan and will implement the City's stated General Plan policies; (3) the City will receive substantially increased property tax and sales tax revenues; and (4) the City will receive the public benefits provided the provision of much needed supportive housing; and

WHEREAS, the terms and conditions of this First Amendment to Development Agreement have undergone extensive review by the City, the Developer and their respective legal counsel; and

WHEREAS, the City Planning Board and the City Council at publicly noticed meetings found the Development Agreement amendment to be consistent with the City General Plan, the Main Street Neighborhood Specific Plan development standards, the Development Agreement Legislation, and the City Development Agreement Regulations; and

WHEREAS, on December 11, 2023, the Planning Board conducted a public hearing on this First Amendment to Development Agreement in accordance with Government Code section 65867 and the City Development Agreement Regulations and recommended that the City Council amend the RESHAP Development Agreement to ensure consistency between the Development Agreement, the amended Development Plan and the Disposition and Development Agreement, and to avoid any future confusion; and

WHEREAS, on February 20, 2024 the City Council conducted a public hearing on this First Amendment to Development Agreement in accordance with Government Code section 65867 and the City Development Agreement Regulations; and

WHEREAS, the City Council finds that the economic interests of the City's residents and the public health, safety and welfare will be best served by amending the Development Agreement; and

WHEREAS, the amended Development Agreement is consistent with objectives, policies, land uses and programs specified in the General Plan and is compatible with the uses authorized in, and the other regulations prescribed for, the use of land at Alameda Point. As documented in the staff report and associated materials, the Development Agreement vests the rights granted by the amended Development Plan, which is in substantial conformance with, and implements, the City of Alameda General Plan, Housing Element, and Zoning Ordinance policies and standards for the site. The amended Development Plan implements General Plan policies for mixed use redevelopment of former Naval Air Station property and provides a plan for the

development of housing for those who are least able to afford housing in the Bay Area; and

WHEREAS, pursuant to the streamlining provision of Public Resources Code Sections 21166 and 21083.3 and Sections 15162 and 15183 of the CEQA Guidelines, no further environmental review is required because the RESHAP project, as amended, 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 FEIR adopted by the City Council on February 4, 2014, in compliance with the California Environmental Quality Act (CEQA); the RESHAP 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 Alameda 2040 General Plan EIR adopted by the City Council on November 30, 2021; and as documented in the project CEQA Checklist, the RESHAP project would not result in new or substantially more severe significant impacts than identified in the APP FEIR or the Alameda 2040 General Plan 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 or the Alameda 2040 General Plan EIR 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 Alameda 2040 General Plan EIR; or (3) were previously identified as significant effects; but are determined to be substantially more severe than discussed in the APP FEIR and the Alameda 2040 General Plan EIR.

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. Thus, the City can rely on the Previous CEQA

Documents and no further environmental review is required for the proposed project.

Section 2.

In accordance with Development Agreement Legislation and the City Development Agreement Regulations, the City Council hereby finds the First Amendment to the RESHAP Development Agreement (attached as Exhibit 1 to the accompanying Staff Report and incorporated herein) to be consistent with the General Plan and necessary and appropriate to ensure consistency between the Development Agreement, amended Development Plan, and Disposition and Development Agreement for the RESHAP Project.

Section 3.

The City Council hereby approves the First Amendment to Development Agreement for the RESHAP project, and authorizes the City Manager to sign the First Amendment to Development Agreement on or after the effective date of this Ordinance.

Section 4.

If any portion, section, subsection, paragraph, subparagraph, sentence, clause, phrase or application of this Ordinance is held invalid or inapplicable by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity or applicability of any other part of this Ordinance.

Section 5.

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

* * * * *

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 _____, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSENTIONS:

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

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Yibin Shen, City Attorney
City of Alameda