

CITY OF ALAMEDA RESOLUTION NO. _____

DECLARING THE 1.7 ACRES OF LAND LOCATED ON PAN AM WAY
AT ALAMEDA POINT TO BE EXEMPT SURPLUS LAND UNDER THE
SURPLUS LAND ACT

WHEREAS, prior to taking any action to dispose of (i.e., sell, or lease for a term of five years or more) land owned by a local agency, the Surplus Land Act (Government Code Section 54220 - 54234) ("SLA"), requires the local agency to follow prescribed notification and negotiation procedures intended to encourage housing development, including affordable housing; and

WHEREAS, the SLA's notification and negotiation procedures do not apply to the local agency's disposal of land that qualifies as "exempt surplus land" as set forth in the SLA; and

WHEREAS, prior to taking any action to dispose of land, Government Code Section 54221(b)(1) requires the local agency to declare the land "surplus land" or "exempt surplus land" as supported by written findings; and

WHEREAS, Government Code Section 54221(b)(1) defines "surplus land" as "land owned in fee simple by any local agency for which the local agency's governing body takes formal action in a regular public meeting declaring that the land is surplus and is not necessary for the agency's use"; and

WHEREAS, the City of Alameda (the "City") is the owner of the real property more particularly described in the attached Exhibit A, located in the City of Alameda (the "City Property"); and

WHEREAS, the City Property is planned for a permanent, non-profit free community food market operated by the Alameda Food Bank, providing an important service to the City as a whole and in particular to the formerly homeless families and individuals being served nearby in the former Naval Air Station; and

WHEREAS, Government Code Section 54221(f)(1)(M) sets forth an SLA exemption which defines "exempt surplus land" as "Surplus land that is a former military base that was conveyed by the federal government to a local agency, and is subject to Article 8 (commencing with Section 33492.125) of Chapter 4.5 of Part 1 of Division 24 of the Health and Safety Code, provided that all of the following conditions are met:

- (i) The former military base has an aggregate area greater than five acres, is expected to include 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 of the former military base.

(ii) The affordability requirements for residential units shall be governed by a settlement agreement entered into prior to September 1, 2020. Furthermore, at least 25 percent of the initial 1,400 residential units developed shall be restricted to lower income households, as defined in Section 50079.5 of the Health and Safety Code, with an affordable sales price or an affordable rent, as defined in Sections 50052.5 and 50053 of the Health and Safety Code, for a minimum of 55 years for rental housing and 45 years for ownership housing.

(iii) Prior to disposition of the surplus land, the agency adopts written findings that the land is exempt surplus land pursuant to this subparagraph.

(iv) Prior to the disposition of the surplus land, the recipient has negotiated a project labor agreement consistent with the local agency's project stabilization agreement resolution, as adopted on February 2, 2021, and any succeeding ordinance, resolution, or policy, regardless of the length of the agreement between the local agency and the recipient.

(v) The agency includes in the annual report required by paragraph (2) of subdivision (a) of Section 65400 the status of development of residential units on the former military base, including the total number of residential units that have been permitted and what percentage of those residential units are restricted for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, or lower income households, as defined in Section 50079.5 of the Health and Safety Code.”; and

WHEREAS, the City Property satisfies all the conditions set forth in Government Code Section 54221(f)(1)(M) as follows:

- (i) The City Property is located on the former Alameda Naval Air Station (“Alameda NAS”), which has an aggregate area greater than five acres, and is expected to include 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 Alameda NAS;
- (ii) The City Property was conveyed to the City by the United States Department of the Navy pursuant to that certain Memorandum of Agreement for the Conveyance of Portions of the Alameda Naval Air Station dated June 6, 2000.
- (iii) The City Property is located on the former Alameda NAS and is subject to Article 8 (commencing with Section 33492.125) of Chapter 4.5 of Part 1 of Division 24 of the Health and Safety Code.
- (iv) The affordability requirements for residential units on the Alameda NAS are governed by a settlement agreement entered into on March 20, 2001 (the Renewed Hope Settlement Agreement) which agreement restricts (a) 10% of all residential units development on Alameda NAS to lower income households, as defined in Health and Safety Code Section 50079.5_with an

affordable sales price or an affordable rent, as defined in Sections 50052.5 and 50053 of the Health and Safety Code, for a minimum of 55 years for rental housing and 45 years for ownership housing and (b) 15 percent of all residential units developed on Alameda NAS in accordance with Health and Safety Code Section 33413(b)(2).

- (v) The City has granted approvals for developments and has agreements with the developers of those developments that contemplate the development of 2,082 residential units on Alameda NAS, 632 or 30% of which units are required to be occupied by lower income households as defined in Health and Safety Code Section 50079.5 at affordable rents, as defined in Sections 50052.5 and 50053 of the Health and Safety Code for a minimum of 55 years and of the initial 1,400 residential units expected to be constructed on Alameda NAS at least 25% are required to be occupied by lower income households as defined in Health and Safety Code Section 50079.5 at affordable rents as defined in Sections 50052.5 and 50053 of the Health and Safety Code for a minimum of 55 years;
- (vi) Upon the City Council's adoption of this Resolution, the City will have adopted written findings that the land is exempt surplus land pursuant to this Government Code Section 54221(f)(1)(M);
- (vii) The City's project stabilization resolution adopted February 2, 2021 requires that developers acquiring property from the City enter into project labor agreements if certain conditions are met including that at least \$5,000,000 will be spent on the construction project. The Alameda Food Bank will not be spending \$5,000,000 on the City Property after acquisition. Further, the Alameda Food Bank has negotiated with the Construction Trades with respect to a project labor agreement and both parties have determined that the project is not appropriate for a project labor agreement. The purchaser's attempt to negotiate a project labor agreement complies with the requirements of 54221(f)(1)(M);
- (viii) The City does and shall continue to include, in its annual report 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, including the total number of residential units that have been permitted and what percentage of those residential units are restricted for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code or lower income households, as defined in Section 50079.5 of the Health and Safety Code.

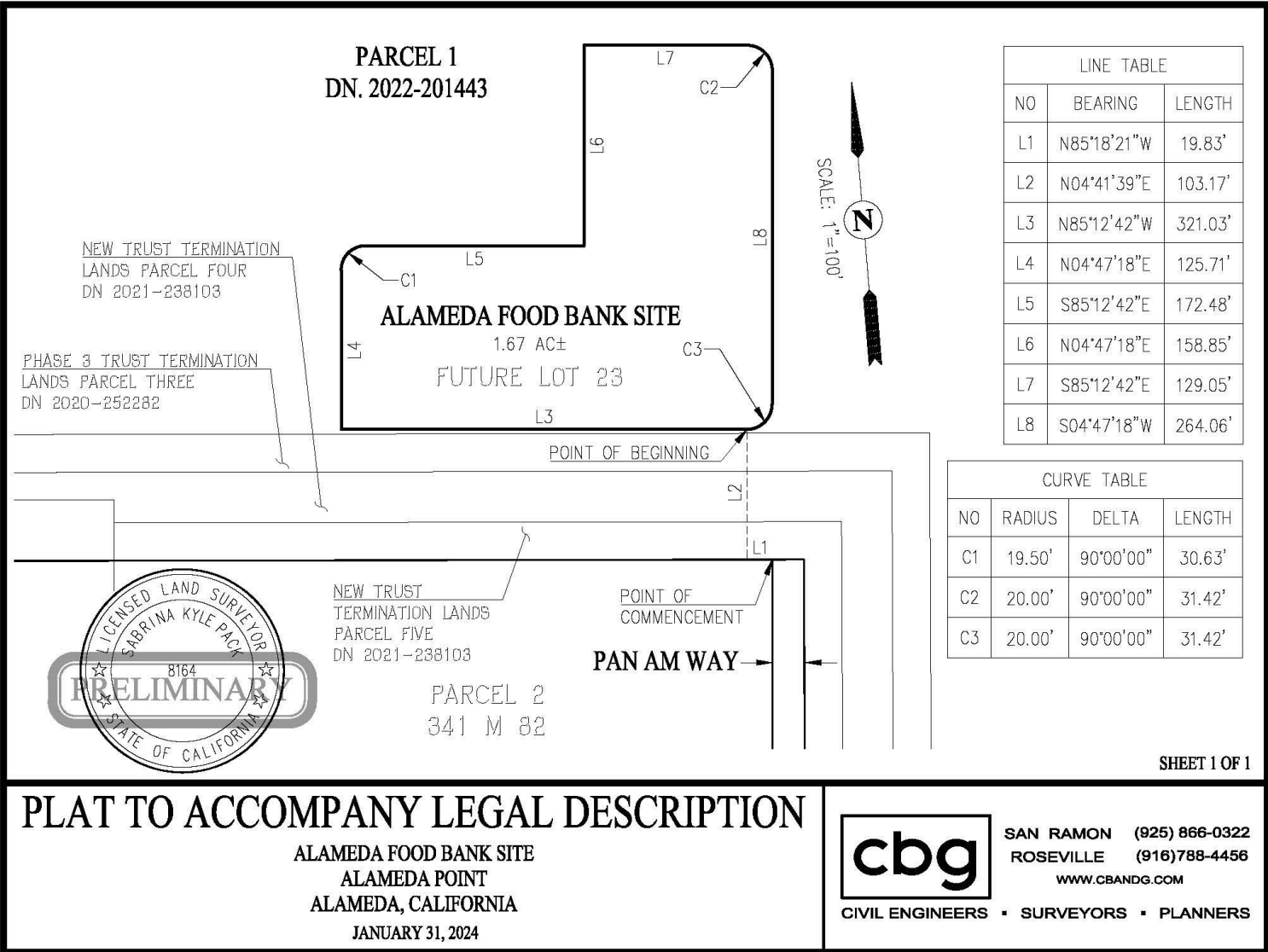
NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND FOUND, by the Council of the City of Alameda that the foregoing recitals are true and correct, together with information provided by City staff and the public, if any, form the basis for approvals, findings, resolutions and determinations set forth below; and

BE IT FURTHER RESOLVED, DETERMINED AND FOUND that the City Property is hereby declared "exempt surplus land" based on the findings that all the conditions set forth in Government Code Section 54221(f)(1)(M) have been satisfied; and

BE IT FURTHER RESOLVED, DETERMINED AND FOUND City staff and consultants are authorized and directed to proceed with the steps necessary or appropriate to effect the sale of the Property in accordance with law and the terms of this Resolution, including but not limited to negotiating a purchase and sale agreement for the City Property, provided such purchase and sale agreement shall require that as a condition of conveyance of the Property the purchaser shall prior to the conveyance have entered into a project labor agreement consistent with the City's Project Stabilization Resolution. The City Council shall be responsible for approval or disapproval of the purchase and sale agreement under a separate Ordinance; and

BE IT FURTHER RESOLVED that the City Council directs the City Manager to submit a copy of this Resolution to the California Housing and Community Development Department ("HCD") for HCD's review and approval in accordance with the Section 400(e) of the SLA Guidelines and HCD's Guide to Exemptions for the Standard Surplus Land Act Process. Final disposition of the City Property shall not occur until at least 30 days after City staff submit a copy of this Resolution to HCD.

Exhibit A – Building 607 Description



JANUARY 31, 2024
JOB NO.: 1087-022

**LEGAL DESCRIPTION
ALAMEDA FOOD BANK SITE
ALAMEDA POINT
ALAMEDA, CALIFORNIA**

REAL PROPERTY, SITUATE IN THE INCORPORATED TERRITORY OF THE CITY OF ALAMEDA, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL 1 IN THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED DECEMBER 23, 2022, AS DOCUMENT NO. 2022-201443 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERN CORNER OF PARCEL 2, AS SAID PARCEL 2 IS SHOWN AND SO DESIGNATED ON THE FINAL MAP FOR TRACT 8315, ENTITLED "WEST TOWER AVENUE", RECORDED AUGUST 23, 2016, IN BOOK 341 OF MAPS, AT PAGE 82, IN SAID OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY;

THENCE, FROM SAID POINT OF COMMENCEMENT, ALONG THE NORTHERN LINE OF SAID PARCEL 2, NORTH 85°18'21" WEST 19.83 FEET;

THENCE, LEAVING SAID NORTHERN LINE, NORTH 04°41'39" EAST 103.17 FEET TO THE POINT OF BEGINNING FOR THIS DESCRIPTION;

THENCE, FROM SAID POINT OF BEGINNING, NORTH 85°12'42" WEST 321.03 FEET;

THENCE, NORTH 04°47'18" EAST 125.71 FEET;

THENCE, ALONG THE ARC OF A TANGENT 19.50 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC DISTANCE OF 30.63 FEET;

THENCE, SOUTH 85°12'42" EAST 172.48 FEET;

THENCE, NORTH 04°47'18" EAST 158.85 FEET;

THENCE, SOUTH 85°12'42" EAST 129.05 FEET;

THENCE, ALONG THE ARC OF A TANGENT 20.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC DISTANCE OF 31.42 FEET;

THENCE, SOUTH 04°47'18" WEST 264.06 FEET;

THENCE, ALONG THE ARC OF A TANGENT 20.00 FOOT RADIUS CURVE TO THE
RIGHT, THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC DISTANCE OF 31.42
FEET TO SAID POINT OF BEGINNING.

CONTAINING 1.67 ACRES OF LAND, MORE OR LESS.

ATTACHED HERETO IS A PLAT TO ACCOMPANY LEGAL DESCRIPTION, AND BY THIS
REFERENCE MADE A PART HEREOF.

END OF DESCRIPTION

PRELIMINARY

SABRINA KYLE PACK, P.L.S.
L.S. NO. 8164

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 5th of March 2024 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 6th day of March 2024.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Yibin Shen, City Attorney
City of Alameda