

CITY OF ALAMEDA ORDINANCE NO. _____

New Series

APPROVING DEVELOPMENT AGREEMENT DA-_____ BY AND BETWEEN THE CITY OF ALAMEDA AND TL PARTERNS, I, LP GOVERNING THE DEL MONTE WAREHOUSE PROJECT FOR REAL PROPERTY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SHERMAN STREET AND BUENA VISTA AVENUE

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

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

WHEREAS, the Developer is currently in contract to acquire approximately 11.06 acres of real property located at the northeast corner of the intersection of Sherman Street and Buena Vista Avenue and commonly known as the Del Monte Warehouse, with an address of 1501 Buena Vista Avenue, City of Alameda, County of Alameda (APN 072-0383-004); and

WHEREAS, the City is the owner of approximately .45 acres of property located adjacent to the Del Monte Property, identified as assessor's parcel numbers 072-0333-001 and -002 ("City Parcel"). The City Parcel and the Del Monte Parcel are referred to collectively herein as the "Property"; and

WHEREAS, the City is desirous of advancing the socioeconomic interests of the City and its residents by promoting the productive use of underdeveloped property and encouraging quality development and economic growth, thereby enhancing employment opportunities for residents and expanding the City's property tax base; and

WHEREAS, the City is also desirous of gaining the Public Benefits described in detail in the Development Agreement, some of which are in addition to those dedications, conditions and exactions required by laws or regulations, and which advance the planning objectives of, and provide benefits to, the City; and

WHEREAS, the City has determined that by entering into this 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; (4) the City will benefit from increased employment opportunities for residents of the City created by the retail businesses in the commercial space within the Project; and (5) the City will receive the Public Benefits provided by the Project for the residents of the City; and

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

WHEREAS, the Planning Board and the City Council at publicly noticed meetings found the Development Agreement to be in conformance with the City General Plan, the Development Agreement Legislation, 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 entering into this Development Agreement; and

WHEREAS, the Developer proposes to develop the Property into a transit-oriented destination, comprised of residential mixed use with up to 414 housing units and 30,000 square feet of commercial space, consistent with the Master Plan approved on _____ via Ordinance No. _____ ("Master Plan"); and

WHEREAS, on September 22, 2014, the Alameda Planning Board conducted a public hearing on this Development Agreement in accordance with Government Code section 65867 and the City Development Agreement Regulations; and

WHEREAS, on November 18, 2014, the City Council conducted a public hearing on this Development Agreement in accordance with Government Code section 65867 and the City Development Agreement Regulations; and

WHEREAS, the Planning Board recommended for certification, and the City Council certified a Subsequent Mitigated Negative Declaration for the Del Monte Warehouse Project, including this Development Agreement, on November 18, 2014, in accordance with the California Environmental Quality Act, Public Resources Code section 21000; and

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

Section 1.

In accordance with the City Development Agreement Regulations, Development Agreement DA-_____, attached as Exhibit A, is hereby adopted and the City Manager is authorized to sign it on or after the effective date of this Ordinance.

Section 2.

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 3.

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.

* * * * *

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 _____, 2014, 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 _____, 2014.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Janet C. Kern
City Attorney

