

CITY OF ALAMEDA RESOLUTION NO ____

AUTHORIZING THE CITY MANAGER TO ACCEPT, ON BEHALF OF THE CITY, CERTAIN SURPLUS FEDERAL PROPERTY AND TO ACCEPT, EXECUTE, AND RECORD CONVEYANCE DOCUMENTS IN SUBSTANTIAL CONFORMANCE WITH CONVEYANCE DOCUMENTS RECEIVED FROM THE UNITED STATES OF AMERICA, ACTING BY AND THROUGH THE DEPARTMENT OF THE NAVY, TO IMPLEMENT THE ECONOMIC DEVELOPMENT CONVEYANCE AGREEMENT FOR THE FORMER NAVAL AIR STATION, ALAMEDA (PHASE 3A ALAMEDA POINT CONVEYANCE)

WHEREAS, in 1993, the Defense Base Closure and Realignment Commission recommended the closure of the former Naval Air Station Alameda ("NAS Alameda"), which encompasses the Naval facilities and grounds comprising the western end of the City of Alameda and consists of 1,546 acres of real property, together with the buildings, improvements and related and other tangible personal property located thereon and all rights, easements and appurtenances thereto; and

WHEREAS, pursuant to the power and authority provided by section 2905(b)4 of the Defense Base Closure and Realignment Act of 1990, as amended, and the implementing regulations of the Department of Defense (32 CFR Part 175), the Secretary of the Navy may convey surplus property at a closing installation to the local redevelopment authority for economic development purposes. By application dated October 1997 and amendments to that application, the Alameda Reuse and Redevelopment Authority ("ARRA") applied for a No-Cost Economic Development Conveyance of NAS Alameda to be used and developed in accordance with the NAS Alameda Community Reuse Plan ("Reuse Plan") dated January 1996, as amended in May and September 1997, prepared and adopted by the ARRA, accepted by the City Council, and approved by the Department of Housing and Urban Development on April 23, 1996; and

WHEREAS, the United States, acting by and through the Department of the Navy ("Navy"), approved the ARRA's EDC Application and subsequently executed that certain Memorandum of Agreement between ARRA and the Navy for the Economic Development Conveyance of Portions of the Former NAS Alameda ("EDC Agreement"), as such EDC Agreement was subsequently amended; and

WHEREAS, by operation of California State law, the Community Improvement Commission, a member of the ARRA joint powers authority, ceased to exist on February 1, 2012. Accordingly, the ARRA, by Resolution No 55, dated January 31, 2012, authorized the ARRA Executive Director to assign to the City of Alameda all of ARRA's rights, assets, obligations, responsibilities, duties and contracts, including the EDC Agreement, subject to the City accepting such Assignment, (ii) Department of Defense designation of the City as the local redevelopment authority for NAS Alameda, and (iii) execution of documents with the Navy necessary to implement the City as successor to ARRA; and

WHEREAS, pursuant to City of Alameda Resolution No. 14654, dated February 7, 2012, the City authorized the City Manager to accept the Assignment of all of ARRA's rights, assets, obligations, responsibilities, duties and contracts, including the EDC Agreement, subject to The Department of Defense designating the City as the local redevelopment authority for NAS Alameda and the Navy executing documents necessary to implement the City as successor to ARRA; and

WHEREAS, by letter dated April 4, 2012, the Department of Defense and the Department of the Navy designated the City as the local redevelopment authority for NAS Alameda, and accepted the City as the successor to ARRA; and

WHEREAS, the Navy has prepared Findings of Suitability to Transfer for the various parcels that comprise the Phase 3A Alameda Point Conveyance, which includes 2.6 acres of uplands at Alameda Point; and

WHEREAS, in accordance with the provisions of the National Environmental Policy Act, the Navy has prepared an Environmental Impact Statement ("EIS") for the disposal of NAS Alameda. A Record of Decision regarding the disposal of NAS Alameda was issued by the Navy on February 29, 2000; and

WHEREAS, in accordance with the provisions of the National Historic Preservation Act, the Navy has determined that the disposal of NAS Alameda will have an effect upon those portions of the property that are eligible for listing in the National Register of Historic Places. A Memorandum of Agreement among the Navy, the California State Historic Preservation Officer and the Advisory Council on Historic Preservation was executed on October 5, 1999, and sets forth in full the ARRA's obligations under the National Historic Preservation Act and implementing regulations; and

WHEREAS, in accordance with Section 7 of the Endangered Species Act, United States Fish and Wildlife Service issued a Biological Opinion in August 2012 for the Alameda Point property, which includes avoidance and minimization measures and terms and conditions for the City and subsequent property owners to mitigate impacts to the endangered California Least Tern; and

WHEREAS, On March 21, 2000, the City Council certified the Final Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) for the Reuse of Naval Air Station Alameda and the Fleet and Industrial Supply Center, Alameda Annex and Facility (State Clearinghouse No. 96022105) (the "2000 EIR"), consisting of the Draft EIR and EIR Response to Comments Addendum, and adopted Findings and a Statement of Overriding Considerations, adopted and incorporated into the project all of the mitigation measures within the responsibility and jurisdiction of the City, and adopted a Mitigation Monitoring Program. On February 4, 2014, the City Council certified the Final Environmental Impact Report for the Alameda Point Project (State Clearinghouse No. 201312043) (the "2014 EIR"), consisting of the Draft EIR and Response to Comments volume, and adopted Findings and a Statement of Overriding Considerations, adopted and

incorporated into the project all of the mitigation measures within the responsibility and jurisdiction of the City, and adopted a Mitigation Monitoring Program; and

WHEREAS, the Phase 2 Conveyance implements conveyance of NAS Alameda and subsequent reuse pursuant to the Reuse Plan, which were analyzed in the 2000 EIR. The analysis in the 2000 EIR was updated in the 2014 EIR, which analyzed the redevelopment and reuse of 878 acres of land and approximately 1,229 acres of water at the former NAS Alameda, including the Phase 3A Conveyance. The Phase 3A Conveyance is within the project area analyzed in both EIRs. The Phase 3A Conveyance would not require major revisions to the previously certified EIRs due to new or substantially increased significant environmental effects. There have been no substantial changes to the conveyance and reuse or substantial changes with respect to the circumstances under which the conveyance and reuse would be undertaken, that would require major revisions to the EIRs due to new or substantially increased significant environmental effects, and no new information of substantial importance has been discovered that would trigger or require major revisions to the EIRs due to new or substantially increased significant environmental effects; and

WHEREAS, the Conveyance Documents include quitclaim deeds, and Covenants Restricting Use of Property, among other potential documents.

NOW, THEREFORE BE IT RESOLVED that the City Council, having independently considered whether changes in the project, changes in circumstances, or new information would require major revisions to the EIR, finds that no subsequent or supplemental EIR is required before approval of the Phase 3A Alameda Point Conveyance; and

BE IT FURTHER RESOLVED, that the City Council authorizes the City Manager to Accept, on behalf of the City, certain surplus Federal property and to Accept, Execute, and Record Conveyance Documents in Substantial Conformance with Conveyance Documents Received from the United States of America, Acting by and Through the Department of the Navy, to implement the EDC Agreement for the former Naval Air Station, Alameda (Phase 3A Alameda Point Conveyance); and

BE IT FURTHER RESOLVED that the City Council authorizes the City Manager or his designee to make minor amendments as necessary to the Conveyance Documents relating to this conveyance.

* * * * *

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 7th day of February, 2017, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSECTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 8th day of February 2017.

Lara Weisiger, City Clerk
City of Alameda

Approved as to form:

Janet C. Kern, City Attorney
City of Alameda