

CITY OF ALAMEDA RESOLUTION NO \_\_\_\_

AUTHORIZING THE CITY MANAGER TO EXECUTE A COOPERATION AGREEMENT BETWEEN EDEN HOUSING, INC, A CALIFORNIA CORPORATION, AND THE CITY OF ALAMEDA FOR COMPLIANCE WITH THE REQUIREMENTS OF AN APPLICATION UNDER THE AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES FUNDING PROGRAM FOR THE 70-UNIT FAMILY AFFORDABLE HOUSING PROJECT ON BLOCK 8 WITHIN SITE A AT ALAMEDA POINT AND FOR THE CROSS ALAMEDA TRAIL SEGMENT ALONG RALPH APPEZZATO MEMORIAL PARKWAY

WHEREAS, the City of Alameda ("City") and the Alameda Point Partners, LLC, ("APP") entered into a Disposition and Development Agreement for Alameda Point-Site A dated as of August 6, 2015 ("DDA"), authorized by City of Alameda Ordinance No. 3127, whereby the City agreed to convey to APP property located at the former Naval Air Station Alameda (commonly referred to as Alameda Point) under certain terms and conditions, including a Development Plan and an Affordable Housing Implementation Plan; and

WHEREAS, the DDA contemplates the development of a 68-acre area within Alameda Point that extends generally from the Main Street entrance of Alameda Point to the eastern edge of the Seaplane Lagoon, and includes 800 housing units, 600,000 square feet of commercial development, and extensive parks and utility infrastructure ("Site A Project"); and

WHEREAS, two hundred (200) of the residential units (25%) in the Site A Project are required to be affordable units, including approximately one hundred thirty (130) affordable units that will be provided in two projects on Block 8: a family project with approximately 70 units ("Family Project"), and a senior project with approximately 60 units ("Senior Project") and the remaining moderate-income units are expected to be provided in a teacher housing project with Alameda Unified School District or distributed among the market-rate units in the other buildings provided by APP; and

WHEREAS, in March 2016, APP and Eden Housing Inc. ("Eden Housing") entered into and the City consented to a partial assignment of the DDA whereby Eden Housing assumed the obligations to develop the Block 8 Projects under the DDA and the Affordable Housing Implementation Plan approved as part of the DDA and the City consented to the designation of Eden Housing as the Qualified Affordable Housing Developer for the Block 8 Projects consistent with the DDA; and

WHEREAS, on December 8, 2017, the City executed a ground lease with Eden Housing providing Eden Housing with direct site control over the land under the Family Project; and

WHEREAS, Eden Housing is a highly qualified nonprofit affordable housing developer that constructs and manages thousands of units of affordable housing throughout the Bay Area; and

WHEREAS, Eden Housing, in coordination with APP, has expended significant staff and financial resources securing financing sources to fund the Family Projects and has been successful at obtaining numerous funding sources; and

WHEREAS, the State of California, the Strategic Growth Council (“SGC”) and the Department of Housing and Community Development (“HCD”) issued a Notice of Funding Availability dated October 2, 2017 (“AHSC NOFA”), under the Affordable Housing and Sustainable Communities (“AHSC”) Program established under Division 44, Part 1 of the Public Resources Code, commencing with Section 75200; and

WHEREAS, Eden Housing is applying for AHSC Funds in response to the AHSC NOFA to provide funding for (A) construction of the Family Project; (B) the construction of certain sustainable transportation infrastructure (“STI Improvements”); and (C) the construction of certain transit related amenities (“TRA Improvements”), which will be described in more detail in the Final Application to be submitted by January 16, 2018 (collectively, “AHSC Application”); and

WHEREAS, the AHSC Application seeks an award to Eden Housing in an aggregate amount of approximately \$7.7 million in AHSC funds (“AHSC Funds”) consisting of: (A) \$5.5 million of AHSC grant funds for the purpose of reimbursing the cost of the Family Project; (B) \$1.8 million of the AHSC grant funds for the purpose of reimbursing the cost of the STI Improvements; and (C) \$400,000 of AHSC grant funds for the purpose of reimbursing the cost of the TRA Improvements; and

WHEREAS, the application for the AHSC grant funds will include \$500,000 for STI Improvements and \$400,000 for TRA Improvements for the City of Alameda Cross Alameda Trail Project (CAT) between Main Street and Constitution Way (“CAT RAMP Project”); and

WHEREAS, the City and Eden Housing are required to enter into an agreement in order to comply with the specific AHSC Program Threshold Requirement stated in Section 106 (a) 11 (A) of the 2017 AHSC Program Guidelines dated July 17, 2017 (the “Transportation Agency Prior Experience Threshold Requirement”) which provides that applicants may demonstrate the requisite prior experience by using the past experience of work completed of a non-applicant so long as the applicants can provide an executed agreement with that specific non-applicant for the completion of the related work in the AHSC Application for which funding is sought; and

WHEREAS, the purpose of this Cooperation Agreement is to, amongst other things, comply with the Transportation Agency Prior Experience Threshold Requirement; and

WHEREAS, the City is a non-applicant, but, as set forth herein, will have obligations to perform the CAT RAMP Project to meet the requirements of the STI

Improvements and TRA Improvements included in the AHSC Application (collectively, the “City Transportation Obligations”); and

WHEREAS, the City shall be responsible for developing and constructing the City Transportation Obligations, and for all costs and expenses related thereto, and Eden Housing shall be responsible for constructing and developing the Family Project ( “Developer Obligations”), and for all costs and expenses related thereto; and

WHEREAS, in connection with the AHSC Funds, Eden Housing is required to enter into standard agreements, disbursement agreements, and regulatory agreements with the State of California where Eden Housing will be liable for the full and timely performance by the parties to complete the obligations set forth therein, including completion of the Family Project, and completion of the STI Improvements and TRA Improvements, as described in the AHSC Application; and

WHEREAS, the City and Eden Housing each acknowledge and agree that the inability or failure by either party to fully and timely complete each party’s respective improvements required by the AHSC Program may affect the timing and right of the other party to receive disbursement of AHSC Funds due the other party notwithstanding the other party’s full and timely performance of its obligations; and

WHEREAS, a Cooperation Agreement is necessary between City and Eden Housing to comply with the Transportation Agency Prior Experience Threshold Requirement required by the AHSC Program; and

WHEREAS, on February 4, 2014, the City of Alameda certified the Alameda Point Final EIR in compliance with the California Environmental Quality Act (CEQA), and the Final EIR evaluated the environmental impacts of redevelopment and reuse of the lands at Alameda Point consistent with the Town Center Plan, which included the Family Project on Block 8 within Site A; and

WHEREAS, in accordance with CEQA, the CAT RAMP project is Categorically Exempt under the CEQA Guidelines Section 15301(c) Existing Facilities (Minor alterations to existing facilities including bicycle facilities) and Section 15304 (h) Minor Alterations to Land and the creation of bicycle lanes on existing public rights of way; and

WHEREAS, in accordance with the National Environmental Policy Act, this project is a Categorical Exclusion under 23 Code of Federal Regulations 771.117(c): activity (c)(3) - Construction of bicycle and pedestrian lanes, paths and facilities.

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 Cooperation Agreement; and

BE IT FURTHER RESOLVED, that the City Council hereby approved the Cooperation Agreement and authorizes the City Manager to execute the Cooperation

Agreement between the City and Eden Housing in substantial conformance with the attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED that the City Council authorizes the City Manager or his designee to make minor amendments as necessary to the Cooperation Agreement as part of the final submittal of the AHSC Application by January 16, 2018.

\* \* \* \* \*

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 19th day of December, 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 20th day of December 2017.

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Lara Weisiger, City Clerk  
City of Alameda

Approved as to form:

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Janet C. Kern, City Attorney  
City of Alameda