

CITY OF ALAMEDA ORDINANCE NO. _____
New Series

APPROVING A LEASE AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE DOCUMENTS NECESSARY TO IMPLEMENT THE TERMS OF THE LEASE WITH PLAY HOUSE, LLC FOR TEN YEARS WITH ONE FIVE-YEAR RENEWAL OPTION IN THE HISTORIC ALAMEDA THEATRE, LOCATED AT 2319 CENTRAL AVENUE

WHEREAS, Burgermeister previously occupied a the premises located at 2319 Central Avenue which is a portion of the Historic Alameda Historic Theatre (the Theatre) since November 2007; and

WHEREAS, in January 2018 Burgermeister opted to terminate its lease and end business operations at the Alameda Theatre; and

WHEREAS, Play House LLC, dba Director's Cut (Director's Cut) currently occupies the former Burgermeister premises of the Theatre under a license since February, 2018; and

WHEREAS, Director's Cut is proposing to operate a family-friendly restaurant serving nutritious kids dishes and food that will be all natural, free of nitrates, phosphates or preservatives, and antibiotics and hormones; and

WHEREAS, the premises Director's Cut will occupy is a portion of the Theatre and consists of approximately 1,850 square feet; and

WHEREAS, The monthly base rent over the ten years is \$6,530.50 for year one, \$6,726.42 for year two, \$6,988.21 for year three, \$7,136.05 for year four \$7,350.14 for year five, \$7,570.14 for year six, \$7,797.76 for year seven, \$8,031.69 for year eight, \$8,272.64 for year nine, and \$8,520.82 for year ten; and

WHEREAS, there is one renewal option which would extend the Term for a period of five years; and

WHEREAS, the tenant will be required to provide a security deposit equal to \$13,061.00 and the two members of Play House, LLC will sign a personal guaranty of the lease, and the lease contains the standard insurance, indemnity, assignment and termination clauses the ARRA required in its leases.

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

Section 1. The City Manager of the City of Alameda or his designee is hereby authorized to negotiate, execute, for and on behalf of the City of Alameda, a lease with

Play House, LLC. for a portion of the Historic Alameda Theatre located at 2319 Central Avenue for ten years with one five-year renewal option, subject to such technical or clarifying revisions as are reasonably determined necessary by the City Manager and approved by the City Attorney, and the City Clerk is hereby authorized and directed to attest to the same.

Section 2. If any section, subsection, sentence, clause or phrase of this ordinance if, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council of the City of Alameda hereby declares that it would have passed this ordinance, and each section, subsections, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases are declared to be invalid and unconstitutional.

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.

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 _____, 2018, 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 _____, 2018.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Janet C. Kern, City Attorney
City of Alameda