

CITY OF ALAMEDA ORDINANCE NO. _____
New Series

APPROVING A 33-YEAR LEASE, WITH ONE 33-YEAR OPTION TO RENEW, AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE DOCUMENTS NECESSARY TO IMPLEMENT THE TERMS OF A LEASE WITH THE CARNEGIE INNOVATION HALL, A CALIFORNIA 501(C)3 NON-PROFIT ORGANIZATION, FOR 2264 SANTA CLARA AVENUE (THE CARNEGIE BUILDING) AND 1429 OAK STREET (FOSTER HOUSE)

WHEREAS, City of Alameda has determined that there is significant community benefit in rehabilitating and restoring the Carnegie Building and Foster House and causing them to be open to the public; and

WHEREAS, the premises have fallen into disrepair and will require that substantial capital improvements, estimated in 2018 to cost approximately \$6,600,000, be performed to allow the Carnegie Building and Foster House to be open to the public. Through this lease, the City of Alameda desires to facilitate the rehabilitation and activation of the buildings; and

WHEREAS, the City Council approved a Request for Qualifications with the goal of finding a tenant that would provide cultural, educational and/or economic benefits to the community, restore and maintain the historic character of the Carnegie Building and Foster House, and provide for public use of the buildings as frequently as possible; and

WHEREAS, the selection committee chose the Carnegie Innovation Hall as the winning proposal to rehabilitate the Carnegie Building and Foster House and operate a community space to promote education and ideas; and

WHEREAS, the Carnegie Innovation Hall intends to restore and maintain the historic character of the buildings, and provide cultural, educational and economic benefits to the City; and

WHEREAS, the premises will be used to promote education and ideas, and to provide space for public and private events and performances, with food and bar service; and

WHEREAS, the base rent is \$15,597.61 per month, to be abated for the initial thirty-three year lease term in consideration for the significant expense and effort associated with the rehabilitation of the Carnegie Building and Foster House; and

WHEREAS, the proposed lease contains one thirty-three year extension option; and

WHEREAS, Carnegie Innovation Hall will be required to provide a capital improvement deposit in the amount of \$500,000 to partially secure Tenant's obligation to perform the capital improvements.

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 and execute, for and on behalf of the City of Alameda, a lease with Carnegie Innovation Hall, a California nonprofit benefit corporation, for the Carnegie Building located at 2264 Santa Clara Avenue, and the Foster House located at 1429 Oak Street, for a thirty-three year term with one thirty-three year option to renew, 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, for any reason, is 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 _____, 2019, 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 ____ day of _____, 2019.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Yibin Shen, City Attorney
City of Alameda