

CITY OF ALAMEDA RESOLUTION NO. _____

DECLARING 1.87 ACRES OF CITY-OWNED LAND BETWEEN
BUILDING 77 AND THE SEAPLANE LAGOON PROMENADE TO BE
EXEMPT SURPLUS LAND UNDER THE SURPLUS LAND ACT

WHEREAS, prior to taking any action to dispose of (i.e., sell, option to lease, or lease for a term of five years or more) land owned by a local agency, the Surplus Land Act (California Government Code Sections 54220 *et seq.*) (“SLA”), requires the local agency to follow prescribed notification and negotiation procedures intended to encourage housing development, including affordable housing; and

WHEREAS, the SLA’s notification and negotiation procedures do not apply to the local agency’s disposal of land that qualifies as “exempt surplus land” as set forth in the SLA; and

WHEREAS, prior to taking any action to dispose of land, Government Code Section 54221(b)(1) requires the local agency to declare the land “surplus land” or “exempt surplus land” as supported by written findings; and

WHEREAS, Government Code Section 54221(b)(1) defines “surplus land” as “land owned in fee simple by any local agency for which the local agency’s governing body takes formal action in a regular public meeting declaring that the land is surplus and is not necessary for the agency’s use”; and

WHEREAS, the City of Alameda (the “City”) is the owner of the real property more particularly described in the attached Exhibit A, located within Area Parcel Number (APN) 74-1368-18-4 and in the City of Alameda (the “City Property”) which includes 1.87 acres of vacant land; and

WHEREAS, a proposal for the City Property includes the planned development of a permanent performing arts center that will be owned and managed by a non-profit organization and will serve both as a municipal and non-profit community gathering space and a venue capable of attracting world class performers (the “Community Theater”); and

WHEREAS, Government Code Section 54221(f)(1)(M) sets forth an SLA exemption which defines “exempt surplus land” as “Surplus land that is a former military base that was conveyed by the federal government to a local agency, and is subject to Article 8 (commencing with Section 33492.125) of Chapter 4.5 of Part 1 of Division 24 of the Health and Safety Code, provided that all of the following conditions are met:

(i) The former military base has an aggregate area greater than five acres, is expected to include a mix of residential and nonresidential uses and is expected to include no fewer than 1,400 residential units upon completion of development or redevelopment of the former military base.

(ii) The affordability requirements for residential units shall be governed by a settlement agreement entered into prior to September 1, 2020. Furthermore, at least 25 percent of the initial 1,400 residential units developed shall be restricted to lower income

households, as defined in Section 50079.5 of the Health and Safety Code, with an affordable sales price or an affordable rent, as defined in Sections 50052.5 and 50053 of the Health and Safety Code, for a minimum of 55 years for rental housing and 45 years for ownership housing.

(iii) Prior to disposition of the surplus land, the agency adopts written findings that the land is exempt surplus land pursuant to this subparagraph.

(iv) Prior to the disposition of the surplus land, the recipient has negotiated a project labor agreement consistent with the local agency's project stabilization agreement resolution, as adopted on February 2, 2021, and any succeeding ordinance, resolution, or policy, regardless of the length of the agreement between the local agency and the recipient.

(v) The agency includes in the annual report required by paragraph (2) of subdivision (a) of Section 65400 the status of development of residential units on the former military base, including the total number of residential units that have been permitted and what percentage of those residential units are restricted for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, or lower income households, as defined in Section 50079.5 of the Health and Safety Code.”; and

WHEREAS, the City Property satisfies all the conditions set forth in Government Code Section 54221(f)(1)(M) as follows:

- (i) The City Property is located on the former Alameda Naval Air Station (“Alameda NAS”), which has an aggregate area greater than five acres, and is expected to include a mix of residential and nonresidential uses, and is expected to include no fewer than 1,400 residential units upon completion of development or redevelopment on the Alameda NAS;
- (ii) The City Property was conveyed to the City by the United States Department of the Navy pursuant to that certain Memorandum of Agreement for the Conveyance of Portions of the Alameda Naval Air Station dated June 6, 2000.
- (iii) The City Property is located on the former Alameda NAS and is subject to Article 8 (commencing with Section 33492.125) of Chapter 4.5 of Part 1 of Division 24 of the Health and Safety Code.
- (iv) The affordability requirements for residential units on the Alameda NAS are governed by a settlement agreement entered into on March 20, 2001 (the Renewed Hope Settlement Agreement) which agreement restricts (a) 10% of all residential units development on Alameda NAS to lower income households, as defined in Health and Safety Code Section 50079.5 with an affordable sales price or an affordable rent, as defined in Sections 50052.5 and 50053 of the Health and Safety Code, for a minimum of 55 years for rental housing and 45 years for ownership housing and (b) 15 percent of all

residential units developed on Alameda NAS in accordance with Health and Safety Code Section 33413(b)(2).

- (v) The City has granted approvals for developments and has agreements with the developers of those developments that contemplate the development of 2,082 residential units on Alameda NAS, 632 or 30% of which units are required to be occupied by lower income households as defined in Health and Safety Code Section 50079.5 at affordable rents, as defined in Sections 50052.5 and 50053 of the Health and Safety Code for a minimum of 55 years and of the initial 1,400 residential units expected to be constructed on Alameda NAS at least 25% are required to be occupied by lower income households as defined in Health and Safety Code Section 50079.5 at affordable rents as defined in Sections 50052.5 and 50053 of the Health and Safety Code for a minimum of 55 years;
- (vi) Upon the City Council's adoption of this Resolution, the City will have adopted written findings that the land is exempt surplus land pursuant to this Government Code Section 54221(f)(1)(M);
- (vii) The City's project stabilization resolution adopted February 2, 2021 requires that a project stabilization agreement must be negotiated for a construction project that includes a parcel sold or conveyed by the City where the City and the applicant, owner or developer are entering into a development agreement ("DA"), disposition and development agreement ("DDA") or other agreement required by the DA or DDA ("Ancillary Agreement") and the estimated total project cost as contemplated in the DA, DDA or Ancillary Agreement exceeds \$5,000,000. Total project costs for the proposed Community Theater, as contemplated in the project agreements, will exceed \$5,000,000. Therefore, prior to entering into a long-term lease or sale of the City Property, the developer will negotiate in good faith and enter into a project labor agreement consistent with the City's project stabilization resolution, complying with the requirements of 54221(f)(1)(M);
- (viii) The City does and shall continue to include, in its annual report required by paragraph (2) of subdivision (a) of Section 65400 of the Government Code, the status of development of residential units on the Alameda NAS, including the total number of residential units that have been permitted and what percentage of those residential units are restricted for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code or lower income households, as defined in Section 50079.5 of the Health and Safety Code; and

WHEREAS, the prospective dispositions covered by this Resolution are subject to separate review and consideration by the City and are not considered final or approved unless or until the City Council is presented with, and affirmatively approves pursuant to the requirements of the Alameda City Charter, a separate hearing item or items for the disposition that includes review, evaluation and clearances under all applicable City

policies, procedures, ordinances and laws and the requirements of all other applicable local, state and federal laws including, without limitation, the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND FOUND, by the Council of the City of Alameda that the foregoing recitals are true and correct, together with information provided by City staff and the public, if any, form the basis for approvals, findings, resolutions and determinations set forth below; and

BE IT FURTHER RESOLVED, DETERMINED AND FOUND that the City Property is hereby declared “exempt surplus land” based on the findings that all the conditions set forth in Government Code Section 54221(f)(1)(M) have been satisfied; and

BE IT FURTHER RESOLVED, DETERMINED AND FOUND City staff and consultants are authorized and directed to proceed with the steps necessary or appropriate to effect the lease option and long-term lease of the Property in accordance with law and the terms of this Resolution, including but not limited to negotiating a lease with purchase option agreement for the City Property, provided such lease with purchase option shall require that as a condition of conveyance of the Property the purchaser shall prior to the conveyance have entered into a project labor agreement consistent with the City’s Project Stabilization Resolution. The City Council shall be responsible for approval or disapproval of the lease option and lease with purchase option under a separate Ordinance; and

BE IT FURTHER RESOLVED that the City Council directs the City Manager to submit a copy of this Resolution to the California Housing and Community Development Department (“HCD”) for HCD’s review and approval in accordance with the Section 400(e) of the SLA Guidelines and HCD’s Guide to Exemptions for the Standard Surplus Land Act Process. Final disposition of the City Property shall not occur until at least 30 days after City staff submit a copy of this Resolution to HCD; and

BE IT FURTHER RESOLVED that this Resolution has been reviewed in accordance with the requirements of the California Environmental Quality Act (California Public Resources Code Section 21000 *et seq.*, and Title 14 of the California Code of Regulations Section 15000 *et seq.* (“CEQA” and the “CEQA Guidelines” respectively)). The City has determined that the designation of the City Property as “Exempt Surplus Land” does not have the potential for causing a significant effect on the environment and is, therefore, exempt from review under CEQA Section 21080 and CEQA Guidelines Section 15060(c)(3) because it is not a project as defined in CEQA section 21065 and CEQA Guidelines section 15378. Moreover, adoption of this Resolution by the City Council does not have the potential to result in either a direct physical change or a reasonably foreseeable indirect physical change in the environment. If or when the City Property is disposed of for use as a Community Theater, that future use and the associated discretionary permit(s) will be reviewed and analyzed in accordance with the requirements of CEQA and the CEQA Guidelines; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to take such further actions which they may deem reasonably necessary and proper to effectuate the purposes of this Resolution.

* * * * *

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 21st day of April 2026 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 22nd day of April 2026.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Yibin Shen, City Attorney
City of Alameda