

RESOLUTION 2024-###

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO APPROVING AND AUTHORIZING EXECUTION OF A SECOND AMENDMENT TO THE AMENDED AND RESTATED DISPOSITION AND DEVELOPMENT AGREEMENT FOR BLOCK E IN THE MIXED-USE CENTER SOUTH AREA OF PLAZA SAN PABLO AT SAN PABLO AVENUE AND CHATTLETON LANE (FORMERLY KNOWN AS CIRCLE S)

WHEREAS, the FY 2023-25 Council Priority Workplan as adopted on May 1, 2023 includes a policy item on diversifying and improving the quality of housing stock (#303);

WHEREAS, Michael Baker International reviewed the proposed Project on July 9, 2020 pursuant to the California Environmental Quality Act (CEQA) and determined that it is consistent with the San Pablo General Plan, the San Pablo Avenue Specific Plan, and the Mixed Use Center South Area (Plaza San Pablo) Regulating Plan, as well as the Environmental Impact Reports for the General Plan and Specific Plan and the Mitigated Negative Declaration for the Mixed Use Center South Area (Plaza San Pablo) Regulating Plan and that no additional environmental review is required for the proposed Project;

WHEREAS, the City and BV Builders, Inc (“Developer”) entered into a Disposition and Development Agreement dated August 10, 2020 (“Original DDA”) providing for the sale and development of real property located in San Pablo, California, known as Block E and the Original DDA was thereafter amended and superseded in its entirety by an Amended and Restated Disposition and Development Agreement entered into by the City and the Developer dated August 5, 2021, as further amended by a First Amendment to Amended and Restated Disposition and Development Agreement dated as of November 30, 2021 (collectively, the “DDA”);

WHEREAS, pursuant to the DDA, the Developer acquired and is in the process of developing the Site;

WHEREAS, the Second Amendment to the Amended and Restated Disposition and Development Agreement addresses issues regarding redesign costs for the public park fencing, the continued use of the temporary driveway until the completion of the permanent driveway by the City, and the reimbursement of the permanent driveway costs by the Developer;

WHEREAS, the DDA calls for the development of a public park that will be dedicated to the City once the development of the site is completed;

WHEREAS, the public park borders the adjacent Wildcat Creek Trail for which the City has installed light poles and the City's light poles interfere with the fencing to be installed along the boundary of the public park;

WHEREAS, the City desires to maintain the location of the light poles and has requested that the Developer redesign the fencing along the boundary of the public park

to accommodate the existing light poles;

WHEREAS, the Developer is willing to redesign the fencing along the boundary with the cost of redesign to be reimbursed by the City;

WHEREAS, the Developer is also required to construct and maintain, at its sole cost and expense, a driveway within the Perpetual Access Easement Area located within the City's property adjacent to the Site;

WHEREAS, the Developer will grant an easement for the City light pole wires that will be located within several lots within the Site;

WHEREAS, the driveway is to provide access to the Site during construction and, following construction, to provide permanent emergency access and entry-only access for residents to the Site;

WHEREAS, an Easement Agreement for that purpose was executed by the City and the Developer and the City desires to provide the initial construction of the permanent driveway and to provide ongoing maintenance thereof, with reimbursement of the costs of construction and maintenance by the Developer and its successors and assigns;

WHEREAS, a temporary driveway presently exists within the Perpetual Access Easement Area, and construction of the permanent driveway is expected to be completed in March 2025; and

WHEREAS, the Developer expects to complete construction of several of the townhomes to be constructed on the Site prior to completion of the permanent driveway and is requesting assurance that completion of the permanent driveway will not be a condition to the Developer's ability to obtain a certificate of occupancy from the City for the initially completed townhomes and the sale thereof.

NOW, THEREFORE, BE IT RESOLVED, the foregoing recitations are true and correct, and are included herein by reference as findings; and

BE IT FURTHER RESOLVED, that the City Council of the City of San Pablo hereby approves and authorizes the City Manager to execute a Second Amendment to the Amended and Restated Disposition and Development Agreement for Block E in the mixed-use center south area of Plaza San Pablo at San Pablo Avenue and Chatleton Lane (formerly known as Circle S).

* * * * *

ADOPTED this 16th day of December, 2024, by the following votes:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

ATTEST:

APPROVED:

Dorothy Gantt, City Clerk

Patricia Ponce, Mayor