



City of San Leandro

Meeting Date: September 18, 2017

Staff Report

File Number: 17-522

Agenda Section: CONSENT CALENDAR

Agenda Number: 8.I.

TO: City Council

FROM: Chris Zapata
City Manager

BY: City Attorney and
Rich Pio Roda
City Attorney

FINANCE REVIEW: Not Applicable

TITLE: Staff Report for a Resolution to Approve a First Amendment of Lease Between the City of San Leandro and the Apple Company (The Marina Inn)

RECOMMENDATION:

City Council should approve the resolution that amends the April 5, 1984 lease between the City and the owners/operators of the Marina Inn, Apple Company.

BACKGROUND

The Marina Inn ("Lessee") owns, maintains, and operates the Marina Inn Property pursuant to a ground lease entered into between the City and the Lessee approved by the City Council on April 2, 1984, and executed April 5, 1984 (the "Lease"). On or about July 20, 2015, the City Council adopted Resolution No. 2015-125 (the "Resolution") certifying the Environmental Impact Report (the "EIR"), adopting mitigation finds, findings concerning alternatives, a statement of overriding considerations and a mitigation monitoring program under the California Environmental Quality Act ("CEQA") for the specific activities and approvals that collectively constitute the "San Leandro Shoreline Development Project" described in Chapter 3 of the EIR (the "Project").

On or about August 18, 2015, the Coalition for the San Leandro Shoreline filed a verified petition for writ of mandate ("Petition") against the City entitled *Coalition for the San Leandro Shoreline, an unincorporated association v. City of San Leandro, City Council of San Leandro and Does 1 through 10*, Alameda County Superior Court Case No. RG 15782404 (the "Action"), in which it alleged that the City had violated CEQA by its actions approving the Resolution. On or about June 8, 2016, the City filed an answer to the Petition in the Action, in which the City denied all of the material allegations in the Petition and asserted affirmative defenses.

On July 11, 2017, the parties to the Action reached a settlement to resolve all issues related to the Action, the Resolution, and the Project (collectively, the "Dispute"). Petitioner dismissed the Action effective July 13, 2017. This First Amendment of Lease executes several terms and conditions of the July 11, 2017 settlement agreement, by adding five years to the original fifty-year term of the lease, and that The Marina Inn, as a condition of settling the Dispute, must come into compliance with the City's Living Wage Ordinance on or before January 11, 2019.

Submitted by: Richard D. Pio Roda, City Attorney



City of San Leandro

Meeting Date: September 18, 2017

Resolution - Council

File Number: 17-523 **Agenda Section:** CONSENT CALENDAR

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TO: City Council

FROM: Chris Zapata
City Manager

BY: City Attorney and
Rich Pio Roda
City Attorney

FINANCE REVIEW: Not Applicable

TITLE: RESOLUTION to Approve a First Amendment of Lease Between the City of San Leandro and Apple Company (Marina Inn)

WHEREAS, a lease agreement (the "Lease") between the City of San Leandro and the Apple Company, the owners and operators of the Marina Inn, was presented and approved by the City Council on April 5, 1984; and

WHEREAS, the parties have negotiated terms for a First Amendment of the Lease, a copy of which is attached; and

WHEREAS, the City Council is familiar with the contents thereof; and

WHEREAS, the City Manager recommends the City Council approve the first amendment of the Lease.

NOW THEREFORE, the City Council of the City of San Leandro does RESOLVE as follows:

That said first amendment of lease is hereby approved and execution thereof is hereby authorized.