

**Ordinance 2089:**  
**An Ordinance Approving a Development Agreement with 2205 Railroad Ave LLC**  
**for the Wine Country Hotel at the Bankhead Project**  
**(Development Agreement 19-001)**  
**City Attorney's Impartial Analysis (Elections Code § 9280)**

**Ordinance 2089**

This is an ordinance to approve a development agreement to build the Wine Country Hotel at the Bankhead project.

**Development Agreement with 2205 Railroad Avenue LLC**

California law authorizes development agreements to provide certainty for projects by establishing that the land use regulations for a project are the ones that are in effect when the agreement is executed.

This development agreement is a contract between the City of Livermore and the developer 2205 Railroad Avenue LLC for the developer to build the Wine Country Hotel project at the southeast corner of Railroad Avenue and South Livermore Avenue in Downtown Livermore. The agreement only applies to the properties specified in the agreement.

It is a 30 year agreement allowing the developer to develop and use the properties in accordance with the City's General Plan, Downtown Specific Plan, and Development code and other land use regulations that are in place when it is executed. The complete agreement is attached to the ordinance as Exhibit A.

**What is the Wine Country Hotel at the Bankhead project?**

The agreement describes the Wine Country Hotel at the Bankhead project. The project is an upscale branded three story hotel that will be approximately 70,000 square feet and have between 125-135 rooms, approximately 1,400-2,000 square feet of conference space, a bar/lounge, a fitness center, an outdoor pool and courtyard, and a fully or partially public open space rooftop deck. The project also dedicates a public right of way for a street along the east and south sides of the hotel that will have disabled access parking, loading and drop off areas, new landscaping, and related public improvements.

The agreement has a performance schedule requiring the developer to complete project design entitlements by March 2020, obtain building permits by May 2021, and to open the hotel by November 2022.

### **Legislative Intent for the Development Agreement Law**

The State Legislature created the development agreement law when it declared *"the lack of certainty in the approval of development projects can result in a waste of resources"* that can *"discourage investment in and commitment to comprehensive planning."* State law reflects the Legislature's intent that development agreements *"strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development."*

### **Referendum**


The City Council adopted this ordinance in July, 2019. The ordinance was then protested by a referendum petition, which suspended its effective date. The City Council placed this ordinance on the ballot for voter approval since California law states that the *"ordinance shall not become effective until a majority of the voters voting on the ordinance vote in favor of it."*

### **Votes**

A "yes" vote is a vote in favor of the ordinance to approve the development agreement and authorize its execution on behalf of the City for the developer to build the Wine Country Hotel at the Bankhead project.

A "no" vote is a vote against the ordinance and the development agreement, which means the City cannot reconsider the ordinance for one year.

Prepared and submitted:

  
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City of Livermore

The above statement is an impartial analysis of Measure \_\_\_\_\_. If you desire a copy of the Measure, please call the elections official's office at 925-960-4200 and a copy will be mailed to you at no cost to you