

CITY OF ALAMEDA RESOLUTION NO. _____

UPHOLDING PLANNING BOARD RESOLUTION NO. PB-15-09
APPROVING A DEVELOPMENT PLAN FOR A 68-ACRE MIXED
USE DEVELOPMENT PLAN IN THE WATERFRONT TOWN
CENTER PLAN AREA REFERED TO AS "SITE A" AT ALAMEDA
POINT AND APPROVING A DENSITY BONUS WAIVER
APPLICATION

WHEREAS, an application was made on March 17, 2015 by Alameda Point Partners (APP), for a Development Plan for 68 acres at Alameda Point referred to as "Site A," which is within the Town Center Plan area of the Alameda Point Project; and

WHEREAS, by Resolution No. 14891 the City Council of the City of Alameda certified the Final Alameda Point Environmental Impact Report (FEIR) (State Clearinghouse No. 201312043) under the California Environmental Quality Act ("CEQA"), California Public Resources Code Section 21000 *et seq.* and adopted written findings and a Mitigation Monitoring and Reporting Program ("MMRP") on February 4, 2014, for the Alameda Point Project, including the Town Center Plan area which contains Site A; and

WHEREAS, the proposed Development Plan for Site A consists of 800 multi-family residential units, up to 600,000 square feet of retail, hotel, and commercial uses, which would occupy new buildings and repurposed existing buildings, approximately 15 acres of parks and open space, new and replacement utilities and infrastructure, and new streets and streetscape improvements; and

WHEREAS, the Site A is designated as Mixed Use in the General Plan; and

WHEREAS, the Site A is located within the Alameda Point Waterfront Town Center Sub-district (WTC Sub-district); which is in the Alameda Point District [Alameda Municipal Code (AMC) 30-4.24] of the Zoning Ordinance; and

WHEREAS, the WTC Sub-district requires a Master Plan for the WTC Sub-district, which was prepared and approved on July 15, 2014 (Town Center Plan) and relied on the FEIR; and

WHEREAS, the Town Center Plan requires that the Planning Board approve a Development Plan application prior to redevelopment and reuse of Site A; and

WHEREAS, the Town Center Plan is a Specific Plan pursuant to Government Code Section 65450 *et seq.* for a transit-oriented development of the waterfront lands that surround the Seaplane Lagoon and the property at the entrance of Alameda Point between Main Street and Seaplane Lagoon; and

WHEREAS, the Town Center Plan requires an application for Density Bonus and a waiver of the multifamily prohibition in AMC 30-53 for proposals to construct multi-family housing; and

WHEREAS, the City Council having certified the FEIR for the Alameda Point Project and the Town Center Plan containing Site A, staff has prepared an Environmental Checklist for Streamlined Review, which documents the application of the criteria for streamlining in Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 and concludes, based on substantial evidence, that no further review under CEQA is required; and

WHEREAS, the Planning Board held a public hearing on March 23 , April 27, and May 11, 2015, for this Development Plan and Density Bonus waiver application, and examined pertinent maps, drawings, and documents; and

WHEREAS, on May 11, 2015, the Planning Board unanimously approved the Development Plan and the Density Bonus Waiver Application for Site A; and

WHEREAS, on June 16, 2015, the City Council held a public hearing on the Development Plan and Density Bonus waiver application and examined pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED, that the City Council finds that the following findings can be made in support of the Development Plan:

1. **The development is an effective use of the site.** The Development Plan provides for the construction of new public infrastructure improvements, including mainline underground utilities, street surface and circulation, open space and park landscape and hardscape improvements, which create a network of bicycle and pedestrian paths that extend the Bay Trail, create public transit to help mitigate traffic impacts. The Development Plan provides effective redevelopment and reuse of Site A, which has been substantially vacant since the departure of the United States Navy (Navy) from the site in 1997. The Development Plan achieves City policy goals and objectives to create a mixed use, transit oriented development supported by new infrastructure, streets, parks and public open spaces.
2. **The proposed use is consistent with the General Plan.** The Development Plan supports General Plan policies for the development of Alameda Point and helps balance jobs and housing through the provision of rental, for sale, affordable housing options, retail, commercial, office, hotel development, R&D and live/work opportunities that help create an economically balanced mixed-use project. The Development Plan also provides for new public parks and open spaces, including the core of the Town Center to be used for public gatherings and events and the creation of passive and active outdoor recreational opportunities. It includes a mix of uses including affordable housing, mixed use residential uses with ground floor retail uses public waterfront parks, and job generating businesses to replace the

jobs lost with the departure of the Navy. The Development Plan also supports the General Plan policy objectives to replace deteriorating infrastructure and streets with transit oriented complete streets and public transportation facilities and services.

3. **The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have substantial deleterious effects on existing business districts or the local economy.** The proposed mix of uses and physical improvements will support a transit oriented mixed use community that is designed to minimize transportation impacts on the Alameda community, eliminate existing blighted conditions and buildings on the site, and replace substandard storm water, potable water, fire water, wastewater, and other essential utility and other facilities that do not meet current State or local codes, are not able to be owned and maintained by the local utility companies in their current form, and contribute to ongoing pollution in the San Francisco Bay. The proposed Development Plan is designed to be compatible with adjacent future uses by providing attractive improvements and pedestrian and bicycle amenities and with transit services contemplated in the approved Alameda Point Transportation Demand Management Plan (TDM Plan). The Development Plan is also subject to the environmental protections and mitigations imposed by the FEIR, federal biological requirements stemming out of the U.S. Fish and Wildlife Service Biological Opinion, and coordination with the historic preservation requirements stemming out of the NAS Alameda Historic District designation.
4. **The location of the proposed use is compatible with other land uses in the general neighborhood area, and the project design and size is architecturally, aesthetically, and operationally harmonious with the community and surrounding development.** The Development Plan is designed to provide compatible residential land uses with the adjacent existing Bayport residential neighborhood; compatible mixed-use development adjacent to the mix of commercial uses within the NAS Alameda Historic District; open spaces, transit infrastructure and parks to support the Alameda Point Collaborative and future residents within the adjacent Main Street neighborhood to the north and the surrounding Alameda community; and essential infrastructure, ferry terminal improvements, and commercial services to support the existing and future businesses and employers within the Enterprise Sub-district to the south of the site.
5. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The Development Plan provides for a comprehensive network of complete streets to support a transit oriented mixed use district and planned transit connections between downtown Oakland and BART, and a future ferry terminal at the foot of Pacific Avenue immediately to the south of the project site and the existing ferry terminal at the northern edge of Alameda Point. The Development Plan is also conditioned to require that property owners will provide dedicated financial support to expand

transit services to users of the property and other transportation demand management services and programs consistent with the TDM Plan.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council finds that the following findings can be made in support of the Density Bonus Waiver Application:

1. **The proposal qualifies for density bonuses, concessions and incentives and waivers pursuant to State of California Government Code 65915 and Alameda Municipal Code Section 30-17.** The proposed development plan includes 200 affordable units, including 48 very low income units (6%), 80 low income units (10%) and 72 moderate income units (9%), which qualifies the proposal under California Government Code and AMC section 30-17 for waivers from development standards that physically preclude the development of the property with the number of units proposed for the property.
2. **Pursuant to the Density Bonus Ordinance (AMC 30-17.12), the proposal is consistent with, and qualifies for, a requested waiver from AMC Sections 30-50 thru 30-53 Multiple Dwelling Units Prohibited.** AMC Section 30-53 prohibits multifamily housing in Alameda, including Site A. Section 30-53 therefore prohibits the applicant from developing a mixed use transit oriented development plan consistent with the Town Center Plan, and physically precludes the construction of 800 multifamily units on the site consistent with the requirements of the Town Center Plan. The requested waiver would not have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon health, safety, or physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without increasing the potential impact of the project on the historic resource. Finally, the requested development standard waiver would not be contrary to state or federal law.

BE IT FURTHER RESOLVED that the City Council finds that the Alameda Point Project, including the Town Center Plan containing Site A, was adequately considered by FEIR, and that:

1. The Site A project is consistent with the General Plan, Zoning Ordinance, and Town Center Plan; and
2. The FEIR was certified by the City Council for the Alameda Point Project, including amendments to the General Plan and Zoning Ordinance, as well as the Town Center Plan; and
3. There are no environmental impacts peculiar to Site A that were not analyzed in the FEIR, or any such impact can be substantially mitigated by imposition of uniformly applied development policies or standards previously adopted by the City; and

4. There are no significant effects of the Site A project that were not analyzed as significant effects in the FEIR; and
5. There are no potentially significant off-site impacts of the proposed Site A project and there are no cumulative impacts to which the proposed Site A project makes a considerable contribution which were not discussed in the FEIR; and
6. There are no previously identified significant impacts of the proposed Site A project which, as a result of substantial new information which was not known at the time the EIR was certified, have been determined to have a more severe adverse impact than discussed in the FEIR.

BE IT FURTHER RESOLVED that pursuant to the streamlining provisions of Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, no further environmental review of the Development Plan is required.

BE IT FURTHER RESOLVED that the City Council hereby upholds the Development Plan PLN 15-0117 approved by the Planning Board on May, 11, 2017 via Planning Board Resolution No. PB-15-09 and incorporates by reference the conditions of approval in that resolution and approves the Density Bonus Waiver Application.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6.

NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code section 66020(d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant is hereby further notified that the 90-day appeal period, in which the applicant may protest these fees and other exactions, pursuant to Government Code section 66020(a) has begun. If the applicant fails to file a protest within this 90-day period complying with all requirements of section 66020, the applicant will be legally barred from later challenging such fees or exactions.

* * * * *

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 16th day of June, 2015, 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 17th day of June, 2015.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Janet C. Kern, City Attorney
City of Alameda