

CITY OF ALAMEDA ORDINANCE NO. _____

New Series

ADOPTING THE ENCINAL TERMINALS MASTER PLAN AND DENSITY BONUS APPLICATION FOR REDEVELOPMENT OF THE PROPERTY LOCATED AT 1521 BUENA VISTA AVENUE

WHEREAS, North Waterfront Cove, LLC (“the Developer”) has acquired approximately 16.73 acres of real property commonly known as the Encinal Terminals site, with an address of 1521 Buena Vista Avenue, City of Alameda, County of Alameda (APN 072-0382-001, -002, and 72-0383-03); and

WHEREAS, the Encinal Terminals site is designated for a residential, commercial, maritime and open space mix of uses in the City of Alameda General Plan; and

WHEREAS, the Encinal Terminals site is designated as a multifamily housing opportunity site in the City of Alameda General Plan Housing Element; and

WHEREAS, the Encinal Terminals site is designated MX (Mixed Use) and MF (Multifamily Residential) in the Alameda Municipal Code (AMC) Zoning Map; and

WHEREAS, the Alameda General Plan and AMC require preparation of a Master Plan to guide development of the property consistent with the General Plan and AMC; and

WHEREAS, the draft Encinal Terminals Master Plan is a mixed use plan for the property that includes up to 589 multifamily housing units, up to 50,000 square feet of commercial and maritime commercial space; seven acres of open space, and a 160 slip marina; and

WHEREAS, the City Council of the City of Alameda makes the following findings: **California Environmental Quality Act.** The City Council finds that it has considered all evidence and testimony provided to it and has reviewed, considered and adopted a Focused Supplemental EIR for the project in the manner required and authorized under CEQA. All mitigations specified in the GPA EIR and in the Focused Supplemental EIR shall be included as conditions of approval for the project development plans required by the Master Plan.

- 1. The Master Plan relates favorably to the General Plan.** As documented in the July 17, 2017, staff report and associated materials, the proposal is in substantial conformance with, and implements, the City of Alameda General Plan, Housing Element, and Zoning Ordinance policies and standards for the site. The proposal implements General Plan policies for mixed use redevelopment of a former industrial site in the Northern Waterfront, increases housing opportunities for a variety of household types; improves transportation infrastructure by extending Clement Avenue, and increasing transit services in the area; and increasing public access to

and public waterfront parks in the area for all Alameda residents. The proposed amendment to two policies in the General Plan are necessary to achieve other General Plan objectives and these two amendments do not undermine the integrity of the General Plan because they only apply to the height of buildings on this particular site in the City of Alameda.

- 2. The Master Plan proposes an effective use of the site.** The proposed Master Plan as amended by the conditions of approval implements the City of Alameda General Plan and the MX Mixed Use and MF Multifamily Zoning District requirements for the site. The proposal provides for seven acres of public waterfront parks, promenades, and plaza adjacent to the Oakland Estuary where no public access exists currently. Further, the plan allows for the conversion of the site, which was previously used for shipping container storage, to allow for a transit oriented development with market rate and affordable deed-restricted housing opportunities, retail and maritime commercial job opportunities and services, pedestrian, transit and bicycle facilities and other amenities and features to ensure that the site is pedestrian, bicycle and transit-friendly.
- 3. The proposed Master Plan, 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 proposal implements the General Plan and provide for a mixed use development pursuant to the MX Mixed Use Planned Development Zoning District. The proposal improves access and circulation in the neighborhood by facilitating the completion of the Clement Avenue extension from Atlantic Avenue to Grand Street allowing for the removal of the Truck Route from Buena Vista Avenue, which is a long-term public objective to improve the quality of life in the neighborhood. The proposal provides for seven (7) acres of new public waterfront open space for the neighborhood, including a waterfront promenade and Bay Trail along the perimeter of the property.
- 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 proposed development qualifies as a mixed-use development pursuant to the MX, Mixed-Use Planned Development Zoning District, and satisfies the purposes of the MX district and MF Multifamily Overlay District regulations. The Master Plan as amended is designed to conform to the Northern Waterfront General Plan policy objectives and requirements adopted to ensure that the project would be compatible with adjacent residential neighborhoods, the recently completed residential developments on adjacent sites and other existing and future waterfront uses. The Plan provides for adequate landscaping including Bay Friendly native plants as required by City standards. The proposed development will result in health and safety improvements to a property that is currently severely blighted and a detriment to the surrounding community.

5. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The proposal is designed to ensure that the development of the property is compatible with existing and potential contiguous uses. The street network, location of entry roads, orientation of residential uses along Clement Avenue and within the site, and the location of bicycle facilities, pedestrian facilities, and transit facilities are all designed to complement and support the planned surrounding uses. The residential plans provide for a well-designed pedestrian network, bicycle access, and vehicular access. The proposed waterfront promenade will support and encourage use of and access to the waterfront.
6. **The proposed affordable units make the project eligible for a density bonus of 20% under California Government Code 65915 and City of Alameda Municipal Code Section 30-17.** North Waterfront Cove LLC has requested a 20% density bonus for a total project size of 589 residential units. The existing zoning designation for the property allows up to 491 multifamily residential units. The applicant is proposing 79 affordable units, including 25 housing units affordable to very-low income households (5%), 20 housing units affordable to low-income households (4%) and 34 units affordable to moderate- income households (7%). The applicant is proposing to provide 5% of the units to very low-income households, which qualifies the project for a 20% density bonus for a total project size of 589 units.
7. **The proposed affordable units make the project eligible for development standard waivers under California Government Code 65915 and City of Alameda Municipal Code Section 30-17.** North Waterfront Cove LLC has requested waivers from General Plan 60 foot height limit that applies only to this site and the Alameda Municipal Code Section 30-17 35 foot height limit to accommodate the bonus units. The requested height limit waiver to the 35 foot height limit is necessary to accommodate the required bonus units, 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, nor would the waiver be contrary to state or federal law.

BE IT ORDAINED by the City Council of the City of Alameda that:

Section 1. The Encinal Terminals Master Plan and Density Bonus, attached to this Ordinance as Attachment A is approved and adopted subject to the following condition that the Master Plan shall be amended to:

- a. Revise table 3.2 on page 38 to establish a 40 foot waterfront height limit for the Fortman Residential District.

In adopting the Encinal Terminals Master Plan the City Council determines that it is generally consistent with the City of Alameda General Plan.

Section 2. Severability Clause. It is the declared intent of the City Council of Alameda that if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such

invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provision of this ordinance.

Section 3. This Ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

Presiding Officer of the City Council

Attest:

Lara Weisiger, City Clerk

* * * * *

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the ____ day of _____, 2018, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this ____ day of _____, 2018.

Lara Weisiger, City Clerk
City of Alameda

Approved as to Form:

Janet C. Kern, City Attorney
City of Alameda