

CITY OF ALAMEDA PLANNING BOARD
Draft RESOLUTION

AMENDING DEVELOPMENT PLAN (PLN 17-0252) FOR A 68-ACRE MIXED USE
DEVELOPMENT PLAN IN THE WATERFRONT TOWN CENTER PLAN AREA REFERED
TO AS "SITE A" AT ALAMEDA POINT

WHEREAS, the 68 acres referred to as "Site A" at Alameda Point 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 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, on May 11, 2015, the Planning Board reviewed and unanimously approved a Development Plan for 68 acres referred to as "Site A" within the Alameda Point Waterfront Town Center Sub-district (WTC Sub-district); and

WHEREAS, on June 16, 2015, the City Council reviewed and unanimously approved the Planning Board approved Development Plan for 68 acres referred to as "Site A"; and

WHEREAS, the approved Site A 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, 13.35 acres of parks and open space, new and replacement utilities and infrastructure, and new streets and streetscape improvements; and

WHEREAS, an application for Development Plan Amendment was made on May 3, 2017 by Alameda Point Partners (APP); and

WHEREAS, the Development Plan Amendment permits a change in the construction phasing of the project, the location of residential and commercial uses, and the location of moderate income housing units within the limits of the Site A Development Plan approved by the City Council on June 16, 2015, and

WHEREAS, the Development Plan Amendment maintains without change the approved 800 multi-family residential units, up to 600,000 square feet of retail, hotel, and commercial uses, 13.35 acres of parks and open space, new and replacement utilities and infrastructure, and new streets and streetscape improvements; 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

Exhibit 4

Item 7-B, 5/22/2017

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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 Planning Board held a public hearing on May 22, 2017, for this Development Plan Amendment, and examined pertinent maps, drawings, and documents;

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

1. **The development is an effective use of the site.** The Development Plan Amendment 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 and 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 1996. The Development Plan, as amended, 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 Amendment supports General Plan policies for the development of Alameda Point and helps balance jobs and housing through the provision of rental, for sale, and 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, as amended, 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 with ground floor retail, public waterfront parks, and job generating businesses to replace the jobs lost with the departure of the Navy. The Development Plan, as amended, 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 described in the Development Plan and the Amendment 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 Development Plan, as amended, 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, as amended, 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 and the Amendment are 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 and the Amendment maintain and provide 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, as amended, requires 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.

BE IT FURTHER RESOLVED that the Planning Board 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 Amendment is required;

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby approves Development Plan Amendment PLN17-0252 subject to the following conditions:

1. Building Permit Plans. All future design review applications, building permit applications, and improvement plan submittals shall be reviewed for consistency with the 2015 City Council approved Site A Development Plan, the 2015 City Council approved conditions of approval, and this 2017 Development Plan Amendment and the following conditions of approval. In the event of a conflict between the 2015 approvals and these conditions, these conditions shall govern.
2. Residential and Commercial Development Locations. Commercial Block 15 shown on Page 8 Illustrative Site Plan – All Phases of the 2015 Development Plan may be developed with residential units as shown in Exhibit 1, provided that Residential Blocks 1a, 1b, and 3 are developed with a minimum of 160,000 square feet of commercial space originally planned for Block 15.
3. Illustrative Site Plan Phasing. The Illustrative Site Plan Phasing shown on Page 9 of the 2015 Site A Development Plan may be adjusted to reflect the Illustrative Site Plan Phasing shown in Exhibit 2.
4. Street/Surface Improvements Phasing. The Street/Surface Improvements Phasing shown on Page 10 of the 2015 Site A Development Plan may be adjusted to reflect the Street/Surface Improvements Phasing shown in Exhibit 3.
5. Land Use Diagram. The Land Use Diagram shown on Page 11 of the 2015 Site A Development Plan may be adjusted to reflect the Land Use Diagram shown in Exhibit 4.
6. Moderate Income Affordable Housing. The Affordable Housing Plan shown on Page 15 of the 2015 Site A Development Plan shall be amended to include the following statement: *“* All 72 moderate-income affordable housing units may be constructed on Block 15.”*
7. Streets. The proposed street network shown on Page 22, 23, 24, and 30 of the 2015 Development Plan may include an extension of “A Street” through Block 15 from “G Street” to West Tower Avenue provided that the street section is consistent with the section approved by the Planning Board for A Street in 2016 as part of the Design Review for Blocks 6 and 7.
8. Public Parking. The Public Parking Plan shown on Page 31 may be modified for consistency with Exhibit 1 “2017 Illustrative Land Use Plan”, provided that a total of 56 public parking stalls are maintained on Blocks 1 and/or 3.
9. Hold Harmless. The applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney’s fees) against the City of Alameda, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void

or annul, an approval by the City of Alameda, the Community Development Department, Alameda City Planning Board, the City of Alameda City Council relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

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.

The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by filing with the Community Development Department a written notice of appeal stating the basis of appeal and paying the required fees.

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