

From: bmathieson@aol.com
To: [Marilyn Ezzy Ashcraft](#); [John Knox White](#); [Tony Daysog](#); [Malia Vella](#); [Trish Spencer](#)
Cc: [Lara Weisiger](#); [Andrew Thomas](#); [Allen Tai](#); [Eric Levitt](#); [Gerry Beaudin](#)
Subject: [EXTERNAL] City Council January 18 meeting, Agenda Item 7-A re Encinal Terminals: SUPPORT
Date: Tuesday, January 18, 2022 4:10:01 PM

Dear Mayor Ashcraft and City Councilmembers:

I support the land exchange and development of the Encinal Terminals property for residential development as proposed.

Encinal Terminals is a key site for residential development that will further Alameda's ability to meet its Regional Housing Needs Assessment allocation. The land exchange will give the developer a land-locked triangle parcel that is essentially useless to the City but critical for the much-needed residential development and will give the City a superbly useful waterfront.

As a bicyclist, I regularly pass by the inland edge of the parcel on the Cross Alameda Trail and also admire its potential from the Bay Trail on the Oakland side of the estuary. The parcel is ideal for a spectacular waterfront residential development rimmed by a public shoreline. I'm excited by the suitability of the development for a water taxi stop that could provide access to downtown Oakland and to the ferry to San Francisco.

I hope the development will have a classic waterfront industrial style that will set it apart from the run-of-the-mill residential developments being constructed elsewhere this decade.

I urge you to approve the Encinal Terminals land exchange and development proposal.

Thank you.

Sincerely,

Betsy Mathieson
Alameda



January 3rd, 2022

Mayor Ashcraft and City Council
City of Alameda – City Hall
2263 Santa Clara Avenue
Alameda, CA 94501

Re: Encinal Terminals

To Mayor Ashcraft and City Council,

Happy New Year to you all. As you know, we generally try to stay out of the politics, especially on the residential entitlement side. We know what we know. We push for job creation and community support... otherwise, we leave the residential side to you all and others.

Mike O'Hara of Tim Lewis Communities has been reaching out over the past couple of years. They asked questions. We gave answers. I feel like they listened. We have reviewed the Encinal Terminals Tidelands Exchange proposal and I write to express our strong support for this project because it would create a significantly improved and more viable land plan and allow the project to get built, bringing badly needed housing and wonderful waterfront open space for all to enjoy.

This plan contains just what our tenants and prospective tenants at The Research Park are seeking: high quality housing in a great waterfront setting that is convenient to walk or bike to, with no need to endure a costly, time-consuming and soul crushing commute. Creating new housing immediately adjacent to the 1.4 million square feet and approximately 4,000 to 5,000 jobs is precisely what we aspire to when we talk about creating a "Jobs/Housing balance"; this affects us all in a positive way in that vehicle miles traveled and trips through the Tube at rush hour are greatly reduced.

Approval of this modified site plan will allow a more varied array of housing to be delivered to the market sooner, which is suitable for a broad spectrum of residents. Over 4 acres of waterfront open space with promenades providing shoreline access and bike-pedestrian recreation, built at no cost to the City and with no maintenance burden on the City's budget, creates a tremendous new amenity for the City. Without your approval, this housing could be on hold and the waterfront will remain closed to the public indefinitely.

Further, by approving this plan, you also ensure that housing units for Encinal Terminals will be able to be counted in the 2023-2031 Housing Element; inclusion of these units means fewer sites in other parts of the City will need to be re-zoned for Multi-Family housing.

We encourage the City to move forward with the proposed Tidelands Exchange at Encinal Terminals to create a transit-served, vibrant mixed-use community immediately adjacent to employment opportunities, along the Northern Waterfront.

Sincerely,

A handwritten signature in black ink that reads "Dan Poritzky". The signature is written in a cursive, flowing style.

Dan Poritzky
Managing Partner
Blue Rise Ventures

CC: Dan McGill



January 18, 2022

Mayor and City Councilmembers
City of Alameda
2263 Santa Clara Avenue, Room 190
Alameda, CA 94501

Subject: Encinal Terminals Project- -Item 7-A on City Council's January 18, 2022 agenda.

Dear Mayor Ashcraft and City Councilmembers:

Although not directly related to historic properties, approval of the Encinal Terminals project is important to Alameda historic preservation, since the project will provide 589 housing units that can be credited toward Alameda's 5353 unit Regional Housing Needs Assessment (RHNA). If the project is not approved, the City will be forced to identify other sites for the 589 units, which will put further pressure on upzoning existing residential neighborhoods and historic portions of commercial districts, which could promote architecturally intrusive new development in historic areas.

Although it appears that there are still some significant issues to be worked out concerning the project, the Alameda Architecture Preservation Society (AAPS) urges the City Council to approve the Encinal Terminals project. It is our expectation that the remaining issues can be addressed through the subsequent actions outlined in the Master Plan, Agreements and other project documents, including: the creation and adoption of the assessment districts, review of the subdivision maps and the review of the final waterfront and building designs. All of these subsequent actions will require public hearings and ultimately, Planning Board and/or City Council review and approval at a future date. Related to the building design approvals, we hope that the architecture will have a traditional look. If the City Council wishes to require any changes to the proposal that cannot be addressed through subsequent required approvals, the Council could do so through conditions of approval.

Thank you for the opportunity to comment. Please contact me at (510) 523-0411 or cbuckleyAICP@att.net if you would like to discuss these comments.

Sincerely,

Christopher Buckley, Chair
Preservation Action Committee
Alameda Architectural Preservation Society

cc: Andrew Thomas and Allen Tai, Planning, Building, and Transportation Department (by electronic transmission)
City Manager and City Clerk (by electronic transmission)
AAPS Board and Preservation Action Committee (by electronic transmission)

From: [Lorin Laiacona Salem](#)
To: [City Clerk](#); [Marilyn Ezzy Ashcraft](#)
Subject: [EXTERNAL]
Date: Tuesday, January 18, 2022 9:20:29 AM

Dear Mme. Mayor and Council,

I'm writing in support of the Encinal Terminals project. We've been waiting far too long for this project to move forward, and the proposed land swap is a necessary component.

I understand that there is a movement to tie approval of this project to De Pave Park. While I want to see De Pave Park happen, I don't think it's fair that it be a condition of approval of this project. It would add an unnecessary burden onto the Encinal Terminals project for a completely unrelated one.

Thank you for supporting the Encinal Terminals project and working to add much needed housing to Alameda.

Regards,

Lorin Salem

Alameda Resident

From: [William Smith](#)
To: mascraft@ci.alameda.ca.us; [Malia Vella](#); [Tony Daysog](#); [John Knox White](#); [Trish Spencer](#)
Cc: [City Clerk](#); [Andrew Thomas](#); [Xiomara Cisneros](#); [Ronald Curtis](#); [Asheshh Saheba](#); [Hanson Hom](#); [Teresa Ruiz](#); [Rona Rothenberg](#); [Alan Teague](#)
Subject: [EXTERNAL] Consider Possible Potential Long-Term Impacts of the Encinal Terminals Project on the Growing Shortage of Affordable and Safe Homes in Alameda
Date: Monday, January 17, 2022 4:01:00 PM

January 17, 2022

Honorable Mayor Marilyn Ashcraft and Councilmembers:

Re: Public Hearing to Consider the following Ordinances to Govern the Future Development of the Encinal Terminals Property: Item 2022-1569 on Jan. 18th 2022 Agenda of Alameda City Council

I applaud our City for its continued progress on policies to promote the creation of more homes for current and future residents, for example the recently approved [General Plan](#) and the [November 2021 Draft Housing Element](#). The [City Council's January 18th hearing](#) [Item 7-A] on three proposed ordinances to enable the Encinal Terminals development project to proceed is potentially another step toward building the safe homes needed to house all residents of Alameda, a principal goal of the General Plan.

My comments below highlight the challenges the City faces to enable equitable development of 589 homes and up to 50,000 square feet of commercial space and 4.5 acres of public open space at the former 26 acre site of the Encinal Terminals. Even should you approve the project, meeting these challenges will subsequently require 1) massive increases in funding for affordable housing elsewhere in the City in the near future and 2) successful management of rising sea and groundwater, at least through 2070, to provide and safely maintain more homes affordable to the less affluent at this location.

Like many cities and other large communities in the United States, the Alameda community is failing to provide housing for those that are underrepresented in government at all levels. Rising homelessness and labor shortages in the Alameda and the San Francisco Bay Area highlight for legislators, businesses and citizens the importance to the regional economy of providing equal opportunity in housing for these less affluent residents.

Yet, for decades, the support of the City, region and State needed to provide equal opportunities for all in housing has fallen disastrously short, as evidenced by numerous homeless encampments and the first decadal net migration of people out of California documented by the U.S. census bureau in over a century. Instead,

development in the City has favored homes for the affluent over those for the less affluent.

As is typical of many housing projects in the state, the ratio of moderate income and above homes (509) to affordable homes (80) is about six to one for the Encinal Terminals project. To equitably provide housing affordable to the less affluent, the City's draft Housing Element targets a ratio of one or less [Draft Housing Element, November 2021, ratio derived from Table 1]. To reach the affordable housing target, the Encinal Terminals project would have to be offset by the construction at other sites in the City of 366 affordable homes in addition to the 80 proposed for the Encinal Terminals site.

The City's current development requirements have yet to adequately account for the adverse impacts of climate change later this century, well before the normal end of life for the proposed buildings. Consequently, new development, such as Encinal Terminals, may provide safe, decent and adequate homes today for Californians, but may not for those living here in 2070.

Should sea level rise exceed the 36" design guidelines in the current plans, the aspirational notions of community benefit districts subject to approval by future residents referenced in the proposed ordinances provide little assurance today that the owners and the City will maintain the Encinal Terminals as safe and decent housing through the end of the century. If the homes cannot be protected, those who can afford to relocate, will. Those left behind will likely include many who can afford to neither relocate nor fund community benefit measures to protect their homes against rising sea, ground and storm waters.

The policies to protect against sea level rise of 36 inches or less guiding the Encinal Terminals Project are clear and express concrete goals and objectives that reflect cost considerations and environmental factors. Those for sea level rise of more than 36 inches do not. In a letter from the Alameda Citizens Task Force signed by Mr. Paul Foreman to the City dated January 4, 2022, he proposes that the City create a concrete process today for allocating costs of additional building and site resiliency measures to address changing environmental factors after decades of rising seas and groundwater, heat and smoke from wildfires, and more intense storms.

Public support for equitable housing in Alameda is growing. [Comments](#) submitted for the January 18th Council hearing on the Encinal Terminals Project indicate growing community support for multi-family homes, especially at Encinal Terminals and Alameda Point. Some commenters state that by putting more multi-family housing at Encinal Terminals, less will be required in existing residential neighborhoods.

To equitably house everyone in the East Bay, though, multi-family housing for the less affluent is needed now in every residential neighborhood as the State of California's Affirmatively Furthering Fair Housing regulations require. Permitting multi-family housing in residential neighborhoods enables large older homes to be subdivided, often a quick and relatively inexpensive way to enable less affluent people to live near quality services, especially schools, and facilities, such as parks.

The City of Alameda has made substantial progress in housing more affluent residents since it began constructing large numbers of multi-family homes in the last few years. To safely house less affluent residents, the City will need to work for decades with neighboring cities in new regional organizations, such as BAHFA (Bay Area Housing Finance Authority) and BAYCAN (BAY area Climate Adaptation Network). By working in partnership with the region and State to address the above comments, the City will be better able to safely and equitably house its less affluent residents.

Whether the City, especially its least affluent residents, will be better off if the Encinal Terminals project proceeds, depends on the ability of governments at all levels to massively increase the funding needed for affordable housing in the near future and their ability to manage sea level rise in the far future. If you conclude that the magnitude of the current housing shortage and the climate crisis will motivate citizens, through their governments, to both allocate the necessary funding for affordable housing in the next decade and manage sea level rise through the end of this century, then vote to approve the Encinal Terminals project. If you conclude that this project will primarily provide short term benefits for the most affluent residents and considerably increase the stress on the least affluent to find affordable and safe homes, then direct the applicant to modify or deny the project.

However you vote on the Encinal Terminals project, continue and increase your efforts to work with the region to increase funding for affordable housing and to address climate change.

Sincerely,

William J. Smith

William J. Smith
Bayview Drive
Alameda, CA 94501
Home: (510)522-0390



SAN FRANCISCO
BAYKEEPER®

January 12, 2022

Mayor Marilyn Ezzy Ashcraft
2263 Santa Clara Avenue
Alameda, CA 94501

RE: Item 7-A, Public Hearing to Consider the following Ordinances to Govern the Future Development of the Encinal Terminals Property

Dear Mayor Ashcraft and Members of the Alameda City Council,

On behalf of San Francisco Baykeeper (“Baykeeper”) and our more than five thousand members and supporters who use and enjoy the environmental, recreational, and aesthetic qualities of San Francisco Bay, I am writing to urge your support for the development of the proposed shoreline park and wetland habitat at Alameda Point otherwise known as DePave Park. Baykeeper has been working for over 30 years to protect water resources across Northern California for the sake of Bay Area communities. We believe that DePave Park can provide a public good that will promote both ecological and human health for decades to come while also demarcating Alameda as an example for other Bay Area cities interested in pursuing adaptive technologies.

Following the Alameda City Council meeting in March 2020, San Francisco Baykeeper was pleased to see the decision passed by councilmembers to direct funding in the FY 2020-21 Mid-Cycle Budget Update to begin a master planning process for the shoreline ecological project at Alameda Point known as DePave Park. It was with heavy hearts that we learned that this effort was ultimately unsuccessful. Now, two years later, more opportunities are coming to light to renew the Alameda shoreline for the benefit of Bay Area citizens both present and future.

The value of green space for local recreational purposes has been made abundantly clear during these past two years since the beginning of the COVID-19 pandemic; this alone should justify the decision to prioritize this project. We contend that DePave Park will also serve as a critical investment toward the ecological health and climate resiliency of Alameda. Sea-level rise and climate change are imminent threats which compromise Alameda’s future. Leading climate scientists agree that these impending hazards must not be addressed on a timescale of decades, but instead require the immediate attention of local leaders. As one of the largest low-lying regions in the Bay Area, Alameda must prepare for higher tides and increased frequency of intense weather events driven by climate change. At the Bay’s edge, tidal wetlands mitigate the effects of sea-level rise and severe storms. Shoreline ecological development such as DePave Park provides an inexpensive yet potent climate mitigation strategy.

DePave Park will transform Alameda Point from wasted space into an amenity for all Alameda residents while also introducing an invaluable asset to Alameda’s sea level rise and drought adaptation portfolio. By contrast, the concrete land cover currently found at Alameda Point does not benefit residents, nor does it fulfill any functional roles within Alameda’s infrastructure. Furthermore, leaving this area in its current state directly harms the Bay ecosystem by exacerbating the flow of pollution into the water. The City of Alameda should capitalize quickly on DePave Park’s potential for filtering local runoff and limiting flooding related to storms and sea-level rise by approving the park and recreation facilities project priorities.

DePave Park would provide a known and quantifiable benefit to the ecological infrastructure of Alameda while also providing a priceless resource to the members of your community. Baykeeper strongly encourages Alameda’s City Council to characterize DePave Park as a matter of environmental and cultural



Pollution hotline: 1 800 KEEP BAY
www.baykeeper.org

1736 Franklin Street, Suite 800
Oakland, CA 94612
(510) 735-9700

significance and to pursue the project as quickly as possible. We hope to see the City of Alameda continue to lead other Bay Area communities in nature-based infrastructure adaptations to climate change, beginning with DePave Park.

Thank you for your consideration. You may reach me at cole@baykeeper.org if you have any questions.

Warmly,

A handwritten signature in black ink, appearing to read 'C. B.', with a long horizontal flourish extending to the right.

Cole Burchiel
Field Investigator and Science Associate

CC Via Electronic Mail:

Vice Mayor John Knox White
Councilmember Tony Daysog
Councilmember Jim Oddie
Councilmember Malia Vella
City Clerk Lara Weisiger

From: [Patricia Lamborn](#)
To: [Lara Weisiger](#)
Subject: [EXTERNAL] Fwd: Encinal Terminal Project item 7B Tuesday Jan. 4, 2022
Date: Monday, January 3, 2022 8:04:57 PM

-----Original Message-----

From: Patricia Lamborn <patricia.lamborn@aol.com>
To: mezzashcraft@alamedaca.gov <mezzashcraft@alamedaca.gov>; mvella@alamedaca.gov <mvella@alamedaca.gov>; jknoxwhite@alamedaca.gov <jknoxwhite@alamedaca.gov>; tdaysog@alamedaca.gov <tdaysog@alamedaca.gov>; tspencer@alamedaca.gov <tspencer@alamedaca.gov>
Sent: Mon, Jan 3, 2022 12:45 pm
Subject: Encinal Terminal Project item 7B Tuesday Jan. 4, 2022

Dear Mayor Ashcraft, Vice Mayor Vella and Council Members Knox White, Daysog and Spencer,

RE: Encinal Terminals Tidelands Exchange -Agenda Item 7-B

As a long term resident and Sierra Club member I am writing to you in complete support of the Sierra Club Comments and recommendation made in the letter to the Council dated Dec. 28th, 2021.

"Given that the developer is savings millions of dollars in its new plan, and the public is not gaining any more shoreline benefits than prescribed by law, the city should ask for something in return for giving up public tidelands for a lucrative development project. Since the opportunities for the developer to make in-Bay enhancements of the marine environment around its project are limited, the Sierra Club recommends that the developer be asked to contribute funds to the city's Tidelands Fund to be earmarked for Tidelands restoration elsewhere in Alameda. The City just so happens to have a Tidelands restoration project ready to launch when it receives funding for planning. That project is De-Pave Park. The currently unfunded De-Pave Park master planning and permitting process could be launched by a \$2 million contribution to the City's Tidelands Fund. Time is wasting, costs are rising, and opportunities for construction funding are out of reach without a master plan. If the City is fortunate enough to win a planning grant from the San Francisco Bay Restoration Authority, the developer's \$2 million contribution to the City's Tidelands Fund could be put toward construction funding. "

The \$2 million figure is extremely reasonable. The developer is saving money on not having to retrofit part of the old wharf. They are also saving at least \$2 million by not having to pipe the residential buildings and streets for natural gas. Residential buildings will be all-electric.

I am asking you to follow through on the concerns that many of us AND you voiced years ago-- What benefits IS this developer providing given that they are receiving PUBLIC LAND and making millions of dollars on developing it? If the developer voices the concern we often hear " We can't afford it " it raises the question whether this developer is actually capable of developing housing in such a sensitive location, right on the waterfront with all the challenges of sea level rise and liquefaction.

Hold them responsible to contribute to the challenges facing our community. Restore wetlands. Prepare for flooding. There is no time to waste.

Sincerely,
Patricia Lamborn
30 year Alameda Resident
patricia.lamborn@aol.com



January 10, 2022

Mayor Marilyn Ezzy Ashcraft – mezzyashcraft@alamedaca.gov

Vice Mayor Malia Vella - mvella@alamedaca.gov

Councilmember Tony Daysog - tdaysog@alamedaca.gov

Councilmember John Knox White - jknoxwhite@alamedaca.gov

Councilmember Trish Herrera Spencer - tspencer@alamedaca.gov

RE: Comments on Encinal Terminals Tidelands Exchange Plan – Meeting of 1/18/22; Agenda Item 7-A

Dear Mayor and Councilmembers,

In the 2022 Encinal Terminals Tidelands Exchange Master Plan, in which the developer is receiving public tideland, the developer will be removing, rather than retrofitting, half of the aging concrete industrial wharf located within the plan's development area. This will lower the total development cost for the developer. Golden Gate Audubon Society urges the City Council to direct the developer to allocate some of the money saved by that change to the Exchange Plan to funding for development of another tidal wetlands within Alameda, De-Pave Park.

The Sierra Club has recommended that the City Council ask the developer to contribute \$2 million to the city's Tidelands Fund to be earmarked for Tidelands restoration elsewhere in Alameda, specifically De-Pave Park, either for the master planning and permitting process or, if the City receives the requested grant from the San Francisco Bay Restoration Authority, toward construction funding.

Because of the importance to the City of Alameda of efforts to limit sea level rise and sequester carbon, and the role of De-Pave Park in that efforts, Golden Gate Audubon Society, through its Alameda Conservation Committee, the Friends of the Alameda Wildlife Reserve (FAWR), supports the Sierra Club proposal and urges the City Council to request that \$2 million contribution from the developer.

Sincerely,

GOLDEN GATE AUDUBON SOCIETY

FRIENDS OF THE ALAMEDA WILDLIFE RESERVE

Linda Carloni

Glenn Phillips
Executive Director

Linda Carloni
Co-Chair

cc: City Clerk clerk@alamedaca.gov

Parks Director Amy Wooldridge awooldridge@alamedaca.gov

From: [Heinrich Albert](#)
To: [Lara Weisiger](#)
Subject: [EXTERNAL] Encinal Terminals "Tidelands Swap"
Date: Sunday, January 9, 2022 3:15:10 PM

Dear Mayor and Council Members,

As a Sierra Club member, I'm aware that the Club opposed the original "tidelands swap" for Encinal Terminals. I supported that position, as I felt that neither the City nor our tidelands environment received adequate benefits to balance the benefits afforded the project by the swap. Now you will consider this project again, and the "tidelands swap" portion remains essentially unchanged.

I write today to support the Sierra Club's current position, namely that the developer provides a benefit for the City and our tidelands environment by providing funding for the planning of DePave Park. As you know DePave Park is an important project our City needs to implement as we adapt to sea level rise, and that project is currently stalled by lack of funds for planning.

Thanks for your consideration,
Heinrich Albert
2525 Webb Ave
Alameda, CA 94501

From: [Drew Dara-Abrams](#)
To: [John Knox White](#); [Malia Vella](#); [Marilyn Ezzy Ashcraft](#); [Tony Daysog](#); [Trish Spencer](#)
Cc: [City Clerk](#)
Subject: [EXTERNAL] more housing for Alameda (Items 7-A and 7-B)
Date: Tuesday, January 4, 2022 4:28:33 PM

Dear Mayor, Vice Mayor, and Councilmembers,

I am writing in to encourage you to adopt the Planning Board's recommended changes to the zoning code in support of SB9 ("California HOME Act") and to approve the land exchange to enable development at Encinal Terminals to proceed.

Re SB9:

- Thank you to city staff and Planning Board members for making a good faith effort to update the city's zoning code to square with SB9. Some other Bay Area cities and towns have worked feverishly to look for weaknesses and loopholes in SB9 as it was written, in order to undermine property owners' new rights to build certain types of small housing units (that is, to further prolong the Bay Area's housing crisis). I am glad that Alameda is not one of these municipalities.
- According to both the UC Berkeley Turner Center and the City's staff, SB9 isn't likely to yield massive numbers of new housing units in Alameda's R-1 zones. Please take this as a reminder to temper the discussion on this item.
- Even if SB9 isn't exercised that often by Alameda property owners/residents, it will be fascinating to see what type of duplexes and other types of flexible housing unit additions happen around Alameda. Anyone who knows to look for two gas meters on a single residential building, or to look for driveways going back to flag lots, already knows that these types of housing units exist around Alameda, built in previous decades. It will be great to see more of them, even if it's only on the order of a few dozen per year.
- Finally, I see some residents writing to you asking for projects that qualify under SB9 to trigger notices to their neighbors. Not sure why this type of by-right development should trigger a notice when others don't. In any case, I hope those residents will look at the city's website to find that they can already review all the city's issues permits in Accela and they can even sign up for alerts through BuildingEye.
- Does this need an emergency ordinance? I walked by City Hall yesterday (the first business day in which SB9 came into effect), but did not see a line of developers snaking out the door. There are other more complicated and more important ingredients required for the city to adopt a compliant Housing Element— including some that have multiple options and deserve real debate—so I'm not sure if this warrants that much of your body's time.

Re the Encinal Terminals site:

- Please vote "yes" on this item in order to demonstrate the city's commitment to adopting a compliant Housing Element. Staff have identified this as a key component of the draft Housing Element. A "no" vote, whatever the stated rationale, would in effect be a vote against the process of being in compliance with the city's obligations to the region and the state.
- Have you been to Township Commons in Oakland? If not, I encourage you to go visit or to read this review by the Chronicle's urban design critic:

<https://www.sfchronicle.com/bayarea/article/Oakland-s-new-waterfront-park-is-a-startling-15734252.php> We've visited with our kids and been pleasantly surprised by the waterfront promenade. If you've only driven past on I-880 and seen the new residential buildings from the freeway side, I think you too will be pleasantly surprised by the experience of walking along that lively and attractive waterfront. It would be great for Alameda to have matching waterfront access on this side as well, as proposed in the Encinal Terminals site plan.

Thank you for your time,
Drew Dara-Abrams
Calhoun Street

From: [Kevis Brownson](#)
To: [City Clerk](#)
Subject: [EXTERNAL] Item 7B Encinal Terminals project
Date: Tuesday, January 4, 2022 1:55:57 PM

Mayor, Vice-Mayor, Councilmembers:

I write to urge you to support all elements of Item 7B, including the Tidelands Trust land exchange and the draft development agreement to allow building of 589 units of housing, and the other associated buildings that are included in the plan.

Although there are unsettled questions about the worth of the land in the land swap, I believe there is also a potential cost to the City for inaction and further delaying this project. The City needs this housing to help meet the next period RHNA fair share allotment. Further delay may increase the cost of construction, cause the city to miss the RHNA numbers with many expensive consequences that would entail. On a human level, we need more workforce housing in Alameda and every delay means that our Alameda workers will have to locate their homes outside of town with long commutes, adding to our congestion problems and ultimately, climate change. We cannot solve this problem alone but must do our part.

I was pleased to see the inclusion as one of the seven Tidelands Exchange Master Plan Objectives, the objective "Preserve the unique history and environment of the Northern Waterfront Area."

My great-grandfather sailed out as the ship's carpenter with the Alaska Packers fleet at age 66, 67, and 68 years old, after retirement from his job as a finish carpenter for a Bay Area construction company. He built his own house with his own labor, and i am quite sure that he would support the addition of workforce housing to this specific site, along with public exhibits detailing the maritime history.

Please support this item and move this project forward.

Very truly yours,
Kevis Brownson
1554 Everett Street
510-522-4966

From: [Patricia Gannon](#)
To: [Marilyn Ezzy Ashcraft](#); [John Knox White](#); [Tony Daysog](#); [Trish Spencer](#); [Malia Vella](#); [City Clerk](#)
Subject: [EXTERNAL] Encinal Terminal Pproject Item 7B
Date: Tuesday, January 4, 2022 11:34:33 AM

Honorable Marilyn Ashcraft, Mayor of Alameda
Honorable City Council Members

I have serious concerns about this project. I respectfully ask the City to delay approval of this project and ask staff to return with a better plan that addresses the concerns expressed by the Alameda Citizens Task Force. Thank you.

Patricia M. Gannon
1019 Tobago Lane 94502
pg3187@gmail.com

From: [Alameda Citizens Task Force](#)
To: [Marilyn Ezzy Ashcraft](#); [Malia Vella](#); [John Knox White](#); [Trish Spencer](#); [Tony Daysog](#)
Cc: [Eric Levitt](#); [Andrew Thomas](#); [Yibin Shen](#); [Lara Weisiger](#)
Subject: [EXTERNAL] Item 7-B, Jan. 4, 2022, City Council Agenda-Encinal Terminals
Date: Saturday, January 1, 2022 10:16:50 AM

ACT

Alameda Citizens Task Force

Vigilance, Truth, Civility

Dear Mayor Ashcraft, Vice Mayor Vella and Council Members Knox-White, Herrera Spencer and Daysog:

Our current 5353-unit RHNA requires that we make every reasonable effort to make Encinal Terminals (ET) part of our Housing Element. Therefore, we are not opposing its inclusion, and even suggest extending the multi-family overlay to cover the 1.25 acres of ET that are currently still subject to Measure A standards. We estimate that this could add about a dozen more dwellings to the project including the addition of a few more units to the affordable categories.

Notwithstanding the above, we believe that the current proposal fails to adequately mitigate financial liability risks to the city and that the city is not getting appropriate compensation for the tidelands exchange. In addition, we have concerns about parking, building height and road width. Therefore, our support is conditioned upon amending the terms of the DA and DDA to address these concerns.

LIQUEFACTION

The property is situated in a liquefaction zone. We have read the EIR and, at least to our lay understanding, believe that it properly addresses the issue. We are also heartened by the EIR requirement of clear notice of the liquefaction hazard to any prospective purchaser. This should serve to protect the city from any adverse claim by residents whose dwellings are damaged by this hazard. However, to benefit from that protection it is essential that the city monitor every step of the EIR process requirements for mitigation of liquefaction.

Even with state of the science protection against liquefaction it is impossible to completely eliminate the risk, depending on the severity of the earthquake producing it. It is our understanding that that liquefaction insurance is available. Due diligence requires the city to investigate the feasibility of requiring the developer to purchase the same.

PERPETUAL MAINTENANCE OF THE COASTAL PARK

The proposed development agreement (DA) addresses perpetual maintenance of the park by

proposing that the cost would be borne by the purchasers of units in the form of annual special tax assessments pursuant to a municipal services district (“MSD”), community facilities district (“CFD”) and/or a geologic hazard abatement district (“GHAD”) or similar financing mechanism. DA Sec. 6 (c).

We have grave doubts about whether any of these vehicles can be used to place sole liability for perpetual maintenance on the residents. These vehicles have the common thread of justifying special assessments on new developments based upon the extra burdens the new residents place on the city. We see nothing in any of these three vehicles which would allow the city to assess these residents for 100% of the cost of maintaining a park open to the public that is not a burden created by the development but a benefit to the entire city and perhaps an actual negative element to their enjoyment of their dwellings.

We do acknowledge that the developer at section 7 (b) of the DA accepts responsibility for maintenance of the park if the funding mechanisms fail. However, while the maintenance of the park will be of unlimited duration, there is no assurance of the continued solvency or existence of the developer.

The hard truth may be that there is no way to protect the city from maintenance of the coastal park. If that is the case Council needs to acknowledge to the citizens that this will be an ongoing liability and to negotiate with the developer to make a substantial contribution to a maintenance trust to establish at least partial relief from this obligation.

SEA LEVEL RISE

We strongly assert that the current design of the project to provide for seal level rise of only 36 inches is grossly inadequate. We urge City Council to read: <https://www.nbcbayarea.com/investigations/unlike-any-disaster-we-have-ever-seen-says-state-agency-about-rising-seas-in-bay-area/2236314/>

This article was published in February of 2020. It contains this introduction to a sea level rise map of the bay area coast:

“This map shows areas that may be at risk of flooding if sea levels were to rise between three feet and, under certain conditions, seven or more feet by the end of the century. Scientists project that sea levels could rise 12 inches in the Bay Area as early as 2030. With a moderate five-year storm, total water levels across the Bay Area would reach 36 inches above the levels measured in the year 2000. By 2100, climate models now point to a potential 66-inch sea level rise. When coupled with storm surge, that can create a total water level increase of seven feet.”

If you zoom in on the map to target Alameda, you will find ET specifically identified as a pending project with this flood risk. This map was produced by the NOAA and the city planning departments of Foster City, Menlo Park, Mountain View, Oakland, San Francisco, and San Mateo.

The article quotes Zach Wasserman, chairman of the SF Bay Conservation and Development Commission.

“We are at a crisis point,” “If we do not act now, we will not be able to build the

infrastructure...that is necessary to save our people, our natural environment and our built environment,”

Alameda has been put on notice by the above that there is a significant risk that sea level rise will rise to as high as 66 inches by 2021. To allow the developer to build for a 36-inch rise will subject the city to adverse claims by residents claiming city negligence in approving the project.

The developer acknowledges this risk at page 22 of the Tidelands Exchange Master Plan. The Plan states:

“To protect the site from sea level rise above 36 inches, the Private Lands developer will design and provide a funding mechanism for additional protections for implementation at such time that the additional measures are required. The costs of the adaptive management strategy shall be included in an assessment district, community facilities district, or a Geologic Hazards Abatement District established to fund the maintenance of the Public Trust Lands”

This subject is also addressed in Sec. 4.3 (c) (ii) of the DDA which clarifies that the first option presented above which is termed “assessment district” is referring to a Municipal Services District.

In other words, in the event sea level rise exceeds 36 inches developer will seek to put the mitigation burden on the owners of the units via a MSD, CFD or GHAD. We are unable to identify what law authorizes a Municipal Services District and what it entails and do not think a GHAD is available because the state law authorizing the same does not include sea level rise as a geological hazard, nor does the dictionary definition. However, we do believe that a CFD would be an appropriate funding mechanism. Unfortunately, the plan as presented by the developer is inappropriate.

A sea level rise that exceeds 36 inches will occur after the project is completely sold to purchasers. A CFD would require approval of the unit owners, requiring two thirds approval. It is speculative to assume that the unit owners will agree and more likely that they might instead sue the city for approving a project with only a 36-inch sea level rise protection.

The plan also fails to address the fact that regardless of whether the project is initially built for protection against a 36-inch sea level rise or a greater height, it will take constant maintenance of the perimeter of the property and other supportive infrastructure to maintain that protection. Therefore, the CFD must be created at the outset of the project while the developer is the only qualified voter and can assure adoption of the special assessment and maintenance of the protection from day one.

Another factor that must be investigated is whether a portion of the maintenance of the sea level protection will have to be borne by the city due to the fact that this protection also benefits the coastal park and might not be chargeable to the purchasers of units for the same reason we express in the section above concerning perpetual maintenance of the park.

Council should also be aware that a CFD establishes a fixed annual assessment of unit owners based upon an independent estimate of the funding needed to finance the required protection. If costs eventually exceed that estimate and an increased assessment is needed two thirds of the owners would need to approve the increased assessment.

The peninsular nature of the property creates a unique risk of flooding, not only from sea level rise, but from shallow groundwater and high tides combined with heavy rain. Due diligence requires the city to investigate the feasibility of requiring the developer to purchase flood insurance.

In summary, it is very clear that the issue of sea level protection and perpetual funding therefore needs much more study and negotiation before this project should be approved by Council.

APPROPRIATE COMPENSATION FOR TIDELANDS EXCHANGE

The last time this tidelands exchange was presented to Council several years ago, Council Member Mataresse voted against it for lack of an appraisal of the market value of the current tidelands as a means of determining adequate compensation. Now we address the issue of compensation again with still no appraisal presented. For lack thereof we must rely on our common sense to judge the adequacy of the compensation offered now.

On the developer's side of the ledger, they are getting a tract of land that they have previously admitted is essential for the development of the property. Thus, their property without the exchange is significantly reduced in value and with the exchange is significantly enhanced.

On the city's side of the ledger, they are getting a coastal park which is not essential to the city, and which raises the specter of a substantial maintenance cost. Moreover, we agree with the Dec. 28 Sierra Club letter to Council which makes the point that the waterfront community access is already required of the developer as a matter of law, although the developer may be exceeding that requirement.

Based on the above we must conclude that the city should be requiring more of the developer than is now the case. It may be a contribution to the tidelands trust for the improvement of other tidelands in the city as requested by the Sierra Club. It may be the construction of more affordable or "missing middle" units than our now being offered, or it may be a combination of additional expenditures by the developer, but in any case, there should be considerably more of a developer contribution to the city than is currently in the DA.

OTHER CONCERNS

We are very concerned about the limited resident parking provided by the plan. The cities current experience is closer to two cars per dwelling unit, not the 1.5 proposed in the Plan.

We also question the adequacy of only 200 public parking spaces. This project will have some commercial space and very attractive recreational facilities and should draw a large number of visitors, not to mention those visiting the residents themselves. When this is combined with the adjacent Del Monte project which will have significant retail commercial uses the inadequacy of the proposed parking will have serious adverse consequences to the surrounding neighborhoods.

Our understanding the height restriction in the MF Overlay Zoning District where ET is situated is four stories to the limit of 45 feet, but an increase in height is mandated by State law if the density bonus units cannot be accommodated at that limit. However, we want to

insure against the city waiving these height limits beyond that required by State law and urge Council to include such a limitation as a condition of approval of the Plan.

We are also concerned that the project has only one main access road. In order to provide ease of ingress and egress in emergencies, there should be at least three vehicular lanes and bike lanes in both directions.

CONCLUSION

We very much want this project to go forward but urge City Council to delay approval of this project with directions to staff to come back with a better project plan that addresses the concerns expressed in this letter.

Sincerely,

Alameda Citizens Task Force
Paul S Foreman Board Member

From: [Barbara Comcast](#)
To: [Marilyn Ezzy Ashcraft](#)
Cc: [John Knox White](#); [Tony Daysog](#); [Malia Vella](#); [Trish Spencer](#)
Subject: [EXTERNAL] SB9
Date: Friday, December 31, 2021 1:56:24 PM

Do NOT vote for the new proposal to allow up to ten units on Alameda lots. Please abide by the letter of SB9. The citizens of this city are overwhelmingly against this level of density. As you have no doubt heard many times over, we live on an island with limited access routes on and off... the traffic is already at gridlock at certain times of day.. the environmental damage of such an increase of cars is immense, the emotional toll on residents would be worse. Please, do not allow this increase.

Barbara Johnson
Alameda resident, homeowner, and voter

Sent from my iPad

From: jane.peal
To: [Eric Levitt](mailto:Eric.Levitt)
Cc: [Gerry Beaudin](mailto:Gerry.Beaudin); [Andrew Thomas](mailto:Andrew.Thomas); [Lara Weisiger](mailto:Lara.Weisiger); [Allen Tai](mailto:Allen.Tai)
Subject: [EXTERNAL] 4 units - 1,200 sq ft
Date: Friday, December 31, 2021 7:16:36 AM

Hello, I'm writing today to urge you to save our island from overdevelopment. I join AHPS in asking:

1. Keep the maximum number of housing units on a post-split R-1 lot at four as permitted by SB 9 and originally recommended by staff rather than the Planning Board-recommended 10 units.
2. Limit the maximum size of SB 9 units to 1200 ft.² as previously recommended by staff, rather than the Planning Board's recommended 1600 ft.².
3. Require that an informational notice for an SB 9 project be sent to all property owners within 100 feet and posted on the project site and on the City's website immediately after an SB 9 application has been filed. (Unlike current noticing, the SB 9 notice would not be able to invite public comment, but would at least allow neighbors to become aware of SB 9 projects before construction actually starts.)
4. Adopt both the urgency ordinance and as well as introduce the regular ordinance, both reflecting the above changes. Thank you, Jane Peal

Jane Peal, MFT
Integral Counseling for Individuals,
Couples, & Adult Adoptees
Alameda Office
<http://www.janepeal.com>
jane@janepeal.com
415.902.5761

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EAST BAY FOR EVERYONE

2263 Santa Clara Avenue
Alameda, CA 94501
December 30, 2021

Honorable Members of the Alameda City Council:

East Bay for Everyone is a network of people fighting for the future of housing, transit, tenant rights, and long-term planning in the East Bay. We are writing to support items 7A and 7B on the City Council agenda. We think that these changes will help increase the amount of housing in Alameda and make it a more affordable and healthier place to live.

SB 9 will help make Alameda more affordable by making it legal to build denser housing providing new homeownership and housing opportunities for more families in neighborhoods of Alameda that have been locked up for several decades. Duplexes (even new ones) will likely be more affordable than existing single-family homes. In addition, four homes on a lot where only one could have previously been constructed mean that the city will gain needed property tax revenue that can be used to fund city services like complete streets improvements. We think this is especially important and urgent after the tragic death of Supervisor Wilma Chan on city streets. Please pass the ordinance as is without adding additional burdens that will make it more difficult to build new homes in Alameda.

Alameda has been assigned an ambitious RHNA target by the regional association of governments. We hope that Alameda will try its best to exceed the numbers from ABAG. Exceeding the target will help more families, teachers, and city staffers afford to live in Alameda. More new homes will also help support additional frequency for public transit, and increased property tax revenue would help support additional city services.

Given staff's early draft site inventory for the upcoming housing element, we think it's critical that Alameda approve the public land swap to allow Alameda to meet and potentially surpass its RHNA targets.

The 1500 members of East Bay for Everyone

From: [Dorothy Freeman](#)
To: [Marilyn Ezzy Ashcraft](#); [John Knox White](#); [Tony Daysog](#); [Trish Spencer](#); [Malia Vella](#)
Cc: [Lara Weisiger](#); [Manager Manager](#); [Andrew Thomas](#)
Subject: [EXTERNAL] City Council January 4, 2022 Item 7-B
Date: Thursday, December 30, 2021 4:25:50 PM

City Council January 4, 2022 Item 7-B Encinal Terminals Development Project

Dear Mayor Ashcraft, Vice Mayor Vella, and Council Members Spencer, Daysog, and Knox-White;

I understand the problems of finding adequate locations for the new Housing Element numbers and the need to have the 589 housing units of the Encinal Terminals development included in the 2023-2031 RHNA numbers. North Waterfront Cove, LLC. has stated they cannot financially build the project without relocating the Tide Land Trust's 6.4 acres from the center of the land to the waters edge. That does not mean the City of Alameda cannot receive equitable value for agreeing to the 6.4 acre Tide Land Trust exchange at the Encinal Terminals development.

When this project was before the City Council in December of 2017, the four required City Council votes for the Tide Land Trust exchange was not achieved. One Council Member felt the City of Alameda was not receiving adequate compensation for the value the developer would receive by being allowed to relocate the Tide Lands to the water's edge.

While moving the Tide Land Trust to make the development "financially feasible" for the development is an appropriate consideration, I question whether there has been a necessary appraisal made to determine the value that moving the 6.4 acre Tide Land Trust would benefit North Waterfront Cove, LLC. Since the Tide Land Trust 6.4 acres belongs to the people of California and it's stewardship is placed with the City of Alameda, the City Council has a requirement to protect the public interest in the property. Will the public be receiving adequate compensation for allowing the Tide Land Trust swap?

The development agreement states that maintenance "including establishment of capital improvement reserves in perpetuity" for the Public Trust lands. How certain is the capital improvement reserves for paying the maintenance "in perpetuity"? After the reserves are depleted will the Encinal Terminals property owners be charged a tax for the maintenance? Most likely the citizens of Alameda will be held responsible for maintaining the public space "in perpetuity".

North Waterfront Cove, LLC. has agreed to include "ten (10) units that will be restricted for sale to middle-income purchasers making between 120% and 180% of AMI". Middle income housing is what Alameda needs most from new developments. Alameda should request additional middle income housing in exchange for the Tide Lands Trust relocation. Twenty units would be a positive improvement for this development and an example to other developers.

Another possible change would be to allow a greater number of units at the Encinal Terminals project to help with our new RHNA numbers. This would help by lowering the need for future multi-unit buildings in our existing neighborhoods.

These are just examples of items that would compensate the public for allowing the Tide Land

Trust exchange. It is important that the people of Alameda and the State of California be treated fairly in the Tide Land Trust exchange that will bring great benefit to North Waterfront Cove, LLC.

Respectfully

Dorothy Freeman

cc: City Clerk Lara Weisiger
City Manager Eric Levitt
Planning Department Head Andrew Thomas



Virus-free. www.avast.com

From: [Alfred Twu](#)
To: [City Clerk](#)
Subject: [EXTERNAL] Please support Item 7B, Encinal Terminal land swap
Date: Wednesday, December 29, 2021 7:08:10 AM

City Councilmembers,

Please support Item 7B, the Encinal Terminal land swap for building the new housing.

Thanks
Alfred

December 28, 2021

Mayor Ezzy Ashcraft
Members of the Alameda City Council
SUBMITTED VIA E-MAIL

RE: Comments on Encinal Terminals Tidelands Exchange Master Plan – Agenda Item 7-B

Dear Mayor Ezzy Ashcraft and Members of the Alameda City Council,

We originally sent the subject request to the Alameda Planning Board in March. It calls for the addition of a clause in the Encinal Terminals development agreement that we are calling a Tidelands net benefit clause. The Planning Board acknowledged receiving the request, but they deferred the decision to you, saying a development agreement is outside of their jurisdiction.

The land use plan in the 2022 Encinal Terminals Tidelands Exchange Master Plan is virtually the same as in the 2017 Tidelands Exchange Master Plan. The main change to the land use plan from the 2017 plan to 2022 plan is that about 50 percent of the aging industrial concrete wharf will be removed over the proposed new state Tidelands. This reduction in size of the concrete wharf means the developer will save a lot of money in not having to retrofit as much of the wharf to meet higher structural safety standards for the new public open space use. It will also mean less risk of having to expend community funds on maintenance and to repair or replace the wharf after an earthquake effecting this liquefaction zone.

In 2017, the Sierra Club voiced concerns about the proposed Tidelands Exchange on the Encinal Terminals site because of the city's financial risk of maintaining the wharf and the insufficient attention to the marine environment. Those public risks and shortcomings outweighed the public benefits. The 2017 land swap would have left the City saddled with owning, on behalf of the people of California, an aging concrete wharf in a liquefaction zone, with only a "promissory note" of future project-fee assessments being sufficient to replace the structure if damaged beyond repair.

The 2017 Development Agreement allowed the developer to take 15 years to complete the project and provide the public benefits, which meant a failure of the wharf structure in the early years would have left the City with an unfunded mess to clean up. The term of the 2022 Development Agreement is also 15 years.

In summing up the current proposal, the developer is providing nothing more than the waterfront access community benefits that are mandated by law, regardless of whether those benefits are on state Tidelands. The current Tidelands exchange proposal provides great financial benefit to the developer, but provides no net increase in benefit to state Tidelands.

The Sierra Club recommends that the state receive a net benefit to its Tidelands as a result of relinquishing ownership of the existing Tidelands and ask that the City Council recommend the same.

The attention to the surrounding marine environment in both the 2017 plan and the 2022 plan is limited to enhancing the enjoyment of people who would live at and visit the site. But what about the remaining marine life in this once-thriving marshland? More opportunities for people to enjoy the outdoors along Alameda's shoreline are always welcome. But the Bay is not a theme park solely for the pleasure of people. It is a living ecosystem that we, as stewards of the environment, should earmark funds to enhance and restore after more than a century of degrading it.

The Sierra Club's primary responsibility in public land exchanges is to promote the protection and restoration of biological and ecological values. This plan does little toward that end. The developer's lowered costs of construction activity on the waterfront will merely produce an incidental benefit of more daylight entering the water. We can achieve more.

Given that the developer is savings millions of dollars in its new plan, and the public is not gaining any more shoreline benefits than prescribed by law, the city should ask for something in return for giving up public tidelands for a lucrative development project. Since the opportunities for the developer to make in-Bay enhancements of the marine environment around its project are limited, the Sierra Club recommends that the developer be asked to contribute funds to the city's Tidelands Fund to be earmarked for Tidelands restoration elsewhere in Alameda.

The City just so happens to have a Tidelands restoration project ready to launch when it receives funding for planning. That project is De-Pave Park. The currently unfunded De-Pave Park master planning and permitting process could be launched by a \$2 million contribution to the City's Tidelands Fund. Time is wasting, costs are rising, and opportunities for construction funding are out of reach without a master plan. If the City is fortunate enough to win a planning grant from the San Francisco Bay Restoration Authority, the developer's \$2 million contribution to the City's Tidelands Fund could be put toward construction funding.

Please recommend a Tidelands "net benefit" clause in the master plan and that the development agreement and land exchange provide funding for De-Pave Park, a priority climate adaptation project of the City of Alameda's Climate Action and Resiliency Plan.

Respectfully,



Igor Tregub, Chair
Northern Alameda County Group
Sierra Club