

CITY OF ALAMEDA ORDINANCE NO. 3086
New Series

AMENDING ZONING MAP AT 2350 HARBOR BAY PARKWAY
FROM O (OPEN SPACE) TO C-M PD (COMMERCIAL-
MANUFACTURING, WITH A PLANNED DEVELOPMENT OVERLAY)
WITH SPECIFIED CONDITIONS

Approved as to Form
Janet C. Kerr, City Attorney

BE IT ORDAINED by the City Council of Alameda:

Findings:

In enacting this Section, the City Council finds as follows:

1. **The amendment maintains the integrity of the General Plan.** The proposed zoning map amendment ensures consistency between the General Plan and the Alameda Zoning Map. The proposed zoning map amendment is consistent with the current General Plan, which identifies the site as Business Park.
2. **The amendment will support the general welfare of the community.** The proposed zoning map amendment will support the general welfare of the community by redeveloping a vacant parcel, completing a portion of the Bay Trail and allowing the site to be developed consistent with the General Plan and consistent with other uses in the area.
3. **The amendment is equitable.** The proposed zoning map amendment is equitable in that it is consistent with the General Plan, the City Charter and other City documents related to the development of Harbor Bay Isle.
4. **California Environmental Quality Act.** For purposes of compliance with the provisions of the California Environmental Quality Act (CEQA), the Zoning Map Amendment is consistent with the 1989 Addendum to the Final Environmental Impact Report for Harbor Bay Isle.

Section 1. The Citywide Zoning Map shall be amended to change the zoning designation for the parcel at 2350 Harbor Bay Parkway, APN: 074-1362-005, from O (Open Space) to CM-PD (Commercial-Manufacturing, with a Planned Development overlay).

Section 2. The Zoning Map Amendment for 2350 Harbor Bay Parkway from O (Open Space) to CM-PD (Commercial-Manufacturing, with a Planned Development overlay), is approved with the following conditions:

- 1) Use. Consistent with the Third Amendment to the Third Supplemental Agreement, dated March 15, 2013, between the San Francisco Bay Conservation and Development Commission and Harbor Bay Isle

Submitted by Pete Lamborn
RL: 3-A
12-15-15 CS

Associates, use of the site should be limited to a) a single use building containing either a restaurant or private offices, or b) a mixed use building containing, on the upper floor or floors, private offices, and on the ground floor, one or more visitor-serving commercial uses, such as either a sit-down or take-out restaurant, snack bar or coffee shop.

- 2) Shoreline Improvements. Redevelopment of the site must include reconstruction of the public shoreline in front of the site. The development plan for the property should include a plan for the reconstruction of this "gap" in the Bay Trail. The public shoreline improvements in front of the proposed new building should include an enhanced public seating area and other appropriate amenities for viewing the Bay. Completion of the Bay Trail improvement is required prior to a Certificate of Occupancy of any building on the site.
- 3) Parking. Parking for the new building shall not be placed between the building and the waterfront.
- 4) Architectural Design. Due to the unusual configuration of the parcel, the new building must be very attractive on all four elevations, all of which are highly visible from the public shoreline park and the public right-of-way on Harbor Bay Parkway. For these same reasons and the fact that the site is relatively small, uses that require truck loading and staging areas shall not be permitted on the site.

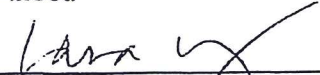
Section 3. Severability Clause. It is the declared intent of the City Council of Alameda that if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provision of this ordinance.

Section 4. 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.

Section 5. The above amendment shall be known as and referenced to as Rezoning Amendment No. ____ to Ordinance No. 1277, N.S.


Presiding Officer of the Council

Attest:


Lara Weisiger, City Clerk

* * * * *

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by Council of the City of Alameda in regular meeting assembled on the 18th day of February, 2014, by the following vote to wit:

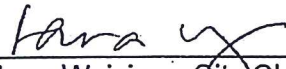
AYES: Councilmembers Chen, Daysog, Ezzy Ashcraft, Tam and Mayor Gilmore – 5.

NOES: None.

ABSENT: None.

ABSTENTIONS: None.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 19th day of February, 2014.



Lara Weisiger, City Clerk
City of Alameda

San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

December 2, 2015

Alan Ta
City of Alameda
Public Works Department
950 West Mall Square, Room 110
Alameda, CA 94501

SUBJECT: Proposed Harbor Bay Parkway Modifications to Accommodate Vehicle Parking
BCDC Permit Application No. M2015.028.00

Dear Mr. Ta:

Thank you for the materials received on November 5, 2015 in response to our letter dated August 18, 2015. After reviewing these materials, we have determined that the City of Alameda's permit application remains incomplete pending the submittal of the following items:

1. **Proposed Project.** According to your materials, the project involves the following proposed activities within BCDC's 100-foot shoreline band on Harbor Bay Parkway, in the City of Alameda, Alameda County: (a) the removal of roadway striping; (b) the creation of two "no parking" zones; (c) the creation of "unrestricted" (except from 10:00 am to 6:00 pm) spaces for 20 vehicles (an additional 26 spaces are proposed outside of BCDC's jurisdiction); (d) the removal of three parking signs, the replacement of one sign, and the installation of one new sign and a supporting pole; (e) curb painting; and (f) roadway pavement markings to, among other things, reconfigure a vehicle lane to allow U-turns. Please clarify if the proposal includes the removal of an existing vehicle travel lane on Harbor Bay Parkway. Also, your site plans need to identify BCDC's 100-foot shoreline band jurisdiction as measured from the Mean High Water line at the site—without the jurisdictional information, we cannot fully identify the activities proposed in the Commission's jurisdiction.
2. **Property Ownership.** To date, you have provided us with four documents regarding ownership of the project site: (a) a large scale plan entitled *Parcel Map No. 9689*, which does not include a map; (b) an 8.5 x 11 set of documents showing parcels in the project vicinity and the proposed project site; (c) a document entitled *Grant of Easement for Parcel Map No. 4497* between the City of Alameda (City) and Harbor Bay Isle Associates (HBIA) accompanied by Resolution No. 5328; and (d) an email from Dan Reidy expressing Harbor Bay Isle Associates' support for the proposed project. These documents are not sufficient to demonstrate the City's ownership of the site. To clarify, please

submit documentation, such as a copy of a grant deed, a long-term lease, or an easement demonstrating that the City has adequate legal interest in the property. If documents reference a specific parcel number(s), please be sure that the number(s) is consistent throughout all documents and that an accompanying map is provided.

Until the above-mentioned information is submitted and reviewed for adequacy, your application will be held as incomplete.

Other Issues

Settlement Agreement. As you are aware, the project site is covered by the *Third Amendment to Third Supplementary Agreement [Harbor Bay Isle Shoreline Park, Harbor Bay Business Park—Phase III Alameda, California]* (March 2013), signed by BCDC and HBIA, which states (Page 10): “[public parking shall not be provided on Harbor Bay Parkway itself”—a prohibition presumably incorporated to ensure that public views and use of the Bay would be preserved.

Commission Policy Issues and Authorization. If the City has taken ownership of the project site, we believe it is prudent to amend the above-referenced agreement before proceeding with the proposed parking modifications at Harbor Bay Parkway and before BCDC acts on the City’s proposal. Further, any Commission permit action on the shoreline parking would take into consideration the *San Francisco Bay Plan* policies, including regarding Appearance, Design, and Scenic Views, as follows:

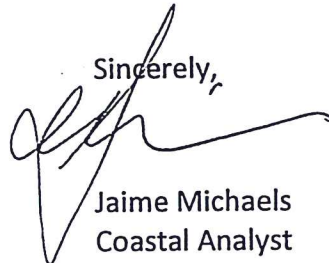
- Policy 2: All bayfront development should be designed to enhance the pleasure of the user or viewer of the Bay...[m]aximum efforts should be made to provide, enhance, or preserve views of the Bay and shoreline, especially from public areas [including public roads].
- Policy 4: Structures and facilities that do not take advantage of or visually complement the Bay should be located and designed so as not to impact visually on the Bay and shoreline. In particular, parking areas should be located away from the shoreline.
- Policy 14: Views of the Bay from...roads should be maintained by appropriate arrangements and heights of all developments and landscaping between the view areas and the water.

To determine the project’s consistency with these policies, the City should provide additional information to demonstrate how the proposed vehicle parking would affect Bay views for members of the public traveling by car, wheelchair, foot or bike along Harbor Bay Parkway, and, if the parking proposal

fails to achieve the Commission's policy goals, consider and propose alternative parking proposals with minimal or no view impacts. To this end, it would be helpful if the City provided a visual simulation of existing and proposed (with vehicles parked at the shoreline) public views of the Bay along Harbor Bay Parkway, as such information would assist us in assessing potential impacts and project consistency with the Commission's laws and policies. In addition, the City should explain how parking vehicles on a shoreline road originally envisioned (per the above-referenced Settlement Agreement) to be free of parked cars is now seen as an optimal use of the site.

The Commission staff understands the City's need for additional parking in the area, and looks forward to working together to assure that the project is designed to minimize and offset view impacts, and/or explore possible alternative parking locations. Please understand that in the event that the proposed impacts on public views are significant or not feasible to adequately offset, it will difficult to find the proposal consistent with the Commission's laws and policies, in which case the staff may recommend that the Commission not approve the project.

We would be happy to meet with you to discuss the project further. Please do not hesitate to contact me to set up such a meeting and/or discuss the project further at 415-352-3613 or jaime.michaels@bcdca.gov.

Sincerely,

Jaime Michaels
Coastal Analyst

JM/ra

cc: Gary Thompson
Nancy Burke
Pat Lamborn
The Community of Harbor Bay Isle Owners Association
C. Timothy Hoppen
Tom Krysiak (via e-mail)