

CITY OF ALAMEDA RESOLUTION NO. \_\_\_\_\_

DENYING APPLICATION TO EXTEND BOATWORKS TENTATIVE  
MAP #8060 (ORIGINALLY APPROVED IN 2011) FOR AN  
ADDITIONAL TWO YEARS

WHEREAS, the Alameda City Council approved Tentative Map #8060 on July 19, 2011 (Tentative Map) #8060; and

WHEREAS, under state law, Tentative Map #8060 would have expired on July 19, 2015; and

WHEREAS, in July 2015, the Alameda City Council granted a one-year extension on Tentative Map #8060, based upon the applicant's statement that it was his intent to implement Tentative Map #8060; and

WHEREAS, the Subdivision Map Act and the City's Subdivision Ordinance Implementing the Subdivision Map Act are the primary regulatory controls governing the division of property in California; and

WHEREAS, these statutes and ordinances require that a subdivider of property design the subdivision in conformity with applicable general plan provisions and construct public improvements in connection with the subdivision; and

WHEREAS, between July 2011, when the City approved Tentative Map #8060, and May 2016, the applicant has made very little progress in satisfying any of the Map's conditions; and

WHEREAS, the 2011 Tentative Map's condition regarding securing all necessary permits and approvals from BCDC to fill submerged lands to create lots for homes and construct open space is no longer possible to satisfy; and

WHEREAS, since 2011, the applicant has submitted two different development plans for the property that were not in conformance with Tentative Map #8060; specifically, they proposed to move all of the property lines and thus would have required Tentative Map amendments or a new Tentative Map; and

WHEREAS, in 2015, the applicant also submitted a proposed amendment to the Tentative Map #8060 reflecting changes and recognizing the need to amend the map to deal with conditions that could not be satisfied; and

WHEREAS, the applicant submitted a new Development Plan application for the property in December 2015 and a new open space plan on May 20, 2016 for the waterfront park as depicted in the new Development Plan in December 15, 2015 (2015 Development Plan); and

WHEREAS, similarly to previous submittals, the 2015 Development Plan and Design Review Application propose substantially different property lines than are shown on Tentative Map #8060 and contain other inconsistencies with that Map such that the proposed plans cannot be found in substantial conformance with Tentative Map #8060; and

WHEREAS, Phil Banta, Architect for Boatworks, LLC, on behalf of the property owner, Mr. Francis Collins, submitted an application requesting another two-year extension for Tentative Map #8060 on May 10, 2016; and

WHEREAS, State law provides that once such an application is made the tentative map expiration on July 19, 2016 is automatically extended for 60 days, accordingly Tentative Map #8060 has been automatically extended until September 19, 2016; and

WHEREAS, the applicant has not made a good faith effort to complete the conditions on Tentative Map #8060 prior to its expiration date. Of the approximately 33 conditions that must be fulfilled prior to approval of a Final Map, the applicant has partially completed three conditions, and those three submittals were for a different project that was not in conformance with Tentative Map #8060; and

WHEREAS, in five years (July 2011 to June 2016), the applicant has not taken steps to comply with key conditions of the Tentative Map; for instance, the applicant has not:

- Prepared and submitted a Final Map for City Council consideration. (Condition #3)
- Prepared and submitted Improvement Plans to support Tentative Map 8060 for City consideration. (Condition #30)
- Executed a subdivision improvement agreement and provided adequate security for the completion of the improvements. (Condition #35)
- Acquired San Francisco Bay Conservation and Development Commission (BCDC) approval of the open space plan proposed in Tentative Map 8060. (Condition #8)
- Acquired Army Corps of Engineers approval for the improvements along the waterfront proposed on Tentative Map 8060. (Condition #8)
- Acquired East Bay Municipal Utility District approval of the yet to be designed storm water and waste water systems to support the subdivision (Condition #36)
- Created the necessary easements for the public open space and infrastructure. (Condition #37)
- Prepared and submitted a Storm Water Treatment Operations and Maintenance Plan. (#66)
- Executed a Storm Water Maintenance Agreement. (#67)
- Established a maintenance finance mechanism for the park. (Condition #9)
- Established a maintenance finance mechanism for the streets and public areas. (#60)

- Executed a proper Affordable Housing Agreement. (Condition #10); and

WHEREAS, in order to final the map, all the conditions of approval attached to the map must be satisfied and there are conditions that cannot be met due to inherent conflicts between the map and BCDC policies on bay fill, rendering a potential extension of the map futile; and

WHEREAS, the City of Alameda's Inclusionary Housing Requirements for Residential Projects are delineated in AMC 30-16, the intent of which is to implement the goals and objectives of the Housing Element of the City of Alameda's General Plan and to mitigate the impacts caused by new residential development, and also to meet the need for housing affordable to persons of low-, very low- and moderate-income; and

WHEREAS, lack of access to affordable housing has a direct impact upon the health, safety and welfare of the residents of Alameda and the City will not be able to contribute to the attainment of State housing goals or to retain a healthy environment without affordable housing in all income levels; and

WHEREAS, the Tentative Map #8060 does not conform to the City's General Plan Goals of the Housing Element and does not meet the inclusionary requirements and in AMC 30-16; and

WHEREAS, Tentative Map #8060 doesn't comply with requirements for road widths.

NOW THEREFORE, BE IT RESOLVED that the City Council hereby determines that Tentative Map #8060 does not reflect or support the intended or feasible future development of the site. In the five years since Tentative Map #8060 was approved, the applicant has not made substantial progress toward satisfying the maps conditions. Instead, the applicant's submissions have indicated an intent to develop a project with different lot lines and improvements. Neither the applicant's 2015 Development Plan and Design Review Application nor its prior development plan applications substantially conform to Tentative Map #8060 because they propose changing all of the lot lines depicted on Tentative Map #8060. These changes reflect the fact that the applicant cannot satisfy the condition of map approval requiring BCDC approval of the project as depicted on the map, and thus is pursuing development of a different project that is consistent with BCDC policies and has a different arrangement of lots; and

BE IT FURTHER RESOLVED that the City Council hereby determines that Tentative Map #8060 is not consistent with AMC 30-16 Inclusionary Housing Requirements. Here, there is a base project of 140 units and the applicant seeks a 30% density bonus in return for 13 very-low income units. AMC 30-16 requires an additional 16 affordable units in the low- and moderate-income categories, for a total of 29 affordable units. The 2011 Map provides only 21 affordable units. The recommended Development Plan corrects this problem and is consistent with AMC 30-16; and

BE IT FURTHER RESOLVED that the City Council of the City of Alameda hereby determines that the 2011 Map is not consistent with the applicable Fire Code, which requires a 26-foot fire access lane. The 2011 Map provides 22-foot-wide lanes. The recommended Development Plan corrects this problem and is consistent with the Fire Code; and

BE IT FURTHER RESOLVED that the City Council denies the request for a two-year extension on Tentative Map #8060.

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I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in regular meeting of the City Council assembled on the 6th day of September, 2016, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of the said City this 7th day of September, 2016.

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Lara Weisiger, City Clerk  
City of Alameda

Approved as to form:

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Janet C. Kern, City Attorney  
City of Alameda