

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF ALAMEDA CERTIFY THE FOCUSED SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, ADOPT A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE ENCINAL TERMINALS PROJECT, AND APPROVE THE GENERAL PLAN AMENDMENT, MASTER PLAN, DENSITY BONUS APPLICATION, AND DEVELOPMENT AGREEMENT FOR REDEVELOPMENT OF THE ENCINAL TERMINALS SITE LOCATED AT 1521 BUENA VISTA AVENUE

WHEREAS, the General Plan designation of the site is Mixed Use; and

WHEREAS, the property is located within the Mixed Use/Planned Development Zoning District and Multi-Family Overlay District; and

WHEREAS, North Waterfront Cove LLC made an application on February 29, 2016; and

WHEREAS, on April 27, 2016, the City of Alameda released a Notice of Preparation (NOP), stating that the City had determined that a Focused Supplemental Environmental Impact Report (FSEIR) would be required to supplement the analysis completed in 2008 in the Northern Waterfront EIR; and

WHEREAS, a draft FSEIR was prepared for the project pursuant to California Environmental Quality Act (CEQA); and

WHEREAS, on February 8, 2017, the City of Alameda released the draft FSEIR evaluating the environmental impacts of the proposed Master Plan on the environment for public review and comment; and

WHEREAS, on March 27, 2017, the Planning Board held a public hearing to take public comment on the draft FSEIR and the proposed Master Plan; and

WHEREAS, the final SFEIR was published in June 15, 2017; and

WHEREAS, the SFEIR has been presented to and independently reviewed and considered by the Planning Board; and

WHEREAS, the proposed Master Plan was independently reviewed and considered by the Planning Board at public workshops on March 10, 2016, April 19, 2016, June 22, 2016, November 10, 2016, January 9, 2017, and June 6, 2017; and

WHEREAS, the Planning Board held a public hearing and examined all pertinent materials on July 17, 2017.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board finds that the SFEIR has been prepared for the project in compliance with CEQA, Public Resources Code section 21000 *et seq.*, the State CEQA Guidelines, California Code of Regulations,

title 14, section 15000 *et seq.*, and all applicable state and local guidelines, and reflects the independent judgment of the City.

NOW, THEREFORE BE IT FURTHER RESOLVED that the Planning Board makes the following findings relative to proposed General Plan Amendment and draft Master Plan, Density Bonus application, and draft Development Agreement ("the proposal"):

- A. **The proposal and the proposed General Plan Amendment relates favorably to the General Plan.** As documented in the July 17, 2017, staff report and associated materials, the proposal is in substantial conformance with, and implements, the City of Alameda General Plan, Housing Element, and Zoning Ordinance policies and standards for the site. The proposal implements General Plan policies for mixed use redevelopment of a former industrial site in the Northern Waterfront, increases housing opportunities for a variety of household types; improves transportation infrastructure by extending Clement Avenue, and increasing transit services in the area; and increasing public access to and public waterfront parks in the area for all Alameda residents. The proposed amendment to two policies in the General Plan are necessary to achieve other General Plan objectives and these two amendments do not undermine the integrity of the General Plan because they only apply to the height of buildings on this particular site in the City of Alameda.
- B. **The proposal is an effective use of the site.** The proposed Master Plan as amended by the conditions of approval implements the City of Alameda General Plan and the MX Mixed Use and MF Multifamily Zoning District requirements for the site. The proposal provides for seven acres of public waterfront parks, promenades, and plaza adjacent to the Oakland Estuary where no public access exists currently. Further, the plan allows for the conversion of the site, which was previously used for shipping container storage, to allow for a transit oriented development with market rate and affordable deed-restricted housing opportunities, retail and maritime commercial job opportunities and services, pedestrian, transit and bicycle facilities and other amenities and features to ensure that the site is pedestrian, bicycle and transit-friendly.
- C. **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 proposal implements the General Plan and provide for a mixed use development pursuant to the MX Mixed Use Planned Development Zoning District. The proposal improves access and circulation in the neighborhood by facilitating the completion of the Clement Avenue extension from Atlantic Avenue to Grand Street allowing for the removal of the Truck Route from Buena Vista Avenue, which is a long-term public objective to improve the quality of life in the neighborhood. The proposal provides for seven (7) acres of new public waterfront open space for the neighborhood, including a waterfront promenade and Bay Trail along the perimeter of the property.
- D. **The location of the proposed use is compatible with other land uses in the general neighborhood area, and the project design and size is architecturally, aesthetically, and operationally harmonious with the community and surrounding development.** The proposed development qualifies as a mixed-use development pursuant to the MX, Mixed-Use Planned Development Zoning District,

and satisfies the purposes of the MX district and MF Multifamily Overlay District regulations. The Master Plan as amended is designed to conform to the Northern Waterfront General Plan policy objectives and requirements adopted to ensure that the project would be compatible with adjacent residential neighborhoods, the recently completed residential developments on adjacent sites and other existing and future waterfront uses. The Plan provides for adequate landscaping including Bay Friendly native plants as required by City standards. The proposed development will result in health and safety improvements to a property that is currently severely blighted and a detriment to the surrounding community.

- E. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The proposal is designed to ensure that the development of the property is compatible with existing and potential contiguous uses. The street network, location of entry roads, orientation of residential uses along Clement Avenue and within the site, and the location of bicycle facilities, pedestrian facilities, and transit facilities are all designed to complement and support the planned surrounding uses. The residential plans provide for a well-designed pedestrian network, bicycle access, and vehicular access. The proposed waterfront promenade will support and encourage use of and access to the waterfront.
- F. **The proposed affordable units make the project eligible for a density bonus of 20% under California Government Code 65915 and City of Alameda Municipal Code Section 30-17.** North Waterfront Cove LLC has requested a 20% density bonus for a total project size of 589 residential units. The existing zoning designation for the property allows up to 491 multifamily residential units. The applicant is proposing 79 affordable units, including 25 housing units affordable to very-low income households (5%), 20 housing units affordable to low-income households (4%) and 34 units affordable to moderate- income households (7%). The applicant is proposing to provide 5% of the units to very low-income households, which qualifies the project for a 20% density bonus for a total project size of 589 units.
- G. **The proposed affordable units make the project eligible for development standard waivers under California Government Code 65915 and City of Alameda Municipal Code Section 30-17.** North Waterfront Cove LLC has requested waivers from General Plan 60 foot height limit that applies only to this site and the Alameda Municipal Code Section 30-17 35 foot height limit to accommodate the bonus units. The requested height limit waiver to the 35 foot height limit is necessary to accommodate the required bonus units, would not have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon health, safety, or physical environment, nor would the waiver be contrary to state or federal law.

NOW, THEREFORE BE IT FURTHER
RESOLVED that the Planning Board recommends that the City Council adopt the SFEIR and Mitigation Monitoring and Reporting Program for the Project, attached hereto as Exhibit 4 to the July 17, 2017 staff report.

NOW, THEREFORE, BE IT FURTHER
RESOLVED that the Planning Board recommends that the Alameda City Council approve
the General Plan amendment to revise the following two site specific policies as follows:

~~To Ensure design compatibility with adjacent developments and neighborhoods; limit new
building heights to 60 feet.~~

~~Given that Encinal Terminals is surrounded by water on three sides, taller buildings should be
located at the southern end ~~center~~ of the site.~~

NOW, THEREFORE, BE IT FURTHER
RESOLVED that the Planning Board recommends that the Alameda City Council approve
the draft Master Plan, Density Bonus Application and draft Development Agreement;
subject to the following conditions:

1. The Master Plan shall be amended as shown in Exhibit 2 Master Plan Conditions,
attached to the July 17, 2017 staff report.
2. The applicant shall defend (with counsel reasonably acceptable to the City),
indemnify, and hold harmless the City of Alameda, its Redevelopment Agency, 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, 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.