

December 19, 2017

City of Alameda
2263 Santa Clara Avenue
Alameda, CA 94501



Re: Proposal to construct 589 units at the Encinal Terminals

Dear Alameda City Council, and City Attorney,

The California Renters Legal Advocacy and Education Fund (CaRLA) submits this letter to inform the Alameda City Council that they have an obligation to abide by all relevant state housing laws when evaluating the proposal to approve development of the Encinal Terminals, including the Housing Accountability Act, as amended by SB-167 (GC 65589.5). The Housing Accountability Act states, in part:

(j) When a proposed housing development project complies with applicable, objective general plan and zoning standards and criteria, including design review standards, in effect at the time that the housing development project's application is determined to be complete, but the local agency proposes to disapprove the project or to approve it upon the condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by substantial evidence on the record that both of the following conditions exist:

(1) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(2) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

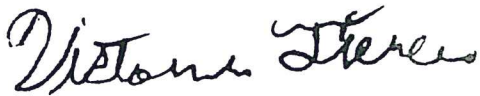
California Renters Legal Advocacy and Education Fund - carlaef.org

1390 Market St, San Francisco, CA

Submitted by Victoria Fierce
Re: 6-B 12/19/17

CaRLA is a 501(c)3 non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. The proposed Project will provide badly needed housing, public open space, and maritime commercial opportunities. While no one project will solve the regional housing crisis, the proposed Encinal Terminals development is the kind of housing Alameda needs to mitigate displacement, provide shelter for its growing population, and arrest unsustainable housing price appreciation. You may learn more about CaRLA at www.carlaef.org.

Sincerely,

A handwritten signature in black ink that reads "Victoria Fierce". The script is fluid and cursive, with the first name and last name clearly distinguishable.

Victoria Fierce

Co-Executive Director

California Renters Legal Advocacy and Education Fund

Public Comment on Encinal Terminals Master Plan in Alameda 12-19-2017
By Damian Mason a Member of Alameda Backyard Growers and CASA

Given that a large portion of the site is zoned as Tidelands, the Encinal Terminals Master Plan should also include a freshwater marsh Stormwater Retention system with Bio-remediation infiltration basins in the adjacent landscaping areas; Rooftop Rain Catchment & Greywater systems should also be included in the design to reduce water needs during droughts and simultaneously reduce strain on overburdened city storm water infrastructure.

A mere 1% increase in organic matter in soils on-site will yield a 20,000 gallon increase in soil water retention capacity per acre. There are many other cost-effective ways to achieve even more water retention, storage and wise use on-site. "For example, a well-placed Urban Food Forest might help absorb rainwater."

The Master Plan for this site has some good plans for Flood & Sea Level Rise Protection including: Built in Protection, Adaptive Management and Stormwater Management on pages 29, 30 and 32. The fact that the design "shall be in accordance with Alameda County Clean Water Program guidelines."; encourages me, as this aligns with some of the strategies I provided in the new Climate Action Work Scope.

The plans could be optimized for a wider variety of positive benefits for the **greater** Island of Alameda, including not only preparations for Sea Level Rise, but also Climate mitigation action to create greater resilience for the **entire** community. Currently affordable and market-rate housing is desperately needed in the SF Bay Area, but waterfront development must also consider more than just the needs of small recreational boat owners and kayakers, as house boats and ocean going vessels must also have access in and out of the water along our waterfront to maintain our vital Blue economy.

A recent article in the High Country News covers how two Architects are Designing for Water Independence in L.A. in the midst of Climate Change; by first mapping out and looking in detail at opportunities for City-Wide adaptive Water Management strategies for capturing and infiltrating urban storm water. "This detailed mapping could change the way planners and architects work, transforming every surface into a mini watershed."
"A well-designed L.A. could provide 82% of the city's water needs locally."

I'm eager to see more details on the LEED Silver, or hopefully higher, design specifics as each building is designed and reviewed by the Planning Board. I encourage Tim Lewis to consider the long-term financial, social and environmental benefits vs. initial upfront costs of designing buildings to meet criteria for Net Zero Buildings or the even greener Living Building Challenge standard.

Two inspiring, innovative Living Building Challenge Case Studies are the Bullitt Center Headquarters in Seattle, WA and the Phipps Center for Sustainable Landscapes in Pittsburgh, PA.

As the chaotic effects of Global Warming become ever greater, integration of these design strategies & plans for Urban Areas to mitigate flooding, as well as droughts and increased fire risks, in addition Sea Level Rise is of ever greater importance.

Thank you.

Submitted by Damian Mason
Re: 6-B 12/19/17

ACT supports the expansion of housing inventory, but adamantly opposes housing plans that ignore the law and strangle the city financially and environmentally. Approval of this plan would be an abuse of discretion by Council. Here is a summary of some of the points we have raised in our letters to you.

1. In setting the residential unit count at 589, Planning Staff credits the developer with acreage that is not dedicated to residential use and even land that it will not own if the tide land swap is approved. This violates both State and City law. After making all required acreage deductions the unit number would be reduced by well over 100 units.

2. The General Plan requires revenue neutrality, yet the proposed Plan and Agreement are devoid of any mention thereof. Instead, we now have a Developer-produced Financial Report that predicts a revenue surplus in a 92% residential project, contradicting everything we know about the inadequacy of residential taxes to fully fund city services. You get what you pay for. The City has paid nothing for this report and should give it no weight and do its own study.

3. The Northern Waterfront Amendments to the General Plan require the improvement of our jobs to housing balance, Consistent with this goal our Housing Element projects that 40% of Encinal Terminals will be commercial and states the reasonable residential capacity at 234 units, Just a few months ago Planning Staff presented a Resolution to Council that set a standard of 50% commercial and open space use for MX zoned parcels and stated that this was already informally in place. Planning Staff's support for 92% residential use not only ignores all of their previous positions but exacerbates the problem by supporting a project that provides for minimal job expansion,

4. Encinal Terminals has a very unique issue with regard to fire and/or earthquake in that it is a narrow peninsula that has only one access road to a City street combined with high density, tall buildings and situate in a liquefaction zone . Yet the Specific Plan for ET does not deal with this at all, nor does the Master Plan. *(Flip To Back of Page for Additional Text)*

*Submitted by Paul Forner
Re: 6-B 12/19/17*

5. The CFD mechanism for funding perpetual maintenance of the shoreline is not sustainable legally or practically.

Legally, Prop 218 allows California voters to use initiative power to reduce or repeal any local tax if they believe it places a disproportionate tax burden on them.

This CFD would be disproportionate on its face. CFDs are designed to cover excess costs of services or infrastructure that specifically benefit the residents of the taxing district. This CFD benefits only the public and the shoreline businesses. In fact, unit owners could argue that it was not a benefit at all to have public recreational facilities outside of their front doors!

The practical problem is that a CFD is inappropriate when applied to perpetual maintenance of a shoreline because it is impacted by the variable costs of construction, sea level rise, and natural disaster, thus making it very unpredictable. If any unforeseen events cause that tax to be insufficient, there must be an election where the City asks ET property owners to approve an additional tax to maintain property that they don't own and is a public asset. Fat chance of that happening! We are then left with the City holding the bag.

6. The land swap is not equitable. The Developer is obligated by law to dedicate shoreline acreage to public recreational use, albeit not quite as fancy as now proposed. Therefore, the swap gives the developer five acres of valuable high density zoned property in exchange for a benefit already owed to the City and State without any swap! To make this swap almost laughably unfair consider that with the 589 unit resident count giving the developer credit for land he does not own, it really is conveying nothing. Developer is merely trading horizontal space for vertical space!



Submitted by Brian McGuire
Re: 6-B
12/19/17





FIGURE 3.17 ILLUSTRATIVE CROSS SECTION P2: PUBLIC WATERFRONT PROMENADE MIDWAY ALONG THE WEST PROMENADE ADJACENT TO ALASKA BASIN AND POSSIBLE MARINA (VIEW LOOKING NORTH).



ENCINAL TERMINALS ILLUSTRATIVE PLAN

FIGURE 1.1 ILLUSTRATIVE MASTER PLAN FOR POTENTIAL DEVELOPMENT AREAS



This plan illustrates how the concepts defined in this Master Plan may be applied to portions of the site. This illustrative development plan utilizes the guidelines in Chapter 3 (see Figure 3.4 and Table 3.2 to show how they could be applied in development plans for each of the Subareas). A Development Plan will be created for each subarea in accordance with the details included in Chapters 2, 3 and 4 and each Subarea will require Development Plan and Design Review approval.

LEGEND

1.

LOW TO MID RISE MIXED USE
COMMERCIAL/RESIDENTIAL

2.

LOW TO MID RISE RESIDENTIAL

3.

MID RISE TO HI RISE MIXED USE
RESIDENTIAL/COMMERCIAL

4.

MARKET HALL (COMMERCIAL)

5.

TOWNHOMES

6.

WATER SHUTTLE DOCKING

7.

SMALL CRAFT LAUNCH

8.

MARINA

9.

PRIMARY ENTRY

10.

SECONDARY ENTRY/SHARED PLAZA

11.

PUBLIC WATER FRONT
PROMENADE

12.

PUBLIC PARK