

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA GRANTING DESIGN REVIEW APPROVAL FOR THE SEAPLANE LAGOON FERRY TERMINAL CANOPY, LIGHTING, GLASS WALL, BENCHES, AND SECURITY GATES (PLN16-0314).

WHEREAS, an application was made by the City of Alameda for Design Review of the Seaplane Lagoon Ferry Terminal and adjacent landside improvements (Project) in the Waterfront Town Center Precise Plan (Town Center Plan) area of the Alameda Point property; and

WHEREAS, the Project consists of the construction of a new ferry terminal, including a new pier, landside transportation infrastructure and landscape improvements, and a surface parking lot in and adjacent to the eastern edge of the Seaplane Lagoon, all largely within the Naval Air Station Alameda Historic District (NAS Alameda Historical District); and

WHEREAS, the Seaplane Lagoon Ferry Terminal is located within the Alameda Point Enterprise District and the adjacent landside improvements are in the Alameda Point Waterfront Town Center which is in the Alameda Point Zoning District [Alameda Municipal Code (AMC) 30-4.24] of the Zoning Ordinance; and

WHEREAS, the Town Center Plan is a Specific Plan pursuant to Government Code Section 65450 et seq. for a transit-oriented development of the waterfront lands that surround the Seaplane Lagoon and the property at the entrance of Alameda Point between Main Street and Seaplane Lagoon; and

WHEREAS, the Seaplane Lagoon Ferry Terminal was approved by the City Council on April 5, 2016; and

WHEREAS, the Town Center Plan requires that the Planning Board review and approve Design Review for the proposed Seaplane Lagoon Ferry Terminal; and

WHEREAS, the Planning Board and Historical Advisory Board and held a special joint public hearing on April 18, 2018 for this application, and examined pertinent maps, drawings, and documents, and

WHEREAS, on April 18, 2018, the Planning Board approved the waterside improvements for the Project, except landside improvements, while also requiring subsequent review of the pier canopy design and details of canopy lighting, glass wall, benches, and security gates; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board approves Design Review for the Seaplane Lagoon Ferry Terminal Project canopy, lighting, glass wall, benches, and security gates based on the following findings:

1. **The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.** A new ferry service creates a transit hub at the heart of Alameda Point, which maximizes opportunities for Alameda Point residents

and employers/employees to be transit users. This minimizes potential traffic impacts and significantly increases the possibility of attracting major commercial users to Alameda Point, which is consistent with the General Plan Alameda Point Element for de-emphasizing automobile use and promoting alternative modes of transportation. The Alameda Point Element calls out use of water transportation as one of these alternatives. The project is also consistent with the Alameda Point zoning as a ferry terminal is a permitted use in the AP-WTC, Alameda Point Waterfront Town Center zoning district. The proposed canopy design, lighting, glass wall, benches, and security doors are appropriate for the ferry terminal and its setting, and are therefore consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.

2. **The proposed design is appropriate for the site, is compatible with adjacent or neighboring buildings or surroundings, and promotes harmonious transitions in scale and character in areas between different designated land uses.** The proposed project would construct a new pier in Seaplane Lagoon to be used by passenger ferries. This use differs slightly from the historic use of Seaplane Lagoon, which was the take-off and landing area for patrol, rescue, and transport seaplanes. However, this new use is still a maritime use and it would require no physical changes to Seaplane Lagoon. The ferry terminal structures are small relative to the size and scale of the Seaplane Lagoon and would not be a disruptive addition to the Seaplane Lagoon environment. Instead, the ferry terminal would reinforce the maritime theme and support harmonious transitions between the water and landside waterfront improvements. The proposed ferry terminal is a compatible use and appropriate for this waterfront setting. The proposed canopy design, lighting, glass wall, benches, and security doors are appropriate for the ferry terminal and its setting and promotes harmonious transitions in scale and character between the Seaplane Lagoon and its surrounding environment.
3. **The proposed design of the structure(s) and exterior materials and landscaping are visually compatible with the surrounding development, and design elements have been incorporated to ensure the compatibility of the structure with the character and uses of adjacent development.** The proposed ferry terminal includes a new pier, dock, and float, which are all low-profile structures, with metal handrails, ramps, and platforms that are only as high as required by health and safety codes. Collectively, they would occupy a very small percentage of the 110-acre lagoon, with little visual impact to the surrounding environment. The proposed canopy over the fixed pier is a minimalist fabric canopy design that provides an attractive weather-proofing function for the ferry riders. The shape of the canopy design provides visual interest and evokes a nautical theme that is appropriate and compatible at the Seaplane Lagoon. Other supporting architectural features, including lighting, glass wall, benches, and security gates complement the overall terminal design.

BE IT FURTHER RESOLVED that the Planning Board finds that the Seaplane Lagoon Ferry Terminal Project was adequately considered by the CEQA Addendum to the Alameda Point FEIR, and that:

1. The City of Alameda as lead agency under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), prepared the Final

Environmental Impact Report for the Alameda Point Project (FEIR) (State Clearinghouse No. 201312043) ("Final EIR").

2. On February 4, 2014, the City Council certified the Final EIR for the Alameda Point Project, including the Town Center Plan area which contains the project site.
3. After certification of the Final EIR for the Alameda Point Project, the City developed project-specific plans for the new Seaplane Lagoon Ferry Terminal and adjacent landside improvements ("Project").
4. The City caused to be prepared an Addendum to the Final EIR ("Addendum") pursuant to CEQA Guidelines Section 15164.
5. The City Council adopted the Addendum and approved the Project on April 5, 2016.
6. The Seaplane Lagoon Ferry Terminal project, overall, is consistent with the General Plan, Zoning Ordinance, and Town Center Plan.
7. This Design Review approval for the canopy, lighting, glass wall, benches, and security gates, will implement the approved project analyzed in the Final EIR and Addendum.
8. Approval of Design Review for the Seaplane Lagoon Ferry Terminal would not involve substantial changes in the Project or circumstances under which the Project is to be undertaken that would result in new or substantially more severe significant environmental effects requiring major revisions to the Final EIR, and there is no new information of substantial importance that involves new or substantially more severe significant environmental effects that would require major revisions to the Final EIR; therefore, no further environmental review is required pursuant to Public Resources Code Section 21166 and CEQA Guideline Sections 15162 and 15163.

BE IT FURTHER RESOLVED that the Planning Board approves Design Review for the Seaplane Lagoon Ferry Terminal Project, specifically the canopy design, lighting, glass wall, benches, and security gates subject to the following conditions:

- (1) This Design Review approval is specifically for the canopy design, lighting, glass wall, benches, and security gates. The landside improvements shall require subsequent Planning Board approval.
- (2) This Design Review approval shall expire two (2) years after the date of approval, unless actual construction has begun under valid City permits or the applicant applies for and is granted a two-year extension by the Community Development Director prior to the date of expiration.
- (3) The plans submitted for the Building Permit shall be in substantial compliance with plans prepared by Marcy Wong Donn Logan Architects, dated April 26, 2018 on file in the office of the City of Alameda Planning Division, subject to the conditions specified in this resolution.
- (4) This Design Review shall not become effective until such time as the Historical Advisory Board and/or City Council approve the Certificate of Approval Application for the Seaplane Lagoon Ferry Terminal Project waterside improvements, and upon such time, the

construction of the plans shall be subject to all conditions of approval imposed by the Historical Advisory Board and/or City Council.

- (5) **HOLD HARMLESS.** The applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, 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, Alameda City Planning Board, or 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.

NOTICE. The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by Notice of Appeal stating the appellant claims that either the Board's decision is not supported by its findings or its findings are not supported by the evidence in the record.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6

NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code Section 66020 (d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant is hereby further notified that the 90-day appeal period, in which the applicant may protest these fees and other exactions, pursuant to Government Code Section 66020 (a) has begun. If the applicant fails to file a protest within this 90-day period complying with all requirements of Section 66020, the applicant will be legally barred from later challenging such fees or exactions.

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