

CITY OF ALAMEDA ORDINANCE NO. _____

New Series

APPROVING THE ALAMEDA MARINA MASTER PLAN AND DENSITY
BONUS APPLICATION FOR THE REDEVELOPMENT OF THE
ALAMEDA MARINA PROPERTIES LOCATED AT 1815 CLEMENT
AVENUE (APN 071-0288-003 AND 071-0257-004)

WHEREAS, Pacific Shops, Inc. ("the Developer") has acquired approximately 27.08 acres in fee, and approximately 17.06 acres in leased land pursuant to the Tidelands and Marina Lease with the City of Alameda, consisting of a total of approximately 44 acres of real property commonly known as the Alameda Marina site, with an address of 1815 Clement Avenue, City of Alameda, County of Alameda (APN 071-0288-003 and 071-0257-004 (for the leased areas of the site); 071-0257-003-01 and 071-0288-001-02 (for the fee areas of the site)); and

WHEREAS, the Alameda Marina site is designated as Specified Mixed Use (MU4 Northern Waterfront) which encourages a residential, commercial, maritime and open space mix of uses in the City of Alameda General Plan; and

WHEREAS, the Alameda Marina site is designated as a multifamily housing opportunity site in the City of Alameda General Plan Housing Element; and

WHEREAS, the Alameda Marina site is designated MX (Mixed Use) and MF (Multifamily Residential) on approximately 27.08 acres (which includes unbuildable area of submerged lands between tidelands parcels), and M-2 (General Industrial) on approximately 17.06 acres (which includes unbuildable area of submerged lands between tidelands parcels), in the Alameda Municipal Code (AMC) Zoning Map; and

WHEREAS, the Alameda General Plan and AMC require preparation of a Master Plan to guide development of the property consistent with the General Plan and AMC; and

WHEREAS, the draft Alameda Marina Master Plan is a mixed use plan for the property that includes up to 760 multifamily housing units, up to 250,000 square feet of commercial and maritime commercial space, about 3.4559 acres of shoreline open space, about 17.1 acres dedicated to marina operations, and a 530 slip marina; and

WHEREAS, on May 29, 2018 the Planning Board held a duly noticed public hearing and unanimously recommended that the City Council approve the Alameda Marina Master Plan and Density Bonus Application, as amended; and

WHEREAS, all of the Planning Board's recommended amendments have been incorporated into the Draft Alameda Marina Master Plan (Attachment A); and

WHEREAS, on July 10, 2018, the City Council held a duly noticed public hearing on the Alameda Marina Master Plan and Density Bonus Application, as amended by the Planning Board; and

WHEREAS, all interested parties were given the opportunity to participate in the public hearing by submittal of oral and written comments; and

WHEREAS, the public hearing was closed by the City Council on July 10, 2018; and

WHEREAS, the City Council of the City of Alameda makes the following findings:

1. **California Environmental Quality Act.** The City Council finds and determines that this Ordinance complies with CEQA and the Environmental Review Officer is directed to cause to be filed a Notice of Determination with the appropriate agencies. Prior to taking action on the Master Plan and Density Bonus Application, the City Council, as the final decision-making body of the lead agency, considered all evidence and testimony provided to it and reviewed, considered and certified an EIR and adopted related CEQA findings for the project in the manner required and authorized under CEQA. All mitigations specified in the EIR shall be included as conditions of approval for the project development plans required by the Master Plan.
2. **The Master Plan relates favorably to the General Plan.** As documented in the May 29, 2018 Planning Board staff report and associated materials and the July 10, 2018 City Council 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 while retaining waterfront and maritime-related businesses, increases housing opportunities for a variety of household types; improves transportation infrastructure by improving Clement Avenue, and increasing transit services in the area; and increases public access to public waterfront parks in the area for all Alameda residents.
3. **The Master Plan proposes an effective use of the site.** The proposed Master Plan as amended by the conditions of approval, implements the City of Alameda General Plan, the MX Mixed Use and MF Multifamily Zoning District, and the M-2 General Industrial requirements for the site. The proposal provides for 3.4559 acres of public waterfront parks, promenades, and plazas and will create a new segment of the San Francisco Bay Trail. Further, the plan allows for the conversion of the site from a former World War II shipyard, which has since been used to house boat slips, dry storage and maintenance and repair services for boats and recreational vehicles, to allow for a transit oriented development with market rate and affordable deed-restricted housing opportunities, maritime and 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.

4. **The proposed Master Plan, 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 provides for a mixed use development pursuant to the MX Mixed Use Planned Development Zoning District. The proposal provides for 3.4559 acres of new public waterfront open space for the neighborhood, including a waterfront promenade and San Francisco Bay Trail along the perimeter of the property.
5. **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. While the site lies just outside the boundaries of the Northern Waterfront General Plan Amendment, the Master Plan 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 Master 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.
6. **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.
7. **The proposed affordable units make the project eligible for a density bonus of 20% under California Government Code section 65915 and City of Alameda Municipal Code Section 30-17.** Pacific Shops, Inc. has requested a 20% density bonus for a total project size of 760 residential units. The existing zoning designation for the property allows up to 649 multifamily residential units. The applicant is proposing 104 affordable units, including 33 housing units affordable to very-low income households (5%), 26 housing units affordable to low-income households (4%) and 45 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 779 units. Pacific Shops, Inc. has a Master Plan for a total project size of 760 residential units.

8. **The proposed affordable units make the project eligible for development standard waivers under California Government Code section 65915 and City of Alameda Municipal Code Section 30-17.** Pacific Shops, Inc. has requested a waiver from the 45 foot height limit found in Alameda Municipal Code Section 30-4.23 to accommodate the density bonus units. The requested height limit waiver to the 45 foot height limit is necessary to accommodate the required density 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.

BE IT ORDAINED by the Council of the City of Alameda that:

Section 1. The Alameda Marina Master Plan and Density Bonus application is approved and adopted, with the following Final Text Amendments:

Amendment #1. Residential Development. Page 49. Add the following sentence regarding “middle income” market rate housing: “To provide middle income market rate housing opportunities, at least 30% of the market rate units in the project shall be 1,200 square feet in size or less.”

Amendment #2. Boatyard RFQ/RFP. Page 32. Add the following sentence regarding process: “If the initial six month effort is unsuccessful and a qualified operator is not identified during that period, City staff and the property owner will jointly report to the City Council with recommendations on how to proceed and next steps in the preparation of the site for boat repair and servicing.”

Amendment #3. Dry Boat Storage. Page 35. Add the following sentence: “The dry boat storage area will be equipped with at least two “mules” to facilitate movement of boats between the lift and the storage spaces without the need for an automobile.”

Amendment #4. Maritime and Commercial Parking. Page 35. Add the following text to the list of submittals required prior to issuance of first building permit:

“Concurrent with submittal of the TDM plan for Planning Board review, a Parking Management Plan for the planned 348 shared parking spaces to be provided for marina users, commercial employees and visitors, and open space visitors and users shall be submitted. The Plan shall include a management, striping, and permit program to ensure: 1) adequate signed spaces for short term open space users, 2) adequate spaces for permanent live-aboard users, 3) adequate spaces for recreational boaters with leased slips or dry boat storage, 4) drop off areas for marina slip tenants, and 5) adequate spaces for commercial tenants and visitors. The Plan shall also include a permit system or other management strategy to ensure that the 348 commercial shared spaces are not used by residents of the project and that all residential parking is confined to the residential buildings.”

Amendment #5. Assessment District and Community Facilities District. Page 41. Revise the first sentence by replacing “may” with “shall”, to read as follows: “An

Assessment District or Community Facilities District shall be established to fund public improvements....”

Amendment #6. Table 6.2, Maritime Commercial Permitted Uses. Page 48. Revise table to make Artist’s Studios and Artist’s Studio Industrial prohibited uses in the MC Maritime Commercial sub district.

Amendment #7. Open Space in Commercial Core Graphic. Graphics Throughout. Remove small green park area located between Bay Trail, Marina Parking Lot, Building 19 and Harbor Master’s Building. Adjust all necessary text to reflect that space will not be Public Park or Open Space, but instead, space for use for maritime commercial uses.

Section 2. Severability. The provisions of this ordinance are severable. 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 provisions of this ordinance.

Section 3. Effective Date. 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 4. Conforming Changes to Master Plan. The City Council hereby authorizes the City Manager or designee to make non-substantive, technical conforming changes (essentially correction of typographical and clerical errors), prior to final publication of the Master Plan.

Presiding Officer of the City Council

Attest:

Lara Weisiger, City Clerk

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I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the ____ day of _____, 2018, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this
____ day of _____, 2018.

Lara Weisiger, City Clerk
City of Alameda

Approved as to Form:

Janet C. Kern, City Attorney
City of Alameda