

CITY OF ALAMEDA ORDINANCE NO. 3224

New Series

APPROVING THE ENCINAL TERMINALS MASTER PLAN AND DENSITY BONUS APPLICATION FOR THE REDEVELOPMENT OF THE ENCINAL TERMINALS PROPERTIES LOCATED AT 1521 BUENA VISTA AVENUE (APN 072-0382-001, -002, and 72-0383-03)

WHEREAS, North Waterfront Cove, LLC (“the Developer”) has acquired approximately 16.73 acres of real property commonly known as the Encinal Terminals site, with an address of 1521 Buena Vista Avenue, City of Alameda, County of Alameda (APN 072-0382-001, -002, and 72-0383-03); and

WHEREAS, the Encinal Terminals site is designated for a residential, commercial, maritime and open space mix of uses in the City of Alameda General Plan; and

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

WHEREAS, the Encinal Terminals site is designated MX (Mixed Use) and MF (Multifamily Residential) 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 Encinal Terminals Master Plan is a mixed use plan for the property that includes up to 589 multifamily housing units, up to 50,000 square feet of commercial and maritime commercial space, at least three acres of open space, and a 160-slip marina (Attachment A); and

WHEREAS, on July 23, 2018, the Planning Board held a duly noticed public hearing, and examined all submitted materials and received oral and written public comments; and

WHEREAS, upon conclusion of the public hearing, the Planning Board recommended that the City Council approve the Encinal Terminals Master Plan as amended and Density Bonus Application, and

WHEREAS, on September 4, 2018, the City Council held a duly noticed public hearing on the Alameda Marina Master Plan as amended and Density Bonus Application, as recommended 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 September 4, 2018; and

WHEREAS, the City Council continued consideration of the materials and testimony to September 18, 2018; and

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

1. **California Environmental Quality Act (CEQA).** On December 19, 2017, the Alameda City Council certified the Encinal Terminals Focused Supplemental EIR (State Clearinghouse No. 202102118) for development of the initial proposed Master Plan. In accordance with CEQA Guidelines Section 15164, an Addendum to the previously certified EIR has been prepared for the revised and amended Master Plan, as some minor technical changes or additions are necessary but none of the conditions in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred. The Addendum has been prepared in the manner required and authorized under CEQA, and the City Council has considered the Addendum together with the previously certified EIR, both of which are incorporated by reference as though fully set forth herein, prior to making a decision on the Master Plan. The City Council finds that the Addendum and the previously certified EIR adequately address the potential environmental impacts of the project. All project-specific mitigations specified in the previously certified EIR and included in the Project-Specific Mitigation Monitoring and Reporting Program (Attachment A to the Addendum) 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 September 4, 2018 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 Master Plan 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, increases transit services in the area, and increases public access to and 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 recommended ordinance implements the City of Alameda General Plan and the MX Mixed Use and MF Multifamily Zoning District requirements for the site. The Master Plan provides for three acres of public waterfront parks and promenades adjacent to the Oakland Estuary where no public access currently exists. Further, the Plan allows for the conversion of the site, which was previously used for shipping container storage, to 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.

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 Master Plan implements the General Plan and provides 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 three acres of new public waterfront open space for the neighborhood, including a waterfront promenade and 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. 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.
6. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The proposal as amended by Amendment #1 below 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, pedestrian, and transit facilities are all designed to complement and support the planned surrounding uses. The residential plans provide for a well-designed pedestrian network, and bicycle 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 65915 and City of Alameda Municipal Code Section 30-17.** North Waterfront Cove, LLC has requested a 20% density bonus for a total of 589 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%). Because the applicant is proposing to provide

5% of the units permitted by the base density for the project site to very low-income households, the development qualifies for a 20% density bonus. With the density bonus, the applicant is proposing to construct 589 units, which falls within the limit that the applicant is entitled to and is consistent with state density bonus law.

8. **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 City of Alameda General Plan and AMC height limits that apply to this site to accommodate the density bonus units. The waiver to the City's height limits for the site provided in the Master Plan is necessary to accommodate the required density bonus units and would not have a specific, adverse impact, as defined in Government Code section 65589.5(d)(2), upon health, safety, or physical environment, nor would the waiver be contrary to state or federal law.

Consistent with AMC requirements and the Master Plan, the specific design and height of all future buildings on the site must be reviewed and approved by the Planning Board. Given that it is not known at this time how many, or which, buildings will need to exceed the 45-foot height limit and to what extent the buildings will need to exceed the height limit to accommodate 589 units, the Master Plan includes a height waiver that states:

- The maximum height for any residential building within the Gateway and Estuary Districts shall be determined by the Planning Board at the time the Design Review application is submitted for Planning Board review.
- Design Review applications for any residential buildings that exceed 45 feet in height shall be accompanied by a massing study for the Gateway and Estuary Districts that demonstrates that the proposed height is needed to accommodate the 589 units and all of the amenities, parking and mix of commercial and open space uses as described and illustrated in the Master Plan.
- The Planning Board shall not deny a building height above 45 feet unless the Planning Board is able to make one or both of the following findings: 1) based upon a review of the Design Review plans and the massing study, the 45-foot height limit does not physically preclude construction of the 589 units and all of the amenities, parking and mix of commercial and open space uses as illustrated and described in the Master Plan, or 2) the waiver of the 45-foot height limit would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. The 45-foot height limit shall not be used by City to prevent construction of the proposed project on the property.

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

Section 1. The Encinal Terminals Master Plan and Density Bonus application is approved and adopted, with the final Text Amendments (unchanged Master Plan text in

plain Arial font; additions to Master Plan are in single-underline italics Arial font) shown in Exhibit A.

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:

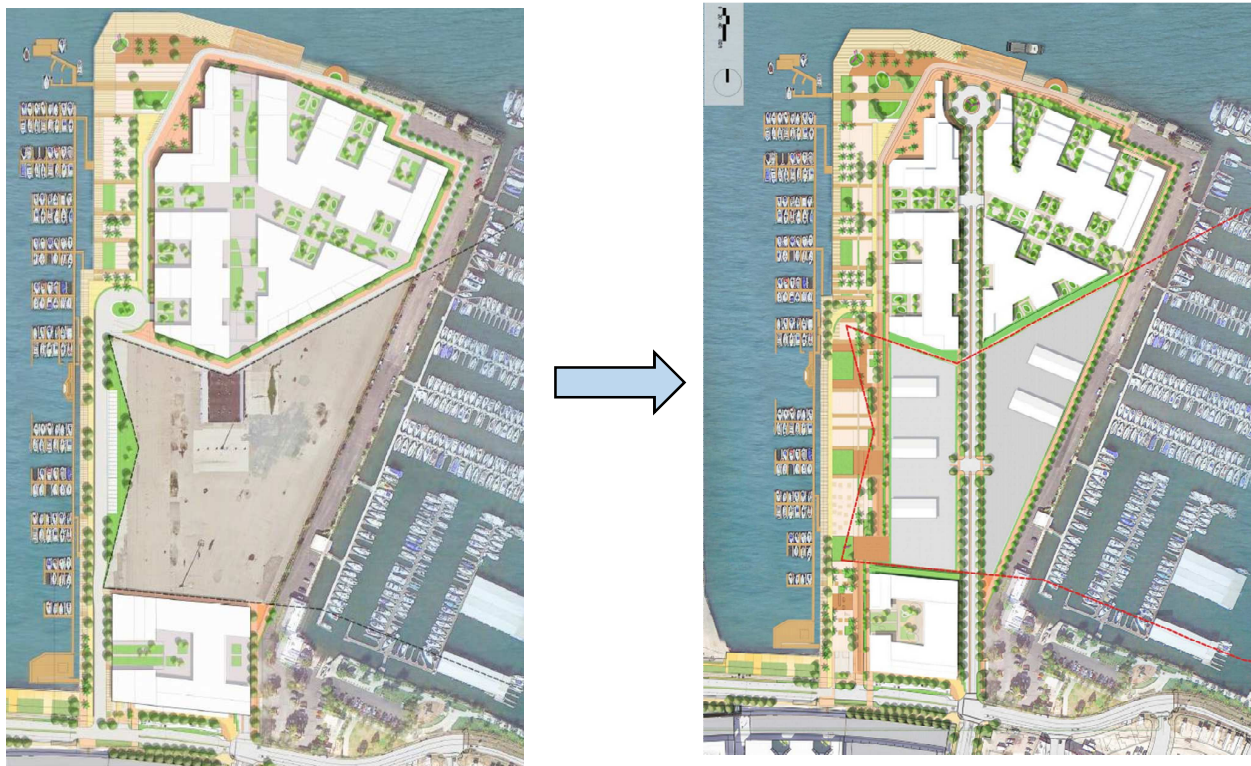
Lara Weisiger, City Clerk

Exhibit A: Encinal Master Plan Amendments

1. Delete the existing “Streets” description on page 24 of the Master Plan in its entirety, and replace it with the following language:

“To provide an inviting, well-designed public entrance from Clement Avenue, the primary vehicular access into the site shall occur at a four-way intersection at Clement/Entrance and provide access to the Gateway, Tidelands, and Estuary Districts. The final alignment and design of the public right-of-way design shall be determined by the Planning Board during the review of Subdivision Map and Development Plans for development, but the right-of-way shall be no less than 62 feet in width and extend in a straight alignment across the Gateway, Tidelands, and Estuary Districts to the northern edge of the property. The Entrance Road extension shall include driveway access to the adjacent Fortman Marina. In the event that it is not feasible to gain access across the Tidelands property, the alignment may be adjusted to avoid the Tidelands District as necessary and utilize a portion of the wharf directly adjacent to the Tidelands property. Permanent public access and utility easements shall be provided within the right-of-way from the Clement Avenue intersection across the Gateway District, Tidelands District, and Estuary District to the northern waterfront edge of the Encinal Terminals site. In addition, internal east-west streets and/or an EVA may cross the site generally perpendicular to the wharf in order to serve the interior development subareas; all streets will be constructed for a maximum operating speed of 25 miles per hour and will include safe pedestrian crossings, and all streets shall be accessible to the public 24 hours per day.”

2. Revise all Figures as shown below to reflect Street in Center:



3. **Remove Existing Blighted Structure on Tidelands:** Revise the fourth bullet on Page 67 of the Master Plan to read as follows: “The Tidelands District (E in Figure 4.2), could be developed coincident with the Gateway (A) or Estuary (B/C) Districts, but all existing blighted structures in the Tidelands District will be removed prior to issuance of building permits for any of the residential buildings.”
4. **Use Compostable Plant Material:** Revise the second bullet on page 65 of the Master Plan as follows: “Planning Board Design Review approval of the public access open space, landscaping and tree selections to ensure that landscape material waste is compostable, and Bay Trail plan including along the Fortman Marina frontage.”

5. Amend page 65 “Subsequent Approvals” to add the following text:

Tidelands Lease Amendments: *Any use or development in the Tidelands District that requires a Tidelands Lease extension, amendment or new lease shall first be reviewed by the Planning Board for Master Plan consistency. When considering the tidelands lease proposal, the City Council will consider: the Planning Board recommendations, Public Trust Lands regulations and limitations; Economic Development Strategy objectives; maritime commercial business needs , including boatyard or dry boat storage facilities; and community wide need for well-paying jobs and apprentices supported by project labor agreements with the Building & Construction Trades Council of Alameda County and/or card check neutrality agreement to provide for labor peace.*

6. Amend page 67 to add the following text:

Tidelands Infrastructure Phase One Requirements: *All infrastructure improvement plans, grading plans, roadway improvement plans, subdivision improvement agreements and permits shall ensure that the first phase of development at Encinal Terminals includes: 1) all backbone infrastructure from Clement Avenue through the Gateway District to the southern edge of the Tidelands District, and 2) a minimum of 30 feet of improved access from the southern portion of the Tidelands District to the Alaska Basin submerged lands for public and or maritime commercial use.*

Tidelands Integration and City Council Oversight: *The applicant and/or property owner shall prepare land plans that support future coordinated maritime commercial, maritime recreational, and access between the Encinal and Fortman Tidelands Lands. The plans shall eliminate or minimize, to the extent feasible and within Encinal’s ability to mitigate, all barriers to future coordinated use of the Encinal Terminals Tidelands and adjacent Fortman Tidelands for maritime commercial activities. The applicant and/or property owner and city staff shall present the plan to the Fortman Marina owners and operators for their review and comment. The plans and the suggestions from the Fortman Marina representatives will then be presented to the Planning Board and Alameda City Council prior to issuance of any building permits or subdivision map approvals, whichever comes first.*

7. Amend page 69 to read: “Plans for the marina and land side marina facilities should provide details for drop off areas, bathrooms and other marina facilities including facilities and services to support live-aboards.”
8. Amend page 61 “Workforce Housing” to include: “Home Ownership: At least 50% of the residential units to be constructed on the property shall be mapped through the subdivision process to allow for home ownership.”

* * * * *

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 2nd day of October, 2018, by the following vote to wit:

AYES: Councilmembers Ezzy Ashcraft, Matarrese, Oddie, and Vella
– 4.

NOES: Mayor Spencer – 1.

ABSENT: None.

ABSTENTIONS: None.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 3rd day of October, 2018.

Lara Weisiger, City Clerk
City of Alameda

Approved as to Form:

Janet C. Kern, City Attorney
City of Alameda