

Alameda Point Development Initiative Election Report Presentation

**Joint Meeting
Alameda Unified School District
and
City of Alameda**

January 5, 2010

Presentation Goals

- I. Initiative Process**
- II. Chronology of Process**
- III. Contents of Initiative**
- IV. School Implications**
- V. Executive Summary**

I. Initiative Process

I. Initiative Process

A. Ballot Box Planning

- **California History of “Tax Initiatives”**
- **Adoption, Amendment or Repeal of Land Use Regulations**
- **Measures Seek “Yes” or “No” for a Particular Project, in Total**
- **Measure B Seeks “Yes” for Project as Defined and Described in Initiative**

I. Initiative Process (*cont.*)

B. Process Overview

- **Submission of the Initiative Petition**
- **Ballot Title and Summary**
- **Notice to Circulate**
- **Secure Signatures**
- **Qualify, Certified and Set for Election**

I. Initiative Process (*cont.*)

C. Initiative Amendments

- **Not Developer Specific**
- **Approved as a Holistic Document and Component Parts**
- **Amendment to Initiative Submitted only by Developer (or Significant Landowner) to City Council**
- **Cannot Reduce \$200M Public Benefit Expenditure**
- **Cannot Increase Number of Units**
- **Cannot Increase Non-Residential Building Square Footage**

I. Initiative Process (*cont.*)

E. Election Results

- **If Fails, then Initiative Has No Legal Effect**
- **If Passes, then Law within 10 Days of Certification of Results**
- **Within 5 Days of Certification, Development Agreement Must Be Executed by a Party (Other than Government Entity) with Legal or Equitable Interest in Real Property**

II. Chronology of Process

II. Chronology of Process

- 1. July 20, 2007: ENA Executed – SunCal/ARRA**
- 2. October 3, 2007: Update on AP Project**
- 3. October 16, 2007: ARRA Establishes AP Advisory Task Force**
- 4. March 5, 2008: 1st ENA Amendment**
 - Extends Milestones**
 - Creates Developer Consultant Account**

II. Chronology of Process (cont.)

- 5. July 1, 2008: Update on AP Project**
- 6. September 10, 2008: Presentation of Draft Development Concept**
- 7. October 6, 2008: 2nd ENA Amendment**
 - Transfer of Ownership Interest**
 - SunCal to DE Shaw**
 - Additional Performance Milestones**
- 8. January 7, 2009: Presentation of Draft Master Plan to City Council**

II. Chronology of Process (cont.)

- 9. March 26, 2009 –Initiative Submitted to City Clerk**
- 10. April 21, 2009 – City Council Directs Staff to Prepare Election Reports, Parts I and II**
- 11. October 15, 2009 –Initiative Qualifies**
- 12. November 3, 2009 – City Council Calls for Election February 2nd**

III. Contents of Initiative

III. Contents of Initiative

A. Summary of Initiative

- **Administrative/Regulatory Provisions**
- **Alameda Point Specific Plan**
- **General Plan Amendments (Community Plan)**
- **Revised Zoning Map and Text Amendments**
- **Charter Amendment**
- **Development Agreement**

III. Contents of Initiative (cont.)

B. Land Use Program



Figure 1-2: Plan Area

Not to Scale



III. Contents of Initiative (*cont.*)

B. Land Use Program (*cont.*)

- **Housing**
 - **4,841-Unit Cap**
 - **4,346 new housing units**
 - **186 existing low-cost housing units (Alameda Point Collaborative)**
 - **Reuse of existing buildings for up to 309 units**

III. Contents of Initiative (*cont.*)

B. Land Use Program (*cont.*)

- **Housing**
 - **Amends City Charter to allow:**
 - **Housing types ranging from single-family detached to multi-family**
 - **Residential densities from 10 units per acre to 70 units per acre**
 - **Reuse of existing buildings for multi-family**
 - **60-foot height limit (5 stories)**

III. Contents of Initiative (*cont.*)

B. Land Use Program (*cont.*)

- **Housing**
 - **Improves Ability to Meet Its RHNA**
 - **Affordable Housing Program**
 - **Commits minimum of 15% inclusionary housing (approximately 700 units)**
 - **Settlement agreement requires 25% (approximately 1,160 units)**

III. Contents of Initiative (*cont.*)

B. Land Use Program (*cont.*)

- **Housing**
 - **Density Bonus**
 - **State density bonus applies to project**
 - **Pursuant to State law, with density bonus, units may exceed 4,841-unit cap**

III. Contents of Initiative (*cont.*)

B. Land Use Program (*cont.*)

- **Non-Residential/Commercial**
 - **3.79 million square feet of non-residential**
 - **3.18 million s.f. commercial, including 500,000 s.f. within existing buildings**
 - **350,000 s.f. retail**
 - **260,000 s.f. civic uses (government offices, schools)**
 - **600 marina boat slips**
 - **60-foot height limit (5 stories)**

III. Contents of Initiative (cont.)

B. Land Use Program (cont.)

• Open Space

- 145 acres total
 - Neighborhood (12 acres)
 - Community (17 acres)
 - Linear Open Space (9 acres)
 - Seaplane Lagoon (23 acres)
 - Enterprise Park (24 acres)
 - Sports Complex (60 acres)



III. Contents of Initiative (*cont.*)

B. Land Use Program (*cont.*)

- **Environmental Impact Report**
- **Disposition and Development Agreement**

III. Contents of Initiative (cont.)

B. Land Use Program (cont.)

- **Required Subsequent Approvals**
 - **Pattern Book**
 - **Historic Resource Design Guidelines**
 - **Transportation Demand Management Plan (TDMP)**
 - **Master Demolition, Infrastructure and Grading Plan**
 - **Subdivision of Land**

III. Contents of Initiative (cont.)

C. Development Agreement

- **Parties: City and person with legal or equitable interest in property**
- **Term: 25 years plus extensions**
- **Development Rights: Per Initiative**
- **Phasing: Order, rate and time at developer's sole discretion**

III. Contents of Initiative (cont.)

C. Development Agreement (cont.)

- **Exactions: Waiver of development impact fees**
- **Public Benefits: \$200M cap, public financing contingency**
- **Financing: 2% total cap on all taxes and assessments**
- **Fiscal Neutrality: Cooperate in good faith to achieve**
- **Transfer of Rights: Transfer rights without City approval**

III. Contents of Initiative (cont.)

D. Fiscal Impacts

- **Fiscal Neutrality**
 - **City resolution requires it**
 - **Initiative commits to “Good Faith Effort to Achieve”**
 - **No guarantees in Initiative**

III. Contents of Initiative (*cont.*)

D. Fiscal Impacts (*cont.*)

- **Impacts on Capital Budget**
 - **Public benefits broadly defined**
 - **Public benefits include improvements typically considered project requirements (e.g., neighborhood parks and on-site streets)**

III. Contents of Initiative (*cont.*)

D. Fiscal Impacts (*cont.*)

- **Impacts on Capital Budget (*cont.*)**
 - **Public benefits capped at \$200M (PV)**
 - **Contingent on 100% of available 80% non-housing tax increment financing**
 - **Contingent on Community Facilities District assessment financing**
 - **CEQA mitigations included in this amount**
 - **All assessment financing cannot exceed 2% levy on property**

III. Contents of Initiative (*cont.*)

D. Fiscal Impacts (*cont.*)

- **“Public Benefits” include:**
 - **Sports complex (\$50M)**
 - **Parks and open space (\$34.2M)**
 - **Seaplane lagoon frontage (\$24.5M)**
 - **Bay Trail extension (\$3.3M)**
 - **On-site and off-site traffic and transit improvements (\$223.7M)**
 - **Ferry terminal and transit hub (\$18M)**
 - **Upgrades to existing fire station (\$6M)**
 - **Branch library (\$12M)**

III. Contents of Initiative (cont.)

Table 2				
Exempted City Impact Fee/Exactions Description and Revenue				
Alameda Point Development Initiative				
	PURPOSE AND USE OF	EXEMPTED	RELEVANT ORDINANCE PROVIDED	PROJECT RELATED
FEE CATEGORY	FEE REVENUE	FEE REVENUE	EXEMPTIONS/CREDITS	BENEFITS
Affordable Housing Fee (AMC 27-1)	Housing requirement or fee levied on commercial development to mitigate the housing impacts caused by new commercial and industrial development.	\$10,990,000	Reduction, adjustment or waiver subject to Director of Development Services discretion, based on absence of reasonable relationship between impacts of development and amount of fee charged.	A minimum of 15 percent of housing in the project will be developed as affordable housing or approximately 652 units. This helps to meet a separate 25 percent CIC inclusionary requirement, not Affordable Housing Fee requirement.
Construction Improvement Tax (AMC 3-62)	Tax on all construction to provide General Fund revenue that may be used to defer any of the cost of municipal services generated by the development of property. These funds have historically been used to fund maintenance of streets, sidewalks, park facilities.	\$29,950,000	<u>Credits:</u> Persons who have entered into a development agreement approved by the Council wherein that person agrees to contribute to any of the costs associated with development shall receive a credit against this tax as provided in the agreement.	Developer agrees to cooperate in good faith in the implementation of the City's fiscal neutrality policy.
Dwelling Unit Tax (AMC 3-60)	Tax on all residential dwelling units to fund construction of a library facility (1/6 of funds) and park and recreation facilities, including real property (the balance of funds).	\$6,640,000	<u>Land Dedication In Lieu of Payment:</u> No person shall be required to both dedicate real property and also pay the tax for such improvement.	Included in \$200 million, which is contingent on commitment by City of public financing, developer expects to construct a branch library and 145 acres of park and open space.

III. Contents of Initiative (cont.)

Table 2 (cont.)				
Exempted City Impact Fee/Exactions Description and Revenue				
Alameda Point Development Initiative				
	PURPOSE AND USE OF	EXEMPTED	RELEVANT ORDINANCE PROVIDED	PROJECT RELATED
FEE CATEGORY	FEE REVENUE	FEE REVENUE	EXEMPTIONS/CREDITS	BENEFITS
Citywide Development Fee (AMC 27-3)	Fees charged to mitigate the impact of new and expanded development to pay for specific (1) traffic/safety and transportation; (2) parks and recreation facilities, (3) public facilities, and (4) public safety projects listed in Exhibit B of the Nexus Stud	\$34,130,000	<u>Credit:</u> Whenever a developer constructs a public facility described in Exhibit B to the CDF Nexus Study, which is determined by the City to have supplemental size, length or capacity over that needed for the impacts of that development, a reimbursement ag	Included in the \$200 million cap on public benefits, the Initiative identifies construction of the Alameda Point Sports Complex, and renovation of the Alameda Point Gym as public benefit projects; both facilities are on Exhibit B of the CDF Nexus Study.
Construction & Demolition Hauler Fee (AMC 21-20.3; 21-21.1-21.21.3)	Fee required to haul construction and demolition debris, which helps City fund recycling programs and impacts to streets due to hauling.	\$650,000	NONE	There is insufficient information in the Initiative to determine whether the project will fund the off-site reconstruction of any streets affected by the hauling of construction and demolition debris related to the development of the project.
TOTAL*		\$82,360,000		

* Developer eligible for credits for some portion of these fees in accordance with the City's existing ordinances, estimates to be approximately \$30 million.

III. Contents of Initiative (cont.)

D. Fiscal Impacts (cont.)

- **Impacts on Operational Budget**
 - **Estimated negative impact to Citywide operations and maintenance at buildout (\$4.8M annually)**
 - **2% cap on all taxes and assessments limits capacity to achieve fiscal neutrality**
 1. **Public safety services**
 2. **Maintenance and operations of public infrastructure, including on- and off-site public benefits**
 3. **Landscape and lighting**
 4. **Existing ad valorem and special taxes (e.g., hospital, school, sewer)**

III. Contents of Initiative *(cont.)*

E. Traffic

- **Traffic Analysis Components**
 - **Alameda County Congestion Management Agency (ACCMA) travel demand model**
 - **SYNCHRO operational model**
 - **URBEMIS model**

III. Contents of Initiative (*cont.*)

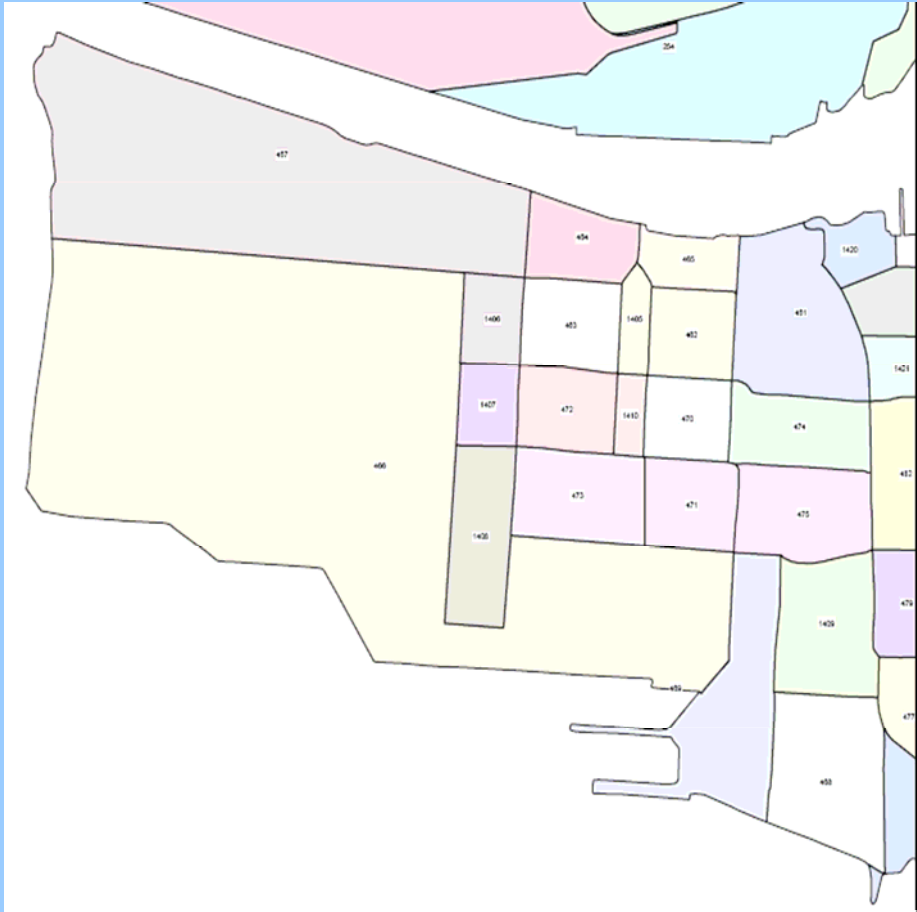
E. Traffic (*cont.*)

- **ACCMA Model**
 - **Input**
 - **Traffic Analysis Zones (TAZ)**
 - **Street & Transit Networks**
 - **ABAG Housing & Socioeconomic data**
 - **Proposed Land Uses**
 - **Street Capacity**

III. Contents of Initiative (cont.)

E. Traffic (cont.)

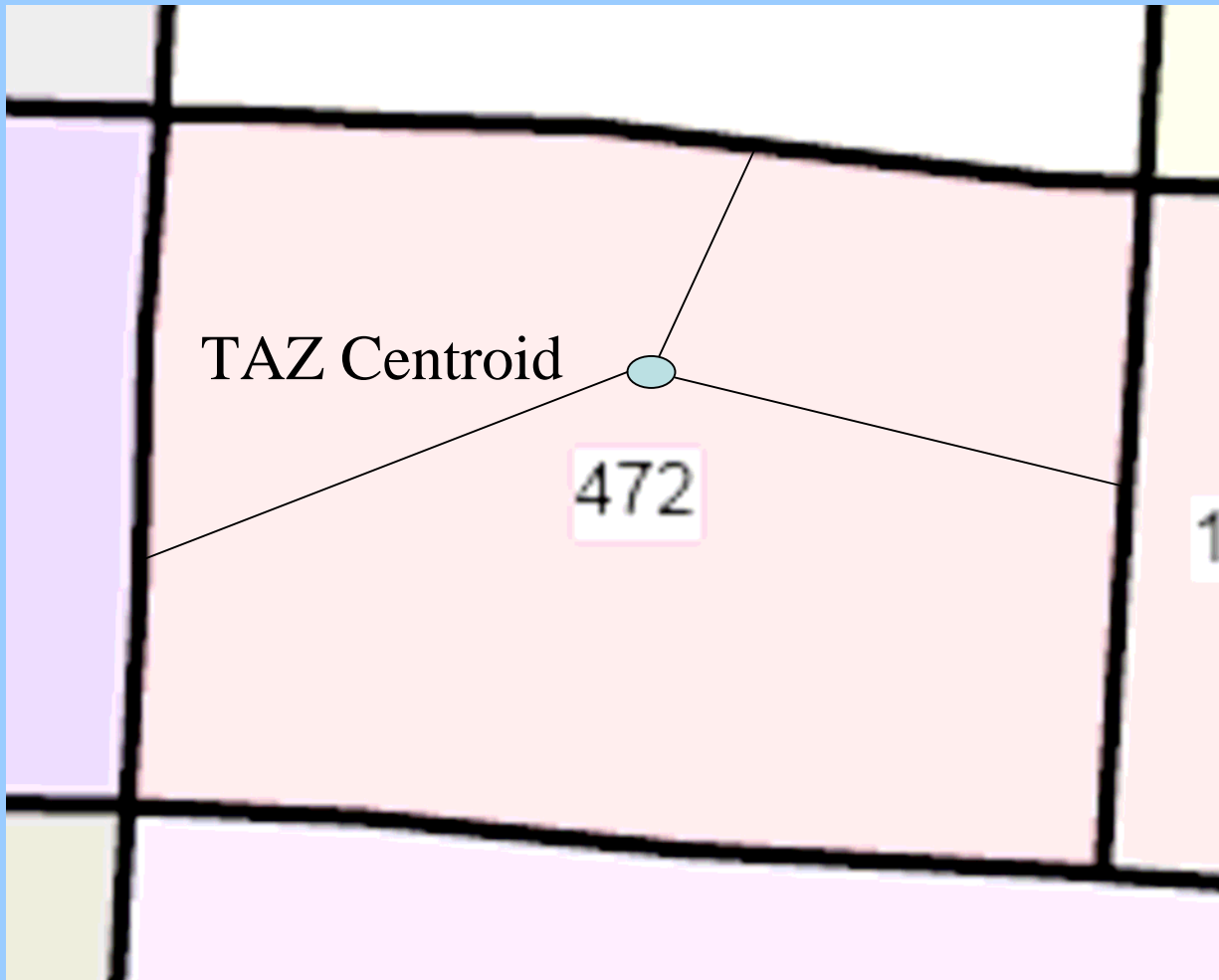
- **TAZ Map**



III. Contents of Initiative (*cont.*)

E. Traffic (*cont.*)

- TAZ Map



III. Contents of Initiative (*cont.*)

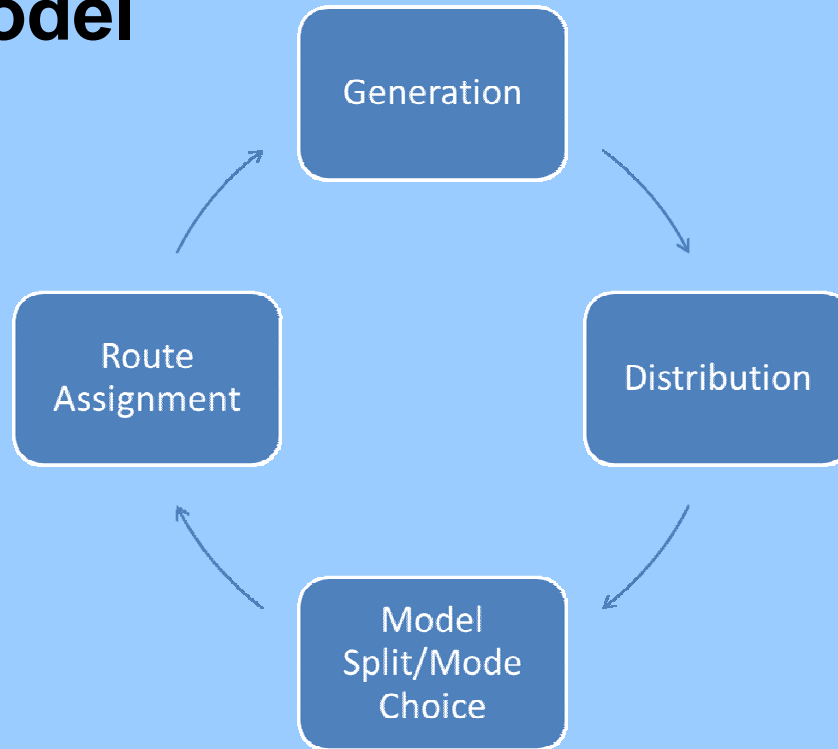
E. Traffic (*cont.*)

- **ACCMA Model**
 - **Output**
 - **Traffic volumes**
 - **Travel Time**
 - **Speed**

III. Contents of Initiative (*cont.*)

E. Traffic (*cont.*)

- **ACCMA Model**



4 Step Model for Traffic Assignment

III. Contents of Initiative (*cont.*)

E. Traffic (*cont.*)

- **SYNCHRO**
 - **Operational simulation model**
 - **Level of Service (LOS)**
 - **Queues**
 - **Delays**

III. Contents of Initiative (*cont.*)

E. Traffic (*cont.*)

- **URBEMIS**
 - **Traffic Model**
 - **Transportation Demand Management (TDM) program inputs**
 - **Calculates trip reductions for site specific TDM program**

III. Contents of Initiative (cont.)

E. Traffic (cont.)

- **Traffic Impact Analysis**
 - **Three Scenarios of 2035 Conditions:**
 1. **Existing General Plan (GP)
(2,000 HHs + 2.3M commercial s.f.)**
 2. **Initiative Proposed Project without TDM Measures**
 3. **Initiative Proposed Project with TDM Measures**

III. Contents of Initiative (*cont.*)

E. Traffic (*cont.*)

- **Studied Locations**
 - **Gateways**
 1. Webster/Posey Tubes
 2. Park Street
 3. High Street
 4. Miller-Sweeney Bridge

III. Contents of Initiative (cont.)

E. Traffic (cont.)

- **Studied Locations**
 - **Intersections**
 1. Webster Street/Ralph Memorial Appezzato Parkway
 2. Park Street/Clement Avenue
 3. Tilden Avenue/Fernside/Blanding
 4. Constitution Way/Marina Village Parkway
 5. Sherman Street/Buena Vista Avenue
 6. Park Street/Blanding Avenue
 7. Stargell Avenue/Webster Street
 8. Mariner Square Drive/Constitution Way

III. Contents of Initiative (*cont.*)

E. Traffic (*cont.*)

- **Performance Indicators**
 - **Gateways**
 - Traffic Volume
 - Volume-to-Capacity Ratio
 - Speed
 - Travel Time
 - **Intersections**
 - LOS
 - Delay
 - Queue Length

III. Contents of Initiative (cont.)

E. Traffic (cont.)

- **Traffic Volumes from AP (2035)**
 - **Existing (2007) = 10,284 vehicles per day (vpd)**
 - **Existing GP = 49,552 vpd**
 - **Proposed Project w/o TDM = 74,548 vpd**
 - **Proposed Project w/TDM = 61,560 vpd**

III. Contents of Initiative (cont.)

E. Traffic (cont.)

- **Commute Traffic Volume: Gateways**
 - **Morning Conditions**
 - **Increases 6.3 % for “Project with TDM”**
 - **Increases 8.1% for “Project w/o TDM”**
 - **Exceeds capacity for all scenarios - except Miller Sweeney bridge (Fruitvale)**
 - **Congestion in Tubes, diverts traffic to crossings, especially Park Street**

III. Contents of Initiative (cont.)

E. Traffic (cont.)

- **Commute Traffic Volume: Gateways**
 - **Evening Conditions**
 - **Increases by 4.2 % for “Project with TDM”**
 - **Increases by 5.3% for “Project w/o TDM”**
 - **Exceeds capacity for all scenarios - except Miller Sweeney bridge (Fruitvale)**
 - **Congestion in Tubes, diverts traffic to crossings, especially Park Street**

III. Contents of Initiative (*cont.*)

E. Traffic (*cont.*)

- **LOS: Intersections**
 - **Morning Conditions**
 - Same for “Existing GP” and “Project with TDM”
 - Increased delays for “Project with TDM” scenario may require additional TDM
 - **Evening Conditions**
 - Unacceptable at 2 intersections for “Project with TDM”
 - Increased delays for “Project with TDM” scenario

III. Contents of Initiative (*cont.*)

E. Traffic (*cont.*)

- **Queues**
 - **Morning Conditions**
 - Overall, no significant increase in queue lengths
 - Exceptions – Increased queues at 3 locations
 - Exception – Decreased queues at 1 intersection

III. Contents of Initiative (*cont.*)

E. Traffic (*cont.*)

- **Queues**
 - **Evening Conditions**
 - **Increased queue lengths at 4 intersections**
 - **Reduced queues at Constitution Way/Marina Village Parkway**

III. Contents of Initiative (cont.)

E. Traffic (cont.)

- **Travel Times**
 - **Greater for both peak hours for “Project with TDM”**
 - **Greatest for “Project without TDM”**
 - **Reverse commute stays the same or improves with “Project with TDM”**

III. Contents of Initiative (*cont.*)

E. Traffic (*cont.*)

- **Other Findings**
 - **For all performance indicators, “Project without TDM” generates greatest traffic impacts**
 - **“Project with TDM” reduces impacts, but has greater impacts than “Existing GP”**
 - **TDM program is essential to address project’s traffic impacts**
 - **No specific TDM program or monitoring is identified**

III. Contents of Initiative (cont.)

E. Traffic (cont.)

- **Other Findings**
 - **Undefined development phasing affects ability to develop an effective TDM program**
 - **TDM elements by future approvals of EIR and TDMP**
 - **\$200M public benefit cap may be insufficient to meet TDM needs**
 - **TDM operations and maintenance limited by 2% tax rate cap and may be insufficient to cover full costs**

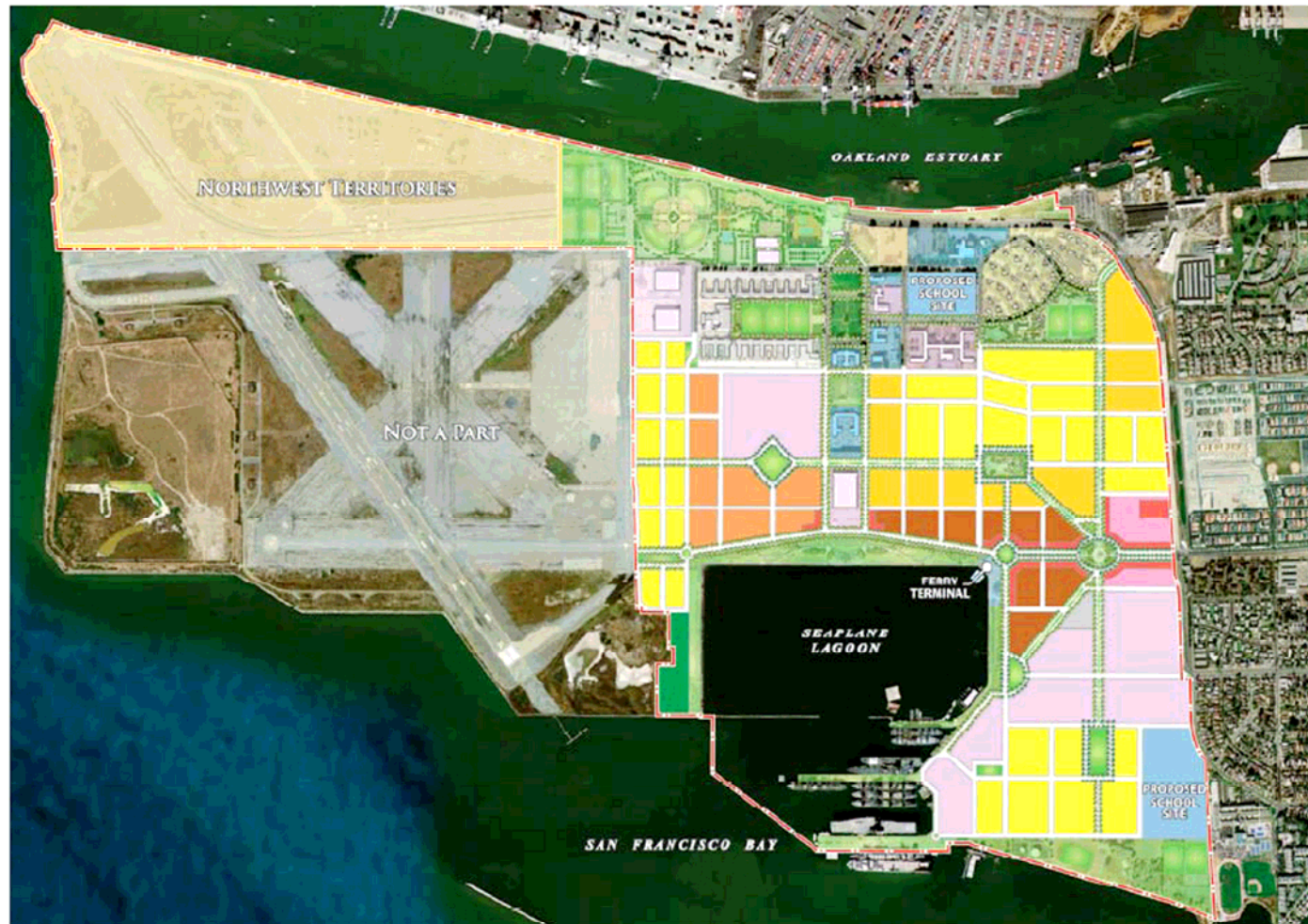
III. Contents of Initiative (cont.)

F. Schools

- **Two Potential School Sites Shown in Illustrative Plan**
- **Public Schools Are Permitted or Conditionally Permitted in All Land Use Categories, except Public Trust Areas**
- **Specific Plan, Chapter 1 States Civic Uses Include a School**
- **Specific Plan, Chapter 8 States the Plan Allows for an Elementary School**

III. Contents of Initiative (cont.)

F. Schools (cont.)



Illustrative Plan

Not to Scale



III. Contents of Initiative (*cont.*)

F. Schools (*cont.*)

- **Construction Costs**
 - **Planning, Design and Construction – AUSD**
 - **Potential Construction Funding Sources**
 1. **School mitigation fees (statutory requirement)**
 2. **Property assessments (within 2% cap)**
 3. **State match (only with increasing enrollment)**
 4. **General Obligation Bonds (AUSD debt service)**

III. Contents of Initiative (*cont.*)

F. Schools (*cont.*)

- **Operation Costs**
 - **Operations and Maintenance – AUSD**
 - **Potential O&M Funding Sources:**
 1. **State funding**
 2. **AUSD budget**
 3. **Property assessments (within 2% cap)**

IV. School Implications

IV. School Implications

- **AUSD Held Several Meetings with SunCal to Address School Impacts Given Preliminary Estimate of 1,650 Students (K-12) Generated by Project**
- **AUSD and SunCal Unable to Reach Agreement to Date**

IV. School Implications

- **Implications of Initiative**
 - **No guarantee that any schools will be built**
 - **Does not address how potential school sites will be determined**
 - **Sites shown may not be appropriate**
 - **Unclear how phasing and funding shortfalls for new facility construction will be addressed**
 - **School Mitigation Fees = \$25M (est.)**
 - **Total School Improvement Cost = \$90M (est.)**
 - **Potential Gap = \$65M**

V. Executive Summary

V. Executive Summary

- **Initiative Multi-Faceted in Components**
 - Land use program
 - Financing restrictions
 - Development approval process
- **Voters Approve Initiative as Written**

V. Executive Summary

- **Side-Agreements/Amendments Do Not “Trump” the Initiative**
- **Unclear as to Whether any RDA Provisions Can Be Legally Included in Development Initiatives**
- **Negotiated DDA vs. Approved Voter Initiative**