

CITY OF ALAMEDA PLANNING BOARD  
RESOLUTION NO. PB-20-01

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA RECOMMENDING THE CITY COUNCIL APPROVE PARCEL MAP NO. 11038 (PLN19-0501) TO SUBDIVIDE SIX PARCELS COMPRISING APPROXIMATELY 22.86 ACRES LOCATED AT 2800 FIFTH STREET INTO FOUR PARCELS.

WHEREAS, an application was made on October 10, 2019, by Catellus Alameda Development LLC to subdivide six parcels comprising approximately 22.86 acres into four parcels within the Alameda Landing Waterfront Residential project at 2800 Fifth Street; and

WHEREAS, this application was accepted as complete on January 14, 2020; and

WHEREAS, the subject property is designated as Mixed Use on the General Plan Diagram; and

WHEREAS, the subject property is located in a M-X, Mixed-Use Zoning District; and

WHEREAS, on December 5, 2006, the City Council certified by Resolution No. 14047 the Final Supplemental Environmental Impact Report for the Alameda Landing Mixed Use Development Project ("2006 Supplemental EIR", a Supplement to the 2000 Catellus Mixed Use Development Project EIR) in accordance with the California Environmental Quality Act (CEQA) (State Clearinghouse #2006012091). The City has prepared several addenda to the 2006 SEIR in 2007, 2008, 2012 and 2017; and

WHEREAS, on January 2, 2007, the City Council adopted Ordinance 2957 for the Alameda Landing/Bayport Mixed Use Development Master Plan Amendment; and

WHEREAS, on September 5, 2017, the City Council adopted Ordinance No. 3188 amending the Alameda Landing Master Plan and approved an Addendum to the Supplemental EIR. The Addendum concluded that the environmental effects associated with the Master Plan Amendment were within the scope of the analysis in the 2006 Supplemental EIR and no further environmental review was required; and

WHEREAS, on September 10, 2018, the Planning Board approved the Design Review for the 4.5 acre Alameda Landing Waterfront Park; and

WHEREAS, on June 10, 2019, the Planning Board approved Design Review for the northern extension of Fifth Street connecting Mitchell Avenue to the entrance of the Waterfront Park; and

WHEREAS, the Planning Board held a public hearing on October 14, 2019 and approved Resolution PB-19-21 for a Final Development Plan (PLN19-0368), and Resolution No. PB-19-22 for a Tentative Map to construct 357 residential units and 5,000-square-feet of commercial space and associated site improvements on 17.2-acres within the subject site; and

WHEREAS, the Planning Board held a public hearing on December 9, 2019 and approved Resolution No. PB-19—27 for Design Review Approval for the 69 residential buildings within the residential development on 17.2-acres within the subject site; and

WHEREAS, subdivision of the property will facilitate the development of the Alameda Landing Master Plan consistent with the General Plan and approved Development Plan; and

WHEREAS, the Planning Board held a public hearing on January 27, 2020 for this Parcel Map application, and examined pertinent maps, drawings, and documents, and recommended the City Council approve Parcel Map No. 11038 to allow the subdivision of 6 parcels comprising approximately 22.86 acres into 4 parcels.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the subject Parcel Map is consistent with the General Plan, Alameda Municipal Code (AMC), and Master Plan requirements for the property; and

BE IT FURTHER RESOLVED, the Planning Board finds the subject Parcel Map is exempt from environmental review pursuant to CEQA Guidelines Section 15315, which categorically exempts minor land divisions. As a separate and independent basis, the 2006 Final Supplemental Environmental Impact Report was certified in accordance with the California Environmental Quality Act for the Alameda Landing Mixed Use Development (State Clearinghouse #2006012091, "Previous CEQA Document") and no further environmental review is required; and

BE IT FURTHER RESOLVED, pursuant to AMC Section 30-78.5, the Planning Board makes the following findings relative to the proposed Parcel Map Application PLN19-0501:

- A. **The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, Zoning, Development Plan, and Master Plan for this site.** The Parcel Map is consistent with the Mixed-Use General Plan designation and M-X, Mixed-Use zoning regulations for the property. The proposed Parcel Map would allow the construction of the Alameda Landing Waterfront Residential Development consistent with the Alameda Landing Master Plan and the Alameda Landing Mixed-Use Waterfront Development Plan.
- B. **The site is physically suitable for the type and proposed density of the development.** The proposed subdivision is designed to conform to the Alameda Landing Master Plan and the Alameda Landing Waterfront Mixed-Use Development Plan standards and requirements adopted to ensure that the project would be compatible with adjacent uses. The proposed subdivision is consistent with density standards of the General Plan, Zoning Ordinance, and the Alameda Landing Master Plan. This map will not change the previously approved Final Development Plan and Design Review, which was found to be consistent with development standards for the M-X zoning district and the Mixed-Use designation of the General Plan.
- C. **The design of the subdivision and proposed improvements, as conditioned, will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.** The development of the site will not introduce hazards that are inconsistent with standard mixed-use development within the M-X zoning district and the Mixed-Use General Plan designation. The previously approved Final Development Plan and Design Review had conditions of approval to ensure that no unintended environmental damage or exposure of future occupants to environmental dangers could occur. The proposed Parcel Map implements and supports the Alameda Landing Master Plan, which included conditions of approval to ensure that no unintended environmental damage could occur. The Master Plan was fully considered in the Previous CEQA Document.

- D. **The design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the subdivision.** All required easements are to be retained.
- E. **The design of the subdivision and its improvements will not cause serious public health problems.** The previously approved Final Development Plan and Design Review includes conditions that assure the property is free of hazardous materials and would not adversely affect public health; and

BE IT FURTHER RESOLVED, that the Planning Board hereby recommends the City Council approve Parcel Map No. 11038; subject to the following conditions.

1. All maps filed pursuant to this approval shall be in substantial compliance with the Parcel Map titled, "Parcel Map 11038" prepared by BKF Engineers, date stamped received January 14, 2019, and on file in the office of the Alameda Planning, Building and Transportation Department.
2. The Parcel Map shall be in substantial compliance with the approved development plan and Master Plan.
3. The Parcel Map shall show all existing and proposed easement locations, uses and recording information. The Owner's Statement shall list all easements to be dedicated and the Certificate of City Clerk shall list all public easements to be abandoned with recording information as part of the Parcel Map. In addition, the following is required as part of the Parcel Map approval;
  - a. Prior to City Council approval of the Final Map, the applicant shall submit a mylar copy and a CAD file of the Final Map, or another file format, to the satisfaction of the City Engineer.
  - b. A refundable cashier's check in the amount of \$400 to guarantee a mylar copy of the recorded Parcel Map
  - c. Payment for all reasonable office and engineering costs, including overhead, in conjunction with reviewing the Parcel Map.
4. The Applicant shall submit for review and approval construction Improvement Plans for all on- and off-site improvements, including design calculations, for all improvements, as applicable. The plans shall be prepared, signed, and stamped as approved by a registered civil engineer licensed in the State of California. The Improvement Plans shall be approved by the Public Works Department prior to approval of the Final / Parcel Map or issuance of a Building Permit for the development.
5. The Applicant shall enter into a Subdivision Improvement Agreement with the City, pay all fees, and provide a security in a form and amount acceptable to the City prior to approval of parcel/final map.
6. **HOLD HARMLESS.** The Applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board, the City Council 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, the City Council and their respective agents, officers, or employees to

attack, set aside, void or annul, an approval by the City of Alameda, the Planning, Building & Transportation Department, Alameda City Planning Board, the City Council related 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. 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. 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 protect 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.

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 filing with the Planning, Building & Transportation Department a written notice of appeal stating the basis of appeal and paying the required fees.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 27th day of January 2020, by the following vote to wit:

AYES: (5) Cavanaugh, Curtis, Hom, , Saheba, and Teague

NOES: (0)

ABSENT: (2) Rothenberg and Ruiz

ATTEST:

  
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Allen Tai, Secretary  
City of Alameda Planning Board

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**CITY OF ALAMEDA PLANNING BOARD  
RESOLUTION NO. PB-20-02**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING USE PERMIT APPLICATION NO. PLN18-0562 FOR THE OPERATION OF AN ANIMAL SHELTER AND TWO SUPERVISED OUTDOOR DOG RUNS AT 2331 NORTH LOOP ROAD

WHEREAS, on December 20, 2018, the project applicant, Friends of the Alameda Animal Shelter (FAAS), submitted an application for Planned Development Amendment, Final Development Plan, Design Review, and Use Permit to construct and operate an approximately 12,000 square foot animal shelter with two supervised outdoor dog runs at 2331 North Loop Road; and

WHEREAS, the subject property is located in the Harbor Bay Business Park, and designated as Business Park on the General Plan Diagram; and

WHEREAS, the subject property is located in the C-M-PD, Commercial Manufacturing - Planned Development Zoning District; and

WHEREAS, the Planned Development for the Harbor Bay Business Park was approved by PD-81-2 (Resolution No. 1203), and subsequently amended by PDA-85-4 and PDA05-0003; and

WHEREAS, upon review of submittal application materials, it was determined that the proposed location of an animal shelter with supervised outdoor dog runs within 200 feet of a residential district would necessitate an amendment to the C-M zoning district use regulations; and

WHEREAS, on June 10, 2019 the Planning Board approved the Planned Development Amendment, Final Development Plan, and Design Review for the construction of an approximately 12,000 square foot, two-story building with associated site improvements at 2331 North Loop Road; and

WHEREAS, the City Council adopted Ordinance No. 3248 on September 3, 2019, which amended Alameda Municipal Code (AMC) Chapter 30 (Development Regulations) to modify the definition of "animal shelters," and to allow animal shelters, veterinary hospitals, and supervised outdoor dog runs within 200 feet of any residential district as conditionally permitted uses within the C-M zoning District; and

WHEREAS, the Zoning Administrator held a duly noticed hearing on October 21, 2019 for the project and examined pertinent maps, drawings, and documents; and

WHEREAS, at the October 21, 2019 Zoning Administrator hearing neighbors to the project expressed concerns over the proximity of the outdoor dog runs to their homes; and

WHEREAS, the Zoning Administrator referred the project to the Planning Board in accordance with AMC Section 30-4.21.a; and

WHEREAS, the Planning Board held a duly noticed public hearing on January 27, 2020 for the Project and examined pertinent maps, drawings, and documents.

NOW THEREFORE, BE IT RESOLVED, that the Planning Board finds this project is categorically exempt from environmental review pursuant to CEQA Guidelines Section 15332 – Infill Development, and finds that none of the exceptions to the categorical exemptions apply:

1. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The project is consistent with Alameda Municipal Code (AMC) Section 30-4.10, which allows animal shelters and outdoor animal runs as a conditionally permitted use.
2. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounding urban uses. The property is approximately 0.5 acre, is located entirely within city limits, and all neighboring properties have been developed.
3. The project has no value as habitat for endangered, rare, or threatened species. A burrowing owl study of the property was conducted on March 11, 2019 as part of the review process for the previously approved Planned Development Amendment, Final Development Plan, and Design Review, and found no evidence of use of the site as habitat for burrowing owls.
4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The noise from operation of an animal shelter with outdoor dog runs is not a significant environmental impact in the context that the site is located within a major airport environment. Furthermore, the project is conditioned to minimize noise impacts by requiring all dogs be boarded indoors (the building will be constructed to insulate building occupants from nearby airport noise) and supervised at ratio of one animal shelter staff member per dog when outdoors. The project is conditioned to observe a 3-dog limit for the rooftop dog run and a 4-dog limit for the ground level dog run. The project also requires animal shelter staff remedy prolonged or excessive barking within a reasonable time. The proposed animal shelter and outdoor animal runs will not increase traffic or impact air and water quality.
5. The site can be adequately served by all required utilities and public services. The property is located within an urban business park that is served by existing utilities and services; and

BE IT FURTHER RESOLVED, that the Planning Board finds as a separate and independent basis, the project is also exempt from CEQA pursuant to CEQA Guidelines Section 15183 (projects consistent with General Plan and Zoning); and

BE IT FURTHER RESOLVED that the Planning Board makes the following findings relative to the use permit application (PLN18-0562):

1. **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 animal shelter is compatible with the surrounding office park and adjacent residential neighborhood. The building has been conditioned to provide sound attenuation measures as a result of its location along the flight path for the nearby airport. This requirement is expected to provide the added benefit of ensuring that indoor noises, where animals will spend most of their time, will be kept at a reasonable volume. The outdoor dog runs will be limited to an approximately 1,000 square foot roof patio with no more than three dogs allowed concurrently, and a 1,700 square yard area with no more than four dogs will be allowed. Use of each outdoor run will require supervision by animal shelter staff at a ratio of one animal shelter staff member per animal. As conditioned, animal shelter staff shall promptly

clean and properly dispose of animal waste. Therefore, the proposed project, with conditions of approval, will be compatible with the adjacent surrounding development.

2. **The proposed use will be served by adequate transportation and service facilities, including pedestrian, bicycle, and transit facilities.** The business park is in an urban area with adequate transportation and service facilities. The applicant will develop a vacant lot within the business park and make improvements to the project frontage that is required for all development in Alameda. The proposed parking lot and shared parking agreement with a nearby property owner will provide adequate parking facilities for the project. Furthermore, the project will continue to provide access between the adjacent lagoon and North Loop Road, allowing access to the shoreline trail. The project will provide both long term and short term bike parking for employees and visitors to the facility.
3. **The proposed use, 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 deleterious effects on existing business districts or the local economy.** The proposed Project will not adversely impact surrounding land uses, including the residential neighborhood directly adjacent to the property. All animals will be boarded indoors, and the building will be constructed to insulate building occupants from nearby airport noise. The sound insulation is expected to provide a benefit of ensuring that noise from the inside of the building will be kept at a reasonable volume. Outdoor animal runs will be used under staff supervision, who will monitor the behavior of animals, promptly collect waste, and remedy prolonged and excessive dog barking. Thus, unleashed dogs will only be permitted in each of the two outdoor animals runs for a maximum of seven dogs at any given time, subject to hours of operation (*i.e.*, between the hours of 8:00 A.M. and 8:00 P.M.), and will be leashed and supervised when outdoors at all other times. Compliance with the conditions of approval will further minimize the possibility of noise and odor nuisances on adjacent properties.
4. **The proposed use relates favorably to the General Plan.** The project is consistent with Policy SN-55 of the Safety and Noise Element, which encourages the City utilize the development entitlement process to require local businesses to reduce noise impacts on the community by following operating procedures that limit the potential for conflicts. General Plan Policy 2.5.a also calls for supporting services to provide Alameda residents with a full range of services. The proposed animal shelter is consistent with this policy; and

BE IT FURTHER RESOLVED, that the Planning Board approves file no. PLN18-0562 for a Use Permit for an indoor animal shelter, veterinary services, and supervised outdoor animal run at 2331 North Loop Road, subject to the following conditions:

1. **Uses Approved:** This use permit approves the following uses on the property:
  - a. Indoor animal shelter, with a maximum number of 14 dogs.
  - b. Veterinary services for animal shelter animals, but not as a service to the general public.
  - c. Two outdoor animal runs including an approximately 1,000-square-foot area on the roof of the building and an approximately 1,700-square-foot area at ground level in the northern corner of the property.
2. **Supervision Required:** The use of any outdoor run shall be under the supervision of animal shelter staff at all times, at a ratio of one animal shelter staff member per animal. The applicant will make reasonable efforts to reduce noise disturbances as defined by applicable law, from prolonged or excessive barking, including removal of dogs from outdoor runs within a reasonable time.

3. Animal Run Limits: There shall be no more than three (3) dogs in the roof animal run at any given time, and no more than four (4) dogs in the ground level animal run at any given time.
4. Sanitation: Animal shelter staff shall make reasonable efforts to promptly clean up and properly dispose of animal waste in any outdoor area onsite to avoid odor nuisances and unsanitary conditions.
5. Leash Requirement: Supervised and unleashed activity shall only be permitted between 8am and 8pm, and animals shall be leashed and supervised when outdoors at all other times.
6. Noise Ordinance: The applicant shall ensure that all operations are conducted in conformance with the Noise Ordinance, AMC Chapter 4, Article II.
7. Compliance with All Applicable Laws: The approved uses are subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies.
8. Annual Review: One year after the issuance of a Certificate of Occupancy, staff shall present to the Planning Board a summary of any noise complaints filed against the project in regards to the operation of the outdoor animal runs.
9. Compliance with Plans. Any modification on this site shall be in substantial compliance with the Use Permit application prepared by Forge Architecture date-stamped received April 16, 2019, on file in the City of Alameda Planning, Building and Transportation Department, except as modified by the conditions listed in this report.
10. Changes to Approved Plans: This approval is limited to the scope of the project defined in the project description and does not represent a recognition and/or approval of any work completed without required City permits. Any changes to the approved scope of the project shall be submitted to the Planning, Building and Transportation Department for review and approval.
11. Vesting: The Use Permit approval shall expire two (2) years after the date of approval or by **January 27, 2022** unless authorized construction or use of the property has commenced. The applicant may apply for a time extension, not to exceed two (2) years. An extension request will be subject to approval by the Zoning Administrator and must be filed prior to the date of expiration.
12. Revocation: Upon receipt of three valid noise complaints due to the use of the outdoor animal runs the Planning Board shall conduct a revocation hearing. A valid noise complaint shall be determined by the responding City official based on the guidelines set forth by Alameda Municipal Code (AMC) Section 4-10.8 or through California Penal Code 415 (Crimes Against the Public Peace) and confirmed by the Planning Director. This Use Permit may be modified or revoked by the Zoning Administrator, pursuant to Alameda Municipal Code Section 30-21.3d should the Zoning Administrator determine any one of the following: 1) the use or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity; 2) the property is operated or maintained so as to constitute a public nuisance; or 3) the use is operated in violation of the conditions of the Use Permit.

HOLD HARMLESS. The Applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board, City Council 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, City Council and their respective agents, officers, or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Planning, Building & Transportation Department, Alameda City Planning Board, or City Council related 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. 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.

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 filing with the Planning, Building & Transportation Department a written notice of appeal stating the basis of appeal and paying the required fees.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 27th day of January 2020, by the following vote to wit:

AYES: (5) Cavanaugh, Curtis, Hom, Saheba, and Teague

NOES: (0)

ABSENT: (2) Rothenberg, Ruiz

ATTEST

  
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Allen Tai, Secretary  
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-20-03**

APPROVING DESIGN REVIEW (PLN20-0017) FOR THE SITE A BLOCK 11 LANDSCAPING PLAN IN THE WATERFRONT TOWN CENTER PLAN AREA AT ALAMEDA POINT

WHEREAS, on March 14, 2016, the Planning Board adopted Resolution No. PB-16-05 approving Design Review application PLN15-0453 for design review approval of a mixed-use building, referred to as "Block 11," and the adjacent waterfront street within the approved Site A Development Plan in the Waterfront Town Center Precise Plan (Town Center Plan) area of the Alameda Point property; and

WHEREAS, on December 9, 2019, the Planning Board approved an amendment to the Design Review for Block 11 and directed the applicant, Alameda Point Partners (APP), to submit revised landscape plans for subsequent review and approval; and

WHEREAS, on January 8, 2020, the applicant submitted a landscape plan for Block 11 consistent with the December 9, 2019 Planning Board Design Review approval for the Block 11 building; and

WHEREAS, Block 11 is designated as Mixed Use in the General Plan; and

WHEREAS, Block 11 and the adjacent waterfront street is located within the Alameda Point Waterfront Town Center Sub-district (WTC Sub-district), which is in the Alameda Point District [Alameda Municipal Code (AMC) 30-4.24] of the Zoning Ordinance; and

WHEREAS, the Town Center Plan is a Specific Plan adopted 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, Block 11 is located within the Site A Development Plan approved by the City Council on June 16, 2015; and

WHEREAS, the Town Center Plan and the Site A Development Plan require that the Planning Board approve a Design Review application prior to redevelopment and reuse of Block 11; and

WHEREAS, the Planning Board held a public hearing on January 27, 2020 to consider the landscape plans for the Block 11 project, and examined pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the following findings can be made in support of the Design Review approval:

## DESIGN REVIEW FINDINGS:

- 1. The proposed design is consistent with the General Plan, Zoning Ordinance, Town Center Plan, approved Site A Development Plan, and the City of Alameda Design Review Manual.** The proposed landscape design supports a multi-family building at the heart of the commercial center within Alameda Point's "town center." The landscape design enhances the public sidewalk along Block 11, reinforcing a pedestrian-oriented higher density mixed-use living environment consistent with the General Plan, Zoning Ordinance, Town Center Plan, Site A Development Plan, and City of Alameda Design Review Manual. The proposed landscape plans are also consistent with the Zoning Ordinance requirements for landscaping, including use of native and drought-tolerant plants while meeting state water usage requirements.
- 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 landscape design is compatible with the adjacent Block 11 building and surroundings. The proposed landscape plan includes two types of small trees and a variety of shrubs. The plants were selected according to suitability for use in public spaces as they appear between the building edges and the public sidewalks. These plants were chosen based on durability, color, and overall visual interest. For example, the north and east sides of the building feature blank walls articulated with vine planting. The proposed vines include the Evergreen Clematis and Purple Tiger Passion Vine, which are species known for expansive growth appropriate to cover the large wall sections. Overall, the plan contains approximately 30% native plants and 60% drought-tolerant plants, consistent with Bay-Friendly Landscape Guidelines.
- 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 landscape design features a variety of small trees and shrubs that enhance the appearance of the public spaces around the Block 11 site. The plants were selected according to suitability for use in public spaces as they appear between the building edges and the public sidewalks. These plants were chosen based on durability, color, and overall visual interest. Plants appear in a number of colors that add to the visual interest of the Art Moderne Block 11 building architecture; and

BE IT FURTHER RESOLVED, that the Planning Board finds that approval of the Approval of the landscape plan for the Block 11 is not subject to CEQA under *McCorkle Eastside Neighborhood Group v. City of St. Helena* (2018) 31 Cal.App.5th 80, which found that design review for by-right projects is a ministerial decision under Public Resources Code section 21080.

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda hereby approves Design Review PLN20-0017, subject to the following conditions:

- 1. Building and Site Improvement Permit Plans:** The plans submitted for Building and

Site Improvement Permits shall be in substantial compliance with the plans prepared by Fletcher Studios dated January 7, 2020, on file in the office of the City of Alameda Planning, Building, and Transportation Department.

2. Repackaged Design Review Plan Set: Prior to submittal of building permits, the applicant shall submit for City record-keeping a complete, repackaged set of Design Review plans for Block 11 that contain only the information for the approved project (omitting comparison drawings and details of the superseded project), and including the subject landscape plans, to the satisfaction of the Planning Director.
3. WELO. Final plans submitted for building permits shall demonstrate compliance with the Water Efficiency Landscape Ordinance requirements in Alameda Municipal Code (AMC) Section 30-58 as mandated under state law.
4. Modifications: Minor project design details requested by the applicant may be established, modified, and approved by the Planning, Building, and Transportation Director or his/her designee. Major modifications that are not consistent with this design review approval or these conditions shall be subject to review and approval of the Planning Board.
5. Maintenance: Maintenance of improvements, including landscape improvements, not within the public right-of-way shall be the responsibility of the new development.
6. HOLD HARMLESS. The applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Council, 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 Council, 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, the Planning, Building, and Transportation Department, Alameda City Planning Board, the City of Alameda 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. 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.

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 filing with the Planning, Building, and Transportation Department a written notice of appeal stating the basis of appeal and paying the required fees.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 27th day of January 2020, by the following vote to wit:

AYES: (5) Cavanaugh, Curtis, Hom, Saheba, and Teague

NOES: (0)

ABSENT: (2) Rothenberg, Ruiz

ATTEST:



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Allen Tai, Secretary  
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-20-04**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA ADOPTING  
OBJECTIVE DESIGN REVIEW STANDARDS

WHEREAS, the State of California and the City of Alameda face an unprecedented housing shortage and affordability crisis. In 2019, the Legislature concluded that “California has a housing supply and affordability crisis of historic proportions”; and

WHEREAS, the Housing Accountability Act, Government Code section 65589.5, restricts the City of Alameda’s ability to deny or reduce the density of all housing development projects (including residential development, transitional and supportive housing, and residential mixed used development) that are consistent with objective development standards; and

WHEREAS, Senate Bill (SB) 35, Government Code section 65913.4, establishes a developer-initiated process to streamline the approval process for housing developments (i.e., those proposing two or more multifamily units) meeting specific criteria, including affordable housing requirements and labor requirements. Such housing projects will be eligible for ministerial approval, which means the project is exempt from environmental review under CEQA and will only be subject to “objective” planning standards; and

WHEREAS, the City Planning Board seeks to adopt objective standards, i.e., measurable and clear criteria, to facilitate and accommodate development at the density permitted on the site and proposed by the development, in accordance with State law; and

WHEREAS, such Objective Design Review Standards (“Objective Standards”) will be applicable to housing development projects, as defined by the Housing Accountability Act, and as mandatory standards for all qualifying projects seeking streamlined, ministerial review under SB 35; and

WHEREAS, the Objective Standards primarily consist of design guidelines already contained in adopted City planning documents, and will complement the existing Citywide Design Review Manual in furtherance of the goals, policies, and actions of the General Plan, which encourage high quality design and the quality of life that an enhanced built environment fosters; and

WHEREAS, as an alternative, any developer of a housing development project seeking exceptions to the Objective Standards may proceed with the City’s existing discretionary design review process; and

WHEREAS, on September 23, 2019 and February 10, 2020, the Planning Board held duly noticed public hearings and received testimony related to the Objective Design Review Standards.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board finds the adoption of the Objective Design Review Standards is exempt from CEQA, pursuant to CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that there is no possibility that this action may have a significant impact on the environment. As an independent and separate basis, the Planning Board finds the adoption of objective design review standards is exempt from CEQA pursuant to CEQA Guidelines section 15183, projects consistent with a community plan, general plan or zoning; and

BE IT FURTHER RESOLVED, the Planning Board of the City of Alameda hereby adopts this resolution adopting the Objective Design Review Standards, dated 2/10/2020, attached as Exhibit 1 to the staff report and incorporated by reference as though fully set forth herein, subject to the following conditions:

1. Effective Date. This resolution shall take effect immediately upon its adoption.
2. Additions and Deletions. Any future substantial amendments to the Objective Design Review Standards shall be presented to the Planning Board for consideration.
3. Revisions by Planning Director. The Planning Board hereby delegates responsibility to the Planning Director, or his/her designee, to make miscellaneous minor administrative, clarifying, and technical revisions that facilitate implementation of the adopted standards. Examples of such revisions include word substitutions for clarification purposes, changes to graphics, formatting, and other typographical changes that do not substantially alter the intent, meaning, or purpose of any particular standard.
4. Revisions and Six Month Review. Upon six months after the adoption of these Standards, or later if necessary to obtain public comment, the Planning Director shall report back to the Planning Board with the following:
  - Input from the West Alameda Business Association on specific standards for Webster Street
  - Specific standards for other historic areas such as Park Street, as appropriate
  - Refinement of Neighborhood Context standards, distances, and applicable measurements
  - Input from affordable housing developers on the cost of implementing the Standards

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

The decision of the Planning Board shall be effective unless appealed to the City Council, in writing and within ten (10) days of the decision, by filing with the Planning, Building, and Transportation Department a written notice of appeal stating the basis of appeal and paying the required fees.

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 filing with the Planning, Building & Transportation Department a written notice of appeal stating the basis of appeal and paying the required fees.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 10th day of February 2020, by the following vote to wit:

AYES: (5) Cavanaugh, Hom, Rothenberg, Ruiz, Saheba, and Teague  
NOES: (0)  
ABSENT: (1) Curtis

ATTEST:



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Allen Tai, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-20-05**

RESCINDING RESOLUTION PB-16-06 AND APPROVING DESIGN REVIEW AMENDMENT (PLN19-0556) TO PREVIOUSLY-APPROVED DESIGN REVIEW (PLN16-0036) FOR THE PHASE 1 WATERFRONT PARK WITHIN THE SITE A DEVELOPMENT PLAN IN THE WATERFRONT TOWN CENTER PLAN AREA AT ALAMEDA POINT

WHEREAS, on March 14, 2016, the Planning Board adopted Resolution No. PB-16-06 approving Design Review application PLN16-0036 for Phase 1 of the Waterfront Park, which consists of a 2.63-acre waterfront park along the northern edge of the Seaplane Lagoon, including expensive shoreline and flood protection improvements, within the approved Site A Development Plan in the Waterfront Town Center Precise Plan (Town Center Plan) area of the Alameda Point property; and

WHEREAS, on October 28, 2019, the applicant, Alameda Point Partners (APP), filed an application to amend the March 14, 2016 design review approval; and

WHEREAS, the Phase 1 Waterfront Park represents the first phase of a larger 7.2-acre waterfront park along the northern edge of the Seaplane Lagoon and is designed to meet the design objectives established by the Alameda community through the Community Reuse Plan, the General Plan, the Town Center Plan, the Site A Development Plan, and the cultural landscape guidelines for the Naval Air Station Alameda Historic District (Historic District); and

WHEREAS, the Phase 1 Waterfront Park is designated as Mixed Use in the General Plan; and

WHEREAS, the Phase 1 Waterfront Park is located within the Alameda Point Waterfront Town Center Sub-district (WTC Sub-district); which is in the Alameda Point District [Alameda Municipal Code (AMC) 30-4.24] of the Zoning Ordinance; and

WHEREAS, the Town Center Plan is a Specific Plan adopted 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 Phase 1 Waterfront Park is located within the Site A Development Plan approved by the City Council on June 16, 2015; and

WHEREAS, the Town Center Plan and the Site A Development Plan require that the Planning Board approve a Design Review application prior to redevelopment and reuse of the Phase 1 Waterfront Park; and

WHEREAS, the Planning Board held a study session on September 9, 2019 and two duly noticed public hearings on December 9, 2019 and February 24, 2020 for this Design Review Amendment application, and examined pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the following findings can be made in support of the Design Review Amendment approval:

DESIGN REVIEW FINDINGS:

- 1. The proposed design is consistent with the General Plan, Zoning Ordinance, Town Center Plan, approved Site A Development Plan, and the City of Alameda Design Review Manual.** The proposed design of a waterfront park along the northern edge of the Seaplane Lagoon at the heart of the commercial center and at the terminus of a major transit corridor within Alameda Point's "town center" creates a community-wide amenity for existing and future residents and employees at Alameda Point and throughout the City of Alameda, and supports a transit-and pedestrian-oriented mixed-use living environment consistent with the General Plan, Zoning Ordinance, Town Center Plan, Site A Development Plan, and City of Alameda Design Review Manual. The proposed design review amendment consists of minor changes to surface materials, tree types, stormwater treatment, and site furnishings. These changes are consistent with the original approved park layout and configuration and do not significantly change the park design or its consistency with the General Plan, Zoning Ordinance, Town Center Plan, approved Site A Development Plan, 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 Phase 1 Waterfront Park is designed to provide a variety of public spaces for passive recreation and opportunities for the public to enjoy the waterfront location and special events, and appreciate the views of the San Francisco skyline and the historic row of Seaplane Hangar buildings at the entrance to the Historic District, along the northern edge of the Seaplane Lagoon. The urban character and hardscape promenade proposed for the design of the Phase 1 Waterfront Park and the adjacent shared waterfront street to the east provide a transition between the urban fabric of Block 11 and the rest of Alameda Point to the east and the more natural and passive environment planned for the future phases of waterfront park along the Seaplane Lagoon to the west. The proposed design review amendment consists of minor changes to surface materials, tree types, stormwater treatment, and site furnishings. These changes are consistent with the original approved park design and the resulting park will remain compatible with surrounding uses.
- 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 design of the Phase 1 Waterfront Park is compatible with the existing buildings and cultural landscape within the Historic District and the adjacent Site A development. The design of the Phase 1 Waterfront Park pays homage and respect to the historic cultural landscape elements of the former NAS Alameda by painting a timeline along the major east west gathering area into the concrete to remind and educate the public about the history of the site and the Historic District. The tree plantings are strategically placed to preserve important view corridors, and revision from structured terraces to two gently-sloped

terraces maintain the flat "openness" character of the historic taxiways. The Phase 1 Waterfront Park will provide a landscape transition between the Historic District to the west and the non-historic portions of Alameda Point and Site A to the east consistent with the Historic District guidelines. While the Phase 1 Waterfront Park design addresses flood protection and sea-level rise, it also maintains the "horizontal" of the space and minimizes the use of walls in order to respect the cultural landscape guidelines for the Historic District. This approach also allows for the preservation of the existing bulkhead, which is a character defining feature of the Historic District; and

BE IT FURTHER RESOLVED, that the Planning Board finds that the Alameda Point Project, including the Town Center Plan containing Site A, was adequately considered by the Final Alameda Point Environmental Impact Report (FEIR) (State Clearinghouse No. 201312043), and that:

1. By Resolution No. 14891 the City Council of the City of Alameda certified the Final Alameda Point Environmental Impact Report (FEIR) (State Clearinghouse No. 201312043) under the California Environmental Quality Act ("CEQA"), California Public Resources Code Section 21000 *et seq.* and adopted written findings and a Mitigation Monitoring and Reporting Program ("MMRP") on February 4, 2014, for the Alameda Point Project, including the Town Center Plan area which contains Site A; and
2. The City Council having certified the FEIR for the Alameda Point Project and the Town Center Plan containing the Phase 1 Waterfront Park, based on substantial evidence, that no further review under CEQA is required; and
3. The Phase 1 Waterfront Park landscape design is consistent with the General Plan, Zoning Ordinance, Town Center Plan, Site A Development Plan, and City of Alameda Design Review Manual; and
4. The FEIR was certified by the City Council for the Alameda Point Project, including amendments to the General Plan and Zoning Ordinance, as well as the Town Center Plan; and
5. There are no environmental impacts peculiar to the Phase 1 Waterfront Park that were not analyzed in the FEIR, or any such impact can be substantially mitigated by imposition of uniformly applied development policies or standards previously adopted by the City; and
6. There are no significant effects of the Phase 1 Waterfront Park project that were not analyzed as significant effects in the FEIR; and
7. There are no potentially significant off-site impacts of the Phase 1 Waterfront Park project and there are no cumulative impacts to which the Phase 1 Waterfront Park project makes a considerable contribution which were not discussed in the FEIR; and
8. There are no previously identified significant impacts of the Phase 1 Waterfront Park which, as a result of substantial new information which was not known at the time the

EIR was certified, have been determined to have a more severe adverse impact than discussed in the FEIR; and

BE IT FURTHER RESOLVED, that pursuant to the streamlining provisions of Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, no further environmental review of the design review amendment application is required; and

BE IT FURTHER RESOLVED, that Planning Board resolution PB-16-06 adopted on March 14, 2016 is hereby rescinded and replaced by this resolution; and

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda hereby approves Design Review Amendment PLN19-0556, subject to the following conditions:

1. Building and Site Improvement Permit Plans: The plans submitted for Building and Site Improvement Permits shall be in substantial compliance with the plans prepared by April Philips Design Works dated February 10, 2020 on file in the office of the City of Alameda Planning, Building, and Transportation Department, with the exception of the six palm trees surrounding the public art site which shall be decided by the Planning Board on March 9, 2020.
2. CEQA: Final plans submitted for building permits shall include a Mitigation Measure Compliance Checklist confirming compliance with all required environmental mitigation measures 4.C-1, 4.D-1c, -4.D-2, 4.D-3, 4.D-4, 4.E-1b, 4.E-2c, 4.E-4b, 4.E-4f, 4.F-1a, 4.F-1b, 4.F-1c, 4.F-1d, 4.F-2, 4.G-1a, 4.G-1b, 4.G-1c, 4.G-1d, 4.G-4, 4.H-1, 4.H-2, 4.H-3, 4.H-4, 4.H-5, 4.I-1, 4.I-2, 4.I-8, 4.J-1a, 4.J-1b, 4.J-1c, 4.J-1d, 4.J-1e, 4.J-2, 4.J-7, 4.K-4, 4.M-5 contained in the MMRP adopted by the Alameda City Council on February 4, 2014, for the redevelopment and reuse of Alameda Point, including the Phase 1 Waterfront Park within Site A.
3. Public Art Approval. Prior to issuance of a building permit or site improvement permit for any portion of the Phase 1 Waterfront Park, the applicant must obtain approval from the Public Art Commission of the public art planned for the "Taxiway" area of the Phase 1 Waterfront Park.
4. Sustainable Design: Prior to issuance of a building permit, the applicant shall submit a checklist showing that the project meets either: a minimum LEED™ Certified rating and be so certified by the US Green Building Council or a minimum GreenPoint Rated score of fifty (50) and be so verified by Build It Green or equivalent sustainability requirements to be determined by the Building Official.
5. Sea Level Rise: Final plans submitted for building permits shall include details for the sea level rise adaptive management strategy or changes to the plans that may have arisen as the result of any final conditions imposed by the Bay Conservation and Development Commission permit for the improvements. The plans shall show how the Phase 1 Waterfront Park sea level rise protection zone will be constructed at a minimum elevation of 24 inches above the 100-year tidal flood plan elevation (currently at 3.6) consistent with the design review approval and how the plan may be adapted at a future date to address increases in sea level rise above 24 inches, and any modifications required to the park design as a result of the future adaptive management strategies.

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6. Naval Air Station Alameda Historic District Certificate of Approval: All building plans and site improvement plans submitted for permits within the Historic District shall be reviewed by the Planning Director for compliance with the Historic District and Cultural Landscape Guidelines, the Secretary of Interior Standards for the Rehabilitation of Historic Structures, and AMC Section 13-21 Preservation of Historical and Cultural Resources by the City of Alameda Historical Advisory Board.
7. Public Trust Exchange Act and Agreements: All use of land within the Phase 1 Waterfront Park on Public Trust Lands shall be subject to the public trust for commerce, navigation and fisheries and shall be reviewed for consistency with the Naval Air Station Alameda Public Trust Exchange Act, Chapter 734, Statutes of 2000, as amended by Chapter 429, Statutes of 2011 and the Naval Air Station Alameda Exchange Agreement regarding Public Trust Lands at Alameda Point.
8. Modifications: Minor project design details requested by the applicant may be established, modified, and approved by the Planning, Building, and Transportation Director. Engineering standards and specifications requested by the applicant may be established, modified and approved by the Public Works Director or designee. Major modifications that are not consistent with this design review approval or these conditions shall be subject to review and approval of the Planning Board.
9. Other Agency Approvals: Prior to issuance of building permit(s) for work within jurisdictional lands, the applicant shall provide evidence that all required approvals, permits, or waivers from San Francisco Bay Conservation and Development Commission (BCDC), San Francisco Bay Regional Water Quality Control Board (Water Board), and/or the Army Corps of Engineers, if any, have been obtained. The final improvement plans shall incorporate all other agency requirements.

## **Biological**

10. Biological Regulations: Applicant shall notify all future property owners or occupants of the Declaration of Restrictions for the Former Naval Air Station Alameda (Declaration) consistent with the Biological Opinion issued by the U.S. Department of Fish and Wildlife Service (Service) and thereafter the Declaration shall be incorporated by reference in all deeds and leases of any portion of the Phase 1 Waterfront Park.
11. Feral Cat Feeding Stations. Feral cat feeding stations and colonies, and the feeding of any native and non-native wildlife species that are potential predators of least terns is prohibited in perpetuity and thereafter this prohibition shall be incorporated in all deeds and leases of any portion of the Phase 1 Waterfront Park.
12. Fireworks Displays. Fireworks displays will not be authorized from April 1 to August 15 and thereafter this prohibition shall be incorporated in all deeds and leases of any portion of the Phase 1 Waterfront Park.
13. Lighting: Pedestrian and vehicular lighting at all intersections and project driveways shall meet City of Alameda's Street Lighting Design Guide, latest edition. Standards for crosswalks, sidewalks, and intersections shall also be consistent with the Declaration and

## Alameda Point Lighting Mitigation Measures.

### Improvement Plans

14. Landscape Plans: The improvement plans shall include landscape and irrigation plans for both on-site and off-site improvements consistent with the Town Center Plan and MIP, including shoreline flood and sea-level rise protection improvements, as required by the MIP and DDA. The plans shall be prepared, signed, and stamped by a licensed landscape architect and civil engineer for flood and sea-level rise protection improvements and shall be in accordance with the AMC and other regional jurisdictional requirements. The landscape architect shall also assume responsibility for review of the work and shall provide a Letter of Acceptance of construction conformance to the City Engineer, prior to acceptance of the work, that the installation of landscaping and irrigation in the public right-of-way was constructed in accordance with the approved plans.
15. Fire Water: The improvement plans for the project site shall include a Fire Water System consistent with the MIP. The system shall be designed to the satisfaction of EBMUD and the Alameda Fire Department. The Applicant shall be responsible for the placement of on-site hydrants. The location and number of hydrants shall be established in improvements plans. Placement shall be shown on the improvement plans and shall be to the satisfaction EBMUD, the City Fire Chief and the City Engineer.
16. Fire Sprinklers: The improvement plans and building permit plans shall include fire sprinkler systems within each commercial space.
17. Fire Safety: Prior to approval of the improvement plans, the applicant shall submit plans for review and approval by the Public Works Director and the Fire Chief, that:
  - a. Provide fire hydrants spaced throughout the project as required in California Fire Code Appendix C. Ensure sufficient fire flow for the development compliant with California Fire Code Appendix B and AMC 15-1.2 where a maximum reduction of the fire flow can be reduced by 50% for fire sprinklered buildings.
  - b. Fire hydrant flows shall be a minimum of 1,500 G.P.M. from any one hydrant;
  - c. Provide adequate turn around space or acceptable emergency vehicle through access for any street greater than 150 feet in length;
  - d. Ensure that all roads that are required to be fire access roads have an adequate turning radii for fire apparatus (inside turning radius of 28" and outside turning radius of 44'8"); and
  - e. For all roads designated as fire access roads shall have a minimum fire lane width of 26' unobstructed for buildings taller than 30'. Should parking within the fire lane be required, the fire lane width shall be increased as required to meet fire access requirements.
18. Utilities: The improvement plans shall include facilities and improvements to ensure that utility services are maintained for existing users throughout the construction process and the access to such service for maintenance purposes is preserved throughout the construction process for new utilities.
19. Geotechnical Report: A geotechnical report, including recommendations, shall be

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prepared by a registered geotechnical engineer licensed in the State of California. The improvement plans shall incorporate all geotechnical recommendations in the report and be consistent with the MIP and DDA. The geotechnical engineer shall sign and stamp the improvement plans as conforming to its recommendations. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work that the work performed is adequate and complies with their recommendations.

## **Public Improvements**

20. Street Resurfacing: Applicant/developer shall resurface the existing street pavement whenever a street is cut for utility or other improvement installations or the condition of the existing pavement requires improvements. The resurfacing shall extend a sufficient distance beyond any cut to ensure a smooth transition and shall consist of a minimum one and a half (1½) inch deep asphalt concrete overlay. Applicant shall replace pavement markings within street resurfacing area. Street resurfacing and pavement markings shall be performed in accordance with the Public Works Department's Standard Plans and Specifications to the satisfaction to the City Engineer.
21. Curb and Gutter: Applicant/developer shall replace any damaged curb, gutter, and sidewalk along street frontages to the satisfaction of the City Engineer, in accordance with the Public Works Department's Standard Plans and Specifications prior to acceptance of the project.
22. Access Phasing Plan. Prior to Building or Site Improvement Permit, a fire, pedestrian, bicycle, and automobile access plan for the phasing of all sides of the Phase 1 Waterfront Park shall be approved by the City Engineer.

## **Water Quality**

23. 401 Certifications Conditions. The development of the Phase 1 Waterfront Park must be designed and constructed to comply with all of the conditions of the Conditional 401 Water Quality Certification for Alameda Point Stormwater Outfall Upgrades Project in the City of Alameda (Corps File No. 2014-00087S) (401 Certification Conditions) issued by the Water Board.
24. Final Stormwater Management Plan: The improvement plans shall incorporate a Final Stormwater Management Plan for the Phase 1 Waterfront Park, including all appropriate pollution prevention source control measures, permanent low impact development (LID) measures, storm water treatment controls and/or design techniques to manage the quantity and quality of storm water runoff from the project site to prevent and minimize impacts to water quality and must be consistent with the 401 Certification Conditions, the Site A Stormwater Management Plan (Site A SWMP), the preliminary stormwater management plan for the Phase 1 Waterfront Park attached to this application, the MIP and the Provision C3 requirements of the City's municipal stormwater permit. Efforts shall be taken to minimize impervious surface areas, especially directly connected impervious surface areas. Roof drains shall discharge and drain to an unpaved area wherever practicable. Design techniques may include green roofs, rainwater harvesting, vegetated swales, vegetated buffer zones, bio retention units, retention/detention basins and ponds,

tree well systems, and the incorporation of pervious surface areas and LID measures. The Improvement Plans shall provide details sufficient to ensure that the storm water design and treatment measures shall be constructed consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual, the MIP, the Site A SWMP, the preliminary stormwater management plan for the Phase 1 Waterfront Park, and the 401 Certification Conditions. Applicants may also refer to the Bay Area Storm water Management Agencies Association (BASMAA) *Start at the Source Manual* for technical guidance. All storm water design and treatment measures for private development pads shall be consistent with the C3 requirements and 401 Certification Conditions and be located on the development pad or an adjacent private development pad and shall not be located on property planned for public parks or public rights of way.

25. Final C3 Certification: The Final Improvement Plans and the Final Stormwater Management Plan for Phase 1 Waterfront Park shall include a stamped and signed City of Alameda certification form from a qualified independent civil engineer with stormwater treatment facility design experience, licensed in the State of California, and acceptable to the Public Works Department that indicates the Plan and all LID and treatment measure designs meet the established sizing design criteria for stormwater treatment measures consistent with Provision C3 of the municipal stormwater permit.
26. Stormwater Treatment Measures Construction Certification Report: Prior to the issuance of the first occupancy permit (or as adjusted by any project site Phasing Plan), including a temporary occupancy permit, the applicant/developer shall submit a certification report (Report) affirming that all project site stormwater treatment measures have been constructed per the City approved plans and specifications. The Report shall be prepared by a registered civil engineer, licensed in the State of California. As appropriate, the Report shall include, but not be limited to, assurances that: imported materials used for the treatment measure(s) are certified by the supplier; installation of these materials is per approved plans and specifications and meets the intent of the design engineer; any required on-site testing results conform with approved plans and specifications; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to the Public Works Director or designee.
27. Other Water Board Documents: The applicant/developer shall provide to the City Engineer or designee, prior to the issuance of the first combination building/grading permit, a copy of both the WDID# issued to the project site by Water Board and the required Storm Water Pollution Prevention Plan (SWPPP). These documents shall provide verification to the City that the project site is in compliance with SWRCB Order No. 2009-0009-DWQ. Information on this State Order is available at: <http://www.waterboards.ca.gov>.
28. Best Management Practices: The applicant/developer shall be responsible for ensuring that all contractors and sub-contractors install, implement and effectively maintain appropriate sediment control, erosion control and other water quality protection measures to prevent any pollutants from entering the municipal storm water drainage system or the

Seaplane Lagoon, either directly or indirectly, during all construction activities. All implemented measures shall be consistent with the City's urban runoff Best Management Practices (BMPs) standards. The applicant/developer shall pay for any required cleanup, testing, and/or City administrative costs resulting from consequence of construction materials entering the storm water drainage system.

29. Hydro Seeding: Hydro seeding of all disturbed pervious surface areas shall be completed in compliance with the requirements included in the State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ.
30. Storm Water Trash Capture: Prior to the issuance of the first grading/building/combination permit for each project phase, the Improvement Plans shall indicate the storm water trash capture measure(s) being installed on the project site to ensure that the stormwater drainage from the project site is subject to full trash capture consistent with the City's municipal stormwater permit definition of a full trash capture device. Improvement plan sheets shall provide sufficient plan views and details of the full trash capture device installation(s) necessary for engineering review and approval. A full trash capture system or device is any single device or series of devices that trap all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include detail and cross-sectional drawings of any stormwater full trash capture device.
31. Storm Drains: All new storm drain inlets shall be clearly marked with the words 'No Dumping! Drains to Bay' by means approved by the Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are acceptable forms. The Improvement Plans shall clearly indicate this.
32. Operations and Maintenance Plan: The Applicant/Developer shall submit a stormwater treatment measures Operations and Maintenance (O&M) plan for review and approval to the Public Works Department prior to the approval of and consistent with the improvement plans for each phase. The O&M plan shall include, but not be limited to: treatment and design measure(s) descriptions and summary inventory; a legible, recordable, reduced-scale (8.5"x11") copy(ies) of the Site Plan indicating the treatment and design measure(s) location(s) and site drainage patterns; treatment measure(s) maintenance requirements and maintenance schedule; the approved plant list and planning plan; detailed description of the integrated pest management principals and techniques and/or Bay Friendly Landscaping Program techniques to be utilized during landscape maintenance to ensure pesticide/herbicide use-minimization in landscaped areas; name and contact information of current maintenance personnel; and template of the annual O&M report submittal to the City. The O&M plan(s) for all stormwater treatment and design measures to be maintained by any homeowners association or (HOA) or condominium association (CA) shall be incorporated with the CC&Rs of the relevant HOA/CA.
33. Stormwater Agreement: For any stormwater treatment or design measure not to be maintained by an HOA or CA, the Applicant/Developer shall execute a Stormwater Treatment Measures Maintenance Agreement (Stormwater Agreement) with the City prior to the issuance of the certificate of occupancy. The Stormwater Agreement shall

include, but not be limited to: the O&M plan for all approved stormwater treatment measures; identification of the party responsible for implementing the O&M plan; assurances of access to inspect and verify the treatment system O&M for the life of the project; and assurances of the submittal of the annual O&M report to the City. The executed Stormwater Agreement shall be recorded, at applicant/developer's expense, with the Alameda County Recorder's Office.

34. Landscape Plans: Landscaping plans shall be designed to minimize runoff, promote surface infiltration, incorporate Bay Friendly Landscaping approaches, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution and be consistent with the MIP, the Site A SWMP, the preliminary stormwater management plan for the Phase 1 Waterfront Park, and 401 Certification Conditions.
35. Backflow Prevention: Backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, and fire water services and as required by the East Bay Municipal Utility District (EBMUD).

### **Solid Waste**

36. Waste Management Plan: The applicant/developer shall submit a Waste Management Plan (WMP) to the Public Works Environmental Services Division for approval. The plan shall describe how the trash and debris will be handled. The WMP shall be submitted by the developer to Environmental Services via Green Halo ([greenhalosystems.com](http://greenhalosystems.com)) prior to start of the demolition, remodeling, or construction work using Green Halo's web interface. The Public Works Environmental Services Division will review the WMP, and will provide comments that shall be incorporated into the plans for the project. The project is subject to the WMP requirement of section 21-24 of the AMC, and must recycle at least 50% of total debris hauled from the project.
37. Green Halo: Within thirty (30) days after the completion of the demolition work, the developer shall submit a Summary Report to the Public Works Environmental Services Division, via Green Halo ([greenhalosystems.com](http://greenhalosystems.com)) or other form approved by the Public Works Director. For approval, this reporting will specify actual tonnages disposed and/or recycled for each material, and the actual destination/processor. Disposal and/or recycling weight tags from that facility or facilities will be directly uploaded to Green Halo to verify this activity.
38. Collection: Internal collection and storage area(s) and the individual bins and containers provided shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Department. The trash collection areas shall be accessible to residents and employees. Each storage area shall be no more than 250 feet from any dwelling unit, or in the garage. Trash enclosures and/or recycling area shall be covered; no other area shall drain onto these areas. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. The applicant shall contact the City and East Bay Municipal Utility District (EBMUD) for specific connection and discharge requirements prior to building permit issuance. Discharges to the sanitary sewer are subject to the review, approval, and conditions of the City and EBMUD.

39. Fitted Lids: All solid waste containers, including dumpsters and individual cans or carts,

must have fitted lids which shall remain closed at all times when the container is not being used.

## **Construction Conditions**

40. Traffic Control Plan: At least three weeks prior to the commencement of work within the public right-of-way that affects access for pedestrian, bicyclists, and vehicular traffic, the applicant/developer shall provide a Traffic Control Plan (TCP) to the Public Works Department for review and approval. The TCP shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California, and be in accordance with the California MUTCD standards. The engineer shall sign and stamp the traffic control plans. In general, any public right-of-way shall remain unobstructed during project construction or the applicant/developer shall provide an ADA compliant alternative route as approved by the City Engineer. At locations where adequate alternate access cannot be provided, the applicant shall propose a traffic control plan including appropriate detours, signs and barricades for review and approval by the City Engineer. Should transit routes be affected, applicant/developer is required to obtain prior approval from AC Transit of any proposed traffic detours or temporary closure of bus stops. Construction work may not commence until the TCP is approved by the City Engineer.
41. Hazardous Materials. The applicant/developer shall provide documentation from a qualified professional to the City of Alameda stating that adequate soils and ground water investigations and, where warranted, remediation, have been conducted to ensure that future site use complies with the regulatory requirements for hazard related risks as established by applicable Federal, State and local requirements. The applicant/developer shall ensure that all proposed areas for demolition and abatement shall be assessed by qualified licensed contractors for the potential presence of lead-based paint or coatings, asbestos containing materials, and PCB-containing equipment prior to issuance of a demolition permit. During construction, the developer/applicant shall ensure that all construction crews are properly trained and made aware of any site contamination issues consistent with the Alameda Point Site Management Plan (SMP) and MMRP.
42. Truck Routes: Truck drivers for the construction of this project shall be directed by the applicant to use the City's truck routes and any City-approved truck plans for Site A.
43. Notice to Neighbors: At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within 500 feet of the project site including (1) project description, (2) description of construction activities, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Noise Management Individual for the project, (5) commitment to notify neighbors at least four days in advance of authorized extended work hours and the reason for extended hours, and (6) that construction work is about to commence. A copy of such notice and methodology for distributing the notice shall be provided to the City for review and approval at least five (5) business days in advance.
44. Construction Hours: Construction activity shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday, and between 8:00 a.m. and 5:00 pm on Saturday. No construction-related activity shall occur on Sunday or on any City observed Holiday. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake

silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible and necessary. No construction activity that may cause excessive off-site vibration from heavy machinery such as drilling rigs (except as necessary for elevator, shoring, and soil testing), etc. shall be allowed. Impact tools (e.g., jack hammers, pavement breakers and noise drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to 10dB. External jackets on the tools themselves shall be used where feasible. Quieter procedures shall be used such as drilling rather than impact equipment whenever feasible.

45. Dust Control: Prior to issuance of building or grading permits, the developer/applicant shall ensure that a program of dust control is implemented consistent with City, MMRP and Bay Area Air Quality Management District (BAAQMD) requirements.
46. Cultural Resources: In the event that previously unidentified cultural resources are discovered during site preparation or construction, work shall cease in the immediate area until such time as a qualified archaeologist and City of Alameda personnel can assess the significance of the find. If human remains are encountered, work shall halt within 50 feet of the find and the County Coroner shall be notified immediately.
47. Utilities: If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department, Alameda Municipal Power, and the Planning, Building, and Transportation Department, and carry out any necessary corrective action to their satisfaction.

## **Fire Safety**

48. Fire Access: All streets and courts within the development that are required to be fire access roads, shall be marked as fire access roads to the satisfaction of the Fire Chief. All roads that are required to be fire access roads shall be designed to handle fire apparatus weight of up to 35,000 pounds per axle. Parking shall be prohibited within the streets and alleys that are dedicated as fire lanes. CC&R's shall include an enforcement mechanism.

## **Alameda Municipal Power (AMP)**

49. The applicant shall comply to AMP's Rules and Regulations as stated in Article X and AMP's "Material and Installation Criteria for Underground Electrical Systems" (both available at [www.alamedamp.com](http://www.alamedamp.com)) and provide completed "Service Planning Sheets" for AMP's review prior to submitting plans for building permits.
50. The applicant shall provide information on the location of transformers and total load in kilowatts or kilowatt/volts (KVA) to AMP for approval prior to building permit issuance. If necessary, the applicant shall provide (at no charge to AMP) an easement and access to all AMP facilities on the property prior to issuance of building permits.

51. Concurrent with submittal of Improvement Plans, the Applicant shall coordinate with AMP regarding power requirements. All submittals shall refer to AMP's "Material and Installation Criteria for Underground Electrical Systems" for minimum clearances of street trees/shrubs from streetlights, electrical transformers and other utility electrical equipment.
52. The Applicant shall provide and install street lighting consistent with AMP's standard specifications and AMP's "Material and Installation Criteria for Underground Electrical Systems". All street lights shall be designed to preserve "dark skies" and direct light downward toward the public right of way. No signs shall be installed or mounted on street light poles owned and/or maintained by AMP. All new signs shall be installed on dedicated sign posts.
53. Applicant/Developer shall have all streetlights included in the Improvement Plans, installed, fully functional and operating prior to issuance of a Certificate of Occupancy for any building unless a phasing plan is approved by the Director of Public Works. Applicant/Developer shall pay to AMP the sum of Six Dollars (\$6.00 as adjusted no more than annually for inflation) per streetlight per month, or portion of a month, for the streetlight energy costs until the applicable improvements are accepted for maintenance by City.
54. The Applicant shall be required to furnish two streetlight poles and LED fixtures of each type installed, at no cost, to AMP as a stock for future pole/fixture replacement on public street. If AMP agrees to maintain private streetlights, the Applicant/Developer shall also be required to furnish two additional streetlight assemblies (e.g. pole, fixture, arm, shroud, etc) of each type.
55. All public streets shall be lit with LED lighting. Streetlight layout shall be staggered for a more uniform light distribution. Applicant/Developer can provide alternate design if a better efficient light distribution is met. Applicant/Developer shall use AMP LED standard fixtures. LED streetlight fixtures shall offer tri-level lighting with the mid-level setting meeting IES RP-8-14.
56. The Applicant shall provide all necessary underground substructures, including conduits, pull boxes, electric utility equipment pads, etc. per the AMP specifications. AMP will require easements for all transformers, primary and secondary boxes, and conduits. AMP will furnish and install all required transformers, high voltage distribution cables, and secondary cables. Existing Alameda Point electric substructures will NOT be re-used.
57. The Applicant shall provide an easement for electric utility vehicle access to AMP's Cartwright Station. The easement shall encompass the entire perimeter of the substation, including buildings and exterior yards with a 25-foot minimum clearance from any structure (above or below grade), wall and fence. Applicant shall avoid planting any trees that will grow in fullness to the point they may encroach into the perimeter easement.
58. The Applicant/Developer shall install all electric pull boxes and vaults in-line with the conduit joint trench. No conduit bend will be allowed between electric pull boxes, unless conduit section terminates to an electrical equipment pad. All primary and secondary electrical distribution pull boxes shall not be greater than two section deep (34-inches

from finish grade to bottom of pull box). Any deviations from this standard shall be approved by the AMP Project Engineer in writing.

59. Applicant/Developer will be required to provide an oil containment facility for all AMP owned pad-mount distribution switches and/or transformers installed within 100-feet of any body of water or in other critical locations. Applicant/Contractor shall contact AMP to verify all dimensions, elevations, and orientation before commencing work.
60. The Applicant shall furnish and install code-size service cables in code-size conduit from each customer electric meter switchgear to the nearest secondary pull box (or Service Point) in the public right-of-way, as designated by AMP. AMP will connect the service to the distribution transformer or to the secondary distribution system.
61. The improvement plans and all subdivision maps shall show all necessary easements and access to all electrical utility facilities that are in the private properties, at no charge to AMP.
62. Prior to issuance of Certificate of Occupancy, the Applicant shall furnish and install service equipment for each building. The service equipment shall meet Electric Utility Service Equipment Requirement Committee (EUSERC) standards. Electric meter(s) shall be located as close as practicable to the point of entry of the service-entrance conductors to the building. Outdoor meter locations are preferred. When meters are located within a building, the meter room shall be directly accessible from the exterior of the building. No remote metering.
63. Concurrent with acceptance of work by City Council, the applicant/developer shall dedicate and AMP shall take over ownership and will be responsible for maintaining all new substructures for under grounding primary and secondary circuits, and distribution transformers once the improvements have been inspected by AMP and found to have been properly installed. The Applicant or successor property owner(s) shall be responsible for the service cables and service equipment.
64. The Applicant/developer shall be responsible for all expenses involved in the duct/joint trench system engineering design, plan check, project coordination, and electrical construction inspection. The Applicant shall be responsible for the cost of AMP assigned inspector during construction.
65. The Applicant/developer shall submit, with the site improvement plans, detailed drawings showing the required site electric utility facilities.
66. HOLD HARMLESS. The applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Council, 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 Council, 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, the Planning, Building, and Transportation Department, Alameda City Planning Board, the City of Alameda 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. 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.

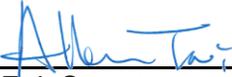
NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code section 66020(d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. 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.

The decision of the Planning Board shall be effective unless appealed to the City Council, in writing and within ten (10) days of the decision, by filing with the Planning, Building, and Transportation Department a written notice of appeal stating the basis of appeal and paying the required fees.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 24th day of February 2020, by the following vote to wit:

AYES: (6) Cavanaugh, Curtis, Hom, Rothenberg, Ruiz, and Teague  
NOES: (0)  
ABSENT: (1) Saheba

ATTEST:

  
\_\_\_\_\_  
Allen Tai, Secretary  
City of Alameda Planning Board

\* \* \* \* \*

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION PB-20-06**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA FINDING THE DISPOSITION OF CERTAIN REAL PROPERTY AT 2800 FIFTH STREEET TO BE IN CONFORMANCE WITH THE ALAMEDA GENERAL PLAN

WHEREAS, on September 6, 2017, the Alameda City Council approved an amendment to the Alameda Landing Bayport Master Plan to allow residential use on the Alameda Landing Waterfront; and

WHEREAS, on December 9, 2019, the Planning Board found that the residential use of the subject property was consistent with the General Plan; and

WHEREAS, the property at 2800 Fifth Street is designated Mixed Use in the Alameda General Plan; and

WHEREAS, on December 5, 2006, the City Council certified by Resolution No. 14047 the Final Supplemental Environmental Impact Report for the Alameda Landing Mixed Use Development Project (“2006 Supplemental EIR”, a supplement to the 2000 Catellus Mixed Use Development Project EIR) in accordance with the California Environmental Quality Act (CEQA) (State Clearinghouse #2006012091). The City has prepared several addenda to the 2006 Supplemental EIR in 2007, 2008, 2012 and 2017 (collectively, “Previous CEQA Documents”).

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds the potential environmental impacts of the project, including disposition of the property, have been evaluated and disclosed in the Previous CEQA Documents, and none of the circumstances necessitating further CEQA review are present. No further environmental review is required; and

BE IT FURTHER RESOLVED, in accordance with Government Code section 65402(a), the Planning Board finds that the location, purpose, and extent of the disposition of real property at 2800 Fifth Street is in conformity with the Alameda General Plan.

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.

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 filing with the Community Development Department a written notice of appeal stating the basis of appeal and paying the required fees.

\* \* \* \* \*

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 9th day of March 2020, by the following vote to wit:

AYES: (7) Cavanaugh, Curtis, Hom, Rothenberg, Ruiz, Saheba, and Teague

NOES: (0)

ABSENT: (0)

ATTEST:



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Andrew Thomas, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-20-07**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING A DESIGN REVIEW, USE PERMIT, AND A PARKING REDUCTION APPLICATION NO. PLN19-0477, FOR THE CONSTRUCTION OF A SIX-STORY SELF-STORAGE FACILITY WITH OUTDOOR STORAGE OF RECREATIONAL VEHICLES AND BOATS

WHEREAS, on October 10, 2019 the project applicant, Banner NorCal Developers LLC, submitted an application for a Design Review and Use Permit to construct and operate a six story tall, approximately 110,844 square foot in size, self-storage facility with outdoor storage of recreational vehicles and boats, which included a request for a parking reduction; and

WHEREAS, the subject property is designated as Specified Mixed Use 2 (Mariner Square) on the General Plan Diagram; and

WHEREAS, the subject property is located in the M-2, General Industrial (Manufacturing) Zoning District; and

WHEREAS, on January 27, 2020 the Planning Board held a study session and examined pertinent maps, drawings, and documents and provided feedback on the project; and

WHEREAS, based on feedback from the Planning Board, the applicant submitted revised plans for Planning Board consideration; and

WHEREAS, the Planning Board held a duly noticed public hearing on March 9, 2020 for the Project and examined pertinent maps, drawings, and documents.

NOW THEREFORE, BE IT RESOLVED, that the Planning Board finds this project is categorically exempt from environmental review pursuant to CEQA Guidelines Section 15332 – Infill Development, and finds that none of the exceptions to the categorical exemptions apply:

1. **The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.** The project is consistent with the General Plan Specified Mixed Use 2 (Mariner Square) designation. The project is consistent with General Plan Policy 2.5.a which calls for supporting services to provide Alameda residents with a full range of services. The location of a self-storage facility could serve new residential development at nearby Alameda Landing and Alameda Point beyond. General Plan Policy 2.6.b calls for preserving the existing mix of water-related uses. The project will not result in the loss of existing water-related land uses and will provide dry-dock boat storage in close proximity to several active marinas. The project is also consistent with Alameda Municipal Code (AMC) Section 30-4.12, which allows self-storage facilities as a permitted use and outdoor storage as a conditionally permitted use. The reduction in parking is consistent with the requirements of AMC Section 3-7.12.
2. **The proposed development occurs within city limits on a project site of no more than five acres substantially surrounding urban uses.** The property is approximately 1.45 acres, is located entirely within city limits, and the surrounding uses are urban commercial or industrial uses.
3. **The project has no value as habitat for endangered, rare, or threatened species.** A portion of the site was once part of a railroad line. The remainder of the project site has

historically and continuously been used as an outdoor storage yard, originally for the railroads and then by private operators. These conditions have made it so the project site has no value as habitat for endangered, rare, or threatened species.

4. **Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.** A trip generation study was prepared for the project, which determined that the project would not create significant effects relating to traffic. The project will not have any impact to noise, air quality or water quality.
5. **The site can be adequately served by all required utilities and public services.** The property is located within a developed urban area that is served by existing utilities and services.

BE IT FURTHER RESOLVED, that the Planning Board finds as a separate and independent basis, the project is also exempt from CEQA pursuant to CEQA Guidelines Section 15183 (projects consistent with General Plan and Zoning); and

BE IT FURTHER RESOLVED that the Planning Board makes the following findings relative to the Design Review, Parking Reduction, and Use Permit application (PLN19-0477):

### **Design Review Findings**

1. **The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.** The project complies with the M-2 Zoning District development standards. The requested parking reduction is consistent with AMC 30-7.14, which allows for the reduction of required parking. The project supports General Plan policies to provide varied services to Alameda residents and General Plan policies to preserve and support water related land uses within the Mariner Square Specified Mixed Use district. The proposed structure is consistent with the Citywide Design Review Manual, because the building will have articulation to break up large wall surfaces, and uses different colored panels of various lengths to provide visual interest. The southwesterly corner of the building, which features prominently at the Mariner Square Drive and Marina Village Parkway intersection, has large panels of glazing and articulation and enhanced landscaping to enhance the street corner.
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 surrounding neighborhood was gradually developed over time and as a result has an eclectic mix of architectural styles from different eras, with no predominate style or features. The proposed building's modern architectural style is compatible with this eclectic mix of buildings. The surrounding neighborhood has several multi-story buildings. The height of the proposed building is matched or exceeded by some of these nearby structures, such as the Posey Tube Entrance building to the south and above ground silos to the north. Overall, the proposed design is appropriate for the site and compatible with its surroundings.
3. **The proposed design of the structure 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 building's modern architectural style is compatible with this eclectic mix of buildings. The building includes metal panel siding that will feature grooves of various dimensions and orientation. There is no predominant siding material in the surrounding neighborhood. Buildings utilize a mix of materials from horizontal wood

siding, stucco, and standing seam metal roofs. The proposed grooved metal panels are a complementary addition to this mix of building materials. Overall, the proposed design is appropriate for the site and compatible with the site's commercial and industrial surroundings.

### **Parking Reduction Finding**

1. The City's Off-Street Parking and Loading Space Regulations, AMC Section 30-7, do not provide a schedule of required parking for self-storage facilities. Per AMC Section 30-7.6, when a land use is not listed then the parking standard shall be the same as the most similar use specified. For this project that would be the warehouse/storage standard of 0.67 spaces per 1,000 square feet of floor area, which would make the required parking for this project 70 spaces. A trip generation study was prepared that demonstrated the parking demand for this project will be much lower, based on the 2017 International Traffic Engineer (ITE) Trip Generation Manual and traffic counts at similar self-storage facilities. To mitigate the reduction in parking, the project conditions of approval require that the applicant provide long-term bike parking for employees and to prepare several off-site transit improvements that will improve traffic safety and improve the bicycle and pedestrian connections between the San Francisco Bay Trail and Cross Alameda Trail.

### **Conditional Use Permit Findings**

1. **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 project qualifies as a commercial development pursuant to the M-2 General Industrial (Manufacturing) District, and satisfies the purposes of the M-2 district regulations. The building is visually interesting with architectural detailing and articulation. As conditioned, the project will comply with the City's Bay-Friendly and Water Efficient Landscape Ordinance. The height and location of the building will make it visible to the 41 house boats located at the Barnhill Marina, approximately 500 feet north of the project site. The building will not have windows or exterior lights along the northeasterly elevation to ensure there is no negative impact to these house boats from direct lighting or glare. The outdoor storage area will be screened from public view and is located behind a gate and accessible by customers of the facility.
2. **The proposed use will be served by adequate transportation and service facilities, including pedestrian, bicycle, and transit facilities.** The project is in an urban area with adequate transportation and service facilities. A traffic study was prepared by CHS Consulting Group, which found that self-storage facilities have a much lower parking demand than the City's standard storage parking requirement, based on the current ITE Trip Generation Manual. Additionally CHS Consulting Group conducted traffic counts at self-storage facilities of comparable size and located in similar jurisdictions, which confirmed the lower parking demand. As mitigation for the parking reduction the applicant will be required to make several public right-of-way improvements including, but not limited to: removal of an abandoned rail spur in the public right of way, rebuilding the curb, gutter, and sidewalk along Mariner Square Drive, restriping street parking from angled street parking to parallel street parking, and providing a new bike lane along Mariner Square Drive. These improvements will help the City in achieving a future bicycle and pedestrian connection between the Cross Alameda Trail, approximately 0.5 miles south of the project site, and the San Francisco Bay Trail, located approximately 500 feet north of the project site.

3. **The proposed use, 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 deleterious effects on existing business districts or the local economy.** The project is designed to be compatible with adjacent commercial uses by providing attractive improvements and pedestrian and bicycle amenities. The project includes street frontage improvements along Mariner Square Drive and Marina Village Parkway, including new landscaping at the northeast corner of the intersection, restriping street parking to be parallel, and adding a new bike lane. These improvements will improve traffic safety between pedestrians, bicyclists and automobile traffic. The outdoor storage area will be screened from the public right of way. The screening wall will be behind landscaping to lessen the visual impact of the screening wall.
4. **The proposed use relates favorably to the General Plan.** The project is consistent with General Plan Policy 2.5.a which calls for supporting services to provide Alameda residents with a full range of services. The location of a self-storage facility could serve new residential development at nearby Alameda Landing and Alameda Point beyond. General Plan Policy 2.6.b calls for preserving the existing mix of water-related uses. The project will not result in the loss of existing water-related land uses and will provide dry-dock boat storage in close proximity to several active marinas.

BE IT FURTHER RESOLVED, that the Planning Board approves file no. PLN19-0477 for a Design Review for a six-story self-storage facility, parking reduction, and Use Permit for the outdoor storage of recreational vehicles and boats, subject to the following conditions:

1. Vesting: The Design Review and Use Permit approval shall expire two (2) years after the date of approval or by **March 9, 2022** unless substantial construction or use of the property has commenced under valid permits. The applicant may apply for a time extension, not to exceed two (2) years, to be reviewed and approved by the Planning Director.
2. Compliance with Plans. Any modification on this site shall be in substantial compliance with the plans prepared by Sullivan, Goulette & Wilson Architects date-stamped received February 10, 2020 on file in the City of Alameda Planning, Building and Transportation Department, except as modified by the conditions listed in this report.
3. Changes to Approved Plans: This approval is limited to the scope of the project defined in the project description and does not represent a recognition and/or approval of any work completed without required City permits. Any substantial changes to the approved scope of the project shall be submitted to the Planning, Building and Transportation Department for review and approval.
4. Signage: Any temporary or permanent signage is subject to a sign permit approval.
5. Lighting: New exterior lighting fixtures shall be consistent with AMC Section 30-5.16.c, the Alameda Dark Skies Ordinance.
6. Water Efficiency Landscape Ordinance: Prior to issuance of building permits or improvement plans, Applicant/Developer shall submit a complete WELO Landscape Documentation Package, as defined by Alameda Municipal Code (AMC) Section 30-58.3(d), subject to the approval of the Planning Director.

7. Public Art: Prior to the issuance of building permits, the applicant/developer shall satisfy all applicable Public Art requirements pursuant to AMC Section 30-98.
8. Affordable Housing Fee: The applicant/developer shall pay all Affordable Housing Fees pursuant to AMC Section 27-1.
9. Development Impact Fees: Prior to the issuance of building permits, the applicant/developer shall pay all applicable Development Impact fees pursuant to AMC Section 27-3.5.
10. Bird Safe Building Ordinance: Building Permit plans shall demonstrate compliance with the Alameda Bird-Safe Building Ordinance (AMC Section 30-5.16.b).
11. Revocation: This Use Permit may be modified or revoked by the Zoning Administrator or Planning Board, pursuant to Alameda Municipal Code Section 30-21.3d should the Zoning Administrator or Planning Board determine any one of the following: 1) the use or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity; 2) the property is operated or maintained so as to constitute a public nuisance; or 3) the use is operated in violation of the conditions of the Use Permit.

### **PUBLIC WORKS (GENERAL)**

12. The project shall comply with Chapter 22 of the Alameda Municipal Code (Streets and Sidewalks) as determined by the City Engineer.
13. The project shall comply with all current, applicable, plans, standards, policies and guidelines including Alameda's Municipal Code (AMC), Standard Plans and Specifications, and Standard Subdivision Specifications and Design.
14. The fee for plan checking and inspection shall be calculated in accordance with the latest Schedule of Fees & Charges as approved by the City Council. A cash security deposit of an amount as determined by the City Engineer will be required prior to issuance of the improvement plans.
15. A current title report, less than six months old, shall be submitted to identify current ownership and any existing easements or land use restrictions.
16. An Encroachment Permit is required for all work within the Public Right-of-Way.

### **IMPROVEMENT PLANS**

17. The Applicant shall submit for review and approval construction Improvement Plans for all on- and off-site improvements. The plans shall be prepared, signed and stamped as approved by a registered Civil Engineer licensed in the State of California. The Improvement Plans shall be approved by the Public Works Department prior to issuance of a Building Permit for the development. The Improvement Plans shall also include the following off-site improvements:
  - a. Removal and patching of defunct rail crossing across Mariner Square Drive adjacent to the project site.
  - b. New curb, gutter, and a seven foot and six inch (7'6") sidewalk along Mariner Square Drive, designed to City Standards.
  - c. New AC pavement installed along the project side of the centerline of Mariner

Square Drive.

- d. Fourteen new parallel parking spaces to be painted and striped along Mariner Square Drive in front of the project site.
  - e. Six foot (6') wide painted dedicated bike lane along parallel parking spaces along Mariner Square Drive.
  - f. Site clearing of dead trees, existing debris and installation of landscaping improvements to the Work Street right of way parcel. Prior to issuance of building permits the applicant/developer shall enter into a maintenance agreement for the landscaping installed within the Work Street right of way parcel, subject to the review and approval of the City Engineer and City Attorney.
18. An Engineer's Cost estimate for frontage and site improvements shall be submitted for review and approval by the Public Works Department. The developer shall provide a construction performance bond and a materials and labor bond equivalent to the cost of the public improvements within the right-of-way along the project frontage.
  19. The developer shall construct and dedicate to the public full street improvements, including concrete curb, gutter, sidewalk, paving, drainage system, streetlights and landscaping, all to the satisfaction of the City Engineer. The existing street shall be resurfaced whenever a street is cut for utility or other installations. The pavement shall be resurfaced to the centerline of the street if the existing pavement is either damaged or the structural section is determined by the City Engineer to be inadequate for the intended traffic.
  20. Any improvements to street lighting shall be designed in accordance with the City of Alameda Street, Parking Lot and Pathway Lighting Design Guide, latest edition. Any adjustments to bring street lighting up to City standards will be incorporated into final permit drawings.
  21. The Applicant shall submit a soils investigation and geotechnical report for the proposed development, subject to the review and approval of the City Engineer. The report shall address the structural and environmental analysis of existing soils and groundwater and provide recommendations for all grading, retaining walls, bulkheads, surface and sub-surface drainage, lot drainage, utility trench backfilling, and pavement design. The improvement plans shall incorporate all design and construction criteria specified in the report and shall be reviewed and signed by the Soils Engineer specifying that all recommendations within the report have been followed.
  22. Any retaining walls, which are adjacent to a property line, shall be masonry, metal, or concrete. Any existing retaining walls to remain are to be evaluated by the Applicant's geotechnical/structural engineer for integrity and applicability to the geotechnical engineer's recommendations.
  23. The geotechnical/soils engineer shall submit a letter report to the City at completion of construction certifying that grading, drainage and backfill installation was performed in general compliance with recommendations in the geotechnical report.
  24. All development shall be designed to account for future predicted sea level rise to Elevation 13 feet, NAVD88 Datum.
  25. Only two curb cuts per parcel will be allowed.
  26. The improvement plans shall include a construction phase erosion and sedimentation plan for

review and approval.

## **DRAINAGE AND STORMWATER TREATMENT**

27. All on site surface drainage shall be collected and conveyed in an adequately designed underground storm drainage system in a manner to be approved by the City Engineer. The downstream drainage system shall be analyzed and inadequacies, if any, corrected as determined by the City Engineer. The site shall be graded so that no runoff is directed to adjacent properties.
28. A storm drainage hydrology analysis, identifying the total peak drainage flow quantities to be generated by the proposed development shall be prepared in accordance with the Alameda County Flood Control District Hydrology and Hydraulics Manual by a registered Civil Engineer licensed in the State of California and submitted as part of the construction improvement plans. The City will provide this data to an independent consultant who will assess the impact of the proposed development on the City's storm drainage system and determine the improvements, if any, to ensure sufficient capacity for this project and anticipated cumulative growth in the associated drainage basin. The applicant will pay for the cost of the modeling study. The Applicant shall include the recommended improvements into the project's improvements.
29. The project shall incorporate permanent stormwater design techniques and source control measures to manage the quantity and quality of stormwater runoff from the planned development to prevent and minimize impacts to water quality, in accordance with the City of Alameda's National Pollution Discharge Elimination System (NPDES) Permit, and consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual. Efforts should be made to minimize impervious surface areas, especially directly connected impervious surface areas.
30. The project shall incorporate permanent post-construction stormwater quality controls in accordance with the City of Alameda's National Pollution Discharge Elimination System (NPDES) Permit. Stormwater design and treatment measures shall be constructed consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual.
31. The development is subject to full trash capture requirements of the City's NPDES permit. A full trash capture system or device is any single device or series of devices that traps all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow rate Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include location, detail and cross-sectional drawings of any stormwater full trash capture device(s).
32. Prior to the issuance of any permits for the project, the Applicant shall include a finalized Stormwater Quality Management Plan with the Improvement Plans. The plans shall include detail drawings of the stormwater design and treatment measures consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance.
33. The City of Alameda C3 certification form shall be submitted along with the Stormwater Quality Management Plan. The form shall be signed and stamped by a qualified independent civil engineer with stormwater treatment facility design experience, licensed in the State of California, and acceptable to the City Engineer that indicates the treatment meets the

established sizing design criteria for stormwater treatment measures.

34. Prior to the issuance of any permits for the project, the Applicant shall submit for review and approval by the City Engineer a Stormwater Operations and Maintenance (O&M) Plan that provides a thorough discussion of the inspection, operations and maintenance requirements of all of the stormwater measures, including trash capture, stormwater treatment, and the pervious pavement measures of the site. This O&M Plan shall be consistent with the City of Alameda O&M Plan Checklist. Once approved as final, provide City Public Works a pdf file of the completed O&M plan.
35. Prior to issuance of the certificate of occupancy, the Property Owner(s) shall execute a Treatment Measures Maintenance Agreement with the City, complete with an approved Operations and Maintenance Plan, the template for annual self-reporting, and assurances for property access for City verification inspections.
36. Prior to issuance of the certificate of occupancy, the Applicant shall submit a certification report (Report) prepared by a registered civil engineer, licensed in the State of California, affirming that all project site stormwater treatment measures have been constructed per the City approved plans and specifications. As appropriate, the Report shall include, but not be limited to, assurances that: imported materials used for the treatment measure(s) are certified by the supplier; installation of these materials is per approved plans and specifications and meets the intent of the design engineer; required on-site testing results conform with approved plans and specifications; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to the City Engineer.
37. The Applicant shall pay for any required cleanup, testing, and City administrative costs resulting from consequence of construction materials entering the storm water system and/or waters of the State.

## **TRAFFIC AND TRANSPORTATION**

38. The Applicant shall comply with all applicable policies and requirements of the current approved transportation plans, including Alameda's Bicycle Master Plan, the Pedestrian Master Plan, the Long Range Transit Plan, the Transportation Demand Management and Transportation System Management (TSM/TDM) Plan, and the Multimodal Circulation Plan, Transportation Element of the General Plan, and the Transportation Choices Plan. Bicycle parking shall be consistent with AMC 30-7.15 Bicycle Parking.
39. Transportation facilities, including streets, sidewalks, pathways, parking lots, striping, signage, and signalization, shall be designed in accordance with Alameda's Bicycle Facility Design Standards and Pedestrian Design Guidelines as well as the Caltrans Design Manual and Standard Plans and the California MUTCD.
40. Prior to the issuance of an Encroachment Permit, a traffic control plan that addresses pedestrian circulation around the site and parking and/or travel lane closures on the surrounding streets shall be submitted for review and approval by the City Engineer.
41. Parking layout shall be constructed in conformance with the City's off-street parking design

standards, AMC Section 30-7.9 Off-Street Parking and Loading Space Regulations, and Accessible stalls and shall comply with all other applicable City and Caltrans and California MUTCD Standards.

42. No signs shall be installed or mounted on street light poles owned and/or maintained by the City. All new signs shall be installed on dedicated sign posts.

## **UTILITIES**

43. Sanitary sewers shall be in accordance with the EBMUD Regional Standards for Sanitary Sewer Installation.
44. A sanitary sewage flow analysis identifying the total peak sanitary sewage flow quantities to be generated by the proposed development, shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The analysis shall identify required improvements, if any, to ensure sufficient sewage capacity for this project and anticipated cumulative growth in the associated sewer sub-area.
45. The Applicant shall include the City and EBMUD recommended improvements, if any, into the project's improvements plans prior to approval of the improvement plan.
46. The City participates in the EBMUD Regional Private Sewer Lateral Program; therefore the Applicant shall comply with the provisions of this program prior to the issuance of Certificate of Occupancy. The project must be issued a Compliance Certificate by EBMUD.
47. Prior to issuance of building permits, the Applicant shall secure all necessary permit approvals from EBMUD regarding the installation of all water or sewer service connections for the project.
48. The Applicant shall design and construct water, power, telecom, gas, and other utilities in accordance with applicable utility standards.
49. All new utilities shall be placed underground prior to the issuance of an occupancy permit.
50. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).
51. The project shall accommodate three waste streams: recycling, organics, and trash; as required by the Alameda County Waste Management Authority's Mandatory Recycling Ordinance (ACWMA Ord. 2012-01). All solid waste containers shall have fitted lids.
52. All trash containers outside the building shall be stored in a roofed trash enclosure. The trash enclosure shall have a concrete pad, designed to prevent run-on to and runoff from the enclosure. The enclosure shall have solid walls on three sides with a lockable gate on the fourth side. If the trash enclosure is attached to the building it should have fire sprinklers.
53. The design, location, access, and provisions for waste hauler collection of all external enclosures for solid waste, recycling, and organics shall be of sufficient size and design to serve the development as approved by the Public Works Department prior to approval of the improvements plans, parcel/final map(s), or the building permit, whichever comes first. If no building permit is required, the plans must be approved by the PWD prior to establishment of

the use.

54. The Development shall comply with AMC Section 21-24, Chapter 21, Article 6 of the Alameda Municipal Code and submit a Waste Management Plan documenting the diversion of project related construction and demolition debris to the satisfaction of the Public Works Director.
55. The landscape and irrigation plans for on-site and public right-of-way improvements shall be prepared, and signed and stamped as approved, by a licensed landscape architect. The plans shall be in accordance with the most recent version of the "Bay-Friendly Landscape Guidelines" developed by StopWaste.Org, and the Bay Friendly Coalition, the AMC, the Alameda Master Tree Plan, the Integrated Pest Management Policy, and other applicable standards.
56. Construction activities are restricted to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday, unless a permit is first secured from the City Manager or designee based upon a showing of significant financial hardship.

#### **FIRE DEPARTMENT**

57. The applicant shall be responsible for a water main extension, if required, to serve the project, whose design shall be shown on the improvement plans to the satisfaction of the East Bay Municipal Utility District, the Public Works Director, and the Fire Chief.
58. All fire lanes within the development shall be marked as fire access roads to the satisfaction of the Fire Chief.
59. A key box (Knox Box) shall be installed at a location approved by the fire code official. Key box to contain keys to enter the site and building for immediate access for life-saving or fire-fighting purposes. Keys to be placed within the box are to include the front gate key, exterior door key(s), electrical room key, elevator equipment room key, elevator operations key, fire alarm control panel room key, fire alarm control panel key, and the fire sprinkler riser room key.

#### **ALAMEDA MUNICIPAL POWER (AMP)**

60. The applicant shall comply to AMP's Rules and Regulations as stated in Article X and AMP's "Material and Installation Criteria for Underground Electrical Systems" (both available at [www.alamedamp.com](http://www.alamedamp.com)) and provide completed "Service Planning Sheets" for AMP's review prior to submitting plans for building permits.
61. The applicant shall provide information on the location of transformers and total load in kilowatts or kilowatt/volts (KVA) to AMP for approval prior to building permit issuance. If necessary, the applicant shall provide (at no charge to AMP) an easement and access to all AMP facilities on the property prior to issuance of building permits.
62. Concurrent with submittal of Improvement Plans, the Applicant shall coordinate with AMP regarding power requirements. All submittals shall refer to AMP's "Material and Installation Criteria for Underground Electrical Systems" for minimum clearances of street trees/shrubs from streetlights, electrical transformers and other utility electrical equipment.
63. The Applicant shall provide and install street lighting, if required, consistent with AMP's

standard specifications and AMP's "Material and Installation Criteria for Underground Electrical Systems".

- a. All public streets shall be lit with LED lighting and designed to preserve "dark skies" and direct light downward through the public right of way. Streetlight layout shall be staggered for a more uniform light distribution. Applicant can provide alternate design if a better efficient light distribution is met.
  - b. No signs shall be installed or mounted on street light poles owned and/or maintained by the City. All new signs shall be installed on dedicated sign posts.
  - c. The Applicant shall have all streetlights included in the Improvement Plans, installed, fully functional, operational and approved by the City of Alameda Public Works prior to issuance of a Certificate of Occupancy for any building unless a phasing plan is approved by the Director of Public Works. Applicant shall coordinate with the City to determine responsibilities for the streetlight ownership, maintenance and energy costs.
64. The Applicant/Developer shall install all electric pull boxes and vaults in-line with the conduit joint trench. No conduit bend will be allowed between electric pull boxes, unless conduit section terminates to an electrical equipment pad. All primary and secondary electrical distribution pull boxes shall not be greater than two section deep (34-inches from finish grade to bottom of pull box). Any deviations from this standard shall be approved by the AMP Project Engineer in writing.
65. Applicant/Developer will be required to provide an oil containment facility for all AMP owned pad-mount distribution switches and/or transformers installed within 100-feet of any body of water or in other critical locations. Applicant/Contractor shall contact AMP to verify all dimensions, elevations, and orientation before commencing work.
66. The Applicant shall furnish and install code-size service cables in code-size conduit from each customer electric meter switchgear to the nearest secondary pull box (or Service Point) in the public right-of-way, as designated by AMP. AMP will connect the service to the distribution transformer or to the secondary distribution system.
67. The improvement plans and all subdivision maps shall show all necessary easements and access to all electrical utility facilities that are in the private properties, at no charge to AMP.
68. Prior to issuance of Certificate of Occupancy, the Applicant shall furnish and install service equipment for each building. The service equipment shall meet Electric Utility Service Equipment Requirement Committee (EUSERC) standards. Electric meter(s) shall be located as close as practicable to the point of entry of the service-entrance conductors to the building. Outdoor meter locations are preferred. When meters are located within a building, the meter room shall be directly accessible from the exterior of the building. No remote metering.
69. Concurrent with acceptance of work by City Council, the applicant/developer shall dedicate and AMP shall take over ownership and will be responsible for maintaining all new substructures for under grounding primary and secondary circuits, and distribution transformers once the improvements have been inspected by AMP and found to have been properly installed. The Applicant or successor property owner(s) shall be responsible for the service cables and service equipment.
70. The Applicant/developer shall be responsible for all expenses involved in the duct/joint trench system engineering design, plan check, project coordination, and electrical construction

inspection. The Applicant shall be responsible for the cost of AMP assigned inspector during construction.

71. The Applicant/developer shall submit, with the site improvement plans, detailed drawings showing the required site electric utility facilities.
72. HOLD HARMLESS. The Applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board, City Council 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, City Council and their respective agents, officers, or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Planning, Building & Transportation Department, Alameda City Planning Board, or City Council related 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. 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.

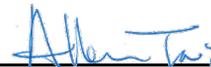
NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. 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.

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 filing with the Planning, Building & Transportation Department a written notice of appeal stating the basis of appeal and paying the required fees.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 9th day of March 2020, by the following vote to wit:

- AYES: (6) Cavanaugh, Curtis, Hom, Rothenberg, Ruiz, and Teague  
NOES: (1) Saheba

ATTEST:

  
\_\_\_\_\_  
Allen Tai, Secretary  
City of Alameda Planning Board

\* \* \* \* \*

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-20-08**

APPROVING DEVELOPMENT PLAN, DESIGN REVIEW, AND UNIVERSAL DESIGN WAIVER APPLICATION NO. PLN19-0564 FOR 182 TOWNHOMES IN 31 BUILDINGS AS PART OF PHASE II AND SITE-WIDE TRANSPORTATION DEMAND MANAGEMENT PLAN AND AFFORDABLE HOUSING PLAN FOR THE ALAMEDA MARINA MASTER PLAN PROJECT LOCATED AT 1815 CLEMENT AVENUE

WHEREAS, Alameda Marina, LLC (“the Applicant”) 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 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, in July 2018, the Alameda City Council certified the Alameda Marina Final Environmental Impact Report and approved the Alameda Marina Master Plan, which established standards, maps and diagrams for the development of 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 3.59 acres of shoreline open space, about 17.1 acres dedicated to marina operations, and a 530 slip marina; and

WHEREAS, on June 24, 2019, the Planning Board of the City of Alameda held a duly noticed public hearing and recommended the City Council approve Master Plan Amendments that provide for a well-designed pedestrian network, bicycle access, and vehicular access related to the waterfront in support of the Master Plan vision; and

WHEREAS, on October 14, 2019, the Planning Board of the City of Alameda held a duly noticed public hearing and approved Development Plan and Design Review for Phase I of the Alameda Marina Master Plan, which consists of 360 multifamily residential units and 8

work-live units; and

WHEREAS, on December 9, 2019, the Planning Board held a study session on the subject Phase II Development Plan and Design Review application and provided comments on the project; and

WHEREAS, on March 9, 2020, the Planning Board held a duly noticed public hearing on the subject Phase II Development Plan and Design Review application and examined all pertinent application materials and public testimony.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds the environmental effects of the proposed project were considered and disclosed in the Alameda Marina Master Plan Environmental Impact Report (State Clearinghouse #2016102064). No further environmental review is required under the California Environmental Quality Act for the proposed project. The proposed Phase II Development Plan residential buildings will not result in any new environmental impacts or cause any previously disclosed significant impacts to become more severe, and all mitigations specified in the EIR are included as conditions of approval for the project as required by the Alameda Marina Master Plan; and

BE IT FURTHER RESOLVED, that pursuant to AMC Section 30-4.20(g), the Board has made the following findings relative to proposed Development Plan:

- 1. The Development Plan qualifies for approval under the Alameda Marina Master Plan and satisfies the purpose of the Planned Development regulations under AMC Section 30-4.20.** The proposed Development Plan is consistent with the Alameda Marina Master Plan for construction of multi-family residential units for at this location. The Development Plan qualifies for approval under AMC Section AMC Section 30-4.20(g) as it satisfies the purpose of the regulations to facilitate multifamily development consisting of 182 townhome units in 31 buildings.
- 2. The Development Plan is designed in a manner compatible with existing and potential contiguous uses. The Development Plan also provides a sufficient vehicular and non-vehicular circulation system within the project with the least amount of duplication, and the Plan provides the best interface with other systems.** The Development Plan is compatible with existing surrounding uses and provides coordinated travel ways for vehicular and non-vehicular circulation. Landscaped pathways and Bay Trail-compliant signage serve public access to the site and waterfront amenities. A variety of outdoor spaces such as paseos, pathways, and other landscaped areas facilitate harmonious transitions between the townhome buildings and immediate surroundings.
- 3. The Development Plan provides and maintains adequate landscaping using, where appropriate, native plants and taking maximum advantage of the screening capabilities of landscaping.** The proposed landscape plan includes native plants and Bay Friendly-compliant landscaping that also achieves state water efficient landscape requirements. The landscaping provides a good transition between the public sidewalks and private open spaces used by residents in the townhomes.

4. **The amount of land proposed for any particular use can be marketed for that use within a reasonable time after development is complete.** This plan provides for the development of 182 townhome units that are necessary to address a severe housing shortage in the community. These critically needed housing units include affordable housing units that are expected to be occupied within a reasonable time.
5. **The Development Plan provides sufficient area, and encourages adequate public accessibility and usage of the water/land interface.** A network of pedestrian pathways provide public access through the townhome buildings, connecting the Phase II area with the waterfront Bay Trail, Graving Dock, and Clement Avenue. This network of pedestrian and bicycle paths and other common landscaped open space facilitate harmonious transitions between the townhome development and the immediate surroundings.
6. **The Development Plan provides a comprehensive, coordinated, controlled system of informational and directional graphic signage throughout the development.** The Development Plan consists of 31 buildings connected by streets, private driveways and non-vehicular paths. A wayfinding signage program will be incorporated into the building plans as a condition of approval. Bay Trail-compliant signage will also be provided according to the Bay Trail program.
7. **The Development Plan demonstrates progressive techniques for the conservation of, and decreased consumption of, nonrenewable energy.** The proposed townhomes will be designed to achieve LEED Silver certification or an equivalent sustainability standard as required under the Master Plan. The townhouse buildings will also provide rooftop solar panels.

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings regarding the Design Review application (AMC Section 30-37.5):

1. **The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.** The proposed Phase II townhouse designs are consistent with the Alameda Marina Master Plan, which was adopted per the General Plan policies and Zoning regulations for the Alameda Marina site to provide critically needed housing in Alameda. The architecture of the townhome buildings is consistent with the Design Review Manual in many aspects. For example, the building provides various forms of complementary massing and articulation, and includes building materials that are reminiscent of the Clement Avenue neighborhood and maritime history of the site. Overall, the building designs provide quality architecture that is compatible with the neighborhood and addresses the buildings' relationships to surrounding public space as intended in the Design Review Manual and in the Master Plan.
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 townhome architecture is generally divided into two groupings consisting of waterside and landside designs. Waterside buildings have a strong rhythm of cantilevered bays that create a definitive transition. Landside buildings use a combination of bays and balconies to differentiate the upper floors from the ground floor. The Graving Dock is incorporated into the site plan and is a major focal point of the site design. Townhomes on the ends of buildings have their entries on the

side of the building or on the corner. Windows will provide a minimum two-inch recess from the exterior wall surface. Taken as a whole, these building features create well-articulated façades on all sides of the building resulting in a distinctive yet attractive architectural design. The designs promote harmonious transitions in scale and character with the immediate surroundings.

- 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 designs of the townhome buildings draw inspiration from existing buildings on the Alameda Marina site and the surrounding neighborhood. The architectural design shares elements, materials and colors that reflect and respect, without replicating, the architecture of the contributing buildings in the Alameda Marina Historic District. Examples of these elements include the use of tongue and groove and board and batten siding similar to those on industrial buildings, and a range of building colors and articulation that complement the variety of buildings in the surrounding neighborhood.

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings regarding the Request for Waiver of the 100% Visitability Requirement in the Universal Design Ordinance (AMC Section 30-18.5):

1. The requested waiver is necessary to support the provision of affordable housing. The Master Plan includes development of 760 housing units with 104 deed-restricted affordable units. The physical constraints on the site are a barrier to meeting the 100% visitability requirement without affecting the feasibility of providing affordable housing.
2. The requested waiver is necessary to avoid an undue and substantial financial hardship caused by topographical conditions on the site; the size or configuration of the site; and/or other site constraints; and/or legal constraints and equivalent facilitation is not available. The configuration of the site with respect to preservation of the Graving Dock and the need to elevate site grading to address sea level rise present significant barriers to meeting accessibility requirements for 100% of the townhome units.
3. The requested waiver is necessary to avoid a conflict with adopted local, regional, State or Federal regulations. The project includes improvements to the site and shoreline to provide flood protection consistent with local and federal regulations.

BE IT FURTHER RESOLVED, that the Planning Board approves Development Plan, Design Review, and Universal Design Waiver application no. PLN19-0564 for 182 townhomes in 31 buildings as part of Phase II and site-wide Transportation Demand Management Plan and Affordable Housing Plan for the Alameda Marina Master Plan project located at 1815 Clement Avenue, subject to the following conditions:

**Planning Conditions:**

1. Building Permit Conditions: These conditions shall be printed on the first pages of the building permit plans and improvement plans.
2. Substantial Compliance with Approvals: The plans submitted for the Building Permit shall be in substantial compliance with Exhibit 1: Alameda Marina Phase II Development Plan and Design Review Plans prepared by KTG Y dated March 9, 2020, and on file in the City of Alameda Planning Building & Transportation Department, except as modified by the conditions specified in this resolution.
3. Design Review Conditions: Final plans submitted for Building Permits shall reflect the following design revisions to the satisfaction of the Planning Director:
  - a. Stair Towers: The design of the stair towers shall incorporate additional transparency, either through additional wall openings or windows, such that the appearance of these structures do not appear as solid masses on the rooftops as seen from the street.
  - b. Air Conditioning (AC) Units: AC units shall be relocated to the rooftop where possible.
  - c. Ground floor kitchens: The permit plans shall omit any stove top or ovens on the ground floor (key components of a kitchen), except that utilities necessary for future installation of such cooking appliances may be roughed-in to the ground floor space.
  - d. Building Colors:
    - i. Waterside buildings 7 and 8 shall be differentiated with different color schemes
    - ii. Landside buildings along Clement Avenue shall feature at least two different color schemes and greater color variation between the color schemes.
  - e. Bay Windows on Landside 9-Plex: The white and gray bay window design (Sheet A.3.3.0) shall be revised to provide greater reveal between the two bays or other distinction to warrant the use of different colors. Otherwise the bays shall be revised to use the same color treatment.
  - f. Bridge across Graving Dock: While not a part of this Phase II approval, the approved open space plan for Alameda Marina includes a bridge across the Graving Dock. Permit plans for Phase II shall show the bridge for consistency with approved plans.
4. CEQA Mitigation Measures: Prior to issuance of a Building Permit or Site Improvement Permit for Phase II, the Applicant shall submit a Mitigation Measure Compliance Checklist confirming compliance to date with all required environmental mitigation measures contained in the MMRP adopted by the Alameda City Council on July 10, 2018, for the redevelopment of Alameda Marina. The checklist shall be printed on the Building Permit plans.
5. Modifications: Minor project design details requested by the applicant may be established,

modified, and approved by the Planning Director. Engineering standards and specifications requested by the applicant may be established, modified and approved by the Public Works Director or designee. Major modifications that are not consistent with this design review approval or these conditions shall be subject to review and approval of the Planning Board.

6. Alameda Marina Master Plan and Tentative Map Consistency: All future development or improvement of the property shall be subject to review by the Planning Director for consistency with the adopted Alameda Marina Master Plan and Tentative Map, as amended. Development of proposed buildings shall be subject to all conditions of approval imposed on the Alameda Marina Master Plan and Alameda Marina Tentative Map.
7. Affordable Housing Plan: Prior to issuance of the first Building Permit for Phase II, the Applicant shall execute and record an Affordable Housing Agreement to ensure compliance and monitoring requirements consistent with the Inclusionary Housing Ordinance. The Affordable Housing Agreement shall be in compliance with Section 8.1 *Affordable Housing* of the Master Plan and shall identify twenty-five (25) affordable housing units in Phase II broken down into the following income categories:
  - a. Seven (7) units shall be affordable to very-low income households.
  - b. Seven (7) units shall be affordable to low income households.
  - c. Eleven (11) units shall be affordable to moderate income households.

The affordable units shall be equitably distributed by unit type and location, and among the visitable and universal design units.

8. Transportation Demand Management Plan: Prior to issuance of the first building permit for Phase I Wrap A, the Applicant shall submit a Final Transportation Demand Management Plan ("TDM Plan") for Planning Director review and approval. The Final TDM Plan shall incorporate the following requirements:
  - a. Assessments: Alameda Marina households shall pay the Alameda Transportation Management Association to provide transit services via assessments on each housing unit and each commercial space, as follows:
    - i. Every townhome unit that has one private parking space provided shall be assessed an annual fee of \$400 (2020 dollars).
    - ii. Every townhome unit that has two private parking spaces provided shall be assessed an annual fee of \$500 (2020 dollars).
    - iii. Each multi-family unit, within a structured parking facility, shall be assessed an annual fee of \$400 (2020 dollars).
    - iv. Commercial spaces (including Work-Live units) shall be assessed \$0.75 per square foot per year.
    - v. Annual assessments shall be adjusted annually in accordance with the San Francisco Bay Area Consumer Price Index for All Urban Consumers (CPI-U).
  - b. The Final TDM plan submitted for Planning Director review shall address all of the

requirements of Alameda Marina Master Plan EIR Mitigation Monitoring Program Measure TRA-1 and will include a suite of additional measures intended to reduce vehicle trips by project residents, employees, and visitors to the site.

- c. Any revenues in excess of expenditures shall be used to supplement (not reduce) the annual transit funds collected through residential and commercial transportation assessments. The TDM measures may be combined with other developments to more effectively manage the program.

9. Bay Trail/Pedestrian Access: The following conditions of approval pertain to the Bay Trail and pedestrian paths connecting the Bay Trail to the Graving Dock and the Interim Bay Trail connecting the Graving Dock to Clement Avenue.

- a. Public Access Easements. As part of the Final Map, the Applicant shall provide public access easements on all paseos providing access to the front of homes and the public pathways shown on the Development Plan that are located within the project. The public access easements shall include the Bay Trail extending along a minimum 8' wide path from the west of the Phase II site continuing east to the Graving Dock and continuing to the Interim Bay Trail that leads to Clement Avenue.

- b. Gates Prohibited. No gates shall be erected that would block access to any paseo or pathway. The prohibition on erecting any gate or similar barrier shall be stated in a form approved by the City Attorney and recorded on the property, which could include any Covenants, Conditions & Restrictions (CC&Rs) applicable to the property.

10. No Residential Parking in Public Parking Lots: Any CC&Rs applicable to the property shall also state that residential parking is not allowed in marina/public park parking lots.

11. Sustainable Strategies: Building Permit plans shall meet LEED Silver certification or equivalent implementation of sustainable building techniques, as determined by the Building Official.

12. Functional Elements: Building Permit plans shall provide sufficient details to demonstrate compliance with the Functional Elements section on page 57 of the Master Plan.

13. Lighting Plan: Prior to issuance of Building Permit(s), the Applicant shall submit a detailed lighting plan and photometric study for Planning Director review and approval. The detailed lighting plan shall specify the type of lighting fixtures, the location of those fixtures on the plan, a street lighting plan for the Clement Avenue frontage, a street lighting plan for internal streets, and a bay trail and parks lighting plan.

14. Bird Safe Building Ordinance: Building Permit plans shall demonstrate compliance with the Alameda Bird-Safe Building Ordinance (AMC Section 30-5.16.b), as applicable.

15. Dark Skies Ordinance: Plans submitted for building permits shall demonstrate compliance with the Alameda Dark Skies Ordinance (AMC Section 30-5.16.c), as applicable.

16. Public Art Requirement: Prior to final building inspection, the Applicant shall demonstrate compliance with the Public Art Ordinance (AMC Section 30-98).
17. Building Signage: Building signage shall be subject to separate Sign Permit approval according to the Sign Ordinance (AMC Section 30-6).
18. Water Efficiency Landscape Ordinance: Prior to issuance of building permits or improvement plans, Applicant shall submit a complete WELO Landscape Document Package, as defined by Alameda Municipal Code (AMC) Section 30-58.3(d), subject to the approval of the Planning Director. The Final Landscaping Plan shall identify specific sizes and species of plants to be installed.
19. Other Agency Approvals: Prior to approval of improvements related to work within the jurisdictional areas, Applicant shall provide evidence that all required approvals, permits, or waivers from Bay Conservation and Development Commission (BCDC), Regional Water Quality Control Board (RWQCB), including compliance with the existing 401 Certification for the construction of a storm water outfall, and/or the Army Corps of Engineers have been obtained. The final Improvement Plans shall incorporate all other agency comments.
20. Public Improvements Phasing: Project development phasing shall be consistent with the project phasing requirements of the Alameda Marina Master Plan. All public shoreline, infrastructure, sea level rise, public access, and Clement Avenue improvements in each phase shall be completed prior to issuance of the first building permit in the next phase of the project.

### **Public Works Department Conditions**

21. The Applicant shall comply with all conditions of approval included in City of Alameda Resolution No. 15570 approved at City Council, July 16, 2019, for Tentative Map #8500, and the said conditions are hereby incorporated by reference.
22. Issuance of the Site Development Permit (PWD permit) is required prior to the issuance any Building Permits, other than demolition permits.
23. Site improvements associated with Phase II of the Tentative Map #8500, including all landscaping, public park facilities, shoreline improvements, marina reconfigurations, and improvements in the Clement Avenue/Stanford Street/Willow Street right of ways, shall be completed to the satisfaction of the City Engineer prior issuance of the first certificate of occupancy for residential units in Phase II.
24. All on-site surface drainage and all runoff from roof downspouts shall be collected and conveyed to stormwater treatment facilities in substantial conformance with the Tentative

Map #8500, consistent with the City's NPDES stormwater permit requirements, and in a manner approved by the City Engineer.

25. The SWPPP shall comply with the City's "Urban Runoff Best Management Practices Standards".

### **Fire Department Conditions**

26. Roof Access: Final plans submitted for building permits shall demonstrate that the design of the roof decks and solar panels will not prevent firefighter movement across the roof to the satisfaction of the Fire Marshal.

27. Address Signs: The final building addressing plan submitted along with plans for building permit shall include the placement of address signs in the immediate vicinity of every garage door. The address sign shall include both the unit number and street name to the satisfaction of the Building Official and Fire Marshal.

28. Prior to approval of the Improvement Plans, the applicant shall submit plans for review and approval by the Public Works Director and the Fire Marshal, that:

- a. Provide fire hydrants spaced throughout the project as required in California Fire Code Appendix C. Ensure sufficient fire flow for the development compliant with California Fire Code Appendix B where a maximum reduction of the fire flow can be reduced by up to 75% for fire sprinklered buildings. Placement of hydrants shall be shown on the improvement plans and shall be to the satisfaction EBMUD, the City Fire Marshal and the City Engineer.
- b. Fire hydrant flows shall be a minimum of 1,500 G.P.M. from any one hydrant.
- c. One fire hydrant shall be installed in the Chestnut Lane EVA generally between Townhome Building 4 and Building 6.
- d. The Applicant shall provide adequate turn around space or through access for any street greater than 150 feet in length to the satisfaction of the Fire Marshal and the City Engineer.
- e. Emergency Vehicle Access roads shall have an adequate turning radius for fire apparatus (inside turning radius of 28 feet, outside turning radius 44 feet 8 inches, minimum height 13 feet 6 inches, minimum width 20 feet) and 26 feet wide in the immediate vicinity or portion thereof buildings 30 feet or taller.
- f. All streets and courts within the development that are required to be fire access roads, shall be marked as fire access roads to the satisfaction of the Fire Chief. All roads that are required to be fire access roads shall be designed to handle fire apparatus weight of up to 35,000 pounds per axle. Parking shall be prohibited within the streets and alleys that are dedicated as fire lanes. CC&R's shall include an enforcement mechanism.

29. Aerial Fire Apparatus Roads: Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof. For more detail refer to Appendix D in the CFC 2019 edition.

## **Alameda Municipal Power**

### **General Conditions**

30. Prior to approval of Improvement Plans, the Applicant shall coordinate with Alameda Municipal Power (AMP) regarding power requirements.
31. The Applicant shall comply with AMP's Rules and Regulations and "Material and Installation Criteria for Underground Electrical Systems" (available at [www.alamedamp.com](http://www.alamedamp.com)) which provides service options, standards, and minimum clearances from electrical transformers and other utility electrical equipment.
32. New street trees shall maintain clearances from electrical utilities as follow: a) street/pathway lights and utility poles – 25 feet; b) joint trench and all underground electrical lines – five feet; c) front of electrical pad-mounted equipment (e.g. switches, transformers and capacitors) – ten feet. Verify minimum clearance distances of trees/shrubs from all sides and back of electrical pad-mounted equipment with Alameda Municipal Power (AMP).
33. All service installations to commercial/industrial, multiple dwelling units and subdivisions, shall be underground.
34. The Applicant shall be responsible for all expenses involved in the duct/joint trench system engineering design, plan check, project coordination, and electrical construction inspection.
35. The applicant will also be billed for 100% cost of distribution line extension (except transformers that are rated less than 750 kVA). AMP will require a refundable deposit for transformers rated 750 kVA and higher based on their capacity utilization.
36. Applicant shall allocate space for pad-mounted transformers and switches in addition to the primary and secondary boxes and conduits that will be required to provide power to the development. AMP will require easements for all transformers, primary and secondary boxes, and conduits.
37. The Applicant shall submit, with the site improvement plans, detailed drawings showing the required site electric utility facilities.

38. Concurrent with acceptance of work by City Council, the applicant/developer shall dedicate and AMP shall take over ownership and will be responsible for maintaining all new substructures for underground primary and secondary circuits, and distribution transformers once the improvements have been inspected by AMP and found to have been properly installed. The Applicant or successor property owner(s) shall be responsible for the service cables and service equipment.
39. Prior to issuance of Certificate of Occupancy, the Applicant shall furnish and install service equipment for each building. The service equipment shall meet Electric Utility Service Equipment Requirement Committee (EUSERC) standards. Electric meter(s) shall be located as close as practicable to the point of entry of the service-entrance conductors to the building. Outdoor meter locations are preferred. When meters are located within a building, the meter room shall be directly accessible from the exterior of the building. Remote metering is not allowed.
40. The applicant shall provide (at no charge to AMP) all required easements to AMP facilities on the property prior to issuance of the Final Map.
41. The Final Map shall show all necessary easements and access to all electrical utility facilities that are in the private properties.

#### **AMP Specific Conditions**

42. The development will be served from 208/120V three phase transformers, not 120/240V.

#### **AMP Building Permit Conditions**

43. The Applicant shall provide completed "Service Planning Sheets" for AMP's review.
44. The Applicant shall provide information on the location of transformers and total load in kilowatts or kilovolt-amp (kVA) to AMP for approval prior to building permit issuance. The location, number and type of electric facilities, such as transformers and primary cables, cannot be finalized until electric estimates of each unit are provided. Special loads, such as EV chargers, and solar installations shall be identified.
- Indicate service requirement for the buildings if single phase, 3W, 120/208 V or three phase, 4W, 208/120 V.
  - Provide at least three locations for transformers along Stanford Extension and Willow Extension. Recommended locations would be between 1) Buildings 9 and 10, 2) Buildings 3 and 5 and 3) Buildings 25 and 26.
  - Provide the electric panel single line diagram and load schedule for the buildings especially if there will be EV circuits. Indicate the rating of the switchgear.
  - Indicate the size and number of cables from the building switchgear to the service point which will be at the secondary box outside the building.
  - Indicate if there will be a house meter per building. A main disconnect will be required if there are six or more main breakers in the building switchgear.
  - Provide detailed specifications for the rooftop solar installations.

### **AMP Substructure Conditions**

45. The Applicant shall provide all necessary underground substructures, including conduits, pull boxes, electric utility equipment pads, etc. per AMP specifications. AMP will furnish and install all required transformers, high voltage distribution cables, and secondary cables.
46. The Applicant shall install all electric pull boxes and vaults in-line with the conduit joint trench. No conduit bend will be allowed between electric pull boxes, unless conduit section terminates to an electrical equipment pad. All primary and secondary electrical distribution pull boxes shall not be greater than two section deep (34-inches from finish grade to bottom of pull box). Any deviations from this standard shall be approved by the AMP Engineering Manager or designee in writing.
47. The Applicant shall furnish and install code-size service cables in code-size conduit from each electric metering facility to the nearest secondary pull box (or Service Point) in the public right-of-way, as designated by AMP. AMP will connect the service to the distribution transformer or to the secondary distribution system.
48. Vesting: The Design Review approval shall expire two (2) years after the date of approval or by **March 9, 2022** unless substantial construction or use of the property has commenced under valid building permits. The applicant may apply for a time extension, not to exceed two (2) years. An extension request will be subject to approval by the Planning Director and must be filed prior to the date of expiration.
49. **HOLD HARMLESS**. The applicant shall defend (with counsel 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, the Planning, Building and Transportation Department, Alameda City Planning Board, the City of Alameda or the Alameda City Council related 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. 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. 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.

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 filing with the Planning, Building and Transportation Department a written notice of appeal stating the basis of appeal and paying the required fees.

\* \* \* \* \*

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 9th day of March 2020, by the following vote to wit:

AYES: (7) Cavanaugh, Curtis, Hom, Rothenberg, Ruiz, Saheba and Teague  
NOES: (0)  
ABSENT: (0)

ATTEST:

  
\_\_\_\_\_  
Allen Tai, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-20-10**

APPROVING UNIVERSAL DESIGN WAIVER APPLICATION FOR THE BOATWORKS DEVELOPMENT AT 2229 - 2235 CLEMENT AVENUE (PLN20-0121)

WHEREAS, on March 3, 2020 the City Council approved a Settlement Agreement with Boatworks, LLC (Boatworks) to resolve three existing lawsuits filed by Boatworks against the City of Alameda (City) and allow for the development of the site for much needed new housing and waterfront access; and

WHEREAS, on April 7, 2020, the City Council adopted Resolution No. 15641 approving a Development Plan and Tentative Map for development of 182 residential units, approximately 1.5 acres of publicly accessible open space, and other improvements on the property; and

WHEREAS, on the same date, the City Council deferred its decision on Boatworks' request for a density bonus waiver from the provisions of Alameda Municipal Code (AMC) Section 30-18 Universal Residential Design; and

WHEREAS, on April 14, 2020, pursuant to AMC Section 30-18.5, Boatworks requested a waiver from the provisions of AMC Section 30-18 Universal Residential Design due to the topographical conditions on the site to reduce the visitability requirement from 100% to 50% (91 units would be visitable) and reduce the universal design requirement from 30% to 15% (28 units would meet the universal design standard); and

WHEREAS, on May 6, 2020, the Disability Commission (Commission) reviewed the waiver request and provided comments to the City Planning Board; and

WHEREAS, on May 11, 2020, the Planning Board held a duly noticed public hearing and examined all pertinent application materials and public testimony, including the comments from the Commission.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds the environmental effects of the proposed project were considered and disclosed in the Boatworks Final Environmental Impact Report. No further environmental review is required under the California Environmental Quality Act for the proposed project. The proposed waiver will not result in any new environmental impacts or cause any previously disclosed significant impacts to become more severe; and

BE IT FURTHER RESOLVED, that the Planning Board makes the following finding pertaining to Boatworks' request for a waiver from the provisions of AMC Section 30-18:

1. The requested waiver is necessary to avoid an undue and substantial financial hardship caused by topographical conditions on the site; the size or configuration of the site; and/or other site constraints; and/or legal constraints and equivalent facilitation is not available; and

BE IT FURTHER RESOLVED, that the Planning Board approves the requested Universal Residential Design waiver, subject to the following conditions:

1. The Design Review plans submitted for Planning Board review shall provide evidence that:
  - At least 28 units meet all the requirements for universal design pursuant to AMC Section 30-18;
  - At least 91 units meet all the requirements for Visitability pursuant to Section 30-18;
  - At least 14 waterfront single family homes will meet all of the universal design requirements of Section 30-18 for the interior of the home;
  - The waterfront clubhouse meets all the requirements for visitability pursuant to Section 30-18; and
  - The waterfront park play equipment includes equipment for children with disabilities.
2. The Design Review plans submitted for Planning Board review shall provide evidence that all 182 units include the following features to improve the adaptability of the units for seniors, people with lower mobility, other needs or disabilities:
  - Blocking within the walls of all hallways, stairways, and bathrooms to support future installation of grab bar/hand rails;
  - Rocker light switches, electrical receptacles, and environmental controls will be placed at accessible heights;
  - Windows that do not require more than 5 pounds of force to open or close;
  - Doors, cabinets, faucets equipped with loop or lever type handles;
  - Shower/bath with offset controls and connection for hand-held shower head; and
  - Adjustable shelves and rods in all closets.

The applicant shall also attempt to provide:

- Slip resistant flooring and low glare materials in kitchens and bathrooms.
  - Kitchen counters with a tactile method for edge detection.
  - Automatic stove shut off features for all built-in ovens.
  - 32" clear opening at all passage doors, where possible.
  - ADA height toilets.
3. The Design Review plans submitted for Planning Board review shall provide detailed grading plans, landscape plans, and pathway plans for all 182 units which clearly depict why only 50% of the units can meet the requirement for accessibility from the exterior of the unit. The applicant's architects shall endeavor to provide adaptable access to additional units beyond the 50% via either the front door or the garage through creative grading and pathway design.
  4. Upon review of the Design Review plans and the recommendations of the applicant, the Planning Board may approve Design Review plans that vary from the adaptability requirements of Condition #2 and landscape plans and pathway plans that do not increase the number of visitable units beyond 50% if needed to ensure a financially feasible and well-designed residential development.
  5. **HOLD HARMLESS.** The applicant shall defend (with counsel 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, the Planning, Building and Transportation Department, Alameda City Planning Board,

the City of Alameda or the Alameda City Council related 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. 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.

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 filing with the Planning, Building and Transportation Department a written notice of appeal stating the basis of appeal and paying the required fees.

\* \* \* \* \*

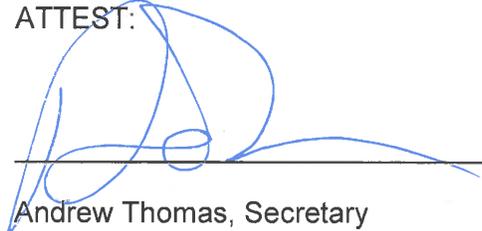
I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 11th day of May 2020, by the following vote to wit:

AYES: (6) Curtis, Hom, Rothenberg, Ruiz, Saheba, and Teague

NOES: (0)

ABSENT: (0) Cavanaugh

ATTEST:



Andrew Thomas, Secretary

City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-20-11**

APPROVING A STREET NAMES PLAN FOR ELEVEN STREETS WITHIN THE ALAMEDA LANDING WATERFRONT RESIDENTIAL DEVELOPMENT LOCATED AT 2800 FIFTH STREET (PLN19-0368).

WHEREAS, on April 3, 2007 the City Council adopted Resolution No. 14080 approving the Policy for Naming City Property, Facilities and Streets, which combined the separate Street Naming Policy and the Facilities Naming Policy in effect at the time; and

WHEREAS, pursuant to the City Council Policy for Naming City Property, Facilities, and Streets, the City of Alameda Historical Advisory Board has maintained a list of approved names for use on new city streets in Alameda; and

WHEREAS, on October 14, 2019 and December 9, 2019 the Planning Board adopted Planning Board Resolutions No. PB-19-21 and PB-19-27 approving Development Plan and Design Review Approval No. PLN19-0368 for the Alameda Landing Waterfront Residential Development; and

WHEREAS, Pulte Home Company has proposed naming eleven streets within the approved Alameda Landing Waterfront Residential Development with names related to the historic Alameda Naval Air Station; and

WHEREAS, the Planning Board held a public hearing on June 8, 2020, to consider the proposed street naming plan, at which time all materials submitted and all comments made by all parties regarding this request were considered; and

NOW, THEREFORE BE IT RESOLVED, the Planning Board considered the request, all public testimony, and all pertinent documents and reports and made the following findings concerning the request:

1. The eleven proposed street names include Crusader, Martin Mariner, Tradewind, Sentinel, Derbyline, Eucalyptus, Halway, Oak Ridge, Pawnee, Cathwood, and San Jacinto.
2. The street names plan complies with eligibility criteria and requirements in the Council-adopted Street Naming Policy.
3. The proposed names are appropriate for the eleven new streets within the Alameda Landing Waterfront Residential Development near the former Naval Air Station.

BE IT FURTHER RESOLVED, the Planning Board finds this project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b), as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby approves the eleven street names proposed for the Alameda Landing Waterfront Residential Development shown in the street names plan attached as Exhibit 1.

\* \* \* \* \*

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 8th day of June 2020, by the following vote to wit:

AYES: (6) Cavanaugh, Curtis, Rothenberg, Ruiz, Saheba, and Teague

NOES: (0)

ABSENT: (1) Hom

ATTEST:



\_\_\_\_\_  
Andrew Thomas, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-20-12**

DENYING APPEAL FILED BY JOHN HEALY AND APPROVING DESIGN REVIEW APPLICATION NO. PLN20-0047 TO ALLOW THE REHABILITATION OF AN APPROXIMATELY 50,517-SQUARE-FOOT EXISTING BUILDING FOR ADAPTIVE RE-USE AS A SENIOR LIVING CONVALESCENT HOME AT 1245 MCKAY AVENUE

WHEREAS, Doug Biggs for Alameda Point Collaborative submitted an application on January 28, 2020 requesting Design Review to allow the rehabilitation of an approximately 50,517-square-foot existing building for adaptive re-use as a senior living convalescent home on approximately 3.65-acres located at 1245 McKay Avenue; and

WHEREAS, the application was accepted as complete on March 4, 2020; and

WHEREAS, the subject property is designated as Office on the General Plan Diagram; and

WHEREAS, the subject property is located within the A-P, Administrative Professional Zoning District; and

WHEREAS, public notices were duly distributed and the Planning Director approved Design Review Application No. PLN20-0047 on March 16, 2020, to allow the rehabilitation of an approximately 50,517-square-foot existing building for adaptive re-use as a senior living convalescent home; and

WHEREAS, on March 26, 2020, the appellant John Healy filed a timely appeal of the Planning Director's decision to approve the project, and submitted supplemental materials on April 20 (collectively, "appeal"); and

WHEREAS, after giving due notice to the appellants, the applicant, all interested parties, and the public, the appeal was considered by the Planning Board at a public hearing on June 8, 2020; and

WHEREAS, the appellant, the applicant, supporters of the application, those opposed to the application and interested neutral parties were given the opportunity to participate in the public hearing; and

WHEREAS, the Planning Board held a de novo public hearing on June 8, 2020, on the design review application at which time the Planning Board considered the entirety of the record, including all submitted materials and public comments regarding the application; and

WHEREAS, the public hearing on the appeal was closed by the Planning Board on June 8, 2020; and

WHEREAS, the Planning Board considered the appeal, the public testimony, and all pertinent maps and reports and evidence in the record as a whole, and made the following findings concerning the project.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board finds denying the appeal and upholding the Design Review Approval for a permitted use is not subject to CEQA. *McCorkle Eastside Neighborhood Group v. City of St. Helena* (2018) 31 Cal.App.5th 80, Public Resources Code Section 21080. As a separate and independent basis, a Mitigated Negative Declaration was adopted by the City Council on December 4, 2018 for the McKay Wellness Center in accordance with CEQA and no further review is required pursuant to Public Resources Code section 21166 and CEQA Guidelines Section 15162; and

BE IT FURTHER RESOLVED, on June 8, 2020, the Planning Board, having conducted a de novo hearing and independently heard, considered and weighed all the evidence in the record presented on behalf of all parties and being fully informed of the Design Review application, the Planning Director's decision, and the appeal, hereby deny the appeal and uphold the Planning Director's Design Review approval; and

BE IT FURTHER RESOLVED, that in support of the Planning Board's decision to deny the appeal and approve the Design Review application, the Planning Board makes the following Design Review Findings:

1. The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual, because the senior living convalescent home is a permitted use in the A-P, Administrative Professional Zoning District. Uses that are permitted in the respective zoning district are also consistent with the General Plan. The proposed project consists of rehabilitation and minor alterations to an existing building, and the proposed physical improvements to the building are ~~architecturally compatible with the building's existing architectural style. Overall, the proposed project is~~ consistent with the design guidelines for alterations to existing buildings set forth in the Design Review Manual. The project is compliant in all categories of the Objective Design Review Standards adopted on February 10, 2020 except for standards 1A regarding gates obstructing private streets, and standard 3.A.1 regarding front entrances facing the public street. The Planning Board finds through discretionary Design Review that the design of the McKay Avenue elevation establishes sufficient window transparency and architectural articulation to maintain interaction with the public street despite not having a physical entrance on the street facing side of the building. In addition, the Board also finds that maintaining the gate located at the private street into the facility is an existing condition, is consistent with existing wrought iron fencing on site, and on adjacent properties, and serves to provide security for the seniors at the facility.
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. This project involves

rehabilitation of an existing building for adaptive re-use as a senior living convalescent home, replacement of the exterior siding with new horizontal tile siding, replacement of the existing windows with new fixed/awning windows, a redesigned exterior entrance on the south elevation, and a new interior walkway connecting two wings on the north elevation. The project increases the existing building footprint by 1,141-square feet, which is a negligible, approximately 4%, expansion of the existing building footprint. The floor area expansion is primarily achieved by enclosing existing staircases, breezeways, and balconies around the building, which does not affect the overall scale and character of the building. The proposed modifications maintain the defining elements of the existing building such as the long horizontal form, the continuous ribbon style windows, the overhanging flat roof, and the horizontal projecting sunshade feature. Also, the exterior changes do not exceed the existing height of the structure, and therefore the project maintains the existing character of the building. The proposed project does not change the building's relationship with adjacent or neighboring buildings, nor does it affect the transitions in scale and character of existing buildings in the neighborhood.

3. The proposed design of the structure 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 modifications are designed to be compatible with the existing building and will utilize the similar fixed/awning windows, horizontal exterior siding, and decorative wood cladding around the building which are also compatible with the design elements found on buildings in the surrounding neighborhood; and

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda hereby approves Design Review Application No. PLN20-0047 subject to the following conditions:

1. This approval is valid for two years and will expire on June 8, 2022, unless construction has commenced under valid permits. The approval may be extended by the Planning, Building and Transportation Director for two years to June 8, 2024, upon submittal of an extension request and payment of the associated fee.
2. The plans submitted for building permit and construction shall be in substantial compliance with plans prepared by Pyatok Architects, dated January 28, 2020, and on file in the office of the City of Alameda Planning, Building and Transportation Department, except as modified by the conditions listed in this resolution.
3. This approval is limited to the scope of the project defined in the project description and does not represent a recognition and/or approval of any work completed without required City permits.
4. A copy of the project conditions shall be printed on the cover of the final Building Permit plans.
5. CEQA Mitigation Measures: Prior to issuance of a Building Permit or Site Improvement Permit, the Applicant shall submit a Mitigation Measure Compliance

Checklist confirming compliance to date with all required environmental mitigation measures contained in the MMRP adopted by the Alameda City Council on December 4, 2018 for the McKay Wellness Center. The checklist shall be printed on the Building Permit plans.

6. Building Permit plans shall incorporate the approved window schedule.
7. The final plans submitted for Building Permit approval shall conform to all applicable codes and guidelines.
8. A site inspection to determine compliance with this Design Review Approval is required prior to the final building inspection and/or to the issuance of a Certificate of Occupancy. The applicant shall notify Planning staff at least four days prior to the requested Planning Inspection dates.
9. Modifications: Minor project design details requested by the applicant may be established, modified, and approved by the Planning Director. Engineering standards and specifications requested by the applicant may be established, modified and approved by the Public Works Director or designee. Major modifications that are not consistent with this design review approval or these conditions shall be subject to review and approval of the Planning Board; and

BE IT FURTHER RESOLVED, that the record before the Planning Board relating to the design review approval includes, without limitation, the following:

1. The application, including all accompanying maps and papers;
2. All plans submitted by the applicant and its representatives;
3. The appeal and all accompanying statements and materials;
4. All final staff reports, final decision letters, and other final documentation and information produced by or on behalf of the City, including without limitation all related/supporting final materials, and all final notices relating to the application, appeal and attendant hearings;
5. All oral and written evidence received by the Planning Board during the public hearing on the appeal; and all written evidence received by relevant City staff before and during the public hearing on the appeal; and
6. All matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan; (b) the Alameda Municipal Code; (c) all applicable State and federal laws, rules and regulations; and

BE IT FURTHER RESOLVED, that the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based are located at the Office of the City Clerk located at 2263 Santa Clara Avenue, Room 380, Alameda, CA 94501.

HOLD HARMLESS. The applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Council, 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 Council, 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, the Planning, Building & Transportation Department, Alameda City Planning Board, the City of Alameda 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. 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.

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 filing with the Planning, Building and Transportation Department a written notice of appeal stating the basis of appeal and paying the required fees.

\* \* \* \* \*

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 8th day of June 2020, by the following vote to wit:

AYES: (6) Cavanaugh, Curtis, Rothenberg, Ruiz, Saheba, and Teague

NOES: (0)

ABSENT: (1) Hom

ATTEST:



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Andrew Thomas, Secretary  
City of Alameda Planning Board

**CITY OF ALAMEDA PLANNING BOARD  
RESOLUTION PB-20-13**

APPROVING USE PERMIT PLN20-0215 TO ALLOW THE TEMPORARY USE OF PRIVATELY OWNED OUTDOOR SPACE AND PARKING LOTS AND CITY OWNED SIDEWALKS AND ON-STREET PARKING SPACES IN CERTAIN COMMERCIAL ZONED DISTRICTS FOR RETAIL AND COMMERCIAL PURPOSES DURING THE COVID-19 HEALTH EMERGENCY

WHEREAS, on March 17, 2020, following emergency declarations by the federal, state and county governments, and a shelter in place order issued by the Health Officer of the County of Alameda, the Alameda City Council adopted an urgency ordinance (Ordinance No. 3267) declaring the existence of a local emergency in response to the COVID-19 pandemic (as amended and extended by Ordinance No. 3272, City Emergency Declaration); and

WHEREAS, due to the shelter in place and related COVID-19 orders, many of Alameda's small businesses and restaurants have seen dramatic declines in revenue. Some have temporarily closed, while others have reduced businesses hours and/or limited their operations to delivery and take out; and

WHEREAS, according to a recent Alameda Chamber of Commerce online survey of 68 businesses, 35 businesses (51 percent) have temporarily closed while another 21 businesses (31 percent) have reduced hours or cut back operations; and

WHEREAS, the County Health Officer has issued a number of updated shelter in place orders (most recently Order 20-14 on June 5, 2020) that direct all individuals in the County to comply with social distancing measures and other restrictions necessary to control the spread of COVID-19. The COVID-19 pandemic and the restrictions imposed by the shelter in place orders, including social distancing requirements, have had a devastating impact on the local economy; and

WHEREAS, many economists anticipate steep job losses, particularly in sectors supported by consumer spending. The retail, hospitality and food service industries are considered the most vulnerable sectors; and

WHEREAS, the City of Alameda wishes to assist in slowing the spread of COVID-19 while supporting the economic recovery of local businesses as they begin to re-open after months of extended closures and limited operations resulting from the COVID-19 pandemic and restrictions imposed by the shelter in place orders; and

WHEREAS, local businesses that rely on customers visiting their establishments (e.g. restaurants, retail stores, personal service businesses, etc.) will need additional space to accommodate social distancing requirements.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the following findings can be made in support of the Use Permit approval:

- 1. 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 use of outdoor space for customer serving commercial purposes in commercial districts is compatible with the commercial land uses in the area, and the expansion of the existing businesses into outdoor space is aesthetically and operationally harmonious with the community and surrounding development. No architectural changes are being proposed, and

any future physical structures will require design review.

**2. The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.**

The project sites are located in commercial districts and will be served by adequate transportation and service facilities including existing transit, pedestrian and bicycle facilities.

**3. The proposed use, 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 proposed use, with the limitation on noise and existing AMC limitations on hours of operation and other AMC requirements, will not adversely affect other property in the vicinity. The purpose of the proposed use permit is to have a beneficial effect on existing business districts and the local economy.

**4. The proposed use relates favorably to the General Plan.**

Programs and actions to support the local economy relate favorably to General Plan Policy 2.5.a, which calls for providing enough retail business and services to provide Alameda residents with a full range of services; and

BE IT FURTHER RESOLVED, that the Planning Board finds this project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 Existing Facilities, 15304(e) Minor Temporary Use of Land, and 15305 Minor Alterations to Land Use Limitations, and none of the exceptions apply; and

BE IT FURTHER RESOLVED, that the Planning Board hereby approves Use Permit PLN20-0215, subject to the following conditions:

1. Applicability. The use permit shall only apply to commercial properties in the C-1 Neighborhood Business District, C-2 Central Business District, CC-Community Commercial District, NP North Park Street Gateway and Workplace Districts, and the M-X Mixed Use District.
2. Existing Use Permits. Businesses with existing use permits for outdoor use shall comply with the requirements of both the existing use permit and this temporary use permit. In the event of conflicting provisions, the provisions of this temporary use permit shall govern.
3. Compliance with County Health Order and City Requirements. The use of privately owned outdoor space and parking lots and City owned sidewalks and on-street parking spaces must be conducted in compliance with all applicable County Health Orders and City requirements related to COVID-19 as well as laws and regulations of applicable agencies such as the County Environmental Health Department and State Department of Alcoholic Beverage Control. Businesses serving food and beverages shall maintain all necessary food and beverage permits, licenses, and approvals that are required to serve food and beverages within the new or expanded outdoor area. In addition, if a business wishes to serve alcohol in the new or expanded outdoor area, it must obtain and maintain the required state alcoholic beverage license approvals. In addition, businesses shall comply and further shall cause its employees, agents, guests, invitees, and contractors to comply with all conditions within this use permit, and any other rules or regulations established by the City of Alameda concerning this use permit for temporary use of outdoor areas, which the City may modify or supplement from time to time in order to protect and promote the public health, safety, and welfare.

4. Use of Privately Owned Outdoor Spaces. Any business with an active business license and up-to-date Business Improvement Area assessments, if applicable, may use privately owned outdoor (un-enclosed open air) space and parking lot(s) on the subject property for retail and commercial uses, including customer services, customer seating, and/or display and sale of retail products. Permission to establish an outdoor area under this use permit does not authorize a business to physically modify, alter, or demolish existing structures and site improvements or to erect new structures or site improvements; provided, however, a business may install temporary barriers or separations, re-stripe parking lots, and make use of temporary ramps to ensure accessibility, promote health and safety, and otherwise accommodate the establishment or expansion of outdoor dining into parking areas. The construction, modification, alteration, and demolition of structures and site improvements will require the issuance of separate permits.
5. Use of Privately owned Off-street Parking Areas. Use of privately owned off-street parking spaces must be in conformance with all Alameda Fire Department requirements for building accessibility. Among other ADA requirements, a business shall maintain an accessible path of travel to, from, and within the outdoor area to all points adjacent to the outdoor area. No parking for disabled persons or required landscape areas may be repurposed for restaurant or retail use. Tents and umbrellas that are 10 feet by 10 feet in size or smaller may be erected in private off street parking lots to provide shade provided that heaters of any kind shall not be used under tents or umbrellas and tent walls are prohibited and all sides shall be open for air flow.
6. Encroachment Permit Required for Use of City-owned Property. Any business with an active, current encroachment permit authorizing the use of public right of way may use City-owned sidewalk space and/or on-street public parking spaces for retail and commercial uses, including customer services, customer seating, and/or display and sale of retail products.
7. Noise. The use of amplified music, loudspeakers, or generators is not permitted. This use permit does not permit outdoor entertainment within the outdoor areas, including live performances, amplified sound, or electronic displays. All outdoor activity shall comply with the City's Noise Ordinance, AMC Section 4-10.
8. Hours of Operation. Outdoor commercial activity consistent with this use permit may occur between the hours of 7AM to 10PM Sunday through Thursday and 7 AM to Midnight on Friday and Saturday.
9. City's Right to Modify/Revoke. The use of privately owned outdoor space and parking lots and City-owned sidewalks and on-street parking spaces may be modified and/or revoked by the Zoning Administrator, Planning Board, and/or City Council for any individual property that violates the requirements, without the need to modify and/or revoke the use permit for all other properties.
10. Termination. This use permit shall terminate with expiration of the County Health Order requirements for social distancing in response to the COVID-19 pandemic, unless revoked or extended by the Zoning Administrator, Planning Board and/or City Council at an earlier date.
11. Compliance with Conditions. Failure to comply with any conditions stated herein may result in issuance of a citation and/or modification, suspension, or revocation of the Use Permit for any specific property or group of properties.
12. Revocation. This Use Permit may be modified or revoked by the Zoning Administrator, Planning Board, and/or City Council, after notice and hearing, if one of the following findings is made: 1)

the use or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity; 2) the property is operated or maintained so as to constitute a public nuisance; or 3) the use is operated in violation of the conditions of the Use Permit.

13. HOLD HARMLESS AND INDEMNIFICATION. Any business exercising the privileges granted under this use permit shall, to the furthest extent permitted by law, indemnify, defend at its own expense (with counsel acceptable to the City), and hold harmless the City of Alameda, the Alameda City Planning Board, City Council and their respective agents, officers, employees, and volunteers from any and all liabilities, losses, damages, claims, expenses, actions, or proceedings (including legal costs and attorney's fees) of every nature arising out of or in connection with the business's work under this use permit, its failure to comply with any of the obligations contained in this use permit, or any approval by the City of Alameda, the Planning, Building & Transportation Department, Alameda City Planning Board, or City Council related to this project. The business hereby agrees to waive rights of subrogation which any insurer of the business may acquire from the business by virtue of payment of any loss in connection with this use permit, and the business agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation. The City shall promptly notify the business 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 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.

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 filing with the Planning, Building and Transportation Department a written notice of appeal stating the basis of appeal and paying the required fees.

\* \* \* \* \*

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 22th day of June 2020, by the following vote to wit:

AYES: (7) Cavanaugh, Curtis, Hom, Rothenberg, Ruiz, Saheba, and Teague

NOES: (0)

ABSENT: (0)

ATTEST:



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Andrew Thomas, Secretary  
City of Alameda Planning Board