

CITY OF ALAMEDA PLANNING BOARD  
RESOLUTION PB-24-01

A RESOLUTION RECOMMENDING TO CITY COUNCIL THAT IT ADOPT AMENDMENTS TO THE ALAMEDA MUNICIPAL CODE AT SECTION 30-73 ET SEQ. SUBDIVISION REGULATIONS TO IMPLEMENT THE 2023-2031 HOUSING ELEMENT, TO CONFORM TO STATE LAW, AND TO REFLECT CURRENT PRACTICE; AND FIND THAT THE AMENDMENTS ARE EXEMPT FROM ENVIRONMENTAL REVIEW

WHEREAS, on November 30, 2021, the City Council adopted the City of Alameda General Plan, which includes policies and action items to increase housing production by removing governmental constraints including the provisions in the outdated subdivision ordinance; and

WHEREAS, on November 15, 2022, the City Council adopted the City of Alameda Housing Element, which includes quantified objectives for housing production based on policies and programs, including process improvements that will provide an ample supply of housing to meet the existing and projected housing needs of the community by removing governmental constraints such as the outdated subdivision ordinance; and

WHEREAS, on September 11, 2023, the Planning Board held a duly noticed public hearing to consider a draft set of amendments; and

WHEREAS, on January 22, 2024, the Planning Board held a duly noticed public hearing to consider revised amendments and made a recommendation to the City Council that it adopt the draft amendments, as shown in Exhibit 1.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Alameda, as follows:

1. **The amendments maintain the integrity of the General Plan.** The proposed amendments are consistent with the City of Alameda's housing goals, policies and programs, which identified the need to amend the subdivision ordinance, reasonable accommodation and related provisions to remove governmental constraints on housing production.
2. **The amendments will support the general welfare of the community.** The proposed amendments provide a streamlined process for approving subdivisions and improve clarity in the regulations and maintain consistency with other applicable laws and regulations.
3. **The amendments are equitable.** The proposed amendments are equitable in that they will apply broadly to the entire community, provide

streamlined approval, and clarify the regulations so that the community is able to be informed and participate in the decision-making process.

4. **The amendments are exempt from the California Environmental Quality Act.** The proposed amendments are exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3), which exempts an action where it can be seen with certainty that the proposed project will not have a significant effect on the environment. Amending the zoning code for the purpose of greater clarity, internal consistency, and conformance to the adopted General Plan, Housing Element, and state law will not result in any identifiable physical impacts. Furthermore, the amendments were contemplated in the General Plan and Housing Element, which were subject to independent CEQA review. None of the identified potential impacts and adopted mitigation measures are applicable to this action.

**HOLD HARMLESS.** To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings (including, without limitation, legal costs and attorneys' fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

**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 Department a written notice of appeal stating the basis of appeal and paying the required fees.

**Exhibit 1: Draft Subdivision Ordinance**

\* \* \* \* \*

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 January, 2024, by the following vote:

AYES: (7) Ariza, Cisneros, Hom, Ruiz, Saheba, Tsou and Wang

NOES: (0)

ABSENT: (0)

ATTEST:

Signed by:



Steven Buckley, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-24-02**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING FINAL DEVELOPMENT PLAN, USE PERMIT, AND DESIGN REVIEW APPLICATION NO. PLN21-0560 FOR THE CONSTRUCTION OF AN APPROXIMATELY 2,000 SQUARE FOOT ANIMAL SHELTER WITH ON-SITE VETERINARY SERVICES AT 2331 NORTH LOOP ROAD

WHEREAS, the subject property is located at 2331 North Loop Road in the Harbor Bay Business Park, and designated as Business + Employment on the General Plan Diagram; and

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

WHEREAS, the Planned Development for the Business Park was approved by PD-81-2 (Resolution No. 1203), and subsequently amended by PDA-85-4, PDA05-0003 and Resolution PB-19-11; and

WHEREAS, an application was made by John Lipp on behalf of Friends of the Alameda Animal Shelter (“Applicant”) requesting approval of a use permit and final development plan for the construction of an approximately 2,000 square foot animal shelter facility for indoor boarding of up to 14 animals, adoption and veterinary services, administrative offices, and community events and design review for an interim veterinary facility (“project”); and

WHEREAS, PD-81-2 requires the Planning Board approve a Final Development Plan for every new development proposal within the Business Park; and

WHEREAS, the Planning Board held a duly noticed public hearing for the project on February 12, 2024 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 within the C-M-PD Zoning District. The proposed project also supports Policy LU-12 of the Land Use Element for the development of Harbor Bay Business Park as an employment center and not introducing new residential uses within the business park.

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 6-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 application PLN21-0560:

**FINAL DEVELOPMENT PLAN FINDINGS:**

1. **The development is a more effective use of the site than is possible under the regulations for which the PD district is combined.** The previously adopted development regulations for the Harbor Bay Business Park did not consider the unusual circumstances specific to the project site, such as the irregular shape of the property and the presence of a public utility easement, that greatly reduce the buildable area of the property. The building footprint, parking, and overall site layout reflect a more appropriate use and design of the lot than would be possible under the existing development regulations for this property. The Final Development Plan reflects a balance between the site constraints and building placement and orientation. The resulting plan is an effective commercial development that provides compatible interfaces with the adjacent properties and

uses, while addressing the operational needs of an animal shelter and associated landscaping, parking, and pedestrian access amenities.

- 2. 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 design of the building is complementary to existing buildings in the business park, and the building itself **is visually interesting with architectural detailing and articulation.** The Project is sensitive to the adjacent single family homes by incorporating a “sensory garden” with landscaping and trees to separate the building and the homes. Therefore, the proposed project, with conditions of approval, will be compatible with the adjacent surrounding development.
- 3. 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. Furthermore, the project will continue to provide access between the adjacent lagoon and North Loop Road, allowing the residential neighborhood to access the shoreline trail. The project will provide **both long term and short term parking for employees and visitors** to the facility.
- 4. 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 project will not adversely impact surrounding land uses, including the residential neighborhood directly adjacent to the property. The use of the building as an animal shelter will be subject to use permit conditions of approval to ensure all operational characteristics of the facility will address any potential nuisance issues so as to not interfere with the public health, safety and welfare. As conditioned, the building will provide adequate sound proofing due to the site’s proximity to the flight path of the Oakland International Airport. These sound proofing measures will also keep all animal noises at a minimum. Outdoor animal runs will be used periodically during the day under staff supervision, who will monitor the behavior of animals and promptly collect waste to avoid noise and odor nuisances.
- 5. The proposed use relates favorably to the General Plan.** The project is consistent with Policy HS-53 of the Health + Safety 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. The proposed project also supports Policy LU-12 of the Land Use Element for the development of Harbor Bay Business Park as an

employment center and not introducing new residential uses within the business park.

## **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 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 run is a 1,700 square yard area where **no more than six (6) dogs** will be allowed. Use of the 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. 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 substantial 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 the outdoor animals runs for a maximum of four 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 HS-53 of the Health + Safety 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.

## **DESIGN REVIEW FINDINGS**

- 1. The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.** The proposed building includes materials, architectural elements, and building colors that are compatible with the General Plan and Zoning Ordinance. Site features such as landscaping are incorporated to soften interfaces with adjacent residential homes. The overall development plan also conforms to the Harbor Bay Business Park development regulations and guidelines for compatibility with the adjacent airport environment and commercial development.
- 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 building design is compatible with the surrounding office park and adjacent residential neighborhood. The project is sensitive to the adjacent single family homes by incorporating a “sensory garden” with landscaping and trees to separate the building and the homes. The building is similar in design and scale with other buildings in the business park and the adjacent office buildings. The overall building height of one story and ten feet (10’) tall is lower than the maximum allowed height of the adjacent residential neighborhood. Therefore, the proposed project, with conditions of approval, will be compatible with the adjacent surrounding development.
- 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.** Design elements have been incorporated into the building and site plan to ensure the compatibility of the project with the character and uses of adjacent development. Specifically, these design elements including keeping a building height of one story which is lower than the adjacent residential homes, including landscaped buffers along the property lines, and providing a formal walkway connecting the site along the path between the lagoon and the Harbor Bay shoreline.

BE IT FURTHER RESOLVED, that the Planning Board hereby re-approves file no. PLN21-0560 for Final Development Plan and Use Permit, and approves Design Review



(for an interim facility), for the construction and operation of an approximately 2,000 square foot animal shelter at 2331 North Loop Road, subject to the following conditions:

1. Building Permit Conditions: These conditions shall be printed on the first page of all building plans and improvement plans.
2. Building Permit Plans: The plans submitted for the building permit shall be in substantial compliance with the plans prepared by Forge Architects/Sustainable Urban Neighborhoods, dated January 8, 2024, 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. Building Permit Plan Modifications: The final plans submitted for Building Permit plans shall:
  - a. Show compliance with the City's Bicycle Parking Ordinance, AMC Section 30-7.6.
  - b. Show that the fence that runs East-West across the site at the northern boundary of the existing Public Utility Easement will not extend closer to the street than the front of the building.
4. 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. An outdoor animal run, approximately 1,700-square-foot area at ground level in the northern corner of the property.
    - i. Training classes within the outdoor animal run are permitted with the following restrictions:
      1. Classes can only occur on weekends, Saturday and Sunday, between the hours of 8:00 A.M. and 5:00 P.M.
      2. No more than six (6) individual classes can occur on any given weekend.
      3. Class size is limited to no more than six (6) dogs.
5. 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.
6. 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.
7. 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.

8. Noise Ordinance: The applicant shall ensure that all operations are conducted in conformance with the Noise Ordinance, AMC Chapter 4, Article II.
9. 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.
10. ALUC/FAA Compliance: Prior to issuance of building permits, the applicant shall provide verification of final Federal Aviation Administration (FAA) and Alameda County Airport Land Use Commission compliance. The applicant shall provide the FAA a Form (currently designated 7460 although FAA may designate a substitute form), completed to FAA satisfaction, which describes the electronic and light emissions and reflections from the facility toward Port of Oakland runways and related information. The FAA Form 7460 or the equivalent regulates both building external elements and construction elements including temporary use of cranes. The applicant shall also provide evidence that any construction crane height is acceptable to the Port of Oakland. The applicant shall conform to FAA requirements in the Form 7460 or FAA-approved equivalent process. The applicant shall conform to any process of the Alameda County Airport Land Use Commission and shall provide verification to the Planning Director of compliance efforts.
11. Planning Board Resolution No. 1203 Compliance: Prior to issuance of Building Permits, the applicant shall provide verification of compliance with the conditions of Planning Board Resolution No. 1203, which are incorporated by reference and which shall be printed on the first page of all building plans and improvement plans.
12. Dust Control: Prior to issuance of building or grading permits, the developer/applicant shall ensure that a dust control program is implemented consistent with City and BAAQMD requirements. Construction activities shall be subject to the requirements of the Alameda Municipal Code, which restricts construction 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. Design specifications shall incorporate Waste Management and Recycling elements for building and site demolition debris.
13. Noise: Prior to the issuance of building permits and prior to any future change in building use, the applicant shall submit an acoustical analysis meeting the requirements of Condition No. 60 of Resolution No. 1203 with the building permit applications.
14. Signage: Any temporary or permanent signage is subject to a sign permit approval. All signage shall be consistent with the requirements of the approved signage program for Harbor Bay Business Park.

15. Lighting: New exterior lighting fixtures shall be consistent with AMC Section 30-5.16.c, the Alameda Dark Skies Ordinance.
16. 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. The submitted WELO Landscape Documentation Package shall be consistent with the landscape plans approved by Resolution PB-22-13.
17. 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 his 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.
18. Expiration:
  - a. This Final Development Plan and Use Permit approval shall expire unless substantial construction under validly issued building permits has commenced within two (2) years after this approval or by **February 12, 2026**. Per AMC Section 30-37.6, a one-time extension for an additional two years may be granted upon written request.
  - b. This Design Review approval shall expire unless substantial construction under validly issued building permits has commenced within three years after this approval or **February 12, 2027**. Per AMC Section 30-37.6 a one-time extension for an additional two years may be granted upon written request.

## **PUBLIC WORKS (GENERAL)**

19. The project shall comply with Chapter 22 of the Alameda Municipal Code (Streets and Sidewalks) as determined by the City Engineer.
20. 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.
21. 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.
22. A current title report, less than six months old, shall be submitted to identify current ownership and any existing easements or land use restrictions.
23. An Encroachment Permit is required for all work within the Public Right-of-Way.

## **IMPROVEMENT PLANS**

24. 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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.
30. 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.
31. All development shall be designed to account for future predicted sea level rise to Elevation 13 feet, NAVD88 Datum.

32. Only two curb cuts per parcel will be allowed.
33. The improvement plans shall include a construction phase erosion and sedimentation plan for review and approval.

## **DRAINAGE AND STORMWATER TREATMENT**

34. 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.
35. 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.
36. 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.
37. 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.
38. 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).

39. 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.
40. 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.
41. 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.
42. 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.
43. 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.
44. 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**

45. 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.
46. 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.
47. 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.
48. 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.
49. 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**

50. Sanitary sewers shall be in accordance with the EBMUD Regional Standards for Sanitary Sewer Installation.
51. 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.
52. 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.
53. 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.
54. 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.

55. The Applicant shall design and construct water, power, telecom, gas, and other utilities in accordance with applicable utility standards.
56. All new utilities shall be placed underground prior to the issuance of an occupancy permit.
57. Fire sprinkler system test water discharges shall be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).
58. 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.
59. 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.
60. 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.
61. 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.
62. 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.
63. 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**



64. The applicant shall be responsible for a water main extension 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.
65. All fire lanes within the development shall be marked as fire access roads to the satisfaction of the Fire Chief.
66. 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 building for immediate access for life-saving or fire-fighting purposes. Keys to be placed within the box are to include the 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)**

67. 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 [www.alamedamp.com](http://www.alamedamp.com)) and provide completed "Service Planning Sheets" for AMP's review prior to submitting plans for building permits.
68. The applicant shall provide information on the location of transformers and total load in kilowatts or kilowatt/volts (KVA) to Alameda Municipal Power (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.

**HOLD HARMLESS.** To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

**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.

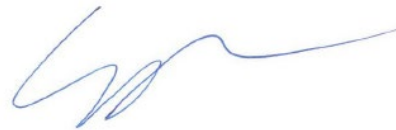
The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by filing with the Planning, Building, and Transportation Department a written notice of appeal stating the basis of appeal and paying the required fees.

\* \* \* \* \*

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 12th day of February 2024, by the following vote to wit:

AYES: (6) Cisneros, Hom, Ruiz, Saheba, Tsou and Wang  
NOES: (0)  
ABSENT: (1) Ariza

ATTEST:



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Steven Buckley, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
**PB-24-03**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING USE PERMIT PLN23-0116 TO ALLOW COMMUNITY ASSEMBLY INSIDE AN APPROXIMATELY 3,300 SQUARE FOOT COMMERCIAL STOREFRONT AT 1413 PARK STREET.

WHEREAS, on March 9, 2023, based on a complaint, Alameda City officials conducted an inspection of a commercial storefront located at 1413 Park Street; and

WHEREAS, the subject property is designated as Community Mixed Use in the General Plan; and

WHEREAS, the subject property is located in a C-C-T, Community Commercial – Theater Combining Zoning District; and

WHEREAS, during the inspection, evidence was noted of a change in building occupancy to an A-3 assembly without prior Planning, Building and Transportation Department approval; and

WHEREAS, the use of ground floor, street facing spaces fronting Park Street for community assembly requires approval of a conditional use permit in the Community Commercial Zoning District; and

WHEREAS, on March 9, 2023, the Building Official issued a notice of violation demanding that required Planning approval(s) and building permits related to life-safety issues be obtained; and

WHEREAS, an application was made on March 20, 2023 by Triumphant Life Church of Alameda (“Applicant”) requesting approval for Use Permit PLN23-0116 to allow a church to operate in a retail storefront located at 1413 Park Street; and

WHEREAS, the Planning Board held a duly noticed public hearing for the project on February 12, 2024 and examined pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds this project categorically exempt from environmental review pursuant to CEQA Guidelines Sections 15301 - Existing Facilities, and finds that none of the exceptions to the categorical exemptions apply. 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 (AMC Sections 30-21.3, 30-4.9A.c., 30-4.22.d.):

- 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 (AMC Section 30-21.3.b.1.).**

The proposed community assembly use is compatible with the other land uses along Park Street in the Community Commercial Theater Combining Zoning District because the proposed church tenant will reactivate a large commercial space which has been vacant since the beginning of the Covid-19 pandemic. Although ground floor retail is generally preferred on Park Street, as conditioned, the new community assembly use and ancillary retail activity will bring foot traffic and function as a complementary use to other businesses in the business district. No exterior modifications are proposed as part of this use permit.

- 2. The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities (AMC Section 30-21.3.b.2.).**

The location of the project is within the Park Street downtown area and is fully developed and does not require additional service facilities. The Park Street Business District has several City operated parking lots and street parking within a short walk to the site, as well as bike parking facilities throughout the district. The site has good access to public transit and is served directly by AC Transit lines 20, 21, 51A, O, and OX.

- 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 (AMC Section 30-21.3.b.3.).**

The community assembly use, if it complies with the conditions of this Use Permit, will not adversely affect other property in the vicinity. Long term vacancies have negative impacts on the City's business districts. The church tenant will have a positive effect on the surrounding business district by regularly drawing people to the downtown core, thereby increasing foot traffic that can patronize surrounding businesses.

- 4. The proposed use relates favorably to and is consistent with the policies of the General Plan and the purpose of the C-C Zoning District (AMC Sections 30-21.3.b.4, 30-4.9A.c.).**

The proposed quasi-public use for community assembly by a church community is consistent with the purpose of the Community Commercial Theater Combining Zoning District, which is intended to provide for general retail, personal service use, offices, restaurants, hotels/motels, service stations, public and quasi-public uses and similar and compatible uses, and the proposed use is allowed with approval of a use permit. The Alameda 2040 General Plan designation for this parcel is Community Mixed-Use. The proposed use is consistent with this land use designation which calls for pedestrian and transit-oriented mixed use districts along the Park Street corridor and allows a wide range of community serving commercial uses.

**5. The proposed use has adequate parking to serve the use's peak parking demand (AMC Section 30-4.22.d.).**

The proposed use does not propose any additional parking than what currently exists in the Park Street commercial district. The existing street parking, surface parking lots and Civic Center Parking Garage all are in close proximity and provide adequate supply that visitors of 1413 Park Street can utilize. The public parking garage fills up only on rare occasions. Furthermore, the Applicant's primary service times are on Wednesday evenings and Sunday mornings, which are considered off-peak periods for parking demand in the downtown. Also note, notwithstanding the above, the special parking provision of AMC Section 30-4.22.d requiring a project-specific parking study predates the citywide elimination of minimum parking requirements contained in AMC Section 30-7 (2021) and staff anticipates bringing a cleanup of this provision to a future Planning Board meeting for recommendation to City Council.

BE IT FURTHER RESOLVED, that the Planning Board hereby approves Use Permit PLN23-0116 to allow community assembly inside an approximately 3,300 square foot commercial storefront at 1413 Park Street, subject to the following conditions:

1. Approved Uses: This use permit approves indoor community assembly use in an approximately 3,300 square foot retail storefront at 1413 Park Street. In addition to the community assembly use as a place of worship, the Applicant intends to operate a bookstore during typical business hours, which is a permitted use in the Community Commercial Theater Combining Zoning District.
2. Retail Display: In order to contribute to the retail focus of the business district, the Applicant shall reserve the front five (5') feet of floor area nearest the storefront windows for retail display of goods available for purchase.
3. Change in Building Occupancy: Prior to commencing approved activities, the Applicant shall obtain building and other necessary permits, and construct any building upgrades required to comply with the Building Code for occupancy requirements, required due to the change in building occupancy to an A-3 assembly to address matters of fire rated assemblies, Americans with Disabilities Act (ADA) access, egress, and heating and cooling requirements under the Building Code as described in the letter dated March 9, 2023 associated with Code Enforcement case number X23-0065. The applicant shall respond to any outstanding hold letter items associated with building permit CB23-0390 within sixty (60) days of receipt. Upon issuance of necessary permit(s), applicant shall commence construction within ninety (90) days.
4. Changes to Approved Plans: This approval does not represent a recognition and/or approval of any work completed without required City permits. Any additional exterior changes shall be submitted to the Planning, Building, and Transportation Department for review and approval prior to use or construction.

5. Compliance with City Ordinances: The approved use is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies.
6. Hours of Operation: The approved hours of operation shall be from 7:00 AM to 10:00 PM.
7. Amplified Noise: Applicant shall comply with Alameda Municipal Code Section 4-10, also known as the Noise Ordinance. Amplified noise associated with the use shall be limited to indoor activities and maintained at a volume not to exceed the ambient sound levels in the area.
8. Sign Permit: Applicant shall obtain all applicable sign permits and comply with the City's Sign Regulations as outlined in Alameda Municipal Code Sections 30-6 and 30-4.22.e.
9. One Year Review: Planning staff shall monitor compliance with this use permit and one year after issuance of new Certificate of Occupancy will provide a report to the Planning Board for their consideration.
10. Revocation: This Use Permit may be modified or revoked by the Zoning Administrator, Planning Board, or City Council, pursuant to Alameda Municipal Code Section 30-21.3.d., following notice and hearing, should the Zoning Administrator, Planning Board, and/or City Council determine that: 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.** To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

**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 12th day of February 2024, by the following vote to wit:

- AYES: (5) Hom, Cisneros, Ruiz, Tsou and Wang
- NOES: (0)
- ABSENT: (2) Saheba, Ariza

ATTEST:

DocuSigned by:

*Steve Buckley*

Steven Buckley, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION 24-04**

APPROVING APPLICATION PLN23-0518 AMENDING THE DEVELOPMENT PLAN AND DESIGN REVIEW APPROVALS FOR BLOCK 9 WITHIN "SITE A" IN THE WATERFRONT TOWN CENTER PLAN AREA AT ALAMEDA POINT AND APPROVING A USE PERMIT FOR CONVERTING A PORTION OF THE PREVIOUSLY APPROVED GROUND FLOOR COMMERCIAL SPACE TO WORK-LIVE STUDIO

WHEREAS, Block 9 is designated as Mixed Use in the General Plan; and

WHEREAS, Block 9 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 Waterfront Town Center Plan is a Specific Plan pursuant to Government Code Section 65450 et seq. for a transit-oriented development of the waterfront lands that surround the Seaplane Lagoon and the property at the entrance of Alameda Point between Main Street and Seaplane Lagoon; and

WHEREAS, Block 9 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 requires that the Planning Board approve a Design Review application prior to redevelopment and reuse of Block 9; and

WHEREAS, the Planning Board approved a Design Review for residential building referred to as "Block 9" within the approved Site A Development Plan in the Waterfront Town Center Precise Plan area of the Alameda Point property on December 11, 2017; and

WHEREAS, the approved Block 9 plan consists of 200 multi-family residential units, approximately 8,700 square feet of ground floor retail use, and approximately 8,500 square feet of community and amenity uses and spaces; and

WHEREAS, the project has been operational for two years since the completion of construction and the residential component has been occupied but the commercial space has remained unoccupied despite best efforts by two leasing agents to find tenants suited and able to use the space; and

WHEREAS, on December 27, 2023, the project owner applied to modify the development plan and design review and to obtain a use permit for live-work studios, including minor modifications to the exterior façade, landscape plan and signage plan; and

WHEREAS, the Planning Board held a duly noticed public hearing on February 12, 2024 for this application, considered presentations and testimony, and examined pertinent documents.



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

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 Block 9 and the proposed amendment, design review and use permit; and
2. The project is consistent with the General Plan, Zoning Ordinance, and Town Center Plan; and
3. There are no environmental impacts peculiar to the site 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
4. There are no significant effects of the project that were not analyzed as significant effects in the FEIR; and
5. There are no potentially significant off-site impacts of the proposed project and there are no cumulative impacts to which the proposed project makes a considerable contribution which were not discussed in the FEIR; and
6. There are no previously identified significant impacts of the proposed project 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 is required; and

BE IT FURTHER RESOLVED, that pursuant to AMC section 30-4.13, the following findings are made in support of the Development Plan Amendment approval:

1. **The development is a more effective use of the site than is possible under the regulations for which the PD district is combined.** The development is a more effective use of the site than is possible under the regulations for which the PD district is combined because it will activate the ground floor along a collector street that is an important entry to the new development area of Alameda Point where adaptive commercial space is planned but current market conditions do not support active retail or services, and work-live occupants can make use of the space for a combination of commercial and residential activity.
2. **The project meets the requirements of AMC Section 30-21.3.b. Use Permit Standards, subsections 1, 2, 3, and 4.** The use satisfies the findings required for a Use Permit as set forth more fully below; and

BE IT FURTHER RESOLVED, that pursuant to AMC section 30-37.5, the following findings are made in support of the Design Review approval:

1. **The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.** The proposed design is consistent with the General Plan, Zoning Ordinance, and Design Review Manual because

it retains the previously-approved adaptable commercial frontage while activating the space with daily use by resident/business operators and improved landscaping.

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 design is appropriate for the site, is compatible with adjacent buildings and surroundings, and promotes harmonious transitions in scale and character in areas between different designated land uses because the space was previously approved as a pedestrian-oriented interface along West Atlantic Avenue and will continue to serve this function with increased landscaping, storefront entries, and residential activity below multistory residential apartments.

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 are compatible because the materials and design are based on the existing façade treatments that have been installed in recent years, i.e. aluminum storefront systems, metal sunshade, and pavers, while adding more interest through operable windows, enhanced landscaping, and small scale business opportunities in a neighborhood that is still developing.

BE IT FURTHER RESOLVED, that pursuant to AMC section 30-21.3, the following findings are 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 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 because it uses the existing building mass, landscape elements and facades consistent with previously approved development plans for the site.

2. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities because the site fronts a new multi-use roadway with transit lanes, bike lanes, and on-street parking.

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, 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 because the uses will be small scale owner/occupant endeavors that will be limited to the allowable uses in the zoning and subject to conditions of approval that limit the range of uses to those without external impacts..

4. **The proposed use relates favorably to the General Plan.** The proposed use relates favorably to the General Plan, which establishes the area as a mixed use pedestrian environment with a range of uses including retail, service and entertainment, and medium to high density residential with space reserved for commercial businesses that will be attracted to Alameda Point once new housing and employers have settled

there, because the project will retain the mixed use aspect of the project.

BE IT FURTHER RESOLVED, that pursuant to AMC section 30-15.6, the following additional findings are made in support of the Work-Live Units use permit approval:

1. **The proposed or existing use of each work/live studio is a bona fide commercial or industrial activity consistent with Section 30-15.5d.** The proposed or existing use of each work/live studio is a bona fide commercial or industrial activity consistent with Section 30-15.5d, i.e. that the uses will be limited to those otherwise allowed in the district and that the uses will not be injurious to residents and visitors of the units or surroundings, because pertinent conditions of approval have been included in this approval.

2. **The establishment of work/live studios will not under the circumstances conflict with nor inhibit industrial or commercial uses in the area where the project is proposed.** The establishment of work/live studios will not under the circumstances conflict with nor inhibit industrial or commercial uses in the area where the project is proposed because the pattern of development has been set by the Site A and Block 9 development plans, and the future development south of West Atlantic Avenue is substantially delayed.

3. **Any building containing work/live studios and each work/live studio within the building has been designed to ensure that they will function predominantly as work spaces with incidental residential accommodations meeting basic habitability requirements in compliance with applicable regulations.** Any building containing work/live studios and each work/live studio within the building has been designed to ensure that they will function predominantly as work spaces with incidental residential accommodations meeting basic habitability requirements in compliance with applicable regulations because pertinent conditions of approval have been included in this approval.

4. **Any changes proposed to the exterior appearance of the building will be compatible with adjacent commercial or industrial uses where all adjacent land is zoned for commercial or industrial uses. If there is adjacent residentially-zoned land, then the proposed changes to the building shall make the commercial or industrial building being converted more compatible with the adjacent residential area.** Any changes proposed to the exterior appearance of the building will be compatible with adjacent commercial or industrial uses where all adjacent land is zoned for commercial or industrial uses because the street-facing areas are pedestrian oriented with ground-floor entries and canopy and signs that reflect commercial and residential activity. Furthermore, there is adjacent residentially zoned land, and the proposed changes to the building make the commercial or industrial building being converted more compatible with the adjacent residential area by providing activity in the spaces while retaining the adaptable potential for when more intensive commercial activity is warranted; and

BE IT FURTHER RESOLVED, that pursuant to AMC section 30-15.1, the following additional findings are made in support of the Work-Live Units use permit approval:

**The proposed use is consistent with the purposes for work/live studios set forth in Section 30-15.1 with respect to the circumstances and conditions of the subject property.** The proposed use is consistent with the purposes listed below for the following reasons:

1. To provide for and make feasible the reuse of existing commercial or industrial buildings and related sites in the Northern Waterfront and other specified commercial, manufacturing, and industrial zoning districts as proposed in the Alameda General Plan because the Waterfront Town Center Precise Plan identifies the area for adaptable commercial space, which includes work/live studios as proposed.
2. To provide cost-efficient alternative work space that will provide an incentive for entrepreneurs, business owners, artists, artisans, and other individuals to continue to work in Alameda and contribute to the City's economy because .
3. To reduce traffic and associated adverse impacts on air quality, energy resources, and the quality of life in the City by reducing the number and length of work-related trips by employed Alameda residents.
4. To promote the preservation and reuse of commercial or industrial buildings that contribute to the historic character of the community in a manner that is consistent with other community goals and policies.
5. To allow activities that are compatible with and will not compromise or interfere with existing and potential industrial or commercial uses in the districts where such work/live studios are established.
6. To ensure that work/live studios will function predominantly as work spaces with incidental residential accommodations that meet basic habitability requirements in compliance with applicable regulations. No portion of any work/live studio shall be considered a "dwelling" as that term is defined in Sections 30-2 and 30-51.1.
7. To ensure that the exterior design of structures converted to work/live use reflects the predominant industrial or commercial character of such buildings and will be compatible with adjacent commercial or industrial uses.
8. To ensure that, where there is adjacent residentially zoned land, changes to the exterior of structures converted to work/live are designed to make the commercial or industrial building being converted more compatible with the adjacent residential area; and

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby **approves** the Development Plan Amendment, Design Review Amendment and Use Permit PLN23-0518, **subject to the following conditions:**

1. Subsequent Permit Plans. All future design review applications, building permit applications, and improvement plan submittals shall be reviewed for consistency with this approval.
2. Work/Live Permit Required. Each tenant of an individual work/live studio must obtain a work/live permit prior to occupancy. Such permit shall be issued by the Planning Director only upon a determination that the proposed occupancy is consistent with the approved use permit and all applicable requirements of the zoning code. Application for a work/live permit shall be made to the Planning Department in writing on a form approved by the Department and shall be accompanied by a fee as set by resolution of the City Council.
3. Design of Work/Live Studios. Subject to all applicable building and fire code requirements:
  - a. Work/live studios shall be designed to accommodate commercial or industrial uses conforming to the Group B occupancy classification under the California Building Standards Code and as evidenced by the provision of ventilation,

interior storage, flooring, and other physical improvements of the type commonly found in exclusively commercial or industrial facilities used for the same work activity.

- b. Areas within a work/live studio that are designated as living space shall be an integral part of the work/live studio and not separated from the work space, except that mezzanines and lofts may be used as living space subject to compliance with other provisions of this Article. Examples of ways to integrate the work space and living space in compliance with this section include, but are not limited to, the following:
  - i. Doors or solid walls between the work space and areas used for living space do not extend all the way to the ceiling, except for sanitary facilities and rooms used primarily for sleeping;
  - ii. There is a single entrance to the work/live studio;
  - iii. There are no walls separating the food preparation area from the work space,
- c. Only the sanitary facilities and rooms designated for sleeping are enclosed and all other portions of the living area are not separated from the work space.

4. Limitations on Allowed Uses. The work activity in a building where work/live units are allowed shall be any use permitted by right or use permit in the zoning district, except that, in order to protect the health and safety of persons who reside in a work/live studio or in a building which contains one (1) or more work/live studios, no work activity shall be permitted nor shall any work/live studio be established on any site that contains those uses which the Planning Director when considering a work/live permit or the Planning Board when considering a use permit, finds would, by virtue of size, intensity, number of employees or the nature of the operation, have the potential to create significant impacts by reason of dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration or other impacts, or would be hazardous by way of materials, process, product or wastes including, but not limited to: Auto service/repair, vehicle sales or leasing, car washes, service stations, bars/lounges/night clubs, adult businesses, marine engine repair/refueling facilities, animal kennels/grooming/pet shops, liquor stores, veterinary offices/hospitals, funeral parlors/mortuaries, outdoor storage as a primary use, crematories/columbaria, dismantling facilities/scrap yards, public utility structures and facilities, tire sales/service, truck stops/repair.

5. Additional Limitations on Allowed Uses. Uses allowed under the foregoing paragraph that may, depending on how they are operated, also have the potential to generate impacts or would constitute a change in occupancy under the building code shall not be approved unless the Planning Director finds that as proposed to be conducted, or as modified by conditions of use permit, they would not conflict with or adversely affect existing work uses in the building and in the area where the work/live studio is located. No use shall be approved where, given the design or proposed design of the work/live studio, there would be the potential for adverse health impacts from the proposed use on the people residing in the studio. An example of a potential health impact is the potential for food contamination from uses which generate airborne particulates in a studio with an unenclosed kitchen.

6. Rental and Sale Limitations.

- a. No work/live studio, or any portion thereof, shall be sold as an individual unit.

- b. No portion of a work/live studio may be separately rented or sold as a commercial space for a person or persons not living in the premises or as a residential space for a person or persons not working in the same studio.
- c. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance shall result in legal action against the property owner.

7. Lease Agreements. The property owner or manager of the property shall ensure that all work/live studio leases include provisions requiring maintenance of a valid Work/Live Permit and valid business license.

8. Business License Required. At least one (1) occupant of each work/live studio shall maintain a current City of Alameda business license for a business located in that studio.

9. Mixed Occupancies. If a building contains mixed occupancies of work/live studios and other nonresidential uses, occupancies other than work/live shall meet all applicable requirements for those uses, and proper occupancy separations shall be provided between the work/live studios and other occupancies, as determined by the Building Official.

10. Notice to Occupants Required. The owner or developer of any building containing work/live studios shall provide written notice to all work/live occupants and users that the surrounding area may be subject to levels of noise, dust, fumes, or other effects associated with commercial and industrial uses at higher levels than would be expected in residential areas. State and Federal health regulations notwithstanding, noise and other standards shall be those applicable to commercial or industrial properties in the district where the project is located. For purposes of noise control, work/live studios shall be classified as commercial property under Table II in Section 4-10.4 of the Alameda Municipal Code.

11. Change of Use From Work/Live Studio. No work/live studio shall be changed to exclusively residential use in any building where residential use is not permitted. The conversion of an existing work/live studio to exclusively residential or nonresidential use is permitted with a Conditional Use Permit amendment and when the conversion meets all other applicable Alameda Municipal Code requirements for the proposed use. Such a change shall be subject to all applicable requirements for the district where the proposed dwelling unit is located.

12. Increase in Residential Use. No work/live studio shall be changed to increase the floor area devoted to residential use without review and approval of the Planning Director. In no case shall the floor area devoted to residential use be increased to more than four hundred (400) square feet or thirty (30%) percent of the gross floor area of the unit, whichever is less.

13. Deed Restriction Required. Prior to the City issuing a building permit for any work/live studio, the property owner shall file with the county recorder a declaration of restrictions, which has been approved by the City Attorney as to its form and content, specifying the limitations of use and operation included in the use permit and all Additional Requirements specified in section 30-15.5.

14. Landscaping. Where a building with work/live use is adjacent to residentially-zoned land, screening landscaping shall be provided and maintained as a buffer between the work/live building and adjacent residentially-zoned land where feasible in light of building setbacks, existing and required parking and whether there is land available along the property boundary.

15. Hazardous/Toxic Materials. A Phase I Environmental Assessment for a site proposed for work/live occupancy, including but not limited to an expanded site investigation to determine whether lead based paint and asbestos hazards exist, is required to be submitted as part of the application for a use permit. The purpose of this requirement is to assess whether there are any hazardous or toxic materials on the site that could pose a health risk. Where the Phase I shows that there are potential health risks, a Phase 2 Environmental Assessment shall be prepared and submitted to determine if remediation may be required.

16. Hold Harmless. The applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Community Development 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 Community Development Department a written notice of appeal stating the basis of appeal and paying the required fees.

\* \* \* \* \*

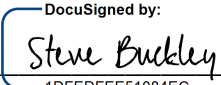
I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 12th day of February 2024, by the following vote to wit:

AYES: (5) Hom, Cisneros, Ruiz, Tsou and Wang

NOES: (0)

ABSENT: (2) Saheba, Ariza

ATTEST:

DocuSigned by:  
  
\_\_\_\_\_  
10FEDFEE51084EC  
Steven Buckley, Secretary  
City of Alameda Planning Board



CITY OF ALAMEDA PLANNING BOARD  
RESOLUTION PB-24-05

A RESOLUTION OF THE PLANNING BOARD APPROVING DEVELOPMENT PLAN AND DESIGN REVIEW APPLICATION NO. PLN23-0328 FOR THE CONSTRUCTION OF TEN TOWNHOME UNITS ON A 0.47 ACRE LOT (APN: 072-0383-007-05)

WHEREAS, in 2014, the City of Alameda adopted the Del Monte Warehouse Master Plan (“Master Plan”) and a Development Agreement for the 11.06 acre property where the Del Monte Warehouse is located. The Master Plan divided the property into three developable sub-areas, A, B, and C; and

WHEREAS, on September 5, 2023 the applicant, Mike O’Hara on behalf of Tim Lewis Communities, submitted an application for a Development Plan, Design Review and Tentative Map to build 10 townhome units in two buildings on a 0.47 acre site (APN: 072-0383-007-05); and

WHEREAS, the Del Monte Warehouse area is designated as Mixed Use in the Alameda 2040 General Plan, which encourages a wide variety of housing types, including multifamily housing, and a wide variety of commercial and business uses; and

WHEREAS, the project site is zoned MX-MF, Mixed Use District with Multi-family Residential Combining District on approximately 0.26 acres, and M-1-PD-MF, Intermediate Industrial (Manufacturing) with Planned Development and Multi-family Combining Districts on approximately 0.21 acres 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, on April 8 2024, the Planning Board of the City of Alameda held a duly noticed public hearing on the subject application for a Development Plan and Design Review and examined all pertinent application materials and public testimony.

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 development standards of the Del Monte Warehouse Master Plan and the Multi-family Combining District. The project is also consistent with Alameda General Plan 2040 policy LU-27, which requires infill development respect and enhance the architectural and landscape design quality of the neighborhood.
- 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 0.47 acres, 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.** The property was originally developed in 1927 and was fully regraded in 2018 during the construction of the adjacent Littlejohn Commons and Del Monte Warehouse development projects, and therefore 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.** Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The project will comply with the City's Off-Street Bicycle Parking Requirements to facilitate alternative modes of transportation. The project is a typical small scale residential use that would have de minimis impacts.
5. **The site can be adequately served by all required utilities and public services.** The property is located within recently redeveloped area 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 pursuant to AMC Section 30-4.20(g), the Planning Board makes the following findings relative to the proposed Development Plan:

1. **The Development Plan qualifies for approval under the Del Monte Warehouse Master Plan and satisfies the purpose of the Planned Development regulations under AMC Section 30-4.20.g.3(a), (b).** The Development Plan support the Del Monte Warehouse Master Plan's effective use of the site for residential uses, internal roadways and paseos, landscaping and open spaces, and pedestrian, transit and bicycle facilities designed to provide a neighborhood that is pedestrian, bicycle and transit friendly. The Development Plan allows for the effective management of on-site parking facilities and utilizes street extensions, landscaping, building placement and orientation to create an effective and successful residential neighborhood that can be marketed and developed expeditiously, that can create a compatible interface with the adjacent properties and uses, and provide strategies for the conservation of natural resources, renewable energy and sustainable design.
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**

**(AMC Section 30-4.20.g.3(c), (d)).** The Development Plan utilizes the Del Monte Warehouse site's existing driveway for vehicle access and will not require new driveway curb cuts that would interrupt existing vehicle, pedestrian and bicycle infrastructure.

3. **The Development Plan provides and maintains adequate landscaping using, where appropriate, native plants and taking maximum advantage of the screening capabilities of landscaping (AMC Section 30-4.20.g.3(e)).** The Development Plan and Design Review will have a landscape buffer between the proposed buildings and the public right of way, utilizing native drought tolerant species. The project's stormwater treatment bioswales are integrated with decorative landscaping.
4. **The amount of land proposed for any particular use can be marketed for that use within a reasonable time after development is complete. AMC Section 30-4.20.g.3(f).** The project site was previously graded during the construction of sub-areas A and B of the Del Monte Warehouse Master Plan and all required utilities are ready for connection. Therefore, the proposed townhome units can be marketed within a reasonable time after the development is complete.
5. **The Development Plan provides sufficient area, and encourages adequate public accessibility and usage of the water/land interface. AMC Section 30-4.20.g.3(g).** The Development Plan and Design Review will maintain the existing facilities that provide public accessibility and usage of the water/land interface. The proposed townhomes will provide walkways from each unit to connect to these existing facilities.
6. **The Development Plan provides a comprehensive, coordinated, controlled system of informational and directional graphic signage throughout the development. AMC Section 30-4.20.g.3(h).** The Development Plan and Design Review will maintain the existing informational and directional graphic signage throughout the Del Monte Warehouse development.
7. **The Development Plan demonstrates progressive techniques for the conservation of, and decreased consumption of, nonrenewable energy. AMC Section 30-4.20.g.3(i).**

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

1. **The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.** The Design Review is consistent with the development standards in the Del Monte Warehouse Master Plan and Multi-family Combining District. The project's Modern architectural style, as conditioned by this approval, is consistent with General Plan Policy LU-26 by contributing to the surrounding neighborhood's broad range of architectural styles and building forms. The project's Modern architectural style and Rowhouse building type incorporates guidelines from the Design Review Manual.
2. **The proposed design is appropriate for the site, is compatible with adjacent or neighboring buildings or surroundings, and promotes harmonious transitions in scale and character in areas between different designated land uses.** The proposed townhomes are in scale with the existing developments in the Del Monte Warehouse

Master Plan. The proposed buildings' size and massing are subordinate to the existing and higher density Del Monte Warehouse and Littlejohn Commons buildings, which establishes a hierarchy to development on the site.

- 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 townhomes incorporate a brick veneer base consistent with the Del Monte Warehouse façade, and cement plaster siding consistent with the Littlejohn Commons senior living project, and will be refined as conditioned in this approval to simplify the architectural features to remain compatible with the surrounding development.

BE IT FURTHER RESOLVED, that the Planning Board hereby approves Development Plan and Design Review application PLN23-0328 for 10 townhome units subject to the following conditions of approval:

**Planning Conditions:**

- 1. Vesting:** The Design Review approval shall expire three (3) years after the date of approval or by **April 8, 2027** 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 must be filed prior to the date of expiration and shall be approved ministerially by the Planning Director upon the Applicant's submittal of the extension request and payment of required application fees.
- 2. Building Permit Conditions:** A copy of this resolution shall be printed on the first pages of the building permit plans and improvement plans.
- 3. 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.
- 4. Design Modifications:** Plans submitted for building permits shall incorporate the following design modifications to the satisfaction of the Planning, Building and Transportation Director:
  - a. The datum of the brick veneer base of the buildings shall be a consistent height along the front and side elevations. Building elements such as windows or awnings shall not penetrate below the datum of the brick veneer.
  - b. Ground floor windows along the front and side elevations shall have consistent window trim and continue the brick veneer between the bottom window trim and grade.

- c. Colors and materials including siding, glazing, and roofing shall be reviewed for simplification to unify the design and distinguish the units and to reduce the verticality of the front facade.
  - d. Paving options shall be considered for the shared driveway to improve the usability as a common open space.
  - e. Spandrel glazing shall be called out and rendered and verified as part of the floor plans to ensure functionality.
5. 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.
  6. 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.
  7. Public Art Requirement: Prior to final building inspection, the Applicant shall demonstrate compliance with the Public Art Ordinance (AMC Section 30-98).
  8. Building Signage: Building signage shall be subject to separate Sign Permit approval according to the Sign Ordinance (AMC Section 30-6).
  9. 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.

### **Public Works Conditions of Approval**

10. Prior to issuance of a Building Permit the applicant shall apply for a Public Works Development Permit (PWD).
11. Plans shall be prepared, signed, and stamped as approved by a registered civil engineer licensed in the State of California. The Improvement Plans and all documentation listed below, except as noted, shall be approved by the Public Works Department prior to approval of the Final Map or issuance of any Building Permit for the development.
12. The proposed work shall comply with Chapter 30, Article 6 of the Alameda Municipal Code (Real Estate Subdivision Regulations) and Chapter 22 of the Alameda Municipal Code (Streets and Sidewalks) as determined by the City Engineer.
13. The proposed work shall comply with Alameda's 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.
15. Plans shall identify datum. If not NADV88, show conversion.
16. Site plans shall include applicable Standard Construction Notes, latest edition, from Public Works.

17. The developer shall provide as-built drawings of all on site and right-of-way improvements prior to issuance of final Certificate of Occupancy. Provide drawings in both durable hard copies and pdfs.
18. An engineer's cost estimate for frontage and site improvements shall be submitted. A cash security deposit or construction performance bond of an amount as determined by the City Engineer prior to issuance of a Public Works Development (PWD) permit that involve the public ROW.
19. An Encroachment Permit is required for all work within the Public Right-of-Way. The Encroachment Permit is required prior to issuance of any Building Permits for the proposed development. The encroachment permit application shall address circulation in and around the site, including pedestrians, cyclists, fire trucks, private vehicles, solid waste trucks, buses, and parking. The application shall address all construction phases. The Encroachment Permit application and requirements can be found at the link below:

<https://www.alamedaca.gov/files/content/public/departments/planning-building-and-transportation/permit-center/formshandoutsver2/en-package-ptcp-2021-07a.pdf>

#### Streets, Sidewalks, Parking and Traffic Control

20. The proposed work shall comply with all current, applicable, plans, standards, policies and guidelines including Alameda's Bicycle Master Plan; Pedestrian Master Plan; Long Range Transit Plan; Transportation Demand Management and Transportation System Management (TSM/TDM) Plan; Multimodal Circulation Plan; Transportation Element of the General Plan; Transportation Choices Plan; Bicycle Facility Design Standards; Pedestrian Design Guidelines; Guidelines for Multiway Stop Signs, Crosswalks, and Pedestrian Paddles; as well as the Caltrans Design Manual and Standard Plans and the California MUTCD. Alameda Point development shall comply with the various Alameda Point key documents. All documents can be found at the City's Public Works webpage, under Key Documents, at <https://www.alamedaca.gov/Departments/Public-Works> .
21. All sidewalks shall comply with ADA and Title 24 requirements for cross slope, including driveway approaches and curb ramps. Where existing driveways are removed, the developer shall replace the curb, gutter, and full width of sidewalk to current standards.
22. The street section for any private access roads shall be designed by a registered civil engineer and is subject to approval by the City Engineer.
23. When replacing or repairing concrete at an existing arch culvert, remove and replace the corrugated metal arch "lid" and associated hardware.
24. Improvement plans submitted during the PWD permit review process shall show all proposed demolition within the Public Right-of-Way. The limits of any demolition of sidewalk, curb or gutter shall be to the nearest score joint.
25. Sherman Street is under a moratorium for pavement trenching. Improvement plans shall show repaving and striping the full width of Sherman Street from Eagle to Clement.

## Grading and Floodplain

26. 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, construction dewatering, 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.
27. 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.
28. Prior to issuance of the Temporary Certificate of Occupancy, 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. All material testing reports shall be attached to the certification letter report.
29. Improvement plans shall include the following grading notes:
  - a. All grading, site preparation, and placing and compaction of fill shall be done in accordance with the standards of the City of Alameda, Chapter 70 of the Uniform Building Code and the recommendations specified in the geotechnical exploration report, also under the testing and observation of the soils engineer or their qualified representative and the City Engineer.
  - b. Grading operation shall be conducted in accordance with the recommendations contained in the soils exploration report. The soils engineer will be responsible for the on-site observation and quality control for the grading operation. Plan requirements and construction control with respect to earthwork, slope stability, settlement, compaction, etc. as shown herein are provided by the soils engineer. The contractor shall read and be fully aware of the soils report before starting work. All work shall meet the approval of the City of Alameda.
  - c. Excavations shall be adequately shored, braced and sheeted so that the earth will not slide or settle and so that all existing improvements of any kind will be fully protected from damage. Any damage resulting from lack of adequate shoring, bracing and sheeting, shall be the responsibility of the contractor and they shall effect necessary repairs or reconstruction at their own expense. Where the excavation for a conduit trench, structure and/or boring or jacking pit is five feet or more in depth the contractor shall conform to the applicable construction safety order of the Division of Industrial Safety of the State of California. The contractor shall always comply with OSHA requirements.
  - d. No person shall, when hauling any earth, sand, gravel, stone, debris, paper or any other substance over any public street, alley or other public place, allow material

to blow or spill over and upon said public or adjacent private property. All loads leaving the site shall be covered.

- e. Subsequent to the completion of the work, the soils engineer shall submit a report to the City Engineer, which shall include his/her observations, field density test results, and his/her professional opinion regarding the compliance of the earthwork with recommendations in the project geotechnical exploration report.
- f. Soil or mud tracked onto public streets or adjacent private properties shall be removed immediately.
- g. The finished grading shall be tested and observed by the owner's engineer. Owner's engineer shall confirm that grading conforms to the approved grading plan and geotechnical exploration report prepared pursuant to the City of Alameda Code of Ordinances.

### Drainage

- 30. 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 additional runoff is directed to and so as not to impede runoff from adjacent properties.
- 31. 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 using a hydraulic model and determine the improvements, if any, to ensure sufficient capacity for this project and anticipated cumulative growth in the associated drainage basin. The Applicant shall include the recommended improvements into the project's improvements.
- 32. Improvement plans and subdivision map shall clearly show the extent of public vs private storm drainage facilities, including basins, pipes, structures, and pump stations. All public drainage facilities shall be in public streets or in public drainage easements.
- 33. The developer shall be responsible to maintain access to and function of existing storm drain lines that run onto and/or through the developer's property.
- 34. Stormwater shall be dispersed, diffused, detained, or otherwise infiltrated on-site to the extent feasible. Downspouts shall not be directly connected to public or private storm drain facilities. Use of splash blocks directed towards landscape areas is encouraged. Stormwater, including roof drainage, shall not be directed across sidewalks or driveways.
- 35. It is assumed that the onsite stormwater treatment measure and piping is private to be owned and maintained by the owner or HOA. If this is not the case, a PUE will be required and the separation between public and private shall be clear on the improvement plans. The distinction can be shown via differing symbology or labels.



## Stormwater Quality Protection and Treatment

36. All projects shall incorporate permanent stormwater low impact development (LID) 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. Project plans shall indicate the efforts taken to minimize impervious surface areas, especially directly connected impervious surface areas.
37. With the Improvement Plan submittal (PWD permit application), the Applicant shall submit a Stormwater Quality Management Plan complete with:
- a. the individual drainage management areas identified,
  - b. a completed Stormwater Requirements Checklist, and
  - c. a stamped, signed City of Alameda C3 certification form from a qualified independent (i.e. different engineering firm) civil engineer with stormwater treatment facility design experience, licensed in the State of California, and acceptable to City Engineer that indicates the LID and treatment measure designs of the improvement plans and Stormwater Quality Management Plan meet the established sizing design criteria for stormwater treatment measures.
38. The Civil Improvement Plans shall be consistent with the approved Stormwater Quality Management Plan submittal. Prior to issuance of the Permit, the Applicant shall submit for review and approval by the City Engineer a Stormwater C3-LID Measures Operations and Maintenance (O&M) Plan that provides a thorough discussion of the inspection, operations, and maintenance requirements of all of the stormwater treatment, including trash capture, and LID design measures at the site. This O&M Plan shall be consistent with the City of Alameda's C3-LID Measures O&M Plan Checklist. The development 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.
39. The development is subject to full trash capture requirements of the City's NPDES permit, regardless of impervious surface area. The developer shall provide a full trash capture system, 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 the stormwater full trash capture device(s) necessary to treat the entirety of the site. The developer shall confirm that the full trash capture device(s) included in the development plan are on the State Water Resources Control Board's list of certified full trash capture systems. Trash capture shall occur on site, not in the public right of way downstream. Applicant shall submit an O&M plan detailing the necessary maintenance tasks and schedule required to maintain all on-site trash capture devices.

40. Prior to project acceptance and any certificate of occupancy, the Property Owner(s) shall provide the following:
- a. Verification that the following have all been incorporated with the CC&Rs of the relevant HOA: O&M plans for all stormwater treatment, trash control and design measures to be maintained by any homeowners' association or property owners' association, the template for annual self-reporting, and assurances for property access for City verification inspections.
  - b. 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.
  - c. In absence of an HOA mentioned in (a) above, an Executed C3-LID 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.
41. The Civil Improvement Plans shall provide the Public Works Department Clean Water Program the construction-phase appropriate erosion and sedimentation control program and plan for review and approval. The plans shall describe construction activity best management practices to be implemented in conformance with the City's erosion, sediment and discharge-control "Urban Runoff Best Management Practices Standards", consistent with the California Storm Water Best Management Practices Handbook for Construction Activities, the ABAG Manual of Standards for Erosion & Sediment Control Measures, the City's Grading and Erosion Control ordinances and other generally accepted engineering practices for construction activity pollution prevention, sediment, and erosion control.
42. The Developer shall obtain all necessary permits from other regulatory agencies for projects within sensitive areas or which have significant stormwater pollution potential. Other regulatory agencies include, but are not limited to, the Regional Water Quality Control Board, Department of Fish and Wildlife, Army Corps of Engineers, and the Bay Conservation and Development Commission.
43. Projects proposed for construction between October 1st and April 15th, shall have an erosion and sedimentation control program approved, and implemented to the maximum extent possible, prior to the start of on-site earthwork. Installation of all components of these plans shall be completed by October 1.

44. All new storm drain inlets shall be clearly marked with the words “No Dumping! Drains to Bay,” or equivalent, as approved by the Public Works Director.

### Sewer and Water

45. Sanitary sewerage shall be in accordance with the EBMUD Regional Standards for Sanitary Sewer Installation. All permits, easements, and/or approvals for modifications to the sewer system required by EBMUD shall be obtained prior to issuance of any building permits by the City.

46. Improvement plans and subdivision map shall clearly state extents of public and private sewerage, including pipes, structures, and pump stations. Lower (public) and upper (private) sewer laterals shall be separated by a two-way cleanout or manhole. All public sanitary sewer facilities shall be in public streets or in public utility easements.

47. The applicant/developer shall provide information necessary to run the City’s hydraulic model, to assess the impact on trunk sewer capacity to determine if additional capacity is required. The applicant/developer is responsible for cost associated with the model run/assessment. After the above information is provided but prior to the model run, the applicant/developer will be provided an estimated cost for approval. The applicant/developer is required to provide the following data to the City:

- Project name:
- Site location (APN and street names) (attach map if available):
- Location of proposed connection point(s) to sewer mainline (identify by pipe/manhole ID if known, or attach map):
- Current site use
- Details of proposed development land uses
- Type (e.g., single-family residential, apartments, office, retail, restaurant, etc.)
- Number of residential units by type
- Square footage of non-residential building floor space (by type of use)
- Other details as applicable (e.g., number of students, beds, etc.)
- Similar information for any existing development to be removed or replaced
- Weekly and diurnal flow pattern if not typical residential or commercial pattern
- Estimated average and peak daily flow if atypical land use and significant discharge

48. 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. Each sewer lateral must be issued a Compliance Certificate by EBMUD. Please review the program requirements and cost for Compliance Certificates: <http://www.eastbaypsl.com/eastbaypsl/>.

49. The Applicant shall include the City and EBMUD recommended improvements, if any, from the sewer study into the project’s improvements plans prior to approval of the improvement plans or Final Map, whichever comes first.

50. The Applicant shall secure all necessary permit approvals from EBMUD regarding the installation of all water service for the project.

51. It is assumed that the proposed 8" sanitary sewer main onsite will be private. If this is not the case, a PUE will be required and the separation between public and private shall be clear on the improvement plans. The distinction can be shown via differing symbology or labels.
52. EBMUD recently installed a 24" main in Sherman Street. Improvement plans submitted with the PWD permit shall include this utility.

Power, Telecom, Street Lighting and Gas:

53. All proposed lighting appears to be on private property to be owned and maintained by the owner or HOA. Any public lighting shall be clearly labeled on plans submitted during the PWD permitting review process.
54. The Applicant shall design and construct power, telecom, gas, and other utilities in accordance with applicable utility standards.
55. Street lighting shall be designed in accordance with the City of Alameda Street Lighting Design Guide, latest edition. A photometric study shall be provided with the improvement plans. Any adjustments to bring street lighting up to City standards will be incorporated into final permit drawings.
56. All utilities along the project frontage(s) shall be undergrounded. If utility poles are to remain, accessible paths shall be provided around these poles whether existing or new. If poles to be removed support street lighting, new street light poles shall be installed.
57. For projects proposing new Public light poles/fixtures: Furnish two additional street light poles and LED fixtures of each type installed, at no cost, to the Public Works Department as a stock for future pole/fixture replacement on public facilities. The applicant shall be responsible for all costs associated with the transportation, handling and delivery of the poles/fixtures to a Public Works storage yard designated by the City Engineer. The applicant shall coordinate and schedule the delivery of the poles/fixture with the Public Works Department.
58. Work with AMP to locate a transformer and pad, if needed, on private property with appropriate maintenance access.
59. In accordance with Alameda's Climate Action and Resiliency Plan, natural gas is not permitted for new residential units.

Solid Waste

60. Per the Preliminary Waste Collection Plan, each unit will have a designated trash receptacle zone. The unit assigned to each trash receptacle zone shall be clearly marked on the zone. The proposed method of marking shall be included in the Improvement Plans and is subject to approval by ACI.
61. The project shall be designed to accommodate three waste streams: recycling, organics, and trash; as required by the City of Alameda Municipal Code – Solid Waste and Recycling (Chapter 21). Signage clearly identifying how to sort materials into three waste streams shall be posted at each storage area. The storage/disposal area(s) and the individual bins and containers provided within shall be adequate in capacity, number and distribution to

serve the anticipated demand, consistent with written City guidance and as determined by the Public Works Director.

62. The design, sizing, location, access, and provisions for waste hauler collection of all external enclosures and containers for solid waste, recycling, and organics shall be sufficient to serve the development, consistent with written City guidance, and as approved by the Public Works Department.
63. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance required by the collection methods and vehicles used by the City's designated collector or hauler. In all cases where a parcel is served by an alley, all exterior storage areas shall be directly accessible to the alley. For safety reasons, a turnaround must be provided for any street that would otherwise require the collection truck to back up a distance greater than 150 feet.
64. The Development shall comply with 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.
65. Prior to approval of the Permit, the applicant shall submit for review and approval by the Public Works Department a Waste Management Plan (WMP) demonstrating how the project will achieve California's Green Building Standards Code (CALGreen) diversion requirements for construction waste and achieve a minimum recycling rate of 65%. The WMP shall be consistent with the City's written guidance and can be completed by creating an account and submitting a plan via <http://alameda.wastetracking.com>.

#### Landscaping

66. 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 Alameda Tree Removal Policy, the Integrated Pest Management Policy, as well as conditions of approval by the Planning Board, and other applicable standards, as applicable. Landscaping shall be designed to improve curb appeal while promoting low maintenance plant material and xeriscaping.
67. A root barrier shall be installed for trees adjacent to the existing 10ft easement.

#### **Fire Department Conditions:**

68. Roof Access: Final plans submitted for building permits shall demonstrate that the design of the roof decks will not prevent firefighter movement across the roof to the satisfaction of the Fire Marshal.
69. Address Signs: The final building addressing plan submitted along with plans for building permit shall include the placement of address signs to the satisfaction of the Building Official and Fire Marshal.

70. 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 following Appendix B 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. 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 using Appendix D of the 2022 Fire Code and the City Engineer.

71. 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 2022 edition

### **Alameda Municipal Power General Conditions**

72. Prior to preparation and approval of Improvement Plans, the Applicant shall coordinate with Alameda Municipal Power (AMP) regarding power requirements, including but not limited to the following:

- a. 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.
- b. New street trees shall maintain clearances from electrical utilities as follow: a) street/pathway lights and utility poles – 15 feet; b) joint trench and all underground electrical lines – five feet; c) front of electrical pad-mounted equipment (e.g. switches, transformers and capacitors) – 10 feet. Verify minimum clearance distances of trees/shrubs from all sides and back of electrical pad-mounted equipment with Alameda Municipal Power (AMP).
- c. All service installations to shall be underground.
- d. 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.
- e. 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.
- f. 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.

- g. The Applicant shall submit, with the final building permit and site improvement plans, detailed drawings showing the required site electric utility facilities.
- h. Concurrent with acceptance of work by the City, the Applicant 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.
- i. Prior to issuance of Certificate of Occupancy, the Applicant shall furnish and install service equipment for the 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.
- j. The applicant shall provide (at no charge to AMP) all required easements to AMP facilities on the property prior to issuance of a Certificate of Occupancy.
- k. The final building and improvement plans shall show all necessary easements and access to all electrical utility facilities that are on private property.
- l. The development will be served from 208/120V or 480/277V sources, not 120/240V.
- m. Plan to have primary conduits coming from the Wrap B property from the south.

**AMP - Building Permits:**

73. Final building permit plans shall address the following:
- a. Provide a completed "Service Planning Sheets" for AMP's review.
  - b. A single-line electrical diagram will need to be provided to AMP to determine the feasibility and configuration of electrical service.
  - c. Site Plan AP2.00 indicates multiple transformer to serve the property. AMP allows only a single service entry to a property unless the structure is divided by fire-rated walls.
  - d. All AMP installed transformers will need to have vehicle access in proximity to a roadway.
  - e. 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 should be identified.

**AMP - Substructure:**

74. 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.
75. 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.

- a. All conduits installed within 5 feet from an existing or proposed tree shall be provided with a tree root barrier. (Refer to AMP Drawing 1-L-639)
- b. 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.

**AMP - Existing Facilities:**

76. AMP requires a 30 foot (15 feet on each side) easement along the final alignment of the overhead 115kV transmission lines and poles. No trees/shrubs are allowed around the poles or from the street to the pole.

- a. All metal fences or other metallic facilities within the right of way shall be properly grounded.
- b. Light or traffic signal poles, trees (at mature height), landscaping, fences and equipment shall not exceed 15 feet in height within the right of way, so long as there is adequate clearance.
- c. No structures either permanent or temporary shall be constructed within the right of way, including covered parking, swimming pools, spas, gazebos, etc.
- d. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.
- e. Operation of equipment that exceeds 15 feet in height is not permitted within the right of way without proper authorization from AMP
- f. Notify AMP 48 hours before starting any work within the easement and at the conclusion for field review that all requirements have been met.
- g. Access for line equipment shall be provided at all times to AMP's tower/pole structures.
- h. All grading shall maintain General Order 95 clearances and shall not affect the integrity of tower/pole footings. Footings shall not be covered with soil. Excavations within 10 feet of any structure will not be allowed.
- i. Protect AMP's towers/poles from vehicular damage by installing protective barriers as required.
- j. The transmission easement and tower/pole locations will be shown on the development plans.
- k. Parking that is located in a transmission easement shall include signage state that the vehicle must be in operating condition and moveable at any time.
- l. AMP's transmission easement shall be designated on plans as "RESTRICTED USE AREA-NO BUILDING".

**AMP - Streetlights:**

77. The Applicant shall provide and install street lighting consistent with the City of Alameda Public Works standards:



- a. All public streets shall be lit with LED lighting. 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.

78. Hold Harmless: To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

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 April 2024, by the following vote to wit:

AYES: (5) Ariza, Hom, Saheba, Tsou and Wang

NOES: (0)

ABSENT: (2) Cisneros, Ruiz

ATTEST:

Signed by:

*Steven Buckley*

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Steven Buckley, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
RESOLUTION PB-24-06

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA RECOMMENDING THAT THE CITY COUNCIL APPROVE A TENTATIVE MAP (TRACT 8674) TO SUBDIVIDE A 0.47 ACRE PARCEL (APN 072-0383-007-05) TO CREATE TEN TOWNHOME LOTS AND TWO COMMON AREA PARCELS

WHEREAS, in 2014, the City of Alameda adopted the Del Monte Warehouse Master Plan (“Master Plan”) and a Development Agreement for the 11.06 acre property where the Del Monte Warehouse is located. The Master Plan divided the property into three developable sub-areas, A, B, and C; and

WHEREAS, on September 5, 2023 the applicant, Mike O’Hara on behalf of Tim Lewis Communities, submitted an application for a Development Plan, Design Review and Tentative Map to build 10 townhome units in two buildings on a 0.47 acre site known as subarea C of the Master Plan; and

WHEREAS, the Del Monte Warehouse site is designated as Mixed Use in the Alameda 2040 General Plan, which encourages a wide variety of housing types, including multifamily housing, and a wide variety of commercial and business uses; and

WHEREAS, this portion of the Del Monte Warehouse site is zoned MX (Mixed Use) and MF (Multifamily Residential) on approximately 0.26 acres, and M-2 (General Industrial) and MF on approximately 0.21 acres in the Alameda Municipal Code (AMC) Zoning Map; and

WHEREAS, the subdivision of the property will facilitate the development of subarea C consistent with the approved Master Plan, Development Plan, and Development Agreement; and

WHEREAS, the subdivision of the property will facilitate the development of the sale of the townhomes and two common area lots (Parcels A and B) to be owned and maintained by a Homeowners’ Association; and

WHEREAS, the Planning Board held a duly noticed public hearing and examined all pertinent materials on April 8, 2024.

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 development standards of the Del Monte Warehouse Master Plan. The project is also consistent with Alameda General Plan 2040 policy LU-27, which requires infill development respect and enhance the architectural and landscape design quality of the neighborhood.

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 0.47 acres, 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.** The property was originally developed in 1927 and was fully regraded in 2018 during the construction of the adjacent Littlejohn Commons and Del Monte Warehouse development projects, and therefore 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.** Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The development of an urban site with small scale residential buildings would not be unusually impactful and was considered in the original master plan.
5. **The site can be adequately served by all required utilities and public services.** The property is located within recently redeveloped area 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

NOW THEREFORE BE IT RESOLVED, that the Planning Board makes the following findings relative to the proposed Tentative Map (Tract 8674) application:

1. **The proposed subdivision, together with the provisions for its design and improvement, is in conformance with the General Plan and Zoning for this site (Gov. Code § 66474).** The proposed tentative map is consistent with the Mixed Use General Plan designation and the MX and M-1-PD-MF zoning designations for the property. The subdivision will create 10 residential lots and 2 common area parcels. The proposed subdivision is designed to ensure lots face streets, that the parcels are adequately accessed by a grid of complete streets, pedestrian sidewalks, and bicycle paths and lanes.
2. **The site is physically suitable for the type of development (Gov. Code § 66474).** The tentative map facilitates the development of sub-area C of the Del Monte Warehouse Master Plan and is consistent with the approved Development Agreement, which will provide ten for-sale townhomes and two common area parcels.
3. **The site is physically suitable for the density of the development.** The proposed subdivision will not exceed the planned density for the land consistent with the approved entitlements and General Plan policies.

4. **The proposed design of the subdivision and improvements, as conditioned, will not cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat (Gov. Code § 66474).** The site is an urban infill site.
5. **The design of the subdivision and its improvements will not conflict with easements acquired by the public at large for access through or use of property within the subdivision (Gov. Code § 66474).** The existing Public Utility Easement over an existing storm drain pipe will be maintained with the Tentative Map.
6. **The design of the subdivision and its improvements will not cause serious public health problems (Gov. Code § 66474).** There are no public health effects of typical residential development.
7. **Water will be available and sufficient to serve the proposed subdivision in accordance with Government Code Section 66473.7.** The subdivision has been designed in accordance with the City of Alameda Master Infrastructure Plan and the EBMUD water supply determinations.
8. **The subdivision will not result in the discharge of waste into the sewer system that would violate regional water quality control regulations in accordance with Government Code Section 66474.6.** The subdivision has been designed in accordance with the City of Alameda Master Infrastructure Plan and EBMUD standards.
9. **The design of the subdivision for which a tentative map is required pursuant to Section 66426 of the Government Code of the state of California shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in accordance with Section 66473.1 of the Government Code.** The proposed subdivision is located in an area of the Bay Area that is well suited for passive cooling and heating opportunities.
10. **In recommending approval of the vesting tentative map, the Planning Board has considered its effect upon the housing needs of the region, balanced with the public service needs of Alameda residents and available fiscal and environmental resources (Gov. Code § 66412.3).** The project fulfills the planned housing development of the approved master plan.

BE IT FURTHER RESOLVED that the Planning Board hereby recommends that the City Council approve the Tentative Map (Tract 8674) to subdivide am 0.47 acre City parcel (072-0383-007 and 072-0383-014) into 10 lots and 2 common area parcels, subject to the following conditions:

1. All maps filed pursuant to this approval shall be in substantial compliance with the map titled "Tentative Map (TRACT 8674)" on file in the office of the Alameda Planning, Building and Transportation Department. The Final Map(s) shall be in substantial compliance with the Tentative Map. The Tentative Map may be finalized in phases.

2. Prior to the approval of the first Final Map(s), all applicable conditions of approval of the approved Tentative Map, as revised or amended, shall be satisfied.
3. The subdivider shall record the first Final Map that includes improvements within twenty-four (24) months of approval, or conditional approval of the Tentative Map by the City Council. The City may, upon the subdivider's application filed before the Tentative Map's expiration date, extend its life for an additional period or periods not to exceed six (6) years in accordance with State law.
4. Final Maps 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 and dedications to be accepted, accepted subject to improvements, rejected, or abandoned (with recording information) as part of the Final Map(s).
5. Prior to the recordation of the Final Map, Covenants, Conditions and Restrictions (CC&Rs) shall be prepared to the satisfaction of the City Engineer. CC&Rs shall include a maintenance plan for common areas, Parcel A and Parcel B, and designate responsibility through either a Homeowner's Association (HOA) or Shared Maintenance Agreement.
6. The applicant is encouraged to contact the Public Works Department at 510-747-7930 to schedule a pre-application meeting prior to the first submittal of any subdivision maps or improvement plans to discuss submittal requirements, project review timeline, and fees associated with the processing, filing, and construction of this development.
7. A current title report shall be submitted to identify current ownership and any existing easements or land use restrictions.
8. 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 the Final Map.
9. The subdivider shall pay for all reasonable office and engineering costs expended by the City Engineer's office, including overhead, in conjunction with reviewing the Final Map, improvement plans, easements, and in obtaining the map signature of the City's consulting surveyor.
10. The subdivider shall provide five copies of the permit approved site/off-site civil improvement plans, landscape plans, and specifications along with a Mylar or other reproducible set (plans only), and a digital copy acceptable to the City Engineer.
11. Hold Harmless: To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an

approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' 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 April 2024, by the following vote to wit:

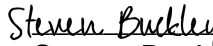
AYES: (5) Ariza, Hom, Saheba, Tsou and Wang

NOES: (0)

ABSENT: (2) Cisneros, Ruiz

ATTEST:

Signed by:



Steven Buckley, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION PB-24-07**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING APPLICATION #PLN24-0059, A USE PERMIT TO ALLOW OUTDOOR RESEARCH AND DEVELOPMENT, AND OUTDOOR STORAGE, AND DESIGN REVIEW FOR AN APPROXIMATELY TWENTY-FIVE FOOT TALL, 5,500 SQUARE FOOT HYDRAULIC TEST FACILITY ON THE NORTH SIDE OF BUILDING 23 AT 2401 MONARCH STREET.

WHEREAS, an application was made on February 12, 2024 by Gregor Cadman on behalf of Natel Energy for a Use Permit and Design Review to allow outdoor research and development, outdoor storage and construct an approximately twenty-five foot tall, 5,500 square foot hydraulic test facility at 2401 Monarch Street; and

WHEREAS, the application was deemed complete on April 4th, 2024; and

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

WHEREAS, the subject property is located in the AP-AR, Alameda Point – Adaptive Reuse Zoning District; and

WHEREAS, the Planning Board held a duly noticed public hearing for the project on April 22, 2024 and examined pertinent maps, drawings, and documents;

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

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings relative to the Use Permit application (AMC Sections 30-21.3):

- 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.** As conditioned, the proposed outdoor hydraulic test facility and associated outdoor research and development, and outdoor storage uses are compatible with the wide variety of commercial and business uses found at Alameda Point in the NAS Alameda Historic District. The Use Permit is conditioned to minimize clutter and maximize vistas toward San Francisco Bay from Monarch Street and ensure the proposed use is harmonious with the surrounding development.
- 2. The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The facility is located on Monarch Street, classified as a Business Commercial Street in the General Plan,



with no barriers to access. AC Transit's line 96 serves Alameda Point and stops across the street. The site has ample off-street parking available and easy access. Therefore, the proposed use is served by adequate transportation and service facilities, including pedestrian, bicycle, and transit 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 outdoor hydraulic test facility and associated outdoor research and development, and outdoor storage uses are critical to the ongoing success and expansion of Natel Energy. As conditioned, the use will not adversely affect other property in the vicinity. As an Alameda-born anchor tenant at Alameda Point, Natel Energy's success will continue to demonstrate that Alameda Point is a hub of innovative, clean energy and other climate-friendly technology companies which will have beneficial effects on businesses in the area by bringing high paying jobs and new employees to the area daily that will patronize local businesses.
4. **The proposed use relates favorably to the General Plan and the purpose of the Alameda Point Zoning District.** Approving this use is consistent with Alameda General Plan goals and policies. General Plan policy LU-13, Green Economy, calls for promoting a green economy. Natel's fish-friendly hydropower turbines help create zero-emission electricity while protecting migratory fish. The proposed use furthers General Plan policy LU-21, Alameda Point Adaptive Reuse Sub-District, by supporting preservation and investment in the NAS Alameda Historic District.

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings relative to 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 hydraulic test facility and ancillary equipment are consistent with the General Plan. The project furthers General Plan policy LU-13, which calls for promoting a green economy. Natel's fish-friendly hydropower turbines help create zero-emission electricity while protecting migratory fish. The project also furthers General Plan policy LU-21, Alameda Point Adaptive Reuse Sub-District, by supporting preservation and investment in the NAS Alameda Historic District. The project is consistent with the Alameda Point Zoning District, and meets the criteria in Alameda Municipal Code (AMC) Section 30-4.24.b. The hydraulic test platform is equipment that supports the research and development use at the site. The equipment requires a building permit for life safety purposes and is therefore subject to Design Review. However, the Citywide Design Review Manual does not contemplate or provide guidance for this type of structure. No modifications to Building 23 are proposed as part of this project and the improvements constructed as part of the test facility can be easily removed in the future if the use changes.
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.** Building

23 is a contributing structure to the NAS Alameda Historic District and no modifications to the hangar are proposed as part of this project. The design of the hydraulic test facility is appropriate for the site. It is located and designed to minimize visual impacts, including minimizing outdoor storage and locating as much equipment as feasible adjacent to the hangar doors of Building 23 to maximize views towards San Francisco Bay from the public right of way. The scale of the equipment is similar to other light industrial and research and development users at Alameda Point as well as with the historic use of the site as an active naval air station. The property is required to maintain an access easement along the northern property line where no structures or equipment can be located, preserving visual access to San Francisco Bay indefinitely.

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 structures are consistent with the surrounding development, which includes a row of former aircraft hangars that served as maintenance, repair, storage and test facilities at the former NAS Alameda; and

BE IT FURTHER RESOLVED, that the Planning Board approves Use Permit and Design Review application PLN24-0059 to establish a Use Permit to allow outdoor research and development, and outdoor storage, and approve Design Review for an approximately twenty-five foot tall, 5,500 square foot hydraulic test facility on the north side of the building 23 at 2401 Monarch Street, subject to the following conditions:

1. Approved Uses: This Use Permit approves, with conditions, outdoor storage and outdoor research and development associated with the proposed hydraulic test facility as shown in the attached plans, dated 4/3/24 and on file with the Planning, Building and Transportation Department. The hydraulic test facility consists of:
  - a. Recirculating Aquaculture System to hold various fish species.
  - b. Small Scale Hydraulic Test Facility (“Miniloop”) with modified shipping container, reservoir, pump, turbine, piping and controls infrastructure.
  - c. Large Scale Hydraulic Test Facility (“Big Loop”) with multiple 20,000+ gallon reservoirs, pumps, turbines, piping, and controls infrastructure.
  - d. Water Storage Tanks.
  - e. Compressor Storage Container with sound dampening materials.
2. Building Permit Conditions: These conditions shall be printed on the first page of all building plans and improvement plans.
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 changes to the approved

scope of the project shall be submitted to the Planning, Building and Transportation Department for review and approval.

4. Biological Opinion: Applicant/owner shall comply with the Biological Opinion issued by U.S. Fish and Wildlife to protect the endangered least tern colony, including:
  - a. No new structures greater than 4 feet in height shall be constructed in “Zone 1,” as defined by the Biological Opinion, which includes areas on the property to the west and south of Building 23.
  - b. In Zone 2, as defined by the Biological Opinion, which includes the operational area on the north side of Building 23, anti-perching devices shall be used on structures and permanently installed equipment over 20 feet tall and within line of sight of the existing least tern colony.
  - c. During the least tern breeding season (April 1 to August 15), operation of the test equipment may not result in an increase in the ambient noise level at the least tern colony by more than 10 percent over the baseline established in the most recent least tern monitoring and management report (55 decibels in March 2009).
5. View Maximization: Owner/applicant shall not place any permanent structures or permanent storage containers, including but not limited to shipping containers or water tanks, in the northeast corner of Area 5 in the Lot Use Area Diagram included in the attached plans. Such area shall be defined as the area between the existing fence line on the north side of the property and a parallel line 30 feet from the north wall of Building 32 and within 50 feet of the front (east) fence line. This area can still be used for short-term staging of materials, parking, staging of waste collection containers and other temporary uses for up to seven (7) days per instance. To the maximum extent possible, owner/applicant should utilize the areas on the western portion of the site for staging of materials and other short-term uses to maximize views from Monarch Street.
6. Streetscape Maintenance: Owner/applicant shall maintain a clean and tidy operations yard, free of trash and debris, especially within 50 feet of the building frontage/front fence line to present an attractive streetscape that invites passersby to enjoy the views of the intricate testing equipment on site and the views beyond.
7. Noise: Operations shall comply with the Alameda Noise Ordinance (AMC Section 4-10) and the maximum allowable noise levels in Section 4-10.4.b.
8. Lighting: No new permanent exterior lighting may be installed without prior ministerial approval of the Planning Director to ensure compliance with the Dark Sky Ordinance and the Biological Opinion.
9. Fire Lane: Owner/applicant shall stripe an Aerial Fire Apparatus Access Road on the south side of Building 23 with a minimum unobstructed width of 26 feet parallel to the entire side of the building not less than 15 feet and not greater than 30 feet from the building to the satisfaction of the Fire Marshal.

10. Drainage:

- a. The applicant shall be responsible to maintain access to and function of existing storm drain lines that run onto and/or through the applicant's property.
- b. Stormwater shall be dispersed, diffused, detained, or otherwise infiltrated on-site to the extent feasible. Downspouts shall not be directly connected to public or private storm drain facilities. Stormwater, including roof drainage, shall not be directed across sidewalks or driveways.

11. Stormwater Quality Protection and Treatment:

- a. Prior to use of the newly permitted facility, Natel shall self-assess the applicability of the State's General Industrial Stormwater Permit to the Natel facility operations at 2401 Monarch Street. [https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/industrial.html](https://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.html).
- b. Prior to use of the newly permitted facility, provide City of Alameda Public Works (PW) Engineering and Clean Water staff with
  - i. Natel's Standard Industrial Classification (SIC) code for the 2401 Monarch facility and
  - ii. Written verification of the results of the self-assessment, as above, and the applicability of the State General Industrial Stormwater Permit to the Natel operations.
- c. Prior to the use of the newly permitted facility, provide City of Alameda PW Engineering and Clean Water staff with a copy of:
  - i. If the site is subject to a State General Industrial Stormwater Permit, provide both the Natel WDID# and SWPPP, prepared in compliance with the application requirements of the State General Industrial Stormwater Permit.
  - ii. The SWPPP or a revised Natel "Spill, Leak and Water Management Plan" that presents and discusses comprehensive operational practices, procedures, and equipment to effectively prevent and contain all potential discharges or the release of any water, waste water, and/or other materials from the operations and/or maintenance of Permit-subject facility to the pavement onsite or offsite or to the local storm drain inlets in the vicinity of the Natel facility.
    1. A spill response plan, including a possible containment system or response team and procedures to contain large

spills on site.

2. Required maintenance of all systems to prevent leaks and spills, including scheduled inspections, oversight and staff training.
  3. Standard procedure should not include discharging water to the ground for evaporation. Discharging commercial/industrial water/wastewater/and waste to the ground or to the City's storm drainage system, including streets, curbs and gutters and storm drain inlet is prohibited.
- d. During the project installation phase, applicant shall incorporate appropriate means and methods to prevent the discharge of any pollutant sources that may impact stormwater or enter the City's storm drainage system.
  - e. The Applicant shall obtain all necessary permits from other regulatory agencies for projects within sensitive areas or which have significant stormwater pollution potential. Other regulatory agencies include, but are not limited to, the Regional Water Quality Control Board, Department of Fish and Wildlife, Army Corps of Engineers, and the Bay Conservation and Development Commission.

12. Sewer and Water:

- a. Sanitary sewerage shall be in accordance with the EBMUD Regional Standards for Sanitary Sewer Installation. All permits, easements, and/or approvals for modifications to the sewer system required by EBMUD shall be obtained prior to issuance of any building permits by the City.
- b. Existing Sewer: The applicant/developer shall be responsible to maintain access and utility services to the existing buildings within Alameda Point to the satisfaction of the Deputy Public Works Director.
- c. The Applicant shall secure all necessary permit approvals from EBMUD regarding the installation of all water service for the project or discharge of wastewater.

13. Solid Waste:

- a. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance required by the collection methods and vehicles used by the City's designated collector or hauler. In all cases where a parcel is served by an alley, all exterior storage areas shall be directly accessible to the alley. For safety reasons, a turnaround must be provided for any street that would otherwise require the collection truck to back up a distance greater than 150

feet.

- b. The storage area(s) and the individual bins and containers provided within shall be adequate in capacity, number and distribution to serve the anticipated demand as determined by the Public Works Director.
- c. A sign clearly identifying each exterior solid waste and recyclable and organic material storage area and the accepted material(s) is required. Each sign shall not exceed two square feet in area and shall be posted on the exterior of the storage area adjacent to all access points.

14. Expiration: The Use Permit shall expire two (2) years, and Design Review approval shall expire three (3) years, after the date of approval unless authorized construction or use of the property has commenced. A one-time extension for an additional two years may be granted by the Planning, Building and Transportation Director upon written request and payment of applicable fees.

15. Revocation: 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 that: 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.** To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

**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 22nd day of April 2024, by the following vote to wit:

AYES: (6) Ariza, Hom, Cisneros, Ruiz, Tsou and Wang

NOES: (0)

ABSENT: (1) Saheba,

ATTEST:

DocuSigned by:

*Steven Buckley*

\_\_\_\_\_  
Steven Buckley, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION PB-24-08**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING DESIGN REVIEW FOR THE BEAUTIFICATION OF THE FIRE TOWER LOCATED ON THE CORICA GOLF COURSE LEASE PREMISES AT THE CORNER OF ISLAND DRIVE AND CLUBHOUSE MEMORIAL ROAD – 1 CLUBHOUSE MEMORIAL ROAD

WHEREAS, application PLN24-0167 was made by Local Edition on behalf of Greenway Golf Associates, Inc. (“Applicant”) requesting approval for Design Review to paint the fire tower and improve the landscaping at its base, consistent with the requirements in the Second Amendment to the Lease Agreement with the City approved in 2021; and

WHEREAS, the subject property is designated as Public Park and Open Space in the General Plan; and

WHEREAS, the subject property is located in an OS - Open Space Zoning District; and

WHEREAS, the Planning Board held a duly noticed public hearing for the project on May 9, 2022, April 24, 2023 and May 13, 2024, and examined pertinent maps, drawings, and documents and considered testimony and deliberations.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds this project categorically exempt from environmental review pursuant to CEQA Guidelines Section 15301 - Existing Facilities and finds that none of the exceptions to the categorical exemption apply; and

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings relative to 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 beautification project is consistent with the General Plan and Zoning Ordinance and compatible in design and use of materials with the existing building and surrounding neighborhood because it advances the policy of making art available to all segments of the population through partnerships with the business community, and because the proposed exterior modifications consist of a painted mural and landscape improvements that provide improved aesthetics for the public open space, streets, and residential neighborhoods in the surrounding area without adding any other uses or structures.
- 2. The proposed beautification project 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 beautification incorporates a variety of façade enhancements and landscape improvements which will improve views of the structure from the public right of way, adjacent neighborhood, and from the public golf course. The new landscaping provides a communal seating area which will serve as a welcoming outdoor gathering space for the community with limited access to preserve security and reduce maintenance and impacts.

- 3. The proposed beautification of the structures 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 mural and landscaping plan provide an improved entrance to the golf course, which has a variety of topographical and vegetative areas; and

BE IT FURTHER RESOLVED, that the Planning Board approves the Design Review application, subject to the following conditions:

1. Changes to Approved Plans: This approval is limited to the scope of the project defined in the project description and approved plans does not represent a recognition and/or approval of any work completed without required City permits. Any additional exterior changes shall be submitted to the Planning, Building, and Transportation Department for review and approval prior to construction.
2. Selection of Preferred Color Scheme / Design Refinement. This approval provides that the artist has the discretion to select from among the color schemes that were presented. Exterior elements that protrude above the roof of the garage and the tower shall be removed unless specifically required for utility or other purposes.
3. Compliance with City Ordinances. The approved design and use is subject to, and shall comply with, all applicable City ordinances and laws.
4. 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, Building, and Transportation Director.
5. Water Quality Control.
  - (a) Prior to the start of work, the project design team shall complete and submit both (1) the City of Alameda's Stormwater Requirements Checklist Project Site Information Sheet and (2) the City of Alameda's Small Project Pollution Prevention Checklists Sheet to inform Project conceptual and planning efforts. Submit completed Checklists sheets to City Public Works staff for review.
  - (b) The Project conceptual Site Plans shall indicate intended site design measures for stormwater quality protection (low impact development (LID) design measures) including reduced impervious surface area, and tower building rain leader/downspout discharge points, if applicable, preferentially discharging to the landscape.

- (c) Applicant is to confirm that the property lines are accurately shown.
- (d) Sheet L1.0: Identify any storm drain modifications or connections to existing storm drain infrastructure, if any, for this project.

- 6. Fire Department Access. A minimum 12-foot wide access lane shall be provided to the base of the tower and fire apparatus access through the gate shall be allowed by means approved by the Fire Marshall.
- 7. Vesting. This Design Review approval shall expire and become void unless actual construction under valid permits has commenced within three years after this approval or an extension has been granted as provided in AMC section 30-37.6.

HOLD HARMLESS. To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

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 13th day of May, 2024, by the following vote to wit:

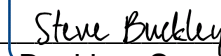
AYES: (7) Ariza, Cisneros, Hom, Ruiz, Saheba, Tsou and Wang

NOES: (0)

ABSENT: (0)

ATTEST:

DocuSigned by:



\_\_\_\_\_  
Steven Buckley, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION 24-09**

APPROVING DESIGN REVIEW (PLN24-0279) TO CONSTRUCT AN APPROXIMATELY 10,642 SQUARE FOOT ADDITION AT 677 WEST RANGER AVENUE REFERRED TO AS “THE FOOD BANK COMMUNITY MARKET PROJECT”

WHEREAS, an application was made by the Alameda Food Bank (AFB) for Design Review for an approximately 10,000 square foot addition to an existing 9,000 square foot building and associated site improvements to create a permanent home for the Alameda Food Bank at Alameda Point; and

WHEREAS, the subject property is designated as Mixed Use in the Alameda 2040 General Plan; and

WHEREAS, the subject property is located in the AP-AR, Alameda Point, Adaptive Reuse Zoning District; and

WHEREAS, the Planning Board held a duly noticed public hearing on November 13, 2023, and examined pertinent maps, drawings, and documents and considered testimony and deliberations, and approved a Development Plan and Use Permit (PLN23-0390) for the site layout of the project and Community Market land use; and

WHEREAS, the Planning Board held a duly noticed public hearing for the project on July 22, 2024, and examined pertinent maps, drawings, and documents and considered testimony and deliberations for design review of the building and site improvements.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the environmental effects of the project have been adequately evaluated, and that:

1. The project is consistent with the General Plan and Zoning Ordinance densities and use regulations; and
2. The Final EIR was certified by the City Council for the Alameda Point Project, including amendments to the General Plan and Zoning Ordinance; and
3. There are no environmental impacts peculiar to the project that were not analyzed in the Final EIR, or any such impact can be substantially mitigated by imposition of uniformly applied development policies or standards previously adopted by the City; and
4. There are no significant effects of the project that were not analyzed as significant effects in the Final EIR; and
5. There are no potentially significant off-site impacts of the proposed project and there are no cumulative impacts to which the proposed project makes a considerable contribution which were not discussed in the Final EIR; and
6. There are no previously identified significant impacts of the proposed project 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 Final EIR.

7. Pursuant to the streamlining provisions of CEQA Guidelines Section 15183, no further environmental review of the Design Review is required; and

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

1. **The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.** The proposed design is consistent with the Development Plan approved for this project through Resolution No. PB-23-23. The project relates favorably to General Plan Land Use Policy LU-9, which encourages a broad range of commercial businesses and services in Alameda to provide for the diverse needs of the Alameda community and reduce the need to travel off-island to acquire goods and services. The project expands the capacity of the Alameda Food Bank to provide access to food for Alamedans experiencing food scarcity. The design of the addition is consistent with Workplace Commercial building type guidelines in the Citywide Design Review Manual through the use of horizontal courses to separate upper and lower volumes. Additionally, the design incorporates the same type of industrial windows and monitor windows as Building 92, the nearest contributor to the NAS Alameda Historic District.
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 use.** The project is on the border of the Administrative Core and Shops Area sub-areas of the NAS Alameda Historic District (it is on a non-contributing site and incorporates a non-contributing building). The size and massing of the pre-fabricated warehouse is consistent with contributor buildings in the Shops Area. The addition is shorter than Building 92, the nearest contributor building in the Historic District, therefore ensuring that the infill development is subordinate in size.
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 addition uses corrugated metal siding and a standing seam metal roof to match the existing building at 677 West Ranger Avenue. The addition's building form is similar to Buildings 91 and 92, which were originally used as warehouses and are contributing buildings to the Historic District. The warehouse addition incorporates the window types from Buildings 91 and 92. Proposed clerestory windows are provided to reference the monitor clerestory windows from Buildings 91 and 92, identified in the "Guide to Historic Preservation at NAS Alameda Historic District" as character defining features.

BE IT FURTHER RESOLVED, that the Planning Board approves the Design Review of the design plans prepared by MBH Architects (Exhibit 1), subject to the following conditions:

1. Infrastructure Improvement Plans: Prior to issuance of a building permit, the applicant must obtain approval of infrastructure improvement plans for the improvement of the on-site and adjacent off-site streets, waste water, storm water, potable water, recycled water,

power, and communications facilities required for the development. The improvement plans shall be reviewed for consistency with the requirements of the Alameda Master Infrastructure Plan (MIP) and AMC. The plans shall be prepared, signed and stamped as approved by a registered civil engineer licensed in the State of California. The engineer shall also assume responsibility for inspection of the on-site construction work, including but not limited to parking lots, pathways, storm facilities and, sewer facilities, and shall certify to the City, prior to acceptance of the work or issuance of any occupancy permit, including a temporary occupancy permit, whichever comes first, that the installation of the on-site work (excluding the building and foundation) was constructed in accordance with the approved plans. All required public frontage and street improvements shall be designed, built, and dedicated to the City in accordance with City ordinances, Public Works Department standards and the Subdivision Improvement Agreement with respect to such improvements and shall include curbs, gutters, sidewalks, street trees, storm water treatment controls, landscaping and irrigation, streetlights, etc.

2. Building Permit Plans: The plans submitted for the Building Permit shall be in substantial compliance with the plans prepared by MBH Architects dated June 10, 2024 (as revised June 18, 2024) on file in the office of the City of Alameda Planning and Building Department.
3. Design Changes: Plans submitted for building permits shall show consistent siding material on the existing building, and the walls under the original roof shall be painted one color as presented on the cover sheet and material board of the approved plan set. The horizontal banding shall be modified to distinguish between the existing and new buildings by raising the red color band to the eave line of the existing building and retaining the height of the band on the new building on the north and south elevations.
4. CEQA Mitigation Measure Monitoring: Prior to issuance of a building permit or site improvement permit, the applicant shall submit a Mitigation Measure Compliance Checklist confirming compliance with all required environmental mitigation measures contained in the MMRP (See Streamlined Checklist and MMRP) adopted by the Planning Board for the redevelopment of the project. Prior to issuance of a design review, building or site improvement permit, a Biological Opinion Compliance Checklist must be submitted confirming compliance with all required conditions set forth in 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, and Exhibit C of the Memorandum of Agreement between the City of Alameda and Department of Veteran's Affairs (Alameda Point Lighting Mitigation Measures).
5. Conformance with Local Codes: Building Permit submittals shall be consistent with all local City of Alameda municipal codes including, but not limited to LEED or Green Point Rating Requirements, AMC 13-19; Bird Safe Ordinance, AMC 30-5.16.b.; Dark Skies Ordinance, AMC 30-5.16.c; and Parking and TDM Requirements, AMC 30-7.
6. Dust Control: Prior to issuance of building or grading permits, the Applicant shall ensure that a dust control program is implemented consistent with City and BAAQMD requirements. Construction activities shall be subject to the requirements of the Alameda

Municipal Code, which restricts construction 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.

7. Automobile and Bicycle Parking: The automobile parking lot shall be made available for use by the public visiting the Food Bank and neighboring buildings on adjacent sites. The site improvement plans shall be consistent with the minimum permitted bicycle parking ratios described in AMC 30-7. The plans shall specify the number of parking spaces to be equipped with electric charging stations. The parking lot screening wall shall be limited in height to 3 ½ feet.
8. 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, Building, and Transportation Director.
9. Landscape Plans: All landscape plans shall be in accordance with the City's Bay Friendly Landscaping requirements, the Master Street Tree Plan, the AMC, conditions of approval by the Planning Board, and other regional jurisdictions requirements, as applicable.
10. Vesting: This approval shall expire and become void unless actual construction under valid permits has commenced within three years after this approval or an extension has been granted.
11. Modifications: Minor modifications to the project site design, building placement, or building footprints may approved by the Planning and Building Director provided that the Director is able to make the finding that the modification is necessary in support of the project and in substantial conformance with the illustrative design approved by the Planning Board. Engineering standards and specifications requested by the applicant may be established, modified and approved by the Public Works Director, or his designee. Major modifications that are not consistent with this development plan or these conditions shall be subject to review and approval of the Planning Board.
12. Other Agency Approvals: Prior to issuance of building permit(s) for work within jurisdictional lands, evidence that all required approvals, permits, or waivers from Regional Water Quality Control Board (RWQCB), including a possible 401 Certification for the construction of a stormwater outfall, and/or the Army Corp. of Engineers, if any, have been obtained shall be provided. The final improvement plans shall incorporate all other agency requirements. Prior to construction, provide evidence of all relevant submittals required by the State's Construction General Stormwater Permit.
13. Fire Safety: Prior to approval of the Improvement Plans, plans for review and approval by the Public Works Director and the Fire Chief shall be submitted, 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.

14. Geotechnical Report: A geotechnical report, including recommendations shall be 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. 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 Works - General**

- 1. Plans shall be prepared, signed, and stamped as approved by a registered civil engineer licensed in the State of California. The Improvement Plans and all documentation listed below, except as noted, shall be approved by the Public Works Department prior to issuance of any Building Permit for the development.
- 2. The proposed work shall comply with Chapter 30, Article 6 of the Alameda Municipal Code (Real Estate Subdivision Regulations) and Chapter 22 of the Alameda Municipal Code (Streets and Sidewalks) as determined by the City Engineer.
- 3. The proposed work shall comply with Alameda's Standard Plans and Specifications and Standard Subdivision Specifications and Design.
- 4. 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.
- 5. Plans shall identify datum. If not NADV88, show conversion.
- 6. Site plans shall include applicable Standard Construction Notes, latest edition, from Public Works.
- 7. The developer shall construct and dedicate to the public street improvements equal to 28 feet from the centerline of West Ranger Ave including concrete curb, gutter, sidewalk, paving, striping, sanitary sewer, drainage system, telecom, gas, streetlights,



railroad and tie removal, and street trees, all to the satisfaction of the City Engineer. Total right of way for West Ranger shall be designed to a 56 feet right of way section. The existing street section shall be removed and replaced 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.

8. The developer shall provide as-built drawings of all site and right of way improvements prior to issuance of final Certificate of Occupancy. Provide drawings in both durable hard copies and pdfs.
9. An engineer's cost estimate for frontage and site improvements shall be submitted. A cash security deposit or construction performance bond of an amount as determined by the City Engineer prior to issuance of a Public Works Development (PWD) permit that involve the public ROW.
10. An Encroachment Permit is required for all work within the Public Right-of-Way. The Encroachment Permit is required prior to issuance of any Building Permits for the proposed development. The encroachment permit application shall address circulation in and around the site, including pedestrians, cyclists, fire trucks, private vehicles, solid waste trucks, buses, and parking. The application shall address all construction phases.
11. This project is adjacent to the City's Adaptive Base Reuse Project and the West Midway/ RESHAP Development. Project shall coordinate any street closures, utility disruptions with the adjacent projects and properties that may be affected by the work.

### **Easements**

12. The applicant is encouraged to contact the Public Works Department at 510-747-7930 to schedule a pre-application meeting prior to the first submittal of any improvement plans to discuss submittal requirements, project review timeline, and fees associated with the processing, filing, and construction of this development.
13. A current title report shall be submitted to identify current ownership and any existing easements or land use restrictions.

### **Streets, Sidewalks, Parking and Traffic Control**

14. The proposed work shall comply with all current, applicable, plans, standards, policies and guidelines including Alameda's Bicycle Master Plan; Pedestrian Master Plan; Long Range Transit Plan; Transportation Demand Management and Transportation System Management (TSM/TDM) Plan; Multimodal Circulation Plan; Transportation Element of the General Plan; Transportation Choices Plan; Bicycle Facility Design Standards; Pedestrian Design Guidelines; Guidelines for Multiway Stop Signs, Crosswalks, and Pedestrian Paddles; as well as the Caltrans Design Manual and Standard Plans and the California MUTCD. Alameda Point development shall comply with the various Alameda Point key documents. All documents can be found at the

City's Public Works webpage, under Key Documents, at <https://www.alamedaca.gov/Departments/Public-Works> .

15. All sidewalks shall comply with ADA and Title 24 requirements for cross slope, including driveway approaches and curb ramps. Where existing driveways are removed, the developer shall replace the curb, gutter, and full width of sidewalk to current standards.
16. The street section for any private access roads shall be designed by a registered civil engineer and is subject to approval by the City Engineer.
17. Parking layout shall be constructed in conformance with City's off-street parking design standards, Alameda Municipal Code Section 30, Article 1, Chapter 7 Off-Street Parking and Loading Regulations. Accessible stalls, ramps, loading and unloading platforms including for vans, slope and grade of ramps, landings and stalls, signs, striping, logo, width of landings and such details as are required shall comply with applicable City and State Standards.
18. Improvements in public ROW to include asphalt roadway, sidewalk, signage, striping and streetlighting.
19. Sidewalk construction shall be required prior to issuance of the Temporary Certificate of Occupancy. Roadway reconstruction shall be complete prior to Final Certificate of Occupancy.

### **Grading and Floodplain**

20. 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, construction dewatering, 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.
21. Applicants that excavate into the marsh crust/subtidal zone shall be responsible for abiding by the requirements of Alameda Municipal Code Section 13-56 Marsh Crust Ordinance and by the Alameda Point Site Management Plan (SMP), dated December 3, 2022 and revised September 30, 2022, prepared by Terraphase Engineering. The SMP is available at <https://www.alamedaca.gov/Departments/Alameda-Point>. The Applicant shall obtain a Marsh Crust Permit issued by the Building Department as necessary to facilitate the development of the site.
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. Prior to issuance of the first Temporary Certificate of Occupancy, 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. All material testing reports shall be attached to the certification letter report.

## **Drainage**

24. 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 additional runoff is directed to and so as not to impede runoff from adjacent properties.
25. 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 using a hydraulic model and determine the improvements, if any, to ensure sufficient capacity for this project and anticipated cumulative growth in the associated drainage basin. The Applicant shall include the recommended improvements into the project's improvements.
26. Improvement plans shall clearly show the extent of public vs private storm drainage facilities, including basins, pipes, structures, and pump stations. All public drainage facilities shall be in public streets or in public drainage easements.
27. The developer shall be responsible to maintain access to and function of existing storm drain lines that run onto and/or through the developer's property.
28. Stormwater shall be dispersed, diffused, detained, or otherwise infiltrated on-site to the extent feasible. Downspouts shall not be directly connected to public or private storm drain facilities. Use of splash blocks directed towards landscape areas is encouraged. Stormwater, including roof drainage, shall not be directed across sidewalks or driveways.

## **Stormwater Quality Protection and Treatment**

29. All projects shall incorporate permanent stormwater low impact development (LID) 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. Project plans shall indicate the efforts taken to minimize impervious surface areas, especially directly connected impervious surface areas.

30. The improvement plans shall provide 100% post construction treatment measures for new or recreated impervious surfaces as required by the Alameda Point Outfall Project 401 Water Quality Certification. Onsite in lieu treatment for the treatment of West Ranger Ave may be acceptable, as determined by the City Engineer.
31. The Applicant shall submit a Stormwater Quality Management Plan complete with the individual drainage management areas identified, a completed Stormwater Requirements Checklist, and a stamped, signed City of Alameda C3 certification form from a qualified independent (i.e. different engineering firm) civil engineer with stormwater treatment facility design experience, licensed in the State of California, and acceptable to City Engineer that indicates the LID and treatment measure designs of the improvement plans and Stormwater Quality Management Plan meet the established sizing design criteria for stormwater treatment measures. The Civil Improvement Plans shall be consistent with the approved Stormwater Quality Management Plan submittal. Prior to issuance of the Permit, the Applicant shall submit for review and approval by the City Engineer a Stormwater C3-LID Measures Operations and Maintenance (O&M) Plan that provides a thorough discussion of the inspection, operations, and maintenance requirements of all of the stormwater treatment, including trash capture, and LID design measures at the site. This O&M Plan shall be consistent with the City of Alameda's C3-LID Measures O&M Plan Checklist. The development 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.

The Applicant's Stormwater Requirements Checklist and Preliminary Stormwater Treatment Plan submitted as part of this planning application requires revision and approval by the Public Works Department.

- a. The project design team shall revise and re-submit the City of Alameda's Stormwater Requirements Checklist, reconciling the area square footage information presented in Items I.A.12/I.A.14 and in I.B.1 (Table). Items I.A.12 and I.A.14 both indicate Total Area of Site/land disturbed equals 1.75 acres (76,230 sq. ft). The Table I.B.1 sub-totals for (i) Area of Existing Impervious Surface to remain in place (incorrectly appears as Null in 1st submittal), (ii) Total New Impervious Surface and (iii) Post-project pervious surface shall accurately sum to equal the area value figure presented in Items I.A.12 and I.A.14.
- b. The Project design team shall revise the Preliminary Stormwater Management Plan (Plan) to:

- i. Preferentially provide for and indicate direct, on-site and right-of-way treatment of all applicable impervious surface areas rather than provide in-lieu treatment;
- ii. Provide for and indicate bioretention or self-retaining area treatment of all applicable impervious surface areas along the north sides and south sides of building;
- iii. Provide for and indicate direct treatment of all applicable impervious surface areas for all public right-of-way frontage improvements associated with the project;
- iv. Provide specific justification, subject to City stormwater staff review, for all applicable impervious surface areas where direct treatment is not planned and in-lieu treatment remains proposed;
- v. Revise/expand Drainage Management Area (DMA) mapping to indicate the distinct, mutually-exclusive drainage areas in a 1-to-1 association with discrete, stormwater treatment areas, final drainage conditions and discharge points;
- vi. Provide a DMA summary table including the area values (in square feet) of each mutually exclusive DMA and associated treatment area. The area sum values shall be consistent with the project site area values in Table/section I.B.1 of the revised Stormwater Requirements Checklist.

All 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.

32. The development is subject to full trash capture requirements of the City's NPDES permit, regardless of impervious surface area. The developer shall provide a full trash capture system, 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 the stormwater full trash capture device(s) necessary to treat the entirety of the site. The developer shall confirm that the full trash capture device(s) included in the development plan are on the State Water Resources Control Board's list of certified full trash capture systems. Trash capture shall occur on site, not in the public right of way downstream. Applicant shall submit an O&M plan detailing the necessary maintenance tasks and schedule required to maintain all on-site trash capture devices.
33. All new storm drain inlets shall be clearly marked with the words "No Dumping! Drains to Bay," or equivalent, as approved by the Public Works Director.
34. Prior to project acceptance and any certificate of occupancy, the Property Owner(s) shall provide the following:
  - a. Executed C3-LID 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.
  - b. 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.

35. The Developer shall obtain all necessary permits from other regulatory agencies for projects within sensitive areas or which have significant stormwater pollution potential. Other regulatory agencies include, but are not limited to, the Regional Water Quality Control Board, Department of Fish and Wildlife, Army Corps of Engineers, and the Bay Conservation and Development Commission.
36. The developer shall comply with the State Water Quality Control Board's Construction General Permit requirements. Copies of the required "Notice of Intent" (NOI) and "Storm Water Pollution Prevention Plan" (SWPPP) along with the WDID# shall be submitted to the City Engineer prior to the issuance of the Permit for any site work. The SWPPP shall utilize the California Storm Water Best Management Practices Handbook for Construction Activities, the ABAG Manual of Standards for Erosion & Sediment Control Measures, the City's Grading and Erosion Control ordinances, the City's "Urban Runoff Best Management Practices Standards", and other generally accepted engineering practices for construction activity pollution prevention, sediment, and erosion control.
37. Implement site SWPPP and/or the approved erosion and sediment control program prior to the any demolition, grading or construction activity begins. The applicant shall notify the City and schedule an inspection to verify the project's installation of these plans prior to commencing demolition, grading or construction activities. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations and/or a project stop order.
38. The City of Alameda shall be contacted in the event of any slope failure, sediment pond overflow, or any other malfunction resulting in pollutant-laden runoff. If erosion or an unauthorized discharge occurs, the construction activity that is contributing to the erosion or discharge must cease immediately. The erosion and discharge must be controlled and cleaned up immediately. Remediation completion shall be approved by the city engineer.
39. Construction access routes shall be limited to those approved by the City Engineer and shall be shown on the approved grading plan.

40. The applicant is responsible for ensuring that all contractors and subcontractors are aware of and implement all stormwater quality control measures. Erosion and sediment control measures shall be maintained and repaired throughout the construction phase and removed at the end of construction, including the following:

*Erosion and Sediment Control*

41. Install erosion prevention and perimeter protection measures (soil stabilization) such as fiber rolls, silt fence, and/or sediment traps or basin. Sediment controls should be a secondary defense behind good erosion control and site perimeter measures.
42. Install and maintain stabilized construction entrances to minimize the tracking of dirt, mud, dust and debris onto the public right-of-way.
43. Filter materials (such as block and gravel bags, sandbags, filter fabric) shall be installed at the storm drain inlets at, surrounding, and directly adjacent to the project site.
44. Minimize the removal of natural vegetation or ground cover to minimize the potential for erosion and sedimentation. Re-plant the area and stabilize all cut and fill slopes as soon as possible after grading is completed.
45. The Contractor(s) shall avoid creating excess dust when breaking asphalt/concrete and during excavation and grading. If water is used for dust control, use as little as possible.
46. Site shall follow its Construction General Permit requirements and conduct inspections before and after each storm event, and every 24 hours for extended storm events, to identify areas that contribute to erosion and sediment problems or any other pollutant discharges. If additional measures are needed, revise the SWPPP and implement the measures immediately. Document all inspection findings and actions taken.
47. Any breach, malfunction, leakage, or spill observed that could result in the discharge of pollutants to surface waters which would not be visually detectable in stormwater shall trigger the collection of a sample of discharge. Necessary sampling procedures shall be followed, consistent with the SWRCB General Construction Stormwater Permit requirements as applicable.

*Good Site Management*

48. On-site piles shall be removed regularly from site, with only temporary storage allowed. All temporary soil or other stockpiles on site shall be securely covered with a tarp, sheeting and bermed. Stockpiling or staging of any materials in the public right-of-way or public street requires a City encroachment permit.
49. Place all construction debris in containers and empty them regularly. When appropriate, use tarps or equivalent on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.

50. Create a contained and covered area on the site for the storage of cement bags, paints, flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the storm drain system by wind, exposure to rainfall or in the event of a material spill.
51. Concrete trucks shall have a self-contained wash-out system or discharge to a dedicated, secure site wash-out. Washout and/or slurry waste shall not accumulate on surrounding pavement or enter the storm water conveyance system.
52. Vacuum saw-cutting slurry immediately and remove from site. Saw-cut slurry shall not accumulate on surrounding pavement or enter the storm water conveyance system.

#### *Non-Stormwater Management*

53. Site de-watering operations shall be designed to prevent the discharge of any sediment, debris or other pollutants to the municipal storm water conveyance system.
54. Do not discharge wash water, residues or wastes into street gutters or drains. Clean up leaks, drips and spills immediately. Never clean machinery, tools, brushes, etc., rinse containers and/or dispose of washwater into a street, gutter, storm drain or watercourse.
55. The project perimeter shall be swept and maintained so it is litter free. Caked-on mud or dirt shall be scraped before sweeping. At the completion of work the street shall be washed and the wash water collected and disposed offsite.

#### **Sewer and Water**

56. Sanitary sewerage shall be in accordance with the EBMUD Regional Standards for Sanitary Sewer Installation. All permits, easements, and/or approvals for modifications to the sewer system required by EBMUD shall be obtained prior to issuance of any building permits by the City.
57. Improvement plans shall clearly state extents of public and private sewerage, including pipes, structures, and pump stations. Lower (public) and upper (private) sewer laterals shall be separated by a two-way cleanout or manhole. All public sanitary sewer facilities shall be in public streets or in public utility easements.
58. 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.
59. 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. Each parcel must be issued a Compliance Certificate by



EBMUD. Please review the program requirements and cost for Compliance Certificates: <http://www.eastbaypsl.com/eastbaypsl/>.

60. The Applicant shall include the City and EBMUD recommended improvements, if any, from the sewer study into the project's improvements plans prior to approval of the improvement plan.

61. The Applicant shall secure all necessary permit approvals from EBMUD regarding the installation of all water service for the project.

**Power, Telecom, Street Lighting and Gas:**

62. The Applicant shall design and construct power, telecom, gas, and other utilities in accordance with applicable utility standards.

63. Street lighting shall be designed in accordance with the City of Alameda Street Lighting Design Guide, latest edition. A photometric study shall be provided with the improvement plans. Any adjustments to bring street lighting up to City standards will be incorporated into final permit drawings.

64. All utilities along the project frontage(s) shall be undergrounded. If utility poles are to remain, accessible paths shall be provided around these poles whether existing or new. If poles to be removed support street lighting, new street light poles shall be installed.

65. Furnish two additional street light poles and LED fixtures of each type installed, at no cost, to the Public Works Department as a stock for future pole/fixture replacement on public facilities. The applicant shall be responsible for all costs associated with the transportation, handling and delivery of the poles/fixtures to a Public Works storage yard designated by the City Engineer. The applicant shall coordinate and schedule the delivery of the poles/fixture with the Public Works Department.

66. Work with AMP to locate a transformer and pad, if needed, on private property with appropriate maintenance access.

67. In accordance with Alameda's Climate Action and Resiliency Plan, natural gas is not permitted for new residential units.

68. Small cell facilities shall be installed in accordance with the City's Wireless Communication Facilities Design Guidelines, and the Small Cell Wireless Facilities in the Right of Way Guidelines.

**Solid Waste**

69. The project shall be designed to accommodate three waste streams: recycling, organics, and trash; as required by the City of Alameda Municipal Code – Solid Waste and Recycling (Chapter 21). Signage clearly identifying how to sort materials into three waste streams shall be posted at each storage area. The storage/disposal area(s) and

the individual bins and containers provided within shall be adequate in capacity, number and distribution to serve the anticipated demand, consistent with written City guidance and as determined by the Public Works Director.

70. Applicant to provide a trash truck access plan, including truck turning movements for a front load and side load garbage truck, as part of the improvement plans. The design, sizing, location, access, and provisions for waste hauler collection of all external enclosures and containers for solid waste, recycling, and organics shall be sufficient to serve the development, consistent with written City guidance, and as approved by the Public Works Department.
71. Push/pull services will be charged to developments that will require the solid waste hauler to exit the trash collection vehicle to facilitate the collection. Collection bins with compacted materials will not be eligible for push/pull services and bins will be required to be staged for direct access by the truck.
72. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance required by the collection methods and vehicles used by the City's designated collector or hauler. In all cases where a parcel is served by an alley, all exterior storage areas shall be directly accessible to the alley. For safety reasons, a turnaround must be provided for any street that would otherwise require the collection truck to back up a distance greater than 150 feet.
73. A 40-foot turning radius or equivalent hammer head must be provided for any street or alley that would otherwise require the collection truck to back up a distance greater than 150 feet.
74. Trash enclosure(s) shall comply with Best Management Practices in accordance with the Clean Water Act. These facilities shall be designed to prevent water run-on to the area and runoff from the area, and to contain litter, trash and other pollutants, so that these materials are not dispersed by the wind or otherwise discharged to the storm drain system. Design shall incorporate a solid roof, impervious floor, solid walls on three sides, and a lockable gate on the fourth side. Trash enclosures attached to buildings shall have fire sprinklers.
75. The design and construction of storage area(s) shall:
  - a. Be compatible with the surrounding structures and land uses;
  - b. Storage area(s) must be able to accommodate three (3), four (4) cubic yard bins consistent with the current methods of collection provided by the City's Franchised Hauler
  - c. Contain a concrete pad within the fenced or walled area(s) and a concrete apron which facilitates handling of the individual bins and containers; and

- d. Provide a 6-inch wide curb or parking bumpers along the interior perimeter of the enclosure walls to protect them from damage by the dumpster.
  - e. Maintain a minimum space of 12 inches between the dumpster(s) and the wall of the enclosure and the recycling container(s) to allow for maneuvering the dumpster(s); and
  - f. Protect the area(s) and containers from adverse environmental conditions, which might render the collected materials non-collectable, noxious, unsafe, or in the case of recyclable materials, unmarketable.
76. A sign clearly identifying each exterior solid waste and recyclable and organic material storage area and the accepted material(s) is required. Each sign shall not exceed two square feet in area and shall be posted on the exterior of the storage area adjacent to all access points.
77. Trash enclosures serving restaurant and other food-related uses shall include a water supply, a drain to the sanitary sewer, and a grease trap and/or water/oil separator.
78. Provide a concrete pad in front of the trash enclosure to accommodate the truck weight while serving the dumpsters.
79. The Development shall comply will 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.
80. Per Chapter 4, Article I of the Alameda Municipal Code, persons distributing merchandise of any kind, including food and beverage, shall provide adequate interior and exterior disposal containers, and frequent enough removal of their contents, to enable patrons to deposit all waste material generated by said merchandise therein.
81. Prior to approval of the Permit, the applicant shall submit for review and approval by the Public Works Department a Waste Management Plan (WMP) demonstrating how the project will achieve California's Green Building Standards Code (CALGreen) diversion requirements for construction waste and achieve a minimum recycling rate of 65%. The WMP shall be consistent with the City's written guidance and can be completed by creating an account and submitting a plan via <http://alameda.wastetracking.com>.

### **Landscaping, Bus Stops, Street Furniture and Public Art**

82. 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 Alameda Tree Removal Policy, the Integrated Pest Management Policy, as well as conditions of approval by the

Planning Board, and other applicable standards, as applicable. Landscaping shall be designed to improve curb appeal while promoting low maintenance plant material and xeriscaping.

HOLD HARMLESS. To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings (including, without limitation, legal costs and attorneys' fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

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 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 22nd day of January 2024, by the following vote to wit:

- AYES: (6) Ariza, Cisneros, Hom, Ruiz, Tsou and Wang
- NOES: (0)
- ABSENT: (1) Saheba,

ATTEST. Signed by:

*Steve Buckley*  
1DFEDFEE51084EC...

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Steven Buckley, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-24-10**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING USE PERMIT PLN24-0280 TO ALLOW THE ESTABLISHMENT OF AN APPROXIMATELY 2,600-SQUARE-FOOT PRESCHOOL WITH AFTERSCHOOL PROGRAM FOR UP TO 50 STUDENTS AT ONCE AND AN OUTDOOR PLAY AREA SURROUNDED BY PERIMETER FENCING LOCATED AT 3100 CENTRAL AVENUE.

WHEREAS, an application was made on June 5, 2024, by Malyka Chop for a Use Permit to allow the establishment of an approximately 2,600-square-foot preschool with afterschool program, and an outdoor play area surrounded by perimeter fencing located within an existing church building at 3100 Central Avenue; and

WHEREAS, the application was deemed complete on August 8, 2024; and

WHEREAS, the subject property is designated as Low Density Residential in the General Plan; and

WHEREAS, the subject property is located in the R-1, Residential Zoning District; and

WHEREAS, the Zoning Administrator held a duly noticed public hearing for the project on August 19, 2024 and examined pertinent maps, drawings, and documents, and approved Use Permit Application No. PLN24-0280; and

WHEREAS, on August 27, 2024, Councilmember Herrera Spencer filed a Call for Review of the Zoning Administrator's decision to approve the Use Permit; and

WHEREAS, after giving due notice to the applicant, all interested parties, and the public, the Call for Review was considered by the Planning Board at a public hearing on September 23, 2024; and

WHEREAS, 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 September 23, 2024 on the application for Use Permit 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 Planning Board considered the Call for Review, the public testimony, and all pertinent maps and reports and evidence in the record as a whole, and made findings to approve Use Permit Application No. PLN24-0280 as set forth below.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds this project

categorically exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15303 – New Construction or Conversion of Small Structures - the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure, and for the construction of accessory structures consisting of the proposed fence. The project qualifies for this Class 3 categorical exemption in that it consists of the conversion of an existing building previously used as a church and preschool into a preschool with afterschool program with no changes to the exterior of the building. The City is an urbanized area and the existing structure is less than 10,000 square feet. On a separate and independent basis, the project also qualifies as a Class 1 categorical exemption pursuant to CEQA Guidelines Section 15301 - Existing Facilities - operation, repair, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities involving negligible or no expansion of existing or former use. The project qualifies for this Class 1 categorical exemption in that it consists of the operation of a preschool with afterschool program in an existing church building that had previously been used for the same or similar purpose. The proposed preschool/afterschool use results in a negligible expansion of use in that the record showed, among other things: that the Church's maximum occupancy was for 125 people which could result in generation of its own associated traffic and noise factors; that the proposed preschool use is limited by State licensing requirements and project proposal to a maximum of 50 children and six staff on site at any one time; that the outside noise impacts of the proposed use would be similar to the noise impacts of the 14 former preschool students; and that the proposed use would result in an overall reduction of Vehicle Miles Traveled (VMT) and air quality impacts due to families in the neighborhood being able to drop off and pick up close to their homes. The Planning Board further finds that none of the exceptions to the categorical exemptions in CEQA Guidelines 15300.2 apply, i.e. the project is not in a particularly sensitive environment, there are no significant cumulative effects in that additional daycares could not be constructed on the same site due to the limited outdoor space and State licensing requirements, there are no unusual circumstances in that the neighborhood has other similar daycares and a public park nearby, and there are no scenic, hazardous, or historical resource impacts; and

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings relative to the Use Permit application (AMC Sections 30-21.3):

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 building is located within the R-1, Residential zoning district, which permits preschools with a Use Permit. The proposed preschool with outdoor play yard will provide local education, daycare, and afterschool services for the local community and is compatible with nearby schools in the surrounding area. The surrounding properties to the west and east are within the R-1 District and include residential uses. The properties to the north include residential uses and the Rising Star Montessori School located on High Street. The properties to the south are within the R-1 District and includes residential homes, an existing St. Philip Neri Kindergarten school and the St. Philip Neri Church and school across the street. As conditioned,

the proposed use will replace the existing church and daycare use in the building and is compatible with the R-1 zoning of the property. The proposed use will also operate similarly to the existing schools located in the area. The proposed preschool operation provides a low-intensity school use which transitions well between the existing residential uses and the existing school and church in the surrounding area. Additionally, the project provides a drop off location for students on Fountain Street to minimize impacts to Central Avenue which is the primary street in front of the property. The school provides appointment based drop off and pick up opportunities throughout the day to spread out the times when students arrive to the facility. The use will also coordinate with teachers to walk students to the site from local schools in the area in order to reduce vehicle drop offs. Furthermore, the project will provide bus passes to employees and on-site bike parking for alternative modes of transportation. Outdoor activities for the project will take place in 30-minute intervals and have a maximum of 14 children in the outdoor rear yard at any given time. No new structures or changes to the exterior of the existing building are proposed as part of the project, except for a new perimeter fence. The fence will be designed and located in a manner similar to residential neighbors and in compliance with zoning standards. Therefore, the project is architecturally, aesthetically, and operationally harmonious with the community and the surrounding development.

2. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The facility is located at the corner of Central Avenue and Fountain Street with readily available pedestrian access by existing sidewalks and crosswalks. The property is already served by adequate transportation and service facilities, which are also undergoing enhancement as part of the City's transportation planning and capital budget to enhance safety and multimodal features. The preschool will have a maximum capacity of 50 students at any one time. Student arrival will be spread out among morning and afternoon sessions and will not significantly generate additional traffic or service requirements. The project is located near the corner of Central Avenue and High Street which is served by AC Transit bus routes O, W and OX. Conditions of approval require the facility to provide 2 short term and 2 long term bicycle parking spaces for customers and employees. Therefore, the proposed use is served by adequate transportation and service facilities, including pedestrian, bicycle and transit 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 preschool will provide local residents with accessible preschool and afterschool services and will not have a significant impact on the properties in the surrounding area. The proposed preschool operation replaces an existing church and daycare use and provides a low-intensity school use which transitions well between the existing residential uses and the existing school and church in the surrounding area. Additionally, the project provides a drop off location for students on Fountain Street to minimize impacts to Central Avenue which is the primary street in front of the property. The school also provides appointment based drop off and pick up periods throughout the day to spread out the times when students



arrive to the facility and coordinates student pick up groups that walk to the site to reduce vehicle drop offs. Furthermore, the project will provide bus passes to employees and on-site bike parking for alternative modes of transportation. The hours of operation are during standard business hours from 7:00 AM to 6:00 PM. Outdoor activities for the project will take place in 30-minute intervals and have a maximum of 14 children in the outdoor rear yard at any given time. Therefore, the proposed use, as conditioned, will not have substantial deleterious effects on existing business districts or the local economy.

4. **The proposed use relates favorably to the General Plan and the purpose of the Alameda Point Zoning District.** The site is located within an area designated by the General Plan as Low Density Residential which permits single family detached homes with some multi-family residential buildings, accessory dwelling units, as well as childcare, schools, and religious institutions. The project is consistent with General Plan Policy Action LU-2 g which states the City should "Permit childcare facilities and services in all residential and mixed-use zoning districts." The proposal is also consistent with General Plan Policy LU-9 which encourages "the development of a broad range of commercial businesses and services in Alameda to provide for the diverse needs of the Alameda community and reduce the need to travel off-island to acquire goods and services. The project also is consistent with General Plan Guiding Policy LU-17, which encourages "reuse of existing structures to retain the structures embodied energy and reduce the generation of waste." The proposed preschool provides school and childcare services for the local community as part of the adaptive reuse of a vacant church building. Therefore, the project relates favorably to the General Plan.

BE IT FURTHER RESOLVED, that the Planning Board approves Use Permit application PLN24-0280 to establish a Use Permit to allow the establishment of an approximately 2,600-square-foot preschool with afterschool program, and an outdoor play area surrounded by perimeter fencing located within an existing church building at 3100 Central Avenue, subject to the following conditions:

1. Approved Uses: The Use Permit approves, with conditions, a preschool use with afterschool program with a maximum capacity of 50 students at any time during the day, and an outdoor play area surrounded by perimeter fencing with a maximum outdoor capacity of 14 students at any time during the day.
2. Building Permit Conditions: These conditions shall be printed on the first page of all building plans and improvement plans.
3. Compliance with Regulations: The approved use is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies.
4. Compliance with Conditions. The applicant/property owner shall ensure compliance with all the conditions contained in this Use Permit approval. Failure to comply with any condition may result in issuance of citation, and/or modification or revocation of

the Use Permit approval.

5. Changes to Approved Plans. This approval is limited to the scope of the project defined in the project description and as depicted in Exhibit 2 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.
6. Final Landscaping and Fence Design: Prior to Certificate of Occupancy, the applicant shall submit a final landscaping and fence plan showing the final fence design and setback for Planning Director approval. The proposed fencing shall comply with the fencing height and visibility requirements pursuant to Alameda Municipal Code (AMC) section 30-5.14, and shall be located only around the existing play area and expanded area where parking is being removed, and not along the length of the street side yard.
7. Customer Drop Offs/Pick-ups: The applicant shall implement an appointment-based customer drop off procedure to stagger customer vehicle arrivals in groups of 15-minute intervals for the morning and afternoon student drop off/pick up times.
8. Transit Passes: The applicant shall make available regional transit bus passes for employees of the preschool facility to utilize for their work commute.
9. Bicycle Parking: Applicant shall provide a minimum of two (2) short term and two (2) long term bicycle parking spaces. Bicycle rack location(s) and types shall comply with Alameda Municipal Code (AMC) 30-7.6 and City of Alameda Bicycle Facility Design Standards and final bicycle parking plan shall be approved by the Planning Director. The short-term bicycle parking spaces shall be located outside of the fence for easy access by customers.
10. Encroachment Permits: Prior to Certificate of Occupancy, the applicant shall work with the Public Works Department to:
  - a. Restore the existing driveway on Fountain Street to curb and gutter, sidewalk, and landscaping that meets the City's requirements.
  - b. Explore painting the curb the appropriate loading zone color and installing required signage for one parking space. Applicant shall submit all signage for review and approval by the Public Works Department as part of the encroachment permit application.
  - c. The applicant is responsible for all installation work and costs for permitting, materials, and construction.
11. Change in Occupancy. The applicant shall submit a full set of plans to the Building Division for the proposed change of occupancy and the project shall comply with all the applicable codes.

12. Vesting. The Use Permit approval shall expire two (2) years after the date of approval (September 23, 2026) 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 shall be subject to ministerial approval by the Planning Director and must be filed prior to the date of expiration.
13. One-Year Review: Within one year from the date of Certificate of Occupancy, the applicant shall file an application and pay associated fees for Planning Board review, in which the applicant shall report on implementation of the permit conditions.
14. Revocation: This Use Permit may be modified or revoked by the Planning Board, pursuant to Alameda Municipal Code Section 30-21.3d should the Zoning Administrator determine that: 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.** To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

**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.

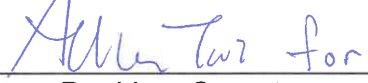
The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by filing with the Planning, Building, and Transportation Department a written notice of appeal stating the basis of appeal and paying the required fees.

\* \* \* \* \*

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 23<sup>rd</sup> day of September 2024, by the following vote to wit:

AYES: (5) Hom, Ruiz, Saheba, Tsou and Wang  
NOES: (1) Cisneros  
ABSENT: (1) Ariza

ATTEST:

  
\_\_\_\_\_  
Steven Buckley, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA  
PLANNING BOARD

**RESOLUTION PB-24-11**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING PLANNED DEVELOPMENT AMENDMENT PLN24-0494 – TO EXTEND THE TERM OF THE EXISTING APPROVAL FOR AN INDEFINITE PERIOD AND AMEND CONDITIONS OF APPROVAL RELATED TO STREET CLOSURE AT THE ST. JOSEPH COMMUNITY, 1109 CHESTNUT STREET AND ASSOCIATED ADDRESSES

WHEREAS, an application was made on September 13, 2024, by the St. Joseph Community, requesting an extension of the term of the St. Joseph Community Master Plan Planned Development Permit, PD-98-01; and

WHEREAS, the application was accepted as complete on October 3, 2024; and

WHEREAS, the project site is located within a R-4-PD, Residential Planned Development Zoning District; and

WHEREAS, the project site is designated Medium-Density Residential on the General Plan land use diagram; and

WHEREAS, the Planning Board held a duly noticed public hearing on this application on October 28, 2024; and

WHEREAS, the Planning Board has made the following findings concerning the project, as required by AMC section 30-4.13.f.3, including the cross-referenced AMC section 30-21-3.b, subsections 1, 2,3, and 4.:

- 1. The development is a more effective use of the site than is possible under the regulations for which the PD district is combined.** The R-4 Residential District allows churches and schools with a Use Permit. A use permit was granted in 2000 for the three parcels / blocks that comprise the campus, thereby providing a more effective use of the site in light of the existing configuration of buildings on the sites and integrated uses across the blocks. The Planned Development provides additional negotiated terms for the use and expansion plans over time, including a variety of parking, traffic, enrollment, special events, and street closures.
- 2. The Planned Development is consistent with / relates favorably to the General Plan.** The project, which was originally approved in 2000, remains consistent with the General Plan, which was updated in 2022. The General Plan designation of Medium-Density Residential states “These neighborhoods also

include a variety of nonresidential uses, including child care, schools, religious institutions, home-based businesses, medical offices and clinics, office buildings, and personal service businesses because residential areas typically contain varied uses, such as churches, schools, parks, and day care facilities.” The General Plan also expresses a policy, LU-2, Complete Neighborhoods. “Maintain complete, safe, healthy, and connected neighborhoods that support a mix of uses and meet the needs of residents of all ages, physical abilities, cultural backgrounds and incomes.” Therefore, the Planned Development remains consistent with the General Plan.

3. **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 planned development of this site selected the most appropriate locations for new development and mitigated parking and traffic impacts. The project's conditions of approval were meant to ensure the comprehensive plan for this site would be carried out, resulting in a more effective use of the site overall. The proposed extension provides the additional time necessary to effectively carry out the planned development of the site (though none is currently anticipated) and ensures that the performance standards and conditions of approval remain in effect to ensure continued traffic, parking, noise, architectural and other standards are met.
4. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The property is located in a neighborhood well served by streets that are being improved with bus, bicycle and pedestrian improvements. The Planned Development is being amended to require participation with the City's "Neighborhood Greenway" program, i.e. the further enhancement of multi-modal streets on Chestnut Street and San Jose Avenue.
5. **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 original conditions of approval, other than the vesting period, will remain in effect. These conditions address parking and traffic impacts and provide for a maximum student / staff population, among other things. Approval of the Planned Development required the site to be planned as a whole and established more control by the City over the site than originally existed, and monitoring assured compliance with all conditions of approval. The project resulted in improvements to the appearance of the site by replacing an existing chain-link fence with a wrought iron fence and adding landscaping. The project also provides for improvements in the operations of the schools.

NOW THEREFORE, BE IT RESOLVED, the project is Exempt from additional

environmental review pursuant to CEQA Guidelines Section 15162 - Subsequent Environmental Review, in that there are no changes in the project, circumstances, or new information that would lead to a different conclusion than was reached when the Mitigated Negative Declaration was originally adopted in 2000.

BE IT FURTHER RESOLVED, the Planning Board of the City of Alameda hereby approves Planned Development Amendment application PLN24-0494 to extend the term of the St. Joseph Community Master Plan Planned Development, PD-98-01, indefinitely (no expiration date) subject to compliance with the following conditions:

1. Condition 13 of the Planned Development is rescinded and the local street closure shall be governed by City Council Resolution 13198, adopted March 21, 2000 and the determinations of the City Engineer thereunder regarding traffic control devices and street improvements.
2. The applicant shall consult with the City Engineer to renegotiate the street closure agreement for Chestnut Street between San Antonio and San Jose Avenues as follows:
  - a. Within 30 days of this approval – provide updated insurance certificates and indemnification and hold harmless agreements.
  - b. Within 90 days of this approval – provide conceptual plans for improved barricade designs at both intersections that meet traffic engineering standards and allow for comfortable, clear and safe pedestrian and bicycle passage.
  - c. Within 180 days of this approval, but not before concept plan approval by the City Engineer – apply for all necessary permits and construct barricade upgrades at both locations to improve the safety, appearance and function of the barricades.
  - d. During future City-initiated street improvement work for the Neighborhood Greenways – participate in the design and improvement of the project frontages along Chestnut Street and San Jose Avenue and the closure intersections and implement, at Applicant’s cost, necessary modifications to the street closure measures.
  - e. The timeframes enumerated above may be extended by the City Engineer if good faith efforts are being made by the Applicant to make progress.
3. Except for the indefinite term of the permit and the amendment / renewal of the street closure agreement, all other provisions of the 1999 Master Plan Planned Development (City of Alameda City Council Resolution No. 13190 and 13191) and the conditions included in Planning Board Resolution PB-09-22 remain in effect.
4. Indemnification. To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, “Indemnitees”) from and against any and all claims, actions, or proceedings against Indemnitees to attack,

set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney’s fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys’ fees.

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 and Building 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 28<sup>th</sup> day of October 2024, by the following vote:

AYES: Hom, Saheba, Tsou, Wang

NOES:

ABSENT: Ariza, Cisneros, Ruiz

ATTEST:

Signed by:



Steven Buckley, Secretary of the City of Alameda Planning Board



CITY OF ALAMEDA  
PLANNING BOARD

**RESOLUTION PB-24-12**

DECLARING A STATEMENT OF COMPLIANCE UNDER PERIODIC REVIEW FOR A DEVELOPMENT AGREEMENT FOR THE ALAMEDA POINT SITE A PROJECT, FOR THE PERIOD FROM JANUARY 1, 2023 THROUGH DECEMBER 31, 2023 AND JANUARY 1, 2024 THROUGH DECEMBER 31, 2024

WHEREAS, the City of Alameda (City) and Alameda Point Partners, LLC (APP) entered into that certain Development Agreement for the Alameda Point – Site A project dated as of August 31, 2015 (Development Agreement); and

WHEREAS, APP has initiated a Periodic Review of the Development Agreement with the City of Alameda, as required under Alameda Municipal Code Section 30-95.1; and

WHEREAS, the Planning Board held a duly noticed public hearing on this request on December 9, 2024, and examined pertinent documents; and

WHEREAS, the Planning Board finds that APP has complied with the terms and conditions of the Development Agreement for the Site A Development Project, for the period from January 1, 2023 through December 31, 2023 and January 1, 2024 through December 31, 2024, as summarized in the Annual Report Letter submitted by APP for Planning Board review, and has demonstrated a continuing good faith effort to implement the terms and conditions as set forth in said Development Agreement; and

WHEREAS, Development Agreement annual review is not a project as defined in the CEQA Guidelines Section 15378, therefore, no further action is required and none of the conditions of CEQA Guidelines Section 15162 requiring additional environmental review exist.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the City of Alameda hereby finds that APP has complied in good faith with the terms and conditions of the Development Agreement.

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 or decision on any appeal 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 Planning and Building 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 adopted and passed by the Planning Board of the City of Alameda during its Regular Meeting on December 9, 2024 by the following vote:


AYES: Ariza, Cisneros, Hom, Ruiz, Saheba, Tsou, Wang

NOES: none

ABSENT: none

ABSTENTIONS: none

ATTEST:  
Signed by:

  
\_\_\_\_\_  
Steven Buckley, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA  
PLANNING BOARD

**RESOLUTION PB-24-13**

DECLARING A STATEMENT OF COMPLIANCE UNDER PERIODIC REVIEW FOR A DEVELOPMENT AGREEMENT FOR THE BOATWORKS PROJECT, FOR THE TWO-YEAR PERIOD FROM JANUARY 1, 2023 THROUGH DECEMBER 31, 2023 AND JANUARY 1, 2024 THROUGH DECEMBER 31, 2024

WHEREAS, the City of Alameda (City) and Boatworks, LLC entered into that certain Development Agreement for the Boatworks project recorded November 6, 2020 as Document No. 2020299864 (Development Agreement); and

WHEREAS, Boatworks, LLC has initiated a Periodic Review of the Development Agreement, as required under Alameda Municipal Code Section 30-95.1; and

WHEREAS, the Planning Board held a duly noticed public hearing on this request on December 9, 2024, and examined pertinent documents; and

WHEREAS, the Planning Board finds that Boatworks, LLC has complied in good faith with the terms and conditions of the Development Agreement for the period from January 1, 2023 through December 31, 2023 and January 1, 2024 through December 31, 2024, as summarized in the Annual Report Letter submitted by Boatworks, LLC, and has demonstrated a continuing good faith effort to implement the terms and conditions as set forth in said Development Agreement; and

WHEREAS, Development Agreement annual review is not a project as defined in the CEQA Guidelines Section 15378, therefore, no further action is required and none of the conditions of CEQA Guidelines Section 15162 requiring additional environmental review exist.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the City of Alameda hereby finds that Boatworks, LLC has complied in good faith with the terms and conditions of the Development Agreement.

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 or decision on any appeal 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 Planning and Building 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 adopted and passed by the Planning Board of the City of Alameda during its Regular Meeting on December 9, 2024 by the following vote:

AYES: Ariza, Cisneros, Hom, Ruiz, Saheba, Tsou, Wang

NOES: none

ABSENT: none

ABSTENTIONS: none

ATTEST:  
Signed by:

*Steven Buckley*

Steven Buckley, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA  
PLANNING BOARD

**RESOLUTION PB-24-14**

DECLARING A STATEMENT OF COMPLIANCE UNDER PERIODIC REVIEW FOR A DEVELOPMENT AGREEMENT FOR THE DEL MONTE PROJECT, FOR THE PERIOD FROM JANUARY 1, 2023 THROUGH DECEMBER 31, 2023 AND JANUARY 1, 2024 THROUGH DECEMBER 31, 2024

WHEREAS, the City of Alameda (City) and TL Partners I, LP (TLP) entered into that certain Development Agreement for the Del Monte Warehouse project dated as of January 15, 2015 and recorded in the Official Records of the County of Alameda (Official Records) on May 17, 2016 as Document No. 2016124746 (Original DA), as amended by that certain First Amendment to Development Agreement dated as of June 8, 2017 and recorded in the Official Records on June 15, 2017 as Document No. 2017130965 (First Amendment), and as further amended by that certain Second Amendment to Development Agreement dated as of July 18, 2018 and recorded in the Official Records on August 28, 2018 as Document No. 2018169332 (Second Amendment), and as further amended by that certain ministerial amendment dated October 25, 2018 (Ministerial Amendment), and as further amended by that certain second ministerial amendment dated September 25, 2019 (Second Ministerial Amendment), and that certain Third Amendment to Development Agreement dated January 4, 2021 and recorded in the Official Records on January 14, 2021 as Document No. 2021017275 (Third Amendment, and together with the Original DA, the First Amendment, the Second Amendment, the Ministerial Amendment, and the Second Ministerial Amendment, the Development Agreement or DA); and

WHEREAS, on October 9, 2019, the City granted its written consent to a partial assignment of certain rights and obligations under the Development Agreement from TLP to Alta Buena Vista Owner, LLC; and

WHEREAS, TLP and Alta Buena Vista Owner, LLC have initiated a Periodic Review of the Development Agreement with the City of Alameda, as required under Alameda Municipal Code Section 30-95.1; and

WHEREAS, the Planning Board held a duly noticed public hearing on this request on December 9, 2024, and examined pertinent documents; and

WHEREAS, the Planning Board finds that TL Partners I, LP and Alta Buena Vista Owner, LLC have complied in good faith with the terms and conditions of the Development Agreement, for the period from January 1, 2023 through December 31, 2023, and January 1, 2024 through December 31, 2024 as summarized in the Annual Report Letter submitted by TL Partners I, LP and Alta Buena Vista Owner, LLC, and has demonstrated a continuing good faith effort to implement the terms and conditions as set forth in said Development Agreement; and

WHEREAS, Development Agreement annual review is not a project as defined in the CEQA Guidelines Section 15378, therefore, no further action is required and none of the conditions of CEQA Guidelines Section 15162 requiring additional environmental review exist.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the City of Alameda hereby finds that TL Partners I, LP and Alta Buena Vista Owner, LLC have complied with the terms and conditions of the Development Agreement.

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 or decision on any appeal 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 Planning and Building 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 adopted and passed by the Planning Board of the City of Alameda during its Regular Meeting on December 9, 2024 by the following vote:

AYES: Ariza, Cisneros, Hom, Saheba, Tsou, Wang

NOES: none

ABSENT: none

ABSTENTIONS: Ruiz

ATTEST:

Signed by:



Steven Buckley, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA  
PLANNING BOARD

**RESOLUTION PB-24-15**

DECLARING A STATEMENT OF COMPLIANCE UNDER PERIODIC REVIEW FOR A DEVELOPMENT AGREEMENT FOR THE ENCINAL TERMINALS PROJECT, FOR THE PERIOD FROM JUNE 1, 2023 THROUGH MAY 31, 2024

WHEREAS, the City of Alameda (City) and North Waterfront Cove, LLC. (NWC) entered into that certain Development Agreement for the Encinal Terminals project dated as of March 3, 2022 and recorded in the Official Records of the County of Alameda (Official Records) on May 9, 2022 as Document No. 2022090828 (DA); and

WHEREAS, NWC has initiated a Periodic Review of the Development Agreement with the City of Alameda, as required under Alameda Municipal Code Section 30-95.1; and

WHEREAS, the Planning Board held a duly noticed public hearing on this request on December 9, 2024, and examined pertinent documents; and

WHEREAS, the Planning Board finds that NWC has complied in good faith with the terms and conditions of the Development Agreement, for the period from June 1, 2023 through May 31, 2024, as summarized in the Annual Report Letter submitted by NWC dated November 12, 2024, and has demonstrated a continuing good faith effort to implement the terms and conditions as set forth in said Development Agreement; and

WHEREAS, Development Agreement annual review is not a project as defined in the CEQA Guidelines Section 15378, therefore, no further action is required and none of the conditions of CEQA Guidelines Section 15162 requiring additional environmental review exist.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the City of Alameda hereby declares that North Waterfront Cove, LLC, has demonstrated good faith compliance with the terms and conditions of the Encinal Terminals Project Development Agreement.

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 or decision on any appeal 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 Planning and Building 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 adopted and passed by the Planning Board of the City of Alameda during its Regular Meeting on December 9, 2024 by the following vote:

AYES: Ariza, Cisneros, Hom, Saheba, Tsou, Wang

NOES: none

ABSENT: none

ABSTENTIONS: Ruiz

ATTEST:  
Signed by:

  
\_\_\_\_\_  
Steven Buckley, Secretary  
City of Alameda Planning Board



CITY OF ALAMEDA  
PLANNING BOARD

**RESOLUTION PB-24-16**

A RESOLUTION RECOMMENDING THAT THE ALAMEDA CITY COUNCIL APPROVE AN AMENDMENT TO THE ENCINAL TERMINALS TIDELANDS EXCHANGE MASTER PLAN AND DENSITY BONUS APPLICATION AND DEVELOPMENT AGREEMENT FOR THE REDEVELOPMENT OF THE ENCINAL TERMINALS PROPERTIES.

WHEREAS, North Waterfront Cove, LLC (the Developer) owns approximately 26 acres of real property commonly known as the Encinal Terminals site, with an address of 1521 Buena Vista Avenue, City of Alameda, County of Alameda (APN 072-0382-001, -002, and 72-0383-03); and

WHEREAS, the City of Alameda (the City) owns approximately 6.4 acres of real property in trust for the State of California within the center of the Encinal Terminals site (APN 072-0382-009); and

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

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

WHEREAS, the Encinal Terminals site is designated MX (Mixed Use) and MF (Multifamily Residential) in the Alameda Municipal Code (AMC) Zoning Map; and

WHEREAS, in 2018, the Developer and City entered into a Development Agreement (DA), Disposition and Development Agreement (DDA), and Tidelands Exchange Agreement to facilitate redevelopment of the property consistent with the General Plan and zoning designations. The Master Plan provides for public waterfront parks and promenades adjacent to the Oakland Estuary where no public access currently exists. Further, the Plan allows for the conversion of the site, which was previously used for shipping container storage, to a transit-oriented mixed use development with market-rate and affordable deed-restricted housing opportunities, retail and maritime commercial job opportunities and services, pedestrian, transit and bicycle facilities and other amenities and features to ensure that the site is pedestrian, bicycle and transit-friendly; and

WHEREAS, on February 1, 2022, the City Council adopted an amendment to the Master Plan, DA, DDA and Tidelands Exchange to facilitate a viable redevelopment of the property that included certain milestones within the overall 15-year term of the DA/DDA to ensure completion of intermediate steps within the overall timeframe; and

WHEREAS, the City Council's amended approval allows for a mixed use plan for up to 589 multifamily housing units, 80 of which would be deed restricted affordable units, up to 50,000 square feet of commercial and maritime commercial space, a 160-slip marina, and

4.5 acres of public open space; a Density Bonus application; and a Development Agreement vesting the entitlements for 15 years in exchange for additional public benefits that could not be achieved without the Development Agreement; and

WHEREAS, on November 14, 2024, the applicant, North Waterfront Cove LLC, filed an application (PLN24-0639) to request an amendment to the intermediate milestones while retaining the overall 15-year timeline for implementation due to “circumstances beyond our control, specifically an economic environment that has obliterated the present residual land value of the property”; and

WHEREAS, on December 9, 2024, the Planning Board held a duly noticed public hearing, and examined all submitted materials including a request for specific modifications to milestones for the developer to perform certain actions in furtherance of the Master Plan, DA, DDA and Tidelands Exchange; and

WHEREAS, upon conclusion of the public hearing, the Planning Board determined that modifying interim milestones contained in the documents does not require making new findings pursuant to Alameda Municipal Code (AMC) section 30-4 and sections 30-91 through 30-95.

NOW THEREFORE BE IT RESOLVED, that the City of Alameda Planning Board recommends that the City of Alameda City Council adopt the requested amendments to the Encinal Terminals Master Plan and Development Agreement as shown in **Exhibit A**, subject to the following conditions:

1. Assessment District Formation

- a. By the 11th month of the proposed extension of select DA and Master Plan interim milestones, OR prior to the property transacting, whichever comes sooner, Developer will enter into a reimbursement agreement with the City of Alameda. The reimbursement agreement will require a \$75,000 deposit (“Deposit”) to reimburse City for staff and consultant services incurred as part of the effort to formulate an assessment district or equivalent funding source.
- b. Developer and City shall hold kickoff meeting no later than August 2026
- c. Draft RMA shall be completed no later than December 2026
- d. First Formation Document Hearings no later than June 2027

2. Documentation of Progress and Economic Viability

- a. Twice per year, Developer shall submit a written report to City staff documenting project progress, including all marketing efforts and any other pertinent disposition efforts and demonstrating whether the project is commercially viable using the following market condition metrics and 2022 benchmarks described above:
  - i. Apartment rents
  - ii. Townhome sales prices
  - iii. Condominium sales prices
  - iv. Absorption rates
  - v. Capitalization rates
  - vi. Mortgage rates

- vii. Construction costs
- b. Biannual reports will be evaluated by an economic consultant of the City's choosing. Consultant costs will be borne by the Developer.

\* \* \* \* \*

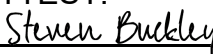
I, the undersigned, hereby certify that the foregoing Resolution was duly adopted and passed by the Planning Board of the City of Alameda during its Regular Meeting on December 9, 2024 by the following vote:

AYES: Ariza, Cisneros, Hom, Saheba, Tsou, Wang

NOES: none

ABSENT: none

ABSTENTIONS: Ruiz

ATTEST:  
  
\_\_\_\_\_  
Steven Buckley, Secretary  
City of Alameda Planning Board

CITY OF ALAMEDA  
PLANNING BOARD

**RESOLUTION PB-24-17**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA  
GRANTING A USE PERMIT AND DESIGN REVIEW APPROVAL (PLN24-0434) TO  
ALTER THE OUTDOOR SPACE IN FRONT OF ALAMEDA POINT BUILDING 8 AT  
2350 SARATOGA STREET TO ESTABLISH AN OUTDOOR DINING FACILITY AND  
LANDSCAPING AND MAKING RELATED FINDINGS

WHEREAS, Alameda Point Redevelopers, LLC made an application on August 19, 2024, requesting a Use Permit and Design Review (permit number PLN24-0434) pursuant to Alameda Municipal Code (AMC) sections 30-21 (Use Permit) and 30-37 (Design Review) to alter the area in front of Building 8 at 2350 Saratoga Street, a contributing structure within the NAS Alameda Historic District, by installing an outdoor dining facility that includes a semi-permanent structure, as well as temporary structures, fences, landscaping, paving, lighting and furniture and mobile food trucks;

WHEREAS, the application was deemed complete on November 25, 2024;

WHEREAS, the General Plan designation of the site is Alameda Point - Civic Core, which is intended to “[s]upport the development of the Adaptive Reuse District for employment and business uses, including office, research and development, bio-technology and high tech manufacturing and sales, light and heavy industrial, maritime, commercial, community serving and destination retail, work/live, and other uses that support reinvestment in the existing buildings and infrastructure within the NAS Alameda Historic District;”

WHEREAS, the parcel is located within the Alameda Point - Adaptive Reuse (AP-AR) Zoning District, which “provides lands for employment and business uses, including office, research and development, bio-technology and high tech manufacturing and sales, light and heavy industrial, maritime, commercial, community serving and destination retail, and other uses that support reinvestment in the existing buildings and infrastructure within the NAS Alameda Historic District and residential uses are conditionally permitted in two former residential buildings. Development standards are intended to create a pedestrian, bicycle, and transit supportive urban environment that is compatible with the character-defining features of the NAS Alameda Historic District. Use standards are intended to provide a wide range of investment opportunities within the district to encourage private reinvestment in the NAS Alameda Historic District;”

WHEREAS, Building 8 was constructed in 1940 as a large three-story general storehouse constructed of concrete with concrete towers, industrial metal sash windows, and loading bays. Building 8 shares many structural elements with buildings in the Administrative Core area, including its flat roof, smooth concrete finish, and horizontal emphasis, with vertical accents at the entries, with a curving concrete canopy at the loading

docks area. There is also a curved element at the main entry and steel personnel doors, some of which have been modified. It measures 500 ft. long by 180 ft. wide by 39 ft. tall, enclosing about 270,000 sq.ft. of floor area over a basement / crawl space. It has been renovated over the past five years into a work-live complex with up to 180 units and up to 15,000 sq.ft. of ground floor commercial space. There are large expanses of paved parking lots to the north and south of the building immediately adjacent to the loading docks and there is a lawn area in front of the building facing Saratoga Street where the traditional main entrance was located.

WHEREAS, the project is being considered in the context of the Alameda Point Final EIR (State Clearinghouse No. 201312043), which was certified by the City Council on February 4, 2014, in compliance with the California Environmental Quality Act (CEQA) and adopted written findings and a Mitigation Monitoring and Reporting Program (MMRP) by Resolution No. 14891. The Final EIR evaluated the environmental impacts of redevelopment and reuse of Alameda Point, including Building 8 and its environs, and concluded that certain impacts could be significant and that some of those significant impacts could be mitigated and some of those significant impacts would be unavoidable. The EIR concluded that, even with implementation of the Mitigation Measures 4.D-1a through 4.D-1c, demolition and/or substantial alteration of NAS Alameda Historic District contributors and could result in significant and unavoidable impacts. To the extent that the mitigation measures will not mitigate or avoid all significant effects on the environment, the City Council determined that any remaining significant and unavoidable adverse impacts are acceptable and adopted overriding considerations.

WHEREAS, the project is subject to the MMRP, which requires in pertinent part:

Mitigation Measure 4.D-1a (Historic Preservation Ordinance): The City shall implement the requirements of the Historic Preservation Ordinance, which requires a certificate of approval by the HAB for modifications to contributors and resources within the Historic District. As part of the certificate of approval process, project sponsors shall provide:

- 1) An analysis of the proposal's conformity with the *Guide to Preserving the Character of the Naval Air Station Alameda Historic District* as adopted and amended by the City Council;
- 2) An analysis of the proposal's conformity with general management and design guidelines contained within the NAS Alameda Cultural Landscape Report (JRP, 2012), including application of the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes*. These include special treatments organized by functional area for such topics as spatial organization, topography, vegetation, views and vistas, circulation, as well as structures, furnishings and objects; and
- 3) An analysis of impacts to the integrity of the Historic District, as a whole, and an analysis of alternatives to avoid potential impacts on the Historic District as a whole, and on an individual resource.

Mitigation Measure 4.D-1b (Guidelines): Prior to approval of new buildings within the NAS Alameda Historic District, the City shall complete and adopt Guidelines for New Infill Development within the Historic District. All new building will be reviewed for conformance with the guidelines. [i.e. *The Guide to Preserving the Character of the Naval Air Station Alameda Historic District*, the Secretary of the Interior's *Standards for Rehabilitation* and *Guidelines for Rehabilitating Historic Buildings*, and any applicable Specific Plan, Precise Plan.]

WHEREAS, on December 9, 2024, the Planning Board reviewed the application for a Use Permit and Design Review, including exhibits and documents, and considered testimony received orally and in writing;

**NOW THEREFORE**, the Planning Board makes the following findings:

- A. With respect to the Project's compliance with CEQA, the Planning Board finds that the environmental effects of the project have been adequately evaluated, and that:
  - 1. The project is consistent with the General Plan and Zoning Ordinance densities and use regulations; and
  - 2. The FEIR was certified by the City Council for the Alameda Point Project, including amendments to the General Plan and Zoning Ordinance; and
  - 3. There are no environmental impacts peculiar to the project 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
  - 4. There are no significant effects of the project that were not analyzed as significant effects in the FEIR; and
  - 5. There are no potentially significant off-site impacts of the proposed project and there are no cumulative impacts to which the proposed project makes a considerable contribution which were not discussed in the FEIR;
  - 6. There are no previously identified significant impacts of the proposed project 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.
  - 7. Pursuant to the streamlining provisions of CEQA Guidelines Section 15183, no further environmental review of the Design Review is required.
  
- B. With respect to the Use Permit application (AMC Sections 30-21.3):
  - 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 Building 8 development project is among several adaptive reuse projects within the NAS Alameda Historic District, and one of the largest, with multiple tenants and creative

reuse of a large floorplate, multistory, concrete structure. Other nearby projects have also rehabilitated historic buildings into a variety of commercial enterprises including energy research, food production, transportation and recreation and include outdoor activity areas for food service, recreation and business activity. The proposed outdoor activity area will enhance the area without creating off-site impacts such as noise, odor, or vibrations or affect the livability of the project because it will operate adjacent to the ground floor restaurants during their open hours, will be staffed by those restaurants, will be enclosed with fences and landscaping, and will remain subject to other general regulations and conditions.

2. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** Building 8 is located within a planned transit oriented, pedestrian friendly mixed-use neighborhood, within a 15 to 20-minute walk from two regional ferry terminals. All development within Alameda Point includes a robust and aggressive TDM Compliance Strategy with a wide variety of transportation services and facilities, including the provision of transit service passes and other transportation services and programs. The project is now a part of Community Facilities District No. 17-1, which helps fund the services and improvements that are a part of the TDM Compliance Strategy. The outdoor activity area will also be served by the existing improved circulation network of rebuilt roadways, bicycle lanes, and sidewalks. Bicycle parking will be provided on 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 substantial deleterious effects on existing business districts or the local economy.** From an economic development perspective, restaurants like Saltbreaker are an important amenity and building block for the growth and sustainable development of Alameda Point. Since its opening in 2023, Saltbreaker has been the first and only sit-down, table-service restaurant at Alameda Point. It offers a more traditional dining experience where patrons are seated at a table and provided service by dedicated waitstaff. Sit-down restaurants broaden the eating options at Alameda Point for different needs, preferences, and occasions, from business meetings to family dinners.

The patio is an essential step for Saltbreaker to expand its ambiance to formalized outdoor eating and to increased visibility. All the nearby eating and drinking establishments have outdoor venues: they are central and popular elements that allow people to enjoy the moderate weather and the unique atmosphere of being outdoors on the former naval base.

Humble Sea, a beer merchant, and a proposed new wine bar, Vinyl, are also eligible to use the outdoor area, in combination with a food truck, which

would support the area's economic development.

4. **The proposed use relates favorably to the General Plan and the purpose of the Zoning District.** The project furthers General Plan policy LU-21, Alameda Point Adaptive Reuse Sub-District, by supporting preservation and investment in the NAS Alameda Historic District. The project is consistent with the Alameda Point Zoning District, which is created to further the following objectives:
  - a) Seamlessly integrate the former Naval Air Station property into the physical and social fabric of the City of Alameda.
  - b) Replace the jobs lost by the departure of the Navy and fostering new economic development opportunities on the former federal lands.
  - c) Increase public access to the waterfront and supporting maritime commercial and industrial use of the waterfront.
  - d) Create mixed-use transit oriented walkable districts that deemphasize the automobile and support alternative modes of transportation.
  - e) Create sustainable districts that minimize greenhouse gas emissions, energy and water use, and maximize protection of the natural environment.

C. With respect to the Design Review application (AMC Section 30-37.5):

E. **The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.** The Citywide Design Review Manual does not provide guidance for this type of project. No modifications to Building 8 are proposed as part of this project and the improvements constructed can be easily removed in the future if the use changes.

1. **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 design includes a formal outdoor dining environment that is subservient to the adjacent Building 8 and provides a similar outdoor dining environment as other food service enterprises in the district. The converted shipping container provides an industrial / functional aesthetic consistent with the traditional activity at the NAS Alameda, i.e. similar to Quonset huts.
2. **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 character defining features of Building 8 include the flat roof, smooth concrete finish, and horizontal emphasis, with vertical accents at the entries, with a curving concrete canopy at the loading docks area, the curved element at the main entry and steel personnel doors, some of which



have been modified to accommodate the development as a work-live project with ground floor retail and restaurants.

The project would not modify any features of the building. The outdoor dining facility would primarily include landscape features and temporary elements such as fences, hedges, trellis / canopies, lighting, pervious paving and similar elements, and food trucks. One permanent structure, a converted shipping container, would serve as an outdoor kitchen / bar and restroom facility.

The site improvements would be deferential to the historic building by being symmetrically placed, leaving an open lawn in front of the historic main entrance, at a pedestrian-level scale, and would be removable in the future.

The project would retain and preserve the historic designed landscape's orthogonal layout – the geometric design created by the perpendicular alignment of roads into rectilinear blocks, and the arrangement of buildings and siting of sidewalks/paths parallel and perpendicular to main roads. This includes taking into consideration the layout of roads, sidewalks, primary and secondary paths and buildings.

**THEREFORE, BE IT RESOLVED** that the Planning Board approves the Use Permit and Design Review for the outdoor dining facility at 2350 Saratoga Avenue subject to the following conditions:

1. Approval. The project, including any plans submitted for a Building Permit, shall be in substantial compliance with plans prepared by Marcy Wong Donn Logan Architects, dated November 25, 2024, which are on file in the office of the City of Alameda Planning Division, subject to the conditions specified in this resolution.
2. Expiration. The Use Permit shall expire two (2) years, and Design Review approval shall expire three (3) years, after the date of approval unless construction has begun and/or the use has been established under valid City permits. A one-time extension for an additional two years may be granted upon written request to the Planning Director and payment of applicable fees and must be filed prior to the date of expiration. Such applications for extension shall be ruled upon by the Zoning Administrator after a public hearing.
3. Building Permit Conditions. These conditions shall be printed on the building plans and improvement plans.
4. Required Modifications to Plans. The following modifications to the plans are required:
  - A. The color palette of the shipping container, fences and other accessories shall conform to the adopted colors for the NAS Alameda adaptive reuse area.

- B. At least four large decorative shade trees shall be located behind the sidewalk along Saratoga Avenue. They may be placed in containers (48" Box minimum) if not allowed in the easement area.
  - C. Natural groundcover / lawn shall be provided in the designated landscape areas on both sides of the main entrance walkway.
  - D. No more than two food trucks / trailers shall be allowed on the site at any given time.
5. Other 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 to determine whether they should be found consistent with this approval or shall require an amendment.
  6. Hours of Operation. The outdoor dining area shall be used for commercial activity only during the approved hours of operation of the adjacent restaurants and food trucks. The site shall be adequately secured and maintained to ensure that there are no nuisances created from the site.
  7. Alcoholic Beverage Service. Service shall comply with the requirements of the restaurant / tavern / bar use permits and with the requirements of the State Department of Alcoholic Beverage Control, whichever is more stringent.
  8. Noise. Operations shall comply with the Alameda Noise Ordinance (AMC Section 4-10) and the maximum allowable noise levels in Section 4-10.4.b., i.e. shall not exceed the following levels for any 30-minute period: 65 dB between the hours of 7 a.m. and 10 p.m. and 60 dB between the hours of 10 p.m. and 7 a.m.
  9. Lighting. Exterior lighting shall comply with the Dark Sky Ordinance. All new construction projects, alterations to existing buildings and new uses shall comply with the conditions set forth in the Declaration of Restrictions for the Former Naval Air Station (Declaration) consistent with the Biological Opinion issued by the U.S. Fish and Wildlife and Exhibit C (Alameda Point Lighting Mitigation Measures) of the Memorandum of Agreement between the City of Alameda and Department of Veteran's Affairs.
  10. Fire Safety. Owner/applicant shall maintain approved fire apparatus and personnel access. Open flame and combustible materials in the outdoor area shall be subject to inspection and approval by the Fire Department and may be limited based on potential hazards to persons or property.
  11. Drainage. The applicant shall be responsible to maintain access to and function of existing storm drain lines that run onto and/or through the applicant's property. Stormwater shall be dispersed, diffused, detained, or otherwise infiltrated on-site to the extent feasible. Downspouts shall not be directly connected to public or private

storm drain facilities. Stormwater, including roof drainage, shall not be directed across sidewalks or driveways.

12. Sewer and Water. The Applicant shall secure all necessary permit approvals from EBMUD regarding the installation of all water service for the project or discharge of wastewater. Greywater (or grey water) includes any wastewater from handwashing sinks, dishwashing sinks, other surface cleaning (including exterior paved areas), and other non-toilet water sources. This water can contain food particles, grease, and cleaning chemicals, which require proper disposal to prevent contamination and pollution. Disposing of grey water onto paved surfaces, streets, into exterior storm drains, or unauthorized areas is prohibited and will result in fines. The restaurant, food trucks and restrooms shall discharge and dispose of all greywater properly to the sanitary sewer system. Possible sanitary sewer discharge points include: Interior sinks, toilets, floor drains, and/or plumbing cleanouts.
13. Solid Waste. Food establishments and/or food trucks/trailers must adhere to Alameda's FoodWare Ordinance. This includes using only reusables or fiber-based disposables, and requires that if tables are not bussed then patrons must have 3-stream sorting stations available to them for proper segregation of material. Waste collection bins shall be disposed of daily in an approved central waste collection area services by the building owner. A sign clearly identifying each solid waste and recyclable and organic material storage area and the accepted material(s) is required. Each sign shall not exceed two square feet in area and shall be posted on the exterior of the storage area adjacent to all access points. Refuse collection areas shall be provided with a roofed and enclosed area for dumpsters, recycling containers, etc., designed to prevent stormwater run-on and runoff. Connect any drains in or beneath dumpsters, compactors, and tallow bin areas serving food service facilities to the sanitary sewer. Refuse shall be collected from within and in the vicinity of the site to ensure it does not drift off site.
14. Fireworks, Aircraft, and Feeding Stations. To protect the California least tern endangered species, fireworks displays and the operation of aircraft shall not be permitted between April 1 and August 15. Feral cat feeding stations and colonies, and the feeding of any native and non-native wildlife species that are potentially predators of least terns are prohibited.
15. Food Trucks / Trailers. These vehicles shall be movable at all times and shall be properly serviced as required by the Alameda County Health Department. Food trucks / trailers may not rely on generator power – power connections from the building shall be provided under a valid permit. Food truck / trailer operators must also comply with the City of Alameda Food Truck Program Guidelines, as amended January 15, 2013, available at: [https://www.alamedaca.gov/files/assets/public/v/1/departments/alameda/comm-services/formsandhandouts/planning/food truck guidelines rev jan. 2013.pdf](https://www.alamedaca.gov/files/assets/public/v/1/departments/alameda/comm-services/formsandhandouts/planning/food%20truck%20guidelines%20rev%20jan.%202013.pdf)
16. Revocation. This Use Permit may be modified or revoked by the Planning Board,

pursuant to Alameda Municipal Code Section 30-21.3.d. If the Planning Board determines that: 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.

17. Indemnification. To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

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 December 9, 2024, by the following vote:

AYES: Ariza, Cisneros, Hom, Ruiz, Saheba, Tsou, Wang

NOES: none

ABSENT: none

ABSTENTIONS: none

ATTEST:

Signed by:

A handwritten signature in blue ink that reads "Steven Buckley". The signature is written over a horizontal line.

Steven Buckley, Secretary  
City of Alameda Planning Board