

**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-15-17**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING DEVELOPMENT PLAN AND DENSITY BONUS APPLICATION PLN14-0701 AND RECOMMENDING THAT THE CITY COUNCIL APPROVE VESTING TENTATIVE MAP 10305 FOR DEVELOPMENT OF 52 HOMES ON 2.78 ACRES OF LAND AT 2100 CLEMENT AVENUE

WHEREAS, City Ventures has submitted an application for Vesting Tentative Map, Development Plan, Design Review, Density Bonus, and Density Bonus Waiver for the site at 2100 Clement Avenue, and

WHEREAS, the General Plan designation of the site is Northern Waterfront MU-5 (Mixed Use); and

WHEREAS, the parcel is located within the R2-PD Zoning District (Two-Family Residence District with Planned Development overlay); and

WHEREAS, the Planning Board held a study session on the proposed Development Plan on March 9, 2015; and

WHEREAS, the Planning Board held a noticed public hearing and examined all pertinent materials on June 22, 2015; and

WHEREAS, the Planning Board held a second public hearing to review revisions to the proposed improvements; and

NOW THEREFORE be it resolved that, the Planning Board makes the following findings relative to the proposed Development Plan, Density Bonus and Vesting Tentative Map applications ("the proposal"):

DEVELOPMENT PLAN FINDINGS:

- A. **The proposal is an effective use of the site.** The Development Plan provides for residential reuse of a light industrial site compatible with the neighborhood. The Plan provides for market-rate and affordable housing, pedestrian, open space and bicycle facilities, and other amenities and features to ensure that the site is pedestrian, bicycle and transit-friendly.
- B. **The proposed use relates favorably to the General Plan.** The Development Plan is in substantial conformance with the General Plan and Housing Element. The proposed development supports General Plan policies for the redevelopment of the Northern Waterfront, policies to increase housing opportunities in Alameda, Housing Element policies in support of multifamily housing and housing for the disabled, and General Plan policies to improve open space opportunities.
- C. **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 project is consistent with the General Plan and qualifies as a residential development pursuant to the R2-PD Zoning District. The proposal will improve access to open space in the neighborhood, reduce truck traffic, and improve the neighborhood with undergrounding of utilities and improvements to public sidewalks, improvements to existing and new street trees.

- D. **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 neighborhood.** The proposed development qualifies as a residential development pursuant to the R2-PD Planned Development Zoning District, and satisfies the purposes of the R2-PD Zoning District regulations. The Project design reflects the medium density development pattern in the neighborhood and provides an open space network to promote harmonious transitions between the new residential area and the existing neighborhood and adjacent Thompson Field
- E. **The proposed use will be served by adequate transportation and service facilities including pedestrian and bicycle facilities.** The Development Plan is compatible with existing and potential contiguous uses. The street network, location of entries, orientation of residential uses along Clement, Willow and Eagle Avenues, and location of bicycle and pedestrian facilities, are all designed to complement and support the planned surrounding uses. The residential plans provide for a well-designed pedestrian network, bicycle access, and vehicular access. The proposed improvements on Clement Avenue, Willow Street and Eagle Avenue will support and encourage use of, and access to, the waterfront areas to the north. By constructing and/or contributing to the Clement Avenue improvements, this project is also providing important improvements that are necessary to serve the final phases of the Northern Waterfront planning area.

DENSITY BONUS AND WAIVER FINDINGS:

- F. **The proposed affordable units make the project eligible for a density bonus of 20% under California Government Code 65915 and City of Alameda Municipal Code Section 30-17.** City Ventures has requested the 20% density bonus for a total project size of 52 residential units. The existing zoning designation for the property allows up to 43 residential units. The applicant is proposing seven affordable units, including two housing units affordable to very-low-income households (5%), two housing units affordable to low-income households (5%) and three units affordable to moderate-income households (6%). Since the Applicant is providing 5% of the units to very low-income households, this qualifies the project for a 20% density bonus, for a total project size of 52 units.
- G. **The proposed affordable units make the project eligible for development standard waivers under California Government Code 65915 and City of Alameda Municipal Code Section 30-17.** City Ventures has requested a waiver from Alameda Municipal Code Section 30-53 Prohibition on Multifamily Housing to accommodate the bonus units on the site. The requested development standard waiver is necessary to accommodate 52 units on the property. Granting the requested waiver would not have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon health, safety, or physical environment. Finally, the requested development standard waiver would not be contrary to state or federal law.

VESTING TENTATIVE MAP FINDINGS

- A. **The proposed subdivision is in conformance with the General Plan and Zoning for this site.** The proposed tentative map is consistent with the Mixed Use General Plan and R-2 Planned Development residential zoning designations for the property.
- B. **The site is physically suitable for the proposed development.** The tentative map implements the General Plan, and zoning provisions which apply to this property and introduces residential development onto a flat 2.78 acre parcel that is surrounded on three sides by residential and recreational uses.
- C. **The site is physically suitable for the density of the development.** The proposed 52 units represent a residential density of less than 19 units per acre, which is less than the 21 units per acre maximum established by the General Plan and Zoning Ordinance for the site.
- D. **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.** The site is an urban in-fill property that was formerly used for industrial and manufacturing uses. The site does not provide habitat for any fish or wildlife.
- E. **The design of the subdivision will not conflict with easements acquired by the public at large for access through or use of property within the subdivision.** All required easements are to be retained and additional other necessary easements are to be provided.
- F. **The design of the subdivision and its improvements will not cause serious public health problems.** Redevelopment of the property with 52 residential units will not result in any public health problems. All future development of the site will be consistent with California Building Code requirements specifically designed to protect public health and safety.

CEQA FINDINGS:

- H. **The project is categorically exempt from further environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15332 In-Fill Development Projects.** The project is consistent with the applicable general plan designation, policies and zoning designations and regulations. The proposal is located within the city limits on a project site of no more than five acres substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare or threatened species. The site has been developed and operated as a light manufacturing and warehousing facility since the 1940s. As documented in the Project Initial Study, the project would not result in significant effects relating to traffic, noise, air quality or water quality. The site is adequately served by all required utilities and public services. As documented in the General Plan and Housing Element, the site is adequately serviced by existing services and will be paying Development Impact Fees to fund additional off-site park space, transportation improvements, and public safety facilities.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Board hereby approves Development Plan and Density Bonus Application PLN14-0701 and

recommends that the City Council approve Vesting Tentative Map 10305, subject to the following conditions:

Community Development

1. **Tentative Map Approval:** This approval shall become effective upon final approval of the Tentative Map and Density Bonus application by the City Council. In the event that the City Council does not approve the Tentative Map and Density Bonus application this approval shall be null and void.
2. **Building Permit:** The Final Map, Building Permit plans, and Improvement Plans submittals shall be in substantial compliance with Exhibit 1: 2100 Clement Avenue City Ventures dated July 2, 2015, which are on file in the office of the City of Alameda, subject to the conditions specified in this resolution approving the project. These conditions shall be printed on the first page of all building plans and improvement plans.
3. **Public Art.** Prior to issuance of the first building permit, the applicant is required to comply with the terms of the City of Alameda Public Art requirement as specified in Alameda Municipal Code section 30-65.
4. **Design Review - Architecture, Parks and Greenways, and Street Trees.** Prior to issuance of the first building permit or Final Map approval, the applicant is required to comply with the terms of the City of Alameda Design Review Ordinance as specified in Alameda Municipal Code section 30-65 Design Review. Prior to issuance of the first building permit, the applicant shall prepare and submit for Planning Board review and approval revised architectural drawings for the proposed buildings, parks, and open spaces. The drawings shall include:
 - a) Design Review plans including architectural details for all four elevations and final building footprint of each proposed building, including final window details.
 - b) Improvement details for the publically accessible park areas, including the central park on Eagle and the bicycle and pedestrian lane between Mulberry and Clement. Landscape materials on the common areas shall be suitable for light recreational activities. Details shall be provided for all C-3 water retention areas.
 - c) Final landscape and lighting details for all exterior areas and wall surfaces, including special paving treatments connecting the common open spaces to Eagle Avenue. Landscape plans shall be compliant with Bay Friendly Landscaping Standards and AMC requirements. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property
 - d) Street Tree Preservation and Replacement Plan. The Tree Plan shall show all existing trees to be preserved, existing trees to be removed, and new trees to be planted within the public right of way. Trees selected shall be of an appropriate size and shape to allow at least 14-15 feet of overhead clearance for solid waste collection trucks and other vehicles. Deep root barriers shall be required for all trees planted adjacent to curbs, sidewalks and other pavements, to the satisfaction of the Public Works Director.
 - a. Public access easements to be shown on the Final Map.
 - b. Bicycle parking details for storage of two bicycles in each garage and six visitor bicycle parking racks in the central open space.

5. Universal Design: The Design Review submittal and building permit plans shall specify, eight (8) homes along Willow Street (15% of the 52) that have a ground floor bedroom, full bathroom and kitchen facilities. All ground floor living space shall include:

- Accessible route of travel to dwelling unit from public sidewalk to the unit's primary entrance or an easily adaptable route.
- Accessible route of travel from garage/parking to the unit's primary entrance.
- Minimum 32" clear primary entry doorway and a "no step entry" (1/2" or less threshold) with dual peephole and doorbell
- All exterior/interior doors shall meet Chapter 11a. code required maneuvering clearances, hardware, thresholds, and strike side clearances
- An accessible route of travel with a minimum 42" wide hallway to all bedrooms, living rooms, kitchens, and bathrooms.
- Light switches, electrical receptacles, and environmental controls at accessible heights on the primary accessible floor
- Rocker light switches throughout entire unit
- Minimum required work/floor clearance of 30"x48" in front of stove, refrigerator, dishwasher, sink, and oven
- Accessible countertops with a 30" wide workspace and/or one or more 15" breadboards installed between 28-32" high
- Under-cabinet lighting
- At least one full bathroom on accessible route of travel, with standard shower stall and toilet with grab bar reinforcement
- Bathroom with removable base cabinets
- Lower towel racks and robe hooks
- Accessible toilet tissue holder
- For units with laundry facilities on the upper floor the garages will include hook ups for laundry facilities, in the event that the resident wishes to move the laundry facilities from the upper floors to the ground floor to accommodate a disable resident.

In addition, 34 of the townhomes units shall have a ground floor room that can be converted to a bedroom and a full bathroom with wall mounted sinks, shower stalls (instead of bath tubes) lever-style door handles, ADA faucets, framed baking for the future installation of grab bars, ADA height toilets, and non-slip floor coverings in wet areas.

6. Bicycle and Pedestrian Lane. The applicant shall fund the construction and complete the extension of the bicycle and pedestrian lane the full length of the public utilities easement from Mulberry Street to Clement Avenue prior to the issuance of the final Certificate of Occupancy for the project. If AUSD prohibits access to their portion of the easement for public access or improvements, the applicant's responsibilities shall be limited to the improvements on the project site. If AUSD imposes significant financial requirements above and beyond the cost to construct the paving improvements and remove the existing gates on City Ventures in return for public access to their portion of the easement, City Ventures may request that the Planning Board relieve City Ventures of the obligation to extend the lane to Clement Avenue.

7. Affordable Housing Agreement: Prior to issuance of the first building permit or the first final map, the project applicant shall execute an Affordable Housing Agreement

with the City in conformance with the requirements of Section 30-16 Inclusionary Housing Requirements for Residential Projects. The Affordable Housing Agreement will require, in part, construction of three (3) moderate-units, two (2) low-income units and two (2) very-low income units. The affordable units shall be distributed throughout the development.

8. Building Height and Setback. The heights and setbacks of the buildings shall be shown on the Building Plans and shall be consistent with Exhibit 1: 2100 Clement Avenue
9. Undergrounding Utilities. The applicant shall underground all overhead utilities along the project public right of way frontage, including all utilities on the south side of Clement Avenue, east side of Willow Street, and north side of Eagle Street. Utilities crossing Clement from the above ground facilities on the south side of Clement to the above ground utilities on the north side of Clement shall be undergrounded.
10. Public Frontage Improvements. The applicant/developer shall reconstruct frontage improvements up to the centerline along Clement Street, Willow Street, and the full width of Eagle including the undergrounding of overhead utilities on all project frontages.
11. CC&Rs. The Covenants, Code and Restrictions (CC&R's) shall include:
 - a. A disclosure for residential units fronting onto Clement Avenue that Clement Avenue is a designated Truck Route and will eventually be used as such, as provided for in the Transportation Element of the General Plan.
 - b. A disclosure that Thompson Field is a designated City Park for active recreational activities that include amplified sound and lighted night time activities and games that can attract large noisy crowds.
 - c. A disclosure that all common open space is available for public use and access.
 - d. Notice that the homeowners association shall not prohibit installation of ramps or modifications to adapt the property for the disabled, nor shall the homeowners association prohibit the owners of a single building from painting their building in a color pallet of their choosing.
 - e. Funding and annual reporting obligations for transportation demand management services.
12. Transportation Demand Management Program: The project shall fund and provide transit services from the property to the regional transportation facilities including BART. At minimum, the transportation services shall include access to AC Transit services and commute hour shuttle services to BART. Such services shall be made available to each home owner upon first occupancy of the first unit. The transportation services may be provided by the project Homeowners Association, a third party provider, or an existing transit agency such as AC Transit. To insure permanent funding for transportation services, a Homeowner's Association shall be created for properties located within the project site. The project shall be subject to its Declaration of Covenants, Conditions and Restrictions for 2100 Clement, a Planned Development (the "Declaration"), to which these conditions shall be attached as an Exhibit. The provisions of this Declaration shall provide a requirement and mechanism of annual funding by the Homeowners Association. The funding shall be provided on a permanent basis as a Common Expense of the

HOA through the HOA's assessments on the Lots and Units in the Project as established under the Declaration for the Project. The HOA's participation and funding for program services under these conditions program is mandatory and shall be considered an obligation and requirement of the HOA under the Declaration. The obligations, requirements and provisions under this condition cannot be amended, revised, deleted or rescinded by the HOA or its membership without the prior written approval of the City's Transportation Commission or City Council. Each of the 52 units shall be assessed an initial amount of \$450 per year for the required transportation services to be provided under this condition. The 2015 initial annual assessment fee of \$450 per unit per year shall be subject to annual adjustment according to the annual changes in the Bay Area Consumer Price Index.

13. Annual Reports. The Homeowners Association shall be responsible for providing an annual report for Transportation Commission and City Council review and approval at a noticed public hearing which shall include peak hour automobile counts at the two project entries and surveys of project residents to determine whether the 10% reduction requirement is being achieved annually. In the event that the development fails to achieve the 10% reduction in any given year, the annual report shall identify additional measures that shall be taken to further reduce automobile trips during the peak periods. Two consecutive years failing to meet the 10% reductions may be the basis for the Transportation Commission and City Council to increase the annual assessments by an additional 5% annually. An annual report which shows that the project is generating more than 32 AM peak hour automobile trips or more than 40 PM peak hour trips shall be the basis for the Transportation Commission or the City Council to determine that the project is failing to achieve its 10% trip reduction requirement.
14. Modifications: Minor project design details requested by the applicant may be established, modified, and approved by the Community Development 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 development plan or these conditions shall be subject to review and approval of the Planning Board.

Public Works

15. Prior to final inspection of the first housing unit, the applicant/developer shall establish a Homeowners Association to provide funding for maintenance of private improvements including private streets and alleys, TDM, landscaping in common areas, all (public and private) biotreatment areas, and retaining walls. Site improvements and demolition may commence prior to approval of the funding mechanism. The common area shall be owned and maintained by the HOA.
16. The applicant/developer shall design the private utility systems to be separate from the public utility systems so that there is a clear point of connection between the two systems. The utility system design shall be reviewed and approved by the Public Works Director prior to approval of the improvements plans, parcel/final map(s), or grading permit, whichever comes first.
17. The applicant/developer shall provide utility access easements across all areas where public utilities cross private property. Public utilities must be accessible to City maintenance vehicles.

18. The applicant/developer shall grant the City of Alameda an Emergency Vehicle Access (EVA) easement wherever the Fire Rescue Vehicle access route crosses over private property. All streets and sidewalks within the access route shall be designed to support Fire Rescue Vehicle loads and accommodate truck turning radii.
19. The applicant/developer shall grant to the City an ingress/egress easement for the purpose of waste collection wherever the collection vehicle access route crosses over private property. Collection vehicle access shall not be restricted by bollards or gates. All streets and sidewalks within the access route shall be designed to support collection vehicle loads and accommodate truck turning radii, truck grabber arm clearance, and curbside cart placement.

Engineering

20. Prior to the recordation of the Final Map, the subdivider shall submit engineered Improvement Plans including, but not limited to, the proposed roadways, drainage improvements, utilities, traffic control devices, retaining and/or sound walls, sanitary sewers and storm drains, common area landscaping and other subdivision improvements, the design of street furniture including, but not limited to ganged mailboxes and light fixtures, consistent with the requirements and to the satisfaction of the Community Development Director and the Public Works Director.
21. Private street entrances to the Project shall be identified by a different pavement material designed to the satisfaction of the Community Development Director and the Public Works Director.
22. The applicant/developer shall submit construction improvement plans for all on- and off-site improvements, including detailed designs for all wet and dry utilities, landscaping and irrigation, water, grading, drainage, erosion control, paving, and solid waste storage and recycling areas. The plans shall be prepared, signed, and stamped as approved by a registered civil engineer licensed in the State of California, unless the Public Works Director authorizes them to be prepared by some other qualified professional, and be in accordance with the AMC, the City of Alameda Standard Plans and Specifications, Standard Subdivision Specifications and Design Criteria, and the Master Street Tree Plan. The plans shall be reviewed and approved by the Public Works Director prior to approval of the improvement plans or Final Map, whichever comes first. The engineer shall also assume responsibility for inspection of the on-site construction work, including but not limited to parking lots, pathways, storm facilities, sewer facilities, etc., 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.
23. The Final Map shall show all existing and proposed easement locations, uses and recording information. The Owner's Statement shall list all easements to be dedicated and the Certificate of City Clerk shall list all public easements to be abandoned with recording information as part of the Final Map. In addition, the following is required as part of the Final Map approval:
 - a) The subdivider shall post a refundable cashier's check in the amount of \$400

- to guarantee a mylar copy of the recorded Final Map.
- b) 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.
 - c) The subdivider shall provide five copies of the permit approved on-site/off-site civil improvement plans, landscape plans, and specifications along with a velum or other reproducible set (plans only), and a CD or DVD digital copy acceptable to the City Engineer. The applicant/developer shall also provide GIS SHP files for the as-built sanitary sewer and storm drain lines.
24. The landscape and irrigation plans for improvements on-site and in the public right of way 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 Master Street Tree Plan, the AMC, conditions of approval by the Planning Board, and other regional jurisdictions requirements, as applicable. Projects required to meet the Bay-Friendly Landscape (BFL) requirements shall:
- Have plans prepared by a qualified BFL design professional;
 - Earn, at a minimum, a total of 60 points on the StopWaste.Org "Bay-Friendly Scorecard for Commercial & Civic Landscapes" (Scorecard), as determined by a qualified BFL Rater;
 - Complete the nine required practices identified on the Scorecard related to mulch, compost, diversion of construction and demolition waste, selection of planting materials, and the design and installation of irrigation systems, as determined by a qualified BFL Rater;
 - Acquire the services of an approved BFL Rater to assist the landscape project design and construction team with gaining BFL qualification, consistent with the BFL qualification requirements of the Bay Friendly Coalition
 - Pay the required BFL application and final submittal fees via the BFL Rater to the Bay Friendly Coalition
 - Submit to the City written certification from the Bay Friendly Coalition that the design and construction of the landscaping and irrigation meets the most recent version of the "Bay-Friendly Landscape Guidelines" developed by StopWaste.Org and The Bay Friendly Coalition. This certification is required prior to acceptance of the work or issuance of any occupancy permit, including a temporary occupancy permit, whichever comes first,

In addition, the final landscape plans shall ensure that all landscaping and bioswales are compatible with the stormwater treatment measures designed to minimize irrigation and runoff; promote surface infiltration, where appropriate; and minimize the use of fertilizers and pesticides that can contribute to storm water pollution. Also, integrated pest management (IPM) principles and techniques shall be incorporated into the landscaping design and specifications. Where feasible, landscaping shall be designed and operated to treat storm water runoff by incorporating elements that collect, detain, and infiltrate

runoff. Plant placement within the site landscape design shall not interfere with the design function of any of the stormwater treatment measures. For example, trees planted in or near a biotreatment swale shall not adversely interfere with the design flow capacity of the swale. The plans shall be reviewed and approved by the Public Works Director prior to approval of the improvements plans. The landscaped architect shall also assume responsibility for inspection of the work 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 landscaping and irrigation in the public right of way was constructed in accordance with the approved plans.

24. To guarantee completion of the required on-site and off-site improvements, the applicant/developer shall enter into an agreement with the City and provide a security in a form and amount acceptable to the City prior to approval of the improvements plans and Final Map.
25. A sanitary sewage flow analysis, acceptable to the Public Works Director, 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 engineer shall sign and stamp the analysis as approved. The City will provide this data to an independent consultant who will assess the impact of the proposed development on the City's sanitary sewer system using a hydraulic model and determine the required improvements, if any, to ensure sufficient sewage capacity for this project and anticipated cumulative growth in the associated sewer sub-area. All permits, easements and/or approvals for modifications to the sewer system required by EBMUD are to be obtained prior to Final Map. The applicant/developer will pay for the cost of the modeling study. The applicant/developer will include the recommended improvements from the sewer study and from EBMUD into the project's improvements plans prior to approval of the improvement plan or Final Map, whichever comes first.
26. A sanitary sewage treatment capacity analysis for wet weather flows, acceptable to the Public Works Director, shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The engineer shall sign and stamp the analysis as approved. The plan shall identify and mitigate any increase in wet weather flow treatment capacities associated with the development when compared to existing conditions. The applicant/developer will include the recommended improvements into the project's improvements plans prior to approval of the improvement plan or Final Map, whichever comes first.
27. A storm drainage hydrology analysis, acceptable to the Public Works Director, identifying the total peak drainage 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 engineer shall sign and stamp the analysis as approved. 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/developer will pay for the cost of the modeling study. The

applicant/developer will include the recommended improvements into the project's improvements plans prior to approval of the improvement plan or Final Map, whichever comes first.

28. The applicant/developer shall submit a soils investigation and geotechnical report, acceptable to the Public Works Director, in accordance with the AMC and prepared by a registered geotechnical engineer licensed in the State of California, with recommendations based on the findings. The report shall address the structural and environmental analysis of existing soils and groundwater. The improvement plans shall incorporate all design and construction criteria specified in the report. The geotechnical engineer shall sign and stamp the improvement plans as approved and as conforming to their recommendations prior to approval of the improvement plans or Final Map, whichever comes first. 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. Additional soils information may be required during the plan check of individual house plans. The applicant/developer will include the engineer's recommended improvements into the projects improvement plans prior to approval of the improvement plan or Final Map, whichever comes first.
29. All required public frontage and street improvements shall be designed, built, and dedicated to the City in accordance with City ordinances and Public Works Department standards and shall include curbs, gutters, sidewalks, street trees, landscaping and irrigation, streetlights, etc.
30. All new utilities shall be placed underground prior to issuance of any occupancy permit. All existing utilities within the project shall be placed underground in accordance with the AMC, prior to acceptance of the project.
31. The applicant/developer shall resurface the existing street pavement whenever a street is cut, either by a longitudinal or transverse cut, for utility or other improvement installations so the street is restored to pre-project conditions. The resurfacing shall extend a sufficient distance beyond any cut to ensure a smooth transition, as determined by the Public Works Director, and shall consist of a one and a half (1½) inch asphalt concrete overlay. The applicant/developer shall also provide digouts and reconstruction of any potholed and/or alligatored areas adjacent to the project.
32. Installation of street paving shall include reconstruction of the existing pavement section to provide adequate conforms. The limits of the reconstruction shall be established by the Public Works Director prior to approval of the improvement plans or Final Map, whichever comes first.
33. Exposed soil surfaces shall be periodically sprinkled to retard dust. During construction, the applicant/developer shall ensure that construction crews undertake a program of dust control including, but not limited to, watering soil surfaces as needed to prevent dust blowing, covering trucks carrying materials to and from the site, and frequent clean-up of soil carried by construction vehicle tires from the site onto streets. No City water shall be used for this purpose.
34. All project related grading, trenching, backfilling, and compaction shall be conducted in accordance with City of Alameda Standards and Specifications.

35. Hydroseeding of all disturbed areas shall be completed by October 1. Applicant/developer shall provide sufficient maintenance and irrigation to ensure growth is established by November 1.
36. 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.
37. Construction equipment must have state of the art muffler systems as required by current law. Muffler systems shall be properly maintained.
38. Noisy stationary construction equipment, such as compressors, shall be placed away from developed areas off-site and/or provided with acoustical shielding.
39. Grading and construction equipment shall be shut down when not in use.
40. During non-working hours, open trenches shall be provided with appropriate signage, flashers, and barricades approved by the Public Works Director to warn oncoming motorists, bicyclists, and pedestrians of potential safety concerns.
41. Prior to trenching within existing street areas, the applicant's engineer shall ascertain the location of all underground utility systems and shall design any proposed subsurface utility extensions to avoid disrupting the services of such system.
42. New street trees shall maintain clearances from utilities as follow: a) Fire hydrant – six feet; b) top of driveway wing – five feet; c) stop signs – 15'; d) street/pathway lights and utility poles – 25'; e) storm drain, sanitary mains, gas, water, telephone, electrical lines – five feet; f) front of electrical pad-mounted equipment – ten feet. Verify minimum clearance distances of street trees/shrubs from electrical transformers with Alameda Municipal Power (AMP).
43. Approved backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, and fire water services and as required by the East Bay Municipal Utility District (EBMUD). These devices must be tested by an AWWA certified tester from a list of testers provided by EBMUD.
44. Costs for inspection by the Public Works construction inspectors during non-working hours shall be at time and one half. Work on Saturday's requiring inspection shall not be done unless approved in advance by the Public Works Director. No work allowed on Sundays. Any work done without inspection may be rejected at the contractor's expense.
45. The applicant/developer shall repair all damaged sidewalk, curb and gutter that fronts the development on Willow Street and on Eagle Avenue in accordance with the Public Works Department's Standard Plans and Specifications prior to acceptance of the project.
46. The applicant/developer shall resurface or pay an in lieu fee for the reconstruction of Eagle Avenue between Willow Street and Mulberry Street.

47. The applicant/developer shall provide a minimum unobstructed 5' sidewalk width on Clement Avenue fronting the development.
48. The applicant/developer shall remove all railroad tracks on Clement Avenue fronting the development.
49. The applicant/developer shall establish a Homeowners Association to provide funding for maintenance of private improvements including private streets and alleys.
50. The common area shall be owned and maintained by the HOA.
51. The applicant/developer shall clearly delineate the private streets on the Final Map and improvement plans
52. The applicant/developer shall design the private utility systems to be separate from the public utility systems so that there is a clear point of connection between the two systems. The utility system design shall be reviewed and approved by the Public Works Director prior to approval of the improvement plans or Final Map, whichever comes first.
53. The applicant/developer shall provide utility access easements across all areas where public utilities cross private property. Public utilities must be accessible to City maintenance vehicles.
54. The applicant/developer shall grant the City of Alameda an Emergency Vehicle Access (EVA) easement wherever the Fire Rescue Vehicle access route crosses over private property. All streets and sidewalks within the access route shall be designed to support Fire Rescue Vehicle loads and accommodate truck turning radii.
55. All lots shall drain independently.
56. No structures shall be placed over existing or proposed easements.

Stormwater and Water

Prior to issuance of the grading, combination grading/building permit, or approval of the Civil Improvement Plans, whichever comes first:

57. The Civil Improvement Plans shall include the finalized stormwater quality management (treatment) site plan at the 100% complete level. This finalized stormwater quality management site plan shall include:
 - a) The identification and location of all of the drainage management areas (DMAs) for all impervious surface areas on the project site
 - b) The identification and locations of all of the Provision C3-compliant stormwater quality design and treatment measures for each DMA.
 - c) The area values (in square feet) of each DMA and corresponding C3-compliant measure
58. The applicant/developer shall submit, for review by the Public Works Department, a finalized, stamped, signed City of Alameda C3 certification form from a qualified,

independent, third-party civil engineer with stormwater treatment facility design experience that indicates the stormwater treatment measure designs of the finalized improvement plans and stormwater quality management (treatment) plan meet the established sizing design criteria for stormwater treatment measures consistent with the requirements of the City's Municipal NPDES storm water permit. City qualification standards are listed below.

59. Civil Improvement Plan sheets shall include Detail and cross-sectional drawings of the stormwater quality design and treatment measures consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual and Provisions C.3.c and C.3.d of the City's Municipal NPDES storm water permit.
60. Civil Improvement Plans shall indicate that the soil mix used in all of the bioretention areas will be compliant with the Attachment L soil specifications of the City's Municipal NPDES storm water permit. A copy of the Attachment L specifications shall be included in the Civil Improvement Plans. Provide Biotreatment Soil Mix Notes in the Civil Plans identifying potential biotreatment soil mix vendors and indicating the need to obtain Attachment L compliance documentation such as the following:

"The following vendors are listed by the regional Clean Water Program as offering biotreatment soil mixes compliant with the required Attachment L specifications:

- a. American Soil Products, www.americansoil.com, 510-292-3000
- b. L.H. Voss, www.lhvoss.com, 925-676-7910
- c. Lyngso Garden Materials, www.lyngsogarden.com/, 650-333-1044
- d. Pleasanton Trucking, www.pleasantontrucking.com, 925-449-5400
- e. Redi-Gro, www.redi-gro.com/, 800-654-4358
- f. TMT Enterprises, www.tmtenterprises.net, 408-432-9040

Obtain verification documentation from the supplier of all loads of the biotreatment soil mix, indicating that the soil mix is compliant with the Attachment L specifications, for review by the design engineer and inclusion with the post-construction certification report to be submitted to the City Public Works Department."

61. Finalized Landscaping Plans for all landscape-based stormwater treatment measures shall be consistent with the civil engineering designs and functional intent of these treatment measures. The landscape architect's plans shall indicate:
 - a) The usage of biotreatment soils compliant with the stormwater requirement's Attachment L specifications in all landscape-based treatment measures.
 - b) The plant palette(s) described for the landscape-based stormwater treatment measures shall be consistent with the civil engineering designs and functional intent of these treatment measures and the use of the Attachment L compliant biotreatment soil.
 - c) The landscaped-based stormwater treatment areas shall also be designed to minimize runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Design consideration shall be given to pest-resistant landscaping and design features and the use of integrated pest management (IPM) principles and techniques.

62. The finalized Civil Improvement plans shall indicate the structural stormwater trash capture measure(s) being installed on the project site to ensure that the stormwater drainage from the project site is subject to full trash capture consistent with City's municipal stormwater permit definition of a full trash capture device. 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 detail and cross-sectional drawings of any stormwater full trash capture device(s).
63. Provide the Public Works Department Clean Water Program, a copy of both the WDID# issued to the project site by the State Water Resources Control Board (SWRCB) and the required Storm Water Pollution Prevention Plan (SWPPP). These documents shall provide verification to the City that the project site is in compliance with SWRCB Order No. 2009-0009-DWQ prior to the initiation of construction activity. Information on this State Order is available at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml The SWPPP shall be reviewed and accepted by the Public Works Clean Water Program for conformance with the City's erosion and sediment control standards.
64. In compliance with the SWPPP, the applicant/developer shall be responsible for ensuring that all contractors and sub-contractors install and regularly maintain all control measure elements required in the project SWPPP during any and all construction activities in order to prevent any pollutants entering directly or indirectly the storm water system or waters of the State. The Improvement Plans shall list the City's erosion and sediment control standards and provide detail drawings and installation specifications for all SWPPP structural control measures. The applicant/developer 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.
65. The applicant/developer shall submit for review and approval by Public Works Engineering 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 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.
66. The Improvement Plans shall indicate that all new storm drain inlets within the public right-of-way shall be clearly marked with the words "No Dumping! Drains to Bay," or equivalent, as approved by the City Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are examples of acceptable forms.

Prior to issuance of the initial, temporary or first occupancy permit, whichever comes first:

67. The applicant/developer 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 Public Works Engineering.

68. The property owner shall establish a legally enforceable mechanism to ensure that the responsibility for implementing the O&M Plan is identified and assigned by either executing a C3-LID Treatment Measures Maintenance Agreement (Agreement) with the City or incorporating the O&M Plan within the CC&R's of a homeowners' association. The Agreement or CC&R's shall include, but not be limited to: the O&M Plan, approved by the Public Works Department, for all stormwater treatment measures; assurances of the party responsible to implement the stormwater treatment measures O&M plan; assurances of City access to inspect and verify the treatment system O&M for the life of the project; and, assurances of the submittal of the annual O&M report to the City.

City of Alameda Certification Form Qualification Standards:

The City of Alameda C3 certification forms need to be completed and submitted by a reviewer meeting the following criteria:

- (1) Be a Civil Engineer or a Licensed Architect or Landscape Architect registered in the State of California.
- (2) Provide verification acceptable to the Public Works Department that they are not also hired to design and/or construct the stormwater treatment system(s) being certified (the "no conflict of interest" provision).
- (3) Provide verification acceptable to the Public Works Department that they have current training on stormwater treatment system design (within three years of the certification signature date), relevant to the certifications being submitted, for water quality and understand the groundwater protection principals applicable to the project site.

Training conducted by an organization with stormwater treatment system design expertise (such as a college or university, the American Society of Civil Engineers, American Society of Landscape Architects, American Public Works Association, California Water Environment Association (CWEA), BASMAA, National Association of Flood & Stormwater Management Agencies, California Stormwater Quality Association (CASQA), or the equivalent) may be considered qualifying training.

Traffic and Transportation

69. The applicant/developer shall submit a traffic striping and signage plan for all on- and off-site improvements, including all crosswalks, bus stops, turn lanes, merge lanes, acceleration lanes, lane drops, etc, as part of the construction improvement plan submittal. The plans shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California. The engineer shall sign and stamp the plans as approved. The plans shall be reviewed and approved by the Public Works Director prior to approval of the improvements plans or Final map, whichever comes

first.

70. For any off-street parking facilities associated with the subdivision, the applicant/developer shall submit the improvement plans to the Community Development Department and Public Works Department for review and approval. The plans shall be prepared by a registered civil engineer licensed in the State of California and shall be signed and stamped as approved. The Community Development Department shall review and approve the parking lot layout, including number of spaces, dimensions of spaces, and Americans with Disabilities Act (ADA) requirements, and the Public Works Director shall review and approve the internal and external circulation of the parking lot, including lane widths and access points, prior to approval of the improvements plans or Final Map, whichever comes first.
71. At least three weeks prior to the commencement of work within the public right-of-way that affects access for pedestrian, bicyclist, and vehicular traffic, the applicant/developer shall provide a Traffic Control Plan (TCP) to the Public Works Department for review and approval. The TCP shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California, and be in accordance with the California MUTCD standards. The engineer shall sign and stamp the plans as approved. In general, any vehicular, transit, bicyclist, and pedestrian access through and/or adjacent to the project site shall remain unobstructed during project construction or an ADA compliant alternative route established as approved by the Public Works Director. At locations where adequate alternate access cannot be provided, appropriate signs and barricades shall be installed at locations determined by the Public Works Director and Police Chief. Should transit routes be affected, applicant/developer is required to receive prior approval from AC Transit of any proposed traffic detours or temporary closure of bus stops. Constructed work may not commence until the TCP is approved by the Public Works Director.
72. Pedestrian and vehicular lighting at all intersections and project driveways shall meet AMP standards for crosswalks, sidewalks, and intersections.

Waste Collection Access

73. A 42-foot turning radius must be provided for any street that would otherwise require the collection truck to back up a distance greater than 150 feet.
74. 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.
75. The entrances at Crown Way at Eagle Avenue and at Crown Way at Clement Avenue shall be curbed, not winged.

Construction Waste

76. The applicant shall submit a Waste Management Plan (WMP) approved by the Public Works Director in accordance with AMC Section 21-24.
77. During the construction/demolition/renovation period of the project, applicant/developer must obtain the necessary hauling permit, use a City certified

waste hauler, or use the City of Alameda's franchised waste hauler, Alameda County Industries (ACI), in accordance with AMC Section 21-21, to remove all wastes generated during the project development.

78. 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.
79. 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.
80. All solid waste containers, including dumpsters and individual cans or carts, must have fitted lids which shall remain closed at all times when the container is not being used or emptied

Alameda Municipal Power

81. Pedestrian and vehicular lighting at all intersections and project driveways shall meet AMP standards for crosswalks, sidewalks, and intersections.
82. To provide electric service to the proposed development, primary line extensions will be required. Per AMP's Rules and Regulations, the owner/developer shall be responsible for 60% of the installed costs of the required primary trunk cables and padmounted switches. The subdivider's electrical consultant shall coordinate with AMP regarding power requirements.
83. The subdivider shall provide all necessary underground substructures, including conduits, pull boxes, transformer pads, etc. per AMP specifications. AMP will require easements for all transformers, primary and secondary boxes, and conduits. AMP will furnish and install all required transformers, high voltage distribution cables, and secondary cables.
84. The subdivider shall be responsible for the cost of AMP's assigned inspector during construction.
85. The subdivider shall furnish and install Code-sized service cables in code-sized conduit from each house to the nearest secondary pullbox. AMP will connect the serviced to the secondary distribution system.
86. The subdivider shall furnish easements and access to all electrical utility facilities that are in the private properties, at no charge to AMP.
87. The subdivider shall furnish and install service equipment for each house. The service equipment shall meet Electric Utility Service Equipment Requirement Committee standards.
88. AMP will take over ownership and will be responsible for maintaining all new substructures for undergrounding primary and secondary circuits, and distribution transformers once the improvements have been inspected and found to have been

properly installed. The subdivider or successor property owners shall be responsible for the service cables and service equipment.

89. The subdivider shall be responsible for all expenses involved in the duct system engineering design, plan check, and electrical construction inspection.

90. The subdivider shall submit two sets of approved drawings showing the required electric utility facilities.

Fire Department

91. The subdivider shall be responsible for a water main extension to serve the project, whose design shall be shown on the Improvement Plan to the satisfaction of the East Bay Municipal Utilities District and the Public Works Director. The subdivider may also be responsible for off-site improvements related to fire flow requirements.

92. Prior to approval of the Improvement Plans, the subdivider shall submit revised plans, for review and approval by the Public Works Director in consultation with the Fire Chief, that:

- a. Provide fire hydrants space at 500 foot intervals throughout the project. For dead-end streets, distance to the nearest hydrant shall not exceed 400 feet;
- b. Ensure fire flow for the development shall be 1,000 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; and
- d. Ensure that all roads have an adequate turning radii for fire apparatus (inside turning radius of 34 feet and outside turning radius of 49 feet); and
- e. Minimum fire lane width shall be 20 feet.

93. All private streets and courts within the development shall be marked as fire access roads to the satisfaction of the Fire Chief. No on-street parking shall be permitted within private streets and courts.

94. The lot numbers on the Final Map shall generally correspond to the lot numbering on the approved Tentative Map.

95. The subdivider shall record the Final map within twenty-four (24) months of approval, or conditional approval, the Tentative Map by the City Council. An extension of time, not to exceed and additional twelve (12) months, for the filing of the Final Map may be granted by the City Council providing written application is made by the subdivider prior to the expiration of the approved or conditionally approved Tentative Map.

96. Provide a traffic signing and striping plan to indicate the location of all stop signs and other traffic control devices. Stop signs will be required at the intersections with Clement and Eagle Avenues.

97. Hold Harmless and Indemnification Agreement The developer/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, or City Council relating to this project. The City shall promptly notify the developer/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.

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 July, 2015, by the following vote to wit:

AYES: (6) Henneberry, Alvarez, Knox White, Köster
Tang and Zuppan

NOES: (0)

ABSENT: (1) Burton

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-15-18**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING APPLICATION NO. PLN14-0305 FOR FINAL DEVELOPMENT PLAN AND DESIGN REVIEW FOR CONSTRUCTION OF A 100-ROOM, FIVE-STORY HOTEL.

WHEREAS, an application was made on June 17, 2014, by Mina Patel for Final Development Plan and Design Review approval to construct a 100-room, five-story hotel at 2350 Harbor Bay Parkway; and

WHEREAS, the subject property is designated Business Park on the General Plan Diagram; and

WHEREAS, the subject property is located within the C-M-PD Commercial Manufacturing with a Planned Development; and

WHEREAS, the Planned Development for the Harbor Bay Business Park was approved by PD-81-2, and subsequently amended by PDA-85-4 and PDA05-0003; and

WHEREAS, Condition #2 of Resolution No. 1203 which approved the Business Park requires that for each development proposal within the Business Park a Final Development Plan be reviewed by Community Development Department staff for compliance with the standards and conditions of the Business Park Final Development Plan and then be brought before the Planning Board.

WHEREAS, the Planning Board held a public hearing on this Final Development Plan and Design Review application on February 23, 2015, April 13, 2015 and July 13, 2015 and has examined pertinent maps, drawings and documents; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board finds this project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 – Infill Development Projects. The project meets all requirements for the infill exemption, including the following:

a) **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 proposed project is consistent with the General Plan, Zoning Ordinance, and Harbor Bay Industrial Park Development Plan, approved by Planning Board Resolution No. 1203 in 1981, which establish the development standards for the Harbor Bay Business Park and this property.

b) **The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.** The project site is less than two acres in size and is located within the Harbor Bay Business Park within

the City of Alameda, which is at the center of the San Francisco Bay Area metropolitan area. The site is surrounding by a manmade urban park and commercial manufacturing and office uses. The subject property was designed to be, and has always been, part of the urban environment. The land itself was created in the mid 20th century to be a business park and be part of the City of Alameda. The site has never been part of the original natural environment.

c) The project site has no value as habitat for endangered, rare or threatened species. The small parcel for the proposed development is currently vacant and it has no habitat value for any endangered, rare, or threatened wildlife species. The vacant lot is immediately adjacent to the Harbor Bay Parkway. The proposed project will not require any work within the San Francisco Bay. A habitat assessment and survey of burrowing owls conducted by WRA Environmental Consultants concluded that no burrowing owls are present on the site and that the site provides poor quality habitat for burrowing owls. The findings are consistent with similar findings made by other Biological experts and professionals who have surveyed nearby sites for the recent developments in the Business Park, such as the VF campus, Esplanade Waterfront development and other developments.

d) Approval of the project would not result in any significant effects relating to traffic, noise, air navigation, air quality or water quality.

Traffic: The project will not result in any significant transportation impacts. The Abrams & Associates traffic study concluded that there would not be impacts from a 105-room hotel that would generate approximately 61 AM peak hour and 65 PM peak hour trips. With the reduction to 100 rooms, the addition of on-demand shuttle services, bicycle services and off-site improvements funded through business park TIF, the project will not result in any significant traffic impacts.

Pursuant to the Harbor Bay Development Agreement, a portion of the property taxes and building permit fees from this project will fund the Harbor Bay Business Park Transportation Improvement Fund (TIF). The purpose of the TIF is to fund transportation and signal improvements in the Business Park. A signal will be necessary in the near future at the currently impacted intersection of Harbor Bay Parkway and North Loop Road. The unsignalized intersection currently operates at an unacceptable level of service during peak hours. Per the Development Agreement and the Infrastructure Agreement for the Business Park, the necessary traffic signal improvements will be funded by the TIF.

The project is located within the Airport Safety Zone of the Oakland Airport and triggers the review of both the ALUC and the Federal Aviation Administration (FAA). The ALUC deemed the project consistent with airport land use regulations upon the FAA issuing a Determination of No Hazard to Air Navigation for the proposed location and maximum building height. The FAA has determined in its letter dated October 1, 2014, that the project will not pose a hazard to air navigation at the Oakland International Airport or in Bay Area airspace. The project, as conditioned, will comply with all regulatory requirements pertaining to airport safety.

Noise: The proposed construction and operation of the hotel in the Business Park will not result in any significant noise impacts. The site is immediately adjacent to an active airport that generates significant noise in the area. The construction and operation of the hotel will be subject to the restrictions and requirements of the City of Alameda Noise Ordinance which ensures that no significant noise impacts are generated on-site by the hotel that would impact the adjacent parcels as the result of the hotel construction or operation.

Because the Oakland International Airport creates significant noise in the Business Park and on the subject property, the hotel is designed to shield the occupants of the hotel from Oakland Airport noise. Noise levels within the hotel will be attenuated to 45 dB CNEL. A standard condition of approval for all development in the Harbor Bay Business Park is for the applicant to submit an acoustical noise study with the building permit application to demonstrate that interior noise levels can be attenuated to less than 45 dB. Furthermore, new construction must comply with State of California Title 24, Part 2 of the Administrative Code, which will typically attenuate interior noise levels to less than 45 dB. Therefore, the project occupants will not experience any adverse noise effects from airport operations.

Air Quality and Water Quality: Construction and operation of the hotel will be subject to standard construction requirements of the City of Alameda, Regional Water Quality Board, and Regional Air Quality Board. These standards and permit requirements are specifically designed to ensure that urban in-fill projects do not result in air or water quality impacts to the environment. In addition, the landscape design and plant list for the proposal includes a mix of trees, shrubs, grasses, and other low-lying ground cover vegetation that is consistent with state and regional water quality requirements and Bay Friendly Landscaping Guidelines.

e) The site can be adequately served by all required utilities and public services. The project site is located within an urban business park that already has the basic water, sewer, and other utility infrastructure necessary to support the proposed hotel. The site has access to all other public services provided by the City.

BE IT FURTHER RESOLVED that the Planning Board finds the subject Final Development Plan and Design Review are consistent with the Harbor Bay Business Park Development Plan, applicable zoning requirements and the General Plan; and

BE IT FURTHER RESOLVED that pursuant to Alameda Municipal Code (AMC) Section 30-4.20(g), the Board has made the following findings relative to the proposed Final Development Plan Application (PLN14-0305):

A. The development is an effective use of the site. The Final Development Plan provides for a commercial subdivision and new hotel including landscaping and open spaces, pedestrian, transit and bicycle facilities designed to provide a project that is pedestrian, bicycle and transit-friendly. The Final Development Plan utilizes

landscaping, building placement and orientation to create an effective and successful commercial development that creates a compatible interface with the adjacent properties and uses, and provides strategies for the conservation of natural resources and sustainable landscaping design.

- B. **The proposed use relates favorably to the General Plan.** The proposed development supports General Plan policies for the development of Harbor Bay Business Park and General Plan policies to increase complementary business opportunities in Alameda. This project also facilitates future development of, and access to, the adjacent waterfront land areas, which supports General Plan policies to increase public waterfront parks and public waterfront access citywide and on this property. The project also generates jobs consistent with General Plan goals.
- C. **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 Final Development Plan is consistent with the Harbor Bay Business Park Development Plan. The proposed Final Development Plan is designed to be compatible with adjacent commercial uses by providing attractive public improvements and ample pedestrian amenities, shuttle service, and bicycle facilities.
- D. **The location of the proposed use is compatible with other land uses in the general neighborhood area, and the project design and size is architecturally, aesthetically, and operationally harmonious with the community and surrounding development.** The proposed development qualifies as a commercial development pursuant to the C-M-PD Commercial Manufacturing - Planned Development Zoning District, and satisfies the purposes of the C-M-PD district regulations. The project site plan is designed to conform to the Harbor Bay Business Park Development Plan objectives and requirements adopted to ensure that the project would be compatible with the adjacent airport environment and commercial development. The Final Development Plan will provide for adequate landscaping, including Bay Friendly-compatible native landscaping, as required by City standards.
- E. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The Final Development Plan is designed in a manner compatible with existing and potential contiguous uses. The project plans provide for well-designed pedestrian paths, bicycle access, on-demand shuttle services, free bicycle use, and vehicular access between the hotel and nearby transit amenities including the airport, ferry terminal, Park Street restaurants and entertainment, and BART.

BE IT FURTHER RESOLVED, that the Board makes the following findings relative to the Major Design Review approval:

1. As conditioned, the project will be compatible and harmonious with the design and use of surrounding properties. The proposed building is similar in design and scale to other office and warehouse buildings in the Business Park. The scale and footprint of the building, and landscaping of the site, ensures compatibility with the adjacent neighborhood.
2. As conditioned, the project will be consistent with the City's Design Review Guidelines, because the design has an appropriate sense of scale for the site, the building components are well proportioned and appropriate screening has been provided for all mechanical and electrical equipment as part of the building design.

BE IT FURTHER RESOLVED that the Board makes the following findings relative to the specific design guidelines for the Business Park contained in Resolution No. 1203:

1. The preliminary landscape plan is consistent with the required landscaping requirements of the Business Park.
2. As conditioned, the project will be consistent with the City's Design Review Guidelines because the design has an appropriate sense of scale for the site, the building is well proportioned, and well located on the site to address Harbor Bay Parkway and screen parking from public view. The building is designed to project a low horizontal profile, which reduces the apparent bulk of the building as required by the Architectural Guidelines contained in Resolution No. 1203.

BE IT FURTHER RESOLVED that the Planning Board hereby approves Final Development Plan and Design Review, PLN14-0305, subject to the following conditions:

1. Expiration: This Final Development Plan and Major Design Review approval shall expire and become void unless actual construction under valid permits has commenced within two years after this approval. A one-time extension for an additional two years may be granted upon written request.
2. Planning Board Resolution No. 1203 Conditions relating to Planning Board Resolution No. 1203 are incorporated by reference and these conditions shall be printed on the first page of all building plans and improvement plans.
3. Building Permit Plans: The plans submitted for the building permit shall be in substantial compliance with Marriott Fairfield Inn Alameda Design Review Package prepared by SB Architects and approved by the Planning Board on July 13, 2015 and on file in the office of the City of Alameda Community Development Department, except as modified by the conditions listed in this resolution.

Community Development Department Conditions

4. Final Architectural Details: The Building Permit plan set shall include and specify surface colors and materials, window design, airplane safety lighting, bicycle parking design, and sign size and location. a window and door schedule. All window sashes shall be recessed at least three inches from the exterior wall surface, and window surfaces shall be treated to reduce potential bird strikes. All final window and door details shall be subject to review and approval by the Community Development Director.
5. ALUC/FAA Compliance: Prior to issuance of a building permit, the applicant shall demonstrate compliance with all terms and conditions of the written approval letters addressed to the applicant from the ALUC, dated September 7, 2014 and October 6, 2014, and from the FAA, dated October 1, 2014. Per FAA Determination letter dated 10/01/2014, the aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation and marking and lighting are not necessary for aviation safety. However, to maximize airport safety, safety lighting shall be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.
6. Noise: All windows and patio doors will be insulated and double paned. Documentation shall be submitted from an acoustical engineer ensuring that interior noise levels will meet design criteria set per Oakland International Airport Land Use Compatibility Plan, Section 3.3.1.6 (a). Prior to the issuance of building permits and prior to any future change in building use, the applicant shall submit an acoustical noise analysis demonstrating compliance with these Standards. An acoustical analysis meeting the requirements of Condition No. 60 of Resolution No. 1203 shall be submitted with the building permit application.
7. Complimentary Shuttle: The hotel operator shall provide on-demand shuttle service. The shuttle service shall operate between the hours of 4:00 a.m. to 1:00 a.m. daily, and transport hotel guests to and from South Shore Center, the Park Street business district, Harbor Bay Ferry terminal, the Air BART station near the Oakland Airport, and any other destination within a three-mile radius of the hotel.
8. Complimentary Bicycles: The hotel operator shall provide ten complimentary bicycles for use by hotel guests.
9. Bicycle Parking: Locations for bicycle parking consistent with the AMC bicycle requirements shall be shown on the Building Permit plans. The bicycle facility should be located in a secure and safe location and accessible from high pedestrian/bicycle traffic areas, such as at the street frontage, to the satisfaction of the Community Development Director.
10. Off-Site Shared Parking: The applicant shall enter into an off-site shared parking agreement for 43 parking spaces with neighboring property owners with underutilized large parking lots in the event that the hotel needs overflow parking

spaces for special events. Prior to issuance of a Certificate of Occupancy, the applicant shall provide a copy of the signed reciprocal parking agreement that confirms parking availability for the project on the adjacent parcels. The applicant shall be responsible for maintaining agreements for 43 shared parking spaces for the life of the project.

11. Decorative Wall: The Building Plans shall include a four foot decorative wall to screen parked cars from the sidewalk and adjacent park areas. The design of the wall shall be approved by the Community Development Director prior to issuance of a building permit.
12. Pedestrian Access: Prior to issuance of the Building Permit, the applicant shall provide funding for a crosswalk across Harbor Bay Parkway to facilitate safe pedestrian access to the site from the other businesses in the Business Park.
13. Sea Level Rise: The finished floor shall be raised 24 inches above existing grade to accommodate the potential for sea level rise at this location.
14. Mechanical Equipment: Any noise-making mechanical equipment located on the ground, which generates noise exceeding ambient noise levels (prior to installation of the equipment) at the property line shall be enclosed in a sound blocking enclosure meeting the standards established by the AMC for noise. The sound blocking enclosure must be built to the following minimum standards:
 - o The barrier can be any thickness so long as its weight is 4 lbs/ft² or greater.
 - o The barrier must be nonporous, with a solid door.
 - o The barrier must enclose the equipment on all sides. The building wall may serve as one or more of the sides.
 - o The wall height should be a minimum of three feet (3') greater than the tallest piece of equipment
15. 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.

Public Works Conditions

16. The applicant/developer shall comply with all applicable policies, standards and plans of the AMC and the Public Works Department.
17. To guarantee completion of the required on-site and off-site improvements, the applicant/developer shall enter into an agreement with the City and provide security in a form and amount acceptable to the City prior to approval of the improvements plans.

18. The applicant/developer shall submit, for review and approval, plans for all on-site 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 engineer shall also assume responsibility for inspection of the on-site construction work, and shall certify to the City, prior to acceptance of the work or issuance of any occupancy permit, that the installation of the on-site work (excluding the building and foundation) was constructed in accordance with the approved plans.
19. The applicant shall submit, for review and approval, landscape and irrigation plans for both on-site and off-site improvements. The plans shall be prepared, signed, and stamped by a licensed landscape architect and shall be in accordance with the AMC and other regional agencies' requirements. The landscape architect shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work, that the installation of landscaping and irrigation in the public right-of-way was constructed in accordance with the approved plans.
20. A geotechnical report, prepared by a registered geotechnical engineer, with recommendations to address the findings shall be submitted for review with the building permit application. 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 Stormwater, Wastewater and Water Conditions

21. Prior to issuance of building permits, the developer shall secure all necessary permit approvals from East Bay Municipal Utility District (EBMUD) regarding the installation of all water or sewer service connections for the project. Accumulated wastewater must be drained to the sanitary sewer.
22. Backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, fire, and water services and as required by EBMUD.
23. A sanitary sewage flow analysis, identifying the total peak sanitary sewage flow quantities 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 City will provide the analysis to an independent consultant who will assess the impact of the proposed development on the City's sanitary sewer system and determine if any improvements to the City's system are required to ensure sufficient sewage capacity for this project and any anticipated growth within the associated sewer sub-area. The applicant/developer will pay for the cost of the modeling study. The applicant/developer will include any recommended improvements from the sewer study into the project's improvement plans. The applicant/developer shall pay, proportional to the building usage, any upgrades to the city's sewer line capacities up to the Bay Farm Island pump station

at Island Drive, including pump stations HBP-1 and HBP-2.

24. A sanitary sewage treatment capacity analysis for wet weather flows associated with the development compared to existing or previous conditions shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The plan shall identify and mitigate any increase in wet weather flow capacities. The improvement plans will include any recommended improvements.
25. A storm drainage hydrology analysis identifying the total peak drainage 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 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 if any improvements to the City's system are required to ensure sufficient capacity for this project and anticipated cumulative growth in the associated drainage basin. The applicant/developer will pay for the cost of the modeling study. The improvement plans shall include the recommended improvements.
26. Section 30-84.12, of the AMC states that drainage across interior property lines is not permitted. New construction must not cause storm runoff onto any adjacent parcel. Concentrated runoff across the sidewalk will not be allowed. All storm runoff must be properly channeled to the existing storm drain system. No building roof drainage can be directly tied to the storm drain but must flow either into a drainage swale or across impervious pavement and then into a drainage swale. The grading plan shall show the location of any swales and how stormwater runoff will be directed.
27. Efforts shall be taken to minimize impervious surfaces, especially directly connected impervious surface areas. Roof leaders shall discharge onto landscaped areas. Additional design techniques can include, but are not limited to, the use of pervious pavement in parking areas and/or directing runoff from impervious surfaces to vegetated areas.
28. Landscaping plans shall be designed to minimize runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Consideration shall be given to pest-resistant landscaping and design features and the use of integrated pest management (IPM) principles and techniques. As appropriate, landscaping shall be designed and operated to treat stormwater runoff.
29. The site improvement plans shall incorporate permanent low impact development (LID) measures and stormwater treatment controls and design techniques to manage the quantity and quality of stormwater runoff from the development. Measures shall be constructed consistent with the latest version of

the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual and Provisions C.3.c and C.3.d of the City's Municipal NPDES storm water permit. Conceptual site plans will need to identify sufficient areas to provide for the implementation of the necessary LID measures.

30. In conjunction, and consistent, with the improvement plans submittal, prepare and submit for City engineering review and approval of a storm water quality management plan (Plan) to demonstrate and verify appropriate site LID design. This plan shall include:
 - a. The completed City of Alameda's Stormwater Requirements Checklist.
 - b. The identification of drainage management areas (DMAs) for all impervious surface areas on the proposed project site and the establishment of Provision C3-compliant stormwater quality design and treatment measures for each DMA.
 - c. A site plan map and inventory identifying the location and area values (in square feet) of each DMA and corresponding C3-compliant measure.
 - d. Detail and cross-sectional drawings of the stormwater quality design and treatment measures, as relevant, consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual.
 - e. Signed, C3-LID sizing certification form for all DMAs and C3 measures, as described below.

31. The applicant/developer shall prepare and submit to the Public Works Department Storm Water Pollution Prevention Plan (SWPPP) documents. Information regarding the SWPPP is available at the SWRCB's Construction Storm Water Program web page at:
www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml

32. Prior to issuance of the first grading/building/combination permit, provide verification to Public Works Department Engineering Division of the WDID# that has been issued to the project site by the SWRCB. Submittal of the required permit registration documents to the SWRCB's SMARTS website is necessary for compliance with SWRCB Order No. 2009-0009-DWQ.

33. Prior to the granting of the certificate of occupancy, a C3-LID Stormwater Treatment Measures Maintenance Agreement (Agreement) shall be executed between the Project Owner and the City and recorded, at Project Owner's expense, with the County Recorder's Office of the County of Alameda. The Agreement shall include, but not be limited to: an Operations and Maintenance (O&M) plan, approved by the Public Works Department, for all post-construction (permanent) stormwater treatment measures; an instrument of financial assurance from the party responsible for stormwater treatment measures O&M; identification of the party responsible for stormwater treatment measures O&M; assurances of access to inspect and verify the treatment system O&M for the life of the project; and, assurances of the submittal of the annual O&M report approved by the City.

34. Concurrently with applying for a grading/building/combination permit, a Stormwater Treatment Measures Operations and Maintenance (O&M) Plan shall be submitted by the project proponent for approval by the Public Works Department. The O&M plan shall include, but not be limited to: treatment measure(s) descriptions and summary inventory; a legible, recordable, reduced-scale (8.5"x11") copy of the Site Plan indicating the treatment measure(s) location(s) and site drainage patterns; treatment measure(s) maintenance requirements and maintenance schedule; detailed description of the integrated pest management principals and techniques and/or Bay Friendly Landscaping Program techniques to be utilized during landscape maintenance to ensure pesticide/herbicide use-minimization in landscaped areas; name and contact information of current maintenance personnel; and estimates of annual treatment measure(s) maintenance costs.
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35. The applicant/developer is responsible for ensuring that all contractors and sub-contractors shall, during all construction activities, comply with the SWPPP elements, the City of Alameda's Urban Runoff Standard Conditions of Approval and the Best Management Practices (BMPs) for construction activities indicated in the Alameda Countywide Clean Water Program brochures during all construction activities. Contact Public Works Department, telephone (510) 747-7930, for copies of these reference documents.
36. Storm drain inlets shall be clearly marked with the words "No Dumping! Drains to Bay," or equivalent, using methods approved by the Public Works Department.
37. The applicant/developer shall submit a stamped, signed City of Alameda C3 certification form from a qualified independent civil engineer with stormwater treatment facility design experience, licensed in the State of California, and acceptable to Public Works Department, that states that the LID and treatment measure designs of the final improvement plans and stormwater quality management plan meet the established sizing design criteria for stormwater treatment measures.
38. Prior to the issuance of a certificate of occupancy, the project applicant shall submit to the Public Works Department a formal certification report (Report) from a Licensed Engineer, paid for by the developer, affirming that all project site stormwater treatment measures have been constructed per 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.

39. Fire sprinkler system test water discharges shall be directed to onsite vegetated areas.

Public Works Traffic and Transportation Conditions

40. The applicant/developer shall provide a Traffic Control Plan (TCP) to the Public Works Department for review and approval. The TCP shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California, and be in accordance with the California MUTCD standards. In general, any vehicular, transit, bicyclist, and pedestrian access adjacent to the project site shall remain unobstructed during project construction or an Americans with Disabilities Act (ADA) compliant alternative route established. Applicant/developer is required to receive prior approval from AC Transit of any proposed traffic detours or temporary closure of bus stops.

41. The applicant /developer shall provide a traffic circulation plan for the development. The circulation plan shall include circulation within the development boundaries and adjacent parcels and shall identify all access to public streets. The traffic circulation plan shall include plans showing truck turning templates including rear/front wheel and body tracking movement and shall include delivery trucks, fire engines, moving vans and waste management trucks. The Public Works Department will review and approve the internal and external circulation of the parking lot, including lane widths and access points.

42. The applicant/developer shall submit a traffic striping and signage plan for review and approval for all on-site and off-site improvements, including all crosswalks, bus stops, turn lanes, merge lanes, acceleration lanes, lane drops, etc, as part of the construction improvement plan submittal. The plans shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California. All striping in the public right-of-way shall be thermoplastic.

43. Prior to issuance of the Building Permit, project applicant shall provide the following in its improvement plans and/or as submittals as appropriate for the approval of the Public Works Department and in accordance with the City design standards:

- a) Ensure that all pedestrian access points throughout the project area are (ADA) compliant.
- b) Vehicular and pedestrian access to adjacent parcels.
- c) As a member of the Harbor Bay Business Park Owner's Association, the applicant/developer and its tenant will participate in the Transportation Management Program implemented by the Harbor Bay Business Park Association that includes TDM strategies in accordance with the provisions stipulated in Section 11.2.h of the Covenants, Conditions, and Restrictions (CC&RS) of the Harbor Bay Business Park Association.

Public Works Environmental Services Conditions

44. The applicant/developer shall submit a Waste Management Plan (WMP) to the Public Works Environmental Services Division for approval. The plan shall describe how the trash and debris will be handled. The WMP shall be submitted by the developer to Environmental Services via Green Halo (greenhalosystems.com) prior to start of the demolition, remodeling, or construction work. This must be done using Green Halo's web interface. The Public Works Environmental Services Division will review the WMP, and will provide comments that shall be incorporated into the plans for the project.
45. The project is subject to the WMP requirement of section 21-24 of the AMC, and must recycle at least 50% of total debris hauled from project.
46. Within thirty (30) days after the completion of the demolition and/or clearing and grubbing, the developer shall submit a Summary Report to the Public Works Environmental Services Division, via Green Halo (greenhalosystems.com). For approval, this reporting will specify actual tonnages disposed and/or recycled for each material, and the actual destination/processor. Disposal and/or recycling weight tags from that facility or facilities will be directly uploaded to Green Halo to verify this activity.
47. Internal collection and storage areas and the individual bins and containers provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Department.
48. All solid waste containers, including dumpsters and individual cans or carts, must have fitted lids, which shall remain closed at all times when the container is not being used. All trash collection areas shall be accessible to employees.

Fire Department Conditions

49. 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 EBMUD, the Public Works Director, and the Fire Chief.
50. Prior to approval of the improvement plans, the applicant shall submit plans, for review and approval by the Public Works Director and the Fire Chief, that:
 - a. Provide fire hydrants spaced throughout the project as required in California Fire Code Appendix C.
 - b. Ensure sufficient fire flow for the development compliant with California Fire Code Appendix B and AMC Section 15-1.2 where a maximum 50% reduction of the fire flow is allowed for fire sprinklered buildings. 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 have adequate turning radii for fire apparatus (inside turning radius of 28" and outside turning radius of 44'8"); and
- e. Minimum fire lane width shall be an unobstructed 26'. Should parking within the fire lane be required, the fire lane width is to be increased an additional 8' per side for vehicle parking (total width of 42' if vehicle parking on both sides, and 34' if vehicle parking on one side).

51. Hold Harmless and Indemnification: The applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda 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 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 Planning Board or City Council relating to this project. The City shall 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.

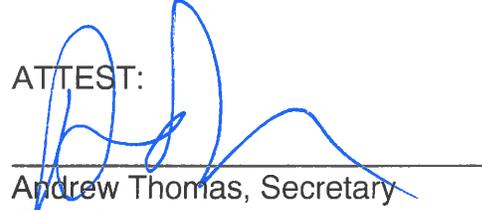
NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant is hereby further notified that the 90-day appeal period, in which the applicant may protect these fees and other exactions, pursuant to Government Code section 66-2-(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 13th day of July, 2015, by the following vote to wit:

AYES: (4) Alvarez, Knox White, Tang and Zuppan
NOES: (1) Henneberry
ABSENT: (1) Burton
ABSTENTION: (1) Köster

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-15-19**

RECOMMENDING THAT THE CITY COUNCIL APPROVE A TWO YEAR EXTENSION FOR TENTATIVE MAP 8060 FOR THE BOATWORKS PROJECT AT 2229 THROUGH 2241 CLEMENT AVENUE.

WHEREAS, Phil Banta, Architect for Boatworks, LLC , on behalf of the property owner, Mr. Francis Collins submitted an application requesting a two year extension to an approved Tentative Map to construct 182 dwelling units on property located at 2229 through 2241 Clement Avenue; and

WHEREAS, the proposed project site is within the Specified Mixed Use-5 (MU-5) General Plan designation; and

WHEREAS, the proposed project site is located in the R-2/PD, Two-Family Residence/Planned Development Combining Zoning District; and

WHEREAS, the City Council approved a Tentative Map for 182 housing units for the site in July 2011; and

WHEREAS, the 2011 Tentative Map is consistent with the City of Alameda General Plan and Zoning Ordinance; and

WHEREAS, the City of Alameda Planning Board held a public hearing on the proposed extension on July 27, 2015, in compliance with the requirements of the Subdivision Map Act and AMC Section 30-73 Subdivision Regulations, and has examined pertinent maps, drawings, and documents.

NOW THEREFORE BE IT RESOLVED that the Planning Board of the City of Alameda hereby recommends that the City Council approve a one year extension to Tentative Map 8060 or until July 19, 2016.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 27th day of July, 2015, by the following vote to wit:

AYES: (6) Henneberry, Alvarez, Burton, Knox White, Köster, and Zuppan

NOES: (0)

ABSENT: (1) Tang

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-15-20

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING USE PERMIT PLN15-0323 TO OPERATE A PRIVATE SCHOOL WITH A MAXIMUM ENROLLMENT OF 25 STUDENTS AT 508 TAYLOR AVENUE.

WHEREAS, an application was made on July 7, 2015, by Catherine Cook of the Da Vinci Center for Gifted Children, requesting approval of a use permit to operate a private school with a maximum capacity of 25 students, aged 4 to 13 years old; and

WHEREAS, the school currently operates at 474 Taylor Avenue as a Large Family Day Care with a maximum of 14 children; and

WHEREAS, the subject use permit application was accepted as complete on July 27, 2015; and

WHEREAS, the project site is located within a R-2, Two Family Residence zoning district; and

WHEREAS, the project site has a General Plan Land Use Designation of Medium Density Residential; and

WHEREAS, the Zoning Administrator held a public hearing on this application on September 1, 2015, and referred the application to the Planning Board according to procedures set forth in AMC Section 30-21.4 after considering public testimony both in support and in opposition to the proposal; and

WHEREAS, the Planning Board held a public hearing on this application on September 28, 2015.

NOW THEREFORE BE IT RESOLVED THAT, the Planning Board has made the following findings concerning the project:

- 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 application proposes no exterior modifications to the existing single family residence. The use will be a small school limited to 25 students, operating Monday through Friday from 7:00 a.m. to 6:00 p.m. The regular school year is from August until June, with a supplemental summer program from June until August that does not operate at full capacity. Classroom activities will be either conducted indoors, or at nearby public parks. Public comments have raised issues regarding to the potential for the project to create

traffic issues along the 500 block of Taylor Avenue, in particular, that due to the project site only having one accessible parking space, that vehicles dropping off and picking up students will resort to illegally double parking, and causing an obstruction to traffic, when parents are signing in or out their child into care from the applicant. As proposed and conditioned herein the project will avoid such impacts with measures such as: requiring the on-site parking space be available for parents during drop off and pick up time frames, providing overflow parking at St. Barnabas Church located within reasonable walking distance, creating a staggered drop off schedule and making enrollment contingent upon agreement to the terms of the staggered schedule, fines by the applicant to the enrolled families for failure to adhere to the staggered schedule as well as illegally double parking for purposes of drop off or pick up, and providing and encouraging alternative transportation options for school staff. With these measures in place, the proposed use will be compatible with the surrounding residential neighborhood.

2. The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities. The project site provides an on-site parking space that will allow a parent to drop off a student without impeding automobile, bicycle, and pedestrian traffic in the public right-of-way. The project is conditioned to provide and maintain two off-site parking spaces at St. Barnabas Church, located on the same block, as overflow parking and loading spaces for parents who arrive at the project site concurrently. To encourage alternative transportation methods for teachers, the site provides four (4) on-site bicycle parking spaces, and the applicant will be conditioned to provide all teachers with monthly public transportation passes.

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. As conditioned, the applicant will implement a staggered drop off and pick up schedule that ensures that no more than three (3) students, at full capacity, will be dropped off or picked up in a given 5-minute block of time. The arrangement for off-site parking on the same block, required by conditions of approval, will provide overflow parking and loading for parents which will eliminate stopping within travel lanes on Taylor Avenue in instances when the on-site parking space is in use by another parent. The condition of approval that requires a \$75 fine from the school for violating the staggered schedule or illegally double parking will further discourage obstructing the flow of traffic.

4. The proposed use relates favorably to the General Plan. Guiding policy 2.4.i of the General Plan encourages the inclusion of family child care homes in residential areas. The Da Vinci Center for Gifted Children provides a unique educational opportunity and child care service to children with learning differences that have shown to have difficulties in traditional learning environments. Guiding Policy 2.4.h mandates control of nonresidential uses on sites adjoining residential neighborhoods to minimize nuisances. The conditions contained herein provide adequate measures to minimize traffic and parking impacts of the small 25-student

private school and allow subsequent review of the use and conditions of approval after one year.

THEREFORE, BE IT FURTHER RESOLVED THAT, This project has been determined to be Categorically Exempt pursuant to Section 15301 of the CEQA Guidelines, which allows the operation of existing private structures involving negligible expansion of use beyond that which exists. Per CEQA Guidelines Section 15274, CEQA does not apply to day care operations in-home for up to 14 children. The proposed use of the residence at 508 Taylor Avenue for 25 children is an increase of 11 children. The operation would only create a maximum of three cars every five minutes, between the hours 8:15 a.m. to 9:00 a.m. and 3:15 p.m. to 4:00 p.m., Monday through Friday. No other vehicle trips would be generated. Therefore the project will not result in any environmental impacts.

BE IT FURTHER RESOLVED THAT the Planning Board of the City of Alameda hereby approves Conditional Use Permit, PLN15-0323 allowing the operation of a private school with a maximum student capacity of 25 students at 508 Taylor Ave subject to compliance with the following conditions:

- (1) Compliance with Conditions of Approval: The applicant/property owner shall ensure compliance with all of the following conditions. Failure to comply with any condition may result in land use activities being stopped, issuance of a citation, and/or modification or revocation of the Permit.
- (2) Expiration: The Use Permit approval shall expire two (2) years after the date of approval unless authorized use of the property has commenced.
- (3) Compliance with State and Local Laws: The approved use is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies.
- (4) Revocation: The Zoning Administrator, Planning Board and/or City Council shall have the authority to modify or revoke this entitlement upon finding that the maintenance or operation of the proposed establishment violates any of these conditions or is detrimental to persons residing or working in the neighborhood, to property and improvements in the neighborhood or to the general welfare of the City.
- (5) Off-Site Parking: The applicant shall enter into a lease agreement to use a minimum of two off-street parking spaces within the St. Barnabas church parking lot at 1427 Sixth Street prior to issuance of a certificate of occupancy. This agreement shall stipulate responsibility for the opening and closing of the gate at the Taylor Avenue driveway. Any changes or alterations to the agreement shall be provided to the Community Development Director to ensure compliance with this approval.
- (6) Employee Transit Passes: The applicant shall provide to all employees, at no cost to the employees, an option to participate in the AC Transit Easy Pass program, or

provide equivalent AC Transit monthly bus passes, for as long as the school is in operation. Upon request by the City, the applicant shall immediately report the number of transit passes purchased and distributed to its employees.

- (7) Drop Off/Pick Up Schedule: The applicant shall require as a condition of enrollment that parents or legal guardians of students sign up to drop off and pick up their child during one of three specified fifteen minute blocks of time. Any modifications to such a drop off or pick up time schedule shall be subject to review by the Community Development Director prior to implementation. The applicant shall impose a minimum \$75 fine for violations of this scheduled appointment.
- (8) Illegal Double Parking: The applicant shall impose a minimum \$75 fine for parents or legal guardians observed illegally double parking during the process of dropping off or picking up their child.
- (9) Bicycle Parking: The applicant shall provide and maintain a minimum of four (4) bicycle parking spaces on-site in accordance with AMC Section 30-7.15.
- (10) On-site Parking: The applicant shall reserve one off-street parking space in the driveway of the project site for drop off and pick up during the hours of 7:00 a.m. to 9:00 a.m. and 3:30 p.m. to 6:00 p.m.
- (11) School Year Review: The applicant shall initiate a request for review of this use permit prior to the start of the 2016-2017 school year, or no later than June 30, 2016. Failure to initiate an application to the Community Development Department for review of this use permit shall result in the expiration of this use permit.
- (12) Crosswalk: City staff shall fully explore the implementation of crosswalks at the intersection of Fifth Street and Taylor Avenue prior to the School Year Review. If at the time of the School Year Review a crosswalk has not been implemented at Fifth Street and Taylor Avenue staff shall present either a progress report on the implementation, or a justification for the reason a crosswalk cannot be implemented.
- (13) 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, or 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.

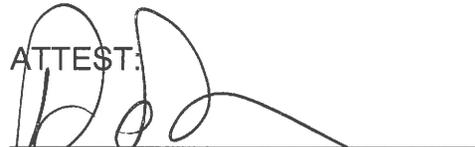
I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 28th day of September, 2015, by the following vote to wit:

AYES: (6) Burton, Henneberry, Köster, Mitchell, Sullivan and Zuppan

NOES: (0)

ABSENT: (1) Knox White

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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