

CITY OF ALAMEDA PLANNING BOARD  
**DRAFT RESOLUTION**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING  
LOT LINE ADJUSTMENT (PLN19-0377) AT 1951 HARBOR BAY PARKWAY

WHEREAS, an application was made on August 6, 2019, by Joe Ernst on behalf of SRMErnst Development Partners and Peet's Coffee and Tea for a lot line adjustment for three adjoining lots located within the Harbor Bay Business Park; and

WHEREAS, the subject property is designated as Community Commercial within the General Plan Diagram; and

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

WHEREAS, the Planning Board considered the proposed lot line adjustment at the regularly scheduled meeting of September 23, 2019, and examined pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that:

- The property division is for the creation of a new property line and/or to facilitate the transfer of land from one (1) lot to adjoining lots.
- The portion of the lot remaining after the creation of the new parcel meets all the requirements for a lot (area, width, etc.) as set forth in the City zoning regulations.
- No street improvements or other subdivision improvements are required.
- The proposed property division and the use of a lot adjustment map meet with the approval of both the City Engineer and Planning Director; and

BE IT FURTHER RESOLVED, that the Planning Board finds the action to approve a lot line adjustment is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305 – Minor Alterations in Land Use Limitations; and

BE IT FURTHER RESOLVED, that the Planning Board hereby approves Lot Line Adjustment Map PLN19-0377, subject to the following conditions.

1. Final approval shall be subject to the final review and signed approval of both the City Engineer and the Planning Director.
2. The lot adjustment map shall be filed on a sheet, the outside dimensions of which shall be eleven by seventeen (11" x 17") inches, the quality of which shall be an acceptable tracing paper, polyester base film, or cloth and the format and information shown thereon shall be as required by the City Engineer.
3. The original drawings or reproducible copies of deed record drawings shall be kept in the City Engineer's files.

4. The deed describing the transfer shall be recorded with the County Recorder.
5. HOLD HARMLESS. The Applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda City Planning Board, and their respective agents, officers, or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Planning, Building and Transportation Department, Alameda City Planning Board, the City of or City Council related to this project. The City shall promptly notify the Applicant of any claim, action, or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6.

NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code section 66020(d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant is hereby further notified that the 90-day appeal period, in which the applicant may protect these fees and other exactions, pursuant to Government Code section 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 Planning, Building, and Transportation Department a written notice of appeal stating the basis of appeal and paying the required fees.

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