

**CITY OF ALAMEDA
COMMUNITY DEVELOPMENT DEPARTMENT**

ADMINISTRATIVE USE PERMIT & DESIGN REVIEW

ITEM NO: 3-B

**PROJECT
DESCRIPTION:**

PLN16-0115 – 651 W. Tower Avenue (Building 91)
Applicant: srmERNST Partners, LLC. The applicant requests Design Review approval to demolish a non-contributing awning structure not original to the building, constructing new exterior storefront doors, repairing existing loading bay doors, and repainting the building according to the previously approved Alameda Point color scheme. The applicant also requests Use Permit approval for outdoor seating and extended hours of operation daily until midnight associated with food and beverage service as an ancillary use to food and beverage manufacturing. The Use Permit also allows for incidental outdoor storage of equipment. The property is located within the AP-AR Alameda Point Adaptive Reuse Zoning District. The Alameda Point Final EIR (State Clearinghouse No. 201312043) evaluated the environmental impacts of redevelopment and reuse of the lands at Alameda Point. No further review is required for this project.

GENERAL PLAN: Alameda Point, Civic Core

ZONING: AP-AR, Alameda Point, Adaptive Reuse

PROJECT PLANNER: David Sablan, Planner I

PUBLIC NOTICE: A notice for this hearing was mailed to property owners and residents within 300 feet of the site, published in local newspapers and posted in public areas near the subject property. Staff has not received any public comments on this proposed project.

EXHIBITS: 1. Project Plans

PROPOSAL SUMMARY: The applicant, srmERNST Partners LLC, proposes exterior modifications to 651 W. Tower Avenue (Building 91), which is a contributing structure within the NAS Alameda Historic District. The applicant also proposes modifying the existing parking lot, a bar/tavern use, outdoor seating and storage, and requests an extension of business hours until 12:00 A.M.

The applicant proposes demolishing an awning structure not original to the building and replacing it with a 9,000 square foot addition with a smaller footprint, constructing new

exterior storefront doors, repairing existing loading bay doors, and repainting the building according to the previously approved Alameda Point color scheme. There will not be any changes to the building form or materials. Original building materials, such as the horizontal wood siding and wood sash industrial windows will be preserved and repaired as needed.

DISCUSSION:

On May 5, 2016, the Historical Advisory Board (HAB) granted a Certificate of Approval to allow the proposed modifications to a contributing structure within the NAS Alameda Historic District.

Design Review

Building Form and Materials

There will not be any changes to the building form and materials of Building 91. Original building materials, such as the horizontal wood siding and wood sash industrial windows, will be preserved and repaired as needed. There are no proposed additions or large demolitions proposed to the contributing structure, therefore the form of the building will not be altered. The changes to the exterior elevations will only include the addition of pedestrian storefront doors, and will be sized and located in harmony with the existing pattern and rhythm of existing windows and doors. A large dilapidated shade structure along the North elevation was not original to the building, and not identified by the Preservation Guide for NAS Alameda (Preservation Guide) and Cultural Landscape Report (CLR) as having gained its own historic importance.

Windows and Doors

The wood sash industrial windows were identified as defining features by the Preservation Guide. These windows come in two sizes; the smaller window consists of a bank of twenty-four (24) window panes, in three rows by eight columns formation, and the larger window consists of a bank of thirty-two (32) window panes, in four rows by eight columns formation. Along the South elevation there are a total of twenty-seven (27) smaller windows, and five (5) larger windows. The project proposes installing two storefront pedestrian entrances on the South elevation, which would require the removal of one smaller window and one larger window. The width of these new storefront entrances is dictated by the eight window pane width of all of the window banks, and therefore preserves the spacing and rhythm of the original elevation.

Along the north side of the elevation there are seventeen (17) of the smaller windows along the upper portion of the elevation, and fifteen (15) of the larger windows along the ground floor of the elevation. There are two loading bay doors, approximately fifteen feet (15') tall located on the ground floor. The project will result in removal of the 40' deep awning structure in concealing thirteen (13) of the larger windows and both loading bay doors and replacement with a compatible building addition having a smaller footprint and three roll up doors. The existing ground floor windows and door will remain.

Color Palette & Wayfinding Program

The project will conform to the Paint Guidelines for Existing Buildings in the NAS Alameda Historic District, which was adopted by the HAB on May 7, 2015. Building 91 will use the base colors for exterior walls ("Nebulous White"), hanger and window sashes ("Rave Red"), and pedestal and indented termination ("Network Gray").

The building will have painted on address sign graphics that are consistent with the approved Way Finding Program for Alameda Point.

Landscaping

The current site does not have a five foot (5') landscape buffer between the existing off-street parking and front property line adjacent to the West Tower Avenue public right of way as required by Alameda Municipal Code (AMC) Section 30-7.10(a) and is therefore non-conforming. The applicant is proposing adding a three foot (3') landscape buffer between off-street parking and the public right of way along West Tower Avenue, with up to eighteen inches (18") of that landscaped area being used as overhang for adjacent compact parking spaces.

Pedestrian Safety

Currently there is no clearly delineated sidewalk along the project's street frontages on West Tower Avenue and Pan Am Way. The installation of landscaping along the parking spaces on West Tower Ave will provide a delineation of the where future sidewalks improvements will be. Along Pan Am Way the delineation between public right of way and private property will be delineated by the walls of the outdoor patios and required screening for the outdoor silos. Currently there are several aboveground utilities that will be obstacles if there is no clear delineation of a pedestrian path of travel. The project will be conditioned to remedy existing tripping hazards and provide either markings or new paving around obstructions within the right of way. This will provide for pedestrian safety in the period of time between the construction of this project and future sidewalk and bike lane improvements by the City within the public right of way.

Administrative Use Permit

The applicant is proposing to create multiple tenant spaces within the existing building for the proposed use of beverage and food manufacturing. Auxiliary to the food and beverage manufacturing use will be tasting rooms that will feature outdoor patio seating and hours of operation extended until 12:00 A.M., seven days a week. The proposed uses of bar/tavern, outdoor seating and extended hours of operation require the approval of a use permit within the AP-AR Zoning District.

RECOMMENDATION: Hold a public hearing and approve design review and administrative use permit to permit bar/tavern use, outdoor seating and storage, and extended hours of operation until 12:00 A.M., seven days a week.

FINDINGS:

Administrative Use Permit

- 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 main use of the structure will be for food and beverage manufacturing, which is permitted by right and conforms with existing land uses in the neighborhood. Accessory to the food and beverage manufacturing uses of the site will be tasting rooms with outdoor patios that will operate until 12:00 A.M. These tasting rooms are ancillary to the main use of food and beverage manufacturing. The outdoor patios have been designed to provide delineation between their boundaries and on-site car traffic and pedestrian walkways within the public right of way. The project site is not located near any sensitive land uses that could be adversely impacted by the outdoor use or extended hours of operation.

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

The project conforms to AMC Section 30-4.24(g), which establishes the maximum number of parking spaces permitted by land use. Approximately 46,200 square feet of the project will be designated for food and beverage manufacturing, and approximately 6,000 square feet will be designated for the accessory tasting room uses and outdoor seating. Within the Alameda Point Zoning District, the maximum allowed number of parking spaces is based on land use. Food and beverage manufacturing allows for a maximum of 0.65 spaces per 1,000 square feet of floor area, which would permit this project to have maximum of 30 parking spaces for its food and beverage manufacturing use. Restaurant uses are allowed a maximum of 6.9 parking spaces per 1,000 square feet of floor area, which would permit this project to have a maximum of 41 parking spaces for its accessory restaurant and outdoor seating uses. The overall maximum allowed total of parking spaces is 71, and the project proposes 59.

The conditioned, improvements to repair trip hazards around the perimeter of the site will allow for safe pedestrian access to the site prior to the installation of permanent sidewalks and bike paths.

- 3. The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have substantial deleterious effects on existing business districts or the local economy.**

The project will become the first adaptive reuse project within the NAS Alameda Historic District to provide significant improvements to a contributing structure within the district. The improvements will modernize the building to facilitate immediate tenancy. The bar/tavern use, outdoor seating and storage, and extended hours of operation are accessory to the main use of food and beverage manufacturing. These accessory uses will improve the economic health of the project's future tenants.

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

The proposed use supports General Plan policies for the adaptive reuse of historic structures within Alameda Point. The Alameda Point Civic Core land use designation encourages commercial land uses.

Design Review

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

The proposed design preserves the original massing, size and defining characteristics of the contributing structure within the NAS Alameda Historic District. The Historical Advisory Board approved a Certificate of Approval for the proposed exterior alterations and found the project to be consistent with the Secretary of Interior's Standards for the Rehabilitation of Historic Properties. The proposed color scheme is consistent with the adopted color scheme for the Alameda Point project.

2. The proposed Design is appropriate for the site, is compatible with adjacent or neighboring buildings or surroundings, and promotes harmonious transitions in scale and character in areas between different designated land uses.

The project preserves the existing form and scale of the contributing structure within the NAS Alameda Historic District. The new addition matches the form and size of a previous shed addition that is not original to the building and has become dilapidated and requires demolition. The changes to two existing windows with addition of pedestrian oriented doors are compatible with the existing architecture of the building and compliant with the overall NAS Alameda Historic District.

3. The proposed design of the structure and exterior materials and landscaping are visually compatible with the surrounding development, and design elements have been incorporated to ensure the compatibility of the structure with the character and uses of adjacent development.

The project will preserve the existing horizontal wood siding and wood industrial sash windows of the original structure, and will repair or replace in kind where needed. The proposed addition will be constructed with horizontal ribbed metal panels that will differentiate itself from the contributing historical structure. The metal paneling is a compatible material with existing buildings in the NAS Alameda Historic District, and its horizontal ribbing matches the preserved horizontal wood siding of the original structure.

The project will provide a three foot (3') wide landscape planter between the public right of way and off-street parking to provide a buffer between pedestrians and parked cars. The project will be conditioned to install and maintain landscape planters or bollards along the street frontage on Pan Am Way to provide separation between pedestrians and the outdoor industrial silos. To create a safe and aesthetically pleasing environment for pedestrians the project will be conditioned to repair trip hazards along

the street frontage of the site that is to remain until the City of Alameda constructs street improvements according the Alameda Point Master Infrastructure Plan (MIP).

CONDITIONS:

PLANNING

1. Compliance with Plans. Any modification on this site shall be in substantial compliance with the use permit application submittal dated May 19, 2016, by FME Architecture, on file in the City of Alameda Community Development Department, except as modified by the conditions listed in this report.
2. Changes to Approved Plans: This approval is limited to the scope of the project defined in the project description and does not represent a recognition and/or approval of any work completed without required City permits. Any changes to the approved scope of the project shall be submitted to the Community Development Department for review and approval.
3. Vesting: The Use Permit and Design Review approvals shall expire two (2) years after the date of approval or by **June 21, 2018** unless authorized construction or use of the property has commenced. The applicant may apply for a time extension, not to exceed two (2) years. An extension request will be subject to approval by the Zoning Administrator and must be filed prior to the date of expiration.
4. Silo Screening: The applicant/developer shall construct and maintain suitable screening for the proposed outdoor silos along the public right-of-way to prevent pedestrian access to the area, to the satisfaction of the Community Development Director.
5. Hours of Operation: Bar/tavern business operations shall be limited to the hours of 7:00 A.M. to 12:00 A.M., seven days a week.
6. Pedestrian Safety: Applicant/Developer shall provide a safe pedestrian path of travel around the project site within the public right of way that is clear of hazards to the satisfaction of the Community Development Director and Public Works Director.
7. Alcohol Beverage Control (ABC) License: Any application for an ABC License Type 42 or 48 shall require the approval of a separate conditional use permit, subject to the guidelines of AMC Section 30-21, prior to the issuance of such ABC Licenses.

BIOLOGICAL

8. Biological Regulations: Applicant shall notify all future owners or occupants of the Declaration of Restrictions for the Former Naval Air station Alameda (Declaration) consistent with the Biological Opinion issued by the U.S. Department of Fish and Wildlife Service (Service) and thereafter the Declaration shall be incorporated by reference in all deeds and leases of any portion of 651 W Tower Ave (Alameda Point Bldg 91).
9. Feral Cat Feeding Stations: Feral cat feeding stations and colonies, and the feeding of any native and non-native wildlife species that are potential predators of California Least Terns is prohibited in perpetuity and thereafter this prohibition shall be incorporated in all deeds and leases of any portion of 651 W. Tower Ave (Alameda Point Bldg 91).
10. Fireworks Displays: Per the Biological Opinion issued by the Service, firework displays

will not be authorized from April 1 to August 15 and thereafter this prohibition shall be incorporated in all deeds and leases of any portion of 651 W. Tower Ave. This use permit does not include approval of fireworks display.

11. Deed Restriction Required. Prior to Building Permit final, the applicant shall prepare a deed restriction containing the provisions in Conditions 8 through 11 above for review and approval by the Community Development Director for subsequent recordation with the property.

FIRE SAFETY

12. Prior to issuance of building permits, the developer/applicant shall submit improvement plans for the project site Fire Water System. The system shall be designed to the satisfaction of EBMUD and the Alameda Fire Department. The Applicant shall be responsible for the placement of on-site hydrants. The location and number of hydrants shall be established in improvements plans. Placement shall be shown on the improvement plans and shall be to the satisfaction EBMUD, the City Fire Chief and the City Engineer.
13. The developer/applicant shall be responsible for potable water infrastructure from the existing water main to the building consistent with the MIP to serve the project, whose design shall be shown on the Improvement Plans to the satisfaction of EBMUD, the Public Works Director, and the Fire Chief.

PUBLIC IMPROVEMENTS

14. 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.
15. 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.
16. 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. Any new streets and sidewalks within the access route shall be designed to support Fire Rescue Vehicle loads and accommodate truck turning radii.
17. 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

18. The applicant/developer shall submit construction improvement plans for all on-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. 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.

19. 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.

In addition, the final landscape plans shall ensure that all landscaping and bioswales are compatible with the storm water 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 storm water 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 landscape 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.

20. 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. 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.

21. 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.
22. All project related grading, trenching, backfilling, and compaction shall be conducted in accordance with City of Alameda Standards and Specifications.
23. Hydro seeding of all disturbed areas, if required, shall be completed by October 1. Applicant/developer shall provide sufficient maintenance and irrigation to ensure growth is established by November 1.
24. Construction equipment must have state of the art muffler systems as required by current law. Muffler systems shall be properly maintained.
25. Noisy stationary construction equipment, such as compressors, shall be placed away from developed areas off-site and/or provided with acoustical shielding.
26. Grading and construction equipment shall be shut down when not in use.
27. 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.
28. 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.
29. 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.
30. 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.
31. No structures shall be placed over existing or proposed public easements unless reviewed and agreed to by the City of Alameda and the utility providers.
32. 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.

33. Final bicycle parking plan shall be consistent with AMC-30-7.15 Bicycle Parking and the City's adopted Bicycle Facility and Design Standards, and designed to the satisfaction of the Community Development Director and Public Works Director. "Wave" – style bicycle racks are prohibited.

STORMWATER

34. Design of all external enclosures for solid waste, recycling and organics shall be approved by the Public Works Director prior to approval of the improvements plans, or the building permit, whichever comes first. These facilities are to be designed to prevent water run-on to the area, runoff from the area, and to contain litter, trash and other pollutants, so that these materials are not dispersed by the wind or discharged to the storm drain system.
35. Any and all outdoor equipment cleaning areas shall be roofed, paved and bermed to prevent stormwater run-on and runoff, plumbed to the sanitary sewer, and signed as a designated wash area.
36. Prior to issuance of the grading, combination grading/building permit, or approval of the Civil Improvement Plans, whichever comes first:
 - a. The applicant/developer shall submit a finalized stormwater quality management plan and finalized, 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 Engineering that indicates the LID and treatment measure designs of the finalized improvement plans and stormwater quality management plan meet the established sizing design criteria for stormwater treatment measures. These will be at the 100% complete level.
 - b. 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.
37. Prior to issuance of the initial, temporary or first occupancy permit, whichever comes first, the applicant/developer shall:
 - a. 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.

- b. The property owner shall execute a C3-LID Treatment Measures Maintenance Agreement (Agreement) with the City, complete with an approved O&M Plan and annual reporting template. The maintenance responsibilities identified in the Agreement shall run with the land.
38. Rainwater Harvesting System: The applicant/developer shall design and construct an on-site rain harvesting system that captures runoff on a minimum of 10% of the size of the roof area.

CONSTRUCTION CONDITIONS

39. Traffic Control Plan: 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 public right-of-way 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 obtain prior approval from AC Transit of any proposed traffic detours or temporary closure of bus stops. Construction work may not commence until the TCP is approved by the Public Works Director.
40. Hazardous Materials. The applicant/developer shall provide a copy of its Phase I environmental report to the City. The project sponsor shall ensure that all proposed areas for demolition and abatement shall be assessed by qualified licensed contractors for the potential presence of lead-based paint or coatings, asbestos containing materials, and PCB-containing equipment prior to issuance of a demolition permit. During Construction the developer/applicant shall ensure that all construction crews are properly trained and made aware of any site contamination issues consistent with the Alameda Point Site Management Plan (SMP) and MMRP.
41. Truck Plan: Prior to issuance of grading permit, developer/applicant shall submit a

Truck Route Plan for hauling to be approved by the City Engineer. The Plan must be incorporated into any construction documents for every contract.

42. Notice to Neighbors: At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within 500 feet of the project site including (1) project description, (2) description of construction activities, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Noise Management Individual for the project, (5) commitment to notify neighbors at least four days in advance of authorized extended work hours and the reason for extended hours, and (6) that construction work is about to commence. A copy of such notice and methodology for distributing the notice shall be provided to the City for review and approval at least five (5) business days in advance.
43. Construction Hours: 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. No construction-related activity shall occur on Sunday or on any Federal Holiday. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible and necessary. No construction activity that may cause excessive off-site vibration from heavy machinery such as drilling rigs (except as necessary for elevator, shoring, and soil testing), etc. shall be allowed. Impact tools (e.g., jack hammers, pavement breakers and noise drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to 10dB. External jackets on the tools themselves shall be used where feasible. Quieter procedures shall be used such as drilling rather than impact equipment whenever feasible.
44. Dust Control: Prior to issuance of building or grading permits, the developer/applicant shall ensure that a program of dust control is implemented consistent with City, MMRP and BAAQMD requirements.
45. Cultural Resources: In the event that previously unidentified cultural resources are discovered during site preparation or construction, work shall cease in the immediate area until such time as a qualified archaeologist and City of Alameda personnel can assess the significance of the find. If human remains are encountered, work shall halt within 50 feet of the find and the County Coroner shall be notified immediately.
46. Utilities: If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department,

Alameda Municipal Power, and the Community Development Department, and carry out any necessary corrective action to their satisfaction.

SOLID WASTE

47. Waste Management Plan: The applicant/developer shall submit a Waste Management Plan (WMP) to the Public Works Environmental Services Division for approval. The plan shall describe how the trash and debris will be handled. The WMP shall be submitted by the developer to Environmental Services via Green Halo (greenhalosystems.com) 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. The project is subject to the WMP requirement of section 21-24 of the AMC, and must recycle at least 50% of total construction debris hauled from the project.
48. Waste Enclosures: Design of all external enclosures for solid waste, recycling, and organics shall be approved by the Public Works Director prior to approval of the improvements plans, parcel/final map(s), or the building permit, whichever comes first. If no building permit is required, the plans must be approved by the Public Works Director prior to establishment of the use.

These facilities are to be designed to prevent water run-on to the area, runoff from the area, and to contain litter, trash, and other pollutants, so that these materials are not dispersed by the wind or discharged to the storm drain system. External enclosures are to be roofed and/or enclosed. Any enclosures containing food waste shall have floor drains connected to the sanitary sewer system. If the enclosures are attached to buildings they shall have fire sprinklers. Internal collection and storage area(s) and the individual bins and containers provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Director.

Applicant must comply with the following minimum storage requirements for solid waste, recyclable and compostable materials:

Non-Residential Structures -- Non-residential structures/uses within all zoning districts shall provide external solid waste, recyclable and compostable material storage areas. The following minimum exterior storage area requirements apply to each individual structure:

Building Size (square feet)	Solid waste (square feet)	Recyclables (square feet)	Organic Materials (Plant Debris, Food Waste & Food Soiled Paper) (square feet)	Total Area (square feet)
25,001-50,000	96	96	96	288
50,001-75,000	144	144	144	432

Exterior solid waste and recyclable material storage shall be adjacent or combined and may only be located on the outside of a structure, in a designated interior courtyard with appropriate access, or in rear or side yards. External storage area(s) shall not be located in any required front yard, street side yard, required parking, landscaped, or open space, or any areas required by the AMC to be maintained as unencumbered.

The storage area(s) shall be accessible to residents and employees. Each storage area within a residential development shall be no more than 250 feet from each dwelling unit.

49. Collection access: 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.

50. Signage: A sign clearly identifying each exterior solid waste and recyclable material storage area and the accepted material(s) is required. Each sign shall not exceed two square feet in area and shall be posted on the exterior of the storage area adjacent to all access points.

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

ALAMEDA MUNICIPAL POWER (AMP)

52. The applicant shall comply to AMP's Rules and Regulations as stated in Article X and AMP's "Material and Installation Criteria for Underground Electrical Systems" (both available at www.alamedamp.com) and provide completed "Service Planning Sheets" for AMP's review to submitting plans for building permits.

53. The applicant shall provide information on the location of transformers and total load in kilowatts or kilowatt/volts (KVA) to AMP for approval prior to building permit issuance. If necessary, the applicant shall provide (at no charge to AMP) an easement and access to all AMP facilities on the property prior to issuance of building permits.

54. Revocation: This Use Permit and Design Review may be modified or revoked by the Zoning Administrator, pursuant to Alameda Municipal Code Section 30-21.3d should

the Zoning Administrator determine that: 1) the use or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity; 2) the property is operated or maintained so as to constitute a public nuisance; or 3) the use is operated in violation of the conditions of the Use Permit.

55. Indemnification. The Applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda City Planning Board, and their respective agents, officers, or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Community Development Department, Alameda City Planning Board, the City of 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

DECISION:

Environmental Determination

The Zoning Administrator finds that by Resolution No. 14891 the City Council of the City of Alameda certified the Final Alameda Point Environmental Impact Report (FEIR) (State Clearinghouse No. 201312043) under the California Environmental Quality Act ("CEQA"), California Public Resources Code Section 21000 et seq. and adopted written findings and a Mitigation Monitoring and Reporting Program ("MMRP") on February 4, 2014, for the Alameda Point Project, and that pursuant to the streamlining provisions of Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, no further environmental review of the design review and administrative use permit application is required

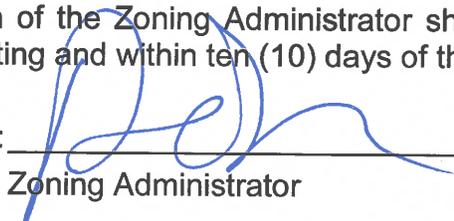
Use Permit

The Zoning Administrator hereby approves the Use Permit PLN16-0115 to permit bar/tavern uses, outdoor seating and storage, and extended hours of operation until 12:00 A.M., seven days a week at 651 West Tower Ave.

Design Review

The Zoning Administrator hereby approves the Design Review PLN16-0115 to make exterior modifications and site improvements to 651 West Tower Ave.

The decision of the Zoning Administrator shall be final unless appealed to the Planning Board, in writing and within ten (10) days of the decision.

Approved by:  Date: June 21, 2016

Zoning Administrator

