

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA RECOMMENDING THE CITY COUNCIL APPROVE PARCEL MAP 10924 (PLN18-0490) TO SUBDIVIDE A 2.81 ACRE PARCEL LOCATED AT 2175 NORTH LOOP ROAD INTO TWO COMMERCIAL CONDOMINIUM UNITS AND TO CREATE ONE COMMON AREA PARCEL FOR ASSOCIATED PARKING AND LANDSCAPING

WHEREAS, an application was made on November 1, 2018, by Joe Ernst on behalf of North Loop 3 LLC to subdivide a 2.81 acre parcel into two commercial condominiums and to create a common area parcel within the 46,000 square foot building currently under construction at 2175 North Loop Road in the Harbor Bay Business Park; and

WHEREAS, this application was accepted as complete on November 26, 2018; and

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

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

WHEREAS, the Planned Development for the Business Park was approved by PD-81-2, and subsequently amended by PDA-85-4, PDA-87-7 and PDA05-0003; and

WHEREAS, the Planning Board held a public hearing on February 12, 2018 and approved Resolution PB-18-01 for a Final Development Plan and Design Review (PLN17-0614) to construct a 46,000 square foot office building and associated site improvements on the 2.81 acre project site; and

WHEREAS, the Planning Board held a public hearing on January 14, 2019 for this application, and examined pertinent maps, drawings, and documents.

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

BE IT FURTHER RESOLVED, the Planning Board finds the subject Parcel Map is exempt from environmental review pursuant to CEQA Guidelines Section 15315, which categorically exempts minor land divisions where:

1. The project is located in an urbanized area zoned for commercial or industrial use; and
2. The project will divide the project site into four or fewer parcels; and

3. The division is in conformance with the General Plan and zoning, and no variances or exceptions are required; and

4. All services and access to the proposed parcels to local standards are available; and

5. The project site was not involved in a division of a larger parcel within the previous 2 years; and

6. The parcel does not have an average slope greater than 20 percent.

BE IT FURTHER RESOLVED, pursuant to AMC Section 30-78.5, the Planning Board has made the following findings relative to the proposed Parcel Map Application PLN18-0490:

- A. **The proposed subdivision is in conformance with the General Plan and Zoning for this site.** The Parcel Map is consistent with the Business Park General Plan designation and C-M-PD zoning regulations for the property. The project would allow the subdivision of an existing 2.81 acre parcel into two commercial condominium spaces into two commercial condominiums and create a common area parcel within a 46,000 square foot building currently under construction and previously approved by the Planning Board.
- B. **The site is physically suitable for the proposed commercial development in the General Plan.** The proposed subdivision is designed to conform to the Harbor Bay Business Park Development Plan standards and requirements adopted to ensure that the project would be compatible with adjacent uses.
- C. **The site is physically suitable for the density of the development.** The proposed subdivision is consistent with density standards of the General Plan and Zoning Ordinance. This map will not change the previously approved Final Development Plan and Design Review, which was found to be consistent with development standards for the C-M-PD zoning district and the Business Park designation of the General Plan.
- 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 development of the site will not introduce hazards that are inconsistent with standard commercial development within the C-M-PD zoning district and the Business Park General Plan designation. The previously approved Final Development Plan and Design Review had conditions of approval to ensure that no unintended environmental damage or exposure of future occupants to environmental dangers could occur.
- 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.
- F. **The design of the subdivision and its improvements will not cause serious public health problems.** The previously approved Final Development Plan and Design Review

includes conditions that assure the property is free of hazardous materials and would not adversely affect public health.

BE IT FURTHER RESOLVED, that the Planning Board hereby recommends the City Council approve the Tentative Parcel Map 10924 application, subject to the following conditions.

1. All maps filed pursuant to this approval shall be in substantial compliance with the map titled, "Parcel Map 10924" prepared by Kier & Wright Civil Engineers & Surveyors, Inc. date stamped received November 1, 2018, and on file in the office of the Alameda Planning, Building and Transportation Department.
2. The Parcel Map shall be in substantial compliance with the tentative Parcel Map.
3. The subdivider shall record the Final Map within twenty-four (24) months of approval, or conditional approval of 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 expiration of the approved or conditionally approved Tentative Map.
4. The Parcel Map shall show all existing and proposed easement locations, uses and recording information. The Owner's Statement shall list all easements to be dedicated and the Certificate of City Clerk shall list all public easements to be abandoned with recording information as part of the Parcel Map. In addition, the following is required as part of the Parcel Map approval;
 - a. Prior to City Council approval of the Final Map, the applicant shall submit a mylar copy and a CAD file of the Final Map, or another file format, to the satisfaction of the City Engineer.
 - b. A refundable cashier's check in the amount of \$400 to guarantee a mylar copy of the recorded Parcel Map
 - c. Payment for all reasonable office and engineering costs, including overhead, in conjunction with reviewing the Parcel Map.
5. Covenants, Conditions and Restrictions (CC&Rs) shall be prepared to the satisfaction of the City of Alameda. Copies of the recorded CC&Rs and condominium plan shall be provided to the City Engineer.
6. HOLD HARMLESS. The Applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda City Planning Board, and their respective agents, officers, or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Community Development Department, Alameda City Planning Board, the City of 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 Community Development Department a written notice of appeal stating the basis of appeal and paying the required fees.

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