

**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-20-02**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING USE PERMIT APPLICATION NO. PLN18-0562 FOR THE OPERATION OF AN ANIMAL SHELTER AND TWO SUPERVISED OUTDOOR DOG RUNS AT 2331 NORTH LOOP ROAD

WHEREAS, on December 20, 2018, the project applicant, Friends of the Alameda Animal Shelter (FAAS), submitted an application for Planned Development Amendment, Final Development Plan, Design Review, and Use Permit to construct and operate an approximately 12,000 square foot animal shelter with two supervised outdoor dog runs at 2331 North Loop Road; and

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

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

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

WHEREAS, upon review of submittal application materials, it was determined that the proposed location of an animal shelter with supervised outdoor dog runs within 200 feet of a residential district would necessitate an amendment to the C-M zoning district use regulations; and

WHEREAS, on June 10, 2019 the Planning Board approved the Planned Development Amendment, Final Development Plan, and Design Review for the construction of an approximately 12,000 square foot, two-story building with associated site improvements at 2331 North Loop Road; and

WHEREAS, the City Council adopted Ordinance No. 3248 on September 3, 2019, which amended Alameda Municipal Code (AMC) Chapter 30 (Development Regulations) to modify the definition of "animal shelters," and to allow animal shelters, veterinary hospitals, and supervised outdoor dog runs within 200 feet of any residential district as conditionally permitted uses within the C-M zoning District; and

WHEREAS, the Zoning Administrator held a duly noticed hearing on October 21, 2019 for the project and examined pertinent maps, drawings, and documents; and

WHEREAS, at the October 21, 2019 Zoning Administrator hearing neighbors to the project expressed concerns over the proximity of the outdoor dog runs to their homes; and

WHEREAS, the Zoning Administrator referred the project to the Planning Board in accordance with AMC Section 30-4.21.a; and

WHEREAS, the Planning Board held a duly noticed public hearing on January 27, 2020 for the Project and examined pertinent maps, drawings, and documents.

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

1. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The project is consistent with Alameda Municipal Code (AMC) Section 30-4.10, which allows animal shelters and outdoor animal runs as a conditionally permitted use.
2. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounding urban uses. The property is approximately 0.5 acre, is located entirely within city limits, and all neighboring properties have been developed.
3. The project has no value as habitat for endangered, rare, or threatened species. A burrowing owl study of the property was conducted on March 11, 2019 as part of the review process for the previously approved Planned Development Amendment, Final Development Plan, and Design Review, and found no evidence of use of the site as habitat for burrowing owls.
4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The noise from operation of an animal shelter with outdoor dog runs is not a significant environmental impact in the context that the site is located within a major airport environment. Furthermore, the project is conditioned to minimize noise impacts by requiring all dogs be boarded indoors (the building will be constructed to insulate building occupants from nearby airport noise) and supervised at ratio of one animal shelter staff member per dog when outdoors. The project is conditioned to observe a 3-dog limit for the rooftop dog run and a 4-dog limit for the ground level dog run. The project also requires animal shelter staff remedy prolonged or excessive barking within a reasonable time. The proposed animal shelter and outdoor animal runs will not increase traffic or impact air and water quality.
5. The site can be adequately served by all required utilities and public services. The property is located within an urban business park that is served by existing utilities and services; and

BE IT FURTHER RESOLVED, that the Planning Board finds as a separate and independent basis, the project is also exempt from CEQA pursuant to CEQA Guidelines Section 15183 (projects consistent with General Plan and Zoning); and

BE IT FURTHER RESOLVED that the Planning Board makes the following findings relative to the use permit application (PLN18-0562):

1. **The location of the proposed use is compatible with other land uses in the general neighborhood area, and the project design and size is architecturally, aesthetically, and operationally harmonious with the community and surrounding development.** The proposed animal shelter is compatible with the surrounding office park and adjacent residential neighborhood. The building has been conditioned to provide sound attenuation measures as a result of its location along the flight path for the nearby airport. This requirement is expected to provide the added benefit of ensuring that indoor noises, where animals will spend most of their time, will be kept at a reasonable volume. The outdoor dog runs will be limited to an approximately 1,000 square foot roof patio with no more than three dogs allowed concurrently, and a 1,700 square yard area with no more than four dogs will be allowed. Use of each outdoor run will require supervision by animal shelter staff at a ratio of one animal shelter staff member per animal. As conditioned, animal shelter staff shall promptly

clean and properly dispose of animal waste. Therefore, the proposed project, with conditions of approval, will be compatible with the adjacent surrounding development.

2. **The proposed use will be served by adequate transportation and service facilities, including pedestrian, bicycle, and transit facilities.** The business park is in an urban area with adequate transportation and service facilities. The applicant will develop a vacant lot within the business park and make improvements to the project frontage that is required for all development in Alameda. The proposed parking lot and shared parking agreement with a nearby property owner will provide adequate parking facilities for the project. Furthermore, the project will continue to provide access between the adjacent lagoon and North Loop Road, allowing access to the shoreline trail. The project will provide both long term and short term bike parking for employees and visitors to the facility.
3. **The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have deleterious effects on existing business districts or the local economy.** The proposed Project will not adversely impact surrounding land uses, including the residential neighborhood directly adjacent to the property. All animals will be boarded indoors, and the building will be constructed to insulate building occupants from nearby airport noise. The sound insulation is expected to provide a benefit of ensuring that noise from the inside of the building will be kept at a reasonable volume. Outdoor animal runs will be used under staff supervision, who will monitor the behavior of animals, promptly collect waste, and remedy prolonged and excessive dog barking. Thus, unleashed dogs will only be permitted in each of the two outdoor animals runs for a maximum of seven dogs at any given time, subject to hours of operation (*i.e.*, between the hours of 8:00 A.M. and 8:00 P.M.), and will be leashed and supervised when outdoors at all other times. Compliance with the conditions of approval will further minimize the possibility of noise and odor nuisances on adjacent properties.
4. **The proposed use relates favorably to the General Plan.** The project is consistent with Policy SN-55 of the Safety and Noise Element, which encourages the City utilize the development entitlement process to require local businesses to reduce noise impacts on the community by following operating procedures that limit the potential for conflicts. General Plan Policy 2.5.a also calls for supporting services to provide Alameda residents with a full range of services. The proposed animal shelter is consistent with this policy; and

BE IT FURTHER RESOLVED, that the Planning Board approves file no. PLN18-0562 for a Use Permit for an indoor animal shelter, veterinary services, and supervised outdoor animal run at 2331 North Loop Road, subject to the following conditions:

1. **Uses Approved:** This use permit approves the following uses on the property:
 - a. Indoor animal shelter, with a maximum number of 14 dogs.
 - b. Veterinary services for animal shelter animals, but not as a service to the general public.
 - c. Two outdoor animal runs including an approximately 1,000-square-foot area on the roof of the building and an approximately 1,700-square-foot area at ground level in the northern corner of the property.
2. **Supervision Required:** The use of any outdoor run shall be under the supervision of animal shelter staff at all times, at a ratio of one animal shelter staff member per animal. The applicant will make reasonable efforts to reduce noise disturbances as defined by applicable law, from prolonged or excessive barking, including removal of dogs from outdoor runs within a reasonable time.

3. Animal Run Limits: There shall be no more than three (3) dogs in the roof animal run at any given time, and no more than four (4) dogs in the ground level animal run at any given time.
4. Sanitation: Animal shelter staff shall make reasonable efforts to promptly clean up and properly dispose of animal waste in any outdoor area onsite to avoid odor nuisances and unsanitary conditions.
5. Leash Requirement: Supervised and unleashed activity shall only be permitted between 8am and 8pm, and animals shall be leashed and supervised when outdoors at all other times.
6. Noise Ordinance: The applicant shall ensure that all operations are conducted in conformance with the Noise Ordinance, AMC Chapter 4, Article II.
7. Compliance with All Applicable Laws: The approved uses are subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies.
8. Annual Review: One year after the issuance of a Certificate of Occupancy, staff shall present to the Planning Board a summary of any noise complaints filed against the project in regards to the operation of the outdoor animal runs.
9. Compliance with Plans: Any modification on this site shall be in substantial compliance with the Use Permit application prepared by Forge Architecture date-stamped received April 16, 2019, on file in the City of Alameda Planning, Building and Transportation Department, except as modified by the conditions listed in this report.
10. Changes to Approved Plans: This approval is limited to the scope of the project defined in the project description and does not represent a recognition and/or approval of any work completed without required City permits. Any changes to the approved scope of the project shall be submitted to the Planning, Building and Transportation Department for review and approval.
11. Vesting: The Use Permit approval shall expire two (2) years after the date of approval or by **January 27, 2022** 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.
12. Revocation: Upon receipt of three valid noise complaints due to the use of the outdoor animal runs the Planning Board shall conduct a revocation hearing. A valid noise complaint shall be determined by the responding City official based on the guidelines set forth by Alameda Municipal Code (AMC) Section 4-10.8 or through California Penal Code 415 (Crimes Against the Public Peace) and confirmed by the Planning Director. This Use Permit may be modified or revoked by the Zoning Administrator, pursuant to Alameda Municipal Code Section 30-21.3d should the Zoning Administrator determine any one of the following: 1) the use or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity; 2) the property is operated or maintained so as to constitute a public nuisance; or 3) the use is operated in violation of the conditions of the Use Permit.

HOLD HARMLESS. The Applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board, City Council 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, City Council and their respective agents, officers, or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Planning, Building & Transportation Department, Alameda City Planning Board, 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.

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

NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The Applicant is hereby further notified that the 90-day appeal period, in which the Applicant may protest these fees and other exactions, pursuant to Government Code section 66020(a) has begun. If the Applicant fails to file a protest within this 90-day period complying with all requirements of section 66020, the Applicant will be legally barred from later challenging such fees or exactions.

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

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 27th day of January 2020, by the following vote to wit:

AYES: (5) Cavanaugh, Curtis, Hom, Saheba, and Teague

NOES: (0)

ABSENT: (2) Rothenberg, Ruiz

ATTEST



Allen Tai, Secretary
City of Alameda Planning Board

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