

CITY OF ALAMEDA PLANNING BOARD  
**DRAFT RESOLUTION**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING USE PERMIT AMENDMENT PLN25-0618 TO ALLOW SHIP-BASED MUSEUM OPERATIONS AT PIER 3 ON THE USS HORNET AIRCRAFT CARRIER, TO AMEND VARIOUS REQUIREMENTS RELATED TO SPECIAL EVENTS, OCCUPANT LOADS, SAFETY PROCEDURES AND TO ALLOW OCCASIONAL HELICOPTER LANDINGS ONSITE AT 707 WEST HORNET AVENUE.

WHEREAS, on August 23, 2021, the Zoning Administrator approved Use Permit PLN21-0227 which allows ship-based museum operations at Pier 3 aboard the former Aircraft Carrier USS Hornet operated by the Aircraft Carrier Hornet Foundation (“Applicant”); and

WHEREAS, Applicant relies heavily on event related revenue to supplement museum operations to cover expenses; and

WHEREAS, at the request of the City of Alameda (“City”) public safety personnel, pursuant to the “revocation” provisions of the existing Use Permit, City staff initiated a review of Applicant’s operations to address safety related concerns during the occasional large events such as concerts hosted aboard the ship; and

WHEREAS, an application was opened on October 16, 2025 by City of Alameda in coordination with the Applicant to modify the existing Use Permit conditions of approval to address safety related concerns and generally update the Use Permit to meet existing operational needs; and

WHEREAS, the subject property is designated Mixed Use, Alameda Point Enterprise Subarea in the General Plan; and

WHEREAS, the subject property is located in the AP-E4, Alameda Point – Enterprise 4 Zoning District; and

WHEREAS, the Planning Board held a duly noticed public hearing for Use Permit Amendment to amend various requirements related to special events, occupant loads, safety procedures and to allow occasional helicopter landings onsite at 707 West Hornet Avenue on March 23, 2026 and examined pertinent maps, drawings, and documents.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds this project categorically exempt from environmental review pursuant to CEQA Guidelines Sections 15301 - Existing Facilities and finds that none of the exceptions to the categorical exemptions apply. The proposed use is substantially similar to the existing use of the site in both character and intensity, and the modifications made by this Use Permit Amendment are negligibly minor and generally consist of changes to administrative review and approval processes, a clearer delineation of generally acceptable and

longstanding uses at the site, and the refinement of use conditions with more specificity. The number and intensity of annual special events is generally consistent with the baseline use, and in some cases, is subject to minor reductions, limitations, and additional review compared to the events currently allowed. The allowance of up to six helicopter trips per year on and adjacent to a naval aircraft carrier operated as a museum, in an area zoned for maritime industrial uses, and subject to licensing and approval by the applicable regulatory agencies, is a minor intermittent accessory use and does not foreseeably result in any new or increased significant impacts. On a separate and independent basis, the environmental effects of the project were adequately evaluated in the Alameda Point Final Environmental Impact Report (SCH# 2013030563) and no further environmental review is required; and

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings relative to the Use Permit application (AMC Section 30-21.3):

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 location of the proposed use is located in the Alameda Point Enterprise District which allows industrial and maritime uses. The use is compatible with other uses in the vicinity because the site has historically been used for aircraft carrier berthing facilities for Navy ships including the USS Hornet. The use has been in place for many years. The scope of the current Use Permit Amendment is limited in scope to modernize operating conditions of approval to address safety related issues and allow for a limited number of helicopter landings per year. By updating the safety procedures, the Use Permit Amendment ensures that the proposed use remains safe and operationally compatible with the community and surrounding development.
2. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The project site is served by a complete roadway network, which served the former Naval Air Station and connected to the broader City street network of Complete Streets, with no barriers to public access. There is abundant parking available onsite. Seaplane Lagoon Ferry Terminal is approximately a quarter mile from the site with direct access to San Francisco. AC Transit Lines 19 and 96 serve Alameda Point with stops approximately one half mile from the site.
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 proposed use of the site, as conditioned, will not adversely affect the surrounding properties or existing business districts or the local economy. The proposed use is consistent with how the site has been historically used. By ensuring viable, safe operations, the proposed Use Permit

Amendment ensures the use does not adversely affect other property and is a positive contributor to the local economy.

4. **The proposed use relates favorably to the General.** The proposed use is consistent General Plan goals to support maritime related businesses and policy LU-6 – Waterfront Mixed Use to provide a variety of maritime, commercial and civic uses along the waterfront to draw visitors to the shore. The USS Hornet Museum draws tens of thousands of visitors to Alameda’s waterfront to enjoy the waterfront features and history of the former Naval Air Station; and

BE IT FURTHER RESOLVED, that the Planning Board approves Use Permit Amendment PLN25-0618 to update various requirements related to special events, occupant loads, safety procedures and to allow occasional helicopter landings onsite, which shall supersede the conditions included in Use Permit PLN21-0227, **subject to the following conditions:**

1. Approved Uses. This Use Permit specifically approves the following uses and activities:
  - a. Use of the former Aircraft Carrier USS Hornet (USS Hornet) berthed on the north of Pier 3, as a museum that includes on-board displays of aircraft, spacecraft, historical photographs, and models and rooms of the ship; on-board gift sales totaling approximately 3,000 square feet, meeting space and lodgings for guests, employees and volunteers.
  - b. Up to two (2) mobile food carts or trucks certified by the Alameda County Health Department in fenced areas adjacent to and included within the Hornet brow/entries of Pier 3.
  - c. Service of alcoholic beverages, including beer, wine and liquor, in compliance with all state licensing requirements and only in the following locations and circumstances: to ticketed guests on USS Hornet tours; to event ticket holders for approved special events; in connection with meals or designated group events such as wine tasting fairs; in connection with Hornet Foundation member and staff meetings or conventions; on the top two (2) decks and in restaurant areas of the USS Hornet in connection with an approved special event; and at the two (2) mobile food carts in fenced areas adjacent to and included with the Hornet brow/entries of Pier 3 in connection with an approved special event. All alcohol service and sales must end at least one hour prior to the end of any approved Special Event.
  - d. Fencing up to 3,000 square feet of the Hornet leased parking area near the intersection of W. Hornet Avenue and Ferry Point, using chain link fence without barbed wire, and aluminum or redwood slats, to the satisfaction of the Planning Director; and storage in these areas only of material in transit to or from the museum such as metal parts, operational equipment, disassembled aircraft components, packaged raw materials not including hazardous materials or combustible materials such as oils or gasoline.

- e. Film Permits shall be required for any film work that is going to occur on the landside, piers, or parking areas adjacent to the Hornet or elsewhere at Alameda Point. Filming that will occur entirely on-board shall not require a film permit.
- f. Outdoor events on the flight deck; and below deck food service on up to 35,000 square feet, in up to eight (8) areas of the ship;
- g. Use and display of Navy signal flags and pennants on lines from the ship masts to the decks, as authorized by the Navy;
- h. Overnight accommodations for select visitors as outlined in condition #3 below;
- i. Loudspeakers on flight deck control tower for announcements, subject to limitations in Condition No. 10. The City reserves the right to impose limitations on the number of loudspeakers and/or volume on a case-by-case basis as part of Special Events Permit review.
- j. Display of up to three (3) vintage military aircraft or replicas, defined as having a model year of at least 30 years preceding the current date, on Pier 3 near Ferry Point with the particular siting approved to the satisfaction of the Planning Director, and in such a manner as to not block emergency access to the Pier, to the satisfaction of the City's Fire Chief or Designee;
- k. Drone light show events up to six (6) per year, not more than one per two-week period, and not to be held during April 1 through August 15 of each year when the Least Terns are nesting at the Wildlife refuge unless USFWS approval is granted; all drones to not be directed toward the land area of the Wildlife Refuge;
- l. Berthing for one (1) visiting Naval or museum ship at a time in the Hornet's lease area of Pier 3, for up to one week per visit or longer with the approval of the Planning Director, for educational and display purposes.
- m. Tour Boat and/or Ferry Service from Pier 3 including landing barge and ramp area, with operation of tour boats not commencing before 9:00 a.m. or extending past 7:00 p.m. near the land or waters of the City of Alameda, and with up to 8 trips per day with a maximum capacity of 500 persons per boat trip, unless otherwise approved via a Special Event permit.
- n. Car shows, defined as a public exhibition of more than ten (10) automobiles, shall be prohibited, except that up to four (4) days per calendar year, up to fifty (50) military or antique vehicles may be temporarily displayed on Pier 3 and/or on board the ship in a manner compliant with other conditions of this Use Permit. For purposes of this use permit, Antique shall mean any vehicle manufactured at least fifty (50) years prior to event. A twenty (20') foot fire lane to allow for emergency access must be maintained the length of Pier 3 at all times.
- o. Primary research experiments involving any uncontained emissions or other potential impacts that could reasonably be expected to travel beyond the premises, including, but not limited to, noise, gas, vapor, or light shall be prohibited. Activities traditionally associated with science and technology

educational programming are permitted, provided there are no associated offsite impacts.

- p. A maximum of six (6) helicopter landings per calendar year on the ship or leased premises, subject to obtaining all required permits or other approvals from the Federal Aviation Administration, Caltrans or other as applicable. Permission to land within the licensed premises off the ship shall require administrative approval of an encroachment permit or other approval at the discretion of the Public Works Director or their Designee. Any helicopter or other aircraft shall fully comply with the Biological Opinion, including but not limited to, its Restriction 54, which prohibits any aircraft to fly within 0.75 miles of the Alameda Point least tern colony, at any altitude, between April 1 and August 15 of each year, provided that such activity shall not constitute a violation of this condition if the operator can demonstrate approval of an exception from the NWS or other federal agency with jurisdiction. The City will not and cannot authorize activities contrary to Restriction 54.
2. Maximum Occupancy. Maximum occupancy, including museum visitors, special event attendees or overnight guests, shall not exceed the safe occupant load under the Building Code for the corresponding occupancy classification as determined by the Building Official in coordination with the Fire Chief or Designee. Upon reconfiguration, modification, or implementation of other measures on or to the ship's layout and facilities, the Applicant may apply to the Building Official for a redetermination of the safe occupant load without modification to this Use Permit, unless the requested increase is determined to be significant in the sole discretion of the Zoning Administrator. Subject to Condition 8, a temporary increase to the safe occupant load may be authorized by the Building Official under a special event permit, for the duration of the permitted event, provided that the change in occupant load is supported, as determined in the sole discretion of the Building Official, by the permit or site plan, implementation of additional safety measures, and/or any other relevant matter.
3. Overnight Accommodations. The Use Permit allows onboard accommodations to be rented overnight to groups from one of these categories only: staff/volunteers of the Hornet, employees of contractors working on the ship, elder hostels, student/scouting, veterans, foreign visitor groups, or other group approved by the Planning Director. Accommodations shall not be made available to individual members of the general public outside of approved groups. **Maximum overnight occupancy shall be determined by the Building Official in accordance with the California Building Code.**
  - a. The applicant shall pay City transient occupancy tax (T.O.T.) as applicable.
  - b. No person shall stay overnight on the Hornet for thirty (30) or more consecutive days.
  - c. Overnight areas shall be clearly marked including entrances and exits and no overnight area shall be occupied unless sufficient staff volunteer representatives are stationed near the accommodations at all times to provide security and to supervise overnight groups. Failure to abide by this requirement may result in the Building Official, Fire Chief or Designee administratively suspending overnight operations for up to 90 days at a time or until satisfactorily resolved, whichever is longer, independent of the vesting or viability of the remaining Use Permit.

- d. Children younger than seven (7) years of age shall not be permitted for overnight stays.
  - e. When minors are present, a minimum ratio of one adult for each minor 7-9 years of age, and one adult for every six (6) minors ten (10) years of age or older shall be present.
  - f. All overnight visitors must be briefed on emergency evacuation protocols.
  - g. All sleeping areas must have fire extinguishers and alarm system(s) that are in accordance with the California Fire Code (CFC).
  - h. No open flames are permitted in areas where overnight visitors will be sleeping or along exit corridors.
  - i. Exit corridors must have appropriate exit lighting approved by the Fire Chief or their Designee.
  - j. Applicant shall ensure there is an ability for visitors in sleeping areas to contact 9-1-1 to the satisfaction of the Planning Director.
4. Annual Inspection. Applicant shall contact the Building Official and Fire Chief, or their Designee, to schedule prior to the anniversary date of this approval an annual review at the applicant's expense of compliance with all required safety measures and to confirm the maximum occupancy limit(s) for the vessel.
  5. Building Code Compliance. No changes affecting the use and occupancy of the vessel shall be performed without the approval of the Building Official and Fire Chief or Designee. The authorized use of the vessel shall be as set forth in Condition No. 1 of this Use Permit. All events conducted aboard the vessel shall comply with all applicable codes, standards, and regulations governing the use and occupancy of buildings, except as otherwise provided for the preservation of the vessel's historical features when operated as a museum.
  6. Fire Protection. The applicant shall install and maintain operational fire protection systems in accordance with the California Fire Code (CFC) for occupied areas of the ship. The applicant shall meet the requirements of the CFC, Building Code, and the Fire Department regarding required fire protection water flow in the Pier 3 area and aboard the ship; fire lane requirements; exit requirements from the ship's compartments and ashore; fire alarm notification, detection and annunciation; emergency lighting and control of all areas of the ship including emergency access and fire rating occupancies.
  7. Third-Party Events. If the applicant intends to extend its rights for events to third parties, the applicant shall submit a list of potential third parties for approval in writing by the City Police Chief no later than fourteen (14) days prior to an event by a third party. Preapproved third parties may hold more than one event; however the City Police Chief has the right to rescind approval from any third party at the City's discretion and without cause.
  8. Special Events. The applicant shall apply for a Special Event permit from the Permit Center for any scheduled event outside of normal museum operations which meets ANY of the following criteria:
    - a. Occupancy levels exceed the standard occupancy limit set by the Building Official.
    - b. Over 1,000 visitors are expected on site.
    - c. Over 400 visitors are on board beyond 10:00 P.M. where:
      - i. Alcohol is being served; or,
      - ii. A concert or other performance event involving amplified music is

being held.

9. Notification Required. Applicant shall maintain a three-month “look ahead” event calendar of events and details and provide the calendar on a monthly basis and upon request to a list of City departments and employees to the satisfaction of the Planning Director.
10. Noise. The applicant shall observe the City of Alameda noise regulations, Alameda Municipal Code Chapter IV, Article II, 4-10 (Noise Control). Any use found to increase the noise level above standards may be required to mitigate noise levels, including insulation or baffling noise sources. The applicant shall limit noise, particularly night noise (after sunset), within the standards of the General Plan and other City noise regulations, to the satisfaction of the Planning Director. The single large loudspeaker system, which is permitted to simulate naval operations, shall be limited to daylight hours. The system for amplification of music and special events shall be subject to operational testing prior to use. If significantly audible for adjacent residences or businesses, the applicant shall revise the system, such as but not limited to several smaller speakers, directional speakers etc. to eliminate disturbances. This system shall be limited to interior areas of the lower decks of the ship after 10 P.M.
11. Other Agency Approvals. The applicant shall obtain and maintain all approvals and permits required from other agencies as appropriate, including the Alameda County Health Department, Alcoholic Beverage Control (ABC) and San Francisco Bay Conservation and Development Commission (BCDC) for the subject use, and shall adhere to all the conditions imposed by these agencies.
12. USFWS Biological Opinion. All uses and activities permitted under this Use Permit shall comply with the Biological Opinion on the Proposed Naval Air Station Alameda Disposal on Reuse Project (BO) prepared by the US Department of Fish and Wildlife Service. This may require avoiding certain activities or events between April 1st and August 15th each year and/or redirecting noise and light away from the Wildlife Refuge.
13. Least Tern Habitat. Employees, contractors and customers of the applicant shall be prohibited from entering wetlands areas including the Seaplane Lagoon waters or areas of endangered species habitat, particularly the Least Tern nesting or feeding areas commencing in land and water areas approximately 2,000 feet to the north and west.
14. Lighting. Any lighting shall be shielded from view from neighborhood residences and the Wildlife Refuge in accordance with the Biological Opinion by hoods or skirting, no lights shall shine directly toward residences, and all exterior lighting shall be capable of providing the minimum illumination required for safe egress and subject to the approval of the Planning Director and Building Official.
15. Alameda Municipal Power. The applicant shall coordinate with Alameda Municipal Power for meter installation and power requirements, including any modifications of existing Pier 3 power supplies.
16. Compliance with Laws. The applicant shall comply with all federal, state regional and local laws. Material violation of any of those laws in connection with the use

will be cause for revocation of this permit.

17. Public Access. Public access vista points or alternative provisions for public access shall be provided and maintained in the vicinity of the entry to Pier 3, as required by BCDC, with plans subject to the review and approval of the Planning Director.
18. Hazards. The applicant will meet the remediation requirements of United States Environmental Protection Agency (USEPA), including the May 2, 1997 draft agreement between the applicant and USEPA, as well as of the City Fire Chief or their designee in encapsulating or removing PCB's, lead based paint and asbestos from areas determined to expose the public to hazardous materials. The applicant shall follow the City's Best Management Practices for storage and processing of hazardous materials and prevention of discharge of hazardous materials.
19. Tour Boats. Tour boats shall only be operated by qualified tour boat services under contract to the applicant, Aircraft Carrier Hornet Foundation. Tour boat operator(s) shall maintain in good standing all required licenses and certifications from the U.S. Coast Guard, the State of California and other applicable agencies. The approach path for tour boats to the Hornet Museum at Pier 3 shall follow a path designated by the U.S. Fish and Wildlife Service, at least approximately 400 feet from either the Alameda Point shore or the breakwater. The Service is responsible for protecting the habitat of the California Least Tern and the Brown Pelican, and prohibits unauthorized entry or approach to nesting and feeding areas needed by endangered species. The tour boat operators shall use former Navy "ranges" (radar reflective paddles) at Alameda Point to align the tour boat approach path.
20. Alcoholic Beverages. The applicant and any vendors or subcontractors are prohibited from selling or otherwise providing alcohol for off-premises consumption. With the exception of beer and wine, alcoholic beverages must be served by a vendor approved in writing by the City Police Chief no fewer than fourteen (14) days prior to the event. The applicant shall comply with directions from the Alcoholic Beverage Control Commission, the City Police Chief or other designated members of the Alameda Police Department, the City Fire Chief or other designated members of the Alameda Fire Department, and other authorized officials regarding limitation on beverage service to minors. A minor is a person under 21 years old. In particular, no alcoholic beverages shall be served within 300 feet of minors' sleeping quarters on any deck on which minors are allowed overnight. In addition to security and customer control provided for the Hornet Museum, the applicant shall provide enhanced control by use of its own members, staff and contract security, to discourage excessive drinking of alcoholic beverages. All contract personnel and staff who vend or supply beverages shall be instructed to refuse to serve any customer who appears to be intoxicated or who would not appear safe to operate a motor vehicle. It shall be the responsibility of the applicant and applicant staff to visually monitor visitors leaving the ship who may be too intoxicated to drive and to intervene to obtain a designated (non-drinking) driver, taxi, bus or other safe travel mode for such customers where possible. No alcohol shall be allowed to leave the premises and shall be monitored by staff and/or security. Due to a requirement of the Bay Conservation and Development Commission for public access to Pier 3, the applicant maintains access to persons who are not ticket holders for Hornet tours or events. No alcoholic beverages shall be sold on Pier 3 to anyone who is not a ticket holder for a Hornet tour or event. Beverage service on Pier 3 shall only be in secured, fenced

areas to which entry is restricted by applicant security or docents to persons 21 years of age and older, who are Hornet ticket holders.

21. Clean Water Program.

- a. The applicant shall have connections to the piped sanitary system. Each user shall comply with East Bay Municipal Utility District Wastewater Control Ordinance No. 311.
- b. Applicant must ensure that no pollutants, including trash/litter, liquid wastes, facility operations debris, or any other materials, animal wastes or washwaters are discharged in an uncontained manner or otherwise subject to dispersal to the City's right-of-way, storm sewer system (including gutters, curbs and storm drains) and/or directly to waters of San Francisco Bay in accordance with the City's Storm Water Management and Discharge Control Ordinance.
- c. The applicant shall implement Best Management Practices (BMPs) to prevent illicit discharges and shall comply with the City of Alameda Municipal Code Sec.18-21 to 18-25 Storm Water Management and Discharge Control Ordinance.

22. Zero Waste Program.

- a. All trash containers shall be tightly covered and secured to prevent the intrusion of rats and other vectors. Applicant is responsible for the clean-up of all litter and debris associated with this activity and should ensure availability of sufficient garbage, recycling and organics receptacles.
- b. Arrangements shall be made with the City's Franchised Hauler, Alameda County Industries (ACI), to have adequate solid waste, commingled recycling services and appropriate organics collection capacity.

Applicant, venue, and all contractors/service providers shall effectively comply with the City's Disposable Food Serviceware Ordinance including, but not necessarily limited to, preferentially striving to use reusable wares, using compostable-fiber foodservice ware, not using any polystyrene foam (aka Styrofoam), not using any plastic foodservice ware, and not offering any straws (non-plastic only) unless requested.

- c. Applicant/venue is responsible for effectively ensuring that all vendors, caterers and any other contracted service providers are effectively complying with all of the City's and State's solid waste management (including recycling, organics recycling, and edible food recovery), record-keeping, and reporting requirements.
- d. The applicant shall comply with the City of Alameda Municipal Code, Disposable Food Service Ware, Sec. 4-4; Solid Waste And Recycling Chapter 21; and with Alameda County Waste Management Authority (ACWMA) Reusable Bag Ordinance (RBO) 2012-02, 2016-2 where applicable.

23. Master Lease/Categorical Exemption Compliance. The applicant shall comply with the terms and conditions of the Lease in Furtherance of Conveyance and the Record of Decision regarding former Naval Air Station Alameda (Alameda Point), including those terms and conditions in addition to the conditions of this Use Permit, including payment of a fair share of public service costs at Alameda Point and regulation of maintenance dredging.

24. Revocation. This Use Permit may be modified or revoked by the City Council or Planning Board, should they determine that the proposed uses or conditions under which the property is being operated or maintained is detrimental to the public health, welfare, or is materially injurious to property or improvements in the vicinity, or the property is operated or maintained so as to create a public nuisance. The Planning Director may initiate revocation hearing with the Planning Board upon three (3) confirmed violations of this Use Permit.

Hold Harmless. To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

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, and Transportation Department a written notice of appeal stating the basis of appeal and paying the required fees.

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