

CITY OF ALAMEDA
PLANNING BOARD

DRAFT RESOLUTION

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING PLANNED DEVELOPMENT AMENDMENT PLN24-0494 – TO EXTEND THE TERM OF THE EXISTING APPROVAL FOR AN INDEFINITE PERIOD AND AMENDING CONDITIONS OF APPROVAL RELATED TO STREET CLOSURE AT THE ST. JOSEPH COMMUNITY, 1109 CHESTNUT STREET AND ASSOCIATED ADDRESSES

WHEREAS, an application was made on September 13, 2024, by the St. Joseph Community, requesting an extension of the term of the St. Joseph Community Master Plan Planned Development Permit, PD-98-01; and

WHEREAS, the application was accepted as complete on October 3, 2024; and

WHEREAS, the project site is located within a R-4-PD, Residential Planned Development Zoning District; and

WHEREAS, the project site is designated Medium-Density Residential on the General Plan land use diagram; and

WHEREAS, the Planning Board held a duly noticed public hearing on this application on October 28, 2024; and

WHEREAS, the Planning Board has made the following findings concerning the project, as required by AMC section 30-4.13.f.3, including the cross-referenced AMC section 30-21-3.b, subsections 1, 2,3, and 4.:

- 1. The development is a more effective use of the site than is possible under the regulations for which the PD district is combined.** The R-4 Residential District allows churches and schools with a Use Permit. A use permit was granted in 2000 for the three parcels / blocks that comprise the campus, thereby providing a more effective use of the site in light of the existing configuration of buildings on the sites and integrated uses across the blocks. The Planned Development provides additional negotiated terms for the use and expansion plans over time, including a variety of parking, traffic, enrollment, special events, and street closures.
- 2. The Planned Development is consistent with / relates favorably to the General Plan.** The project, which was originally approved in 2000, remains consistent with the General Plan, which was updated in 2022. The General Plan designation of Medium-Density Residential states “These neighborhoods also include a variety of nonresidential uses, including child care, schools, religious institutions, home-based businesses, medical offices and clinics, office buildings, and personal service

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businesses because residential areas typically contain varied uses, such as churches, schools, parks, and day care facilities.” The General Plan also expresses a policy, LU-2, Complete Neighborhoods. “Maintain complete, safe, healthy, and connected neighborhoods that support a mix of uses and meet the needs of residents of all ages, physical abilities, cultural backgrounds and incomes.” Therefore, the Planned Development remains consistent with the General Plan.

3. **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 planned development of this site selected the most appropriate locations for new development and mitigated parking and traffic impacts. The project's conditions of approval were meant to ensure the comprehensive plan for this site would be carried out, resulting in a more effective use of the site overall. The proposed extension provides the additional time necessary to effectively carry out the planned development of the site (though none is currently anticipated) and ensures that the performance standards and conditions of approval remain in effect to ensure continued traffic, parking, noise, architectural and other standards are met.
4. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The property is located in a neighborhood well served by streets that are being improved with bus, bicycle and pedestrian improvements. The Planned Development is being amended to require participation with the City’s “Neighborhood Greenway” program, i.e. the further enhancement of multi-modal streets on Chestnut Street and San Jose Avenue.
5. **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 original conditions of approval, other than the vesting period, will remain in effect. These conditions address parking and traffic impacts and provide for a maximum student / staff population, among other things. Approval of the Planned Development required the site to be planned as a whole and established more control by the City over the site than originally existed, and monitoring assured compliance with all conditions of approval. The project resulted in improvements to the appearance of the site by replacing an existing chain-link fence with a wrought iron fence and adding landscaping. The project also provides for improvements in the operations of the schools.

NOW THEREFORE, BE IT RESOLVED, the project is Exempt from additional environmental review pursuant to CEQA Guidelines Section 15162 - Subsequent Environmental Review, in that there are no changes in the project, circumstances, or new information that would lead to a different conclusion than was reached when the Mitigated Negative Declaration was originally adopted in 2000.

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BE IT FURTHER RESOLVED, the Planning Board of the City of Alameda hereby approves Planned Development Amendment PLN24-0494 to extend the term of the St. Joseph Community Master Plan Planned Development, PD-98-01, indefinitely (no expiration date) subject to compliance with the following conditions:

1. Condition 13 of the Planned Development is rescinded and the local street closure shall be governed by City Council Resolution 13198, adopted March 21, 2000 and the determinations of the City Engineer thereunder regarding traffic control devices and street improvements.
2. The applicant shall consult with the City Engineer to renegotiate the street closure agreement for Chestnut Street between San Antonio and San Jose Avenues as follows:
 - a. Within 30 days of this approval – provide updated insurance certificates and indemnification and hold harmless agreements.
 - b. Within 90 days of this approval – provide conceptual plans for improved barricade designs at both intersections that meet traffic engineering standards and allow for comfortable, clear and safe pedestrian and bicycle passage.
 - c. Within 180 days of this approval and not before concept plan approval by the City Engineer – apply for all necessary permits and construct barricade upgrades at both locations to improve the safety, appearance and function of the barricades.
 - d. During future City-initiated street improvement work for the Neighborhood Greenways – participate in the design and improvement of the project frontages along Chestnut Street and San Jose Avenue and the closure intersections and implement, at Applicant’s cost, necessary modifications to the street closure measures.
3. Except for the indefinite term of the permit and the amendment / renewal of the street closure agreement, all other provisions of the 1999 Master Plan Planned Development (City of Alameda City Council Resolution No. 13190 and 13191) and the conditions included in Planning Board Resolution PB-09-22 remain in effect.
4. Indemnification. 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 and Building 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 28th day of October 2024, by the following vote:

AYES:

NOES:

ABSENT:

RECUSE:

ATTEST:

Steven Buckley, Secretary of the City of Alameda Planning Board

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