

**CITY OF ALAMEDA
COMMUNITY DEVELOPMENT DEPARTMENT**

ADMINISTRATIVE USE PERMIT & DESIGN REVIEW

ITEM NO: 3-A

APPLICATION NO: PLN12-0139 – Patrick Hall – 1620 South Loop Road

PROJECT DESCRIPTION: Use Permit and Design Review approval to locate a 200-kilowatt/300 gallon diesel permanent standby generator in a landscape strip behind the building and enclosed by a 12' high wooden fence with a landscaped trellis. The fencing will have bollards positioned to protect the equipment from impact.

GENERAL PLAN: Business Park

ZONING: C-M-PD, Commercial Manufacturing, Planned Development Combining District

ENVIRONMENTAL DETERMINATION: This project is a Class 11 Categorical Exemption and no additional environmental review is necessary pursuant to State CEQA Guidelines, Section 15311 – Accessory Structures for construction or replacement of minor structures accessory to existing commercial facilities.

PROJECT PLANNER: Laura Ajello, Planner

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 as of July 26, 2012.

ATTACHMENTS: 1. Application
2. Project Plans

ACRONYMS: AMC – Alameda Municipal Code

RECOMMENDATION: Find that the project will not cause significant adverse effects to the physical environment, is Categorically Exempt from environmental review and approve the project with conditions based on the following findings:

USE PERMIT FINDINGS:

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 use is located in the Harbor Bay Business Park, which consists primarily of offices and manufacturing businesses. The addition of a standby generator is for emergency purposes. It is commonplace for large offices to have back up generators to protect their computer data. The use is considered a negligible expansion for the existing commercial office building. The site is located within an office complex, has no adjacent residential uses, and the generator is shielded by fencing and vegetation. It is therefore, operationally harmonious with the community and surrounding development.



Subject Property

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

The project is a standby generator; it requires no service facilities and will not generate any increase in traffic to 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 deleterious effects on existing business districts or the local economy.**

The proposed generator is located in the Harbor Bay Business Park; all adjacent properties are commercial in use, with the rear property line bordered by the Oakland International Airport. The installation of an emergency generator is a negligible expansion of existing permitted uses on the site. Granting this Use Permit will not result in a substantial intensification of use and will not affect other properties or create significant impacts to the surrounding business park.

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

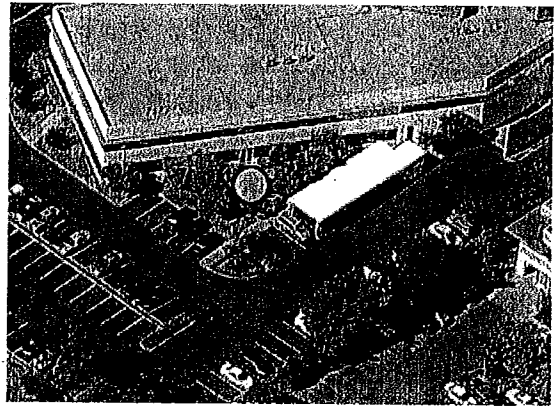
The site is designated as Business Park under the General Plan. The proposed standby generator will function to protect computers in case of a power outage and is in conformance with the General Plan goals and policies for this area.

DESIGN REVIEW FINDINGS:

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

The project has been reviewed for consistency with City development regulations,

policies and design guidelines. The project will locate a 200-kilowatt/300 gallon diesel permanent standby generator in an existing landscape strip behind the building. A 12' high wooden fence with a landscaped trellis will screen the equipment from public view. The project faces a parking lot and will not block views, cause a substantial increase in traffic, noise, light or shading or otherwise adversely affect neighboring properties.



Area of Work

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.**

Based on review of project plans and visits to the site, this project has been deemed compatible and harmonious with the design and use of surrounding properties. The equipment enclosure, as conditioned, is visually compatible with the both the site and the adjacent commercial uses and will not otherwise adversely affect neighboring properties.

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 site and adjacent development consist of large office buildings surrounded by vast surface parking lots. Some existing landscaping must be removed to make space for the generator; no protected trees shall be removed. An attractive wooden fence and trellis planted with wisteria will screen the generator equipment.

CONDITIONS:

1. The plans submitted for building permit and construction shall be in substantial compliance with plans prepared by CEG, Inc., received on July 12, 2012 and on file in the office of the City of Alameda Planning and Building Department.
2. Building permit plans shall incorporate each condition of approval. The conditions shall be adequately identified on the plans under a heading titled "CITY OF ALAMEDA, CONDITIONS OF APPROVAL."
3. The applicant shall update the Hazardous Material Business Plan (HMBP) for this site to include the diesel fuel storage and spill response plan and all Use Permit Conditions of Approval. This updated plan shall be filed with the Alameda County Department of Environmental Health.
4. Operating noise levels of the emergency electrical generator shall not exceed noise level standards listed in Section 4-10 of the Alameda municipal Code.
5. In order to minimize noise impacts to residential uses near the project site, the

emergency electrical generator shall be properly maintained and the exhaust system shall incorporate mufflers that meet or exceed manufacturer's specifications, and at a minimum, provide for compliance with the noise level standards in Section 4-10 of the Alameda Municipal Code.

6. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
7. Building plans shall specify the wisteria species to be used in the landscaping; invasive species, such as scarlet wisteria (*sesbania punicea*), are not permitted.
8. The applicant shall secure all appropriate permits for air quality compliance through the Bay Area Air Quality Management District prior to installation of the generator.
9. The approved use and/or construction are subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies.
10. Revocation: 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 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.
11. Any additional exterior changes shall be submitted to the Community Development Department for review and approval prior to construction.
12. Vesting: The Use Permit and Design Review approval shall expire two (2) years after the date of approval or by **August 21, 2014** 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.
13. Indemnification: The applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, its Redevelopment Agency, 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 Redevelopment Agency, 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 Alameda Redevelopment Agency or City Council relating 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.

DECISION:

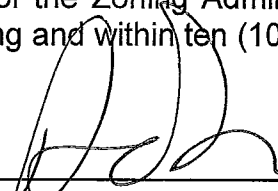
Environmental Determination

The Zoning Administrator has determined that this project is Categorically Exempt from further environmental review, pursuant to the CEQA Guidelines Section 15311 – Accessory Structures for construction or replacement of minor structures accessory to existing commercial facilities.

Use Permit

The Zoning Administrator approves the Use Permit and Design Review with conditions.

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: August 21, 2012

Andrew Thomas, Zoning Administrator

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