

CITY OF ALAMEDA RESOLUTION NO. _____

APPROVING TENTATIVE TRACT MAP NO. 8468 AND A CONDOMINIUM PLAN (PLN21-0587) TO SUBDIVIDE 2350 SARATOGA STREET INTO THREE COMMERCIAL CONDOMINIUM UNITS

WHEREAS, an application was made on December 30, 2021 by Jonah Hendrickson on behalf of Alameda Point Redevelopers LLC for Tentative Tract Map No. 8468 and a Condominium plan (PLN21-0587) to subdivide 2350 Saratoga Street into three commercial condominium units; and

WHEREAS, this application was accepted as complete on February 24, 2022; and

WHEREAS, the subject property is designated as Mixed Use on the General Plan Diagram; and

WHEREAS, the subject property is located in the AP-AR, Alameda Point Adaptive Reuse Zoning District; and

WHEREAS, on October 24, 2016 the Planning Board approved a Development Plan, Design Review, and a Master Use Permit to renovate the existing building and create up to 88 new Work/Live units; and

WHEREAS, Alameda Municipal Code (AMC) Section 30-15, defines Work/Live units as commercial or industrial units with incidental residential accommodations and the AMC requires the recordation of a deed restriction requiring the maintenance of active business licenses and valid Work/Live permits for Work/Live units; and

WHEREAS, on October 9, 2017 the Planning Board approved Development Plan and Design Review Amendments to expand the size of rooftop improvements; and

WHEREAS, on November 19, 2019 the City Council adopted Ordinance No. 3255, which reduced the minimum unit size requirement for Work/Live units to 500 square feet; and

WHEREAS, on February 10, 2020 the Zoning Administrator approved an amendment to the Master Use Permit to allow up to 250 Work/Live units which became possible under Ordinance No. 3255; and

WHEREAS, subdivision of the property will facilitate the development of 2350 Saratoga Street consistent with the General Plan and the approved Development Plan; and

WHEREAS, the Planning Board held a duly noticed public hearing on March 28, 2022 for this Tentative Tract Map and Condominium Plan application, and examined all

pertinent maps, drawings, and documents, and recommended City Council approval of Tentative Tract Map No. 8468 and associated Condominium Plan; and

WHEREAS, on May 3, 2022 the City Council reviewed Tentative Tract Map No. 8468 and associated Condominium Plan and all pertinent maps, documents, and exhibits and determined that the Tentative Map and Condominium Plan are consistent with the General Plan, Alameda Municipal Code, and Development Plan requirements for the property.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Alameda, based on its independent review, consideration, and exercise of its independent judgment, determined, on the basis of substantial evidence in the entire record before the City, finds the subject Tentative Tract Map and Condominium Plan are exempt from environmental review pursuant to CEQA Guidelines Section 15315, which categorically exempts minor land divisions, and none of the exceptions apply; and

BE IT FURTHER RESOLVED, that pursuant to AMC Section 30-78.5, the City Council of the City of Alameda makes the following findings relative to Tentative Tract Map Application PLN21-0587:

1. **The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, Zoning, and Development Plan for this site.** The proposed Tentative Tract Map is consistent with the Mixed-Use General Plan designation and AP-AR, Alameda Point Adaptive Reuse, zoning regulations for the property. The proposed Tentative Tract Map will allow the continued renovations to the property consistent with the approved Development Plan, Design Review, and amended Master Use Permit.
2. **The site is physically suitable for the type and proposed density of the development.** The site is fully developed with a 270,000 square foot building with parking and landscaping improvements. The Tentative Tract Map will not allow more than the maximum number of Work/Live units previously approved by the amended Master Use Permit.
3. **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 the standard adaptive re-use of historic buildings within the NAS Alameda Historic District. The previously approved Development Plan and Design Review include conditions of approval to ensure that no unintended environmental damage or exposure of future occupants to environmental dangers could occur.
4. **The design of the subdivision and the type of improvements 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.

5. **The design of the subdivision and its improvements will not cause serious public health problems.** The previously approved and amended Development Plan, Design Review, and Master Use Permit include conditions of approval that assure the property is free of hazardous materials and would not adversely affect public health; and
6. The subdivision will not result in the discharge of waste into the sewer system that would violate regional water quality control regulations; and
7. In approving the tentative map, the City Council has considered its effect upon the housing needs of the region, balanced with the public service needs of Alameda residents and available fiscal and environmental resources; and

BE IT FURTHER RESOLVED, that the City Council hereby approves Tentative Tract Map No. 8468 and a Condominium Plan, subject to the following conditions of approval.

General

1. All maps filed pursuant to this approval shall be in substantial compliance with the map titled, "Tentative Tract Map No. 8468" prepared by Keith S. Bush received December 30, 2021, and on file in the office of the Alameda Planning, Building and Transportation Department.
2. 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. The City may, upon the subdivider's application filed before the Tentative Map's expiration date, extend its life for an additional period or periods not to exceed six (6) years in accordance with state law.
3. 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.
4. The front sheet of the Final Map and Condominium Plan shall be amended to include the following restrictions under "Notes":
 - a. Rental and Sale Limitations
 - i. No work/live studio, or any portion thereof, shall be sold as an individual unit.
 - ii. No portion of a work/live studio may be separately rented or sold as a commercial space for a person or persons not living in the premises or as a residential space for a person or persons not working in the same studio.

- iii. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance shall result in legal action against the property owner.
- b. Lease Agreements. The property owner or manager of the property shall ensure that all work/live studio leases include provisions requiring maintenance of a valid Work/Live Permit and valid business license.
- c. Business License Required. At least one (1) occupant of each work/live studio shall maintain a current City of Alameda business license for a business located in that studio.
- d. Mixed Occupancies. If a building contains mixed occupancies of work/live studios and other nonresidential uses, occupancies other than work/live shall meet all applicable requirements for those uses, and proper occupancy separations shall be provided between the work/live studios and other occupancies, as determined by the Building Official.
- e. Notice to Occupants Required. The owner or developer of any building containing work/live studios shall provide written notice to all work/live occupants and users that the surrounding area may be subject to levels of noise, dust, fumes, or other effects associated with commercial and industrial uses at higher levels than would be expected in residential areas. State and Federal health regulations notwithstanding, noise and other standards shall be those applicable to commercial or industrial properties in the district where the project is located. For purposes of noise control, work/live studios shall be classified as commercial property under Table II in Section 4-10.4 of the Alameda Municipal Code.
- f. Change of Use From Work/Live Studio. No work/live studio shall be changed to exclusively residential use in any building where residential use is not permitted. The conversion of an existing work/live studio to exclusively residential or nonresidential use is permitted with a Conditional Use Permit amendment and when the conversion meets all other applicable Alameda Municipal Code requirements for the proposed use. Such a change shall be subject to all applicable requirements for the district where the proposed dwelling unit is located.
- g. Increase in Residential Use. No work/live studio shall be changed to increase the floor area devoted to residential use without review and approval of the Planning Director. In no case shall the floor area devoted to residential use be increased to more than four hundred (400) square feet or thirty (30%) percent of the gross floor area of the unit, whichever is less.
- h. Additions to Building Envelope. All changes to the exterior of work/live structures shall comply with the purposes set out in subsections 30-15.1g. and h. and with the required finding set out in subsection 30-15.6d.

- i. Deed Restriction Required. Prior to the City issuing a building permit for any work/live studio, the property owner shall file with the county recorder a declaration of restrictions, which has been approved by the City Attorney as to its form and content, specifying the limitations of use and operation included in the use permit and all Additional Requirements specified in AMC section 30-15.5.
 - j. Landscaping. Where a building with work/live use is adjacent to residentially-zoned land, screening landscaping shall be provided and maintained as a buffer between the work/live building and adjacent residentially-zoned land where feasible in light of building setbacks, existing and required parking and whether there is land available along the property boundary.
 - k. Hazardous/Toxic Materials. A Phase I Environmental Assessment for a site proposed for work/live occupancy, including but not limited to an expanded site investigation to determine whether lead based paint and asbestos hazards exist, is required to be submitted as part of the application for a use permit. The purpose of this requirement is to assess whether there are any hazardous or toxic materials on the site that could pose a health risk. Where the Phase I shows that there are potential health risks, a Phase 2 Environmental Assessment shall be prepared and submitted to determine if remediation may be required.
- 5. Plans shall be prepared, signed, and stamped as approved by a registered civil engineer licensed in the State of California.
 - 6. The proposed work shall comply with Chapter 30, Article 6 of the Alameda Municipal Code (Real Estate Subdivision Regulations) and Chapter 22 of the Alameda Municipal Code (Streets and Sidewalks) as determined by the City Engineer.
 - 7. The proposed work shall comply with Alameda's Standard Plans and Specifications and Standard Subdivision Specifications and Design.
 - 8. The fee for plan checking and inspection shall be calculated in accordance with the latest Schedule of Fees & Charges as approved by the City Council.

Maps and Easements

- 9. The applicant is encouraged to contact the Public Works Department at 510-747-7930 to schedule a pre-application meeting prior to the first submittal of any subdivision maps to discuss submittal requirements, project review timeline, and fees associated with the processing, filing, and construction of this development.
- 10. A current title report shall be submitted to identify current ownership and any existing easements or land use restrictions.

11. The Applicant shall pay all fees prior to approval of final map.
12. The Final Map shall show all existing and proposed easement locations, uses and recording information. The Owner's Statement shall list all public right-of-way and easements to be dedicated and the Certificate of City Clerk shall list all public easements and right-of-way to be abandoned with recording information as part of the final map.
13. The subdivider shall pay for all reasonable office and engineering costs expended by the City Engineer's office, including overhead, in conjunction with reviewing the Final Map, easements, and in obtaining the map signature of the City's consulting surveyor.
14. Prior to the City Council approval of the Final Map, the subdivider shall provide a Mylar and a digital copy of the Final Map acceptable to the City Engineer.

Stormwater Quality Protection and Treatment

15. The Green Roof Maintenance Plan for 2350 Saratoga Street (September 2019, and/or as further amended) shall be updated and verified by the developer to be consistent with current green roof configurations and to identify and include name and contact information of all parties responsible for the long-term maintenance consistent with current Condominium Plan and Tentative Map and Exhibits.
16. Provide City of Alameda Public Works Clean Water Program office with a signed submittal of the Green Roof Maintenance Plan for 2350 Saratoga Street, consistent with any necessary revisions and updates described in Condition no. 15 above.
17. The subject Project's Declaration of Covenants, Conditions and Restrictions (CC&Rs) shall accurately, thoroughly, and explicitly clarify maintenance responsibilities for the project Green Roof and on-site stormwater site design and drainage measures, consistent with current Condominium Plan and Tentative Map proposals and Exhibits.
18. Developer shall provide City of Alameda Public Works Department with a copy of the project site's current Declaration of Covenants, Conditions and Restrictions, consistent with Condominium Plan and Tentative Map proposals and Exhibits.
19. Developer/Owner shall be responsible for timely providing the City of Alameda's Public Works Department Clean Water Program with a copy of any subsequent revisions or amendments to the project site's CC&Rs resulting from further revisions and/or "Future Expansion."

20. Project/site Green Roof and on-site stormwater site design measures and drainage systems shall remain consistent with previous project Conditions of Approval.
21. All projects shall incorporate permanent stormwater low impact development (LID) design techniques and source control measures to manage the quantity and quality of stormwater runoff from the planned development to prevent and minimize impacts to water quality, in accordance with the City of Alameda's National Pollution Discharge Elimination System (NPDES) Permit, and consistent with the latest version of the Alameda County Clean Water Program's Provision C3 Technical Guidance Manual. Project plans shall indicate the efforts taken to minimize impervious surface areas, especially directly connected impervious surface areas.
22. The project shall be developed to create or replace less than 5,000 square feet of impervious surface. The developer shall submit a stormwater exhibit detailing the impervious and pervious surfaces throughout the project. The City Engineer shall make the final determination whether the project creates or replaces less than the threshold of 5,000 square feet of impervious surface and is therefore not subject to the City's National Pollution Discharge Elimination System (NPDES) Permit Provision C3 "Regulated Project" stormwater discharge requirements. Prior to issuance of the Permit, the Applicant shall submit for review and approval by City Engineer a Stormwater C3-LID Measures Operations and Maintenance (O&M) Plan that provides a thorough discussion of the inspection, operations and maintenance requirements of all of the stormwater treatment, including trash capture, and LID design measures at the site. This O&M Plan shall be consistent with the City of Alameda's C3-LID Measures O&M Plan Checklist.
23. The development is subject to full trash capture requirements of the City's NPDES permit, regardless of impervious surface area. The developer shall provide a full trash capture system, device, or series of devices that traps all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow rate Q resulting from a one-year, one-hour storm in the sub-drainage area. Plan sheets shall include location, detail and cross-sectional drawings of the stormwater full trash capture device(s) necessary to treat the entirety of the site. The developer shall confirm that the full trash capture device(s) included in the development plan are on the State Water Resources Control Board's list of certified full trash capture systems. Trash capture shall occur on site, not in the public right of way downstream. Applicant shall submit an O&M plan detailing the necessary maintenance tasks and schedule required to maintain all on-site trash capture devices.
24. Prior to project acceptance and any certificate of occupancy, the Property Owner(s) shall provide the following:

Verification that the following have all been incorporated with the CC&Rs of the relevant HOA: O&M plans for all stormwater treatment, trash control and design

measures to be maintained by any homeowners' association or property owners' association, the template for annual self-reporting, and assurances for property access for City verification inspections.

25. The Civil Improvement Plans shall provide the Public Works Department Clean Water Program the construction-phase appropriate erosion and sedimentation control program and plan for review and approval. The plans shall describe construction activity best management practices to be implemented in conformance with the City's erosion, sediment and discharge-control "Urban Runoff Best Management Practices Standards", consistent with the California Storm Water Best Management Practices Handbook for Construction Activities, the ABAG Manual of Standards for Erosion & Sediment Control Measures, the City's Grading and Erosion Control ordinances and other generally accepted engineering practices for construction activity pollution prevention, sediment, and erosion control.
26. The Developer shall obtain all necessary permits from other regulatory agencies for projects within sensitive areas or which have significant stormwater pollution potential. Other regulatory agencies include, but are not limited to, the Regional Water Quality Control Board, Department of Fish and Wildlife, Army Corps of Engineers, and the Bay Conservation and Development Commission.
27. Projects proposed for construction between October 1st and April 15th, shall have an erosion and sedimentation control program approved, and implemented to the maximum extent possible, prior to the start of on-site earthwork. Installation of all components of these plans shall be completed by October 1.
28. All new storm drain inlets shall be clearly marked with the words "No Dumping! Drains to Bay," or equivalent, as approved by the Public Works Director.

Sewer and Water

29. Sanitary sewerage shall be in accordance with the EBMUD Regional Standards for Sanitary Sewer Installation. All permits, easements, and/or approvals for modifications to the sewer system required by EBMUD shall be obtained prior to issuance of any building permits by the City.
30. Subdivision map shall clearly state extents of public and private sewerage, including pipes, structures, and pump stations. Lower (public) and upper (private) sewer laterals shall be separated by a two-way cleanout or manhole. All public sanitary sewer facilities shall be in public streets or in public utility easements.
31. The City participates in the EBMUD Regional Private Sewer Lateral Program; therefore the Applicant shall comply with the provisions of this program prior to the issuance of Certificate of Occupancy. This Common Interest Development must be issued a Compliance Certificate by EBMUD. Please review the program

requirements and cost for Compliance Certificates:
<http://www.eastbaypsl.com/eastbaypsl/>.

32. The subject Project's Declaration of Covenants, Conditions and Restrictions (CC&Rs) shall identify the individual or entity responsible for the maintenance of the project's sanitary sewer upper lateral.
33. The Applicant shall secure all necessary permit approvals from EBMUD regarding the installation of all water service for the project.

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 protect 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.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 3rd day of May 2022, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 4th day of May 2022.

Lara Weisiger, City Clerk
City of Alameda

Approved as to form:

Yibin Shen, City Attorney
City of Alameda