

CITY OF ALAMEDA PLANNING BOARD  
**DRAFT RESOLUTION**

A RESOLUTION OF THE PLANNING BOARD APPROVING DESIGN REVIEW AND USE PERMIT PLN15-0198 FOR THE CONSTRUCTION OF A TWO-BUILDING MIXED USE DEVELOPMENT WITH GROUND FLOOR OFFICES AND OUTDOOR SEATING AT 1926 PARK STREET.

WHEREAS, an application was made on April 30, 2015, by Timbre Architecture on behalf of Park Esquina, LLC, for Design Review approval to construct a five-building mixed use development made of shipping containers and Use Permit approval for ground floor office use and an outdoor seating patio; and

WHEREAS, the subject property is designated as Community Commercial in the General Plan; and

WHEREAS, the subject property is located in the NP-G, North Park Street Gateway Zoning District; and

WHEREAS, the NP-G, North Park Street Gateway Zoning District requires a use permit for ground floor office use and outdoor seating; and

WHEREAS, the Planning Board held a duly noticed public hearing on October 26, 2015, on the project and examined pertinent maps, drawings, and documents, and approved a Design Review to construct a five-building mixed use development made of shipping containers and Use Permit for ground floor office use and an outdoor seating patio; and

WHEREAS, the City Council held a duly noticed public hearing on December 1, 2015, on the project, and examined pertinent maps, drawings, and documents, and overturned the Planning Board's approval of Design Review and a Use Permit, directing the applicant to redesign the project without the use of shipping containers, remanded subsequent approvals to the Planning Board, and affirmed the Planning Board's Use Permit findings; and

WHEREAS, the applicant submitted plans for Design Review for a redesigned project to construct a two-building mixed use development and Use Permit for ground floor office use and an outdoor seating patio; and

WHEREAS the Planning Board held a duly noticed public hearing on July 25, 2016, on the project and examined pertinent maps, drawings, and documents; and

WHEREAS, the Planning Board recommends that the City Council amend the zoning ordinance to allow for a 35 foot side street setback; and

WHEREAS, this resolution shall not become effective until and unless the City Council approves the recommended zoning text amendment.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that:

**DESIGN REVIEW FINDINGS:**

1. **The project will have no significant adverse effects on the persons or properties in the vicinity.** The project is a small scale infill development that will not have any on-site off-street parking. The development will encourage the use of alternative modes of transportation by providing bicycle parking and including the requirement to provide public transportation passes as part of lease agreements. The open space and alley spaces will be gated from the public during night time hours to ensure public safety and welfare.
2. **The project will be compatible and harmonious with the design and use of the surrounding area.** The project utilizes a modern architectural style to create a development that interacts well with the existing built environment.
3. **The project is consistent with the City of Alameda's Design Review Guidelines.** The project utilizes a Workplace building type with a modern architectural style. The project complies with the Design Review Manual's guidelines for Workplace building types by having a different façade treatment for the ground-floor and upper-floor, and that the primary street - Park Street - design elements wrap around to the side street - Blanding Avenue. Both buildings incorporate Design Review Manual guidelines for modern architecture.
4. **The project upholds the stated intent of the North Park Street Gateway sub-district.** The project creates an attractive storefront and interaction with the streetscape along Park Street. It is determined through Use Permit Finding 4 that Blanding Avenue is better suited for non-retail land uses. A large courtyard created through a side street building setback greater than fifteen feet (15') creates a more suitable pedestrian friendly and attractive interaction than office buildings located within the maximum allowed side street setback.

**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 surrounding neighborhood is a mix of existing retail, light industrial, auto dealership lots, and residential uses. The proposed ground floor offices will provide a transition from the retail corridor of Park Street to the professional offices and light industrial uses along Blanding Ave.
2. **The proposed use will be served by adequate transportation and service facilities, including pedestrian, bicycle and transit facilities.** The project's limited size and encouragement of alternative transportation measures will not cause an impact on existing traffic conditions. Off-street parking is provided at an off-site private

parking lot located at 2410 Clement Avenue. Additionally, the project will provide ten on-site bicycle parking spaces and tenant lease agreements will include a requirement to provide MTC Transit passes.

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 ground floor offices will not be located along the Park Street frontage, and will be located along Blanding Avenue. Viable commercial frontage along Park Street will be utilized as retail establishments. The outdoor seating area is shielded from the public right-of-way by buildings, and there are no sensitive land uses within the vicinity that would be impacted by such a use.
4. **The proposed use relates favorably to the General Plan.** General Plan guiding policy 2.5.e discourages offices from occupying ground floor space suitable for retail within the Community Commercial business districts. The use permit ensures that the proposed ground office use does not occupy ground floor space suitable for retail. The ground floor office of this project will be located along the secondary frontage of Blanding Avenue and not the main Park Street frontage. Retail space is still provided along Park Street, and the office uses are reserved for Blanding Avenue which better accommodates such ground floor uses.

BE IT FURTHER RESOLVED that the Planning Board finds this project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, New Construction of Small Structures, based on the following findings:

1. The project is located in an urbanized area and is comprised of two buildings with a total size less than 10,000 square on a property zoned for such a use.
2. The project will not utilize a significant amount of hazardous substances
3. All necessary public services and facilities are available and the surrounding area is not environmentally sensitive

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby approves Design Review and Use Permit application PLN15-0198, subject to the following conditions:

**Community Development Department Conditions:**

1. This approval shall not become effective until and unless the Alameda City Council approves the recommended Zoning Text Amendment necessary to allow the 35 foot side street setback. In the event that the Text Amendment is not approved, the applicant shall redesign the project for Planning Board review and approval consistent with the existing setback requirements.

2. These conditions shall be printed on the first page of all building plans and improvement plans.
3. Building Permit Plans: The plans submitted for the Building Permit shall be in substantial compliance with the plans prepared by Timbre Architecture dated July 11, 2016, consisting of 10 sheets numbered G0.0 through A10.0 on file in the office of the City of Alameda Community Development Department, except as modified by the conditions in this resolution.
4. Vesting: This Design Review and Use Permit approval shall expire and become void unless actual construction under valid permits has commenced and passed one construction inspection within two years after approval. A one-time extension for an additional two years may be granted upon written request to the Community Development Director. Upon vesting of this approval, any previous Use Permits related to used car sales on the subject property shall become expired.
5. Signage: Any temporary or permanent signage is subject to a sign permit approval.
6. Transit Passes: The applicant/developer shall provide MTC transit passes to each tenant as part of the lease agreement.
7. Off-Site Parking: Prior to issuance of Building Permits, the applicant shall enter into an agreement to lease a minimum of nine (9) off-street parking spaces from the property at 2410 Clement Avenue.
  - a. The off-site parking facility shall include signs informing users that the facilities are available to tenants of the subject property at 1926 Park Street.
  - b. Prior to issuance of building permits for the project, the applicant shall provide a joint access and parking agreement with a term of at least seven (7) years between the affected parties (owners of 1926 Park Street and 2410 Clement Avenue), including the City of Alameda, in a form approved by the City Attorney. The agreement shall be entered into and recorded to constitute a covenant running with all affected parcels of land, specifying the terms of use of the shared parking facilities.
8. Security:
  - a. Perimeter Gates: All perimeter gates shall closed and be locked after regular business hours, or no later than 10:00pm.
  - b. Security Cameras/Lighting: The project will be required to install motion-sensor controlled lighting, and security cameras to the satisfaction of the Alameda Police Department, prior to issuance of Certificate of Occupancy.

## **Landscaping**

9. Landscape plans submitted with final buildings permits shall comply with the listed conditions of approval of Appendix B of the City's Landscape Document Package, on file in the office of the City of Alameda Community Development Department.

## **Public Works Conditions**

10. The applicant/developer shall submit for approval by Public Works, construction improvement plans for all on- and off-site improvements, including detailed designs for all wet and dry utilities, landscaping and irrigation, water, grading, drainage, erosion control and paving. The plans shall be prepared, signed and stamped as approved by a registered civil engineer licensed in the State of California, and be in accordance with the AMC, the City of Alameda Standard Plans and Specifications. The engineer shall certify to the City, prior to acceptance of the work or issuance of any occupancy permit, including a temporary occupancy permit, whichever comes first, that the installation of the on-site work was constructed in accordance with the approved plans.
11. The improvement plans shall include a landscape plan and if necessary, irrigation plans. Landscaping shall comply with the Bay-friendly landscape guidelines.
12. The applicant/developer shall replace all sidewalk asphalt paving within the right-of way and replace the existing driveway on Blanding Avenue with concrete curb and gutter in conformance with City Standard Detail 6297, case 24.
13. The applicant/developer shall submit a soils investigation and geotechnical report, prepared by a registered geotechnical engineer licensed in the State of California and acceptable to the Public Works Director. The report shall describe the conditions of existing soils and groundwater and provide foundation and construction criteria recommendations. The improvement and building plans shall incorporate all recommendations specified in the report.
14. Applicant/developer shall resurface the existing street pavement whenever a street is cut, for utility or other improvement installations so the street is restored to pre-project conditions. Resurfacing of utility trenches shall conform to City Standard 2930, case 22. Applicant/developer shall also provide digouts and reconstruction of any potholed and/or alligatored areas adjacent to the project. The limits of such reconstruction shall be established by the Public Works Director prior to approval of the improvement plans. Reconstruction of the existing pavement shall conform to adjacent paving.
15. Construction activities shall not occur during windy periods.
16. All project related grading, trenching, backfilling, and compaction shall be conducted in accordance with City of Alameda Standards and Specifications.
17. Approved backflow prevention devices shall be installed on all new and existing domestic,

commercial, irrigation and fire water services and as required by the East Bay Municipal Utility District (EBMUD). These devices must be tested by an AWWA certified tester from a list of testers provided by EBMUD.

18. Construction activities shall be subject to the requirements of the Alameda Municipal Code, which restricts construction to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday or Sunday.

### **Stormwater, Wastewater and Water**

19. Finalized Landscaping Plans shall be designed to minimize runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Consideration shall be given to pest-resistant landscaping and design features and the use of integrated pest management (IPM) and Bay Friendly Landscaping principles and techniques.
20. The Civil Improvement Plans shall be consistent with the results of the completed Stormwater Requirements Checklist and the relevant source control and site design measures identified for project planning. Plan sheets shall indicate the means to direct roof runoff onto vegetated areas and the means to direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
21. The applicant/developer shall be responsible for ensuring that all contractors and sub-contractors install, implement and regularly maintain construction activity best management practices in conformance with the City's erosion, sediment and discharge-control standards in order to prevent any pollutants entering directly or indirectly the storm water system or waters of the State. The Improvement Plans shall list the City's erosion and sediment control standards and provide detail drawings and installation specifications that meet industry standards for erosion and sediment control effectiveness, such as those established by the California Stormwater Quality Association's Stormwater Best Management Practice Handbook – Construction. The applicant/developer shall pay for any required cleanup, testing, and City administrative costs resulting from consequence of construction materials entering the stormwater drainage system and/or waters of the State.
22. Fire sprinkler system test water discharges shall be plumbed so as to be directed to the sanitary sewer system or to appropriately-sized onsite vegetated area(s).
23. The Improvement Plans shall indicate that all new storm drain inlets and all site perimeter storm drain inlets shall be clearly marked with the words "No Dumping! Drains to Bay," or equivalent, as approved by the City Public Works Department. Permanently affixed thermoplastic, metallic or plastic laminate style markers are examples of acceptable forms.
24. Improvement Plan design of all external enclosures for solid waste, recycling and organics containers shall be approved by the Public Works Department. These facilities shall be designed to prevent water run-on to the area, runoff from the area, and to contain litter, trash and other pollutants, so that these materials are not dispersed by the wind or

otherwise discharged to the storm drain system. Any trash enclosure facility with a water supply shall also drain to the sanitary sewer.

### **Traffic and Transportation**

25. If required by Public Works, the applicant/developer shall submit a traffic striping and signage plan for all on- and off-site improvements. The plans shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California.
26. Final bicycle parking plan shall be consistent with AMC-30.7.15 Bicycle Parking. The facility, location, and type shall be approved by the Community Development Department prior to approval of the improvements plans or building permit, whichever comes first. The Community Development Department shall inspect the location, type, and number of facilities to ensure they are in accordance with the approved plans prior to acceptance of the work or issuance of any occupancy permit, including temporary occupancy permit, whichever comes first. "Wave"-style bicycle racks are prohibited
27. At least three weeks prior to the commencement of work within the public right-of-way that affects access for pedestrian, bicyclist, and vehicular traffic, the applicant/developer shall provide a Traffic Control Plan (TCP) to the Public Works Department for review and approval. The TCP shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California, and be in accordance with the California MUTCD standards. In general, any vehicular, transit, bicyclist, and pedestrian access through and/or adjacent to the project site shall remain unobstructed during project construction or an ADA compliant alternative route established.
28. Applicant/developer shall replace any damaged curb, gutter, and sidewalk along street frontages to the satisfaction of the Public Works Director, in accordance with the Public Works Department's Standard Plans and Specifications prior to acceptance of the project or issuance of any occupancy permit, including a temporary occupancy permit, whichever comes first.

### **Environmental**

29. The applicant/developer shall submit a Waste Management Plan (WMP) to the Public Works Environmental Services Division for approval. The plan shall describe how the trash and debris will be handled. The WMP shall be submitted by the developer to Environmental Services via Green Halo ([greenhalosystems.com](http://greenhalosystems.com)) prior to start of the demolition, remodeling, or construction work. This must be done using Green Halo's web interface. The Public Works Environmental Services Division will review the WMP, and will provide comments that shall be incorporated into the plans for the project. The project is subject to the WMP requirement of section 21-24 of the AMC, and must recycle at least 50% of total debris hauled from the project.

Within thirty (30) days after the completion of the demolition work, the developer shall submit a Summary Report to the Public Works Environmental Services Division, via Green

Halo (greenhalosystems.com) or other form approved by the Public Works Director. For approval, this reporting will specify actual tonnages disposed and/or recycled for each material, and the actual destination/processor. Disposal and/or recycling weight tags from that facility or facilities will be directly uploaded to Green Halo to verify this activity.

30. Design of all external enclosures for solid waste, recycling, and organics shall be approved by the Public Works Director concurrent with the approval of the improvements plans. These facilities are to be designed to prevent water run-on to the area, runoff from the area, and to contain litter, trash, and other pollutants, so that these materials are not dispersed by the wind or discharged to the storm drain system. External enclosures are to be roofed and/or enclosed. Any enclosures containing food waste shall have floor drains connected to the sanitary sewer system. If the enclosures are attached to buildings they shall have fire sprinklers. Internal collection and storage area(s) and the individual bins and containers provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Director.

31. Applicant must comply with the following minimum storage requirements for solid waste, recyclable and compostable materials:

Non-Residential Structures -- Non-residential structures/uses within all zoning districts shall provide external solid waste, recyclable and compostable material storage areas. The following minimum exterior storage area requirements apply to each individual structure:

Building Size (square feet)	Solid waste (square feet)	Recyclables (square feet)	Organic Materials (Plant Debris, Food Waste & Food Soiled Paper) (square feet)	Total Area (square feet)
0-5,000	12	12	12	36

23. Exterior solid waste and recyclable material storage shall be adjacent or combined and may only be located on the outside of a structure, in a designated interior courtyard with appropriate access, or in rear or side yards. External storage area(s) shall not be located in any required front yard, street side yard, required parking, landscaped, or open space, or any areas required by the AMC to be maintained as unencumbered.

24. The storage area(s) shall be accessible to employees.

25. The storage area(s) and the individual bins and containers provided within shall be adequate in capacity, number and distribution to serve the anticipated demand as determined by the Public Works Director.

26. The design and construction of the storage area(s) shall:

- a. Be compatible with the surrounding structures and land uses; and
- b. Be properly secured to prevent access by unauthorized persons. If gates with locks are planned to limit access to the enclosure or to the property, cards or



- keys must be provided to the City's franchised waste hauler and recycling collector; at present Alameda County Industries; and
- c. Contain a concrete pad within the fenced or walled area(s) and a concrete apron which facilitates handling of the individual bins and containers; and
  - d. Provide a 6-inch wide curb or parking bumpers along the interior perimeter of the enclosure walls to protect them from damage by the dumpster. A 6-inch wide parking bumper, at least 3 feet long, should also be placed between the refuse dumpster and the recycling containers; and
  - e. Maintain a minimum space of 12 inches between the dumpster(s) and the walls of the enclosure and the recycling container(s) to allow for maneuvering the dumpster(s); and
  - f. Protect the area(s) and containers from adverse environmental conditions, which might render the collected materials non-collectible, noxious, unsafe, or in the case of recyclable materials, unmarketable.
27. Dimensions of the storage area(s) shall accommodate containers consistent with the current methods of collection. The storage area(s) shall be appropriately located and screened from view on at least three sides by a solid wall six feet in height, and on the fourth side by a solid gate not less than five feet in height. The gate shall be maintained in good working order and shall remain closed except when in use. Gates must open straight out and gates and hinges must be flush with the enclosure wall to allow adequate maneuverability of the dumpster in and out of the enclosure. The design of the wall and gate shall be architecturally compatible with the surrounding structures.
28. A sign clearly identifying each exterior solid waste and recyclable material storage area and the accepted material(s) is required. Each sign shall not exceed two square feet in area and shall be posted on the exterior of the storage area adjacent to all access points.
29. All solid waste containers, including dumpsters and individual cans or carts, must have fitted lids which shall remain closed at all times when the container is not being used or emptied.
30. The owner/occupant shall be required to remove the trash, recycling, and compost bins to the edge of curb on Blanding Avenue on the designated trash pick-up day.

## **FIRE SAFETY**

31. Prior to issuance of building permits, the developer/applicant shall submit improvement plans for the project site Fire Water System consistent with the MIP. The system shall be designed to the satisfaction of EBMUD and the Alameda Fire Department. The Applicant shall be responsible for the placement of on-site hydrants. The location and number of hydrants shall be established in improvements plans. Placement shall be shown on the improvement plans and shall be to the satisfaction EBMUD, the City Fire Chief and the City Engineer.
32. The developer/applicant shall be responsible for potable water infrastructure consistent

with the MIP to serve the project, whose design shall be shown on the Improvement Plans to the satisfaction of EBMUD, the Public Works Director, and the Fire Chief.

33. All buildings shall be fire sprinklered and have installed a fire sprinkler monitoring system to the satisfaction of the City Fire Chief.

### **ALAMEDA MUNICIPAL POWER (AMP)**

34. Concurrent with submittal of Improvement Plans, the Applicant shall coordinate with the AMP regarding power requirements. All submittals shall refer to AMP's "Material and Installation Criteria for Underground Electrical Systems" for minimum clearances of street trees/shrubs from electrical transformers and other utility electrical equipment.

35. The Applicant shall provide all necessary on-site underground substructures, including conduits, pull boxes, transformer pads, etc. per the AMP specifications. AMP will require easements for all transformers, primary and secondary boxes, and conduits. AMP will furnish and install all required transformers, high voltage distribution cables, and secondary cables. The Applicant shall be reimbursed for improvements pursuant to the standard AMP agreement.

36. The improvement plans shall show all necessary easements and access to all electrical utility facilities that are on the private property, at no charge to AMP.

37. The Applicant/developer shall be responsible for all expenses involved in the on-site duct/joint trench system including engineering design, plan check, and electrical construction inspection.

38. The Applicant/developer shall submit, with the on-site improvement plans, detailed drawings showing the required on-site electric utility facilities.

**HOLD HARMLESS.** The applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, 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 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 Department, Alameda City Planning Board, the City of Alameda 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.

**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 66-2-(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 Community Development Department a written notice of appeal stating the basis of appeal and paying the required fees.