

CITY OF ALAMEDA
PLANNING BOARD

DRAFT RESOLUTION

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA
GRANTING A USE PERMIT AND DESIGN REVIEW APPROVAL (PLN24-0434) TO
ALTER THE OUTDOOR SPACE IN FRONT OF ALAMEDA POINT BUILDING 8 AT
2350 SARATOGA STREET TO ESTABLISH AN OUTDOOR DINING FACILITY AND
LANDSCAPING AND MAKING RELATED FINDINGS

WHEREAS, Alameda Point Redevelopers, LLC made an application on August 19, 2024, requesting a Use Permit and Design Review pursuant to Alameda Municipal Code (AMC) sections 30-21 (Use Permit) and 30-37 (Design Review) to alter the area in front of Building 8 at 2350 Saratoga Street, a contributing structure within the NAS Alameda Historic District, by installing an outdoor dining facility that includes a semi-permanent structure, as well as temporary structures, fences, landscaping, paving, lighting and furniture and mobile food trucks;

WHEREAS, the application was deemed complete on October 17, 2024;

WHEREAS, the General Plan designation of the site is Mixed Use / Alameda Point Adaptive Reuse subarea, which is intended to support employment and business uses, including office, research and development, bio-technology and high tech manufacturing and sales, light and heavy industrial, maritime, commercial, community serving and destination retail, work/live, and other uses that support reinvestment in the existing buildings and infrastructure within the NAS Alameda Historic District;

WHEREAS, the parcel is located within the Alameda Point - Adaptive Reuse (AP-AR) Zoning District, which “provides lands for employment and business uses, including office, research and development, bio-technology and high tech manufacturing and sales, light and heavy industrial, maritime, commercial, community serving and destination retail, and other uses that support reinvestment in the existing buildings and infrastructure within the NAS Alameda Historic District and residential uses are conditionally permitted in two former residential buildings. Development standards are intended to create a pedestrian, bicycle, and transit supportive urban environment that is compatible with the character-defining features of the NAS Alameda Historic District. Use standards are intended to provide a wide range of investment opportunities within the district to encourage private reinvestment in the NAS Alameda Historic District;”

WHEREAS, Building 8 was constructed in 1940 as a large three-story general storehouse constructed of concrete with concrete towers, industrial metal sash windows, and loading bays. Building 8 shares many structural elements with buildings in the Administrative Core area, including its flat roof, smooth concrete finish, and horizontal emphasis, with vertical accents at the entries, with a curving concrete canopy at the loading docks area. There is also a curved element at the main entry and steel personnel doors,

some of which have been modified. It measures 500 ft. long by 180 ft. wide by 39 ft. tall, enclosing about 270,000 sq.ft. of floor area over a basement / crawl space. It has been renovated over the past five years into a work-live complex with up to 180 units and up to 15,000 sq.ft. of ground floor commercial space. There are large expanses of paved parking lots to the north and south of the building immediately adjacent to the loading docks and there is a lawn area in front of the building facing Saratoga Street where the traditional main entrance was located.

WHEREAS, the project is being considered in the context of the Alameda Point Final EIR (State Clearinghouse No. 201312043), which was certified by the City Council on February 4, 2014, in compliance with the California Environmental Quality Act (CEQA) and adopted written findings and a Mitigation Monitoring and Reporting Program (MMRP) by Resolution No. 14891. The Final EIR evaluated the environmental impacts of redevelopment and reuse of Alameda Point, including Building 8 and its environs, and concluded that certain impacts could be significant and that some of those significant impacts could be mitigated and some of those significant impacts would be unavoidable. The EIR concluded that, even with implementation of the Mitigation Measures 4.D-1a through 4.D-1c, demolition and/or substantial alteration of NAS Alameda Historic District contributors and could result in significant and unavoidable impacts. To the extent that the mitigation measures will not mitigate or avoid all significant effects on the environment, the City Council determined that any remaining significant and unavoidable adverse impacts are acceptable and adopted overriding considerations.

WHEREAS, the project is subject to the MMRP, which requires in pertinent part:

Mitigation Measure 4.D-1a (Historic Preservation Ordinance): The City shall implement the requirements of the Historic Preservation Ordinance, which requires a certificate of approval by the HAB for modifications to contributors and resources within the Historic District. As part of the certificate of approval process, project sponsors shall provide:

- 1) An analysis of the proposal's conformity with the *Guide to Preserving the Character of the Naval Air Station Alameda Historic District* as adopted and amended by the City Council;
- 2) An analysis of the proposal's conformity with general management and design guidelines contained within the NAS Alameda Cultural Landscape Report (JRP, 2012), including application of the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes*. These include special treatments organized by functional area for such topics as spatial organization, topography, vegetation, views and vistas, circulation, as well as structures, furnishings and objects; and
- 3) An analysis of impacts to the integrity of the Historic District, as a whole, and an analysis of alternatives to avoid potential impacts on the Historic District as a whole, and on an individual resource.

Mitigation Measure 4.D-1b (Guidelines): Prior to approval of new buildings within the NAS Alameda Historic District, the City shall complete and adopt Guidelines for New Infill Development within the Historic District. All new building will be reviewed for conformance with the guidelines. [i.e. *The Guide to Preserving the Character of the Naval Air Station Alameda Historic District*, the Secretary of the Interior's *Standards for Rehabilitation* and *Guidelines for Rehabilitating Historic Buildings*, and any applicable Specific Plan, Precise Plan.]

WHEREAS, the Planning Board held a duly noticed public hearing for the project on November 12, 2024 and examined pertinent maps, drawings, and documents;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds this project is consistent with the mitigation measures in the Alameda Point EIR, as confirmed by the Historical Advisory Board in its decision granting a Certificate of Approval for the project on November 7, 2024; and

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings relative to the Use Permit application (AMC Sections 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 Building 8 development project is among several adaptive reuse projects within the NAS Alameda Historic District, and one of the largest, with multiple tenants and creative reuse of a large floorplate, multistory, concrete structure. Other nearby projects have also rehabilitated historic buildings into a variety of commercial enterprises including energy research, food production, transportation and recreation and include outdoor activity areas for food service, recreation and business activity. The proposed outdoor activity area will enhance the area without creating off-site impacts such as noise, odor, or vibrations or affect the livability of the project because it will operate adjacent to the ground floor restaurants during their open hours, will be staffed by those restaurants, will be enclosed with fences and landscaping, and will remain subject to other general regulations and conditions.
2. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** Building 8 is located within a planned transit oriented, pedestrian friendly mixed-use neighborhood, within a 15 to 20-minute walk from two regional ferry terminals. All development within Alameda Point includes a robust and aggressive TDM Compliance Strategy with a wide variety of transportation services and facilities, including the provision of transit service passes and other transportation services and programs. The project is now a part of Community Facilities District No. 17-1, which helps funds the services and improvements that are a part of the TDM Compliance Strategy. The outdoor activity area will also be served by the existing improved circulation network of rebuild roadways, bicycle lanes, and sidewalks.

Bicycle parking will be provided on 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.** From an economic development perspective, restaurants like Saltbreaker are an important amenity and building block for the growth and sustainable development of Alameda Point. Since its opening in 2023, Saltbreaker has been the first and only sit-down, table-service restaurant at Alameda Point. It offers a more traditional dining experience where patrons are seated at a table and provided service by dedicated waitstaff. Sit-down restaurants broaden the eating options at Alameda Point for different needs, preferences, and occasions, from business meetings to family dinners.

The patio is an essential step for Saltbreaker to expand its ambiance to formalized outdoor eating and to increased visibility. All the nearby eating and drinking establishments have outdoor venues: they are central and popular elements that allow people to enjoy the moderate weather and the unique atmosphere of being outdoors on the former naval base.

Humble Sea, a beer merchant, and a proposed new wine bar, Vinyl, are also eligible to use the outdoor area, in combination with a food truck, which would support the area's economic development.

4. **The proposed use relates favorably to the General Plan and the purpose of the Zoning District.** The project furthers General Plan policy LU-21, Alameda Point Adaptive Reuse Sub-District, by supporting preservation and investment in the NAS Alameda Historic District. The project is consistent with the Alameda Point Zoning District, which is created to further the following objectives:
 - a) Seamlessly integrate the former Naval Air Station property into the physical and social fabric of the City of Alameda.
 - b) Replace the jobs lost by the departure of the Navy and fostering new economic development opportunities on the former federal lands.
 - c) Increase public access to the waterfront and supporting maritime commercial and industrial use of the waterfront.
 - d) Create mixed-use transit oriented walkable districts that deemphasize the automobile and support alternative modes of transportation.
 - e) Create sustainable districts that minimize greenhouse gas emissions, energy and water use, and maximize protection of the natural environment.

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings relative to the Design Review application (AMC Section 30-37.5):

1. **The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.** Other than the finding listed above, the Citywide Design Review Manual does not provide guidance for this type

of project. No modifications to Building 8 are proposed as part of this project and the improvements constructed can be easily removed in the future if the use changes. The project was found to be consistent with the Secretary of the Interior Standards for Rehabilitation by the Historical Advisory Board on November 7, 2024.

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.** The design includes a formal outdoor dining environment that is subservient to the adjacent Building 8 and provides a similar outdoor dining environment as other food service enterprises in the district. The converted shipping container provides an industrial / functional aesthetic consistent with the traditional activity at the NAS Alameda, i.e. similar to Quonset huts.

The proposed design of the structure(s) 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 character defining features of Building 8 include the flat roof, smooth concrete finish, and horizontal emphasis, with vertical accents at the entries, with a curving concrete canopy at the loading docks area, the curved element at the main entry and steel personnel doors, some of which have been modified to accommodate the development as a work-live project with ground floor retail and restaurants.

The project would not modify any features of the building. The outdoor dining facility would primarily include landscape features and temporary elements such as fences, hedges, trellis / canopies, lighting, pervious paving and similar elements, and food trucks. One permanent structure, a converted shipping container, would serve as an outdoor kitchen / bar and restroom facility.

The site improvements would be deferential to the historic building by being symmetrically placed, leaving an open lawn in front of the historic main entrance, at a pedestrian-level scale, and would be removable in the future.

The project would retain and preserve the historic designed landscape's orthogonal layout – the geometric design created by the perpendicular alignment of roads into rectilinear blocks, and the arrangement of buildings and siting of sidewalks/paths parallel and perpendicular to main roads. This includes taking into consideration the layout of roads, sidewalks, primary and secondary paths and buildings.

BE IT FURTHER RESOLVED, that the Planning Board approves Use Permit and Design Review application PLN24-0434 to establish an outdoor dining facility and associated landscaping and improvements, subject to the following conditions:

1. Approval. This Use Permit and Design Review approves, with conditions, an outdoor dining and landscape area as shown in plans identified as Exhibit A, prepared

Marcy Wong Donn Logan Architects, dated October 17, 2024, and on file with the Planning, Building and Transportation Department.

2. Building Permit Conditions. These conditions shall be printed on the first page of all building plans and improvement plans.

3. Required Modifications to Plans. The trees shown in the plans along Saratoga Avenue may not be planted within the 10-foot wide easement behind the sidewalk. The color palette of the shipping container, fences and other accessories shall conform to the adopted colors for the NAS Alameda adaptive reuse area.

4. Other Changes to Approved Plans. This approval is limited to the scope of the project defined in the project description and does not represent a recognition and/or approval of any work completed without required City permits. Any changes to the approved scope of the project shall be submitted to the Planning, Building and Transportation Department for review to determine whether they should be found consistent with this approval or shall require an amendment.

5. Hours of Operation. The outdoor dining area shall be used for commercial activity only during the approved hours of operation of the adjacent restaurants and food trucks. The site shall be adequately secured and maintained to ensure that there are no nuisances created from the site.

6. Alcoholic Beverage Service. Service shall comply with the requirements of the restaurant / tavern / bar use permits and with the requirements of the State Department of Alcoholic Beverage Control, whichever is more stringent.

7. Noise. Operations shall comply with the Alameda Noise Ordinance (AMC Section 4-10) and the maximum allowable noise levels in Section 4-10.4.b., i.e. shall not exceed the following levels for any 30-minute period: 65 dB between the hours of 7 a.m. and 10 p.m. and 60 dB between the hours of 10 p.m. and 7 a.m.

8. Lighting. Exterior lighting shall comply with the Dark Sky Ordinance.

9. Fire Safety. Owner/applicant shall maintain approved fire apparatus and personnel access. Open flame and combustible materials in the outdoor area shall be subject to inspection and approval by the Fire Department and may be limited based on potential hazards to persons or property.

10. Drainage. The applicant shall be responsible to maintain access to and function of existing storm drain lines that run onto and/or through the applicant's property. Stormwater shall be dispersed, diffused, detained, or otherwise infiltrated on-site to the extent feasible. Downspouts shall not be directly connected to public or private storm drain facilities. Stormwater, including roof drainage, shall not be directed across sidewalks or driveways.

11. Sewer and Water. The Applicant shall secure all necessary permit approvals from EBMUD regarding the installation of all water service for the project or discharge of wastewater. Greywater (or grey water) includes any wastewater from handwashing sinks, dishwashing sinks, other surface cleaning (including exterior paved areas), and other non-toilet water sources. This water can contain food particles, grease, and cleaning chemicals, which require proper disposal to prevent contamination and pollution. Disposing of grey water onto paved surfaces, streets, into exterior storm drains, or unauthorized areas is prohibited and will result in fines. The restaurant, food trucks and restrooms shall discharge and dispose of all greywater properly to the sanitary sewer system. Possible sanitary sewer discharge points include: Interior sinks, toilets, floor drains, and/or plumbing cleanouts.

12. Solid Waste. Food establishments and/or food trucks/trailers must adhere to Alameda's FoodWare Ordinance. This includes using only reusables or fiber-based disposables, and requires that if tables are not bussed then patrons must have 3-stream sorting stations available to them for proper segregation of material. Waste collection bins shall be disposed of daily in an approved central waste collection area services by the building owner. A sign clearly identifying each solid waste and recyclable and organic 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. Refuse collection areas shall be provided with a roofed and enclosed area for dumpsters, recycling containers, etc., designed to prevent stormwater run-on and runoff. Connect any drains in or beneath dumpsters, compactors, and tallow bin areas serving food service facilities to the sanitary sewer. Refuse shall be collected from within and in the vicinity of the site to ensure it does not drift off site.

13. Food Trucks / Trailers. These vehicles shall be movable at all times and shall be properly serviced as required by the Alameda County Health Department. Food trucks / trailers may not rely on generator power – power connections from the building shall be provided under a valid permit. Food truck / trailer operators must also comply with the City of Alameda Food Truck Program Guidelines, as amended January 15, 2013, available at: https://www.alamedaca.gov/files/assets/public/v/1/departments/alameda/comm-services/formsandhandouts/planning/food_truck_guidelines_rev_jan.2013.pdf

14. Expiration. The Use Permit shall expire two (2) years, and Design Review approval shall expire three (3) years, after the date of approval unless authorized construction or use of the property has commenced. A one-time extension for an additional two years may be granted by the Planning, Building and Transportation Director upon written request and payment of applicable fees.

15. Revocation. This Use Permit may be modified or revoked by the Planning Board, pursuant to Alameda Municipal Code Section 30-21.3.d. If the Planning Board determines 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.

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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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 ____ day of _____, ____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Steven Buckley, Secretary
City of Alameda Planning Board